



The Parliamentarian

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CPA

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PARLIAMENTARY
ASSOCIATION

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SEPARATION OF POWERS: 20 YEARS OF THE COMMONWEALTH LATIMER HOUSE PRINCIPLES

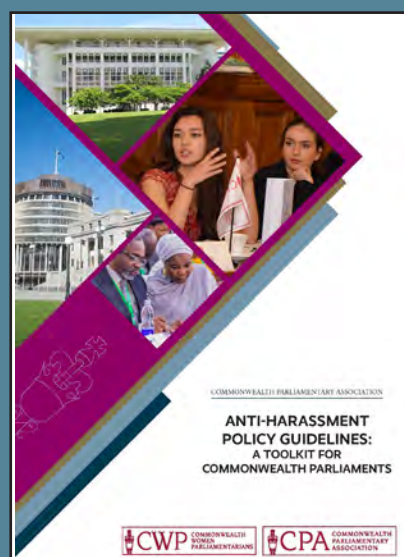
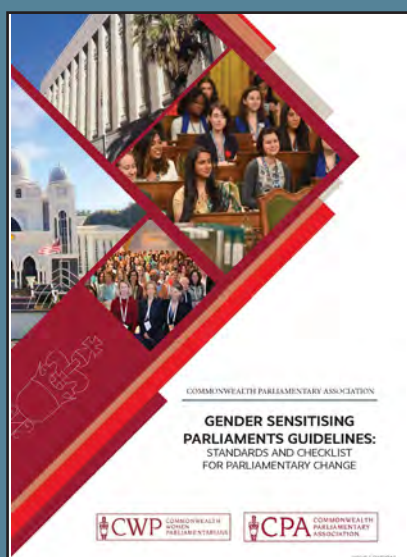
Marking the 20th anniversary of the Commonwealth Latimer House Principles being officially recognised, this issue of *The Parliamentarian* brings together experts to examine their relevance today and to highlight the importance of the separation of powers between the Legislature, the Executive and the Judiciary to ensure effective governance and democracy.

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Calendar of Forthcoming Events

Updated as at 10 November 2023

2023

December

- 3 December 2023 International Day of Disabled Persons
4 to 6 December 2023 2nd Conference on the Fourth Industrial Revolution C4IR (Virtual)
Theme: '*Artificial Intelligence, Disinformation and Parliament: Ensuring the Integrity of our Digital Democracy*'
6 to 8 December 2023 Commonwealth Women Parliamentarians (CWP) '*Champions for Gender Equality*' Workshop, Tanzania
7 December 2023 Commonwealth Latimer House Principles Webinar – theme:
'20th anniversary of the Commonwealth Latimer House Principles'
– part of the Rule of Law Series with Commonwealth Secretariat
10 December 2023 UN Human Rights Day

2024

January

- 3 to 6 January 2024 27th Conference of Speakers and Presiding Officers of the Commonwealth (CSPOC), Kampala, Uganda (Email: cspoc@parl.gc.ca for details)

March

- 8 March 2024 International Women's Day
11 March 2023 Commonwealth Day
11 to 15 March 2024 72nd Westminster Seminar, UK Parliament (CPA UK event)
11 to 22 March 2024 68th UN Commission on the Status of Women (CSW68)
18 to 21 March 2024 CPA Canadian Parliamentary Seminar, Ottawa, Canada (CPA Canada/CAA Regional event)
23 to 27 March 2024 148th IPU Assembly and related meetings, Geneva, Switzerland

May

- 18 to 25 May 2024 53rd CPA British Islands and Mediterranean Regional Conference, St Helena

June

- 30 June 2024 International Day of Parliamentarism / World Parliament Day (IPU initiative)

July

- 20 to 27 July 2024 60th CPA Canadian Regional Conference, Toronto, Ontario, Canada

September

- 15 September 2024 International Day of Democracy

October

- 21 to 27 October 2024 27th Commonwealth Heads of Government Meeting (CHOGM), Apia, Samoa

November

- 4 to 8 November 2024 67th Commonwealth Parliamentary Conference, Sydney, New South Wales, Australia
including 40th CPA Small Branches Conference; Commonwealth Women Parliamentarians (CWP) and Commonwealth Parliamentarians with Disabilities (CPwD) meetings; 67th CPA General Assembly; CPA Executive Committee meetings; and the 58th Society of Clerks at the Table (SoCATT) meetings.

The CPA calendar fosters the exchange of events and activities between CPA Regions and Branches. For further information on any events, please contact the CPA Branch concerned or the CPA Headquarters Secretariat via hq.sec@cpahq.org or visit www.cpahq.org. CPA Branch Secretaries are asked to send notices of all events to the CPA Headquarters in advance of the publication deadline to ensure the calendar is accurate.



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- 147th Inter-Parliamentary Union (IPU) Assembly in Angola
- Cayman Islands CPA Benchmarks assessment
- 43rd CPA Canadian Regional Parliamentary Seminar in Toronto, Ontario
- CPA Africa Regional Workshop for African Public Accounts Committees at the National Assembly of Zambia
- Commonwealth Speakers join the 9th P20 Parliamentary Speakers Summit in India
- Twinning visits between New South Wales and Solomon Islands/Bougainville and between Cook Islands and Western Australia

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- Former CWP Chair Alix Boyd-Knights dies
- Arunachal Legislative Assembly empowers women
- CWP Nova Scotia Members and CWP Fiji first meetings
- New South Wales Parliament reaches historic milestone
- Speaker of Zambia highlights targets for gender parity
- Tuākana, Tēina, Whenua, Talanoa Wānanga in New Zealand
- Caribbean Women Leaders support gender equality through sustainable development.

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Main images: CPA Headquarters Secretariat.

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Front cover image: Royal Courts of Justice, London, UK/Shutterstock_225102976.



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Mr Jeffrey Hyland, Editor, *The Parliamentarian*, Commonwealth Parliamentary Association

SEPARATION OF POWERS: 20 YEARS OF THE COMMONWEALTH LATIMER HOUSE PRINCIPLES

The Commonwealth Parliamentary Association (CPA) played a key role in the establishment of the *Commonwealth Latimer House Principles on the separation of powers*. The Commonwealth Latimer House Principles (officially titled: Commonwealth (Latimer House) Principles on the Three Branches of Government) highlight the importance of the separation of powers between the Legislature, the Executive and the Judiciary to ensure effective governance and democracy. The Commonwealth Latimer House Principles provide guidance on the role of the separation of powers in the Commonwealth, its effectiveness in providing democratic governance and the role of civil society.

First drafted in 1998-99, the Commonwealth Latimer House Principles were further revised and updated before being officially adopted at the 18th Commonwealth Heads of Government Meeting (CHOGM) in December 2003 in Abuja, Nigeria. As we mark the 20th anniversary of the Commonwealth Latimer House Principles being officially recognised this year, this issue of *The Parliamentarian* brings together experts to examine their relevance today.

Dr Karen Brewer, Secretary-General of the Commonwealth Magistrates' and Judges' Association (CMJA) was one of the key architects of the Commonwealth Latimer House Principles and she examines their progress and how they are used to promote Judicial Independence.

Kalipha MM Mbye (National Assembly of The Gambia) examines the separation of powers in The Gambia through the lens of legislative supremacy versus constitutional supremacy.

Former Chief Justice of Australia, **Hon. Robert French, AC** brings an Australian perspective to defining parliamentary intention and purpose and asks 'What were they thinking?'

Dr Daniel Aguirre (Associate Fellow at the Institute of Commonwealth Studies) examines business, human rights and sustainable development across the Commonwealth in the context of both the Commonwealth Charter, which also marks its 10th anniversary this year, and the Commonwealth Latimer House Principles on the separation of powers, celebrating its 20th anniversary.

Brian H. Speers (Immediate Past President of the Commonwealth Lawyers Association) gives a lawyer's perspective on the Commonwealth Latimer House Principles.

Dr Philip Loft is a Senior Library Clerk in the UK Parliament's

House of Commons Library researching the Commonwealth and the UK's Overseas Territories and he shares his expertise on how the separation of powers impacts the functioning of democracy in the Commonwealth.

The importance of the separation of powers was further emphasised in the CPA's '*Recommended Benchmarks for Democratic Legislatures*', first published in 2006 and revised in 2018 to include the UN Sustainable Development Goals (in particular SDG16 on effective Parliaments).

Ricardo Godinho Gomes (United Nations Development Programme - Cabo Verde) asks how we can support national Parliaments to become SDG champions and examines the outcomes of Economic Governance and Public Finance Management Systems in Southern Africa.

This issue of *The Parliamentarian* also features articles on a wide range of other topics.

The **CPA Secretary-General, Stephen Twigg** in his View article for this issue of *The Parliamentarian* reflects on the recent 66th CPC in Ghana and the opportunity it gave to bring Commonwealth Parliamentarians together.

Experts from the **Grantham Research Institute on Climate Change and the Environment** at the London School of Economics (LSE) examine developments in climate legislation in Africa with particular case studies from Kenya, Uganda and Nigeria.

A new anti-defection Law has been passed in India. **Dr Rup Narayan Das** (former Joint Secretary of the Lok Sabha Secretariat of the Parliament of India and currently Senior Fellow of the Indian Council of Social Science Research at the Indian Institute of Public Administration) looks at some of the concerns that have been raised.

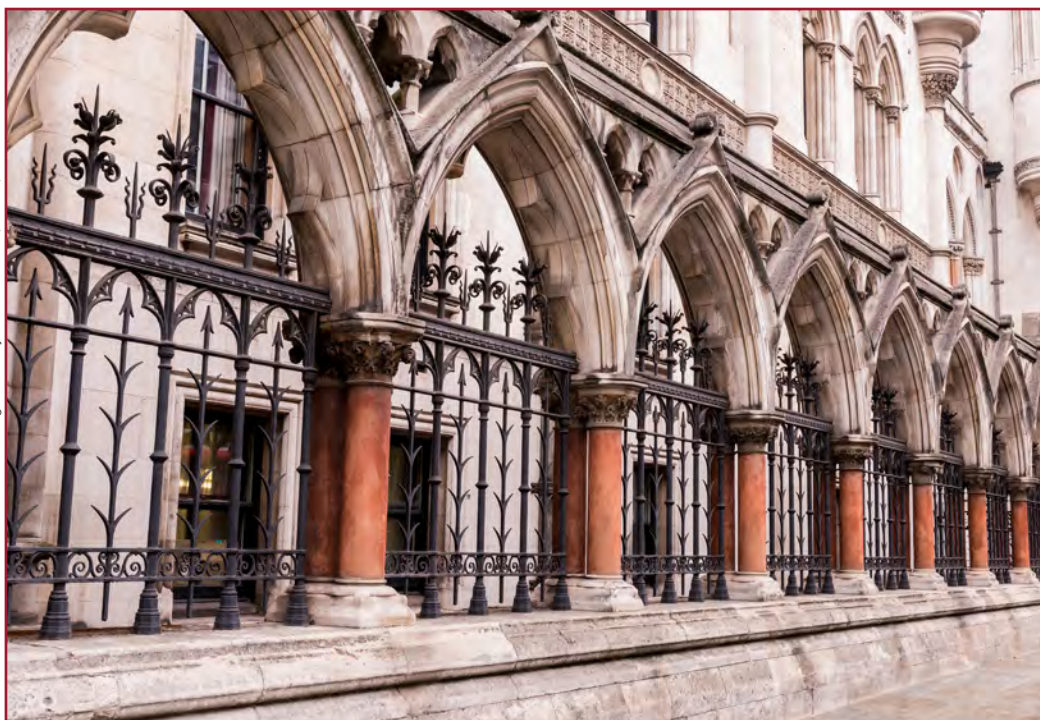
Alhagie M. Dumbuya (National Assembly of The Gambia) looks at the allocation and implementation of Constituency Development Funds and asks that lessons there may be for Legislatures.

Eugenia Mpofu-Muzenda from the Gauteng Provincial Legislature (GPL) in South Africa shares the outcomes of her recent research into results-based performance indicators for the Legislative sector.

The Chairperson of the newly established Zambia Parliamentary Caucus on Literacy (ZPCL), **Hon. Mulenga Fube, MP** explains why the caucus was established and what are its key aims.



Image credit: Royal Courts of Justice, London, UK/Shutterstock, 225102976.



Natasa Pantelic is a founding member of the Labour Women's Parliamentary Staff Network in the UK Parliament and calls for more action on women's representation in Parliaments across the Commonwealth. This issue also features the latest news from the Commonwealth Women Parliamentarians (CWP) network.

News reports in this issue of *The Parliamentarian* include the 40th CPA Australia and Pacific Regional Conference in Brisbane, Queensland; 4th CPA Parliamentary Academy Residency in

Scotland; Commonwealth Parliamentarians at 147th Inter-Parliamentary Union (IPU) Assembly in Luanda, Angola; Cayman Islands undertakes CPA Benchmarks assessment to focus on parliamentary strengthening; 43rd CPA Canadian Regional Parliamentary Seminar in Toronto, Ontario; CPA Africa Regional Workshop for African Public Accounts Committees at the National Assembly of Zambia; Commonwealth Speakers join the 9th P20 Parliamentary Speakers Summit in India; twinning visits between New South Wales and Solomon Islands/Bougainville and between Cook Islands and Western Australia.

The *Parliamentary Report* and *Third Reading* section includes parliamentary and legislative news from Canada Federal; Trinidad and Tobago; New Zealand; India; United Kingdom and Australia Federal.

We look forward to hearing your feedback on this issue of *The Parliamentarian* and to receiving your future contributions.

Jeffrey Hyland
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REPORTS FROM THE 66th COMMONWEALTH PARLIAMENTARY CONFERENCE IN ACCRA, GHANA

Commonwealth Parliamentarians gathered in Accra, Ghana for the 66th Commonwealth Parliamentary Conference (CPC) hosted by the Parliament of Ghana and the CPA Ghana Branch from 30 September to 6 October 2023. The conference was held on the theme of 'The Commonwealth Charter 10 years on: Values and Principles for Parliaments to Uphold'. Parliamentarians, Parliamentary Clerks and staff from nine CPA Regions and 102 CPA Branches from 43 Commonwealth countries attended the 66th CPC along with experts and academics for this unique conference and networking opportunity.



This Conference issue of *The Parliamentarian* reports on the 66th CPC and the many sub-conferences and governance meetings that took place including: 39th CPA Small Branches Conference; meetings of the Commonwealth Women Parliamentarians (CWP) and the Commonwealth Parliamentarians with Disabilities (CPwD) networks; 66th CPA General Assembly, meetings of the CPA Executive Committee; and the 57th Society of Clerks at the Table (SoCATT) meeting.

This section also features the 2023 Commonwealth Parliamentarian of the Year award recipients, the inaugural CPA Emilia Monjowa Lifaka Lecture on global education and a CWP/ UN Women event on ending discrimination in law.

This issue features detailed reports of the thematic workshops that took place in Ghana, covering a wide range of topics and shared experiences. I would also like to thank the Chief Information Officer, Mrs Gloria Akua Sarku Kumawu and the Editor of Debates, Mr Harold Wilson Hubert at the Parliament of Ghana for coordinating the team of Rapporteurs from the Parliament who have provided these workshop reports.

Turn to pages 331 to 381 to read more.



The Secretary-General of the Commonwealth Parliamentary Association, Stephen Twigg

OUTCOMES AND COMMITMENTS FROM THE 66th CPC IN GHANA

This edition of *The Parliamentarian* includes extensive coverage of the 66th Commonwealth Parliamentary Conference (CPC) held in Accra, Ghana, in October 2023. I am immensely grateful to the Parliament of Ghana for hosting the 66th CPC so successfully and I am pleased to take this opportunity to thank all the participants.

This year's Conference theme was '*The Commonwealth Charter Ten Years On: Values and Principles for Parliaments to Uphold*'. This theme informed events throughout the Conference and its significance was set out eloquently in the powerful speech delivered at the opening ceremony by the CPA Vice-Patron and President of the Republic of Ghana, H.E. Nana Akufo-Addo who said: "*I urge Commonwealth Parliamentarians to reflect deeply on the goal of the values and principles in the Commonwealth Charter and focus your discussions on the goal of attaining and maintaining the democratic ethos of this noble community. I commend the Commonwealth for its commitment to the rule of law, open and tolerant societies, equality for all and respect for fundamental human rights and freedoms.*"

One of the ways in which the CPA implements our commitment to the Commonwealth Charter is through the work of our three networks. Last year, at the 65th CPC, important reforms were agreed with the goal of strengthening these networks.

The Commonwealth Parliamentarians with Disabilities (CPwD)

network was incorporated into the CPA Constitution to ensure that our work on disability inclusion is reflected in the governance of the CPA. I was very pleased to join the CPwD Regional Champions on an outreach visit to the Accra Rehabilitation Centre in the margins of the 66th CPC. It was an excellent visit and we will learn from it as we develop the programmes for future CPC meetings.

The Commonwealth Women Parliamentarians (CWP) network met in Accra and there was a side event with UN Women on ending discriminatory laws. A strong message from the CWP business meeting was that more time should be provided at future CPCs for the CWP to meet and I am committed to ensuring that this happens. This was the first CPC since the adoption of a rule change last year requiring a minimum of one third of delegates to be women. As a result, 40% of this year's voting delegates were women.

The CPA Small Branches network now includes jurisdictions with a population of up to one million following a rule change in 2022. There was excellent discussion at the 39th CPA Small Branches Conference which is a very important part of the CPC. Their work on climate change and disaster risk management has demonstrated exemplary leadership on these crucial issues.

This is the *Commonwealth Year of Youth* and I am pleased that one of the eight learning and development workshops in Accra was a youth roundtable. Our showcase youth programme is the biennial Commonwealth Youth Parliament (CYP) which was last held in Trinidad and Tobago in 2022. Next year, the CYP will meet in New Zealand. I know from my visit in March of this year, that there is a strong commitment across the Pacific Region to the importance of engagement with young people including in the run-up to the Commonwealth Heads of Government Meeting (CHOGM) in Samoa in October 2024.

As the President of Ghana said, the Commonwealth has commitments to the rule of law and respect for human rights. These commitments were reflected in learning and development workshops which included one that focused on the twentieth anniversary of the Commonwealth Latimer House Principles on the separation of powers and another which discussed human rights specifically. In 2024, the CPA will launch a CPA Parliamentary Academy course to support Parliaments in their important role of upholding human rights. The CPA Human Rights Working Group, chaired by Hon. Akierra Missick, MP of Turks and Caicos, has played a vital role in taking forward this work stream.

Following the 66th Commonwealth Parliamentary Conference in Ghana hosted by the Parliament of Ghana, you can read our Conference Concluding Statement to consolidate your learning from workshops and note important decisions from our governance meetings.

Visit the CPA website at: www.cpahq.org/66-cpc/



In September, we launched our new CPA Parliamentary Academy course on the role of Parliaments with respect to the Sustainable Development Goals (SDGs). We launched this to coincide with the UN SDGs Summit in New York. SDG4 focuses on the importance of access to quality education. In Accra, we held the inaugural Emilia Monjowa Lifaka Lecture in memory of our former CPA Chairperson. It was a very successful event and I am grateful to all involved, especially Betty Abeng from the Commonwealth Education Trust, who delivered a superb lecture that both provided a fitting testament to the late Hon. Lifaka and made the case passionately for the importance of urgent action to address the global learning crisis.

The 66th CPA General Assembly (GA) meeting in Accra addressed a range of important matters. The main debate was on the longstanding question of the CPA's legal status. I am very grateful to the members of the governance working group, chaired by the Hon. Bridgid Annisette-George, Speaker of Trinidad and Tobago, for their hard work on status.

The GA agreed to establish a new non-charitable CPA with its own constitution and an interim Executive Board. This provides a first step towards the goal of achieving a new legal status as an international, interparliamentary organisation.

In the past two months, we have made significant progress in our discussions with the UK Government. The GA agreed to a parallel process over the next six months or so – continued efforts to secure legislation in the UK whilst beginning the work of seeking potential expressions of interest for an alternative host for the CPA HQ if UK legislation is not achieved.

The GA agreed a set of benchmarks for a potential new host and an associated set of assessment criteria with a scoring

methodology. Any CPA Branch who might have an interest in hosting the CPA HQ can express that initial interest with a deadline of 31st March 2024 so that a report can be made to the Mid-Year CPA Executive Committee.

The GA held a topical debate on the very important issue of food security and sustainability. The CPA's Parliamentarian of the Year awards were presented and I am pleased to take this opportunity to congratulate the four excellent recipients of the 2023 awards. I was also pleased to thank the outgoing CPA Executive Committee members for their work.

The task of organising the CPC is a huge one for the host Branch. I wish to put on record my appreciation to our outgoing CPA President, Rt Hon. Alban Bagbin, MP, Speaker of the Parliament of Ghana for his leadership. The GA received a presentation about plans for the 67th CPC in Sydney, New South Wales, in November 2024. I look forward to working with our incoming CPA President, Hon. Ben Franklin, MLC, President of the Legislative Council of New South Wales, over the year ahead.

After the GA, we held the usual short meeting of the new CPA Executive Committee at which the Hon. Arthur Holder, MHA, Speaker of the House of Assembly of Barbados, was elected as our new CPA Vice-Chairperson. I look forward to working with the Hon. Holder in his new capacity and I am pleased to take this opportunity to thank the Hon. Osei Kyei Mensah Bonsu, MP (Ghana) for his service as the outgoing CPA Vice-Chairperson.

The CPC is a very important part of the CPA's work and we are always keen to receive feedback from participants so that we can learn from their experience as we plan for future CPC meetings. Please do get in touch via hq.sec@cpahq.org or complete the feedback form on our website.

CPA PHOTO GALLERY

Right: The CPA Secretary-General, Stephen Twigg met with a parliamentary delegation from the National Parliament of the Solomon Islands, led by the Clerk of the Parliament and CPA Solomon Islands Branch Secretary, David Kusilifu on 8 September 2023. Discussions were held around support for Members of Parliament and parliamentary staff through CPA programmes and seminars, including the CPA Parliamentary Academy which features online courses. The Solomon Islands' delegation visit to the UK Parliament was made possible with support from the Westminster Foundation for Democracy (WFD). The CPA Solomon Islands Branch was formed in 1962 and the island nation joined the Commonwealth in 1978.



Image credits: CPA Headquarters Secretariat/Parliament of Canada.

Right: During a visit to Canada, the Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP (United Kingdom) met with the newly elected Speaker of the House of Commons for the 44th Parliament of Canada, Hon. Greg Fergus, MP. It was the first opportunity for the new Speaker to hear about the CPA's professional development training and parliamentary strengthening work in the CPA Canada Region and across the Commonwealth for Parliamentarians and parliamentary staff. The Speaker was elected on 3 October 2023 as the 38th Speaker of the House of Commons of Canada.



Image credit: Premier of Newfoundland and Labrador Twitter.

Left: The CPA Newfoundland and Labrador Branch Secretary and the Clerk of the House of Assembly, Sandra Barnes, has retired after 11 years as the Clerk. The Premier of Newfoundland and Labrador, Hon. Andrew Furey, MHA paid tribute saying "Her career in government spans almost 45 years, serving in many other leadership positions, and her contributions to our Province are invaluable. Thank you, Sandra, for your unwavering dedication." The Speaker of the House of Assembly, Hon. Derek Bennett, MHA subsequently announced the appointment of Kim Hawley George, KC, as the new Clerk of the House. She was previously Law Clerk and Parliamentary Counsel of the House of Assembly and had several legal roles with the Provincial Government.

FOCUS ON REPRESENTATION FOR THE FUTURE AND YOUTH ENGAGEMENT AT 40th CPA AUSTRALIA AND PACIFIC REGIONAL CONFERENCE IN QUEENSLAND

Commonwealth Parliamentarians from across two CPA Regions have come together to discuss the importance of youth engagement in Parliaments at the 40th Commonwealth Parliamentary Association (CPA) Australia and Pacific Regional Conference in Brisbane, Queensland, Australia from 1 to 3 November 2023. The CPA Regional Conference was opened with a welcome address by the CPA Australia Regional Chairperson, Hon. Curtis Pitt, MP, Speaker of the Legislative Assembly of Queensland and was followed by a keynote presentation by Ms Talei Elu, 2023 Queensland Young Australian of the Year, who spoke of her experiences and thoughts on the Regional Conference theme of ‘Representation for the Future: Young People and Parliaments’.

Members of Parliament and parliamentary staff attended the CPA Regional Conference from the Australian Capital Territory; Australia Federal; Cook Islands; Fiji; Kiribati; Nauru; New South Wales; New Zealand; Niue; Northern Territory; Papua New Guinea; Queensland; Samoa; South Australia; Tuvalu; Victoria; and Western Australia. The CPA Chairperson, Hon. Ian Liddell-Grainger, MP spoke to delegates at the Regional Conference and thanked them for their support for the CPA. The CPA Secretary-General, Stephen Twigg also updated Members of Parliament and parliamentary staff on the



Images: Queensland Parliament



CPA's governance and recent activities for the membership including the CPA Parliamentary Academy and the next Commonwealth Youth Parliament, due to take place in New Zealand next year. He said: *"I was pleased to be able to attend the 40th CPA Regional Conference for the Australia and Pacific Regions in Brisbane and to update Members on the CPA's priorities for 2024 as set out in our Strategic Plan and to answer questions on important subjects, including CPA's work on youth engagement, human rights, parliamentary strengthening and the UN Sustainable Development Goals."*

Regional Conference presentations included Queensland MP, Joan Pease, who explored engaging young people with Parliamentary Committees; ACT MP, Johnathan Davis, on voting rights for 16 and 17 year olds; the Speaker of the Cook Islands, Hon. Tutai Tura on the benefits of youth participation and representation in Parliaments; Hon. Samuelu Penitala Teo, Speaker of Tuvalu on resilience measures

against sea level rise as the impact of climate change is an area of key concern to young people; and the Deputy Speaker of Samoa Hon. Auupapa Mulipola Aloitafula Mulipola on representation and participation amongst young people. The recently appointed CPA President, Hon. Ben Franklin, MLC, President of the Legislative Council of New South Wales, also looked ahead to the 67th Commonwealth Parliamentary Conference due to be held in Sydney, Australia in November 2024.

UK PUBLIC ACCOUNTS COMMITTEE NETWORK HOSTED IN WESTMINSTER

Representatives from around the United Kingdom, the Crown Dependencies and CPA British Islands and Mediterranean Region attended the UK Public Accounts Committee (PAC) Network Event in September 2023. The event saw wide-ranging discussion of participants' experiences scrutinising government spending across their jurisdictions.

Commonwealth Parliamentarians, Clerks, Auditor-Generals and other representatives from the Isle of Man's Tynwald, the Scottish Parliament, Audit Scotland, the Northern Ireland Assembly, the Parliament of Malta, National Audit Office Malta and the Parliament of Gibraltar attended the event as well as representatives from the UK National Audit Office and the Commonwealth Association of Public Accounts Committees (CAPAC). Topics for discussion included how best to prepare for effective evidence sessions, putting aside political differences as scrutineers, and how PACs foster the impartial scrutiny of public spending. Rt Hon. Dame Meg Hillier, MP, Chair of the UK Public Accounts Committee, said: *"Joining with so many others united in the same pursuit - the impartial scrutiny of public spending - was truly inspiring. It was both fascinating and instructive to hear of the tenacious work being carried out by audit bodies across the globe to hold their elected officials to account. The day was a salutary reminder, if one were required, of the central place scrutiny should rightly occupy within a democracy."*



Image credit: UK Parliament/CPA UK

For the latest CPA and Commonwealth news please visit www.cpahq.org or follow the CPA on social media - Twitter @CPA_Secretariat | Facebook.com/CPAHQ | LinkedIn | Instagram @cpa_secretariat

FOCUS ON THE LEGISLATIVE PROCESS AT CPA PARLIAMENTARY ACADEMY RESIDENCY COURSE IN SCOTLAND

Twenty-six Commonwealth Parliamentarians from across the CPA's membership attended the Advanced Parliamentary Development Residency Course in Edinburgh, Scotland, United Kingdom from 17 to 20 October 2023. The course provided attendees with an opportunity to gain an in-depth analysis and understanding of the legislative process, improve their communication, presentation and influencing skills and learn from their colleagues in other Parliaments across the Commonwealth.

The core programme revolved around a single, central issue, with each day dedicated to a particular parliamentary function such as the legislative and Committee process. A Bill on alcohol pricing, passed by the Scottish Parliament in 2012, was used as sample legislation to provide a thematic focus for the sessions.

Across the four days, the Bill moved through the legislative process, giving participants the opportunity to test their skills in key parliamentary areas. Sessions included a debate in the parliamentary chamber, a Committee hearing, and a community outreach visit to The Sorted Project, an Edinburgh-based rehabilitation centre that provides a safe and peaceful space for people managing recovery from substance use and mental health. The programme was co-hosted by the CPA Secretariat and The Scottish Parliament with delegates attending from Anguilla, Antigua and Barbuda, Australian Capital Territory, Cayman Islands, Cyprus, Jamaica, Kenya, Malawi, Malta, New South Wales, Northern Territory, Nova Scotia, India, Saint Lucia, Sri Lanka, St Helena, Tasmania and Western Australia.

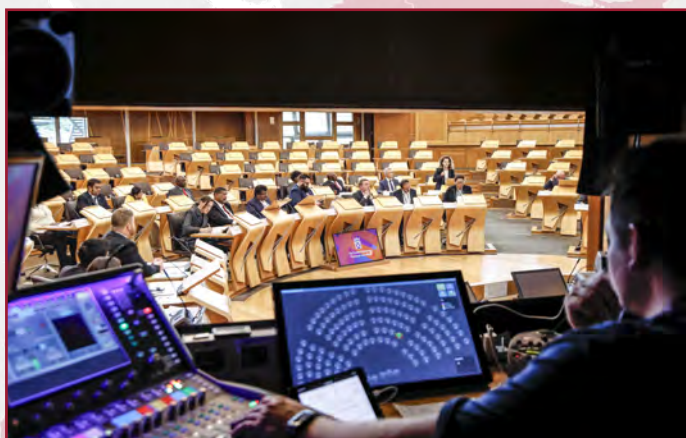
The Chamber debate was presided over by the Deputy Presiding Officer of the Scottish Parliament, Hon. Liam McArthur, MSP who said: *"It was a pleasure to welcome so many Parliamentarians from across the Commonwealth to the Scottish Parliament this week. The CPA Parliamentary Academy residency programme is a fantastic opportunity for Parliamentarians to network, learn and develop as Members of Parliament. It was my privilege to preside over the debate and to meet Members from a range of different Legislatures."*



Image credits: The Scottish Parliament

The CPA Secretary-General, Stephen Twigg, also attended the programme and said: *"I am immensely grateful to the Scottish Parliament for hosting this Residency. I was impressed by the dedication and commitment of the participants attending from a wide range of CPA jurisdictions. The CPA Parliamentary Academy continues to go from strength to strength in promoting mutual learning and best practice"*.

The programme was the CPA's fourth residency course since the launch of the CPA Parliamentary Academy in 2021. Previous residency courses have been hosted by New South Wales (Australia), Western Cape (South Africa) and Alberta (Canada). The CPA Parliamentary Academy residency courses complement the CPA's online courses, providing face-to-face interactive learning and knowledge-sharing at a more advanced level.



CPA MAHARASHTRA BRANCH VISIT UK PARLIAMENT

The CPA Secretary-General, Stephen Twigg met with Members of the Maharashtra Legislative Assembly and the Maharashtra Legislative Council during their study visit to the UK Parliament in September 2023. The delegation was led by the Speaker of the Legislative Assembly, Hon. Rahul Narwekar, MLA and the Deputy Chairperson of the Legislative Council, Hon. Dr Neelam Gorhe, MLC. Members were given a briefing on the work of the CPA and an update on its latest activities.



Image credit: CPA Secretariat

CPA CHAIRPERSON VISITS CPA SCOTLAND BRANCH

The Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP visited The Scottish Parliament to meet with the Presiding Officer and CPA Scotland Branch President, Rt Hon. Alison Johnstone, MSP, Members of the CPA Scotland Branch Executive Committee, Sarah Boyack, MSP, Jeremy Balfour, MSP and Stuart McMillan, MSP, and a group of MSPs for their AGM.



Image credit: The Scottish Parliament

COMMONWEALTH PARLIAMENTARIANS HIGHLIGHT STRONG PARLIAMENTARY INSTITUTIONS FOR PEACE AND STABILITY AT 147th IPU ASSEMBLY IN ANGOLA

Commonwealth Parliamentarians attended the 147th Inter-Parliamentary Union (IPU) Assembly in Luanda, Angola from 23 to 27 October 2023. The IPU Assembly focused on the theme of ‘Parliamentary action for peace, justice and strong institutions’ (SDG 16) with Speakers and Members of Parliaments discussing the role of Legislatures in promoting a resilient and peaceful world. The President of the National Assembly of Angola, Hon. Carolina Cerqueira welcomed delegates to Luanda. Members attended from across the CPA’s membership including Guyana; Zambia; Malawi; Seychelles; Australia; Tanzania; Nigeria; Mozambique; India; Sierra Leone; Ghana; Kenya; Fiji; Malta; Namibia; Bangladesh; Pakistan; Malaysia; Canada; United Kingdom; The Gambia; Rwanda.

The CPA Deputy Secretary-General, Jarvis Matiya joined the launch of the new IPU Indicators for Democratic Parliaments by the IPU Secretary-General, Martin Chungong, which have been developed over a four-year period, with input from the CPA alongside more than 50 Parliaments and international partners.

The IPU Indicators for Democratic Parliaments aim to support parliamentary learning and offer a framework for assessing parliamentary capacity and practice. The 25 indicators are linked to UN Sustainable Development Goal targets 16.6 and 16.7 and cover all aspects of parliamentary action including law-making, oversight and representation. Outlining how the CPA values the importance of parliamentary strengthening and assessment for Commonwealth Parliaments, the CPA Deputy Secretary-General said: “Any assessment, evaluation, stock taking or review of institutional impact is good for governance. The CPA prides itself in its commitment to supporting and strengthening Parliaments and took the lead in developing the CPA’s ‘Recommended Benchmarks for Democratic Legislatures’. Since then, 22 Parliaments have utilised the CPA Benchmarks as part of their assessments of their performance, resulting in institutional reforms such as establishing women’s parliamentary caucuses, revising their Standing Orders and

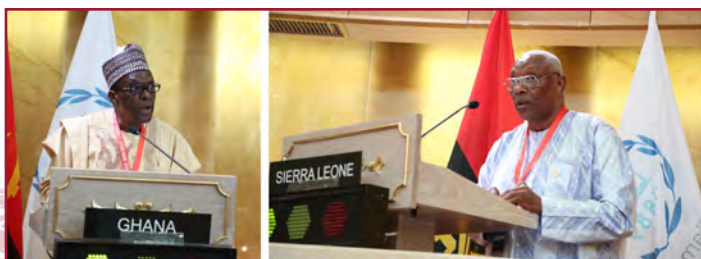
developing Codes of Conduct. More importantly, the CPA Benchmarks assessments have strengthened public outreach, engagement and confidence. With the support of the UK Foreign, Commonwealth and Development Office (FCDO), the CPA Secretariat is working with Parliaments in the Pacific and the Caribbean to assist them in conducting self-assessments using the CPA Benchmarks. Going forward, the CPA will also be reviewing the Benchmarks with a view to strengthening them further.”

During the 147th IPU Assembly, Member Parliaments elected Hon. Dr Tulia Ackson, MP, Speaker of the National Assembly of Tanzania as the 31st IPU President for a term of three years. She is the first woman from Africa to hold the position and all four candidates were women MPs from the Africa Region.

The Bahamas became the IPU’s 180th Member Parliament during the 147th IPU Assembly with Minister of Labour and the Public Service, Hon Pia Glover-Rolle, MP saying: “We share many of the same goals and objectives, not least of which is a commitment to promoting and advancing global peace, democracy, human rights and sustainable development. We are proud to now be a part of this international community, which truly represents the interests of governments and nations around the world.”

It was also announced that the Speaker of the Tuvalu Parliament, Mr Samuelu Penitala Teo, was awarded the 2023 Cremer-Passy Prize as the IPU MP of the Year. The award was made in recognition of his record on climate action since 1998 when he first became an MP. Tuvalu is one of the most vulnerable island nations when it comes to climate change as it lies only three metres above sea level.

The 148th IPU Assembly is due to be held in Geneva, Switzerland from 23 to 27 March 2024.



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CAYMAN ISLANDS UNDERTAKES CPA BENCHMARKS ASSESSMENT TO FOCUS ON PARLIAMENTARY STRENGTHENING

The Parliament of the Cayman Islands has conducted a self-assessment against the CPA's 'Recommended Benchmarks for Democratic Legislatures'. The self-assessment includes a series of interviews with key parliamentary leaders, which began with the Speaker of Parliament, Hon. Katherine Ebanks-Wilks, and the Clerk of Parliament, Zena Merren-Chin, followed by a meeting with the Governor of Cayman Islands, H.E. Jane Owen. The CPA Benchmarks assessment was supported by Clive Barker from CPA Headquarters and Shannon Dean, the Clerk of the Legislative Assembly of Alberta. Other key meetings during the week included the Premier of the Cayman Islands Government, Hon. Wayne Panton, government and opposition MPs, civil servants, journalists and civil society leaders. Speaking about the self-assessment, the Speaker Katherine Ebanks-Wilks said: "This is a great opportunity to see for ourselves where Cayman's Legislature is performing well, and where we need to improve our parliamentary practices. I welcome this opportunity to gain a better viewpoint of our accomplishments, and to find solutions on strengthening our parliamentary governance." At the conclusion of the process, a report will be formulated with recommendations for reform to strengthen parliamentary institutions in the Cayman Islands.



Image credit: Parliament of the Cayman Islands

REGIONAL WORKSHOP FOR AFRICAN PUBLIC ACCOUNTS COMMITTEES IN ZAMBIA

The National Assembly of Zambia has hosted 20 Commonwealth Parliamentarians and parliamentary staff from Legislatures across the CPA Africa Region for a Regional Workshop for African Public Accounts Committees from 30 October to 1 November 2023. The three-day workshop was officially opened by the First Deputy Speaker of the National Assembly of Zambia, Hon. Malungo A. Chisangano, MP together with the Clerk of Zambia National Assembly, Roy Ngulube and the Chairperson of the UK Parliament's Public Accounts Committee, Rt Hon. Dame Meg Hillier, MP. Delegations attended the workshop from The Gambia, Ghana, Malawi, Namibia, The Seychelles, Sierra Leone as well as from the UK Parliament and St Helena Legislative Council. The workshop was organised by the CPA UK Branch in collaboration with the National Assembly of Zambia. Delegates participated in training sessions and panel discussions on benchmarking their respective Public Accounts Committees, conducting effective enquiries, managing parliamentary resources, handling sensitive information, measuring impact of the PACs, engaging the media and young people and making strong recommendations. One of the participants, Hon. Sandy Arissol, MP from the National Assembly of The Seychelles said that "it was a fruitful workshop whereby we were able to put forward strong propositions on how we can better serve our Finance and Public Accounts Committee (FPAC) and empower our parliamentary staff. It is also good to note that through the benchmarking, we are comforted to know that our Committee is on the right track and doing immense work for our small island."



Image credit: National Assembly of Zambia/CPA UK



Image: Legislative Assembly of Ontario

CANADIAN PARLIAMENTARIANS MEET FOR 43rd CPA CANADIAN REGIONAL PARLIAMENTARY SEMINAR IN ONTARIO

Parliamentarians and Clerks attended the 43rd CPA Canadian Regional Parliamentary Seminar from 12 to 15 October 2023 in Toronto, Ontario on the theme of 'Representative Government: Cultivating Inclusive Parliaments'. Delegates were welcomed by the Speaker of the Legislative Assembly of Ontario, Hon. Ted Arnott, MPP. The programme included sessions on accessible Parliaments, reconciliation work with indigenous communities; indigenous symbols and representation in Parliament; inclusive spaces in Parliament. CPA Branches from Alberta, British Columbia, Canada Federal, Ontario, Prince Edward Island and Québec attended the seminar.

CANADA HOSTS PARLIAMENTARY OFFICERS' PROGRAMME

Clerks and parliamentary staff from across the Commonwealth attended the five-day Parliamentary Officers' Study Programme at the Parliament of Canada in October 2023. The programme provides parliamentary staff from overseas and Canadian Legislatures with an opportunity to learn about the functioning of the Canadian Parliament and to reflect on their own practices. Participants were welcomed by the newly elected Speaker of the House of Commons of Canada, Hon. Greg Fergus, MP.



Image credit: Parliament of Canada

COMMONWEALTH SPEAKERS JOIN THE 9th P20 PARLIAMENTARY SPEAKERS SUMMIT IN INDIA

The Speaker of the Lok Sabha at the Parliament of India, Hon. Om Birla chaired the 9th meeting of the Speakers of Parliaments of the G20 countries (P20) held from 12 to 14 October 2023. Commonwealth Speakers from Australia, Canada, India, South Africa and the United Kingdom attended the P20 in India, organised in cooperation with the Inter-Parliamentary Union (IPU). Commonwealth Speakers from Bangladesh, Nigeria, Mauritius and Singapore also attended as observers. Held on the theme of *'Parliaments for One Earth, One Family, One Future'* (which draws inspiration from the ancient Indian philosophy of Vasudhaiva Kutumbakam - The World is



Image credits: Parliament of India.



One Family), Speakers and Presiding Officers agreed to continue to increase the role of Parliament at the global level and discussed a wide range of priority issues ranging from sustainable development, the green economy, food and energy security and economic challenges, to gender equality. The Prime Minister of India, Hon. Narendra Modi, and the IPU President, Duarte Pacheco, addressed the delegates at the Summit. The 18th G20 Summit was held in New Delhi from 9 to 10 September 2023 and was the first G20 summit held in India. The outcome document from the P20 provides a joint commitment from the parliamentary leaders of the G20 countries and these commitments will go forward to the next G20 Summit due to be held in November 2024 in Brazil. The next P20 meeting for parliamentary leaders will be chaired by Hon. Arthur Cesar Pereira de Lira, President of the Chamber of Deputies at the Parliament of Brazil.

*The members of the G20 are: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Republic of Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, the United States, and the European Union. Spain is also invited as a permanent guest.

MPs FROM SOLOMON ISLANDS AND BOUGAINVILLE VISIT NEW SOUTH WALES PARLIAMENT

Commonwealth Parliamentarians from the National Parliament of the Solomon Islands and the Bougainville House of Representatives visited their counterparts at the Parliament of New South Wales in Sydney, Australia in October 2023 as part of an ongoing twinning programme between the Legislatures. The President of the Legislative Council of New South Wales, Hon. Ben Franklin, MLC, who is also the CPA President, and the Speaker of the Legislative Assembly of New South Wales, Hon. Greg Piper, MP hosted the delegations from the Solomon Islands and Bougainville as they met with Members of the both the Assembly and Council,



observed proceedings in the Chamber, attended events at Parliament House and visited the local electorate offices of David Mehan, MP, the Member for the Entrance and Mark Taylor, MP, the Member for Winston Hills. The delegations were led by the Deputy Speaker of Bougainville, Hon. Therese Kaetavara and the Deputy Speaker of the Solomon Islands, Hon. Commins Aston Mewa.

The twinning program, which takes place under the auspices of the Commonwealth Parliamentary Association in the CPA Pacific and CPA Australia Regions, is designed to promote collaboration and understanding between Parliaments to ensure they fulfil their legislative, representative and oversight roles.



Image credits: Parliament of New South Wales.

COOK ISLANDS SPEAKER VISITS WESTERN AUSTRALIA PARLIAMENT AS PART OF CPA TWINNING PROGRAMME

The Speaker of the Cook Islands Parliament, Hon. Tutai Tura visited the Parliament of Western Australia in September 2023. The Cook Islands Speaker was welcomed by the President of the Western Australia Legislative Council, Hon. Alanna Clohesy, MLC and the Speaker of the Legislative Assembly, Hon. Michelle Roberts, MLA then met with Parliamentary Clerks and staff, toured Parliament House and observed question time in both Chambers. The Cook Islands Parliament and the Western Australian Parliament are 'twinning' via the Commonwealth Parliamentary Association's twinning program between the CPA Australia and CPA Pacific Regions. While the formal twinning arrangement has been in place since 2007, the relationship between the Western Australian Parliament and the Cook Islands has existed for well over 27 years.



Image credit: Parliament of Western Australia.

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NEW REPORT REVEALS VITAL ROLE OF ACCREDITED ORGANISATIONS IN THE COMMONWEALTH

An independent study detailing the collective contribution of the 87 non-profit organisations accredited to the Commonwealth – including the Commonwealth Parliamentary Association – was launched by the Commonwealth Secretary-General, Rt Hon. Patricia Scotland, KC on 10 October 2023. The study outlined how these groups – which span associated organisations, civil society, professional bodies, academic institutions and other networks – are advancing the values and principles of the Commonwealth Charter, touching millions of lives across various sectors in the process. It found that Commonwealth Accredited Organisations (AOs) play a key role in ‘popularising’ the Commonwealth while also reaching important and influential constituencies as the AOs move faster to respond to new and emerging issues, as well as crises, while demonstrating inclusivity. It also emphasised the importance of regular and deeper engagement between Accredited Organisations and government officials and Ministers.



In 2022, the AOs collectively spent £283 million to support their various causes, more than doubling the previous year's spending. While the majority of AOs are small, operating on annual budgets of less than £50,000, in addition to in-kind support, some are well-endowed organisations. AOs range from large bodies – such as the Commonwealth Games Federation, Rotary International, Transparency International, and the Commonwealth Parliamentary Association – to smaller community-led initiatives.

The Commonwealth Secretary-General also encouraged AOs to join in marking the *Commonwealth Year of Youth*, which has been extended from 2023 until the Commonwealth Heads of Government Meeting in Samoa in October 2024.



Image credit: Commonwealth Secretariat.

COMMONWEALTH YOUTH MINISTERS ADVANCE INITIATIVES TO DELIVER MORE FOR YOUNG PEOPLE

The 10th Commonwealth Youth Ministers Meeting was held in London on 12 September 2023 and brought together Government Ministers, senior government officials, education stakeholders and young leaders from across the Commonwealth to agree on policies and initiatives aimed at supporting and empowering young people across 56 member states. The meeting was held under the theme of ‘Aiming Higher: Delivering More for Young People in the Commonwealth’ and was chaired Pakistan's Foreign Minister, HE Jalil Abbas Jilani, on behalf of the Government of Pakistan.

The Commonwealth Secretary-General, Rt Hon. Patricia Scotland, KC set out a vision for youth development saying: “Our world of change and challenge – bound by a tangled knot of economic, environmental and security challenges spanning global systems – insists that we continue to intensify the drive for youth empowerment. Because young people are not simply beneficiaries of our efforts: they are active agents of change, partners in development, and leaders – today and tomorrow. Their energy, creativity, and determination can be the driving forces behind our collective progress. Their dreams, aspirations, and actions have the power to transform our Commonwealth and our world.”

Youth concerns and reflections were raised at the opening ceremony by Kim Allen, Chairperson of the Commonwealth Youth Council, who also asked the Ministers to prioritise young people in their planning and provide the budget necessary to support their development. The Commonwealth Youth Ministers Meeting has four themes: education, employment, environment and engagement, along with cross-cutting themes, including human rights, transformative technology and disability. Decisions and initiatives agreed at the Commonwealth Youth Ministers Meeting will then go before Commonwealth Leaders for deliberation and ratification at the Commonwealth Heads of Government (CHOGM) meeting to be held in Samoa in October 2024.



Image credit: Commonwealth Secretariat.

THE COMMONWEALTH LATIMER HOUSE PROCESS: 20 YEARS OF RECOGNITION

One of the key architects of the Commonwealth Latimer House Principles examines their progress and how they are used to promote Judicial Independence.

Background

In 1991, the Commonwealth Heads of Government Meeting (CHOGM) adopted the Harare Commonwealth Declaration, building on the 'Declaration on the Commonwealth Principles' endorsed by Heads in Singapore in 1971. These Principles included the following pledge to work "with renewed vigour" on the following:

- the protection and promotion of the fundamental political values of the Commonwealth;
- democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
- fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
- equality for women, so that they may exercise their full and equal rights.

In 1996, Commonwealth Law Ministers recognised the importance of the role played by an independent and impartial judiciary in a 'healthy democracy' as did Heads of Government from 18 Commonwealth African countries who met to evaluate the state of democracy in Africa in 1997.

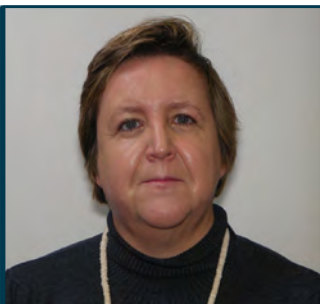
It was against this background that in 1998, a group of eminent members of four Commonwealth Associations (the Commonwealth Lawyers Association (CLA), Commonwealth Legal Education Association (CLEA), the Commonwealth Magistrates' and Judges' Association (CMJA) and the Commonwealth Parliamentary Association (CPA)), 'the four sponsoring organisations,' met at Latimer House in Buckinghamshire, UK to promote a dialogue and draft guidelines on good governance and best practice in the enhancement of good relations between the Executive, Parliament and the Judiciary which resulted in the drafting of the *Commonwealth (Latimer House) Guidelines on Parliamentary Supremacy and Judicial Independence ("The Guidelines")* in 1998. The Guidelines were the result of a consensus at the Colloquium, but received wide acceptance from all stakeholders including

governments, judicial officers, lawyers, Parliamentarians and non-governmental organisations from around the Commonwealth.

This was the start of what we describe as the Latimer House process, which points to the determination of the four sponsoring organisations to have a roadmap for good governance in the Commonwealth. It was recognised that Commonwealth governments' endorsement was essential to the effective implementation of the Guidelines although the four sponsorship organisations also needed to act independently and hold the Executive to account for any breaches of the Guidelines.

The *Commonwealth (Latimer House) Principles on the Accountability and Relationship between the Three Branches of Government ("The Principles")*, were distilled from the Guidelines in 2003 by a Working Group composed of Law Ministers and representatives of the four above organisations, and were endorsed by Commonwealth Law Ministers and subsequently by Commonwealth Heads of Government in Abuja, Nigeria in 2003. Article 1 provides that each institution is "the guarantor in their respective spheres of the rule of law, the promotion and protection of human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability".¹ In more direct terms, the Guidelines emphasised that "Each institution must exercise responsibility and restraint in the exercise of power within its own constitutional sphere so as not to encroach on the legitimate discharge of constitutional functions by the other institutions".²

In 2005, the CHOGM recognised the Principles as "an integral part of the Commonwealth fundamental political values as set out in the Harare Declaration". Earlier that year the Commonwealth Secretariat ('with the four sponsoring organisations') had organised a Pan African Forum in Nairobi, Kenya. A *Plan of Action for Africa on the Implementation of the Principles ("Nairobi Plan of Action")* was agreed by all as the way to implement the Principles in Africa and was endorsed by the Commonwealth Law Ministers Meeting. A colloquium of Ministers, Parliamentarians, judges, lawyers and legal academics held in the wings of the Commonwealth Law Ministers



Dr Karen Brewer is the Secretary-General of the Commonwealth Magistrates' and Judges' Association (CMJA) since 1998, having previously worked as International Relations Officer at the Law Society of England and Wales. She is the Secretary of the Commonwealth Latimer House Working Group (1998-present) which advances the implementation of the Commonwealth Latimer House Principles. She has also held various other roles with Widows Rights International, the Commonwealth Working Group on Cybercrime, the Royal Commonwealth Society, the Commonwealth Lawyers Association, the Commonwealth Countries League and its Educational Fund and the Commonwealth Expert Group on Gender and Human Rights. She holds Doctorat d'Etat (with distinction) in International Law from the University of Paris (Pantheon-Sorbonne) and has written and spoken extensively on the separation of powers, judicial independence and women's rights. In 2008, she received a Remember Africa Award for her contribution to Upholding Democracy and Peace in Africa. *The following article expresses the views of the author and does not necessarily reflect the views of the Commonwealth Magistrates' and Judges' Association.*



Meeting in Edinburgh in 2008, produced the '*Edinburgh Plan of Action on the Development and Implementation of the Principles*.' ("*Edinburgh Plan of Action*") which further enlarged the plan to rollout the Principles across the Commonwealth. Although the Edinburgh Plan of Action was never endorsed by Law Ministers, it still forms part of the Latimer House process and has been used by the four sponsoring organisations.

The Commonwealth Charter, which was signed by Her Majesty Queen Elizabeth II, then Head of the Commonwealth, in March 2013, specifically acknowledges the importance of the relationship between the organs of state. Article VI states: "*We recognise the importance of maintaining the integrity of the roles of the Legislature, Executive and Judiciary. These are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and adherence to good governance.*"

Why do we need the Commonwealth Latimer House Principles?

Events in the Commonwealth since the adoption of the Guidelines twenty-five years ago and the Principles twenty years ago have continued to underline the need to enhance an effective means of implementing the Principles. Their violation has resulted in political and governance challenges in many Commonwealth countries and diminished the confidence of citizens in the state institutions. According to the World Justice Index published in October 2023: "*More than 6 billion people live in a country where the rule of law weakened between 2022 and 2023.*"³ Democracy and the respect for the separation of powers has seen a sharp decline in recent years so there continues to be a need for the effective implementation of the Principles.

Whilst Constitutions provide a structure for the relationship between the three branches of government, including limitations on their powers, it is crucial to ensure that their citizens are protected from the misuse and abuse of power.

The Guidelines called for a monitoring process of compliance, this never materialised, and the Principles also failed to include any such process. Whilst the Commonwealth Ministerial Action Group (CMAG) was set up in 1995 to deal with breaches of the Commonwealth fundamental values, it has been less effective in dealing with '*serious or persistent violations of Commonwealth fundamental political values that do not involve an unconstitutional overthrow of a democratically elected government*', which was CMAG's expanded remit agreed in 2011. In 2012, a proposal by the Eminent Persons Group that the Commonwealth should appoint a Commissioner for Democracy, the Rule of Law and Human Rights was rejected.

The Latimer House Working Group consisting of representatives of the four sponsoring organisations and representatives of the Commonwealth Secretariat's Rule of law Section meets regularly to consider evidence of breaches of the fundamental values in



Image credit: Shutterstock_356953722/Supreme Court of Canada.

Commonwealth jurisdictions. The failure of some Member States to implement the Principles that they endorsed in 2003 continues to cause long term damage to good governance in their jurisdictions and to the standing of the Commonwealth, both internationally and within Member states.

The Principles have been much cited in Commonwealth case law, but to date only one jurisdiction in the Commonwealth has progressed any express implementation of them. In 2008, the Australian Capital Territory Legislature instigated an enquiry into their implementation throughout its jurisdiction. The Latimer House Working Group were consulted and the subsequent report⁴ recommended action to improve good governance in the Territory in line with the Principles. The procedure used by the ACT Legislature is clearly a model that can be adopted for implementation across the Commonwealth.

In 2015, the Commonwealth Secretariat commissioned the CLA, CMJA, CLEA and CPA as members of the Latimer House Working Group to develop a Toolkit to enhance the Dialogue between the three branches of power with a view to strengthening the respect mentioned in the Guidelines and Principles, between the three branches of power. It is hoped that the Toolkit will help Member States to implement the Principles and increase awareness of their provisions. This was launched by the Commonwealth Secretary-General in 2017 and was recently rolled out for the first time to judges and magistrates in Lesotho in July 2023.

Judicial Independence and Accountability under the Latimer House Process

An independent Judiciary "*is the right of every citizen in the Commonwealth*"⁵ As such, the quality of a country's Judiciary is paramount not only to the fundamental wellbeing of the people but also to the stability of society and economic development. In 2013, the United Nations Human Rights Council passed a resolution calling on: "*all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, as well as their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind...*"⁶



SEPARATION OF POWERS: 20 YEARS OF THE COMMONWEALTH LATIMER HOUSE PRINCIPLES

The Old Supreme Court building in Singapore.



Image credit: Shutterstock_45041263/Old Supreme Court building in Singapore.

However, far too often the Judiciary is seen as a department of state to be treated and compared with other departments and not as a separate branch of power with equal responsibilities and duties to those given to Parliament or the Executive to protect the rule of law.

In 2012, former Deputy Chief Justice of South Africa, Justice Moseneke stated that: *“The principles of the rule of law, the separation of powers and judicial independence, underscored by international law, are indispensable cornerstones of our constitutional democracy”*.⁷ The relations between the different organs of state are complex in the Commonwealth where different legal systems and constitutional orders co-exist side by side. An independent Judiciary however is universally recognised as the most important aspect of the separation of powers.

Judges and magistrates⁸ must decide matters before them in accordance with their assessment of the facts and their understanding of the law, free from any improper influences, inducements or pressures, direct or indirect, from any quarter or for whatever reason.

Appointment and Removal

Constitutional provisions cover the structure of the Judiciary and usually set out the terms and conditions under which the Judiciary operate. This includes provisions for the appointment and removal of the higher Judiciary although the Constitution (or legislation) does not always clearly delineate the role of each organ of state in these processes. When the Latimer House Guidelines were drafted in 1998, there was a great deal of debate about the best method to ensure independence. The Guidelines provide that *“where no independent system already exists, appointments should be made by a judicial services commission (established by the Constitution or by statute) or by an appropriate officer of state acting on the recommendation of such a commission”*.⁹

The Expert Group of Ministers and Commonwealth Associations which formulated the Principles in 2003, agreed that: *“Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure:*

1. *Equality of opportunity for all who are eligible for judicial office;*
2. *Appointment on merit;*
3. *That appropriate consideration be given to the need for the progressive attainment of gender equity and the removal of historic factors of discrimination.”*

In 1998, it was recommended that there should be a majority of judges in any appointments or disciplinary commission as they are best placed to assess the competences required for judicial office. However, this can lead to perceptions that the process is entirely judge-led and accusations of it being a closed shop. In some countries members of the Executive and equivalent positions in the opposition are members of Judicial Appointments Commissions or Judicial Services Commissions which deal with both appointments and discipline of judicial officers. The Legislature in some Commonwealth jurisdictions has also sought vetting rights over judicial appointments, and this can adversely impact on the independence of the Judiciary and the separation of powers.

In 2011, the CLA, CLEA and CMJA undertook a Commonwealth-wide analysis of judicial appointments. Their report, published in December 2013¹⁰ on *‘Judicial Appointment Commissions: A Model Clause for Constitutions’* recommended the establishment of a commission with little or no involvement of Parliament or the Executive, and outlined the basic requirements for a Judicial Appointments Commission to be independent not only from government but from business interests so the selection of Commissioners needs to involve as much due diligence as any scrutiny of potential judicial officers to avoid political or



business interests. The Report and Model Clause prompted the Commonwealth Secretariat to develop a '*Model Law on Judicial Services Commissions*' following wide reaching consultations with Chief Justices and senior judges in the Commonwealth. This Model Law was approved by the Commonwealth Law Ministers Meeting in The Bahamas in October 2017. The Model Law itself deals not only with appointments but also disciplinary action against judges.

In order to ensure their independence, judges should not be removed except for the following reasons: for misbehaviour or incapacity. Constitutional provisions usually state the reasons for the removal of a judge of the superior courts. However, Constitutions do not always specify the criteria against which misbehaviour or incapacity can be assessed, and thus these concepts remain prone to misinterpretation.

Mechanisms may be in place (such as the appointment of a tribunal, commission or Committee) to investigate any allegations. However, governments have, in some cases, ignored the provisions of the Constitution and proceeded to remove judges without following due process, or by interpreting their powers as having the authority to suspend, sack or impeach judges without providing the judge in question with an opportunity to "*be fully informed of the charges, be represented at a hearing, to make full defence and to be judged by an impartial tribunal*" in line with the Latimer House Guidelines of 1998.¹¹

Even when they do follow procedures in the Constitution, there can be interpretation issues as has been witnessed in a number of Commonwealth jurisdictions. There are also particular problems faced by the lower Judiciary (magistrates/district judges). For the Commonwealth and the UN, there is no distinction made between members of the Judiciary working in the lower or higher courts. All are part of the Judiciary, and their independence is paramount to ensure human rights are respected. However, Commonwealth Constitutions rarely mention the independence of the lower Judiciary which the Executive usually deems to be under its control, to be part of the civil service, subject to the same terms and conditions, including removal, as any other civil servant.

The CMJA General Assembly in Turks and Caicos in 2012 "*deplored the fact that in parts of the Commonwealth the independence of the magistracy is inadequately safeguarded and requests Council in collaboration with the Commonwealth Secretariat to take positive steps to eliminate these breaches of the Latimer House Principles wherever they occur.*" Following a detailed study of the situation across the Commonwealth, the CMJA issued a report on '*The status of magistrates*' in February 2013 including a set of Guidelines to ensure the independence and integrity of magistrates. A summarised version of the report was presented to the Commonwealth Law Ministers Meeting held in Sydney, Australia in 2011 for consideration. Commonwealth Law Ministers agreed: "*to consider taking appropriate steps to strengthen their domestic legal frameworks and other measures for assuring the independence and integrity of their magistracy in compliance with the Commonwealth fundamental values, having due regard to the suggested Guidelines.*"¹²

Progress with this commitment has been slow. Some jurisdictions continue to treat the lower Judiciary as employees of state with few, if any, Constitutional protections and with no guarantees of security of tenure, fundamental to ensuring independence and integrity.

In 2016, the CMJA produced '*The Magistrate in the Commonwealth, Fundamental Principles, Recommended Practices*' which was updated in 2020 to support judicial officers

working in the lower courts. In 2018, it adopted the '*Declaration on the Independence and Integrity of the Lower Courts*' ("The Brisbane Declaration") at its General Assembly to encourage governments to respect the independence of judicial officers at all levels.

Financial control

Whilst the Judiciary should be accountable for the funding it spends, budgetary control has also been used in the power play between the three organs of state. The Commonwealth (Latimer House) Principles state that: "*Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought.*"

Suitable and sustainable funding should be provided to enable the judiciary to perform its functions to the highest of standards. In some Commonwealth jurisdictions, the judiciary has been made responsible for its own budget and finances. However, in most, control over the budget and finances still remains in the hands of the Executive which has ultimate control over remuneration of judicial officers and court staff and over the running of the courts, thus impacting on the good administration of justice.¹³ The Judiciary is far too dependent for the allocation of its resources on the other two organs of state and unfortunately in some cases, the Executive has used this to pressurise the Judiciary.

The CMJA General Assembly in Wellington, New Zealand in September 2015 noted with concern the continued lack of sufficient resources provided to the courts in many Commonwealth countries and pointed out that "*the provision of sufficient resources to the courts is a fundamental constitutional obligation of the Executive branch of government*".¹⁴ In July 2020, the CMJA published '*The Principles on Funding and Resourcing the Judiciary in the Commonwealth*', which it hopes will guide the Judiciary and other organs of state so that the Judiciary is sustainably funded to fulfil their tasks. This includes ensuring that judicial officers have security of tenure, their terms and conditions are adequate for them to fulfil their duties and that sufficient funding is also put towards training and education seen as essential for the highest standards in the administration of justice.

Accountability

Raising the case for judicial independence often raises the clamour for accountability from other organs of state. Former Lord Chief Justice of England and Wales, Lord Philips of Worth Maltravers, deplored the increasing tendency to challenge the mandate of the judge. "*Some say that our decisions are not legitimate, because we have not been elected. It is claimed that judges are not accountable for their decisions. Such comments are not helpful and stem from a misunderstanding of the role of judges.*"

As Sir Jack Beatson, QC, FBA pointed out: "*The judges are not free to do what they wish. They are subject to the laws as enacted by Parliament... The independence of the Judiciary is thus, as Sir Igor Judge has observed, not a privilege of the judges themselves... It is necessary for the public in a democratic state. It is necessary to ensure that people are able to live securely, and that their liberty is safeguarded and only interfered with when the law permits it. It is necessary for all of us, but perhaps particularly so for those who espouse unpopular causes or upset the powerful.*"¹⁵

Judges are in fact accountable in a number of ways. Parties and litigants have a right of appeal of decisions made by judicial officers if they are unhappy with judgements. Increasingly there are

SEPARATION OF POWERS: 20 YEARS OF THE COMMONWEALTH LATIMER HOUSE PRINCIPLES

assessments of the judgements at the higher level through appeals to regional courts such as the European Court of Human Rights or the East African Court, or in cases referred to the Judicial Committee of the Privy Council. In addition, judges in most Commonwealth countries which follow the common law have to produce reasoned arguments.

Judicial officers across the Commonwealth are guided by the principles of independence which can be found in the Oaths of Office they swear on appointment. Other mechanisms also exist to ensure confidence in the administration of justice, to strengthen the constitutional provisions and assist in ensuring that the principles of impartiality, independence and integrity are applied by judicial officers. Over the last 40 years, Commonwealth judiciaries have developed ethical guidelines for their conduct within and outside of court. Since 1998, the CMJA has been the repository of these guidelines which are refined and amended on a regular basis to keep up to date with modern methods. The importance of continuing judicial education of judicial officers has also been recognised as supporting the highest of standards within the Judiciary in the Commonwealth.

Conclusion

Many of the challenges which currently arise in the Commonwealth derive from a continued lack of understanding by the different organs of state of each other's role in the governance process, and their role in combating the abuse of power. In order to ensure that there is a better comprehension of their role, responsibilities, duties and limitations, the Edinburgh Plan of Action called for more regular awareness training on basic constitutional principles and their primary roles in the Constitutional process for all Parliamentarians, judicial officers and public servants, on election or appointment.

At the CHOGM in April 2018, Commonwealth Heads of Government reaffirmed their commitment to the Commonwealth (Latimer House) Principles on the Accountability and the Relationship between the Three Branches of Government (2003) as an integral part of the Commonwealth's fundamental political values. Heads requested the Commonwealth Secretariat work in partnership with other Commonwealth organisations in promoting dialogue between the three branches of government, including through the full application of the Latimer House Toolkit, which provides a practical guide to enhancing the separation of powers.¹⁶

The Principles thus must be seen as a commitment to the core Commonwealth values and as a benchmark by which the performance of all Commonwealth countries should be judged and the Executive, Legislature and Judiciary each have their separate but complimentary roles to play in promoting and protecting the rule of law within their jurisdictions.

For more information about the Commonwealth Magistrates' and Judges' Association (CMJA) please visit www.cmja.org.

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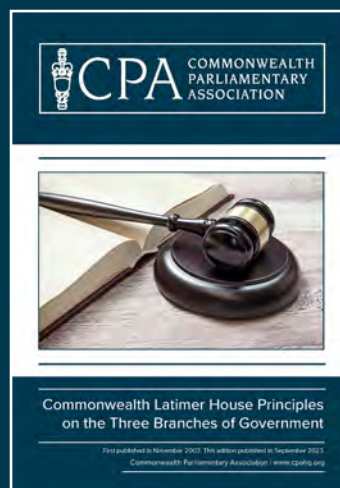
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Commonwealth Latimer House Principles on the Separation of Powers

- Highlighting the importance of the separation of powers between the Legislature, the Executive and the Judiciary to ensure effective governance and democracy in the Commonwealth.



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LEGISLATIVE SUPREMACY vs CONSTITUTIONAL SUPREMACY IN THE GAMBIA

An examination of the separation of powers in The Gambia.

Introduction

The term 'legislative supremacy' suggests that Parliament enjoys unfettered, unconditional and absolute legislative powers. Does the National Assembly of The Gambia enjoy such unfettered legislative powers? To examine this question and the Parliament's primary role in the law-making process in The Gambia, it is important to evaluate the legislative power of Parliament.

According to the Constitution of The Gambia, all power and state authority is derived from the people and the Constitution.¹ Notwithstanding, section 100 of The Gambia's Constitution vests the legislative authority in Parliament. Generally, while legislative powers are vested in Parliament, those powers are only exercisable in accordance with the limitations imposed by the Constitution.² In *Bribery Commissioner v. Ranasinghes*,³ the court was invited to rule on limitations imposed on the legislative powers of Parliament and it observed that: '...any Bill which does not comply with the condition precedent of the proviso, is and remains, even though it receives the royal assent, invalid and ultra vires.'⁴

Legislative supremacy

The Gambia's Parliament embodies the legislative jurisdiction of the state through Bills passed by it and assented to by the President.⁵ In theory, Presidential assent is required for a Bill passed by Parliament before it becomes law.⁶ Under the 1997 Constitution, this may be interpreted as a 'ceremonial role' of the President as he or she is required, within a timeframe to assent to a Bill presented to him or her or return it with comment requesting for reconsideration by Parliament.⁷ Where Parliament reconsiders the Bill so requested and resolved by votes agreeing to the Bill with or without the comments of the President, the Bill shall be presented again to the President for assent and the President is compelled by law to assent to the Bill within a shorter timeframe.⁸ However in The Gambia, the President has never refused to give assent to a Bill passed by Parliament. This practically indicates that the Legislature is the law-making organ of the state; and the President's role is more ceremonial, thus technically the President has no legislative authority.

Furthermore, the Judiciary, through the Supreme Court, may check the legislative competence of Parliament, but this does not imply that the Judiciary can take away the legislative power

from Parliament. Rather, it is a constitutional duty of the court to ascertain the compatibility of the laws made by the Legislature with the Constitution or whether proper procedures were followed as prescribed by the law.

This was established in *Jammeh v Attorney General*,⁹ where the Supreme Court struck down an amendment law made by Parliament for failing to exhaust the prescribed procedure in the Constitution. The court held that the alleged amendment of section 1(1) and paragraph 13 of schedule II to the 1997 Constitution were made beyond the province of Parliament conferred by the Constitution and declared that portion of the amendment void.¹⁰ However, the court declined the request to set aside the amendment law in its entirety, arguing that it cannot sever other parts of the law as those were within the province of Parliament. Thus, unless its Act contradicts the Constitution, Parliament has a degree of legislative supremacy. Unlike in the UK, Parliament's power over all matters and persons within its jurisdiction is limitless,¹¹ while in The Gambia, Parliament's legislative powers are controlled.¹² For instance, the Parliament of The Gambia has no mandate to pass a law to establish a one-party or religious state or to revise the judgement of a court in any proceedings to the prejudice of any party to those proceedings or deny retroactively any person of vested or acquired rights.

As highlighted, Parliamentary supremacy gives the Legislature the supreme authority to make or change laws and it cannot be overruled by another organ of the state, in particular the court. For instance, in the UK where this doctrine is generally applied, Parliament is the highest source of law and the law is applied by the courts since it is made in accordance with the rules of procedure of Parliament.¹³ According to Dicey, under the concept of Parliamentary supremacy, Parliament has '[u]nder the English law, the right to make or unmake any law whatever; and, further, that no person or body is recognised by the law of England as having a right to override or set aside a legislation made by Parliament.'¹⁴ This suggests that under the British Constitution, no matter what the controversy or how great the public outcry is in relation to the law made by Parliament, the law remains valid, and the courts are, in theory, obliged to uphold the law. All Acts of Parliament in the UK are regarded as binding on the courts unless repealed or amended by Parliament in another Act.¹⁵



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Disclaimer: The opinion expressed in this article is entirely that of the author's and do not represent the views or opinion of the National Assembly of The Gambia or any institution or person he may be associated with.



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Constitutional supremacy

In The Gambia, Parliament is subservient to the Constitution. The Constitution is the supreme law of the land and any law or rule that contradicts it is void to the extent of the inconsistency.¹⁶ This suggests that Parliament's legislative authority is exercisable subject to the Constitution.

For the UK, the Judiciary is subordinate to the will of Parliament, unlike The Gambia where the Supreme Court can declare an Act of Parliament unconstitutional. Although there have been cases where the UK Supreme Court has ruled that the UK Government has made unconstitutional decisions (for example with

regards to decisions made about the UK Parliament's Prorogation on several occasions). Under the *Human Rights Act 1998* passed by the UK Parliament, power has been granted to the courts to declare legislation incompatible with the Act, however the Act still protects the legislative supremacy of Parliament and the fact that court cannot strike down that provision of the legislation in question.¹⁷ In addition, Ministers are given powers to make delegated legislation through statute, but Parliament still reserves the right to control each type of delegated legislation.¹⁸

Legislative supremacy in UK's context embodies principles of the absolute legislative power of Parliament.¹⁹ As understood and popularised by Dicey in 1885 through his arguments on the sovereignty of Parliament, the legislative supremacy of Parliament represents the constitutional acceptance that '*Parliament has the right to make or unmake any law whatsoever; and further, that no person or body is recognised by the law as having a right to override or set aside the legislation made by Parliament.*'²⁰ The principle is often characterised by three main features, namely: that one Parliament cannot bind its successor;²¹ that courts are under a duty to apply legislation passed by Parliament even if that legislation appears to be morally or politically wrong;²² and in some jurisdictions like the UK, the legislation cannot be challenged for unconstitutionality.²³ However, in The Gambia, the Supreme Court in *Jammeh v Attorney General*,²⁴ asserted that:

In a country without a written Constitution but nonetheless governed by Constitutional conventions as in the United Kingdom, the sovereignty and legislative supremacy of Parliament is the norm. By this supremacy has meant that there are no legal limitations upon the legislative competence of Parliament'. (See Wade & Phillips - constitutional and administrative law (9th ed) by AW Bradley at page 57. The editor of this well-established treatise on British constitutional practice cites Dicey as drawing from such supremacy the fact that Parliament has under the English Constitution' the right to make or unmake any law whatever; and further that no person or body is



The National Assembly of The Gambia.

Image credit: CPA Secretariat/Matthew Salik.

*recognised by the Law of England as having a right to override or set aside the legislation of Parliament.*²⁵

In the same vein,²⁶ the court distinguished the UK and The Gambia by stating that:

*In The Gambia, with a written Constitution based on the separation of powers, the position is different. Supremacy reposes in the Constitution, whether or not such is expressly declared by that instrument and not with Parliament or any other organ of state. Section 4 of the 1997 Constitution provides for the Constitution as the supreme law of the land. It reads as follows: 'This Constitution is the supreme law of The Gambia and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void.'*²⁷

Furthermore, unlike the Parliament of the UK, which can legislate on any subject, the National Assembly of The Gambia has to exercise its legislative functions subject to the Constitution and the limitations imposed by it. Thus, Parliamentary supremacy in The Gambia is not absolute but limited by the Constitution. The 1997 Constitution of The Gambia limits Parliament from passing any law: '*[t]o establish a one-party state; to establish any religion as a state religion; to alter the decision or judgement of a court in any proceedings to the prejudice of any party to those proceedings, or deprive any person retroactively of vested or acquired rights...*'²⁸

Procedure of law making

Parliament generally is empowered to make its own rules of procedure, and how to conduct its proceedings.²⁹ Essentially, Parliament is the master of its own procedure and dictates how its proceedings are conducted unfettered. Furthermore, unless the rule is inconsistent with the Constitution or any other law, the courts are restricted to enquire into the '*decision, order or direction of Parliament or any of its Committees or the Speaker relating to the Standing Orders of Parliament, or to the application or interpretation of Standing Orders, or any act done by Parliament or the Speaker under any Standing Orders.*'³⁰ This means that the rules of procedure



of Parliament and its application are not subject to interpretation or question by any court. Hence, procedurally, Parliament is shielded.

However, it is imperative to emphasise that the legislative powers of Parliament are procedurally restricted. Based on the Constitution and Parliament's own Standing Orders, Parliament must follow certain procedure in exercising its legislative functions. Such procedures are found in sections 101, 108(1), and 226 of the 1997 Constitution. Section 101 describes the mode and the route to be taken in introducing Bills in Parliament, whilst section 108(1) empowers Parliament to make its own Standing Orders, thereby prescribing and regulating its own law-making procedure. Section 101(4) of the Constitution contains further restrictions upon Parliament in so far as financial matters are concerned. Hence, it is clear from these Constitutional provisions, Parliament is confined in exercising its legislative functions.

Though the British Parliament inspires the Parliament of The Gambia to a great extent, it must be pointed out that The Gambia's Constitution contains fundamental features which distinguish it from the British system. The prominent peculiarity or feature of The Gambia's system is the sovereignty of the people and the doctrine of Constitutional supremacy. The Constitution entrenches the sovereignty of the people and the supremacy of the Constitution, from whom and where all state organs derive their legitimacy and related powers to be exercised on people's behalf and in accordance with the Constitution.³¹

Secondly, Parliament's legislative powers may be reviewed to ascertain its consonance with the Constitution. Section 127 grants the Supreme Court the power to decide on whether a law was made intra or ultra vires.³² Essentially, in The Gambia, the validity of an Act of Parliament can be challenged and struck down by the court if it is inconsistent with the Constitution, whilst in the UK the court cannot declare an Act of Parliament unconstitutional.

Conclusion

It is conclusive that the legislative powers in The Gambia are vested in the National Assembly, but not absolute, unlike the Parliament of the UK which is generally unlimited in its legislative mandate. In the UK, a law made by Parliament might be unjust or contrary to the fundamental principles of governance; but Parliament was unconstrained, and if it erred, such errors may not be corrected by any other authority but only by itself.³³ The power of the Judiciary to question the validity of an Act of Parliament would not necessarily mean a breach of the fundamental principle of legislative supremacy, except the manner in which it is exercised by the court and Parliament's power to legislate.³⁴ For instance, in the case of *Gambia Press Union and others v Attorney General*,³⁵ the court held that when the constitutionality of a legislation is challenged, the Act is presumed to be Constitutional unless shown otherwise, and that the burden is on the Plaintiff.³⁶

Finally, it also settled that the independence of Parliament is crucial in the discharge of its legislative functions and any attempt to impair this either from the Executive or even the Judiciary would grossly violate both the letter and spirit of the Constitution and undermines Parliamentary independence.³⁷ Based on the letter and spirit of both the 1997 Constitution and the doctrine of separation of powers, Parliament is immune and supreme in the execution of its legitimate legislative functions. It is against this backdrop that courts are cautioned not to act in any manner that appears to promote judicial legislation as their role is purely interpretative.

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WHAT WERE THEY THINKING? DEFINING PARLIAMENTARY INTENTION AND PURPOSE: AN AUSTRALIAN PERSPECTIVE

A former Chief Justice of Australia writes about the separation of powers.

I am grateful for the opportunity to contribute to this celebration of the 20th anniversary of the Commonwealth (Latimer House) Principles on the Three Branches of Government in this issue of *The Parliamentarian*. I do so from an Australian perspective on the separate but interacting functions of the Parliament and the Judiciary in making laws and interpreting them.

Principle II of the Commonwealth Latimer House Principles states:

- a) *'Relations between Parliament and the Judiciary should be governed by respect for Parliament's primary responsibility for law making on the one hand and for the Judiciary's responsibility for the interpretation and application of the law on the other hand.'*
- b) *Judiciaries and Parliaments should fulfill their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.'*

Under the Australian Constitution, Parliament makes the laws, the Executive government carries them out and the courts interpret and apply them in deciding cases brought before the courts. Chapter III of the Constitution provides for the federal court system, comprising the High Court, Federal Courts created by the Parliament, and State and Territory courts, which are given federal jurisdiction by the Parliament. At the federal level, there is a clear separation of powers between the Legislature and the Executive on the one hand, and the Judiciary on the other. That separation is defined by a boundary between law making and adjudication which involves interpretation and application of the law. That boundary is not precisely defined. In the interpretation of laws, the courts are often required to make choices between available readings. The making of those choices can be seen as a species of interstitial law making.¹ However, the range of those choices is confined by rules of interpretation, institutional restraint, and respect for the constitutional function of the Parliament.

The interpretation of statutes is the core business for Australian courts in almost every kind of case they hear. In cases involving the exercise of challenges to official powers, the courts may have to determine the extent and limits of the powers which Parliament has conferred upon officials. The official whose decision is under judicial review may be a Minister of the Crown or a public officer or a body given statutory powers.

The courts may have to interpret the conditions which Parliament has prescribed must be satisfied before the decision-making power

can be exercised. The courts may have to determine whether the conditions have been satisfied. It is central to the Rule of Law in Australia that there is no such thing as unlimited official power. Official action must be authorised by statute or directly from the Constitution. This is consistent with Principle VII(c) of the Commonwealth Latimer House Principles under the heading '*Judicial review*' which states: '*Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of nature justice.*'

What does a court do when it interprets a law?

When contested questions of the interpretation of an Act of Parliament come before the courts, there is often more than one possible interpretation reasonably open. A provision of an Act may present 'constructional choices' - different but reasonably arguable ways of reading the provision.

In deciding which construction to choose, Australian courts look first to the text of the Act - the words it uses. They also look to the context of those words - including the part of the Act in which the words are found, the other provisions of the Act and the overall legislative scheme of which they are part. They will also look to the purpose of the Act.

In Australia, the *Acts Interpretation Act 1901* (Cth) requires the courts, interpreting Commonwealth statutes, to prefer '*the interpretation that would best achieve the purpose or object of the Act whether or not that purpose or object is expressly stated in the Act.*'²

The purpose of an Act or a provision of an Act may be stated in the Act itself. It may be unstated but apparent from the Act read as a whole or from the terms of the particular provision. It may appear from the Minister's Second Reading Speech and perhaps the Explanatory Memorandum for the Bill that becomes the Act. It may be that the Act gives effect to a recommendation of the Australian Law Reform Commission or a Royal Commission - a background which makes clear the legislative purpose.

Sometimes the purpose of a provision of an Act is obvious. Sometimes it is not. Sometimes the provisions of an Act reflect a political compromise between competing interests. That is democracy at work. However, it may make it difficult to determine a



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clear purpose. Complexity in the law is a challenge to the courts and to the public at large. The more complex a law is, the more difficult it can be to determine its purpose. Tax laws provide ample examples of that problem. In Australia, you know you face an interpretive challenge when the numbering of sections added into an already complex Act, use letters of the alphabet as well as numbers - e.g. section 107VZZH.

Complexity not only makes purpose hard to identify - a complex law may lack moral clarity. People may know they have to obey it or to accept its application, but not be able to understand what societal purpose it serves.

There are both statutory and common law rules which are applied by the courts in interpreting statutes. In Australia, there is a common law principle of legality which supports the interpretation of statutes in such a way as to avoid or minimise their impairment of common law rights and freedoms. Of course, that beneficial construction must be open and must be consistent with the purpose of the Act.

In two States and one Territory in Australia, there are Human Rights Acts which require the State and Territory courts to interpret statutes, so far as possible, consistently with human rights and freedoms of the kind set out in the International Covenant on Civil and Political Rights. This reflects Principle IV of the Commonwealth Latimer House Principles which includes the statement that: *'The function of the Judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.'*

It has often been said that the interpretation of an Act should reflect 'the intention' of Parliament. However, a collective intention of Parliament is something of a fiction. Different members of Parliament voting for a law may have different understandings of it. Some may not have read the proposed law but relied upon an Explanatory Memorandum and/or the Minister's Second Reading Speech. Indeed, given the complexity and volume of legislation today and the vast array of delegated legislation, which is laid before Parliaments for possible disallowance, it is simply too much to expect that individual Parliamentarians will be across all pieces of legislation for which they vote.

In interpreting a statute, the court does not first ascertain a parliamentary intention. The parliamentary intention is taken to be reflected in the interpretation that the court has adopted. In 2011, the High Court said of legislative intention that it is not an objective, collective mental state: *'Such a state is a fiction which serves no useful purpose. Ascertainment of legislative intention is asserted as a statement of compliance with the rules of construction, common law and statutory, which have been applied to reach the preferred results and which are known to parliamentary drafters and the courts.'*³

There are those who argue that the intention of the Legislature is not a fiction and the view that it is a fiction is somehow anti-democratic. It is, however, preferable to interpret statutes with a real-world perspective. It is not helpful to rely upon an obviously false proposition that the court has somehow discerned a collective intention even if such a thing could be defined.

The purpose of the legislation expressly stated or otherwise implied, must be respected and applied to the choice the court makes between different meanings. Provided the courts stay within the guardrails of statutory and common law rules of interpretation, their decisions will be legitimate exercises of their function in a way that should not take



Image credit: Shutterstock/Parliament of Australia.

parliamentary drafters by surprise. Sometimes of course, although not always, a provision is drafted in a way that really only allows for one interpretation consistent with the purpose of the law.

It is important for Parliamentarians and the courts to understand each other's basic roles in making and interpreting the laws. It is important for Parliament to understand that the laws they make may carry unintended meanings when forensically examined in a contest before a court. Clarity of purpose is important. The courts have a responsibility to respect the limits of their own constitutional function. Interpretation may involve making choices between different possible meanings and in that limited sense, making the law. It should never amount to rewriting the law or interpreting it to obtain a desirable object inconsistent with the purpose of the law.

With mutual respect between the major institutions of government, public confidence in those institutions, which is vital to their continuance, can be maintained. When governmental institutions encroach impermissibly upon each other's functions, public trust is undermined. The Commonwealth Latimer House Principles are perhaps more important today than ever before. As Principle X of the Commonwealth Latimer House Principles states: *'Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.'*

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WITH COMMONWEALTH COMES COMMON RESPONSIBILITY

Business, human rights and sustainable development across the Commonwealth.

Responsible business is a cornerstone of sustainable development and must be based on the rule of law, human rights and environmental protection. This is recognised in Goal 16 of the UN Sustainable Development Goals. Business is a driver of economic growth but, for this to be sustainable, it must operate within a framework of sound regulation, procedural standards, impact assessment and accountability. The Responsible Business programme at the Institute for Commonwealth Studies (ICwS) is based on promoting international cooperation, the rule of law and international human rights, and meaningful participation by civil society. The Institute sees these values reflected in - and takes inspiration from – both the Commonwealth Charter, which marks its 10th anniversary this year, and the Commonwealth Latimer House Principles on the separation of powers, celebrating its 20th anniversary.

The modern Commonwealth can be a model of responsible trade and investment for the world when it recognises that Commonwealth brings common responsibility. All States and Territories have established duties in human rights law to protect human rights and ensure that trade and investment does not come at the expense of human rights and the environment but fulfils and protects them over time. The commitment of the Commonwealth to these duties and the link to the business context was laid out in the foreword to the Commonwealth Latimer House Principles by the then Commonwealth Secretary-General, Mr Kamallesh Sharma, noting that *'the rule of law sits alongside democracy and human rights as the key beliefs of this organisation – just as another threesome - governments, business and civil society - are its main actors.'* The Commonwealth Secretariat can support States to fulfil international legal obligations, businesses to operate responsibly and civil society to coordinate across its member States.

Business and Human Rights is an area of international law in continuous development. For Commonwealth States to fulfil their legal duties to protect human rights in this context they must ensure that national law and policy reflects international human rights obligations, that there is an independent legal system capable of implementing the law and reviewing government decisions (even if it restricts powerful business interests) in practice, that civil society has meaningful participation and that, if all this fails, victims of business-related human rights abuses have access to justice and accountability.

State obligations and business duties are stated in the United Nations Guiding Principles on Business and Human Rights.¹ The UNGPs are unanimously endorsed and put forward three Pillars of Principles:

1. States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
2. The responsibility of business enterprises as specialised organs of society performing specialised functions, required to comply with all applicable laws and to respect human rights; and
3. The need for rights and obligations to be matched to appropriate and effective remedies when breached.

Yet, in practice, many States are often unwilling or unable to fulfil the duty to protect, to ensure business acts responsibly and to provide remedy for victims. Both the home States, where businesses are headquartered or domiciled, and the host States, where international businesses invest, are reluctant to regulate to protect procedural rights and ensure accountability for fear of creating a hostile business environment. Some States lack sophisticated administrative or public law systems that afford procedural rights in economic planning, while others, whose domestic systems are more established, seek to roll back these powers. As a result, civil society is kept out of economic planning and business decision making while victims of abuses lack effective access to remedy.

Many States hosting multinational businesses have been forced into a regulatory race to the bottom to attract investment resulting in a 'resource curse' in which the benefits of development have not been shared equally. Labour rights abuses are common, people are forcibly evicted from their lands and the extraction of natural resources results in environmental degradation that undermines livelihoods while businesses reap profits. Some judiciaries are as likely to persecute human rights defenders and environmental activists as they are to hold business accountable to national and international human rights standards.

Home States, in which the businesses are headquartered, have often failed to ensure their businesses operate responsibly abroad, nor have they ensured that victims of abuses have access to justice. They allow business to indulge in complex tax avoidance schemes that deplete public resources. They do not put human rights or



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environmental conditions on the export financing or insurance that facilitates foreign investment. Diplomatic trade and investment missions focus on quantity over quality, ignoring the potential negative impacts that business can have on human rights and the environment to promote economic growth at all costs. These States are reluctant to regulate business abroad or even require human rights and environmental due diligence reporting for fear of putting their business at a competitive disadvantage.

While some progress has been made on the State duty to protect and the business responsibility to respect human rights, the UNGP's pillar three on access to remedy is often referred to as the forgotten pillar. The 20th anniversary of the Commonwealth Latimer House Principles provides an opportune moment for the Commonwealth to reflect on access to justice for victims of business-related human rights abuses. The right to effective remedy is already a fundamental human right. If realised, the right would alleviate business-related human rights abuses and would promote sustainable development across the Commonwealth. Progress notwithstanding, legal accountability and access to remedy require international cooperation and the Commonwealth can lead such efforts.

The Commonwealth can make clear that access to remedy is a legal obligation of member States and that non-binding arrangements and other guidelines are secondary to this legal obligation. The Commonwealth can encourage cooperation on plans to implement the UNGPs along with the Commonwealth Latimer House Principles. It can build the capacity of key partners like civil society, businesses, legal practitioners, judiciaries and the Executive and Parliamentary branches of government. The focus must be on addressing impunity, examining the legal obstacles – including the harassment of human rights defenders – and the development of measures to ensure the courts are able and willing to hold business accountable for human rights abuses. It can develop the extraterritorial obligations of home States to regulate business abroad, the role of international cooperation on human rights and the environment as well as anti-corruption measures and civil society engagement. Initiatives undertaken to promote responsible investment will not ensure access to remedy where the rule of law is weak, the legal system underdeveloped and the judiciary unable to perform its duties independently.

Responsible Business is looking for support from Commonwealth States. State officials and staff should be able to provide guidance on respecting human rights, protecting the environment and sharing

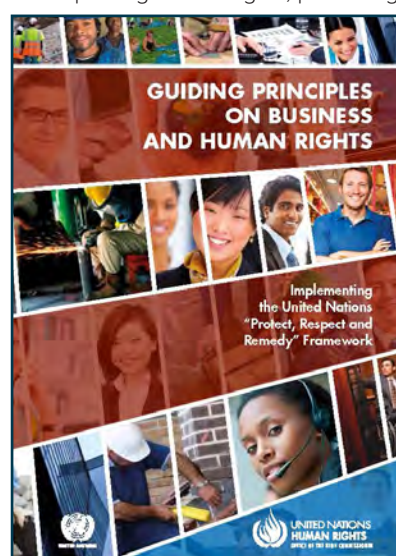
workers and their families. They should be able to help business deal with the complexities of investment in conflict affected or unstable environments.

State officials often assume that businesses invariably prefer, or benefit from, a light touch and deregulation, but responsible businesses want legal and policy certainty and look to government officials for guidance on risk assessment, mitigation strategies and on how to meaningfully engage with local stakeholders. Most diplomatic and ministerial staff are focussed on increasing investment rather than on sustainable development and the State duty to protect human rights. Diplomatic and Consular Staff as well as staff from government departments that facilitate trade and investment need to keep abreast of legal developments in this field. Government officials should identify new law and policy as well as review existing laws to ensure they are aligned with their human rights obligations. For example, law and policy related to the use of land and the creation and operation of business enterprises have implications for human rights that remain poorly understood. These laws should provide procedural safeguards and accountability mechanisms. Government officials should provide sufficient guidance on how these laws operate to enable business to respect human rights.

There are increasing legal requirements for businesses to report on how they are conducting human rights due diligence. Businesses want clarity from governments on how they should do so. State encouragement of, or where appropriate requirements for, such communication are important in fostering respect for human rights by business enterprises. Policies or laws in this area can usefully clarify what and how businesses should communicate, helping to ensure both the accessibility and accuracy of communications. The Commonwealth could be a leader in this field by adopting HRDD (human rights due diligence) reporting requirements for business operations across its membership in line with the Commonwealth Charter's commitments to human rights, rule of law, sustainable development, protecting the environment, the recognition of the needs of small and vulnerable states and the role of civil society.

As a multilateral organisation of 56 member states with well-established political, business and civil society networks, the modern Commonwealth is in a unique position to promote and build upon the international cooperation required for responsible investment and sustainable development. Promoting policy and legislation in line with human rights law, independent judiciaries that provide procedural guarantees and accountability, and meaningful participation of a strong civil society creates a meaningful link between the Commonwealth's work on trade and economy, democracy law and government, and environment and climate change. The 20th anniversary of the Commonwealth Latimer House Principles presents a key moment to put in place concrete and meaningful measures for it to become a model of responsible trade and investment.

Part of the School of Advanced Study at the University of London, the Institute of Commonwealth Studies sits at the crossroads of research, policy, human rights practice and international relations. The Institute has three primary areas of focus: strengthening the rule of law; combatting climate change; and promoting freedom of expression and digital rights. The Institute's Library is an international resource with particularly impressive Caribbean, Southern African and Australian holdings with over 190,000 volumes and 230 archival collections including resources on Nelson Mandela and the Ruth First papers. For further information please visit www.commonwealth.sas.ac.uk.



best practices across the Commonwealth. Government officials should advise on human rights due diligence, environmental impact assessment and how to consider effectively issues of gender, vulnerability and/or marginalization, recognising the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities and migrant

COMMONWEALTH LATIMER HOUSE PRINCIPLES - 20th ANNIVERSARY: A LAWYER'S PERSPECTIVE

The Immediate Past President of the Commonwealth Lawyers Association shares his view.

The Commonwealth (Latimer House) Principles on the three branches of government (the Commonwealth Latimer House Principles or CLHP) were both far-sighted and far-reaching. They remain as relevant and important today as they were when adopted at the Commonwealth Heads of Government Meeting (CHOGM) in Abuja, Nigeria in November 2003. During the four years in which I was President of the Commonwealth Lawyers Association (CLA), I regularly referenced the CLHP in statements or speeches.

The Commonwealth Latimer House Principles deal, of course, with the three branches of government (the Executive, the Legislature and the Judiciary). That three-cornered separation is a strong and fundamental foundation for democracy. However, the CLHP are a rich source of other observations, principles and guidelines which also enhance the appropriate functioning of democracy.

Democracy is experiencing challenge in 2023, perhaps not anticipated in 2003. The use of instant communications, artificial intelligence and the development of what seems to be a play book of steps to be taken by autocrats and dictators, all threaten the foundations of democracy. Public statements disrespecting the judiciary do not help. Overreaching power grabs by governments do not help. A lack of effective opposition and accountability also deprives societies of democracy operating within the Rule of Law.

The importance of preserving the confidence of the people in the institutions by which they are governed is relevant and important. 20 years on from the adoption in Abuja of the CLHP it is appropriate to reflect on how these Principles have contributed and can contribute to the preservation of an effective democracy.

Others reflecting on the CLHP will no doubt consider the Principles from the point of view of the Government or Parliament or the Judiciary. From the perspective of the Commonwealth Lawyers Association (CLA), I would like to focus on what the Principles have to say about the role of women, about the legal profession, about civil society and about freedom of the press.

These are not categories that deal with the three branches of government, but they are also fundamental to upholding democratic values in a society respectful of the Rule of Law.

Twenty years ago, it was far-sighted to include reference to the role of women in democracy in the CLHP. Principle V b states that subject to merit and proven integrity being the criteria of eligibility for

appointment to public office “*measures may be taken...to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender,...*”. The Latimer House Guidelines for the Commonwealth (the Guidelines) out of which evolved the Principles, specifically encourage improvement in the number of women participating in politics and encourages Commonwealth member states to proactively seek women candidates to stand for election and to use imaginatively proportional representation to assist in the election of women. There is also an encouragement to publish data and information as to the degree of representation of women in politics.

The encouragement in the Principles to take measures to ensure in effect that public bodies are reflective of the community and of genders is striking. However, twenty years on has the representation of women in public life improved?

At present, there are many Chief Justices of Commonwealth member states who are women. In 2021, in my home jurisdiction of Northern Ireland, Dame Siobhan Keegan was appointed Lady Chief Justice. At the recent CLA conference in Goa, India in March 2023, delegates were addressed by Chief Justice Tengku Maimun Tuan Mat, the Lady Chief Justice of Malaysia who was joined in a judicial session by the future Lady Chief Justice of India. In England and Wales just recently, Dame Sue Carr was appointed to become the first woman to hold the office of Chief Justice in England and Wales. Hopefully these prominent women will continue to encourage the role of women in public office.

The CLA is primarily an organisation of legal practitioners. While the judiciary is rightly emphasised as one of the key pillars of democracy, a vibrant independent legal professional also has an important place.

The CLA stands robustly in favour of an independently appointed judiciary, properly financed, with permanent appointments made by an independent Judicial Appointments Commission. Judicial appointments are a controversial matter in most Commonwealth jurisdictions and a session at the 23rd Commonwealth Law Conference in Goa in March 2023 was devoted to a consideration of judicial appointments.

However important is the role of the Judiciary, it is noteworthy that the Commonwealth Latimer House Principles also acknowledge the



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importance of an independent legal profession. Principle IV on the Independence of the Judiciary includes *“An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.”*

Lawyers uphold the Rule of Law in all walks of life from registering ownership of property, to forming companies and businesses enabled to undertake trade and business. They administer and distribute estates and they have a role in the resolution of disputes. They step in to challenges in family life, protecting children and negotiating separation of matrimonial assets. These somewhat unheralded and normal legal activities are fundamental to the operation of society.

The Guidelines at paragraph 8.3 recognise that *“an independent organised legal profession is an essential component in the protection of the rule of law.”* The Guidelines go on to encourage adequate legal aid schemes to be provided for poor and disadvantaged litigants, that legal professional organisations should assist in the provision of access to justice and that the Executive should restrain from obstructing the functioning of an independent legal profession.

CLHP Principle VII c encourages a recognition that democratic principles require the actions of government to be open to scrutiny by the Courts. The rationale given is that this would ensure that decisions are taken to comply with the Constitution and relevant statutes and other law, including law relating to the principles of natural justice. Who is better placed to undertake and argue for judicial review of an overreaching Executive or the non-compliant public authority than practising lawyers who can independently and fearlessly represent their clients and hold to account the Executive or public authorities.

It is of concern that many politicians disrespect the role of lawyers in holding governments to account. Lawyers are seen as a nuisance. They are accused of creating delay in the implementation of proposed legislation. They challenge decisions. However, Governments should be held to account, and must be subject to challenge within the law in order that they make decisions which can withstand scrutiny when analysed in the context of the Constitution, relevant statutes and the principles of natural justice. Challenge and accountability by an independent legal profession will result in appropriate legislation, stronger institutions and contribute to public trust.

To disparage lawyers publicly is to do a disservice to the Rule of Law. It is also inconsistent with the CLHP which respect an independent legal profession and acknowledge the importance of judicial review and accountability.

Accountability, transparency, intolerance of corruption and operation within the law and the Constitution can only be achieved if there are checks and balances, if there are constraints, if there is

The Royal Courts of Justice
in London, UK.



Image credit: Shutterstock_333515639_Royal Courts of Justice London.

a real prospect of being held to account by a properly independent judiciary in cases brought by a properly independent legal profession. Without those constraints there will be, and have been, government actions which are taken with impunity, benefitting self-interest and facilitating corruption.

From the perspective of the CLA, the existence of an independent, and not a compliant, legal profession is fundamental, and we shall continue to emphasise and advocate for that position. Indeed, at the Commonwealth Law Conference in Goa, there was an important Bar leaders' meeting of some 48 jurisdictions which produced the *'Declaration on Preserving and Strengthening the Independence of the Judiciary and on Ensuring the Independence of the Legal Profession' (the "Goa Declaration")*.¹ This Declaration reinforces and complements what the CLHP say about Judicial and legal profession independence.



SEPARATION OF POWERS: 20 YEARS OF THE COMMONWEALTH LATIMER HOUSE PRINCIPLES

Image credit: Shutterstock_6579682



The influence of the CLHP can also be seen in the *Declaration on 'Freedom of Expression and the Role of Media in Good Governance' (the Media Principles)*. This Declaration was endorsed by the Commonwealth Law Ministers at its meeting in Mauritius in 2022.² I was pleased to introduce the Media Principles to the assembled Commonwealth Law Ministers, and I noted that they were “a direct descendant” of the Commonwealth Latimer House Principles. The CLHP in Principle IX reference that oversight of the Government is an important element of democracy particularly with regard to corruption.

Principle IX goes on to state that a transparent and accountable government together with freedom of expression encourages the full participation of its citizens in the democratic process and at Principle IX b there is specific reference to how government’s transparency and accountability “is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs”.

The Media Principles accepted by the Commonwealth Law Ministers for recommendation to the Commonwealth Heads of Government Meeting (CHOGM) in Samoa in 2024 are an important elaboration of the media freedom references in the CLHP.

Of course, twenty years ago, the media and the press were different. Today we have social media, artificial intelligence, expanded use of the internet and 24-hour live news feeds which all create instant news and instant awareness, sometimes not particularly moderated by reflection and balance or indeed accuracy. It is vital that the role of the media in good governance is neither overlooked nor endorsed without qualification. Proper accountability, shining a media spotlight into dark corners of decision-making and holding,

in the public interest, politicians and the Executive to account, is fundamental to constraining the actions of the Executive by exposing corruption, unfairness and breaches of both the Constitution and the fundamental principles of natural justice and the Rule of Law.

This brings me to my final observation about the Principles which is the reference to the important role of civil society. Principle X encourages Commonwealth governments and Parliaments to recognise the role that civil society plays in the implementation of the Commonwealth’s fundamental values. Governments are encouraged to strive for a constructive relationship with civil society “to ensure that there is a broader opportunity for lawful participation in the democratic process”.

Civil society organisations play a vital role in providing an opportunity for the sharing of ideas, for the promotion of alternative strategies and thinking, for collaboration in the interest of minorities and disadvantaged communities. It is vital that civil society organisations thrive and are supported. Far from being a nuisance or a bothersome noise interfering with what the politicians wish to do, civil society reflects the needs and wishes and aspirations of the people. The role of civil society is rightly recognised in the Commonwealth Latimer House Principles

In all of these areas, the role of women, the importance of the independent legal profession, media freedom and civil society, we find a common thread. This is that effective democracy must ensure that there is appropriate representation reflective of the community, there is a holding to account of the Executive and public bodies and an ability to comment and disagree in accordance with some fundamental principles of the Rule of Law.

While the Commonwealth Latimer House Principles rightly focus on the separation of the three branches of government, it is appropriate also to reflect on these other and wider areas. Twenty years on from their adoption, the Commonwealth Latimer House Principles and their related Guidelines remain relevant and important, and it is gratifying that both in the Goa Declaration and in the Media Principles, they have generated other legacies which go towards strengthening and upholding democratic principles throughout the Commonwealth.

The Commonwealth Lawyers’ Association (CLA) exists to maintain and promote the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession serves the people of the Commonwealth. It seeks to uphold the rule of law by encouraging exchanges between members of the profession through projects, conferences and workshops and by driving improvements in legal education. The CLA regularly engages with other Commonwealth organisations on Commonwealth working groups and projects and is an accredited partner organisation of The Commonwealth. The CLA hosts a conference in a member state every two years – recent conferences were in Livingstone in Zambia in 2019, in Nassau in The Bahamas in September 2021 and in Goa in India in March 2023 – with the next conference due to be in Malta in 2025. Visit www.commonwealthlawyers.com for further information.

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¹ The Goa Declaration - ‘Declaration on Preserving and Strengthening the Independence of the Judiciary and on Ensuring the Independence of the Legal Profession’ signed at the Commonwealth Lawyers Conference on 5 March 2023 – see link: <https://www.commonwealthlawyers.com/wp-content/uploads/2023/03/Declaration-by-Bar-Leaders-at-CLC-Goa-2023-final-press.pdf>

² See ‘Freedom of Expression and the Role of the Media in Good Governance’ by David Page, *The Parliamentarian* 2023 Issue One, pages 55 to 57 and ‘To protect the truth, we must protect the truth tellers: The Commonwealth and Media Freedom’ by William Horsley, *The Parliamentarian* 2023 Issue Three, pages 224 to 227.

HOW DOES THE SEPARATION OF POWERS IMPACT THE FUNCTIONING OF DEMOCRACY IN THE COMMONWEALTH?

An expert from the UK House of Commons Library shares his research findings.

I. Introduction

2023 marks 20 years since the Commonwealth (Latimer House) Principles were endorsed by Commonwealth Heads of Government in Abuja, Nigeria.¹ The commitment for Commonwealth states and territories to achieve the separation of powers between the Judicial, Executive and Legislative branches builds on long-standing democratic principles.

In 2009, Commonwealth Secretary-General Kamalesh Sharma argued that the question of how well a state achieves the separation of powers must be continuously posed. This, he suggested, would avoid the *“dangerous vulnerability to poor governance, corruption and instability”* that can result if the separation of powers is dissolved.²

This article sets out the importance of an effective separation of powers to the functioning of democracy and some of the challenges in achieving this within the Commonwealth.

II. The separation of powers and democracy

Ensuring the exercise of power is shared between the Executive, Judicial and Legislative branches is, at its core, an attempt to:

1. Ensure no one body or institution governs alone.
2. Act as a protection against arbitrary or unlimited government.
3. Allow the representation of different interests, ideas and principles as law circulates through the three bodies, for example legal principles, popular consent and the needs of the state.
4. Ensure checks against the actions of one branch through the actions of another.³

As Indian economist, philosopher and Nobel-Prize winner Amartya Sen has noted, democracy has long been seen as government by *“conversation”* or *“discussion,”* and not solely balloting and elections.⁴

The separation of powers is arguably a powerful means to make this ideal a reality. Under the separation of powers, laws and policies must be proposed, scrutinised and potentially amended, before being passed, and even then, are subject to ongoing scrutiny and challenge.

III. Defining the separation of powers

The long-standing political principle of the separation of powers and achieving balance between the three branches has been increasingly considered essential in maintaining democratic and representative government.⁵

In an ideal model, the three branches of government should perform distinct tasks - the Legislature making the law, the Executive putting the laws into effect and perhaps taking the lead in proposing them, and the Judiciary interpreting the law and ensuring it is upheld.

The separation of powers can be interpreted as maintaining the separation of institutions or of personnel, in addition to each branch performing different functions.⁶ The Commonwealth Latimer House Principles state that the three branches should be constituted separately, and each should respect its particular duties and independence.⁷

The Principles set out that judicial appointments should be made without influence of the Executive or Legislature, oversight of the Executive by Parliaments should be properly supported, and the Legislature and Judiciary should have sufficient funding to perform their respective roles.⁸

However, particularly in Commonwealth states that have inherited the UK parliamentary model, there can be overlap in these functions and personnel. This is because the Executive might:

- Sit within the Legislature.
- Perform a significant role in judicial appointments (as was the case in the UK until reforms in 2006).
- Make some forms of law (as may the Judiciary).⁹

IV. Challenges in achieving the separation of powers

1) The balance between separation and supervision

According to academic Aileen Kavanagh, the desire to separate the three branches must also interact with the principle that each branch has a responsibility to check and balance the actions of another. This leads to the question of how to balance separation with supervision.¹⁰

The Commonwealth Latimer House Principles recognise this tension, with Parliaments and the Judiciary recommended to work in a *“complementary and constructive manner”* and for the branches to *“respect”* the duties of the other.¹¹

Supervisory actions can include establishing audit commissions to monitor public finances or adhering to a model of constitutional supremacy, where all laws and actions are judged against constitutional provisions (in contrast to the model of parliamentary supremacy).



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Image credit: UK Supreme Court.

Above: The Judicial Committee of the Privy Council is the highest court of appeal for many Commonwealth countries, as well as the United Kingdom's Overseas Territories, Crown Dependencies and military sovereign base areas. It also hears very occasional appeals from a number of ancient and ecclesiastical courts including the Church of England Commissioners and the Court of Admiralty of the Cinque Ports.

2) The 'Westminster system' and Executive membership of the Legislature

The 'Westminster system' broadly refers to a system where the effective head of government (usually termed the Prime Minister or Premier), together with their Cabinet, sit in the Legislature while wielding Executive power. The role of the Governor-General (in a Commonwealth Realm) or President (in a Republic), in contrast, is often limited. This system was inherited by many Commonwealth jurisdictions at their independence from the United Kingdom.¹²

The Executive presence in Parliament may facilitate scrutiny - provided necessary procedures are in place.

In many states, there is no rule on how many Members of the Legislature can be Ministers, often leading to a substantial Ministerial bloc in a jurisdiction's Parliament. Around a third of the UK House of Commons are Ministers or have unpaid government positions, for example, while India's constitution states that no more than 15% of the Members of the lower house (Lok Sabha) may hold Ministerial office.¹³

In smaller Parliaments, it is possible that all Members of a governing party are Ministers. This puts greater pressure on a small number of backbenchers to undertake scrutiny roles. It also makes establishing cross-party Committees to scrutinise the Executive challenging.¹⁴

3) Parliamentary independence from the Executive

Published in 2020, the Commonwealth Parliamentary Association's (CPA) '*Model Law for Independent Parliaments*' recommends that

Parliaments establish their own corporate bodies to strengthen their institutional, financial and administrative independence from the Executive.¹⁵ On the launch of the model, the CPA said there were "*many examples [...] everyday*" in Commonwealth Parliaments of "*Executive interference*" that can result from a lack of parliamentary control over their own finances, staffing and physical infrastructure.¹⁶

According to Inter-Parliamentary Union (IPU) data, 18% of IPU members globally (31 out of 172) report that the Executive continues to have sole responsibility for preparing their country's parliamentary budget, while 17% (29) have a shared responsibility with Parliament.¹⁷

4) Continuing influence of the Executive over judicial appointments

2015 research by the Bingham Center also found continuing Executive influence over judicial appointments in the Commonwealth.

In 15 of the 48 Commonwealth independent jurisdictions (27%), it was the Executive, rather than a separate judicial appointments commission, which had the sole power to appoint members to the country's highest court (for this study, the six states covered by the Eastern Caribbean Supreme Court counted as a single unit).

The Chief Justice (or equivalent) position was also appointed by the Executive in half of Commonwealth states.¹⁸

5) Inclusive institutions

Even with effective institutions, representative government and perceptions of democratic fairness can be limited if not all groups

are represented. The role of the separation of powers in drawing on a range of different evidence, knowledge and values will therefore be limited. Inclusive Parliaments are particularly important given that in many jurisdictions the Executive has taken the lead in proposing legislation, with the Legislature playing a primarily scrutinising role. This role is strengthened if Parliaments are representative and accessible to the wider public.

Across the Commonwealth, in 2023 only two Parliaments (*New Zealand until its October 2023 elections and Rwanda*) have achieved gender parity in their national Parliaments, and only 19 of 56 Commonwealth Parliaments have reached the Commonwealth target for 30% of their Members to be women.¹⁹

Global data on the inclusivity of the judiciary and public services is largely lacking. Data collected for UN Sustainable Development Goal 16 on inclusive governance suggests that no world regions have seen their Legislatures consist of an equal proportion of the under-45s compared to the population they represent, and few countries so far have achieved equal representation for women in the judiciary.²⁰

6) Small jurisdictions

The Commonwealth Latimer House Principles recognise that “*small and/or under-resourced jurisdictions*” may experience challenges in achieving a strong separation of powers.²¹

2014 research by the UN Development Programme notes that while the populations of small island states is often conducive to strong democracy as politicians are closer to their constituents, their size can create challenges in establishing strong governance institutions. These include:

- A high proportion of MPs being members of the Executive, given their small Parliaments.
- A lack of human capacity and financial resources to allow individuals to specialise and work for a single branch of government.
- A risk of political influence over the civil service.

The pooling of resources and expertise offers one potential means to address the challenge of scale - such as the Eastern Caribbean Supreme Court. Originally established under the UK's *West Indies Act of 1967*, it continued to hear appeals from six Commonwealth Caribbean states post-independence.

7) The UK's Overseas Territories

The UK's Overseas Territories, 9 of whom are members of the Commonwealth Parliamentary Association,²³ face an additional unique challenge in establishing a strong separation of powers. This is because the UK Parliament retains legislative supremacy over them (though this is rarely exercised), and the UK Privy Council also has substantial judicial and legislative powers.

While the larger Territories generally have a UK-appointed Governor (as head of government), a locally-elected government and a Premier or Chief Minister (who is usually the leader of the majority party in the Legislature), together with a judiciary and elected Parliament, there are no checks within the Territories on the UK Parliament's power. Instead, checks are primarily in the UK through the judicial branch, which can regulate the actions of the Privy Council without disallowing its interventions entirely (and without affecting those of the sovereign UK Parliament).

Aside from Gibraltar and the lower house of the Bermuda Parliament, all Territory Legislatures also have at least one Member

of Parliament appointed by the local Executive—typically an Attorney-General or Financial Secretary.²⁴ Having Members appointed by the Executive is against the CPA's '*Recommended Benchmarks for Democratic Legislatures*'.²⁵

V. Summary

Democracy is not solely (or even mainly) about ballots but how law is made and enforced, and how consent is gained and maintained.

As the Commonwealth Charter emphasises, an effective separation of powers ultimately helps protect the rule of law, fundamental human rights, and good governance. However, across the Commonwealth—in both large and small states—there will continue to be challenges in meeting this objective.²⁶

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SUPPORTING NATIONAL PARLIAMENTS TO BECOME SDG CHAMPIONS

Examining Economic Governance and Public Finance Management Systems in Southern Africa with United Nations Development Programme (Cabo Verde).

This article looks at the interesting case of the Pro PALOP-TL SAI multi-country south-south and triangular cooperation EU-funded UNDP programme for consolidating Economic Governance and Public Finance Management Systems in the PALOP-TL countries.¹

Where are we with the SDGs and Agenda 2030?

In the days preceding the 2023 UN SDG Summit (18-19 Sept 2023)², the word in everybody's mind was 'caution'. Not enough evidence and data was available; the limited data collected shows stagnation or even regression in most targets; Governments across the world might be now less inclined for consensus on the SDG commitments due to geopolitics. The world has changed profoundly since the first UN SDG Summit in 2019 and the adoption of the 2030 Agenda in 2015. The UN Agenda 2030 and its SDGs are a global shared commitment, and it remains our overarching roadmap for achieving sustainable development and overcoming the multiple crises the world is facing. However, the Agenda is a promise, not a guarantee.

According to the Sustainable Development Goals Progress Chart 2023³, a comprehensive overview of global progress with respect to the targets outlined in the 17 Goals of the 2030 Agenda for Sustainable Development, among the 169 targets, 138 can be assessed (based on both available global data and analysis conducted by custodian agencies⁴), while 31 targets lack sufficient data or additional analysis for the trend assessment.

As referred to in the report, based on insight derived from the latest global-level data and custodian agencies, a midpoint evaluation of SDG progress reveals significant challenges and a concerning picture emerges from the analysis of the assessable targets:

- a mere 15% are on track to be achieved by 2030;
- nearly half (48%) of the targets that can be assessed show moderate or severe deviations from the desired trajectory;

- over one-third (37%) of these targets have experienced no progress or, even worse, have regressed below the 2015 baseline.

This comprehensive assessment underscores the urgent need for intensified efforts to ensure the Sustainable Development Goals stay on course. Today, halfway to the 2030 deadline, it is clear that the promise is in deep peril with the favourable trends resulting from early efforts, particularly in extreme poverty, gender equality and global unemployment, proving now to be too fragile and too slow.

Examples of progress towards the 2030 targets for SDG 16

Here are just a few examples of progress towards the 2030 targets on SDG 16, whose stated indicators are for '*promoting peaceful and inclusive societies and building effective, accountable, and inclusive institutions for sustainable development*'. This is something to which Parliaments are so crucial.

According to the Global Progress Report on SDG 16 indicators⁵, "*Women's representation in Parliament is growing too slowly to reach parity with that of men by 2030*", and "*people under the age of 45 are significantly underrepresented in Parliament relatively to their share of the national population*" in every region of the world other than Europe and North America (SDG indicator 16.71 a). The report also indicates that "*women remain underrepresented in public service institutions*" in most of the world, except Europe and North America.

The key findings on the report regarding progress on SGD 16 could be summarised as follows:



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- **Violence is on the rise:** Intentional homicides peaked in 2021 and armed conflicts claimed the lives of nearly 17,000 civilians, marking a 53% increase from the previous year.
- **Increase in child trafficking:** The percentage of detected child victims has risen from 28% in 2014 to 35% in 2021.
- **Access to justice remains limited:** Less than half the population report crimes to authorities and the number of detainees continues to grow, with a rising share of unsentenced detainees.
- **Corruption affects individuals and businesses:** Corruption is prevalent, with a higher prevalence in low- and middle-income countries.
- **Gender inequality:** Women remain under-represented in senior decision-making roles, facing glass ceilings in public service and the judiciary.
- **Increased risks for human rights defenders and journalists:** Killings and enforced disappearances of defenders and journalists rose significantly in 2022.
- **Widespread discrimination:** One in six people has experienced discrimination in the last year, with women, persons with disabilities and racial minorities disproportionately affected.

Notwithstanding the challenging picture, decades of experience has shown us that investing in development is the best route out of crisis and strengthening governance systems will accelerate progress towards all of the SDGs.

Parliaments as champions for the SDGs and Agenda 2030

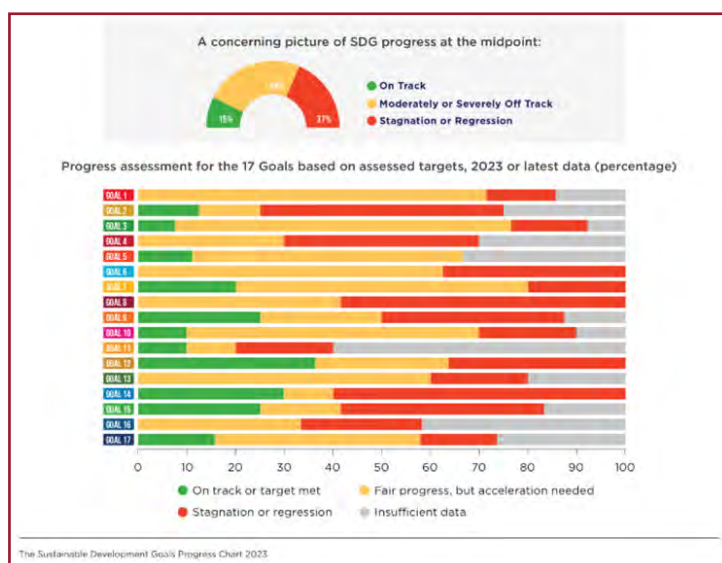
Parliaments are one of the cornerstones of governance and play a crucial role in government checks and balances. As such, Parliaments can become a key actor for the implementation of the SDGs by drafting the legislation needed for incorporating the SDGs into national legislation; in overseeing the implementation by the government of the SDGs, as well as in approving and overseeing

that the SDGs get the budget that they need. Parliaments are also key for ensuring that marginalised groups' needs and views are represented in the SDG legislation.⁶

Yet, parliamentary engagement in the SDGs leaves much to be desired. Despite some good examples of parliamentary activism, political 'buy-in' is generally weak and important institutional challenges remain. In many Parliaments, the SDGs continue to be perceived as a 'foreign' agenda that has little to do with domestic priorities.

Capacities for oversight and legislation are limited or under-utilised, laws and budgets are not 'in-sync' with national development plans, women, youth and vulnerable groups are under-represented, and individual SDGs are still dealt with in silos.

On the more positive side, Parliaments that have proper SDGs coordination structures (Parliamentary Committees or caucuses)





SUPPORTING NATIONAL PARLIAMENTS TO BECOME SDG CHAMPIONS



Source: eCourse “Mainstreaming SDG 16. Using the Voluntary National Reviews to Advance Peaceful, Just and Inclusive Societies”, by the Global Alliance and TAP Network⁷

are doing better in their legislative and oversight roles even though, generally, such structures are lacking in authority and resources. A few Parliaments are proactively monitoring SDG implementation domestically and working across borders with other Parliaments to share best practices. Overall, parliamentary engagement in the government-led Voluntary National Reviews remains weak, though a growing number of Parliaments are providing input into the reviews.

However, the SDGs and the Paris Agreement on Climate Change call for deep transformations in every country that require complementary actions by governments, Parliaments, civil society, science, business, etc. Yet stakeholders lack a shared understanding of how the 17 SDGs can be operationalised. These transformations are linked with priority investments and regulatory challenges calling for actions by well-defined parts of government working with business and civil society.

- *How complex can it be for Parliaments and MPs to contribute to Agenda 2030 and the operationalisation of the SDG targets?*
- *How can Parliaments navigate this complexity and bring their ‘big political guns’ to the table to enable the 2030 Agenda and the operationalisation of its SDGs?*

UNDP works with Parliaments around the world to strengthen their capacities to fulfill their institutional responsibilities and to work more effectively as part of a system of partners, including with national Ministries, local governments, independent oversight bodies and civil society. This support helps to ensure that elections, national planning, budgeting and law-making efforts are more inclusive, gender-responsive and risk-informed. More specifically, UNDP works to strengthen parliamentary bodies by:

- boosting efforts to reform and improve Parliaments and local assemblies, making them more representative, open and accountable;
- delivering training and building skills among Parliamentarians and their Secretariats on legislative scrutiny, gender equality and international human rights obligations, and critical sustainable development issues that Parliaments need to act on;
- enhancing parliamentary transparency, using new technologies, tools and capacities in data, budgeting and finance; and
- Brokering partnerships between Parliaments and other relevant state and non-state governance actors – e.g., supreme audit institutions (SAI) and civil society organisations (CSOs).

UNDP can support Parliaments and Parliamentarians in their legislative, oversight and representative functions. UNDP can provide technical assistance, training and knowledge-sharing platforms to strengthen Parliamentary institutions and help legislators effectively contribute to national development agendas and also advance climate action. UNDP and its partners foster dialogue and cooperation among Parliaments, civil society organisations and supreme audit institutions to advance the Sustainable Development Goals. UNDP has developed significant knowledge and tools to increase the capacity of Parliaments to implement the SDGs.

Traditionally-delivered democratic governance – including parliamentary accountability – is critical, but on its own insufficient to address the intersecting global confidence, planetary, poverty and inequality crises. Apart from institutional strengthening, UNDP programmes support Parliaments to form more constructive and systematic partnerships with Executive governments, civil society, independent oversight bodies, and new and old media. Governance systems that result from such partnerships are demonstrably more inclusive; leading to more effective oversight of how services are delivered; and to laws and budgets that look beyond the interests of the elites.

How can Parliaments enhance their role in boosting SDG implementation efforts at the national level?

The programme for consolidating Economic Governance and Public Finance Management Systems (PFMS) in the PALOP-TL countries⁹, aka the Pro PALOP-TL SAI Programme¹⁰, empowers Parliaments, Government Ministries, independent oversight bodies and civil society on a systemic basis for more open, transparent and accountable public finance management (PFM) in all six Portuguese-speaking African countries (Angola, Cabo Verde, Guinea Bissau, Mozambique, São Tomé and Príncipe) and Timor-Leste. This ‘whole-of-society’ model has proven to boost the overall governance transparency and openness – key ingredients to build democratic accountability and trust.

Since 2014, this UNDP EU-funded multi-country south-south / triangular cooperation programme has been building effective partnerships among state and non-state public finance management institutions and actors in these six countries. These partnerships were mainly operationalised through multi-stakeholder communities of practice and multi-country parliamentary high-level working groups involving MPs and parliamentary staff, Supreme



ONLINE COURSE

CPA COMMONWEALTH PARLIAMENTARY ASSOCIATION

SDGs: A Parliament's Role

From the CPA Parliamentary Academy

- Video lessons from SDG experts
- Actionable strategies for Parliaments
- Real-life examples of best practice

cpahq.org/parliamentary-academy

The banner features a blue background with a large, stylized circular graphic on the right composed of various colored segments (green, blue, orange, yellow). The text is in white and yellow, providing high contrast.

NEW CPA COURSE WILL PROVIDE MPS AND PARLIAMENTARY STAFF WITH KNOWLEDGE OF THE SDGs AND THE CRUCIAL ROLE OF PARLIAMENTS AS INSTITUTIONS IN IMPLEMENTING THEM

The Commonwealth Parliamentary Association has launched a new course on the 'Sustainable Development Goals (SDGs): A Parliament's Role' as part of its online CPA Parliamentary Academy. This new course will provide Parliamentarians and parliamentary staff with knowledge of the Sustainable Development Goals (SDGs) and the crucial role of Parliaments as institutions in implementing the SDGs. The course materials will examine parliamentary action on three levels of implementation: local/constituency, national and international implementation. It will also seek to highlight how Parliaments can work with key stakeholders to promote the SDGs and influence real change within communities. The course also delves into key methods of SDG financing, drawing on case studies and positive examples from the Commonwealth and beyond.

The CPA Secretary-General, Stephen Twigg said: *"Commonwealth Parliaments have a crucial role to play in the delivery of the SDGs and this new online course with the CPA Parliamentary Academy will provide both Parliamentarians and parliamentary staff with vital information and resources to aid with many different aspects of the SDGs."*

The 'Sustainable Development Goals: A Parliament's Role' course has been designed to be engaging in format, with the modules delivered via video and written lessons. The course is also intended to be flexible, to give Members and parliamentary staff the freedom to decide when they want to start and complete the course. This is especially important for those pursuing this learning opportunity whilst doing a full-time job.

The CPA Parliamentary Academy provides a Centre of Excellence for Commonwealth Parliamentarians and parliamentary staff with a portfolio of parliamentary professional development courses delivered through an online learning portal with video and online resources. Visit www.cpahq.org/parliamentary-academy to find out more and to register.

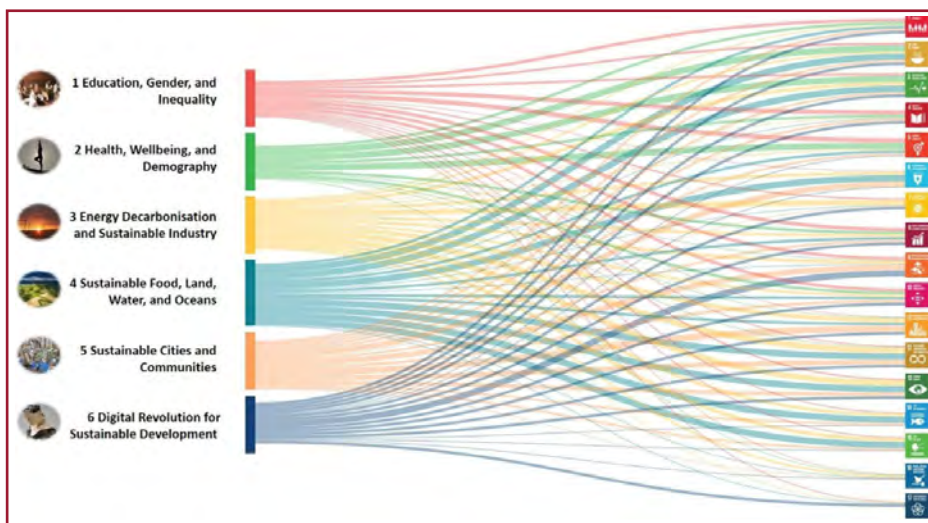


SUPPORTING NATIONAL PARLIAMENTS TO BECOME SDG CHAMPIONS

Audit Institutions' auditors and technical staff, as well as Government officials (Finances and Planning). For almost a decade now (2014-23), more than 40 PFM officials in those 6 countries (plus Brazil and Portugal) have been working together to strengthen transparency and accountability in Public Finance Management Systems (PFMS).

At the midpoint of the deadline for achieving the commitments set out in the Agenda 2030 and with evidence pointing to insufficient progress towards the SDGs, it is now paramount to use the lessons learnt and the policy space gained along those years to tackle hurdles to sustainable and inclusive development, in a global context of decreasing Official Development Assistance (ODA)/Foreign Direct Investment (FDI).

For almost a decade now, this UNDP-led EU-funded initiative has been able to open a policy dialogue space, gathering decision-makers and policymakers from PFM state (Executive, courts of auditors and other control institutions, and Parliaments) and non-state institutions (NGOs, Professional Bodies, Interest Networks, Media, etc.) in eight



Source: Sachs, J.D., G. Schmidt-Traub, M. Mazzucato, D. Messner, N. Nakicenovic, and J. Rockström (2019), 'Six Transformations to Achieve the Sustainable Development Goals', *Nature Sustainability*⁸

countries (representing four world regions – Africa, America, Asia/Pacific, Europe) conducive to systems and institutional change. This successful partnership between UNDP and the EU has now been renewed until 2026.

What are the lessons learnt from Pro PALOP-TL SAI implementation?

- *Transformation is systems' change...*
- In the past 10 years, transparency and accountability have definitively moved to the centre of policymaking and politics in the PALOP-TL countries. *Attitudes have changed...*
- Today, government programmes and National Development Plans are clearly focusing on strengthening Public Finance Management Systems (PFMS) and economic governance. *Priorities have been updated...*
- The referred policy dialogue space is more and more permissive to address PFMS consolidation, transparency and accountability challenges. Legal and institutional reforms have followed this trend. *Systems are changing...*
- The need to accelerate the pace of progress towards the Agenda 2030 is putting pressure on Domestic Resource Mobilisation capacities in most countries, including those covered by the Pro PALOP-TL SAI programme. *There will be no transformation if business is still as usual...*

For it to be durable, it must be inclusive...

The Pro PALOP-TL SAI has developed and been effectively using a methodology that uses an all-of-government approach for mainstreaming gender in:

- Legislative budget oversight along the fiscal year, focusing on gender gaps ...
- Long-term planning and Mid-Term Expenditure Frameworks down to short-term budget cycles...
- Monitoring in small/local scale public expenditures and policies, how it all results in deliverables for the citizens...
- Evaluation and audit of impact/results by SAI and other relevant evaluations institutions/tools, as a closing act.

Put your money where your mouth is!!!

Digital has come to stay, but for it to be impactful, better make it innovative...

Digital innovation is enhancing accountability and inclusiveness in economic governance and the public sector:

- Parliamentary legislative Openness IMS.
- Budget transparency and PFMS management portals.
- SAI audit & HR management IMS.
- CSO Budget simplification and public participation in budgetary processes Portal.

All of the above should feed into Open Data comprehensive national policies.



COMMONWEALTH PARLIAMENTARIANS AND GLOBAL EXPERTS LAUNCH NEW SDGs COURSE FOR PARLIAMENTS AT GLOBAL UN SDGs SUMMIT

The CPA Secretary-General, Stephen Twigg joined Parliamentarians and global experts to launch the new CPA online course on the UN Sustainable Development Goals (SDGs) and the crucial role of Parliaments at the GF23 Global Futures Conference in the margins of the 2023 UN SDGs Summit in New York, USA.

Convened by the President of the UN General Assembly from 18 to 19 September 2023, the UN SDGs Summit marks the half-way point to the deadline set for achieving the 2030 Agenda and the Sustainable Development Goals. World leaders undertook a comprehensive review of the progress on the 17 Sustainable Development Goals as they met for the 78th UN General Assembly.

The CPA Secretary-General said: *“With the 2030 UN Agenda for Sustainable Development at its midpoint, the Commonwealth Parliamentary Association is committed to fostering the values of the Commonwealth and the UN SDGs across our membership and beyond. Whilst our work relates particularly to SDG16, focusing on peace, justice and strong institutions, we are also committed to supporting Parliaments and Parliamentarians to play an active role in the delivery of all SDGs in their own jurisdictions, regionally and on an international level.”*

The Speaker of the National Assembly of Pakistan and Joint CPA Pakistan Branch President, Hon. Raja Pervaiz Ashraf, spoke at the launch of the new SDGs course to explain the importance of Parliaments’ role in their implementation. Representatives from the Commonwealth Secretariat, Parliamentarians for the Global Goals (PfGG), Parliamentarians for Global Action the Inter-Parliamentary Union and UN Women also attended the launch event.

The CPA Secretary-General also spoke as part of a panel discussion at the GF23 Global Futures Conference, which was organised by Amanda Ellis from the Julie Ann Wrigley Global Futures Laboratory™ at Arizona State University. The event brought together key stakeholders to discuss steps for governments, corporations and multilateral institutions to act to protect the planet. The CPA Secretary-General was a panellist alongside H.E. María Fernanda Espinosa Garcés, former President of the 73rd UN General Assembly (2018-2019) and Martin Chungong, Secretary-General of the Inter-Parliamentary Union exploring how global governance through multilateral institutions represents both promise and challenges for local and global communities.



Images: CPA Secretariat

References:

¹ The African Portuguese-speaking countries – Angola, Cabo Verde, Guinea Bissau, São Tomé and Príncipe, Mozambique, and Timor-Leste.

² <https://www.un.org/en/conferences/SDGSummit2023>.

³ <https://unstats.un.org/sdgs/report/2023/progress-chart/>.

⁴ <https://unstats.un.org/sdgs/dataportal/>.

⁵ undp-unodc-unhcr-global-progress-report-on-sdg-16-indicators.pdf

⁶ United Nations General Assembly Resolution (December 2022) on Enhancing the role of parliaments in accelerating the achievement of the Sustainable Development Goals. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/718/82/PDF/N2271882.pdf?OpenElement>. (pg.15).

⁷ <https://mainstreamingsdg16.org/table-of-contents/2-the-role-of-parliament-and-parliamentary-committees/>

⁸ DOI: 10.1038/s41893-019-0352-9.

⁹ African Portuguese-speaking countries (Angola, Cabo Verde, Guinea Bissau, Mozambique, São Tomé and Príncipe) and Timor-Leste.

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INNOVATIONS IN CLIMATE CHANGE LEGISLATION: KENYA, UGANDA AND NIGERIA IN FOCUS

This article was written by Catherine Higham, Anirudh Sridhar, and Emily Bradeen from the Grantham Research Institute on Climate Change and the Environment at the London School of Economics (LSE). The article was produced in collaboration with the Commonwealth Parliamentary Association (CPA) to examine developments in climate legislation in Africa ahead of the 66th Commonwealth Parliamentary Conference in Accra, Ghana.

The authors are grateful for the insights and review provided by the following experts from the countries considered in this article: Hon. Christine Kaaya Nakimwero, Member of Uganda's Parliament and Member of Parliamentary Climate Change Committee; Hon. Samuel Onuigbo, Former Representative of Nigeria's House of Representative and Chair of Nigeria's Climate Parliament; Dr Temitope Onifade of Bristol University; Daphne Kamuntu and Bridget Ampurira, Greenwatch Uganda; and Pauline Makutsa, Adaptation Consortium. The article also benefited from reviews by Olivia Rumble of Climate Legal and Tiffanie Chan of the Grantham Research Institute.

Introduction

Around the world, over 1,000 laws related to climate change have been passed by Legislatures in at least 170 countries. These laws are captured in the Climate Change Laws of the World Database¹ maintained by the Grantham Research Institute at the LSE. The database reveals a variety of legal designs that respond to the common threat of climate change, while accounting for context specific challenges and different traditions of governance. Comparative analyses of these climate laws (Sridhar *et al* 2022; Scotford and Minas 2018) enable knowledge and exchange between actors involved in climate law-making.²

The global body of climate laws is hugely varied, but past research has identified two broad categories:

1. **Overarching framework laws:** These laws offer “a unifying basis for climate change policy, addressing multiple aspects or areas of mitigation or adaptation (or both) in a holistic and overarching manner”. (Sridhar *et al*, 2022; See also Townshend *et al*, 2011; Clare *et al*, 2017; Fankhauser *et al*, 2014).³ Such laws typically set the agenda for a country's climate policy response, often include provisions establishing institutions and processes to enable government action on climate change, and frequently include specific policy instruments such as carbon pricing schemes and fossil fuel phaseouts. Such laws can be valuable both for their narrative signalling and for their ability to make “action on climate change more predictable, more structured and more evidence-based” (Averchenkova *et al*, 2020). Around the world, there are now close to 60 such laws from at least 53 countries, 15 of which are in the Commonwealth.
2. **Sectoral laws:** These laws aim to address climate issues in a given sector of the economy such as industry, energy, transport or finance (Sridhar *et al*, 2022). Many such laws are introduced through amendments to pre-existing legislation. Examples include environmental impact assessment laws that are updated to include provisions on considering the implications of a proposed project on climate change, (see: *Impact Assessment Act* (S.C. 2019, c. 28, s. 1)), energy laws upgraded to target climate mitigation in energy conservation policies (see: *Energy Conservation Act 2022 Amendment*), and finance laws amended to include climate change risks and opportunities (see: *Financial Sector (Climate-related Disclosures and Other Matters) Amendment Act 2021*).

Both types of legislation will be needed to address climate issues. However, in many cases, the introduction of a framework

law will help facilitate the effective development of sectoral laws, particularly where a system-wide approach is needed to ensure that complementarities and tradeoffs are well understood.

With that in mind, this article provides an overview of some of the key functions of framework laws before taking a closer look at laws from the Commonwealth countries of Kenya, Uganda and Nigeria. We have elected to focus on these case studies for two reasons. Firstly, because these laws are in general less widely discussed in academic and policy literature. Secondly, because each of these three countries is highly vulnerable to climate change but has made a relatively small per capita contribution to global greenhouse gas emissions, and as a result, they offer examples of framework laws where climate change adaptation approaches have been “*especially prioritized*” or given similar weight to mitigation (Rumble, 2019), which is often the primary priority in more well-studied laws from the Global North.

What are governance functions of framework laws?

Climate change generates a set of governance challenges that are unlike other environmental problems in scale and scope. Sources across the economy contribute to the problem, the pervasive nature of its impacts are felt throughout society, and a wide range of actors must be recruited to manage those impacts. In order to tackle such a complex problem, a framework law is often required to facilitate consensus building around strategies and targets (among potential winners and losers), mainstream climate-conscious decision making into the regular functioning of line Ministries, and coordinate national and subnational governments in transformational restructurings. By creating institutional arrangements requiring different actors to engage with climate policy, framework laws facilitate self-organisation across different sectors.

Despite the consistency of these governance problems across countries, they can only be tackled by a careful study of how they manifest in a particular political and economic context. For instance, the degree of autonomy that subnational governments enjoy in a country will bear significantly on its style of climate federalism; and the size and nature of the economy will determine the effort required to restructure the economy to a low carbon one.

Considering the ‘governance functions’ of framework laws is a way to reconcile the common governance problems posed by climate change and the specific ways in which those problems should be approached in given contexts. The paper that introduced this concept defines them as ‘*the necessary and desirable roles*



Governance function	Kenya's Climate Change Act, 2016	Uganda's National Climate Change Act, 2021	Nigeria's Climate Change Act 2021
Narrative and high-level direction-setting	Aims to enhance climate change resilience and low carbon development	Advances climate action and building climate resilience, giving the UNFCCC and Paris Agreement force of law.	Aims to achieve low greenhouse gas emission objectives, inclusive green growth, and sustainable economic development.
Strategy articulation	Establishes that the Cabinet Secretary for the National Treasury must formulate a National Climate Change Action Plan (NCCAP).	Mandates a Framework Strategy on Climate Change that identifies mitigation and adaptation priorities	Establishes a National Climate Change Council (NCCC) to articulate five-year climate action plans
Knowledge and expert advice	Climate Change Directorate (CCD) provides analytical support on climate change to sector ministries, agencies and county governments and serves as the national knowledge and information management centre for collating, verifying, refining, and disseminating knowledge and information on climate change.	National Climate Change Advisory Committee provides independent technical advice to the Policy Committee on the Environment and Minister.	Secretariat to the NCCC collects data and disseminates information on climate risks and carbon budgets and advises the NCCC on climate science to inform the NCCC's recommendations on climate change measures.
Integration and Mainstreaming	CCD ensures the mainstreaming of climate change by national and county governments. All public entities are responsible for integrating the climate change action plan into sectoral strategies and other projects.	Establishes lead agencies to create standards for reducing vulnerabilities and building resilience. Lead agencies coordinate the mainstreaming of climate change action plans across government.	Federal Ministries, Departments and Agencies (MDAs) will create climate change 'desks' to monitor the integration of climate change into core mandates. Private entities must effectuate measures to align with national plans.
Coordination	CCD provides an overarching national climate change coordination mechanism and advises national and county governments on climate change response measures.	Each district's Natural Resources Department must coordinate with the Climate Change Department and the Ministry for local governments over issues related to climate change.	Requires the NCCC to coordinate the implementation of sectoral targets and guidelines to reduce greenhouse gas emissions.
Stakeholder engagement and alignment	CCD will produce an annual public engagement strategy to inform the public on climate actions plans and how they can contribute.	The Climate Change Department will promote multi-stakeholder and public participation in developing responses to the impacts of climate change.	Action Plans must be published to the general public for a consultation period before they are approved by the government.
Finance mobilisation and channelling	Establishes a Climate Change Fund to finance priority climate change actions.	Mandates the Finance Minister to direct financing and incentives for climate action.	Establishes a Climate Change Fund and plans to develop a carbon tax.
Oversight, accountability, and enforcement	The National Environmental Management Authority will monitor whether public and private entities are complying with their climate change duties and will prepare an annual report for the CCD. The CCD will provide an annual report to the National Assembly.	Litigation may be filed before the High Court of Uganda against the government, individuals, or private entities whose actions/omissions threaten climate change action.	NCCC must approve and oversee the implementation of the Action Plans, and report on progress.

Table 1. Certain Examples of Governance Functions in Climate Laws

of the institutional structures and processes governments put in place in addressing the specific challenges to society thrown up by climate change' (Sridhar et al, 2022). The assumption is that climate change will necessitate certain common roles for any government; but the nature, extent and relative priority of those functions will vary. For instance, given the fast-changing nature of threats, solutions and opportunities presented by climate change, knowledge gathering will be a key prerequisite for any government to commit to strategic and long-term actions. But whether the focus of knowledge gathering is more on low carbon development opportunities, compliance with emissions standards or knowledge-gathering on risk and resilience may be based on the relative level of economic development and geographic vulnerability, as well as on countries' needs to respond to transparency obligations under international climate conventions.

How are these functions met in Kenya, Uganda and Nigeria's legislation?

As in many other countries around the world, the three case studies in this article have features that aim to address the functions discussed above through different mechanisms, and with a different balance of priorities. The table below maps a few key features of each law to the governance function they attempt to serve. We then take a closer look at how each country has handled a specific function, considering Kenya's approach to multi-level coordination, Uganda's approach to accountability and Nigeria's approach to mainstreaming. Each offers an interesting example for other legislators to consider, although in the case of Uganda and Nigeria's relatively new laws, the long-term impacts of the provisions remain to be seen.



Image credit: Shutterstock



MULTI-LEVEL COORDINATION AND MAINSTREAMING IN KENYA'S CLIMATE CHANGE ACT 2016

Kenya's subnational governments, called counties, are semi-autonomous in nature. This has led to the *Climate Change Act 2016* (CCA) paying particular attention to climate federalism (Fenna *et al*, 2023). The CCA aims to “*integrate climate change into the exercise of power and functions of all levels of governance*”. To do so, it provides that a “*county government may enact legislation that further defines implementation of its obligations under this Act*”. In response, as expert Pauline Makutsa confirmed, 45 out of 47 counties in Kenya have passed their own climate laws. This is an innovative example of legislative design that is friendly to climate federalism by allowing for context-based experimentation (Adaptation Consortium, 2019).

Kenya's county laws put in place innovative modes of adaptation governance, fostering unprecedented levels of community involvement in climate action. One example is the County Climate Change Fund (CCCF) mechanism, which has been worked into several county-level climate laws.

The CCCF is a tool to mainstream climate change into development and planning decisions of counties (Kiiru and Elhadi, 2019). The goals of the CCCF are to establish robust feedback loops between communities and government and to commit a minimum of 2% of the county budget to climate action.

The process works through three institutional levels. The County Climate Change Planning Committee (CCCPC) oversees all adaptation-related projects in a given county. A Ward Climate Change Planning Committee (WCCPC) drafts proposals on adaptation needs on the ground. The Steering Committee (SC), which is sometimes chaired by the Governor, is in charge of

Above: Workers pick tea leaves at a farm in Limuru, Kenya.

oversight, and has the final say on fund allocation for an adaptation project, after it has been approved by County Assembly members.

The Secretary of the WCCPC liaises with the CCCPC and SC. The WCCPC is gazetted and financed, and has representatives elected from villages, including women, the differently abled, and members from diverse sectors, such as livestock management and farming (Kiiru and Elhadi, 2019). It regularly discusses climate-related problems and potential solutions, which are articulated into official ‘Community Proposals’. The proposal is vetted by the CCCPC for its technical viability, whereupon it becomes a ‘Technical Proposal’. The ‘Technical Proposal’ is then re-sent to the community, to ensure that that is what they originally wanted.

A contractor is then identified to implement the proposal, for example, building a dam. A temporary ‘Project Committee’ (PC), composed of the WCCPC and a Technical Officer from the CCCPC, monitors every step of the project. The PC ratifies the completion of the project, whereupon the SC releases funds to defray the construction charges. The project is then handed over to the County Government which launches and bequeaths it to the community. The community then elects a ‘Sustainability Committee’ that manages the use and maintenance of the investment, with occasional, need-based interventions of the County Government.

Kenya's CCA, and the subnational climate governance processes it facilitates, has been one of the most successful examples of climate federalism (Wendo and Crick, 2020). Through the county climate laws and the CCCF mechanism they formalise, the CCA stands as an example of how national laws that encourage local experimentation can lead to climate governance that addresses real problems on the ground.



Image credits: Shutterstock, 1342252106 Lake Bunyonyi Uganda.

ACCOUNTABILITY AND JUDICIAL OVERSIGHT IN UGANDA'S NATIONAL CLIMATE CHANGE ACT 2021

Above: A view across Lake Bunyonyi in Uganda.

One innovative provision in Uganda's *Climate Change Act 2021* (the Act) is Section 26 on "climate change litigation". This provision gives standing for any person to bring a case before the High Court of Uganda against any individual or entity who, by act or omission, threatens efforts towards climate change adaptation or mitigation. Cases can be brought against government officials or private individuals. In cases where the alleged act or omission has caused "loss and damage" to an applicant, damages may be awarded, in line with the Polluter Pays Principle.⁴

As Ugandan Member of Parliament Hon. Christine Kaaya Nakimwero confirmed, the provision was introduced to create accountability for public officials, and to ensure that those looking to invest in the country are aware that climate action and the need to avoid environmental damage must be taken seriously. Section 26 connects the domestic legislation to the global phenomenon of climate change litigation, which has seen communities and individuals around the world turning to the courts to influence the outcomes and ambition of climate governance (*IPCC, 2022; Setzer and Higham, 2023*).

It is clear that such accountability for the implementation of Uganda's Act is critical. A report from Uganda's Parliamentary Committee on Climate Change published in August 2022 expressed concern about the "inadequate implementation" of the Act, a situation that still persists. To date, no new litigation has been filed using s.26 of the Act. However, Uganda has seen several earlier examples of climate change litigation, including the rights-based case of *'Tsama Williams and Ors v Attorney General and others'*, in which the applicants alleged failures on the part of the

government to protect them from climate change impacts, as well as the 2012 case of *'Mbabazi and Ors v Attorney General and the National Environment Management Authority'*, which concerned the insufficient implementation of national climate policy frameworks. Both cases, which are supported by the NGO Greenwatch, are pending a court judgment and hearing respectively, and the pleadings have been amended to take account of the 2021 Act. A third case concerning forest management also raises relevant issues.

Such cases may lay the groundwork for civil society or affected communities to bring future cases under Section 26. However, there will be challenges to bringing such litigation, including the potential for significant costs to be imposed on litigants (*Mwesigwa and Mutesasira, 2021*). Litigation also does not in itself fully serve the accountability and transparency function for the targets of the Act, without accompanying provisions on transparency and reporting duties on government.

It should also be noted that in the parliamentary report referred to above, one of the primary reasons for the "inadequate implementation" of current legal frameworks on climate action is the lack of financial and other resources. As noted in Table 1 on page 311, the Act charges the Minister of Finance to direct resources towards climate action. It is possible to imagine a case under s.26 in which the Minister is charged with failing to discharge this duty if the implementation of the law remains under resourced. However, any such action would need to be understood against the backdrop of the ongoing failure of developed country parties to the UNFCCC and the Paris Agreement to fulfill their own obligations with regard to climate finance (*Higham et al, 2022*).



MAINSTREAMING CLIMATE CONSIDERATIONS IN THE PRIVATE SECTOR: NIGERIA'S CLIMATE CHANGE ACT 2021

Prior to the 2021 *Climate Change Act* (the Act), climate change action in Nigeria focused to a large extent on climate resilience. However, while resilience remains one of Nigeria's fundamental climate objectives, the Act also sets a target to achieve net zero GHG emissions between 2050 and 2070. This emphasis on mitigation is highly significant given Nigeria's status as a major oil exporter. It also reflects the fact that one of the key objectives of the Act is to facilitate the achievement of Nigeria's international climate commitments, including those under the Paris Agreement (NCCC, 2023).

Section 24 of the Act sets out a bold provision on the climate obligations of private entities that aims to mainstream climate considerations and transition planning in the private sector, with a focus on mitigation measures and alignment with national emissions goals. This provision aligns with trends in legislated corporate climate obligations that are emerging globally, as countries consider

the legal pathways to mandating corporate and non-state actors to advance climate action.

In contextualizing the origins of Section 24, Representative Samuel Onuigbo, a former Member of the House of Representatives who sponsored the Bill, stated that the goal was to ensure that *"all hands are on deck"* to achieve the country's emissions reduction targets. One of the intentions of Section 24 is to help 'future-proof' the activities of the country's private sector by requiring a broad swathe of private entities to engage with the Act. Representative Onuigbo stated that it was better to ensure that such action is mandated through the legislation even at this early stage in the development of mitigation actions *"because if it's not [there], it cannot be enforced"*.

However, there have been challenges to implementing the Act and it remains unclear how private entities will be able to implement Section 24 without further guidance from the government. The finalised National Climate Change Action Plan (NCCAP) has not yet been submitted to the National Assembly for approval (Aileman, 2023), so it is unlikely that companies and other private entities

Balancing resilience and low carbon development

A review of these three country case studies reveals interesting approaches to balancing resilience-building and curbing GHG emissions. This is a shared challenge for developing economies in the Sub-Saharan African region and elsewhere, which have produced relatively low quantities of greenhouse gas emissions, but whose populations are likely to suffer disproportionately from the impacts of climate change, having *"minimal adaptive capacities and resources to respond to the[se] challenges"* (Rumble 2019, 238).

Adaptation governance generates many challenges that are distinct from mitigation governance (Kweyu et al, 2023; Ruhl, 2010). For instance, weather events need to be understood as climate related and issues on the ground need to be raised through bottom-up processes - as we observed in the context of Kenya's county laws. These are often more locally specific operations than the often top-down process of emissions management.

All three of these laws include provisions on adaptation management to varying degrees. Yet as Clarice Wambua has highlighted, one of the ways in which the Kenyan law can be seen as pioneering is its focus on low carbon development (Wambua, 2019), a concept that can also be found in both Uganda and Nigeria's legislation, although in Nigeria's law the term used is *"green growth"*. This trend might be influenced by the Paris Agreement and international efforts enjoining collaborative attitudes to mitigation among developing countries. There has also been a shift in narrative to recognise that strong signaling (especially in law) about mitigation ambition may attract green investment and render developing economies more competitive in future energy markets (Nachmany et al, 2017). Decoupling economic growth from high carbon pathways requires initial knowledge gathering and planning (UNECA, 2016). As in the Nigerian Act, this involves the meticulous process of *"mainstreaming of climate change into the national*

development plans and programmes". Careful consideration of the best ways to introduce or strengthen 'governance functions' to address both aspects of the climate challenge is critical to ensuring effective legislative design.

Conclusion

By looking at the examples of existing climate laws, legislators and policy-makers can enhance their understanding of some of the key challenges that must be addressed in domestic climate policy responses and gain inspiration from innovative approaches that may be replicated elsewhere. However, in the development of any new climate legislation, careful consideration must be given to domestic context and needs. While economic growth remains a primary objective, particularly in the developing world, it is increasingly recognised that long-term growth requires responding to climate change. A framework law, including some or all of the functions discussed above, can support such a response, as it facilitates strategising mitigation pathways that are economy-friendly and attempts to synergise adaptation and mitigation goals through a focus on climate-resilience and low-carbon development.

For further reading and references please visit: www.cpahq.org/knowledge-centre/blogs/climate-change-acts-in-kenya-uganda-and-nigeria/.

References:

¹ <https://climate-laws.org/>

² https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/10/Climate-Governance-Functions_17_Nov_22.pdf

³ https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/10/Climate-Governance-Functions_17_Nov_22.pdf

⁴ <https://www.lse.ac.uk/granthaminstitute/explainers/what-is-the-polluter-pays-principle/>



have begun the process of implementing Section 24 of the Act, as these measures must align with the NCCAP's targets.

Smaller entities may struggle to comply with Section 24 if they face capacity constraints in conducting analyses required to inform their contribution to achieving the NCCAP. At this stage, it is unclear precisely what form private entities' climate measures and reports must take, the degree to which measures must cover adaptation as well as mitigation, and in what circumstances emissions inventories covering scope 1, 2, and 3 emissions need to be developed. Further guidelines or regulations, or explanatory notes, issued by the NCCC or the government on these matters will be essential to ensuring that Section 24 can be complied with to effectively advance climate action in Nigeria. Incorporating local contexts and regional approaches to how business is conducted may also prove useful to facilitating compliance across Nigeria's federations and regional governments given the size and diversity of the population.

Through Section 24, Nigeria has adopted a strong regulatory approach to address the need to accelerate private sector climate action, an issue that legislators and regulators around the world are currently grappling with. It has yet to be seen whether this approach will be effective; however, it is certainly worth following how the implementation of these provisions develops over time.

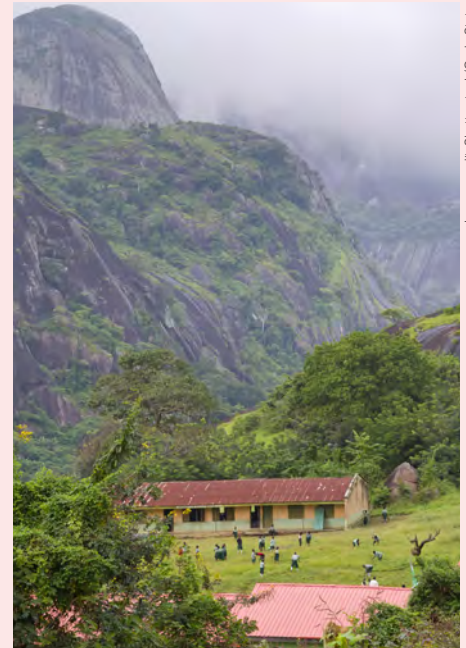


Image credit: Shutterstock/Ondo State

Right: A rural view across Ondo State, Nigeria.



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ANTI-DEFECTION LAW IN INDIA: CONTOURS AND CONCERNS

In a democratic parliamentary polity, the changing of party affiliation on the part of a Legislator(s) who is elected from one political party to another, subsequent to the election, raises the issue of principles. If dissent is a legitimate democratic right, then the Legislator shifting political loyalty is justified. However, it is always a difficult task to draw a fine line between principle and political opportunism. When a Legislator or a splinter group breaks away from the parent party and forms another political entity or merges with another party, it is considered political opportunism, but if one looks from the other end of the spectrum, if the defecting Legislator or the splinter group is not allowed to move on, then the denial stifles his or her democratic and political freedom.

With a view to regulating political defection, the Constitution of India was amended in 1985 by the *Fifty Second (Amendment Act), 1985* incorporating the Tenth Schedule in the Constitution, which enumerated the provisions for disqualifications of Members of Legislatures, both the national Parliament and State Legislatures on the grounds of political defection. The statement of objects and reason in the Bill stated, “*The evil of political defections has been a matter of national concern. If it is not combatted, it is likely to undermine the very foundations of our democracy and principles which sustain it...*” But nowhere in the Constitution of India including the Tenth Schedule, has the term defection been defined. The Tenth Schedule, however, for the first-time mentioned Legislature party /political party in the Constitution.¹

Grounds for defection

As per the provisions of the Anti-defection Law, a Member of the Legislature is liable to be disqualified from the membership of the Legislature by the Presiding Officer broadly on two grounds. In the first place, if they ‘voluntarily’ give up their membership of such a political party; secondly if they vote or absents in the Legislature to any direction issued by the political party to which they belong or by any person or authority authorised by it on their behalf, without obtaining in either case, the prior permission of such a political party, person or authority, and such voting or abstention is within fifteen days from the date of such voting or abstention.

Over the years, certain lacunae of the Anti-defection law have come to the forefront. One such major defect concerned clause 4 of the original Anti-defection Law pertaining to the provisions relating to a ‘split’, which was rampantly misused by those in power and claims that it led to the unethical practice of ‘horse trading’. It was against this backdrop that the provision relating to ‘splits’ was deleted from the Tenth Schedule by the *Ninety-first Constitutional Amendment Act, 2003*. The amendment also provided for the debarring of the defecting Legislators from holding Ministerial or remunerative political posts unless re-elected to their Legislatures. The Amendment further stipulated that the total number of Ministers in the Council of Ministers shall not exceed 15% of the total number of Members of the Legislature, both at the Centre and the State level.

Jurisdiction of Courts

The Anti-defection Law originally debarred courts in respect of any matter connected with the disqualification of a Member of the Legislature under the Tenth Schedule. This paragraph, however, has been held by the Supreme Court of India as ultra-virus of the Constitution in their majority opinion as relates to *Kihota Hollohon vs. Zachilhua & others* in 1993 on the grounds of its non-ratification by the State Legislatures. The apex body of the all-India Presiding Officers Conference in an emergent meeting held in 1992 unanimously agreed that in matters relating to the Anti-defection Law before the courts, the Presiding Officers would furnish the records, if called for, and respect the decisions of the Courts. They would, however, not subject themselves to the jurisdiction of the Courts. Thus, a very healthy convention has already been established in the relationship between the Legislature and the Judiciary. All of these outcomes have certainly brought some degree of sanity in the narrative of our political discourse.

Some grey areas

However, there are still some grey areas which need to be addressed. A major drawback of the Anti-defection Law is the lack of precise definition of defection itself. Similarly, terms like voluntarily ‘giving up’ party membership and a political party have

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not been defined. The Anti-defection Law itself does not expressly take into account the activity of a Legislator outside the Legislature. Both the Presiding Officers and the courts have given their rulings and pronouncements on the basis of creative interpretation of the Law, earlier rulings given by the Presiding Officers and the related Constitutional provisions, rules of parliamentary procedures, conventions and proprieties.

As regards the issuance of the party 'whip', it may be mentioned that the Law Commission of India under the Chairmanship of Justice B. P. Jeevan Reddy in its 170th Report, *inter-alia* had observed "*whips may be issued only when the voting in the House affects the continuance of the Government and not on each and every occasion. Such a course would safeguard both the party discipline and freedom of speech and expression of the Members.*"

Timeframe to decide cases

Yet another major lacunae in the law is that it doesn't provide a timeframe for the decision by the Presiding Officers. It is against this backdrop that in a recent judgement on 18th September this year, the Supreme Court of India, responding to an application moved by a faction of the ruling Shivsena party in the State of Maharashtra, observed that disqualification proceedings pending before the Maharashtra Legislative Assembly could not be delayed indefinitely and the Speaker has to abide by the Court's order. It asked the Speaker to hear the matter in 'no later than a week'. The Court further said, "*The order of this court requires the Speaker to decide the disqualification petitions within a reasonable period. While this Court is cognizant to the need of the comity with the Speaker, we also expect the Speaker shall hear the case and the matter no later than a period of one week...*"²

Recommendation of Halim Committee

Incidentally in a similar case in the Maharashtra Legislative Assembly earlier in 2002, one of the significant procedural issues that emerged during the hearing pertained to the discretionary power of the Speaker in granting time for the submission of replies by the respondents. The argument of the respondent was that under the concept of the Rule of Law, the Speaker was also bound to abide by the rules framed by them. However, the Speaker held that the rules formed to 'curb the menace' (of defection) are directory rather than mandatory. Besides, the rules framed in the Legislative Assembly under the Anti-defection Law provide enough space to the Speaker to use discretion in procedural matters relating to the granting of time for the submission of replies. Accordingly, the Speaker refused permission to the respondent for an extension of time to file replies.³

In the light of the recent observation of the Supreme Court, it is worth a while to mention that in a report entitled '*A review of Anti-defection Law*', under the chairmanship of late Speaker of the West Bengal Assembly and former Chairman of the Commonwealth Parliamentary Association, Hon. Hakim Abdul Halim, which was adopted by the Conference of Presiding Officers in India in October 1994, *inter alia* had observed that a time frame may be laid down for a decision by the Election Commission in Anti-defection cases.

References:

¹ For details, please see, *Anti-defection Law in India and the Commonwealth*, G.C. Malhotra, Metropolitan, New Delhi, 2005, pp3-11.

² "*Set time frame: SC to Maha Speaker on MLAs pleas*", *The Times of India*, 19 September 2023, <https://timesofindia.indiatimes.com/india/set-time-frame-supreme-court-to-maharashtra-speaker-on-mlas-pleas/articleshow/103769318.cms?from=mdr>

³ Malhotra, *ibid*, p.980



LESSONS FOR THE NATIONAL ASSEMBLY OF THE GAMBIA ON THE ALLOCATION AND IMPLEMENTATION OF CONSTITUENCY DEVELOPMENT FUNDS

Overview

Constituency Development Funds (CDFs) are a political development tool that are increasingly gaining popularity among Parliaments and Parliamentarians worldwide, more so in developing countries. The Gambia could be considered as among the latest countries to adopt a CDF approach to development when the budget for it was approved by the National Assembly in 2021.

A CDF is considered as an arrangement that allows a Member of Parliament (MP) to facilitate the spending of funds dedicated and directly earmarked for development project(s) in his or her constituency. In other words, the CDF is a mechanism that gives MPs a degree of authority to identify and implement projects in their own constituencies. The 'good' intent is to provide, through Parliament, initiatives that would address inequalities in terms of developments around the country. For some countries, the MP plays the lead role of presiding over constituency opinions on what, where and how the fund is spent or will be spent.

Over the years, arguments have emerged from among the public, both for and against the execution of a CDF by MPs. The proponents for CDFs pointed out some of the benefits of the initiatives, noting that they bring about direct visibility of the MP through the projects implemented in the constituency. Those against the approach argued that implementation of projects is exclusively reserved for the Executive. They posited that Parliament is the supreme audit institution which alone has the mandate to approve the spending of national resources, and ensures that such resources are effectively accounted for by implementing institutions. For this reason, Parliament cannot be a referee and a player at the same time. In other words, Parliament cannot be an audit institution of how national resources are spent, at the same time allowing Parliamentarians themselves to become spending officers of that resource. The question that might arise would be, who shall hold Parliament accountable?

To the proponents of this latter argument, Parliament would be deviating from its traditional mandate of legislation, oversight/scrutiny and representation, as in the case of an auditor becoming an accountant. As such, this will dilute Parliament's position

to effectively monitor and scrutinise projects that it has itself implemented.

Constituency Development Funds in The Gambia

It may be argued that the ultimate objective of CDFs is to eliminate poverty at the grassroots level and bridge the gap of development imbalances across the various regions of the country through the projects and programmes implemented under the initiative. It is against this understanding and craving desire that, in 2021, The Gambia joined the list of countries that adopted CDFs as the National Assembly appropriated sixteen million two hundred thousand dalasi (D16,200,000) for use by Parliamentarians on development projects in their constituencies. Each of the 53 elected National Assembly Members (NAMs) was allocated the sum of three hundred thousand dalasi (D300,000) for that purpose. In 2023, CDF allocation was increased to twenty-nine million dalasi (29,000,000) cumulatively to include both elected and nominated NAMs, thereby allocating each five hundred thousand dalasi (D500,000).

By virtue of his role as Chief Executive Officer, the Clerk of the National Assembly is the accounting officer and vote controller of the CDFs. There is no law yet on CDFs in the country. However, the National Assembly Authority, through the Office of the Clerk, developed a CDF Policy to guide the disbursement and implementation process of the funds. The onus lies with the Authority, through the Office of the Clerk, to ensure that before funds are disbursed, the requests and proposals submitted by NAMs fulfill procurement rules and requirements. All procurements of goods and services are made by the Office of the Clerk. No NAM handles the CDF in cash. They only implement what has been procured, and this procurement is strictly done in line with their submitted proposals and *The Gambia Public Procurement Act*.

The CDF policy constitutes a CDF Committee and CDF Contracts Committee. The National Assembly Authority serves as the CDF Committee while the Contracts Committee of the National Assembly also serves as the CDF Contracts Committee. The CDF Committee considers and approves project proposals submitted by NAMs as well as addressing complaints of disbursement and management



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or other matters relating to the fund. The Contracts Committee considers all procurements relating to CDF and ensures that contracts are awarded to the most responsive bidders/suppliers.

Furthermore, the policy establishes a Monitoring and Evaluation Team with the mandate of conducting field visits at least quarterly to verify the implementation of projects at Constituency level by NAMS and report back to the CDF Committee. To ensure accountability, the policy further tasks the Office of the Clerk to submit to the CDF Committee a quarterly summary report of project proposals received and approved or otherwise, status of disbursements of funds, and implementation status of projects for which monies have been disbursed.



The National Assembly of The Gambia.

Constituency Development Funds in Other Jurisdictions

In most jurisdictions where CDFs are being implemented, there is usually a law through an Act of Parliament to guide the process. In Zambia for instance, CDFs were originally introduced in 1995. The *Constituency Development Fund Act, 2018*, established under the Zambian Constitution, provides for the management, disbursement, utilisation and accountability of the CDFs. The Act establishes CDF Committees in constituencies and their composition reflects a cross-section of the MPs, councillors and civil society.

Kenya first introduced CDFs in 2003. The recent law that the country has on CDFs is the *Constituencies Development Fund Act, 2013* which makes it mandatory for the provision of at least 2.5% of all the national government ordinary revenue collected in every financial year to be allocated to the Fund. The Act equally establishes a CDF Board with a Chief Executive Officer as well as a CDF Committee for every constituency.

Also, Zambian CDFs are managed by local councils through special constituency accounts opened for this purpose, contrary to what obtains in The Gambia. Under Zambian law, the CDF does not only comprise monies appropriated by Parliament but also grants, fees, council contributions or donations received for the purposes of the Fund, whereas in The Gambia, monies earmarked for CDFs are only those appropriated by the National Assembly from the national budget.

Moreover, in Kenya, 75% of the money allocated as CDFs in a single year is divided equally among the constituencies, and the other 25% is allocated based on the poverty ranking of constituencies using a formula which ensures that poorer constituencies get more money.

Similarly, in Tanzania, the *Constituencies Development Catalyst Fund Act, 2015*, makes it mandatory to allocate 25% equally to each constituency, and 75% to be allocated in such manner as: 45% in relation to the population of people living in a constituency; 20% in relation to the poverty margin; and 10% in relation to the size of the geographical area of a constituency.

In Nigeria, CDFs have been initiated through a government policy since 1999. The funds are divided on a 60:40 ratio between

the House of Representatives and the Senate respectively (*Busari, 2018*).

Without doubt, these practices in both Tanzania and Kenya go against the common feature that characterise CDFs in most countries, including The Gambia where the same-size-fits-all measurement is used. In The Gambia, every constituency is allocated an equal amount of the fund from the CDFs regardless of their size, development needs or other considerations and needs. A lump sum amount is appropriated in the budget, and it becomes the responsibility of the CDF Committee to ensure that every constituency is allocated their equal share, pro rata.

In Nigeria, although the fund is divided equally among legislators of both chambers, except for their leadership which is alleged to have the greater share, implementing the zonal intervention projects (as it is referred) does not involve cash payments or any other form of payment to a Legislator. The duty of the Legislator is simply to identify the location and the type of project to be sited. Once this is done, it is included in the budget of the relevant MDA by the National Assembly (*Busari, 2018*). Senator Ayogu Eze (*cited in Nnamani, Ekoh & Joe-Akunne, 2021*) corroborated that the role of the National Assembly in Nigeria is to identify projects for their constituency while the Executive arm of government will identify a contractor to execute the project.

Meanwhile, an important provision in the Kenyan CDF Act worth mentioning is an 'Emergency Reserve' which is not less than 5% of the total amount due to the constituency, made available only during emergencies or an urgent unforeseen need for expenditure within the constituency. There is no such thing in The Gambia's CDF policy. In practice, what is often deducted is a 10% withholding fee which is the directive of the *Income and Value Added Tax Act, 2012* regarding government contracts.

The Debate

In almost all countries where CDFs are introduced, views have been expressed both for and against the use of the funds. Understandably, there are those that lauded the introduction of the initiative as it brought about the desired developments that were



ALLOCATION AND IMPLEMENTATION OF CONSTITUENCY DEVELOPMENT FUNDS

envisaged. Tsubura (2013) submits that CDFs have potentially positive effects on electoral democracy in developing countries. Given that many MPs in developing countries raise funds to directly support the daily lives of their constituents, he notes that CDFs, if designed and implemented in transparent and accountable ways, have the potential to mitigate the influence of political finance on electoral competition as well as level the electoral playing field.

Baskin (2011) indicates that the policy tool can redress the imbalance between Executives and Legislatures, mitigate the 'winner takes all' quality of elections, give Legislators a way to deliver essential goods and services to constituents, provide an opportunity for popular participation in development projects and strengthen ties of constituents to their representatives and their Legislatures.

Aman & Murti (2022) agree that despite its flaws, CDFs ensure a fast delivery of assistance on social and cultural needs, directly benefiting constituents and business communities, easily accessible and less bureaucratic processes involved, stressing that it is one of the few funds that go directly to rural people.

Gikonyo (2008) observes that since CDFs were introduced in Kenya, it has made a great impact with numerous projects coming up throughout the country.

Highlighting some of the opinions in favour of CDFs, Zyl (2010) indicates that the initiative empowers the Legislature by allowing them to allocate and spend money independently of the Executive, and allow MPs to respond directly to concrete demands from their constituents, something that they may not be powerful enough to make the Executive do. Robertson, Awuor & Okotto (2020) indicate that, of the many projects that were being funded by CDFs in Kenya, education, health and water/sanitation are the key projects that greatly impact on community welfare.

Despite its numerous benefits and merits, there are concerns that CDF monies are not managed in a transparent manner; that many CDF projects are not useful to local communities; and that local communities are not sufficiently involved in their management (Gikonyo, 2008). Tsubura submits that CDFs are controversial as they directly involve MPs in the utilisation of public resources. He agrees with concerns generally raised by scholars, civil society organisations and Western donors that CDFs erode the separation of powers between the Legislative and Executive branches of the government, an arrangement that secures checks and balances in democracies. Tsubura emphasises that in democratic systems, the Legislature is mandated to make policies through the formulation of legislation and to oversee the Executive while the Executive implements such policies for the provision of public services, arguing that the CDF approach blurs the boundaries of these distinct functions of the government branches.

Zyl disagrees in totality that CDFs barely make any positive impact, and thus the concept or the initiative should be discouraged by all means. He argues that CDFs have a more negative impact on accountability and service delivery that most poor countries can ill afford. He stresses that the risks associated with CDFs should be taken more seriously by governments, donors, CSOs and other actors involved in the development process. Apparently, Zyl's concern is that CDFs may breach the key democratic principle of the separation of powers by conferring the Executive function of budget execution on the Legislature. As a result, CDFs may

compromise the ability of Legislators to represent the electorates and to oversee the work of the Executive.

In a public statement in May 2022, Rt Hon. Halifa Sallah of The Gambia claimed that CDFs promote self-perpetuating rule of NAMs, and as such, he called for the funds to be scrapped off the National Assembly budget. He argued that the CDFs are utilised through a 'top-down' approach instead of a 'bottom up'. He therefore suggested that the funds should rather be diverted into the development budgets of the local and municipal councils to allow them to manage and utilise from the grassroots level (Voice Newspaper, 2022).

Busari (2018) alleges that even though the lawmakers in Nigeria are not allowed direct access to the fund, they have devised several means of getting a cut from the zonal intervention project fund every year, noting that one of such dubious means is by inflating the budgets of government agencies. This position is shared by Nnamani et. al. who insinuates that a preponderance of the Nigerian masses view the concept of constituency projects as a conduit pipe through which the nation's treasury is being drained.

Lessons to Learn

In The Gambia, very little has been written about CDFs from the public. This may be attributed to the infancy of the implementation of the initiative in the country. By way of good practice, countries that have newly adopted CDFs could learn a lot from those that have long initiated it. Countries, such as Zambia and Kenya, have utilised their past experiences to make series of adjustments and improvements on the allotment, implementation and supervision of projects sponsored by the fund.

On this account, the first lesson to learn may include introducing a quota system in the distribution of CDFs to ensure equity. It is obvious that constituencies, whether in The Gambia or elsewhere, are different in size and population. Therefore, introducing a percentage or quota system will help address inequalities among constituencies and bridge the gap among the populace.

Also, there should be CDF Committees in the constituencies, recognised by law. The law will make it mandatory for the public to initiate projects which will be implemented by the Committee and scrutinized by the National Assembly through its oversight function. In that the law may allow the MPs to suggest to the Committee but may not have the unilateral authority to decide on the types of projects implemented in their constituencies.

However, couching this into law will avoid a scenario advanced by Benson (2018) that *"the approach taken in the implementation of the CDF in Nigeria tends to point to the fact that constituents are often vulnerable to manipulations by their representatives who withhold information from them. Most of the system operations seem to be shrouded in secrecy, and as such, constituents are not aware of the essence of the policy. They may sometimes seem to be taking part in meetings, but they really do not make an input to the project selection or the siting of such projects in their constituencies. They merely attend those meetings as nominal participants and play no part in the decisions that are made."*

Thirdly, the implementing countries of CDFs may contemplate making an Act instead of a policy. The Act, which is more binding than a policy, will detail the manner of distributing the funds, identify implementing agencies and accounting officers, and outline penalties among others. The policy is merely a guideline which may



be subverted to suit conveniences. As a matter of fact, the violation of an act will be more grievous.

Conclusion

Different approaches have been adopted by different countries to allow them to conveniently implement projects and programmes under CDFs in order to meet their overall developmental needs and objectives. Some of the factors that guide the allocation and implementation of the funds include both cultural and geopolitical considerations.

There may not be a “the way” of institutionalising the CDFs. However, as a newcomer in the CDF realm, the National Assembly of The Gambia can continue to learn from the experiences, successes, challenges and best practices of parliamentary jurisdictions that have vibrantly flourished through the effective and efficient utilisation of the funds.

As a matter of fact, CDFs could be a very fast way for the Legislature to respond to the development needs of their constituencies as they are closer to the people than the Executive. However, stringent checks are necessary to control the tendency for excesses in the course of fund allocation, implementation or the awarding of contracts to prospective bidders.

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CPA SIGNS NEW MEMORANDUM OF UNDERSTANDING ON PARLIAMENTARY STRENGTHENING WITH THE PARLIAMENT OF MALAWI

The Commonwealth Parliamentary Association (CPA) has signed a new Memorandum of Understanding (MoU) with the Parliament of Malawi that will provide learning and development opportunities for upskilling the Legislature and its Members in several areas, including budgetary scrutiny and oversight, public engagement and post-legislative scrutiny. The agreement includes cross-party training for Members and sessions on the budget process and public finance principles for staff from the Budget Office. The CPA will also be providing support to develop an education and outreach pack for the Parliament that will support public engagement (including social media and online), civic education, open days, youth engagement and the broadcasting of parliamentary proceedings.

The Memorandum of Understanding (MoU) was signed by the Speaker of the National Assembly of Malawi, Hon. Catherine Gotani Hara, MP and the CPA Secretary-General, Stephen Twigg, on 4 October 2023 in Accra, Ghana, in the margins of the 66th Commonwealth Parliamentary Conference.

The Speaker of the National Assembly of Malawi, Hon. Catherine Gotani Hara, MP, said: “*This new partnership with the Commonwealth Parliamentary Association will allow us to strengthen our institution and learn best practices and parliamentary processes through capacity building. This will contribute towards us achieving our goals as part of our 2021-2026 Strategic Plan.*”

The CPA Secretary-General, Stephen Twigg: “*The signing of this Memorandum of Understanding is an important step that the Parliament of Malawi is taking towards strengthening its practice in public engagement, post-legislative scrutiny, and budgetary oversight. This new MoU will bring both of our institutions closer together in promoting best practices that positively contribute to Malawi’s democracy.*”

Earlier this year, the Parliament of Malawi undertook a self-assessment of the Legislature against the CPA’s Recommended Benchmarks for Democratic Legislatures, resulting in an assessment report that provided 19 recommendations to strengthen the governance, independence and administration of the Parliament. The assessment included extensive consultation with a large cross-section of stakeholders, including the Speaker, current and former Members, members of civil society groups, government and parliamentary officials and the media. Recommendations included greater financial independence and transparency, updating of legal and procedural matters, stronger governance of the House, and increased parliamentary staffing support. The initiatives outlined in the MoU will support the Parliament of Malawi to build the capacity of Members and staff in the key areas of focus identified during the self-assessment process and to implement the report’s recommendations.



Image credit: CPA Secretariat.

RESULTS-BASED PERFORMANCE INDICATORS FOR THE LEGISLATIVE SECTOR: THE CASE OF THE GAUTENG PROVINCIAL LEGISLATURE

This article is based on results of an empirical research that sought to investigate the aptness of the performance indicators of the Gauteng Provincial Legislature (GPL) to measure effectiveness of the institution. The research went further to propose enhanced performance indicators for the GPL that are results based.

Put differently, the research proposed performance indicators that measure the contribution of Parliaments towards improving the lives of the citizens. Before proposing enhanced indicators for the GPL, the research started by mapping out an explicit evidence-based Theory of Change (ToC) for the GPL starting with the intended impact moving backwards to inputs. This process allowed the demonstration of linkages between inputs, activities, outputs, immediate outcomes, intermediate outcomes and impacts in a parliamentary space as demonstrated in the upcoming paragraphs.

Inputs refer to resources such as human capital, infrastructure and funds required for Parliaments to carry out their work or activities such as oversight visits. Examples of oversight activities include travelling to service delivery sites such as hospitals and schools and sitting in meetings to deliberate on departmental reports and evaluate the work of the Executive in serving the citizens. Activities result in outputs, which are actual products that are touchable in most cases. For example, after the activities, a report with resolutions/recommendations would be the product or output. In other words, outputs serve as proof that activities happened.

Outputs are very important because they are the first result to be realized. Results comprise of outputs, outcomes and impacts. Outputs, being the first result, in most cases they influence subsequent results. The first subsequent results after outputs are called immediate outcomes which are associated with change in, for example, skills or awareness or knowledge about something. For Parliaments, an example of an immediate outcome would be improved Executive awareness or knowledge of citizens' concerns.

The application of gained knowledge by the Executive is a display of change in behaviour which is an intermediate outcome. So, for Parliaments seeing the Executive changing its behaviour, by for example implementing the resolutions of the Parliament is what constitutes an intermediate change. The implementation of resolutions, such as fast-tracking the construction of a school or training centre by the Executive, is likely to result in long term effects

called impacts, such as improved service delivery, reduced poverty and improved quality of life of the citizens.

From the above narrative, it is vital to note that full or direct control of Parliaments ends at the outputs stage that are produced in the House. Beyond the House, a Parliament does not have direct control over what happens. For example, a Parliament has full control of the nature of the resolutions that it passes in the House. However, a Parliament does not have full control over what the Executive does with the House resolutions. What Parliament has full control over is called operational and what it does not have direct control over is regarded as strategic. This distinction should assist the legislative sector practitioners when debating about what is strategic and not, as well as what to consider including in the various plans such as operational, annual performance and the strategic plan of a Parliament.

The following three tables further assist in demonstrating the distinction between the operational and strategic areas of Parliaments. **Table 1** presents examples of outputs and their associated indicators making use of the oversight and scrutiny and law-making mandates. Within the operational space of Parliaments, the ultimate or primary outputs captured in the table such as resolutions are produced in the House. Other outputs that could be regarded as secondary and/or tertiary, such as minutes of deliberations of the House Committees, research analysis and stakeholder engagement reports, were not included in the outputs table below. Although not captured in the table below, this shows that a Parliament has various levels of outputs. Each Parliament should use its discretion in terms of what to include in its various plans such as the Annual Performance Plan (APP) and the operational plan. However, to avoid a bulky APP, it is suggested that level one or primary outputs that are produced in the House form the APP. Level two and other outputs could be relegated to the operational plan.

The **Table 2** is about immediate outcomes and their associated indicators which are outside the direct control, but within the direct influence of a Parliament. Direct influence is when it is possible to take specific actions or steps to try to get something to happen. For example, communicating House resolutions to the Executive is a specific action meant to improve Executive awareness of citizens



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Number	Outputs	Indicators
Oversight Mandate		
1.	Committee reports adopted by the House.	• % of Committee reports adopted by the House.
2.	House resolutions.	• % of SMART resolutions passed by the House. • % of resolutions that are remedial and explanation seeking (press for action) passed by the House.
3.	Compliant questions adopted by the House.	• % of compliant questions adopted by the House. • % of compliant questions that are remedial and explanation seeking (press for action).
4.	Motions debated by the House.	• % of motions debated by the House.
Law-making Mandate		
1.	House resolution(s) on Bills.	• % of Bills on which a House resolution(s) is taken. • % of House resolutions on National Bills not returned to the GPL for further consideration. • % of House resolutions on provincial Bills not returned to the GPL for further consideration.
2.	House resolution(s) on regulations.	• % of regulations on which a House resolution(s) is taken. • % of House resolutions on regulations not returned to the GPL for further consideration.

Table 1

concerns in the form of House resolutions. Although a Parliament would not have direct control in terms of what the Executive would do with the resolutions, communicating the House resolutions is a specific action that can directly influence awareness levels of the Executive. Examples of immediate outcomes and their associated performance indicators related to oversight, scrutiny and law-making mandates are presented in the **Table 2**.

The reasoning behind the immediate indicators in the table below is that the fact that the Executive would have adequately responded to resolutions suggests that the Executive received the information and studied it to be able to respond correctly. Thus, if the Executive did not know about the oversight, scrutiny and law-making concerns of its citizens, it is reasonable to conclude that by the time they respond to the GPL, their level of awareness would have increased. If they knew about the concerns, then their level of awareness of the seriousness of the matter would have been enhanced further. So, the improved level of awareness of a matter

is measured by the extent to which the Executive correctly responds to the queries. An inadequate response might signal that the Executive did not understand the query hence the levels of awareness would remain the same. It is also important to mention that responding to a matter on time is crucial. This is because being aware of a matter at an inappropriate time might render the information less useful for further action. Moreover, this might signal that the Executive does not take the matter seriously and unlikely to act.

Table 3 is about intermediate outcomes and their associated indicators. The difference between immediate outcomes and intermediate outcomes is that whereas both are outside the direct control of a Parliament, a Parliament has direct influence over the former, but indirect influence over the latter.

Indirect influence occurs when it is only possible to take actions that inspire required results, but it is almost impossible to control the results or push for a decision. Put differently, indirect influence means keeping the influence objective in mind and taking actions that do not directly deal with the situation to be influenced. For example, sharing information with the Executive has a direct effect or influence on awareness levels (immediate outcome), but an indirect effect on changing the behaviour (intermediate outcome) of the Executive. Change in behaviour is accompanied by specific actions. For example, the implementation of House Resolutions is a specific action that demonstrates Executive behaviour change. With immediate outcomes, there is no specific action that is obvious and touchable. Examples of intermediate outcomes of a Parliament are contained in the **Table 3** on the following page.

The reasoning behind intermediate outcomes indicators outlined in the table above is provided in the ensuing paragraphs.

The indicator: percentage of Executive APPs that incorporate

GPL resolutions and concerns, saves to demonstrate behaviour change in the sense that information gained from the Parliament would have been actioned to inform departmental plans. This change in behaviour is further demonstrated by implementation of oversight and scrutiny concerns / resolutions contained in the plans as well as actioning petitions that would have come from the citizens. The implementation of the resolutions and petitions is likely to result in their closure or conclusion. The

Number	Immediate Outcomes	Indicators
Oversight Mandate		
1.	Improved Executive awareness of critical Oversight and scrutiny resolutions / concerns / needs of the citizens.	• % of House resolutions correctly responded to on time by the Executive. • % of GPL House questions correctly responded to on time by the Executive.
Law-making Mandate		
1.	Improved Executive awareness of legislation needs of the citizens.	• % of Bills on which Executive responses to resolutions / queries are adequate and on time. • % of regulations on which Executive responses to resolutions / queries are adequate and on time.

Table 2



PERFORMANCE INDICATORS FOR THE LEGISLATIVE SECTOR

closure of resolutions and petitions serve as proof that the Executive would have acted upon citizens' concerns demonstrating Executive change in behaviour.

The reasoning behind the indicator: the percentage of legislation passed that is not challenged in court demonstrates that laws that are not responsive to the citizens are likely to be challenged in court. Regarding the three satisfaction indicators, surveys could be conducted to gauge the citizens' satisfaction levels with how a Parliament executes the oversight and scrutiny mandate, the laws and their implementation. Citizens' satisfaction levels are likely to be low in cases where the laws were irrelevant and/or poorly implemented thus, being non-responsive to the needs of the citizens signalling the poor execution of the law-making by a Parliament.

It is important to mention that although the three satisfaction of citizens indicators are not directly about the Executive behaviour change, they serve as proxy or indirect indicators for the intermediate outcome(s). In this instance, they serve as proxy indicators to demonstrate that both the Executive and the Parliament did what they were supposed to do correctly. Proxy indicators are used to measure issues that are not very easy and straightforward

Number	Immediate Outcomes	Indicators
Oversight Mandate		
1.	GPL oversight resolutions / concerns that are incorporated into Executive plans and implemented.	<ul style="list-style-type: none">• % of Executive APPs with incorporated GPL resolutions and concerns.• % of closed resolutions.• % of closed petitions.• % of Gauteng citizens satisfied with how the GPL executes the oversight mandate.
Law-making Mandate		
1.	Legislation that responds to the needs of the citizens.	<ul style="list-style-type: none">• % of legislation passed by GPL not challenged in court.• % of Gauteng citizens satisfied with provincial legislation.• % of Gauteng citizens satisfied with the implementation of provincial legislation.

Table 3

to measure such as the responsiveness of the laws to the needs of the citizens and the degree to which citizens' concerns are being addressed.

Finally, adequate implementation of House resolutions is likely to lead to improved service delivery, reduced poverty and inequality which are some of the components of an improved quality of life of the citizens, which every public institution aspires to contribute towards. This in summary shows the need for each Parliament to have results-based indicators to remain relevant and for the benefit of the citizens.



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ZAMBIA ESTABLISHES A PARLIAMENTARY CAUCUS ON LITERACY

Illiteracy remains a significant obstacle to Zambia's social and economic development. To this end, limited access to quality education, particularly in rural areas, has hindered economic progress. Zambia has, according to UNESCO, an adult literacy rate of 86.75%. While the male literacy rate is 90.6%, for females, it is 83.08%.

According to the Adsum Foundation¹, the Zambian education system suffers from overall compromised school quality, high staff turnover and disparities between urban and rural areas. In order to combat the high illiteracy rates, the government has implemented a nationwide '*Primary Reading Programme*' and has supported extensive training for teachers at the primary level. However, there continues to be a severe lack of access to supplementary reading materials in most government schools, and very few have libraries. The only reading materials that are available are workbooks associated with the government curriculum or donated books that are often out of date.

To address the current literacy problem, the Zambian Parliament has established the Zambia Parliamentary Caucus on Literacy (ZPCL), as a multiparty platform to champion literacy initiatives, drive policy changes and raise awareness about the transformation of education. It is worth noting that the Parliamentary Caucus operates under the guiding principle that literacy is not just a basic skill, but a catalyst for socio-economic growth. Therefore, the Parliamentary Caucus has undertaken to pursue the following objectives:

1. Promoting Access to Quality Education through Advocacy
2. Fostering Adult Literacy
3. Equity and Inclusion
4. Community Engagement and
5. Monitoring and Evaluation.

In achieving the above objectives, the Parliamentary Caucus intends to champion literacy initiatives in several ways, including collaborating with stakeholders, raising awareness and sharing best practices.

One of the main goals of the Zambia Parliamentary Caucus on Literacy is a commitment to transform Zambia through the enhancement of literacy levels. By focusing on access, equity, policy change and community involvement, the Parliamentary Caucus aims to break the chains of illiteracy and unlock the



nation's full potential. As its initiatives gain momentum and support, the Parliamentary Caucus' goals align with a brighter and more empowered Zambia, where every citizen has the opportunity to learn, grow and contribute to the nation's progress.

On 16 November 2022, the Parliamentary Caucus's Executive Members led by Hon. Mulenga Fube, MP met with the Speaker of the National Assembly of Zambia, Rt Hon. Nelly Mutti at Parliament Buildings to brief her on the formation and objectives of the newly established Parliamentary Caucus. The Speaker pledged her support to the Parliamentary Caucus and reminded the Members that one of the three components used in measuring the overall human development of a country, through the United Nations Human Development Index (HDI), is literacy. She added that one of the main focuses should be on the fundamentals of what gets the country to attain great progress in increasing literacy rates.

Hon. Mulenga Fube expressed confidence that the Members were equal to the task and would achieve the mission and objectives of the Parliamentary Caucus.

Article compiled by: Mundia Njekwa, Desk Officer (Zambian Parliamentary Caucus on Literacy), National Assembly of Zambia.



Hon. Mulenga Fube, MP is the Chairperson of the Zambia Parliamentary Caucus on Literacy (ZPCL), demonstrating his dedication to improving education and literacy in Zambia. He is a distinguished political figure in Zambia known for his dedicated service as the Member of Parliament for Chilubi Constituency since 2020. He is a member of the opposition Patriotic Front Party (PF) and has played a significant role in advocating for his constituents' welfare and contributing to Zambia's political landscape. Throughout his tenure as a Member of Parliament, he has demonstrated a deep commitment to public service and a keen understanding of the needs and aspirations of the people he represents. Outside of his political duties, he has a diverse range of hobbies including fishing, game viewing, hunting, reading, sight-seeing and writing.



WOMEN'S REPRESENTATION REMAINS INADEQUATE ACROSS THE COMMONWEALTH: MORE ACTION IS NEEDED FOR CHANGE

A parliamentary expert in the UK Parliament speaks to women MPs to ask what action is needed for positive change on women's representation in Commonwealth Parliaments.

Research shows women leaders make a difference in politics and public life. They encourage more collaborative and inclusive ways of working, leading to better decision making and outcomes for everyone.

This approach is particularly important for the challenges that governments across the world must solve together such as climate change, ending violence against women and girls, building resilient economies and effective healthcare systems. Women are disproportionately affected by these issues - according to the United Nations, 4 in 5 people who are displaced by climate change (globally) are women. This is why an intersectional approach to inclusivity for women and more opportunities for women to participate in finding long term solutions to complex problems is vital.

There are countless examples of women making a difference when they are included around the decision-making table. Rt Hon. Dame Margaret Beckett, MP, Britain's first female Foreign Secretary and Chair of the Joint Committee on the National Security Strategy in the UK Parliament, was one of the first politicians to put climate change on the political map. She insisted that climate change was seen as a matter of peace and security when chairing the UN Security Council on behalf of the United Kingdom. Consider the world's position now.

At the 66th Commonwealth Parliamentary Conference in Ghana this year, the Chairperson of the Commonwealth Women Parliamentarians (CWP) network, Hon. Dr Zainab Gimba, MP (Nigeria), said: *"It is important to highlight that despite progress made in many areas, women's representation in Parliaments remains inadequate. The international community advocates for gender parity meaning 50/50 representation of women in Parliament. However, data gathered by the CPA on 15 September 2023, shows that only 55 of the 180 CPA Branches have achieved the Commonwealth Heads of Government target of at least 30% women in elected office that was set over 20 years ago. Members are to also note the data*

gathered by the CPA reveals that eight Parliaments in the CPA's membership have no women in Parliament."

Only 1 in 4 Commonwealth Parliamentarians is a woman. Rwanda (with women making up 61.3% in the Chamber of Deputies and 37.4% in the Senate) and New Zealand (60 women and 59 men were serving as Parliamentarians up until the recent election in October 2023) are among the six countries worldwide to have achieved gender parity in their Parliaments. Each month, the Inter-Parliamentary Union (IPU), an international organisation of national Parliaments, publishes global and regional averages of the percentage of women in national Legislatures. This month (October 2023) only 26.7% of women serve in elected chambers globally.

Action is needed to ensure that more women are elected and participate to meet the Commonwealth Heads of Government target of at least 30% women Members in Parliaments and Legislatures.

As a UN Women UK delegate to the Commission on the Status of Women (CSW) for the past two years, I have seen for myself the collective will and determination for change. So, what can be done? Parliaments should work to ensure political systems are flexible to meet the needs of all who serve within them. Caring responsibilities, long hours debating and voting into the night, and lack of action to



Image credits: UK Parliament/Jessica Taylor.



Natasa Pantelic has worked in politics for nearly 20 years and is a founding member of the Labour Women's Parliamentary Staff Network in the UK Parliament. She has worked for a number of politicians, most recently as Senior Parliamentary Assistant to Sir Chris Bryant, MP. She served in local government for 15 years as an elected member in England and was a parliamentary candidate in the Chesham and Amersham by-election in 2021. Follow her on X/Twitter: @natasapantelic5.



stop online abuse are all issues that prevent women from either standing for elected office or staying in the role for very long (this can be true for men as much as women). In local government here in the UK, women often serve only one term in office. This is why I introduced the first parental leave policy for elected members at my Council where I served for 15 years. It ensures there is time for new parents to settle while meeting their responsibilities to the electorate.

I have also been analysing the Select Committees in the UK House of Commons where currently 15 out of 37 Committees are chaired by women.

Rt Hon. Caroline Nokes, MP, is the Chair of the Women and Equalities Select Committee and believes more women are important to the democratic process. She said: *"We need diversity of both thought and experience, and women bring a wide range of experiences to the democratic table."*

I asked her to reflect on having more male allies for changing the experiences of women and opportunities to participate in decision making structures within Parliament. She said: *"Some of the biggest champions for women have been our male allies, but they need to be brave and prepared to speak up. I am astonished sometimes at how little courage and commitment there is."*

Another UK Parliamentarian, Rt Hon. Dame Diana Johnson, MP, is the Chair of the Home Affairs Select Committee and said: *"Remember to row in to support them [women] and have their back when discussing issues like violence against women and girls, as all women will have something powerful to say about these issues."* She continued: *"Having both women and men on Select Committees means we have far more balance to our work. For example, when we focused on policing, we particularly wanted to look at how the behaviour and culture of policing can*



Image credits: UK Parliament/Jessica Taylor.

Above: The UK Parliament hosted the Women MPs of the World Conference in November 2018.

impact women officers and women victims coming forward or not to report crime. The best Select Committees work together to most effectively scrutinise policy."

It has been encouraging to see other Commonwealth Parliaments take action. In September, the New South Wales Parliament reached a historic milestone with the first all-female Parliamentary Committee in Australia on the Committee on Children and Young People.

The Commonwealth is made up of 56 independent countries working together to promote development, democracy and peace. More than 60% of the 2.6 billion people who make up the population is aged 29 and under. Many of these young people will form the next generation of elected representatives in Commonwealth Parliaments.

I asked Dame Diana what she would say to young women thinking of standing for elected office. She said: *"Do it! Plan. Get a mentor if you can. Prepare. Keep going until you win!"*

The responsibility is therefore on everyone now to take action to ensure there are more opportunities for young people to get involved and more inclusivity of women in our elected chambers. Change cannot happen without each of us playing our part.

How can you make your Parliament a gender-sensitive institution?

- The Commonwealth Women Parliamentarians (CWP) network is an active advocate for women's representation in Parliament, seeking to ensure Parliaments are gender-sensitive institutions.
- The CWP network has produced two complementary publications to help Parliaments through the gender-sensitisation process.



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CARIBBEAN WOMEN LEADERS SUPPORT GENDER EQUALITY THROUGH SUSTAINABLE DEVELOPMENT

Commonwealth Women Parliamentarians from across the CPA Caribbean, Americas and the Atlantic Region joined the dialogue on gender equality and sustainable development organised by ParlAmericas, UN Women Caribbean and the Parliament of St Lucia. The two-day event on 1 and 2 November 2023 focused on sustainable development issues through a gender equality lens and brought together Parliamentarians and representatives of national gender machineries, civil society and international organisations working on these themes in 17 Caribbean countries and territories.



Images: ParlAmericas/Parliament of Saint Lucia

Participants were welcomed by the President of the Senate of St Lucia, Senator Hon. Alvina Reynolds, the Speaker of the House of Assembly of Saint Lucia, Hon. Claudius Francis; Tonni Brodber, from UN Women Caribbean and Alisha Todd, Director General of ParlAmericas. The CWP Steering Committee Member for the Caribbean Region, Hon.



Valerie Woods, Speaker of the House of Representatives of Belize also presented at the event. Hon. Dessima Williams, President of the Senate of Grenada and Member of the ParlAmericas Board of Directors said: *"It is crucial that we continue to amplify the voices of women Parliamentarians in our Caribbean region. We have seen that establishing and strengthening women's parliamentary caucuses can be an effective way to ensure that women's leadership emerges and is supportive of our countries' development. It is my hope that with opportunities to learn from one another, this leadership work will continue to make a positive impact on the parliamentary system and for our people."*

WOMEN PARLIAMENTARIANS IN FIJI MEET FOLLOWING RECENT PARLIAMENTARY ELECTIONS

Five Women Members of the Parliament of Fiji met for their first Commonwealth Women Parliamentarians (CWP) Fiji Group meeting for the new term following recent Parliamentary elections.

The Deputy Speaker of the Fiji Parliament and Assistant Minister for Foreign Affairs, Hon. Lenora Qereqeretabua was appointed as the CWP Fiji Chairperson, with Hon. Premila Kumar as the Deputy Chairperson for the Group.



Image: Parliament of Fiji

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY AIMS TO EMPOWER WOMEN MEMBERS WITH FOUR NOMINATIONS TO CHAIRPERSON'S PANEL TO DEPUTISE FOR THE SPEAKER

The Arunachal Pradesh Legislative Assembly has nominated four women legislators to its Chairperson's Panel for the 12th session of the Seventh Legislative Assembly which commenced in September 2023. The Speaker of the Legislative Assembly, Hon. Pasang Dorjee Sona announced the initiative, which aims to foster gender equality and encourage greater participation of women in leadership roles within the legislative process.

Traditionally, the role of the Chairperson has been held by the Speaker or Deputy Speaker in their absence. However, with this new initiative, women Members of the Legislative Assembly will assume the responsibility of chairing the assembly, providing them with the opportunity to preside over sessions. The Speaker said: *"Whenever we have a session, we always nominate four members from the pool of 60 legislators to serve as Chairpersons. These individuals will lead the Assembly in instances where the Speaker or Deputy Speaker is unable to preside. By empowering women, we have chosen to appoint our women MLAs to this role. This initiative not only advances women's empowerment but also sends a powerful message. Out of our 60-Member Legislative Assembly, we have five women legislators, and four of them have been nominated as Panel Chairpersons."*

The Speaker of Arunachal Pradesh is a Member of the CPA India Region's Executive Committee, one of only six Members chosen for this position, and is keen to promote equality across India.



Source: India Today NE: <https://www.indiatodayne.in/arunachal-pradesh/video/arunachal-legislative-assembly-empowers-women-with-four-nominations-to-chairpersons-panel-669615-2023-08-29>



NEW SOUTH WALES PARLIAMENT REACHES HISTORIC MILESTONE WITH FIRST ALL-FEMALE PARLIAMENTARY COMMITTEE

The Committee on Children and Young People at the Parliament of New South Wales has marked a historic milestone as the first-ever all-female Parliamentary Committee. The appointment of an all-female membership to an important oversight Committee is an example of pioneering women lawmakers progressing women's roles in the state Parliament. The Committee will aim to champion the rights and wellbeing of children and young people by overseeing the work of the Advocate for Children and Young People and the Children's Guardian in the Australian State.

Hon. Helen Dalton, MP, Committee Chair, emphasised the significance of this momentous occasion, stating: *"We are making history by creating a platform for the voices of women and, most importantly, the voices of children and young people we represent, to be heard, acknowledged, and acted on."*

In the 58th Parliament of New South Wales, seven of 18 Legislative Assembly-administered Committees are made up predominantly of women, with four Committees chaired by female Members of Parliament. Forty-six per cent of the 122 Members of the New South Wales Parliament that serve on these Committees are women.



Image: Parliament of New South Wales



Image credits: Office of The Bahamas First Lady/Commonwealth Secretariat

CWP CHAIRPERSON SPEAKS ABOUT GENDER EQUALITY IN PARLIAMENTS AT 13th COMMONWEALTH WOMEN'S AFFAIRS MINISTERS MEETING IN THE BAHAMAS

The Chairperson of the Commonwealth Women Parliamentarians (CWP) network, Hon. Zainab Gimba, MP (Nigeria) highlighted the positive impact of women's leadership at the 13th Commonwealth Women's Affairs Ministers Meeting in Nassau, The Bahamas, from 21 to 23 August 2023.

Addressing Ministers during a session on 'Commonwealth Priorities for Gender Equality and Women's Empowerment – Women in Leadership', the CWP Chairperson said: *"Recent data obtained by the CPA/CWP in July 2023 reveals that 23 Commonwealth Parliaments and Legislatures have under 5% representation of women. This is one less Parliament than in 2022. Of those Parliaments, 14 have zero percent representation. This figure was the same in 2022. This data shows that there is still much more work to be done by Parliaments to ensure that their institutions are those that embrace both gender equality and the empowerment of women."* The CWP Chairperson also highlighted the important role and support gender champions can give to help advance women in positions of leadership.

The annual meeting brought together Commonwealth Women's Affairs Ministers to consider strategies for achieving gender equality across all 56 member countries. The proposed strategies include ways to adopt an intersectional approach that empowers women and girls with disabilities, ensure gender-responsive climate action, and establish a robust framework for reporting on Commonwealth priorities for gender equality. At the meeting, Women's Affairs Ministers from Commonwealth countries committed to a roadmap, designed to scale up efforts to achieve gender equality and empower women and girls, especially in climate action.

Following the meeting, the Commonwealth Secretary-General, Rt Hon. Patricia Scotland, KC, said: *"The outcomes of the meeting send a clear message that the Commonwealth is determined to lead by example towards ensuring women and girls are not left behind in our efforts to achieve sustainable development and climate justice."*

In the margins of the meeting, the CWP Chairperson also met with the President of the Senate of The Bahamas and CPA Bahamas Branch President, Senator Lashell Adderley, to discuss the issues that Bahamian women in politics face and opportunities for collaboration with the CWP network.



Image credits: CPA Secretariat

OBITUARY: FORMER CWP CHAIRPERSON AND ONE OF THE LONGEST SERVING SPEAKERS IN THE COMMONWEALTH

The former Chairperson of the Commonwealth Women Parliamentarians (CWP) and former Speaker of the Dominica House of Assembly, Hon. Alix Boyd-Knights died on 29 August 2023. Hon. Alix Boyd-Knights served as the Speaker of the Dominica House of Assembly from 2000 to 2020, making her the longest serving Speaker in Dominica's history. She was named as Speaker Emerita at the end of her tenure. She was a lawyer with a special interest in the rights of women and children and was instrumental in the development of the suite of Family Laws passed in the Dominica Parliament in April 2023. She was diligent in promoting domestic violence laws to women's groups; securing more adequate maintenance for children; and assisted in the passage of the *Sexual Offences Act*.

Hon. Alix Boyd-Knights served as the Chairperson of the Commonwealth Women Parliamentarians (CWP) network within the Commonwealth Parliamentary Association from 2010-2013. She attended CWP and CPA meetings across the Commonwealth and represented the network at several inter-parliamentary forums.



Image: CPA Secretariat

SPEAKER OF ZAMBIA HIGHLIGHTS TARGETS FOR GENDER PARITY AT CPA WORKSHOP



The Speaker of the National Assembly of Zambia, Rt Hon. Nelly Mutti, MP, commended the CPA Zambia Branch for organising a workshop on achieving gender parity in the Zambian Parliament. The Speaker emphasised the need to support the representation of women in decision-making positions and suggested that affirmative action is key in achieving gender parity. She also highlighted the proposed transformation of the Zambia Women's Parliamentary Caucus into a Standing Parliamentary Committee on Women Affairs. Over 50 participants attended the workshop, including Parliamentarians from Rwanda, South Africa and

Zambia as well as civil society organizations and other stakeholders. During the workshop, participants discussed the progress made in promoting gender equality and identified the remaining challenges. The Deputy Government Chief Whip and Chairperson of the Zambia Women's Parliamentary Caucus, Hon. Princess Kasune, MP emphasised the importance of gender equality for sustainable development and the Clerk of the National Assembly, Roy Ngulube, highlighted the low representation of women in the National Assembly and local government. Despite Zambia's adoption of various declarations and protocols promoting gender equality, the numbers indicate a significant gender disparity. The workshop produced recommendations such as increasing the number of women Parliamentarians, providing support for women in Parliament and enacting gender-sensitive legislation.

COMMONWEALTH WOMEN PARLIAMENTARIANS ATTEND TUĀKANA, TĒINA, WHENUA, TALANOA WĀNANGA IN NEW ZEALAND

The Speaker of the New Zealand Parliament, Rt Hon. Adrian Rurawhe hosted Tuākana, Tēina, Whenua, Talanoa Wānanga from 6 to 9 August 2023. The event brought together 31 Pacific women MPs from 11 Pacific countries and 12 different Legislatures to discuss and address issues related to gender equality, political participation, social issues and climate change. The Tuākana, Tēina, Whenua, Talanoa Wānanga provided a platform for Pacific women MPs to come together, share experiences and discuss crucial issues facing their nations. The focus of the three-day meeting revolved around the pivotal issues of enhancing political participation and ensuring gender parity, addressing climate change effectively and championing human rights while eradicating family violence. The wānanga was the first since 2020 and is hoped to reignite the relationships between Pacific women MPs and create positive change across the Pacific. The CWP representative for the New Zealand Parliament, Hon. Anahila Kanongata'a MP welcomed the Pacific women MPs to the event.



Image: Parliament of New Zealand

CWP NOVA SCOTIA MEMBERS FOCUS ON ENCOURAGING MORE WOMEN INTO POLITICS

Women Members of the Nova Scotia House of Assembly met recently for a meeting of the Commonwealth Women Parliamentarians (CWP) Nova Scotia Group where they committed to encouraging more women into politics and creating a healthier political culture where women can feel comfortable doing their jobs. Hon. Susan Leblanc, Member of the Nova Scotia Assembly recently became the CWP Canada Regional Chairperson.



Image: Nova Scotia House of Assembly



The Parliamentarian

66th Commonwealth Parliamentary Conference

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ASSOCIATION

The Commonwealth Charter: 10 years on Values and Principles for Parliaments to Uphold



66th Commonwealth Parliamentary Conference



PLUS ▶

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and President of
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CPA VICE-PATRON AND PRESIDENT OF GHANA URGES COMMONWEALTH PARLIAMENTARIANS TO RE-COMMIT TO THE VALUES AND PRINCIPLES OF THE COMMONWEALTH CHARTER AT 66th COMMONWEALTH PARLIAMENTARY CONFERENCE

The Vice-Patron of the Commonwealth Parliamentary Association (CPA), His Excellency Nana Akufo-Addo, the President of Ghana, urged Commonwealth Parliamentarians to work together to uphold democratic principles and the values of the Commonwealth as he opened the 66th Commonwealth Parliamentary Conference (66th CPC) for over 500 delegates in Accra, Ghana on 4 October 2023.

The CPA Vice-Patron and President of Ghana said: *“The world is still experiencing the effects of the COVID-19 pandemic, which compelled us to work together to survive. As we exit the doldrums of the pandemic, the world has been hit again with a series of geo-political crises, including the Russian invasion of Ukraine and the recent coup d’états in some parts of Africa. These crises are a threat to the foundation of our democratic values and institutions, and a clarion call for us to work together to address this new challenge. It is a call on all Parliaments to act.*

I urge Commonwealth Parliamentarians to reflect deeply on the goal of the values and principles in the Commonwealth Charter and focus your discussions on the goal of attaining and maintaining the democratic ethos of this noble community. I

“I commend the Commonwealth for its commitment to the rule of law, open and tolerant societies, equality for all and respect for fundamental human rights and freedoms.” says President of Ghana.

commend the Commonwealth for its commitment to the rule of law, open and tolerant societies, equality for all and respect for fundamental human rights and freedoms.”

One of the largest annual gatherings of Commonwealth Parliamentarians, the conference addressed key global issues and solutions on a theme of *‘The Commonwealth Charter 10 years on: Values and Principles for Parliaments to Uphold’*. 2023 also marks the 10th anniversary of the Commonwealth Charter which outlines the principles and values of the Commonwealth.

The President of Ghana noted that the Commonwealth Charter brings Member States together and serves as a tool to promote peace, security and economic development. He applauded the Commonwealth for its commitment to the principles of the Rule of Law, inclusive societies and for upholding fundamental human rights and freedoms and for fostering lasting partnerships. He concluded with a call to Parliamentarians to join the fight against climate change and its accompanying effects.

Delegates to the 66th CPC were welcomed by the CPA President (2022-2023), Rt Hon. Alban Bagbin, MP, Speaker of the Parliament of Ghana who said at the opening ceremony: *“On behalf of the Parliament of Ghana, I welcome all Commonwealth Parliamentarians to Accra for the 66th Commonwealth Parliamentary Conference which brings together delegates on a single platform to share their experiences and good practices as well as promoting the values of the Commonwealth. This includes a commitment to the highest standards and principles of democratic governance and parliamentary practice.*





Democracy will remain elusive if we are not deliberate in our efforts to ensure the independence of Parliaments. Our Parliaments can be strengthened if we empower our oversight Committees to effectively review government actions, budgets and policies. We can strengthen our Parliaments through civic education programs that inform citizens about their rights and the need to protect parliamentary democracy.”

This was the first time that the CPA Ghana Branch and the Parliament of Ghana hosted the CPA’s annual conference. The CPA Africa Region is very active within the CPA’s nine Regions, and this was the 17th time that the Region has hosted the annual conference.

Delegates were also welcomed by the CPA Chairperson, Hon. Ian Liddell-Grainer, MP (United Kingdom); the CPA Vice-Chairperson, Hon. Osei Kyei-Mensah Bonsu, MP, Majority Leader in the Parliament of Ghana; and the Ghanaian Minister for Foreign Affairs, Hon. Shirley Ayorkor Botchwey. The vote of thanks was given by the Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Dr Zainab Gimba, MP (Nigeria).

The CPA Secretary-General, Stephen Twigg said: *“On behalf of the Commonwealth Parliamentary Association, it is my great pleasure to welcome delegates to the 66th Commonwealth Parliamentary Conference, in Accra, and thank the CPA Ghana Branch and Parliament of Ghana, and in particular the CPA President and CPA Vice-Chairperson for their generosity in hosting this year’s conference. This conference offers an invaluable opportunity to come together and share best practice in addressing common issues and strengthening Commonwealth values, as the theme on the Commonwealth Charter attests. The values within the Charter, and the vital role the CPA has in sustaining and reinforcing them, are as relevant today as they were when they were originally signed in 2013.*



With our coming together on the tenth anniversary of the Commonwealth Charter, it provides us with an opportunity to review the relevance of its values and principles, as well as assessing how the Commonwealth is progressing against these pledges. Commitments to democracy, human rights and good governance are cornerstones of the CPA’s work, and these Charter principles play a part in everything we do as an Association.”

The CPA Secretary-General also highlighted the CPA’s commitment to women’s representation and gender equality, noting that this would be the first annual conference that would include a minimum of one-third women delegates as well as a third of Members on the CPA Executive Committee. The CPA Secretary-General congratulated Sierra Leone on their recent reforms to doubling of the number of women representatives in their Legislature, commended New Zealand on achieving 50% women representation in Parliament over the past year and paid tribute to India whose Parliament has recently passed a landmark reform law with the aim of securing one third women’s representation in the future.

At the 66th CPC, MPs and parliamentary staff benefit from professional development, supportive learning and the sharing of best practice with colleagues from across the Commonwealth together with the participation of leading international organisations. The conference also explored a wide range of workshop topics from the threat of terrorism to gender quotas in Parliaments, tackling energy poverty and achieving sustainable trade and economic development to youth engagement and e-Parliaments.

The 66th CPC was attended by Speakers, Presiding Officers and Members of Parliament from across the membership of the Commonwealth Parliamentary Association (CPA). The CPA is the only parliamentary association to bring together national, state, provincial and territorial Legislatures. The CPA’s membership comprises almost 180 Parliaments and Legislatures across the Commonwealth.





66th CPA GENERAL ASSEMBLY: KEY DECISIONS TAKEN IN GHANA

During the 66th Commonwealth Parliamentary Conference (CPC) in Ghana, Commonwealth Parliamentarians attended the 66th CPA General Assembly on 5 October 2023. The CPA General Assembly was presided over by the CPA President (2022-2023), Rt Hon. Alban Bagbin, MP, Speaker of the Parliament of Ghana and was attended by Members from 102 CPA Branches. The CPA General Assembly, the Association's supreme authority, is constituted by delegates to the annual Commonwealth Parliamentary Conference.

The CPA General Assembly also included a topical debate on food security and sustainability in the Commonwealth, with presenters from CPA Branches including Queensland, Tanzania, Canada, Isle of Man and Turks and Caicos Islands.

Some of the key decisions and outcomes were:

- Delegates welcomed the work undertaken so far to enable the CPA to be able to create a new non-charitable organisation and the renewed efforts to persuade the UK Government to agree to legislate to recognise the CPA as an international, interparliamentary organisation. In addition, delegates agreed to seek potential expressions of interest from CPA Branches on hosting the CPA Secretariat and a decision on the next stage will be made at the Mid-Year CPA Executive Committee in 2024.
- Delegates approved the 2022 CPA Annual Report (including the audited Financial Statements), the CPA Membership Report, the CPA Budgets and Financial Management Reports.
- Delegates approved the CPA Secretary-General's annual appraisal and application for a second and final term (August 2024 to August 2028).
- Delegates approved future membership fees to increase by 4% in line with the revised budget and to reappoint internal auditors, Sayer Vincent.



- Delegates approved the report of the Working Group on CPC Modalities for future annual conferences and endorsed the motion submitted by the CPA Isle of Man Branch noting the work of the Commonwealth Association of Public Accounts Committees (CAPAC).
- Delegates endorsed reports from the three CPA networks - the Commonwealth Women Parliamentarians (CWP), the Commonwealth Parliamentarians with Disabilities (CPwD) and the CPA Small Branches.

Delegates also looked ahead to the next Commonwealth Parliamentary Conference – the 67th Commonwealth Parliamentary Conference (CPC) – to be hosted by the CPA New South Wales Branch and Parliament of New South Wales in November 2024.



IMPORTANCE OF EDUCATION AND SCHOOL MEALS FOR ALL HIGHLIGHTED AT 66th CPC

Parliamentary Conference in Ghana where they spoke to 100s of Commonwealth MPs to mobilise political support for education funding, boosting learning opportunities and ensuring that all children are fed with healthy and nutritious school meals.

Ahead of the 66th CPC, Tanzanian MP Neema Lugangira called for MPs to champion school meal programs across the Commonwealth. Following the COVID-19 pandemic, many educational institutions have closed with a devastating impact on children's learning and development, exacerbating the existing learning crisis, especially for children in the world's poorest communities. There was also a knock-on effect with the closure of school meals services and health screenings. The absence of school meals shone a spotlight on the vital importance of the food that an estimated 388 million children were receiving every day at school until the pandemic disrupted the service.

The School Meals Coalition – a group of 22 countries together with 60 partners, including UN agencies, academic partners and civil society organisations – is aiming to mobilise collective efforts to introduce a school meals service in as many places as possible by 2030. The CPA Secretary-General Stephen Twigg visited the IPNEd stand in Ghana to hear about their latest campaigns and also thanked the network for their support for the inaugural Lifaka Lecture.





CPA EXECUTIVE COMMITTEE ADDRESS KEY GOVERNANCE ISSUES FOR THE COMMONWEALTH PARLIAMENTARY ASSOCIATION IN GHANA

The Executive Committee of the Commonwealth Parliamentary Association (CPA) met ahead of the 66th Commonwealth Parliamentary Conference (CPC) in Accra, Ghana on 1 and 2 October 2023. The CPA Executive Committee represents the nine regions of the CPA - Africa; Asia; Australia; British Islands and Mediterranean; Canada; Caribbean, Americas and Atlantic; India; Pacific; South East Asia. The Chairperson of the CPA International Executive Committee is Hon. Ian Liddell-Grainger, MP (United Kingdom).

The CPA Chairperson said: “The Commonwealth Parliamentary

Association (CPA) provides a unique platform for inter-parliamentary dialogue to take place. The CPA’s membership comprises the national, state, provincial and territorial Parliaments of the Commonwealth. The diverse nature of the membership provides the CPA with a unique position within the parliamentary community to offer a comprehensive perspective on how to strengthen parliamentary democracy across the Commonwealth and to discuss new and innovative approaches on how to do so.

The 66th Commonwealth Parliamentary Conference is the most prominent event in the Commonwealth Parliamentary Association’s calendar, as it offers a unique opportunity for the representatives of the Association’s 180 Member Parliaments and Legislatures to network with colleagues from other jurisdictions and discuss common issues of concern which affect Commonwealth Parliaments.”



RECOGNITION FOR 66th CPC HOST BRANCH AND OUTGOING CPA EXECUTIVE COMMITTEE MEMBERS



At the conclusion of the 66th CPC, the CPA Vice-Chairperson, Hon. Osei Kyei-Mensah Bonsu, MP (on behalf of the CPA President and Speaker of Ghana) was presented with a commemorative silver salver to thank the CPA Ghana Branch for their hosting of the conference.

In addition, outgoing CPA Executive Committee Members were presented with commemorative plaques, traditionally donated by the CPA Malaysia Branch, to thank them for their service to the CPA.



CPA VICE-CHAIRPERSON ELECTED AT 66th CPC IN GHANA

The 66th CPA General Assembly was followed by a meeting of the new CPA Executive Committee during which Hon. Arthur Holder, Speaker of the House of Assembly of Barbados, was confirmed for the position of Vice-Chairperson of the CPA Executive Committee. The position of Vice-Chairperson is for a term of one year and the holder is also a Member of the CPA Co-ordinating Committee.



SPEAKER OF ZAMBIA RECEIVES COMMONWEALTH PARLIAMENTARIAN OF THE YEAR 2023 AWARD IN GHANA

The Commonwealth Parliamentarian of the Year 2023 Awards were announced at the 66th Commonwealth Parliamentary Conference in Accra, Ghana. Hon. Nelly Mutti, MP, Speaker of the National Assembly of Zambia was announced as the recipient of the 2023 Commonwealth Parliamentarian of the Year Award in recognition of her parliamentary service and her commitment to transparency in parliamentary processes. The Speaker of Zambia said in her acceptance speech: *"I wish to dedicate this award to the over 3,000 women Parliamentarians of the Commonwealth, as we strive collectively to change the narrative in our Parliaments by ensuring that course for gender parity is attained in all our national and sub-national Legislatures. Our efforts should be*



anchored on ensuring that proportional representation and other forms of affirmative action such as the quota system for women's representation are enshrined in our national constitutions. In order to achieve this desire, our male counterparts are key in the process. I, therefore, wish to implore our male Parliamentarians to support women in their respective Legislatures so that together we can enhance the representative, legislative and oversight functions of our Parliaments and address the challenges faced by the citizens of our countries."



The other award recipients were: Hon. Ntombi Lentheng Mekgwe, MPL, Speaker of the Gauteng Provincial Legislature in South Africa who received the 2023 Parliamentary Equality and Diversity Award; Hon. Myrna Driedger, MLA, Speaker of the Legislative Assembly of Manitoba in Canada who was awarded the 2023 Parliamentarian Life-time Achievement Award; and Hon. Tanya August-Hanson, MLC, Member of the Isle of Man Legislative Council who was recognised with the 2023 New Parliamentarian Award.

The 2023 Awards were presented by Hon. Kate Doust, MLC, from the Parliament of Western Australia, who was the recipient of the first CPA Parliamentarian of the Year Award last year, and the CPA Chairperson, Hon. Ian Liddell-Grainger, MP (United Kingdom).

As part of the Commonwealth Parliamentary Association's mission to strengthen parliamentary democracy through the promotion of good

governance and sharing best practice, the awards were launched in 2022 to recognise and highlight inspirational and active Parliamentarians for excelling in their field. Awards are open to nominees who are current Parliamentarians* across the Commonwealth. The next awards will be open for nominees in 2024.

The CPA Secretary-General, Stephen Twigg said: *"The Commonwealth Parliamentarian of the Year Awards aligns to our strategic objective of promoting the values of the Commonwealth, parliamentary democracy and sustainable development to a wide audience. Through these annual awards, the CPA will recognise and highlight the invaluable contributions that Parliamentarians are making to their local communities and both nationally and internationally within the Commonwealth."*

* Nominees should be sitting Members of Parliament in a Commonwealth Legislature or have been a sitting Member of Parliament in a Commonwealth Legislature in the award period. The award can be made posthumously. Please check the CPA website for full nomination criteria.





2023 CPA AWARD WINNERS

2023 Commonwealth Parliamentarian of the Year Award

Hon. Nelly Mutti, MP, Speaker of the National Assembly of Zambia was announced as the recipient of the 2023 Commonwealth Parliamentarian of the Year Award in recognition of her parliamentary service and her commitment to transparency in parliamentary processes. This nomination also emphasised the Speaker's contributions to upholding the rule of law and her dedication to ensuring the citizens of Zambia have quick and easy access to information. The Speaker is also a strong supporter of the work of the Commonwealth Parliamentary Association in Zambia, in the CPA Africa Region and in the wider CPA membership.



Image credit: National Assembly of Zambia.

2023 Parliamentary Equality and Diversity Award

Hon. Ntombi Lentheng Mekingwe, MPL, Speaker of the Gauteng Provincial Legislature in South Africa was awarded the 2023 Parliamentary Equality and Diversity Award in recognition of her parliamentary service and her commitment to gender mainstreaming and the promotion of women's empowerment, the work of the Multi-Party Women's Caucus in Gauteng, and the sector Parliaments (including youth, LGBTQIA+, elderly citizens and women).



Image credit: CPA Africa Region/Tanzania.

2023 Parliamentarian Life-time Achievement Award

Hon. Myrna Driedger, MLA, Speaker of the Legislative Assembly of Manitoba in Canada was awarded the 2023 Parliamentarian

Life-time Achievement Award in recognition of her parliamentary service and her commitment and contributions to the Commonwealth Women Parliamentarians (CWP) network, particularly in the CPA Canada Region, as well as her work encouraging young women and girls to become active in politics and her 25 years of promoting the education of youth around the work of Parliament.



Image credit: Legislative Assembly of Manitoba.

2023 New Parliamentarian Award

Hon. Tanya August-Hanson, MLC, Member of the Isle of Man Legislative Council was awarded the 2023 New Parliamentarian Award in recognition of her contributions to promoting parliamentary democracy and engagement amongst young people, her role as an ambassador for the CPA, and her pioneering of the concept of Memorandums of Understanding (MoUs) between Parliamentarians and the Government.



Image credit: Alex Wotton/BBC, IOM.



2024 Commonwealth Parliamentarian of the Year Awards

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INAUGURAL LIFAKA LECTURE HIGHLIGHTS KEY ROLE FOR COMMONWEALTH PARLIAMENTARIANS IN PROMOTING GLOBAL EDUCATION

The inaugural CPA Emilia Monjowa Lifaka Lecture has highlighted the key role of Commonwealth Parliamentarians in global education. The Lifaka Lecture took place in the margins of the 66th Commonwealth Parliamentary Conference in Accra, Ghana on 2 October 2023 and was attended by delegates and the Ghanaian diplomatic community.

The CPA Lifaka Lecture has been established in memory of Hon. Emilia Monjowa Lifaka, the late Chairperson of the CPA International Executive Committee and Deputy Speaker of Cameroon. Hon. Emilia Monjowa Lifaka was a passionate champion of the CPA and served as CPA Chairperson from November 2017 until her untimely death in April 2021. The CPA Lifaka Lecture is intended to provide a fitting tribute to her work.

The keynote address was given by Betty Abeng, Chief Executive Officer of the Commonwealth Education Trust, who spoke about the importance of education for all Commonwealth citizens and the

key objective of achieving UN Sustainable Development Goal 4 on ensuring *"inclusive and equitable quality education and promote lifelong learning opportunities for all"*. About 260 million children are not in school across the world, undermining efforts to achieve the 17 SDGs. She also highlighted the importance of effective communication skills for all children including the ability to read, understand and connect as this aids a young person's journey in life. Her organisation exists to curb 'learning poverty' by providing teacher support programmes to increase literacy among children below the age of ten. The objective of this goal is to guarantee that every child receives a decent education in order to improve the opportunities for young people across the world.

Betty Abeng also spoke about the impact of a life of service and the importance of civic duty, urging Members to support their constituents by being committed and dedicated. Effective communication and the ability to read, understand and connect with your journey helps to develop an individual for public advocacy.

The response came from Dr Leslie Casey-Hayford, Director of Associates for Change, West Africa and a Ghana-based international education development expert who highlighted the importance of a life of service and civic duty for all. The Commonwealth has a youthful population – with 60% of its citizens aged under 30 - which holds the potential to shape and secure fair, peaceful and sustainable globalisation and leadership. She concluded that the Lifaka Lecture effectively conveyed the idea that serving constituencies and communities requires dedication, commitment and advocacy for the concerns of the people.

The Chairperson of the Lecture, Hon. Mary Muyali Boya, Deputy Speaker of the National Assembly of Cameroon welcomed the Lifaka Lecture as a fitting tribute to Hon. Emilia Monjowa Lifaka and the session ended with a vote of thanks by Hon. Peter Nortsu-Kotoe, MP from Ghana. The inaugural CPA Lifaka Lecture was also supported by the International Parliamentary Network for Education (IPNEd).



CPA REGIONAL SECRETARIES MEET AT 66th CPC TO DISCUSS FUTURE CPA ACTIVITIES

Ahead of the 66th Commonwealth Parliamentary Conference in Ghana, the Regional Secretaries of eight of the nine Regions of the CPA met to discuss CPA activities and the year ahead, joined by CPA Secretary-General, Stephen Twigg and Deputy Secretary-General, Jarvis Matiya. The nine regions of the CPA are: Africa; Asia; Australia; British Isles and the Mediterranean; Canada; Caribbean, Americas and the Atlantic; India; Pacific; and South-East Asia.



COMMONWEALTH PARLIAMENTS' PUBLIC ACCOUNTS COMMITTEES ENCOURAGED TO JOIN CAPAC AT 66th CPA GENERAL ASSEMBLY



Delegates at the 66th CPA General Assembly, held at the 66th Commonwealth Parliamentary Conference in Ghana, endorsed a motion submitted by the CPA Isle of Man Branch noting the work of the Commonwealth Association of Public Accounts Committees (CAPAC) and calling for 'strong and independent Public Accounts or equivalent Committees to sustain and promote the highest standards of public financial oversight, and encouraging Public Accounts Committees in the CPA to avail themselves of free membership of CAPAC in order to pursue these aims and to share best practice'.

The motion was presented by Hon. Juan Watterson SHK, Speaker of the House of Keys in the Isle of Man and Vice-Chair of the CAPAC network. He outlined the background to the motion:

"The Commonwealth Association of Public Accounts Committees, or CAPAC, is an organ of the Commonwealth dedicated to ensuring that all Commonwealth Parliaments and their citizens benefit from strong and independent Public Accounts Committee scrutiny in order to sustain and

promote the highest principles of public finance and value for money. Membership is absolutely free (so you can't get better value for money than that!) and is open to all Commonwealth Public Accounts Committees, as well as those within states and territories. There are currently 57 Members of the network, but there is potential for all of the CPA's wider membership to join. Our main resource is our portal <https://www.capac-portal.com/> which is open to Members, with training resources as well as best practice guidance. This in addition to the established regional networks that many Parliaments will already be involved in, although some areas may not have a regional network, making the link through CAPAC all the more valuable.

CAPAC has recently started to source information from all PACs in the Commonwealth for a joint project of data gathering on the common theme of climate change. We are looking at examples of best practice for assessing plans, measuring success and tracking progress in participating jurisdictions. The CAPAC Secretariat, currently based at the Parliament of Trinidad and Tobago, are sending out a survey to assess progress from Public Accounts Committees within our membership. We will then look at those results with a view to developing a toolkit or maturity model for PACs to benchmark themselves. We are also requesting feedback on an annual or biannual basis to discover any common or emerging themes to be able to share best practice and to prevent PACs having to reinvent the wheel."

For further information about the CAPAC network and to find out about joining please contact the CAPAC Secretariat via CAPAC@tpparliament.org or through the CAPAC Chair, Hon. Mohamed Nashiz, MP (Maldives) nashiz@hotmail.com.

UN WOMEN EVENT: 'ENDING DISCRIMINATION IN LAW: CELEBRATING THE GAINS'

In the margins of the 66th Commonwealth Parliamentary Conference, delegates also attended a CWP and UN Women co-hosted event that highlighted the support available to achieve gender-responsive legislation and advance state commitments around global goals pertaining to gender equality. Women in all parts of the world suffer violence and discrimination and they are under-represented in political and economic decision-making processes. Parliamentarians and experts gave key highlights from legal assessments across the Commonwealth, concrete actions that have been taken and the elements of successful reform efforts.

The CWP President (2023), Hon. Patricia Appiagyei, MP from the Parliament of Ghana spoke to delegates about her experience as a legislator and stated that *"It is an indictable fact that women across the globe face various forms of discrimination in their everyday activities. Millions of women worldwide are denied access to education, health services, and economic opportunities due to their gender. According to the United Nations, women around the world between the ages of 24 and 35 are 25% more likely than men to live in extreme poverty. This unequal treatment of people based on their gender has serious lifelong and generational effects."*

Panelists also included Hon. Donatille Mukabalisa, Speaker of the Parliament of Rwanda and Ms Marsha Caddle, MP, House of Assembly of Barbados. Dr Beatrice Duncan, Senior Policy Advisor, Rule of Law and Maureen Shonge, Policy Specialist WPP from UN Women spoke about the recent trends in discriminatory laws, successful reforms and how they were achieved.

Turn to page 368 for a full report from the event.





COMMONWEALTH PARLIAMENTARIANS WITH DISABILITIES HIGHLIGHT LOCAL PROJECTS WORKING WITH PERSONS WITH DISABILITIES AS THEY MEET IN GHANA

The Commonwealth Parliamentarians with Disabilities (CPwD) network, led by the CPwD Chairperson, Hon. Laura Kanushu, MP (Uganda), highlighted the work of local projects working with persons with disabilities during the 66th Commonwealth Parliamentary Conference in Ghana.

The CPwD Chairperson, accompanied by the Regional Champions

of the network and the CPA Secretary-General, Stephen Twigg, went to the Accra Rehabilitation Centre in the West Ridge area of Ghana's capital city, Accra, to see their work. The Centre runs vocational courses in visual art, leatherwork, masonry, carpentry, cosmetology, tailoring, needle work and rural craft to provide people with a variety of disabilities with employable skills. The Accra

Rehabilitation Centre was established in 1962, under the auspices of the Ghanaian Department of Social Welfare to train and empower all persons with disability to acquire employable skills. The categories of disabilities range from visually impaired, hearing impaired to the physically disabled.

The Chairperson of the CPwD network, Hon. Laura Kanushu, MP said: "Grassroots OPDs [organisations of persons with disabilities] are of vital importance to empowering people with disabilities globally. Any Parliamentarian, with or without a disability, must engage with such bodies to develop their understanding of how they can represent the disability community of their jurisdiction. This activity provided an excellent opportunity for the CPwD's board to learn more about the work of OPDs in the 66th CPC's host jurisdiction in Ghana and we will take back what we have learnt for our work as Parliamentarians across the Commonwealth."

The CPwD network was established by the

CPA to support Parliamentarians with disabilities to be more effective in their roles and to help improve awareness of disability issues amongst all Parliamentarians and parliamentary staff. The network also highlights inequalities facing persons with disabilities and helps to raise awareness within the parliamentary context.

The Regional Champions of the Commonwealth Parliamentarians with Disabilities network also met during the 66th Commonwealth Parliamentary Conference in Accra. The CPwD Regional Champions represent each of the CPA's nine Regions and promote the rights of Commonwealth Parliamentarians with disabilities in their respective Regions and represent disability interests within the CPA.

During the meeting, the CPwD Regional Champions set the agenda for the network for the year ahead. At the meeting, the CPA Headquarters Secretariat reported on its recent CPwD activities, such as its Capital Investment Fund supporting Commonwealth Parliaments to become more accessible, and the Regional Champions were briefed on what projects are planned for 2024, such as an update to the CPA's Disability Inclusive Communications Guidelines.





COMMONWEALTH PARLIAMENTARY CLERKS SHARE BEST PRACTICE AND INNOVATIONS IN PARLIAMENTS AT 57th SOCIETY OF CLERKS-AT-THE-TABLE MEETING IN GHANA

The 57th Meeting of the Society-of-Clerks-at-the-Table (SoCATT) took place in the margins of the 66th Commonwealth Parliamentary Conference (CPC) in Accra, Ghana. The meeting brought together Parliamentary Clerks and parliamentary staff from Commonwealth Parliaments to discuss the latest legislative practices and to share best practice.

The Chair of the meeting was Mr Cyril Kwabena Oteng Nsiah, Clerk to Parliament of Ghana and CPA Ghana Branch Secretary.

Presentations were made during the two-day meeting by a number of different Parliamentary Clerks on a wide range of subjects including:

- Parliamentary system and developments in the Parliament of Ghana
- Parliamentary diplomacy in the Canadian Federal Parliament
- Ministerial accountability and privilege in the United Kingdom Parliament
- Cybersecurity in an E-Parliament: A case study from Western Cape
- Gender sensitive audits in the Scottish Parliament
- Ratification of treaties and conventions: National Assembly of Kenya
- Developments in procedure and practice in Uttar Pradesh Legislative Assembly



- Delegated Legislation: The shifting balance of power between the Legislature and the Executive in the United Kingdom
- Benchmarking against the CPA's Benchmarks for Democratic Legislatures.

At the conclusion of the meeting, Mr Ed Beale, SoCATT Secretary (United Kingdom) outlined a number of SoCATT reports and decisions, and proposals for the agenda for the 58th SoCATT General Meeting were agreed.

For further information about SoCATT please visit
www.societyofclerks.org



Images credit: Parliament of Ghana and CPA Secretariat



THE COMMONWEALTH CHARTER 10 YEARS ON: VALUES AND PRINCIPLES FOR PARLIAMENTS TO UPHOLD

66th CPC PHOTO GALLERY



66TH COMMONWEALTH
PARLIAMENTARY CONFERENCE
ACCRA, GHANA



Images credit: Parliament of Ghana and CPA Secretariat



For images of 66th Commonwealth Parliamentary Conference please visit CPA Flickr page (www.flickr.com/photos/cpa_hq/albums/), CPA website www.cpahq.org or social media - Twitter @CPA_Secretariat | Facebook.com/CPAHQ | LinkedIn | Instagram @cpa_secretariat

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CPC WORKSHOP A: COMBATTING THREATS OF TERRORISM TO STATEHOOD: THE ROLE OF PARLIAMENT

CPC HOST BRANCH GHANA TOPIC

Panel Chair: Hon. Osei Kyei-Mensah-Bonsu, MP,
CPA Vice-Chairperson (on behalf of Hon. Alban S. K.
Bagbin, Speaker of the Parliament of Ghana)

Discussion Leaders:

- **Hon. Albert Kan-Dapaah, Minister for National Security, Ghana**
- **Professor Emmanuel Kwesi Aning, Director, Faculty of Academic Affairs and Research, Kofi Annan International Peace Training Centre, Ghana**
- **Major-General Irvine Nii-Ayitey Aryeetey, Commandant, National College of Defence Studies**

Facilitator: Ms Afia Tenge, Director, Public Engagement, Parliament of Ghana

Rapporteurs: Mrs Gifty Jiagge-Gobah, Mrs Eunice K. Abeka, Ms Jessica Adu-Mensah and Mr Davidson K. Techie-Menson (Parliament of Ghana)

This workshop explored the threats of terrorist extremism to democracies and statehood, shedding light on the multifaceted challenges it poses across the globe. The topic was selected by the CPC Host Branch of Ghana and the workshop gave particular reference to African states and their implications for security and stability. As a consequence, governments and policymakers are compelled to seek a solution to this threat while also examining the role of Parliaments in preserving the peace, security and stability of states against terrorism and violent extremism.

In his opening remarks, the **CPA Vice-Chairperson, Hon. Osei Kyei-Mensah-Bonsu, MP (Ghana)** underscored the dire implications of terrorist attacks on the security and existentiality of states, particularly in the African region. He noted that Parliaments normally have limited insights into the expenditure of security forces within their respective jurisdictions. He also expressed the hope that the workshop would provide valuable insights into how Parliaments could be better situated to exercise effective oversight over the allocation of resources and the expenditure of the security sector to ensure transparency and accountability.

The keynote speaker, **Hon. Albert Kan-Dapaah, Ghana's Minister for National Security**, in discussing the evolution of terrorism and violent extremism, noted that this menace has profound historical roots in West Africa, dating back centuries. However, the current threat to statehood in the Africa region emerged more recently from such developments

as the end of the Algerian Civil War in 2002 and the destabilisation of Libya in 2011, which led to the rise of extremist militant groups in the Sahel region. Terrorism, he observed, has advanced over time, with the emergence of such terrorist groups as Boko Haram, whose acts were initially driven by religious ideology but later metamorphosed into socio-political motivations related to governance issues. Terrorism has taken new trends which include personal economic gains, as some groups target mineral-rich areas for illegal exploitation. Moreover, the concept of the 'Jihadization of Banditry' has emerged to describe criminal groups posing as terrorists to carry out activities like highway robberies and village looting.

Speaking about the current situation, he indicated that West Africa has become a global epicentre for terrorism and violent extremism due to many complex motivations. Recent data shows that the Sahel region in West Africa accounted for 43% of global terrorism deaths in 2022, with a significant increase in attacks and deaths in 2023. Burkina Faso, a heavily affected country, is projected to witness a 137% increase in fatalities this year as compared to last year which recorded 3,627 fatalities.

Terrorist groups are expanding from the Sahel to coastal states along the Gulf of Guinea, including Ghana, negatively impacting education and healthcare. Ghana, which shares a 600km border with Burkina Faso, faces many security challenges and hosts thousands of refugees, raising concerns about potential terrorist infiltration. In Burkina Faso, six out of its thirteen regions are under terrorist control, with three more at risk and endangering the existence of Burkina Faso as a functioning state. Moreover, recent military coups in these countries, have shown that military governments often lack the capacity to combat terrorism.

He emphasised that the United Nations global response to terrorism stresses a holistic approach involving various institutions beyond conventional security forces to address root causes. Yet, regional and national counter-terrorism efforts often prioritise military methods, side-lining non-kinetic approaches. A shift is therefore needed to balance kinetic and non-kinetic measures, with institutions like Parliament playing a crucial role.

Beyond enacting laws, Hon. Albert Kan-Dapaah stressed that Parliaments have responsibilities within the non-kinetic legal framework of a country's counter terrorism approach. These include promoting good governance, ensuring accountability in resource use, conducting public awareness campaigns, fostering national unity and promoting fairness and inclusivity. In West Africa, governance deficits tend to serve as the root cause of radicalisation and recruitment into such terrorist groups, thus making good governance a requirement for combating terrorism. Parliaments must also hold security agencies accountable and establish trust-based relationships with them. Public awareness and education



Images credit: Parliament of Ghana and CPA Secretariat

campaigns are vital, as is the promotion of national cohesion and unity to counteract terrorist strategies.

To improve the fight against terrorism, Hon. Albert Kan-Dapaah proffered key roles for the Commonwealth Secretariat and the Commonwealth Parliamentary Association, including creating a Commonwealth Counter-Terrorism Support Framework for West African nations; ensuring strict adherence to financial management rules and strengthening accountability institutions; advocating for UN peace operations to cover kinetic and non-kinetic counter-terrorism aspects; and prioritising investment in security.

In his submission, **Professor Emmanuel Kwesi Aning (Kofi Annan International Peacekeeping Training Centre)** focused on the West Africa and the Sahel region which has eight of the 14 most affected countries by terrorism. He identified violent conflicts as the primary cause of terrorism resulting in over 88% of attacks and 98% of deaths in 2020.

He acknowledged that terrorism would continue to take different forms particularly as governments struggle to come to terms with the political economic dimensions that underpin the terror attacks. He was quick to point that terrorists who resided within the sub-region were perceived as modern-day 'Robin Hoods'. He asserted that the attacks in Mali, Burkina Faso and Niger did not come as a surprise due to the thriving petroleum, agricultural and mining businesses in some parts of these countries. He identified the failure of the State to deliver public service goods vis à vis the alternative political economy created by terrorist expansions and the lack of commitment of Member States to stem this tide as a cause for worry. He called on States to provide social safety nets that grant security

in response to the needs of the citizens. To this end, governments should foster constructive engagements with citizens in order to earn their support and cooperation.

He alluded to the '*Valletta Recommendations Relating to Contributions by Parliamentarians in Developing an Effective Response to Terrorism*' (The International Institute for Justice and the Rule of Law - <https://theiij.org/>) and called on Parliaments to improve the quality of the investigative mechanisms by allocating adequate resources to institutions responsible for the fight against terrorism.

Parliaments as the fulcrum for democracy must enact relevant laws that promotes equity, inclusiveness and participation to forestall the dangers of terrorism. He called for the use of both the kinetic and non-kinetic approaches in a more multi-faceted, differentiated and context-specific ways.

He made a clarion call on all Commonwealth nations to unite in their efforts to combat terrorism through cooperation, intelligence sharing, best practice and equitable allocation of resources.

On his part, the third panellist, **Major-General Irvine Nii-Ayitey Aryeetey (National College for Defence Studies, Ghana)** agreed with the earlier speakers on the existential threats that violent extremism posed to the survival of the people. He noted that of the 16 West African countries reviewed in the 2023 Fragile States Index, no country was categorised as stable. Cape Verde and Ghana, being the best performing countries, were classified in the warning stage of instability. He noted that although Ghana had not suffered any terrorist attacks in recent times, its predisposition to attacks due to its proximity to terrorism prone countries is a great source of worry.



THE COMMONWEALTH CHARTER 10 YEARS ON: VALUES AND PRINCIPLES FOR PARLIAMENTS TO UPHOLD



Images credit: Parliament of Ghana and CPA Secretariat

The Major-General identified extreme political partisanship, the escalating menace of political vigilantism and the protracted ethnic and chieftaincy disputes which manifest in various forms of violence and extremism as genuine sources of terrorism. He opined that the proliferation of various terrorist groups could embolden terrorists to openly challenge the authority of the state.

He intimated that the Ghana Armed Forces' (GAF) in its response to extremism and violence operates through four mutually enforcing pillars - namely pre-empt, prevent, protect and respond, and is guided by the principles enshrined in the *National Framework for Preventing and Countering Violent Extremism and Terrorism*.

He reiterated that legislation, resource allocation and oversight responsibility are roles that Parliament must play in combatting the threats of terrorism to statehood. He queried the extent to which Parliaments have carried out these responsibilities and underscored that, while it was important for Parliaments to legislate against terrorism, the allocation of adequate resources to national security and the performance of its oversight roles are crucial requirements for effective intervention against terrorist attacks.

“The emergence of advanced technologies has further exacerbated the challenges posed by international terrorism, organised crime and the illicit distribution of narcotics which have far-reaching implications for global peace and security. In particular, the use of emerging technologies by terrorist groups for funding recruitment, and operational planning necessitates urgent legislative measures to curb their financial activities.”

Delegates made the following interventions during the workshop:

Dr Mahendrabhai Padaliya, MLA (Gujarat) during his intervention, emphasised a critical link between global terrorist networks and a central hub. This hub operates in countries that not only harbour terrorists but also cultivate a mindset that justifies terrorism for political purposes. He stressed that it was important for democratic nations to openly condemn such a mindset.

He suggested the need to redefine terrorism to encompass all forms and methods of terrorism and to establish effective legal frameworks for both interstate and intrastate action. Furthermore, he highlighted the need for a balanced approach when enacting laws, taking into consideration the principles of liberty and the common good, based on equity, justice and conscience.

He further advocated for international cooperation and the establishment of laws, including the adoption of mandatory universal jurisdiction and detention facilities for extradition purposes, to effectively combat these challenges.

Hon. Jasbir Singh Gill, MP (India Union, Lok Sabha) indicated that the impact of terrorism extends beyond the loss of innocent lives, as it erodes the foundations of democratic governments, creates an environment of fear that distorts public discourse and causes divisions within societies. Notably, terrorist networks maintain transnational connections that enable them to effectively engage in recruitment, financing and operational activities.

The emergence of advanced technologies has further exacerbated the challenges posed by international terrorism, organised crime and the illicit distribution of narcotics which have far-reaching implications for global peace and security. In particular, the use of emerging technologies by terrorist groups for funding recruitment, and operational planning necessitates urgent legislative measures to curb their financial activities.

He stated that a new grouping has emerged, uniting anti-nationals, terrorists, smugglers and gangsters into a formidable organisation that poses an unprecedented threat to global peace. Despite the absence of a universally accepted legal definition of terrorism, it is imperative that states prioritise effective prevention through a normative legal framework, adhering to the fundamental principles of the rule of law and upholding human rights.

Hon. Zanetor Agyeman-Rawlings, MP (Ghana) suggested the establishment of formal procedures for legislative collaboration in the CPA to enhance regional security and peace efforts. She noted a need to involve Parliaments more, as they connect with constituents and represent local communities.

Furthermore, she inquired into the potential inclusion of serving or retired members of the security services as technical advisors or liaison officers for Committees responsible for Defence and the Interior, and other related Committees to enhance oversight by these Parliamentary Committees.

The discussion concluded with a call for orientation programmes on security-related matters for all Parliamentarians, aimed at strengthening their capacity for effective oversight of the security sector.



A delegate from Kerala, India highlighted their country's robust legal framework against terrorism and emphasised the key role of the National Investigative Agency. He stressed the urgency of addressing terrorism as actions against humanity and affirmed India's strong support for the Commonwealth in its anti-terrorism efforts.

Emmanuel Kotin (Africa Center for Security and Counterterrorism) emphasised that kinetic approaches are insufficient in combating resilience and stressed the need for civil society organisations (CSOs) to play a pivotal role in this regard. He indicated that depoliticising security issues is crucial for effective counterterrorism.

Senator Faki Mohamed Mwinyihaji (Kenya) underscored Parliament's vital role in legislating on terrorism and advocating for collaboration with CSOs, advocacy groups and industry reps to promote citizen involvement and informed decision-making. He noted that tackling terrorism meant addressing the root causes such as poor governance, proximity to instability and socio-economic disparities, particularly in marginalised communities. Parliament should prioritise these issues with long-term solutions. He highlighted the importance of economically empowering youth to counter extremist recruitment and suggested parliamentary funding for programmes like economic training, small business support and entrepreneurship initiatives.

Sharon Nana Frimpongmaa Sarpong (CaringKids International, Ghana) highlighted the deficiencies in governance and power-sharing in Ghana, where a 'winner takes all' approach prevails, and vital institutions supporting equitable distribution of benefits are often ineffective. This system disproportionately disadvantages young people not aligned with influential political parties, leading to their exclusion from opportunities. She also emphasised inclusivity, especially for youth in smaller political parties, to prevent marginalisation and subsequent radicalisation.

Dr Adam Bonaa (Security Expert from Ghana) noted that illegal mining, commonly known as 'galamsey', poses a significant threat



Images credit: Parliament of Ghana and CPA Secretariat

to Ghana's well-being. Many involved in this illicit activity possess unlicensed firearms, raising concerns about national security. He called upon the National Security Ministry to take decisive actions to combat this issue.

Additionally, he inquired about the establishment of a system similar to the EU, where individuals are elected to represent various regions in the country. This system, he stated would facilitate communication among ECOWAS citizens.

At the end of the session, participants were of the view that:

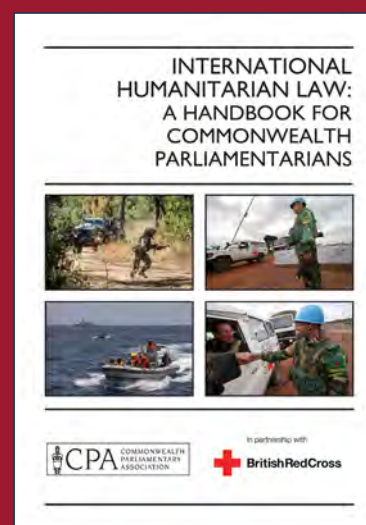
- **Parliaments should collaborate with stakeholders to improve governance architecture and ensure equitable distribution of resources; benchmark best practices for the involvement of Parliaments in combatting terrorism; perform their oversight responsibilities to ensure accountability; make appropriate legislation to combat cross-border terrorism; and address the root cause of terrorism.**

HOW TO BE AN INTERNATIONAL HUMANITARIAN LAW ADVOCATE IN PARLIAMENT?

- When conflicts are happening at home and abroad, Parliamentarians want to use their position of responsibility to advance peaceful solutions to conflict.
- In such situations, one action MPs can take is to pressure governments to uphold the principles of International Humanitarian Law (IHL), often referred to as the 'rules of war'. IHL can help to provide a framework with which to regulate armed conflicts and protect those most at risk during conflicts.
- Our IHL Handbook, developed in partnership with the British Red Cross, outlines the important contributions that Parliamentarians can make to promote International Humanitarian Law (IHL) and ensure its effective implementation.



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CPC WORKSHOP B: GENDER QUOTAS IN PARLIAMENT – A MEANS TO AN END?

COMMONWEALTH WOMEN PARLIAMENTARIANS TOPIC

Panel Chair: Hon. Savia Orphanidou, MP (Cyprus)

Discussion Leaders:

- **Hon. Selima Ahmad, MP (Bangladesh)**
- **Hon. Veronica Sesay, MP (Sierra Leone)**
- **Julie Ballington, Policy Advisor, Political Participation, UN Women**

Facilitator: Avni Kondhia (CPA Secretariat)

Rapporteurs: Ms Mamsi Patience Kpoetufe, Mr Ebenezer Arthur and Ms Faustina Tantie (Parliament of Ghana)

The workshop on gender quotas in Parliament evaluated the effectiveness of such quotas as a means to bridge the gender disparity in Parliaments across the Commonwealth.

Gender equality is a fundamental principle of human rights and a cornerstone of sustainable development. For Parliaments and Legislatures to function as truly representative institutions and safeguards of democracy, gender equality must be advanced. Gender quotas have emerged as a promising strategy to ensure an equitable representation in Parliaments.

The Chairperson for the workshop, **Hon. Savia Orphanidou, MP (Cyprus)** indicated that the full assurance of all women's fundamental human rights constitutes a significant prerequisite for the social and economic development of all societies as well as the realisation of true representation of democracies within Parliaments.

According to her, gender quotas have emerged as a crucial tool to tackle the underrepresentation of women, to address power imbalances and to advance societal equality. They are pathways for women's participation in politics and a tool should be sought to reshape the predominately male narrative of leadership and strive to establish a more equitable political landscape.

Hon. Selima Ahmad, MP (Bangladesh) highlighted the importance of having more women in Parliaments. She premised this on the fact that men hardly discuss issues concerning women in Parliament. Women, therefore, have to be in Parliament to talk about issues that concern them. According to the Member, the discussion on gender inclusion should not be left at the purview of women only. It is a discussion which should involve everyone.

She was of the view that the emphasis on gender quotas should further be directed towards building the capacity of young girls and young women, as well as the empowerment of young women in leadership, to include their voice on matters of gender equality. She believes all crosscutting issues have to be addressed from a 'gender lens'. She exemplified that previously women in Bangladesh needed collateral to access loans from banks regardless of the amount involved; presently, due to advocacy, women can access

up to US\$25,000.00 in collateral free loans. As an entrepreneur herself, she adds her voice to increase the allocation to be made to women entrepreneurs from the national budget.

Comparing quota systems and direct elections, **Hon. Selima Ahmad** believes going into Parliament through direct election is the best option as it ensures accountability and effective performance. Using herself as an example, she tends to be treated differently whenever she discloses that she represents her constituents through election, not from a reserved seat.

In her concluding statement, she admonished that women issues are human rights issues. There is therefore the need to create more opportunities for more women to be in Parliaments through quotas or political parties. She entreated that the Commonwealth Parliamentary Association (CPA) and the Commonwealth Women Parliamentarians (CWP) should work to raise this awareness. She also added that women in Parliaments should not limit themselves to issues that concern women alone, but also focus on generational issues because women in Parliaments bring equality to Parliaments and can be the voice for both men and women.

Hon. Veronica Sesay, MP (Sierra Leone) stated that through the 'He-for-She' initiative, as well as the collaboration and cooperation from the Speaker of Parliament and the President of Sierra Leone, they have been able to attain the 30% quota for women's representation in the current 6th Parliament of Sierra Leone. Out of 135 directly elected Members of Parliament, 42 are women, compared to 18 women in the 5th Parliament. Currently, Sierra Leone is ahead of 77 countries in the global rankings when it comes to women's representation in Parliament. This, she believes, is a remarkable leap in progress. She used the opportunity to provide insight on the efforts that made this feat possible, as their experiences would provide valuable lessons and could serve as a roadmap for other countries.

Hon. Veronica Sesay identified strategic benchmarking visits as one of the efforts that helped them to achieve this success. Recognising the importance of learning from successful models, the Women's Parliamentary Caucus of Sierra Leone embarked on benchmarking visits to Rwanda and Kenya in mid-2019. These visits informed their recommendations which were presented to the President of Sierra Leone, H.E. Julius Maada Bio and informed the subsequent enactment of the *Gender Equality and Women Empowerment Act, 2022*.

Another important step in their journey was the use of the Proportional Representation System. This is a closed system where electors only vote for a political party or an independent candidate, not individual candidates. Additionally, for every three candidates nominated for Parliamentary elections, one of them must be a female. This system ensures that each party or group of candidates has a fair representation in Parliament based on the number of votes they received.



Images credit: Parliament of Ghana and CPA Secretariat

In her conclusion, she stated that the journey towards gender equality in politics is one that requires dedication, collaboration, political will, consistent consultation, funding and legislative support. The Sierra Leonean experience shows that legislative measures, strategic collaboration and targeted initiatives could lead to tangible improvements in female representation in Parliament.

In her presentation, **Julie Ballington (UN Women)** provided global statistics on gender quotas in Parliaments across the Commonwealth. She clarified that on the issue of the 30% international target for women in politics, the updated nominative target is 50/50, as per the agreed conclusions of the Commission on Status of Women (CSW) in 2001. She, however, noted with concern that women's representation in Parliaments is far from equal. She indicated that out of the 15 countries using legislated candidate quotas for Commonwealth Parliaments, only two have a parity (50%) target (Lesotho and Togo) and that at the current rate of progress, gender parity in Parliaments would not be reached globally in national Legislatures before 2063.

She highlighted that the available statistics point to the fact that there are countries where gender quotas may have been passed, but not implemented. This was affirmed by **Hon. Beatrice Kadeveresia Elachi, MP (Kenya)**, who stated that Kenya has legislated on the quota system but its implementation has stalled for the last nine years.

In particular, Julie Ballington noted three barriers to women's representation in politics. Top among the limitations are structural barriers which include gatekeeping by political parties and a lack of funding for campaigning. Next is lack of political will. Historically, politics is male dominated; there is therefore a resistance to change.

The final limitation is harmful norms, violence, such as gender-based violence against women politicians, and harmful stereotypes.

The Q&A session that followed provided delegates with the opportunity to discuss militating factors that hinder the effective implementation of gender quotas and the participation of women in politics.

Ms Carolyn Ann Thomas, MS (Wales) indicated that Wales currently has 45% representation of women in its Legislature. She attributed this to the fact that most of the parties have statutory quotas; hence the impressive representation of women in the Wales Parliament. Despite this remarkable feat, she hinted that she has noticed an unconscious bias and structural sexism. Consequently, women in the Wales Parliament have to 'shout louder' and learn to 'win' the debate in different ways.

Other hurdles for women are financial independence and childcare issues, which continue to be barriers in the quest to enhance women's representation in Parliaments. On childcare, she said there is the presumption that women are the main carers for children. Using the Wales Parliament as an example, she stated that an e-Parliament has been introduced and the use of this hybrid method have attempted to bridge the gap on equal work practices.

Julie Ballington believes that resolving the financial barriers facing women would be beneficial and one option could be the exemption of women candidates from paying registration fees. Another option could be giving financial incentives to women candidates. She noted this is being trialled in some countries, however she acknowledged that this is often difficult as it can result in undue influence on women candidates from those funding them.

Hon. Selima Ahmad implored corporate bodies to support women leaders. She noted that many corporations expend



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Images credit: Parliament of Ghana and CPA Secretariat



huge sums of money on advertisements but are reluctant to support women into leadership positions. There is therefore the need to reach out to such corporations to assist with women's representation.

On her part, Hon. Veronica Sesay admitted that funding is a political barrier that cuts across all political candidates. To mitigate this challenge, she said that her own political party pays the candidature fees for women and young people from the party's own coffers and from donations from supporters.

She also advised countries seeking to implement a quota system to find a name that is convincing and is most likely to be acceptable by their people. She indicated that the name 'safe seats' may not be accepted in all countries; for example, it did not work in her own country.

Hon. Madina Ndangiza, MP (Rwanda) shared her experience of how Rwanda has improved women's participation in politics. According to her, the road to increased women's participation in politics commenced with the enactment of their current Constitution in 2003. Before the 1994 genocide, women in Rwanda had limited

educational and career opportunities, at the time only 19% of political representatives were women.

In 2001, before the enactment of their current Constitution, Rwanda had only 23% women's representation in Parliament. However, there was a drastic increase to 48.8% in 2003 following the enactment of their current Constitution, which gives a 30% quota for women in all decision-making organisations, not only in Parliament.

This has ensured women's participation in all decision-making bodies. Currently, the percentage of women in the Parliament of Rwanda is 61.3%, the highest globally; in the Judiciary, the percentage is 49.7%; district councils, 61.1%; Cabinet Ministers, 45%; and 41% in Provincial Governors.

She further attributed the improved trends and acceleration of women's participation and representation to strong political will from the highest levels of leadership, a deliberate and focused Government commitment towards gender equality and the empowerment of women, and a set of gender responsive policies and legal frameworks.

Hon. Laadi Ayii Ayamba, MP (Ghana) drew the attention of participants to the high attrition rate of women in Parliament. She indicated that even though efforts are being made to increase women's representation in Parliaments, incumbent women Members of Parliament keep losing their seats. She also bemoaned the low involvement of women even in the activities of the Commonwealth Parliamentary Association. She indicated that the leadership of the CPA need to question jurisdictions with low women's representation in the CPA's activities and governance.

Finally, **Hon. Laura Kanushu, MP, CPwD Chairperson (Uganda)** highlighted that while the quotas system for gender is good, there is the need to mentor young women so that they would be able to take over in the nearest future. She admonished women Members of Parliament to be careful of what she described as 'incumbency entitlement'. She said in Uganda, this has become a problem because women in leadership are not mentoring other women to follow them. They have remained in those positions for so many years. Such behaviour, left unchecked, would lead to the same behaviour as male entitlement to those positions.

Other questions highlighted the role of the CPA in curtailing the negative use of social media as a barrier to women's participation in politics as well as the role of other minority groups such as women with disabilities and the LGBT+ community.

The recommendation was unanimously endorsed by workshop delegates that:

- Parliaments of the Commonwealth, with less than 30% women Members, should implement a percentage of gender quotas through legislative means or via political party candidate selections.

“Gender equality is a fundamental principle of human rights and a cornerstone of sustainable development. For Parliaments and Legislatures to function as truly representative institutions and safeguards of democracy, gender equality must be advanced. Gender quotas have emerged as a promising strategy to ensure an equitable representation in Parliaments.”



CPC WORKSHOP C: WHAT DOES SUSTAINABLE TRADE AND ECONOMIC DEVELOPMENT MEAN FOR SMALL JURISDICTIONS?

Panel Chair: Hon. Dwight Anthony Sibblies, MP
(Jamaica)

Discussion Leaders:

- **Hon. Carmelo Abela, MP (Malta)**
- **Hon. Amie Colley, MP (The Gambia)**
- **Hon. Sashi Kiran, MP (Fiji)**

Facilitator: Clive Barker (CPA Secretariat)

Rapporteurs: Mr Ephraim Amu, Mr Louis Yiadom Boakye, Ms Ulrika Padi and Ms Sarah Pinkrah
(Parliament of Ghana)

This workshop explored what sustainable trade and economic development means for small jurisdictions as well as the challenges and opportunities they face in promoting sustainable economic growth through international trade. It was discussed that most small jurisdictions vary in size and population thereby presenting unique challenges faced by each in terms of global markets, infrastructure, market access and regulatory barriers.

The first panellist, **Hon. Carmelo Abela, MP (Malta)** explored what sustainable trade and economic development means for small jurisdictions as well as the challenges and opportunities they face in promoting sustainable economic growth through international trade. He stated that the significance of sustainable trade and economic development cannot be overstated. Small jurisdictions vary in size and population thereby presenting unique challenges faced by each in terms of global markets, infrastructure, market access and regulatory barriers. He was of the view that sustainable trade and economic development offer a pathway for these nations to not only survive but thrive in an ever-evolving global landscape.

He posed the question as to what the concept of sustainable trade and economic development meant for small jurisdictions. The concept envisages a balanced approach that takes into account economic growth, social equity and environmental protection.

The Member from Malta explained that sustainable trade mainly involves fostering trade practices that not only enhance economic prosperity but also ensures that benefits are shared across all segments of society, while safeguarding the environment for future generations. According to him, sustainable trade is also about creating systems that support sustainable trade and economic development to prosper over time and foster inclusive growth where the benefits are shared more widely. He also hinted that sustainable trade and economic development requires a multi-faceted approach in conducting international trade that meets the needs of small jurisdictions and finding innovative ways to use their strength and ability to be agile. This can lead to the creation

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of small industries which would boost economic growth in small jurisdictions. He was of the view that the issue of promoting trade in small jurisdictions should not be seen academic but also vital to the existence and prosperity in small economies.

According to Hon. Carmelo Abela sustainable trade involves conducting trade in a manner that meets the needs of the present without compromising future generations' ability to meet their needs. Sustainable trade encourages growth while protecting our planet and making it more resilient to future challenges and external shocks that may disrupt the economies of small jurisdictions.

Economic development on the other hand, goes beyond GDP growth; it encompasses improvements in living standards, access to education and healthcare, infrastructure development and the creation of job opportunities. Hon. Carmelo Abela advised that small jurisdictions should view sustainable economic development as the process of finding innovative ways to utilise their strengths whether through their unique cultural offerings or technology driven sectors.

He gave an example of how a small jurisdiction like Malta has showed resilience through diversification and have thrived by developing an economy that does not depend on one sector only but several, from not only manufacturing but also in gaming, financial services and technology. He urged small jurisdictions to take advantage of their size by creating specialised industries that produce to meet global demands. He reiterated this by saying that: *"Small jurisdictions must recognise that their size can be an advantage rather than a limitation, their ability to be agile, adaptable and innovative can lead to the creation of specialised industries that cater to global demand."*

He urged small jurisdictions to leverage technology and innovation to expand access to the international market. He advised small jurisdictions to create economic hubs in areas such as renewable energy, ecotourism or technology startups as ways to not only boost their economies but also position these nations as leaders in sustainable practices.

According to Hon. Carmelo Abela, the concept of sustainable trade and economic development requires a multi-faceted approach. This requires that small jurisdictions should diversify their production and exports, accelerate infrastructure development, ensure sustainable trade practices, seek favorable trade agreements, develop supportive policies, invest in human capital, collaborate with each other and participate effectively in global trade.

The second panellist, **Hon. Amie Colley, MP (The Gambia)** was of the view that the concept of sustainable trade can deliver mutually acceptable growth between developing and developed economies. She stated that small jurisdictions need to understand the role that small, micro and medium enterprises (SMEs) can play in the overall framework. She gave an overview of how The Gambia, as a relatively small jurisdiction in the Africa Region, has developed mechanisms to support SMEs to increase productive capacity through the grant of small loans. She further emphasised



THE COMMONWEALTH CHARTER 10 YEARS ON: VALUES AND PRINCIPLES FOR PARLIAMENTS TO UPHOLD



Images credit: Parliament of Ghana and CPA Secretariat

the need to align trade and investment policies to assist developing countries. She called for the development of a national framework in small jurisdictions to make information available to stakeholders on the opportunities that are available to them.

Hon. Amie Colley discussed the impact of the combination of COVID-19, climate change and global or military conflicts as some of the key factors that have disrupted the supply chain, left the supply short of demand and affected trade negatively. She emphasised the significance of trade in the 21st century and how the links between trade, biodiversity and other aspects of our natural ecology are evident to all; she noted that the economy and the environment are indivisible, one and the same. She acknowledged the compelling need for trade to be conducted in ways that uphold the environment and for trade rules to be upheld in ways that achieve environmental protection. She also mentioned how essential trade is to the accomplishment of the UN Sustainable Development Goals (SDGs) and proposed five key pointers which are necessary for the attainment of sustainable trade and economic development in small jurisdictions, namely:

- Lowering trade barriers.
- Ending poverty; reversing rising food export restrictions.
- Health and wellbeing
- Gender equality
- Affirmative action to involve more women in trade.

She concluded by sharing The Gambian example of how they have created an active private sector which has positively affected their economy. They also promoted the private sector as their engine of growth, transformation and job creation. The establishment of the Gambia Investment and Export Promotion Agency (GIEPA) was seen as a clear manifestation of the unwavering commitment of the government towards the achievement of sustainable trade and economic development.

Hon. Amie Colley, MP, Gambia ended by saying that Parliamentarians have a huge role to play to make trade and economic development sustainable as per their core mandate,

but the government is also needed to implement and protect the policies which relate to sustainable trade and economic development, particularly in small jurisdictions.

Hon. Sashi Kiran, MP (Fiji) was the last presenter and shared some of her views on the panel topic. She identified Fiji as one of the most vulnerable small jurisdictions to be affected by the impact of climate change and COVID-19 pandemic. She indicated that their economy relies heavily on the tourism sector (which is mainly dependent on the beaches) and the fishing industry, which are both more vulnerable to climate change.

She reiterated that Fiji could not attain sustainable trade and economic development if their marine environments are unhealthy, unsafe and unsustainable. Tropical cyclones are one of the natural disasters that wreak havoc on the Fijian environment, and the costs of re-building affect the economy. Hon. Sashi Kiran shared some examples of how they have managed to mitigate these barriers including:

- Sustainable tourism
- Encouraging the local fisheries market
- Recyclable energy
- Ecotourism
- A growing business outsourcing center.

The Member from Fiji explained that trade agreements are an important aspect and Fiji has been looking at how to partner with other jurisdictions to be able to market their food products collectively to promote their economic development. This was seen to be a game changer if their local produce was able to reach the international markets.

She also mentioned that transportation links are crucial to promoting sustainable trade and economic development, and that the challenge most small jurisdictions face is that they are sometimes barred from entering international markets due to the volumes they produce. Lowering trade barriers, balancing economic growth and environmental diversification were some of the factors mentioned to promote and improve sustainable trade and economic development in small jurisdictions.

Hon. Sashi Kiran concluded by saying that small jurisdictions should be able to work together to promote sustainable trade and economic development.

The Panel Chair, **Hon. Dwight Anthony Sibbles, MP (Jamaica)** identified some areas that would promote the concept of sustainable trade and economic development including:

- Balancing economic growth and environmental diversification.
- Social equity - sustainable trade and economic development should benefit all segments of society.
- Innovation and technological adaptation to help small jurisdictions attain sustainable international trade.
- Local entrepreneurship and the promotion of small businesses.

The Panel Chair asked participants as to whether there was the need for a paradigm shift in trade and development and also challenged participants to ponder on who exactly would monitor and evaluate the efforts of small jurisdictions in the paradigm shift.



Workshop participants posed a number of questions including:

Hon. Churchill Gill, MP (Seychelles) was of the view that the World Trade Organisation (WTO) should review the trade documents of small jurisdictions. 'Are small jurisdictions getting the best deal?' he asked.

Hon. Chimwemwe Chipungu, MP (Malawi) asked what could be done to help small jurisdictions gain 'fair play' in international trade deals such that competition is given on merit and not based on size of the country?

Hon. Rockson-Nelson Dafeamekpor, MP (Ghana) expressed his pleasure that sustainability is being introduced into trade and asked if participants would take the recommendations discussed in a very concrete manner to benefit small jurisdictions? He also gave an example of how Ghana produces the cocoa bean and exports it for processing into a finished product, before it is brought back for sale and consumption. He also asked how do small jurisdictions overcome international access to trade barriers?

The workshop panellists addressed the questions and appealed that as Legislators from small jurisdictions, they need to work together to promote sustainable trade and economic development. A key way to ensure this, as mentioned by Hon. Carmelo Abela, is to promote participation and membership in international organisations such as the African Union, the European Union, the United Nations, the Commonwealth, among others.

The delegates at the workshop unanimously endorsed that:

- **The Commonwealth's Parliaments in the smallest jurisdictions should collaborate to promote fair and sustainable international trade.**

CPC WORKSHOP D: ROLE OF THE COMMONWEALTH IN INTERNATIONAL SECURITY AND PEACEBUILDING

Panel Chair: Rt Hon. Karen Bradley, MP (United Kingdom)

Discussion Leaders:

- **Hon. Sharon Claydon, MP (Australia Federal)**
- **Hon. Kwame McCoy, MP (Guyana)**
- **Mr George Amoh, Executive Secretary, Ghana National Peace Council**

Facilitator: Jack Hardcastle (CPA Secretariat)

Rapporteurs: Dr Ernest Darfour, Ms Sefaah Osei and Ms Akosua Opoku (Parliament of Ghana)

The Youth Roundtable Session explored the opportunities and challenges that the Commonwealth faces in respect to international security and peacebuilding. It featured delegates from CPA Branches and representatives from a cross-section of Ghanaian youth, including Youth Parliaments, students and student leaders.

In her opening remarks, the Panel Chair, **Rt Hon. Karen Bradley, MP (United Kingdom)** outlined that the Commonwealth has a real role in global security and peacebuilding, reminding the audience that forces from many Commonwealth nations have been deployed in UN peacekeeping activities. She emphasised the importance of the need to stand together, learn from each other and work together in areas where there are security threats and risks in order to combat them.

The first panellist, **Hon. Sharon Claydon, MP (Australia Federal)** presented Australia's approach to international security and peacekeeping, highlighting the country's role, immense financial contributions and youth involvement in those processes.

She mentioned that Australia has been on a quest to apply diplomacy in a world where differences are settled through agreed roles and norms, not by power, brute force or the size of a country. She indicated that Australia

YOUTH ROUNDTABLE

has been active in the United Nations peacekeeping agenda since its inception and has focused on addressing the underlying issues contributing to conflict.

She revealed that Australia has been proud of its peacebuilding reform work with Angola in leading negotiations for a parallel UN Security Council and UN General Assembly Resolutions of shaping a sustainable peace agenda. She mentioned that Australia is expected to have a seat on the UN Peacebuilding Commission in 2025.

According to Hon. Sharon Claydon, although Australia is a small country as per its population size, which may be a constraint, it stands as one of the top 10 donors to the UN Peacekeeping Commission Fund. Australia has been contributing to peacekeeping for more than 75 years, having been involved in 62 operations across the globe. She indicated that Australia's commitment to this cause is why it is seeking a seat at the UN Security Council in 2029/2030. Recognising the essence of celebrating the Commonwealth Charter's 10-year anniversary, she emphasised



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66TH COMMONWEALTH
PARLIAMENTARY CONFERENCE
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that Australia, just like other Commonwealth members, upholds democracy, good governance, the rule of law and human rights, which are seen as fundamental pillars.

Concerning the role of the Commonwealth in security and peacebuilding, she said that Australia has supported election monitoring in Zimbabwe by providing AUS\$1.7 million to the Commonwealth Election Professionals Group to hold training programmes to boost the capacity of its members to hold free, fair and transparent elections.

Further, she looked at the centrality of the human rights agenda on peace and security and the work that Australia and other countries are doing on climate action. On the centrality of climate change on peace and security, she referenced Australia's Foreign Minister, Senator Penny Wong, who she quoted as saying: *"The first article of the United Nations Charter speaks to maintaining peace and security, but there cannot be security if the sea is closing in on you."* She added that this is why Pacific solidarity matters, where those in the region count on one another in mitigating against the profound impacts of climate change. In this regard, she mentioned that Australia is taking action, both at home and in the region, and added that a good example of Australia's efforts has been its support for the Commonwealth Climate Access Finance Hub, providing AUS\$4.5 million to the hub since 2018.

On the issue of human rights, Rt Hon. Karen Bradley congratulated Ghana for showing great leadership, given its recent abolition of the death penalty for both ordinary and military crimes. However, she indicated that there is no room for choice when it comes to human rights issues.

Referring to the assertion made at plenary that leaving people behind is not conducive to developing strong democracies, she mentioned that Australia ensures that it applies a gender lens in its work and that its human rights approaches are truly universal.

On the issue of youth involvement and youth perspectives on issues of international security and peacebuilding, she mentioned that her focus was on the fact that 1.2 billion of the world's population is made up of people between 15 and 24 years, which the largest number of youths this planet has ever seen. Given that over half of the world's population under 30 years live in the Asia-Pacific Region, Australia has shown particular leadership on youth engagement. Further, 90% of young people live in emerging economies in the Global South.

In a rapidly changing global security environment, the youth population face significant challenges, such as access to quality education, healthcare, employment, risks involved in conflicts or negotiating the consequences of conflict, and climate change. She bemoaned that despite the fact that young people disproportionately bear the brunt of conflicts - through forced displacement, climate change, risk of radicalisation - policymaking has been historically slow to pick up on youth perspectives or entirely ignored them.

Despite the many inroads and gains made in the last decade, such as the UN-led Youth Peace and Security Agenda, she said that it appeared, in her opinion, to have a narrow view - securitisation



Images credit: Parliament of Ghana and CPA Secretariat

and youth involvement in violent extremism - instead of focusing on the productive potential of the youth in peacebuilding in the world.

According to Rt Hon. Karen Bradley, to ensure that the United Kingdom's laws do not offend any of its international obligations towards human rights, it runs all its laws by a Human Rights Committee in the UK Parliament. Also, to ensure gender equity, it analyses every legislation with a gender lens.

She also indicated that young people understand better the changing nature of threats and climate change, hence the need for the inclusion of the perspectives of young people.

The second panellist, **Hon. Kwame McCoy, MP (Guyana)**, iterated that the question of sustaining and building peace starts with individual countries, and related that Guyana's strategy in dealing with the issue of security and peacebuilding is to ensure that it operates in a way that exhibits tolerance and respect for others, which helps cultivate a system that promotes peace.

As a country with diverse ethnic races, Guyana inherited strife fomented by colonial masters, but it has had to navigate those difficult times, with its people living in harmony now despite their differences. He indicated that some people profit when there is tension in society, hence the need to always keep their guard up.

He recounted a time when there was no democracy in Guyana, which led to many problems in the country. He, therefore, admonished that governments must be unwavering in their commitment to democracy.

As part of Guyana's commitment to democracy, it has over the years been part of numerous peacebuilding initiatives. For instance, the country would send members of its police force to Haiti as part of a UN-backed programme to rescue the nation from the gangs that carry out violence and to pave the way for elections. He mentioned Guyana's all-inclusive governance style, emphasising President Mohammed Irfaan Ali's 'One Guyana' platform, which has a common objective of moving forward together as a country. On the issue of the involvement of young people, he indicated the need to have more such discussions and create dialogue to understand the various perspectives.

Touching on the issue of cybersecurity, Hon. Kwame McCoy noted that the way that young people use the internet is of concern,



and to protect against cyberbullying, he advised individual countries to use the necessary organisations to guard against cyberbullying and other cyber-attacks.

He believed that governments must be mindful of resource allocations, regardless of resource constraints. He said governments must devise techniques to ensure resource equity. Nonetheless, if some required needs are not met, young people should be engaged in a dialogue to explain why they cannot be met so they do not feel disadvantaged. He also revealed that Guyana has a robust 5-year legislative agenda, and the government has been working with the mind that laws made must align with international treaties.

The third panellist, **Mr George Amoh (Ghana National Peace Council)**, referenced the composition of the 13-member National Peace Council comprising members from the different religious faiths (Christian, Islamic, African traditional religious belief), traditional rulers, civil society groups and Presidential appointees. He indicated that the composition of the Council leaves no room for young people.

The role of the National Peace Council is to use non-violent ways to address conflict. He mentioned that the Council had trained over 1,000 traditional rulers in mediation. He noted the intervention made by the body when vigilantism was on the rise in Ghana. With Ghana being a multi-faith country, the National Peace Council has been instrumental in bringing harmony between the various religious faiths. He mentioned that the composition of the Council is an acceptance of the religious diversity in the country.

He advised on the need to encourage the building of strong infrastructure for peace in the Commonwealth and indicated that Ghana has such a model, with about 14 countries approaching Ghana to study its model.

Mr George Amoh concurred on the need to tap into the potential of young people to ensure peacebuilding. He indicated that poverty and unemployment are issues that concern the youth, and until they are addressed, young people will continue to lend support to the activities of insurgents or dissenters. Thus, it is important that the youth are involved in policy and decision-making at all levels.

He mentioned that if the future is for the youth, they must be included to play the role expected of them, and only when included can the future be assured by what we do today.

The Panel Chair reflected that things would be done more effectively if politicians learned to have discussions more privately instead of in the media.

An opportunity was given to participants at the Youth Roundtable to ask questions and a lively discussion followed with a number of comments and suggestions on the workshop topic. These included

“He mentioned that if the future is for the youth, they must be included to play the role expected of them, and only when included can the future be assured by what we do today.”

using young people as peace ambassadors, adopting the ‘bottom-up’ approach in dealing with youth issues and highlighting the absence of young people on the panel when the workshop was about young people.

Hon. Kwame McCoy addressed some of the concerns raised and indicated that young people must not always wait to be shown the direction to take but take the initiative on their own. He concurred that the ‘bottom-up’ approach is indeed necessary. However, it would only work if everyone worked together.

Hon. Sharon Claydon commended the youth for the passion exhibited in the discussion and encouraged them to continue agitating if they want a youth forum at the future Commonwealth Parliamentary Conferences that would be led by youth, formed by youth and for the youth.

Mr George Amoh indicated that the National Peace Council has started a project that has trained about 30 Peace Ambassadors and that young people would be invited to participate.

There was a proposal from the floor by **Hon. Chimwemwe Chipungu, MP (Malawi)** to include security and peacebuilding models in education as a way of empowering the youth.

Another round of questions saw the Ghanaian young delegates asking questions related to the Ghanaian social and political landscapes, which roused cheers and claps from the youth present.

A Ghanaian delegate asked what the Commonwealth is doing to tackle the perception of bias in the Commonwealth. Relatedly, another asked about the inequality among the countries of the world, citing the membership of bodies such as NATO and the UN Peace Council. In addition, there was a question as to whether the Commonwealth has a body that cautions members when their actions are in themselves threats.

Delegate, **Hon. Vusimusi William Tshabalala, MPL (Free State)**, stated that the approach used in the session did not reflect the expectations of the young people, and noted that the time to deploy young people was now.

Hon. Sharon Claydon encouraged the youth participants to find good channels and to have honest conversations with their governments on the challenges facing them and noted that a recommendation would be made to the CPA on how to better involve young people.

Hon. Kwame McCoy also concurred that the panellists could not give answers to most of the issues raised; however, once the youth organise themselves and make their voices heard, they can seek solutions to the problems and issues that they raised.

Mr George Amoh mentioned that the National Peace Council has regional offices across Ghana and organises countrywide training sessions. He called on the youth to develop strong values and prepare themselves for their futures.

The Panel Chair acknowledged that the Youth Roundtable Session had been one of the liveliest at the 66th CPC.

The workshop delegates unanimously endorsed the following recommendation:

- Commonwealth Parliamentarians should champion peacebuilding initiatives, actively involve youth and collaborate across the Commonwealth network, in order to bolster the Commonwealth’s role in international security for a more peaceful, secure future.

CPC WORKSHOP E: ENVIRONMENTAL APPROACHES IN TACKLING ENERGY POVERTY

**Panel Chair: Hon. Nathan Cooper, MLA, Speaker of
the Legislative Assembly of Alberta**

Discussion Leaders:

- **Hon. Shri Anurag Sharma, MP, CPA Treasurer
(India Union)**
- **Senator Hon. Professor Margaret Kamar, EGH,
(Kenya)**
- **Ms Kate Hargreaves, Director for Climate Energy
and Sustainability, Crown Agents**

Facilitator: Matthew Salik (CPA Secretariat)

**Rapporteurs: Alhaji Abdallah Ibrahim Gariba, Mr Obed
Mawutor Amu, Mr Godwin Vifa Sewornu and Ms
Jacqueline Adjoa Amponsah (Parliament of Ghana)**

This workshop explored best environmental approaches in tackling energy poverty and mitigating the impacts. Energy poverty can have significant socio-economic and environmental impacts; hence, Commonwealth Parliamentarians have a critical role to play in addressing energy poverty and promoting sustainable energy solutions. The three panellists shared specific experiences on tackling energy poverty from their institutions or countries as well as their actions in tackling energy poverty.

Ms Kate Wilson Hargreaves, Director of Climate Energy and Sustainability (Crown Agents, UK) began the session with a virtual presentation on the Crown Agents' experience in designing and implementing clean energy. Crown Agents is a not-profit organisation that exists to promote self-sufficiency and prosperity, and help governments become more effective in achieving the UN Sustainable Development Goals (SDGs). They have registered operations in several Commonwealth countries, notably in Africa, South Asia, the Caribbean, the USA and the UK, where they have their headquarters.

Kate Hargreaves said that Crown Agents started the Climate Energy Sustainability Team in 2022 which focused on how they could best work with their government partners to address climate change as a way of safeguarding and accelerating progress towards the SDGs. She sought to address three questions in her presentation: why solar electrification in public services is progressing so slowly; why that matters; and what could be done about it?

She informed delegates that there has been a very short-term focus on capital expenditure funding and procurement approaches. Therefore, even when there is funding for the purchase of photovoltaic (PV) panels and batteries, and their installation, there is often no effective structure or adequate funding for their operation and maintenance. There is also limited involvement from local

governments, which limits governments' ownership and control of solar electrification. Additionally, there is the unaddressed issue of the ability or willingness of government to pay for electricity, so investors continue to avoid the electrification of public facilities as energy service providers want to engage in long-term contracts for sustainable solar power. In a recent project in Zambia for instance, the funder provided just enough power for one laptop per health clinic, which resulted in health workers disconnecting the laptop from the solar power in the evening and connecting it to the main electricity supply instead.

There are other issues of technical assistance not involving local private sectors, and approaches to electrification being fragmented. Many donor funding programmes also fail to take advantage of emerging modular solar power system which could reduce the initial costs while allowing easier expansion systems in the future, and this is largely because there has been an anticipated 40-60% failure rate for solar installation, which surely makes it appear to be a colossal waste of money and efforts.

The slow electrification of public facilities matters for many reasons. Public services are 'not fit for purpose' without reliable power; students need connectivity in their studies; and similarly, health inspections are curtailed and could be dangerous without reliable power. Also, the slow adoption of solar means that alternative power sources are still being used, particularly fossil fuels, which contribute to greenhouse gases and global warming. Therefore, transitioning to clean energy is an essential part of meeting the Nationally Determined Contributions (NDCs) towards governments' net zero CO₂ emissions targets. Solar power is low in cost, and with components parts, batteries and PV panels becoming cheaper every year, it is obviously disappointing if the adoption of solar is really slow because governments could save a lot of money from using it as an alternative to fossil fuels. Therefore, everyone should get involved to transition to reliable and clean energy.

Crown Agents has come up with a model called Sustainable Electrification of Public Services (STEPS). This model enables governments to play their role in energy provision for public facilities and work in partnership with Energy Service Providers (ESPs) who are incentivised for the responsibility of the installation, operations and maintenance of solar equipment, putting public facilities in the position to receive a reliable supply of electricity over a 10-year period and transforming the quality of services they could offer to local populations.

Hon. Shri Anurag Sharma, MP (India Union) informed delegates of India's efforts and actions as far as energy accessibility and environmental sustainability are concerned. He started his presentation by indicating that Parliaments across the Commonwealth must seek to ensure and secure reliable, efficient, affordable and environmentally sustainable energy provisions that is available to all citizens. Over 750 million people continue to live in energy poverty without any access to electricity, mainly in Africa



Images credit: Parliament of Ghana and CPA Secretariat

and Asian countries, which has been worsened by the COVID-19 pandemic.

India's Presidency of the G20 saw the launch of the Global Biofuel Alliance (GBA) to facilitate the adoption of biofuels by bringing together the biggest consumers and producers of biofuels. This bold initiative showcases the country's action-oriented nature. India has emerged as a leading voice in the concerns of the global south, where energy accessibility is a major problem. India's Parliament continuously engages in legislative actions to drive, initiate, revamp and implement energy policies to eliminate energy poverty. India is

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currently developing policies based on five guiding key enablers: energy availability, accessibility, affordability, sustainability and efficiency.

India has developed various schemes to alleviate energy poverty. *Saubhagya*, is the largest expansion of energy access anywhere in the world which has caused a 99.80% electrification of Indian villages and 28.6 million households. The *PM-KUSUM* initiative also aims to solarise agriculture pumps of almost 3.5 million farmers. The *Ujjwala* initiative has further helped increase LPG (Liquefied petroleum gas) coverage in India from 62% to 99.8%. India has initiated other schemes as well, such as *Unnat Jyoti*, *DDUGYA*, among others, to tackle energy poverty.

India was deemed the global champion on energy transition on 24 September 2021 by the United Nations, and dialogues on energy poverty present an opportunity for the country to share its experience with the world. To attain the SDGs, concerted actions are required across the world and in the same spirit, those in positions of privilege must work ambitiously to support the global energy transition. India would finalise its energy compacts based on its target of 450GW renewable energy capacity by 2030.

Senator Hon. Professor Margaret Kamar (Kenya), on the other hand, remarked that it is the responsibility of both government and citizens to tackle energy poverty in Kenya. The lack of provision of dependable energy, low quality energy, lack of safe and environmentally friendly energy has put Kenya below 50% on the energy poverty alleviation scale. This is very much influenced by the fact that Kenya is one of the African countries that is highly affected by climate change and also because most reliable rainfalls occur within just 20% of the country.



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Images credit: Parliament of Ghana and CPA Secretariat

However, the Kenyan Government developed a programme called the Rural Electrification Programme (REP) from 2002 to 2018, and then moved on the extra mile to come up with numerous forward-looking policies. About 80% of Kenya's land is made up of arid and semi-arid areas; hence, it is very difficult to connect to these rural areas. Currently, the country has several initiatives aimed at improving energy efficiency and conservation.

One is the enactment of the new Constitution in 2010, which accelerated spreading electricity lines to cover every institution, a strategy that has been used to cover schools. Kenya's aim to cover all institutions in the next two years is still ongoing. Another strategy used in Kenya is the diversification of electricity sources, and the introduction of solar has been realised in the expensive arid and semi-arid areas, so most of the street lights in those areas are now under solar power. Other legislations to eradicate energy poverty include the National Energy Policy 2018 and the Energy Act, 2019, which has led to the government opening up to private sector producers of energy.

Kenya now has one of the largest wind energy farms in Sub-Saharan Africa in Turkana, called the Turkana Wind Energy Farm. Kenya has a very ambitious policy to transit to clean energy and climate smart approaches to development. The President of Kenya has announced plans to plant 15 billion trees in the next three years. The country is also embarking on community sensitisation to cause a mind shift for cleaner energy.

Mr Howard Mwesigwa, Member of the East African Youth Parliament, commended India on their localisation of the energy transition value chain agenda and asked how much of the deployed solar panels and wind turbines are actually being developed, designed and assembled in India.

Hon. Shri Anurag Sharma, MP answered by saying that India is basically an exporter of solar panels. Most solar panels being deployed in India have been made and manufactured in India. India is also one of the world's largest producers of wind turbines and has just set up the world's largest solar park. The country spends a lot of money on research and development since solar energy, particularly panels, are currently not the most efficient.

Hon. Stuart McMillan, MSP (Scotland) suggested that there should be legislation on government funding in tackling energy poverty so that Parliament could demand accountability from the

Executive by ensuring that government does not cut funding for renewable energy projects.

Hon. Shri Anurag Sharma, MP, in response, said that India has a separate Ministry for Renewable Energy, which was created by the Prime Minister, Hon. Narendra Modi. All companies are now encouraged under the Corporate Social Responsibility (CSR) funding to actually subsidise gas.

Senator Hon. Professor Margaret Kamar also added that in Kenya, the extra mile connectivity is done under a facility by the Government to cover the rural areas. Currently, in Kenya, geothermal energy is at 45.2%, hydro is 21%, wind is 16.8%, and the private sector has come in all these except transmission and connection, which is done purely by Government.

Dr Emmanuel Marfo, MP (Ghana) made two points for Members to reflect on. He first recommended that CPA Members reflect on how Parliaments could take actions towards energy transition even within their countries or provinces. His second concern was on the energy transition investment that would be required, taking into consideration that most climate vulnerable countries or members of CPA come from debt distressed economies, making the amount of investment required to implement their NDCs and energy transition plans way above their GDPs, unless there are innovative financing arrangements. He, therefore, called on the CPA to advocate for debt-for-climate swap as a specific financing mechanism that could be used to finance energy transitions.

Hon. Morais Guy, MP (Jamaica) was also concerned about the affordability of citizens of developing countries in getting new technologies that are climate change appropriate. He then suggested the need for serious government interventions in terms of funding and subsidy for the ordinary person to afford energy efficient technologies, as such persons would rather 'think of their children and meals on the table', than climate change.

Senator Hon. Professor Margaret Kamar agreed with him on that note and reiterated that citizens in deprived communities need sensitisation to know the health effects of some of the activities they engage in. She emphasised that Parliamentarians must be vigilant, monitor and evaluate any change that takes place in any government.

Hon A. N. Shamseer, Speaker of the Kerala Legislative Assembly asked whether the Commonwealth and the CPA could take any initiatives forward to change hydro projects into solar projects as rainfall decreases every year due to climate change.

Senator Hon. Professor Margaret Kamar responded that not all conversions may be possible and that in her opinion, there is a need for more research and development as far as solar is concerned for countries to tap more into the solar power than they do currently. Parliaments have to think very widely about this because the climate change phenomenon is something that is here to stay.

The following recommendation was endorsed unanimously by workshop delegates that:

- **Parliamentarians across the Commonwealth must seek to ensure there is secure, reliable, efficient, affordable and environmentally sustainable energy provision available to all.**



CPC WORKSHOP F: 20 YEARS OF THE LATIMER HOUSE PRINCIPLES ON THE SEPARATION OF POWERS: IS IT WORKING?

Panel Chair: Joy Burch, MLA, CPA Small Branches
Chairperson and Speaker of the Legislative
Assembly of the Australian Capital Territory

Discussion Leaders:

- **Senator Hon. Nigel de Freitas, President of the Senate, Trinidad and Tobago**
- **Senator H.E Wan Junaidi Tuanku Jaafar, President of the Senate, Malaysia**
- **Senator Hon. Sue Lines, President of the Senate, Australia**
- **Professor Hakeem Yusuf, Professor of Global Law, Derby University**

Facilitator: Jarvis Matiya (CPA Secretariat)

Rapporteurs: Mr Daniel Tenkorang, Ms Olivia Asante,
Mr Armiyau Khalilu-Rahman and Ms Annastecia
Konadu Boah (Parliament of Ghana)

This workshop session focused on the significance of the Commonwealth Latimer House Principles and examined strategies to strengthen the relationship among the three branches of government. It also highlighted best practices for embedding these Principles in Commonwealth Parliaments. For democracy to thrive, the Executive, the Legislature and the Judiciary must operate within their constitutional mandates. The Legislature makes laws, the Executive implements and the Judiciary, which is the final arbiter of a state, exercises the powers of adjudication and interpretation.

The CPA Small Branches Chairperson, Joy Burch, MLA, Speaker of the Legislative Assembly of the Australian Capital Territory, chaired the workshop session and introduced the panellists. She also recalled the role of the CPA in drafting the Commonwealth Latimer House Principles with other Commonwealth organisations and the role that all Commonwealth jurisdictions have in implementing them.

The first panellist, Senator Hon. Nigel de Freitas, President of the Senate of Trinidad and Tobago, examined the implementation of parliamentary democracy and the Commonwealth Latimer House Principles in Trinidad and Tobago. He stated that the Constitution as the fundamental and supreme law of the land establishes and defines the functions of the three branches of government, thereby ensuring their independent operation.

He mentioned that the Commonwealth Latimer House Principles have been effective in preserving the Legislature's independence, its oversight role and its representative functions. He referred to a number of constitutional provisions in Trinidad and Tobago,

especially Article 55 which guarantees the freedom of speech of Parliamentarians during parliamentary proceedings. However, it must be stated that, although this freedom as prescribed by the Constitution is well-intentioned from a privilege point of view, it must be exercised within the remit of the law. In addition to this constitutional freedom, Parliamentarians enjoy security of tenure, protection against expulsion and revocation of appointment.

Nevertheless, in benchmarking the Principles against the Edinburgh Plan of Action for the Commonwealth, the President of the Senate of Trinidad and Tobago highlighted some challenges. The Edinburgh Plan calls for the remuneration of Parliamentarians to be determined independently. In the current dispensation, the Parliament of Trinidad and Tobago still relies on funding from the Executive, thereby compromising on its independence. Moreover, the Commonwealth has not met its goal of having at least 30% women in political and decision-making positions, as outlined in the Edinburgh Plan of Action.

The discussion underscored the importance of enhancing gender diversity in government branches, aligning with Commonwealth standards. It was emphasised that while strict adherence to the separation of powers is mandated by the constitution, parliamentary oversight should be more robust. The effective discharge of this function serves as a check on the Executive. It also reduces the occurrence of arbitrary rule and leadership.

Senator H.E. Wan Junaidi Tuanku Jaafar, President of the Senate of Malaysia, explained how Malaysia applies the Commonwealth Latimer House Principles. He outlined the role of Malaysia's three branches of government and the unique role of the Sultans in electing a Supreme King as head of state.

He outlined that the Legislature has its own internal checks and balances but the Judiciary has the mandate to determine the constitutionality of the laws passed by the Legislature. One of the main challenges in Malaysia lies in the independence of the Judiciary as members of the bench are appointed by the Executive.

“For democracy to thrive, the Executive, the Legislature and the Judiciary must operate within their constitutional mandates. The Legislature makes laws, the Executive implements and the Judiciary, which is the final arbiter of a state, exercises the powers of adjudication and interpretation.”



THE COMMONWEALTH CHARTER 10 YEARS ON: VALUES AND PRINCIPLES FOR PARLIAMENTS TO UPHOLD



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Images credit: Parliament of Ghana and CPA Secretariat



The danger in this procedure is that there is the likelihood of Executive interference in the dispensation of Justice. He therefore called for the introduction of the relevant constitutional measures to ensure the independence of the Judiciary. Plans to introduce an independent commission for judicial appointments are in progress. He also stressed the need for the re-enactment of the *Parliamentary Service Act* in Malaysia.

The third panellist, **Senator Hon. Sue Lines, President of the Senate of Australia**, highlighted the application of the Commonwealth Latimer House Principles in Australia, emphasising the importance of honesty, probity and accountability. All the branches of government are guarantors of the rule of law. She acknowledged deviations from these Principles during the COVID-19 pandemic due to the need for extraordinary actions. Australia is actively working to adhere to the principles through dialogue and proactive measures.

Professor Hakeem Yusuf explored the 'Power of Disallowance' (a decision to veto an act of a Parliament or a provincial Legislature by a head of state or their representative) across Commonwealth states, discussing its historical origins and contemporary applications. He raised questions about its alignment with democratic principles, asking Members whether the veto power promotes democracy or is antithetical to it, and he sought support for ongoing research on its role and impact.

Hon. M. Appavu, Speaker of the Tamil Nadu Legislative Assembly, recognised the progress made in implementing the Latimer House Principles across the Commonwealth and noted that, while significant strides have been made, challenges persist in some member states. The level of development in these

jurisdictions can affect their adherence to these principles and he suggested that all Members should demonstrate a strong commitment to the Latimer House Principles and emphasise the importance of cooperation among government branches.

Senator Hon. Paul Richards (Trinidad and Tobago) raised a critical question about how the Commonwealth Latimer House Principles can address inefficiencies in public service delivery when government branches are not functioning optimally. His question delved into the practical implications of implementing these principles.

The workshop also included valuable contributions from participants including **Hon. Rockson-Nelson Kwami Etse Dafeamekpor, MP (Ghana)**, who discussed judicial disallowance and the Judiciary's role in scrutinising

legislation and **Hon. Nontembeko Boyce, Speaker of the KwaZulu-Natal Provincial Legislature** who emphasised public participation and constitutional mechanisms in fostering oversight.

Senator Hon. Nigel de Freitas responded by highlighting the significance of oversight mechanisms in the context of the separation of powers and the challenges in ensuring effective oversight over the Judiciary, emphasising the need for checks and balances among all branches of government. He further explored the challenges in overseeing the judiciary, particularly in the context of Trinidad and Tobago. Senator Wan from Malaysia discussed the courts' role in parliamentary oversight, citing cases where laws were declared unconstitutional.

Hon. Mohamed F. Mwinyihaji, MP (Kenya) explained the appeal process in Kenya's judicial system, stressing judicial integrity.

Justice Hafisata Amaleboba, a Justice of the Court of Appeal in Ghana, highlighted the effective implementation of the Commonwealth Latimer House Principles in Ghana, reaffirming the distinct roles of the Executive, the Parliament and the Judiciary.

Overall, the workshop session provided a comprehensive exchange of ideas and experiences on the separation of powers and good governance in the Commonwealth. It shed light on the complexities and practicalities in implementing these principles and facilitated shared learning among delegates. There was a general consensus among delegates as to the importance of the separation of powers and the checks and balances in the democratic process. The exercise of political power must be balanced constitutionally among the three arms of government to ensure that no organ or branch of government arrogates to itself excessive power.



CPC WORKSHOP G: THE COMMONWEALTH CHARTER: A CHARTER FOR ALL HUMAN RIGHTS OR SOME?

Panel Chair: Hon. Nontembeko Boyce, Speaker of the KwaZulu-Natal Provincial Legislature

Discussion Leaders:

- **Hon. Akierra Missick, MP Chair of the CPA Human Rights Working Group (Turks and Caicos Islands)**
- **Hon. Kaukab Sewart, MSP (Scotland)**
- **Steve Letsike, The Commonwealth Equality Network (TCEN)**
- **Joseph Whittal, Commissioner for the Commission of Human Rights and Administrative Justice, Ghana**

Facilitator: Lydia Buchanan (CPA Secretariat)

Rapporteurs: Mr Kofi Menkah, Ms Elorm Doe-Atakli and Ms Josephine Aryeetey (Parliament of Ghana)

This workshop deliberated how Parliamentarians and Civil Society Organisations (CSOs) could promote and uphold human rights values in the Commonwealth. Discussions highlighted gender equality, protection of the rights of LGBT+ persons, capacity-building, disability and refugees' rights. CPA Members were encouraged to promote human rights legislation and policies in their respective jurisdictions. The need to respect cultural rights was, however, expressed by some participants. The workshop was chaired by **Hon. Nontembeko Boyce, the Speaker of the KwaZulu-Natal Provincial Legislature**.

Hon. Akierra Missick, MP (Turks and Caicos Islands) began the session by briefing participants about the Commonwealth Parliamentary Association's Working Group on Human Rights, which was established in March 2021 to look at best practices, strengths and skills of member countries and lend support to member Parliaments needing capacity to enhance their effectiveness. She noted that the areas of common concern that cut across included gender equality mainstreaming; disability sensitisation; protection of the rights of LGBT+ persons; supporting Parliaments in their oversight duties; ratification of various international conventions; capacity building and awareness on the Universal Periodic Review Mechanism for human rights; the role of Parliaments in the implementation of human rights values; and building stronger partnerships between Parliaments and National Human Rights Institutions, including civil society organisations.

Hon. Akierra Missick, MP highlighted the gains made in increasing women's participation in Parliaments and its positive effects on gender-based sensitivity in governance across the Commonwealth. She also observed the number of countries across the Commonwealth that had signed various international human rights treaties and conventions, but had no domestic policies or systems for the implementation of the provision of those conventions. She expressed delight in the Working Group providing

training videos for Members through the CPA's online Parliamentary Academy to be able to implement them. She stressed the CPA's recognition of cultural differences and non-imposition of decisions. She suggested that the views of the minority should always be given due consideration in human rights policies.

Speaking about LGBT+ rights across the Commonwealth, **Steve Letsike, The Commonwealth Equality Network (TCEN)** implored Members to take the Commonwealth Charter as a 'game changer' because of its recognition for exclusivity, diversity, common values and principles. Steve opined that discrimination, injustice and prejudice were a colonial legacy of the Commonwealth. The 'modern' Commonwealth, expressed through the Charter, however, believes in equality, respect and promotion of all civil, political and social rights of all persons. This, Steve noted, is the foundation for a peaceful and just society. Therefore, member states should not pay 'lip service' to these tenets, but apply them and make them practicable.

Steve Letsike stressed that despite efforts from campaigners, xenophobia, racism, sexism, transphobia and other forms of discrimination still exists within Commonwealth states. Steve further bemoaned the slow pace in decriminalising laws that discriminate against LGBT+ persons and the continuous passage of more punitive anti-LGBT+ legislations in countries such as Barbados, Guyana, Pakistan, Tanzania, Brunei, Uganda and the northern part of Nigeria. Thirty-five Commonwealth countries still have LGBT+ discriminatory laws in their Statutes. Steve however noted positive results of the work of The Commonwealth Equality Network and other partners in campaigning for decriminalising anti-LGBT+ legislation in countries such as Australia, Canada, Malta and the United Kingdom in the 1960s and 1970s and more recently in Fiji, Belize, India, Lesotho, Nauru, Seychelles and Mozambique among others.

Steve Letsike urged Parliamentarians to reform laws that restrict the operations and access to funding of civil society organisations (CSOs) in the human rights space as well as those campaigning for the repeal of anti-discriminatory LGBT+ laws. Steve further urged Parliamentarians to introduce and sponsor progressive laws that protect the rights of all persons, including LGBT+ persons, to make the Commonwealth Charter a lived reality for all citizens.

Hon. Kaukab Sewart, MSP (Scotland) in her presentation recounted her own experiences as a migrant and the opportunities provided to become the first woman of colour to be elected to The Scottish Parliament. She noted that despite her achievement, a lot more work needed to be done concerning the issues of asylum seekers and refugees. She brought to the fore a recent inquiry into the treatment and experience of asylum seekers and refugees particularly in the areas of housing and work. She noted that the legislative landscape was quite complicated because even though The Scottish Parliament has devolved powers, the legislation concerning immigration is reserved with the United Kingdom. This 'legislative complication', she observed, makes it difficult for The Scottish Parliament to fulfil their human rights obligations when it comes to the cases of asylum seekers and refugees, especially in



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Images credit: Scottish Parliament and CPA Secretariat



the areas of housing of refugees. She lamented the restrictions on asylum seekers and refugees' rights to work which had impacted negatively on their mental health. The Committee on Equalities, Human Rights and Civil Justice had noted the discriminatory words which were being used about refugees, such as 'hurricane' and 'swarm', which dehumanises them. She stressed the fact that no human being is illegal regardless of their status.

In order to alleviate the conditions of refugees and asylum seekers, Hon. Kaukab Sewart, MSP noted that The Scottish Parliament explored a proposal for free bus passes since refugees do not have access to public funds. She further noted that cross party groups in The Scottish Parliament and the UK Parliament are also working tirelessly to bring the UK Government on board. She advised that processes involving human rights should not be only procedural but keep people at the centre.

Mr Joseph Whittal, the Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) Ghana in his presentation, noted that the cooperation between national Parliaments and National Human Rights Institutions is anchored on the Belgrade Principles which establishes how national Parliaments can support the work of National Human Rights Institutions. According to him, areas of interest that Parliaments could support include presenting human rights reports to Parliament for rigorous debates, setting up of Parliamentary Committees on human rights, posing parliamentary questions to exert oversight and accountability from the Executive, passage of legislation to strengthen National Human Rights Institutions and appropriation of adequate budgets to support the implementation of human rights policies and activities, such as investigations, filing of court processes, hiring the services of lawyers, research and capacity building of human rights defenders.

On the role of the CHRAJ, he noted that it was a constitutional body that investigates complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the execution of his/her official duties. Other roles included deepening accountability, transparency and good governance, enhancing access to justice for vulnerable groups, and reporting and amplifying human rights issues in the country.

He further highlighted the successes of CHRAJ advocacy in the abolishment of the 'trokosi' system which is a cultural practice where girls served at shrines to atone the sins of their forefathers at the expense of their education. He underscored the cordial working relationship of CHRAJ and the Parliament of Ghana through the Parliamentary Committee on Special Budget Committee, the Constitutional, Legal and Parliamentary Affairs and the Leadership led by the Speaker of Parliament.

During the Q&A that followed, **Hon. Graziella Attard Previ, MP (Malta)** remarked that Malta stands by the affirmation that 'gay rights are human rights' and Malta has made huge progress in this regard.

“Discussions highlighted gender equality, protection of the rights of LGBT+ persons, capacity-building, disability and refugees’ rights. CPA Members were encouraged to promote human rights legislation and policies in their respective jurisdictions.”



She noted that, since 2011, the LGBT+ community in Malta has achieved several equal rights and today are ranked among the highest in the world. Further, Malta has introduced same-sex marriage, same-sex adoption, among other rights. She agreed with the panellist from The Commonwealth Equality Network that LGBT+ must be decriminalised to ensure the safety of the community. She urged Members not to turn a blind eye to the needs of the LGBT+ community.

Hon. Basalirwa Asuman, MP (Uganda) challenged the factual accuracies of the presentations by the panellist from The Commonwealth Equality Network. The Member stated that Uganda does not have a legislation that imposes a death sentence for homosexuality, rather discretionary death sentences exist in the cases of aggravated rape, defilement and homosexuality. He further pointed out that laws evolve based on a society's ethos and values and this must be respected. He further emphasised that there are varying views on polygamy by both African states and Western countries, and the same differences ought to be respected in other areas, such as homosexuality. He noted that if society's values are not respected, it creates problems.

Mr Edem Senanu, Member, Governing Council of the Coalition for Proper Human Sexual Right and Ghanaian Family Values, also shared a similar view on cultural diversity. He made reference to the Universal Declaration on Cultural Diversity which states that *"...cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognised and affirmed for the benefit of present and future generations"*. He referred to the biggest single research globally on the Human Genome Project which found no relatedness with genetic predisposition towards homosexuality.

Hon. Akierra Missick, MP however, cautioned Commonwealth countries to ensure that the protection of sovereignty and culture does not become the basis for trampling on the rights of others. Steve Letsike also added that sovereignty would always be respected, however laws must still come under introspection especially if they violate the rights of others. In Steve Letsike's view, the Ugandan law violates human rights, dignity and integrity.

Hon. Sunil Kumar Singh, MP (Lok Sabha, India) stated that the people of India believe in one earth, one family, one future, adding that in 2018, the Supreme Court of India overturned a 19th century law banning homosexuality. Steve Letsike congratulated India for this progressive achievement.

Hon. Adam Price MS (Wales) shared his own personal experience, reflecting on 35 years ago when being gay was illegal in his own country. There was tremendous discrimination at the time, and he contemplated suicide. He praised the President of Ghana's remarks on unity and the protection of rights within the Commonwealth at the opening of the 66th CPC. He also highlighted the importance of universal rights and referred to the Ghanaian Constitution's preamble, emphasising the equality of opportunity for all. Lastly, he expressed concerns about the violence and arbitrary arrests faced by the LGBT+ community in Ghana and argued that it is impossible to believe in universal rights while dehumanising one group of people.

Hon. Montseng Tsiu, MP (Free State, South Africa) recommended that all African countries must repeal their inhuman and unjust laws that are against the LGBT+ communities and treat them equally like all other human beings. She submitted that no country must violate human rights based on illegal values.

Mrs Faustina Boakye (representing civil society organisations) expressed worrying concerns in the delay in the Presidential assent to the Anti-Witchcraft Bill which was passed by the Parliament of Ghana on 28 July 2023. She lamented how some older women were being maltreated in some parts of Ghana for accusations of witchcrafts. She also noted that the practice was not peculiar to Ghana but in several Commonwealth countries. She called for sensitisation of the citizens on this inhumane belief system.

Joseph Whittal, in his concluding remarks on the LGBT+ Bill currently pending in the Parliament of Ghana, clarified that Ghana is not a homophobic country as it seems to be portrayed by some people. He explained that CHRAJ has collaborated with Parliament and submitted a memorandum indicating areas where the LGBT+ Bill is considered deficient, in terms of human rights laws and the Constitution of Ghana. Steve Letsike expressed satisfaction with the deliberations of the workshop and reiterated the need to also respect the culture of LGBT+ people.

At the end of the workshop, by majority, delegates endorsed the following recommendation that:

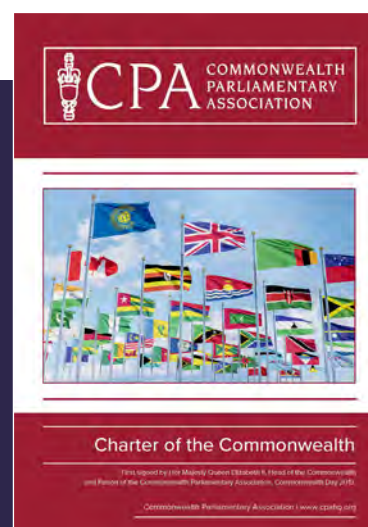
- **The Commonwealth Charter should apply to all Commonwealth citizens irrespective of race, religion, gender, sexual orientation, age or political views and Parliaments should be actively working to promote the human rights of all.**

THE COMMONWEALTH CHARTER

- The Commonwealth Charter is a document of the values and aspirations which unite the Commonwealth. It expresses the commitment of member states to the development of free and democratic societies and the promotion of peace and prosperity to improve the lives of all the people of the Commonwealth. The Charter also acknowledges the role of civil society in supporting the goals and values of the Commonwealth.



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CPC WORKSHOP H: E-PARLIAMENTS: AN EFFECTIVE MECHANISM FOR INTERSECTIONAL DIVERSITY AND EQUITABLE PUBLIC ENGAGEMENT

DISABILITIES TOPIC

Panel Chair: Senator Hon. Dr Paul Richards, CPwD
Regional Champion for the CPA Caribbean,
Americas and the Atlantic Region
(Trinidad and Tobago)

Discussion Leaders:

- **Hon. Liesl Tesch, AM, MP, CPwD Regional Champion for the CPA Australia Region (New South Wales)**
- **Senator Hon. Isaiah Jacob, CPwD Regional Champion for CPA South-East Asia Region (Dewan Negara, Malaysia)**

Facilitator: James Pinnell (CPA Secretariat)

Rapporteurs: Ms Edith Akrong, Ms Ann-Marie Ama Edem Akli and Ms Sethline Frempong (Parliament of Ghana)

The workshop was introduced by **James Pinnell** from the CPA Secretariat who showed a video of a Member of Parliament speaking to delegates, which he later revealed to be fake. He introduced the concept of synthetic media, which involves using Artificial Intelligence (AI) for content creation and alteration. He highlighted that synthetic media could make it challenging for people to differentiate between genuine material and fake content, emphasising the need to be cautious about authenticity.

The use of technology in new and innovative ways continues to bridge the communications gap between Members of Parliament and their constituents. Through social media and other digital platforms, MPs are able to engage effectively with the public and receive feedback on important issues. This workshop focused on how best to enhance the use of technology to promote inclusion, intersectional diversity and equitable public engagement. However, Parliaments face many challenges when it comes to effectively engaging with the public, especially individuals with disabilities. These challenges revolve around finding the most effective ways to involve them in e-Parliament activities. The workshop further delved into exploring innovative strategies to address the various threats and challenges that technology can pose to the engagement of the public in parliamentary processes.

Parliaments have a duty to give equal opportunity to every stakeholder in the democratic process. Active participation of the public through live streaming of parliamentary sessions cannot be over-emphasised. The use of e-Parliaments allows for digital tools to manage documents, schedule meetings and collaborate

with colleagues. It also helps to promote intersectional diversity and equitable public engagement in the parliamentary processes. Recognising and addressing the barriers faced by individuals in remote and rural communities is crucial for the advancement of democracy. It is essential to find ways to reduce the risks of exclusion in these areas.

Additionally, special attention should be given to understanding and addressing the unique challenges faced by people with disabilities, particularly when it comes to ensuring their easy access to services and opportunities in the absence of adequate physical infrastructure. Prioritising these issues is essential for promoting inclusivity and democratic growth.

The workshop called for a proactive approach to promoting diversity and inclusion by making parliamentary processes accessible to all. To effectively achieve this aim, Parliaments must bring on board the under-represented groups, listen to their concerns and take action to address their needs, accommodate people with disabilities, make digital platforms user-friendly and accessible, and provide real-time translation facilities for people who speak different languages.

The Panel Chair, **Senator Hon. Dr Paul Richards (Trinidad and Tobago)**, intimated that technology is a double-edged sword because, as much as it provides a system that protects the needs of citizens, it may be subjected to abuse. He alluded to the lack of ICT infrastructure as one of the major challenges limiting the public in their use of the internet, especially in developing countries. He called for governments to deploy the infrastructure requirements that promote inclusiveness and enable appropriate sharing of information as well as opening up new channels for communication, particularly in rural areas.

In addition, he stressed the significance of synthetic media and its potential threat to e-Parliament activities. Synthetic media is pervasive and may be used to make a person say and do things that they never intended to do. Through 'deepfake', technology now has the ability to present one's image and likeness, and voice, to spread negative information to an audience. The harm caused by the use of synthetic media may be irreparable as it would be difficult to distinguish the authentic information from the fake one and if not regulated it may become a huge risk to democracy.

Workshop delegates were informed that the CPA Secretariat is in the process of developing a toolkit to guide MPs and stakeholders in using e-Parliaments and combatting disinformation. Parliaments must also put in place systems that would ensure the privacy and confidentiality of information exchanged between the users of the e-Parliament platform, which would ensure the sanctity of the data and minimise its abuse.



Images credit: Parliament of Ghana and CPA Secretariat

During the session, a significant challenge highlighted was the unequal access to e-Parliament resources, especially in developing countries where e-Parliament infrastructure is scarce. This disparity in access was identified as one of the major obstacles to the effective implementation of e-Parliament initiatives. The implications of limited access or unavailability of reliable internet access to persons in underserved communities need to be addressed by Parliaments to ensure the effective inclusion of all stakeholders in the democratic process.

Senator Hon. Dr Paul Richards pointed out that the presumption that officials and stakeholders using e-Parliament resources understand and can easily apply digital tools is incorrect. It was acknowledged that Parliaments should make efforts to offer ongoing training for MPs and parliamentary officials regularly. This is essential because technology continually evolves, and all users must be trained to stay updated with the latest technological developments.

The delegates deliberated on how Parliaments must commit adequate resources to fund the huge financial cost that comes with the implementation of equipment and devices. They also discussed the need to make resources available to pay service charges to internet service providers to ensure the smooth running of the e-Parliament system.

Hon. Liesl Tesch, MP (New South Wales) began her presentation by emphasising the importance of inclusion, as reflected in the message on her t-shirt, 'Inclusion means you'. She expressed her belief that as Members of Parliament and human rights activists, their primary responsibility is to ensure that Parliaments are as inclusive as possible, particularly for individuals with disabilities.

She then discussed the steps taken in her Parliament in New South Wales to enhance inclusivity, with a focus on e-petitions as a significant adjustment. She highlighted how e-petitions have revolutionised the traditional paper petition system, with 175 e-petitions submitted by August 2020, compared to just 61 paper petitions. She pointed out that e-petitions have opened up opportunities for a broader community, not just those with disabilities, to participate in advocating for legislative reform.

Committee work at the New South Wales Legislature, she added, has significantly improved with the introduction of e-Parliaments. In the past, submissions were limited to written formats, but now there is a more flexible approach, including video submissions and round table discussions with Parliamentarians. To create a more welcoming environment, the first discussant mentioned that parliamentary staff received comprehensive training in disability and cultural awareness.

“During the session, a significant challenge highlighted was the unequal access to e-Parliament resources, especially in developing countries where e-Parliament infrastructure is scarce. This disparity in access was identified as one of the major obstacles to the effective implementation of e-Parliament initiatives. The implications of limited access or unavailability of reliable internet access to persons in underserved communities need to be addressed by Parliaments to ensure the effective inclusion of all stakeholders in the democratic process.”



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Images credit: Parliament of Ghana and CPA Secretariat



During lockdowns, Hon. Liesl Tesch, MP explained that the New South Wales Parliament had the advantage of online access to the Legislature, using a hybrid system with 20 Members, including the Speaker, physically present while others joined remotely. She acknowledged the convenience of e-Parliaments but also mentioned that Members missed the traditional political atmosphere within the 'physical' Parliament building. As a response, an amendment has been made to the Bill to allow for a hybrid voting system in critical circumstances.

Hon. Liesl Tesch, MP highlighted the presence of a disability inclusion action plan in her Parliament and all government departments across the State, emphasising its importance in giving a voice to Parliament, staff and Parliamentarians to advocate for change. She stressed the need for other Parliaments to implement similar disability inclusion action plans and mentioned the engagement of people with disabilities in online meetings to provide input for political change in Australia.

During the discussion, **Deputy Sasha Kazantseva-Miller (Guernsey)** inquired about the technical aspects of e-petitions and how the government ensures that individuals outside the jurisdiction cannot endorse these petitions. **Ms Carly Maxwell, Deputy Clerk (New South Wales)** explained that a geo-blocking system is in place to restrict e-petitions to Australian citizens, ensuring that they are the only ones who can participate in the process.

The second panellist, **Senator Hon. Isaiah Jacob (Malaysia)**, in his presentation, shared his experiences of being a Parliamentarian with a disability in Malaysia and how he grapples as both a Senator and a champion for persons with disabilities. He stated that his mandate as a Senator is to care for 222 constituencies translating into solving problems of persons with disabilities in all these areas, which is quite a number.

For someone born with a disability, his quest to be the champion for persons with disabilities was borne out of the segregation that he suffered as a child. He noted that his appointment to the post of Senator was because of his passion for people with disabilities.

Senator Hon. Isaiah Jacob highlighted four major problems facing persons with disabilities in Malaysia namely, segregation and

exclusion, employment issues, lack of proper healthcare and economic freedom.

According to the Senator, the segregation and exclusion of persons with disabilities is rife in Malaysia, especially in the public sector. He pointed out that the private sector is also reluctant to include persons with disabilities in their policies. He emphasised the need for a shift in attitudes and the importance of providing equal opportunities, including employment, to individuals with disabilities. This, he believes, would contribute to their economic independence.

On proper healthcare, he indicated that persons with disabilities were not given the best of healthcare. Due to the nature of their health issues, they would require specialised health care but most people lack this due to the fact that they are not economically sustained and cannot afford the health care they require.

He commended the Malaysian Government for having signed over 700,000 persons with disabilities on a government welfare scheme that seeks to improve the lives of these groups of people. To him, persons with disabilities are capable people provided they are given the opportunity to showcase their abilities. He added that he is championing the cause of persons with disabilities by introducing laws that would sanction developers who flaunt the need to build disability-friendly buildings and equipment, and those who want to curtail the rights of persons with disabilities.

On using technology as an effective tool for intersectional diversity and equitable public engagement with persons with disabilities, Senator Hon. Isaiah Jacob stated that the Malaysian Government intends to use technology more effectively to reach out to persons with disabilities.

Hon. Carolyn Thomas, MS (Wales) mentioned that the Welsh Parliament conducts fully hybrid or virtual meetings, including Committee meetings and cross-party groups. This approach aims to facilitate participation from various groups and organisations, as well as individuals with caring responsibilities and those who have to travel long distances. Previously, it appeared that MPs were not utilising technology to its full potential and preferred to be physically present in Parliament. However, there is now the option for them to join virtually, if they are unwell or have caregiving responsibilities. She inquired about the possibility of merging the gender quotas workshop and the e-Parliament workshop at the CPC and suggested that utilising the virtual system could be highly beneficial for women and individuals with disabilities.

In conclusion, the discussions at the workshop revolved around the idea of using e-Parliaments as a means to enhance diversity and promote equitable public engagement. These discussions delved into the advantages and obstacles that Parliaments encounter when incorporating digital tools and platforms into their parliamentary procedures. Additionally, they highlighted the best practices and strategies that Parliaments have embraced to encourage inclusivity.

The workshop delegates endorsed unanimously the following recommendation that:

- **Parliaments should embrace their representative function, both in the diversity of its membership and through engaging with the public, including via appropriate and innovative approaches.**



COMMONWEALTH WOMEN PARLIAMENTARIANS AIM TO FURTHER GENDER EQUALITY AND EQUAL REPRESENTATION IN PARLIAMENTS AT 66th COMMONWEALTH PARLIAMENTARY CONFERENCE IN GHANA

Women Parliamentarians from across the Commonwealth met at the 66th Commonwealth Parliamentary Conference in Accra, Ghana. Meetings of the Commonwealth Women Parliamentarians (CWP) network were held at the conference on 1 and 2 October 2023 to discuss women's representation in Parliaments, gender sensitisation and quotas amongst a wide range of topics. This was also the first Commonwealth Parliamentary Conference held since the Commonwealth Parliamentary Association introduced new measures aiming to ensure equal gender representation at its annual conference resulting in a 60/40 male/female gender ratio amongst voting delegates.

The Commonwealth Women Parliamentarians (CWP) is the network of women Members of the Commonwealth Parliamentary Association's Parliament and Legislatures. The CWP network provides a means of building the capacity of women elected to Parliament to be effective in their roles; improving the awareness and ability of all Parliamentarians, male and female, and encouraging them to include a gender perspective in all aspects of their role - legislation, oversight and representation and helping Parliaments to become gender-sensitive institutions.

The CWP Business meeting was opened by the Chairperson of the Commonwealth Women Parliamentarians, Hon. Dr Zainab Gimba, MP, Member of the House of Representatives at the National Assembly of Nigeria, who welcomed delegates and updated on the CWP network's activities delivered since the 65th Commonwealth Parliamentary Conference in Halifax, Nova Scotia, Canada in August 2022 and the plans for the year ahead. The CWP Chairperson also pledged to renew the effort to increase women's representation and political participation in Parliaments across the Commonwealth.

The CWP Chairperson said: *"It is important to highlight that despite progress made in many areas, women's representation in Parliaments remains inadequate. The international community advocates for gender parity meaning 50/50 representation of women in Parliament."*



Images credit: Parliament of Ghana and CPA Secretariat

However, data gathered by the CPA on 15 September 2023, shows that only 55 of the 180 CPA Branches have achieved the Commonwealth Heads of Government target of at least 30% women in elected office that was set over 20 years ago. Members are to also note the data gathered by the CPA reveals that eight Parliaments in the CPA's membership have no women in Parliament."

Delegates debated the time and format of future CWP Business meetings and conferences as well as the methods for reporting of CWP activities through the Regional Secretariats, with a motion passed by delegates containing further recommendations for the CWP Steering Committee (more time to be allocated for CWP Business meetings, CWP reports be distributed to Members prior to Business meetings, themes are developed to guide annual activities of the CWP, and new Members receive an induction into the CWP).

CWP STEERING COMMITTEE MEETING

At the start of the 66th CPC, the CWP Steering Committee met in Ghana representing the seven of the nine CPA Regions: Africa; Asia; Australia; British Isles and the Mediterranean; Canada; Caribbean, Americas and the Atlantic; and Pacific. Steering Committee Members discussed activities for the year ahead and also agreed to form a new Subcommittee that will examine the future direction of the CWP network as well as key themes for future conferences and meetings. The CWP Steering Committee elected Hon. Kate Doust, MLC from the Parliament of Western Australia as the new CWP Vice-Chairperson for a one-year term.





CWP AND UN WOMEN EVENT: MAPPING DISCRIMINATORY LAWS ACROSS THE COMMONWEALTH

**Panel Chair: Hon. Patricia Appiagyei, MP, CWP
President (Ghana)**

Discussion Leaders:

- **Hon. Donatille Mukabalisa, Speaker of the Parliament of Rwanda**
- **Hon. Marsha Caddle, MP (Barbados)**
- **Dr Beatrice Duncan, Senior Policy Advisor, Rule of Law, UN Women**
- **Ms Maureen Shonge, Policy Specialist WPP, UN Women**

Moderator: Jarvis Matiya (CPA Secretariat)

Rapporteurs: Ms Abdul Rashidat Edem, Ms Jacqueline Nunana Toppar and Mr Sam Bright Owusu Nkansah (Parliament of Ghana) and Zothile Zondi (CPA Headquarters)

The Commonwealth Women Parliamentarians (CWP) and UN Women co-hosted an event under the theme of *'Ending Discrimination in Law: Celebrating the Gains'* that aimed to heighten attention to recent reforms in discriminatory legislation, increase support and allies' capacity for action to achieve gender-responsive legislation and advance state commitments and global goals pertaining to gender equality, human rights and sustainable development across the Commonwealth.

The event heightened attention to recent reforms in discriminatory legislation across the Commonwealth and beyond and aimed to sensitise Parliamentarians on trends in discriminatory laws, recent successful reforms and how they were achieved. It also galvanised commitments from Parliamentarians to embark on reforms by celebrating the progress made in recent years. Examples of reforming legislation were drawn from Barbados, Ghana and Rwanda that had increased support and improve allies' capacities for action to achieve gender-responsive legislation and advance commitments around global goals pertaining to gender equality.

In his opening remarks, **Mr Jarvis Matiya, CPA Deputy Secretary-General** acknowledged the work that has been done so far on gender equality by the CPA and CWP, in particular with partner organisations like UN Women to tackle discrimination in legislation. However, he noted that there is still a lot of work to be done, and sharing ideas and thoughts would help move the agenda forward.

In her opening remarks, **CWP President, Hon. Patricia Appiagyei, MP (Ghana)** stated that *"Millions of women worldwide are denied access to education, health services, and economic opportunities due to their gender. According to the United Nations, women around the world between the ages of 24 and 35 are*



25% more likely than men to live in extreme poverty. This unequal treatment of people based on their gender has serious lifelong and generational effects."

She noted that the Commonwealth provides the opportunity to change the status quo by ensuring that every citizen regardless of their gender is treated with dignity and respect they deserve under the law. She explained that one way of achieving this is to support the formulation and review of legislations regarding gender equality and women empowerment.

Hon. Patricia Appiagyei, MP called for the support of the review and formulation of legislation concerning gender equality and specifically focusing on the eradication of discriminatory laws. She shared that Ghana has developed several legislative and policy frameworks and is implementing the National Gender Policy, the *Domestic Violence Act*, gender mainstreaming and gender responsive budgeting across Ministries, agencies and departments. Ghana also has an Affirmative Action Bill before the Cabinet which will serve as a guideline to implement programmes that will enhance equality of rights and opportunities for women.

In responding to the main findings of the assessment conducted on discriminatory laws and what the focal points should be, **Dr Beatrice Duncan (UN Women)** called for the acceleration of the reversal of discriminatory laws, mostly influenced by colonial rule, that no longer serve the welfare and wellbeing of women and girls. According to her, customary laws were beneficial to some people and at the same time detrimental to others. She mentioned that colonial rule also superimposed the most negative connotations of women upon the existing ones, thus complicating the legal systems.

In her view, the independence gained was more of political independence than social, economic or legal independence and that has affected women and girls the most. She added that although the UK has dealt with a lot of laws that have negated the rights of women over a period of time, most countries in the Commonwealth have continued to keep those laws. An example is marital rape which has been reversed by Britain yet many countries in the Commonwealth continue to keep it in their statutes.

She expressed the commitment of UN Women to offering the necessary technical support towards the eradication of these laws and further recommended that *'Ending Discrimination in Law'* be the theme that guides CWP activities going forward.

On the successful passage of reforms in the Eastern and Southern Africa and some relevant examples on how the lessons from the Barbados context be applied across Africa, **Ms Maureen Shonge (UN Women)** highlighted the alignment with international laws, research and data collection, sequencing policies towards gradual



law reform, securing political will and/or commitment, strategic litigations, lobbying and advocacy, women's political participation, strategic partnerships such as working with male champions as well as comparative state practices.

She also indicated that some enablers of 'good' legislation and tackling discriminatory laws include aligning with International laws or regional standards as this can signal that there is the political will to take things forward and that governments want to be rated well when it comes to International standards.

Sharing her experience on passing gender responsive legislation in Rwanda and to use the leadership of women to end discrimination in law, the **Speaker of the Parliament of Rwanda, Hon. Donatille Mukabalisa** indicated that the progress made in Rwanda in terms of gender equality and women's right and representation has spanned over twenty-nine years.

She spoke about gender discrimination in Rwanda and reflected on the impact of the Rwanda 1994 genocide on women, especially exclusion from education, employment and property rights. Rwanda has since implemented gender mainstreaming policies, strategies and programmes. This resulted in the amendment of a number of discriminatory laws and the introduction of laws that promote gender equality. Some of the key laws allowed for equal access to land, laws on prevention and punishment of gender-based violence initiated by women Parliamentarians in Rwanda, laws granting men and women equal opportunities to run for elections, labour laws providing equal pay and job opportunities, as well as laws against discrimination based on gender, marital status or family responsibilities.

The positive impact of these reforms is that women have gained confidence to participate more actively in public affairs, make their voices heard in domestic relations and play an active role in economic development. She stressed that political will and good leadership are key drivers of reforms.

However, Hon. Donatille Mukabalisa stated that laws alone are not enough, and that political will and good leadership are the foundation and key drivers in the implementation of reforms. Discriminatory law reforms in Rwanda promoted rapid economic growth and some form of poverty alleviation. She emphasised that eliminating or repealing discriminatory provisions should be a continuous process as laws are not static.

Hon. Marsha Caddle, MP (Barbados) shared an update on significant reforms in Barbados. She stated that the Commission on the Status of Women launched in 1976 looked at women's rights in terms of labour law, marriage and divorce, criminal laws, citizenship and more. This resulted in the introduction of sexual reproductive rights and access to safe abortion in the early 1980s.



Images credit: Parliament of Ghana and CPA Secretariat

These reforms also influenced a public understanding that women's rights are human rights. In recent years, Barbados has enacted the *Employment (Prevention Discrimination) Act* and the *Employment Sexual Harassment (Prevention) Act* and rectified the *Violence and Harassment Convention (No. 190)*.

Barbados has a social partnership involving government, private sector and labour to collaborate on the enactment of legislation and to encourage buy-in on that legislation. Barbados also has a Memorandum of Understanding with UN Women to conduct training workshops on gender-based violence in the workplace across the public sector.

Barbados is gearing towards a debate on the social insurance system and is making proposals for broad-based parental leave to ensure that men are able to share key parental responsibilities which can contribute to women's participation in the workforce and improve family life in general. She urged Parliaments to use Parliamentary Committees to ensure that women's issues are considered, and that relevant Committees have strong partnerships and ongoing engagements with organisations such as UN Women.

With regard to the high incidence of gender-based violence, Barbados adopted a stance on gun related crime which saw the prioritization of such crimes before the court. In the past, cases of gender-based violence were met with fines and long delays rather than custodial sentences. These result in victims and survivors having poor recollection of the event that happened to them and a watering-down of the criminal justice response.

In addressing how to determine whether inclusive governance is successful, she indicated that patriarchy is often internalized by all including women who are part of a system that was created out of patriarchy and play certain roles that do not allow for gender equality to triumph. The burden of proof for what success looks like has to go beyond inclusion because inclusion is just one layer. There is the need to hold Parliaments and governments accountable to real outcomes and numbers on how they are reducing incidents of gender-based violence.

The workshop concluded with delegates recommended that '*Ending Discrimination in Law*' be the theme of the CWP programme at the 67th Commonwealth Parliamentary Conference.



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COMMONWEALTH PARLIAMENTARIANS FOCUS ON ENSURING GREATER SUSTAINABILITY FOR THE SMALLEST JURISDICTIONS ACROSS THE COMMONWEALTH AT 39th CPA SMALL BRANCHES CONFERENCE IN GHANA

Following several recent natural disasters that have affected the smallest jurisdictions in the Commonwealth, Parliaments and Governments are increasingly required to prepare for different eventualities. Commonwealth Parliamentarians met at the 39th Commonwealth Parliamentary Association (CPA) Small Branches Conference to examine the unique challenges they face in mobilising resources for greater sustainability. The conference discussed strategies to meet the unique developmental needs of the CPA's smallest Legislatures through key thematic workshops that helped to build parliamentary capacity for the CPA Small Branches and create greater opportunities for the sharing of knowledge, parliamentary strengthening and cooperation across the network.

The CPA Small Branches Chairperson, Joy Burch, MLA, Speaker of the Australian Capital Territory Legislative Assembly said: *"The CPA Small Branches Conference helps to build capacities for the small Parliaments and Legislatures of the Commonwealth and create greater and more constant opportunities for the sharing of knowledge and cooperation across the CPA network. The CPA Small Branches come together to address their common difficulties, common strengths and their shared experiences."*

The CPA Small Branches network highlighted the importance of tackling climate change and disaster risk management for the Commonwealth, especially its 31 small and developing states which are often the least polluting but the first casualties of climate change.

The CPA Secretary-General, Stephen Twigg said: *"The CPA works with its Small Branches network across the Commonwealth in strengthening parliamentary democracy. The smallest of the CPA's Legislatures seek to meet the same expectations of service delivery as larger Legislatures and in doing so, they recognise the importance of constantly innovating in the face of fiscal and human resource constraints; and the threats in the face of natural disasters and climate change to some of the Commonwealth's most vulnerable."*



The CPA Small Branches Conference included four plenary sessions exploring key themes proposed by the Membership: The Impact of Population Changes on Small Jurisdictions; Small Parliaments Working Together: Services and Resource Sharing; Building Independent Parliaments: Ensuring Financial and Administrative Autonomy; Tackling Climate Change Through Environmental Impact Assessments.

Of the almost 180 Branches of the CPA, forty-nine Branches are classified as 'Small Branches'. The classification for CPA Small Branches was changed by the CPA General Assembly last year to raise the population threshold to one million people. Examples of CPA Small Branches include Commonwealth countries such as Barbados and Tonga, as well UK Overseas Territories such as Turks and Caicos or states and provinces within larger countries like Northwest Territories in Canada or the Northern Territory in Australia.

The 39th CPA Small Branches Conference took place as part of the wider 66th Commonwealth Parliamentary Conference in Accra, Ghana.



Images credit: Parliament of Ghana and CPA Secretariat



CPA SMALL BRANCHES WORKSHOP A: THE IMPACT OF POPULATION CHANGES ON SMALL JURISDICTIONS

Panel Chair: Hon. Juan Watterson, MHK, Speaker of the House of Keys (Isle of Man)

Discussion Leaders:

- **Hon. Ellis Webster, MP (Anguilla)**
- **Hon. Isabella Dageago, MP (Nauru)**
- **Deputy Sasha Kazantseva-Miller (Guernsey)**

Moderator: Jack Hardcastle (CPA Secretariat)

Rapporteurs: Mr Patrick Osei Adonteng, Mr Joy Etonam Mensah and Ms Gifty Haja Sumani (Parliament of Ghana)

The Panel Chair, **Hon. Juan Watterson, the Speaker of the House of Keys (Isle of Man)** introduced the panellists and explained the purpose of the workshop. Three common themes were identified: the merits of population changes on small jurisdictions, and the challenges, and the solutions that their governments employ to mitigate these challenges.

This workshop considered the impact of population changes on small jurisdictions within the Commonwealth. Attention was drawn to the fact that although many small jurisdictions differ in population size, location and development, they share similar issues and weaknesses when it comes to population shifts, which can exacerbate these dynamics. As a result, governments and legislators are required to handle the difficulties and possibilities connected with demographic shifts since they represent the people and understand the local dynamics of these challenges.

The first panellist, **Hon. Ellis Webster, MP, the Premier of Anguilla** spoke about the experience of Anguilla and the wider Caribbean Region. He related how his jurisdiction's government is dealing with the stress on social, economic and infrastructural resources. He mentioned that Anguilla is a small island of about 15,000 people yet they experience migration issues. In the 1980s, Anguilla took steps to develop their tourism sector to boost their economy. This prompted the return of many Anguillians from the overseas diaspora and also the influx of foreign investors.

In recent times, however, Anguilla, he said, has experienced depopulation due to emigration. Many people feel marginalised, especially, following natural disasters, which raises their desire to migrate in search of better work and educational opportunities. This trend was identified during the 20th century and emigration was mainly to the United Kingdom and the United States of America. This has resulted in the issue of 'brain-drain' or human capital flight (the emigration of individuals who have received advanced training at home).

According to Hon. Ellis Webster, Anguilla is faced with what statisticians would call an 'old' population. With a median age of 33 years, more people retire from active service, increasing pressure

on payments of retirement benefits and health care for old people from the limited resources. He projected a future of unsustainability of pensions and social security due to lack of labour to finance those institutions. He also mentioned the non-availability of current census data. The official census could not be conducted in 2021 due to the COVID-19 pandemic, a lack of human resources and capital investment. Hence, the Government of Anguilla is unable to source data to manage the activities in the economy in real time.

Anguilla has, he said, implemented plans including unconventional development strategies to mitigate the challenges resulting from emigration, often with great success. Among these is the provision of a public health care system called 'Senior Shield', for people over 70 years, and an increase in funding for overseas specialised medical attention, as Anguilla is unable to provide some of the requisite speciality care. The Government of Anguilla has also increased funding to the agricultural and fishing sectors to boost food security.

According to Hon. Ellis Webster, during the era of the COVID-19 pandemic, the Government of Anguilla subsidised utility payments, especially for older people and public assistants. The Government also introduced tax exemptions for personal goods and services on importation, and tax waivers on the acquisition of lands, homes and personal vehicles for returnees. The status of Anguillian citizenship has also been conferred, through due process, on Anguillian children born outside of the territory. Again, the Government of Anguilla, with aid from the UK Government, has invested in infrastructure projects to replace schools, hospitals and roads that were damaged during Hurricane Irma in 2017, which caused Anguilla a 100% loss on its GDP and US\$900 million of damage.

In addition, to help grow the population, Anguilla now allows work permit holders to bring in their families, which previously was not the case due to a lack of schools to absorb the children of migrants and restrictions in the *Education Act*. The revision of the Act now offers opportunities to more children to be in school, a situation which has compelled the Government of Anguilla to introduce a school feeding programme to help keep these children in school. Many women are now freed of childcare to join the labour force, thus expanding the tax base.

Hon. Ellis Webster concluded that the Government of Anguilla wished to consider the economic viability of the gaming industry as a source of revenue generation for both the Government and the local individuals but there is a need to engage further with the public.

The second panellist, **Hon. Isabella Dageago, MP (Nauru)** presented an interesting trend of population issues as it pertains in the small nation of Nauru, linking it to cyber bullying. According to her, Nauru has a population of about 10,000 people, with 19 Members of Parliament including two women Members. She explained that cyber bullying in Nauru is one of the issues that is draining the workforce amongst young people. Instead of looking for employment or trying to build their capacity through education, they waste their energy and time on cyber bullying and surfing the internet.



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Images credit: Parliament of Ghana and CPA Secretariat



One way that the Government of Nauru is addressing this issue of cyber bullying is encouraging young people to travel outside of the jurisdiction in search of better opportunities and living standards, a reverse form of 'brain drain'. Hon. Issabella Dageago explained that in this case, the Government comes in to educate the youth on the issues of cyber fraud and the risks involved in engaging in it. This, she said, helps to prepare the youth who are moving out of the jurisdiction, spiritually, intellectually and financially and gives them skills to be able to cope with life outside of Nauru.

The third panellist, **Deputy Sasha Kazantseva-Miller (Guernsey)** noted that the population of Guernsey has doubled over the last hundred years, with a current estimated population of 64,000 people. She stated that the island has had an average migration of about 500 people, less than one per cent of the population, for the last couple of years. According to her, more people want to move to Guernsey, due to the island's effective management of the COVID-19 pandemic as well as the island's stability, safety, health care and standard of living. It was stated that about 60% of the population are Gernesiais(e) (native to the island of Guernsey), with about 27% UK-born, while the rest are people from other parts of the world, making Guernsey not very ethnically diverse. This raises the question of cultural cohesion arising from immigration. However, there is strong community cohesion which helps to welcome and integrate those who choose to move to Guernsey.

Deputy Sasha Kazantseva-Miller said the island has not experienced any significant 'brain drain' since World War II ended in 1945. The island also has a low unemployment rate of under one percent of the population, with a portion of the population described as non-employed, people who have decided to drop out of employment owing to the burden of childcare, ill health or age. This trend seemed to increase during the COVID-19 pandemic. However, many more people are returning to employment due to the cost-of-living crisis. Another positive intervention by the Government of Guernsey is undertaking a population census electronically every year since 2014, which provides the Government with the opportunity to know in real time what is happening in the economy.

According to Deputy Sasha Kazantseva-Miller, Guernsey exhibits a classical 'ageing demographic' profile with lots of retirements over the last decade. It is projected that this trend will continue until 2040, which would increase the payment of pensions, increased demand

for health care, and thus, puts pressure on taxes and other resources. It was also highlighted that the island's long-standing relationship with the United Kingdom (**Guernsey is a Crown Dependency or self-governing dependency of the Crown*) affected the island's ability to tap into the seasonal labour market from other European countries due to 'Brexit'. However, this movement has also changed and many more people are now moving to the island from different European countries and the rest of the world. The Deputy noted that Guernsey citizens hold a British passport and have to work within the framework of the UK Government's immigration policies. This could be quite restrictive, especially following 'Brexit'. Another challenge associated with the increase in population is the high cost of housing, which stands at about £600,000 for the average home, and this may disincentivise people from moving to Guernsey.

Deputy Sasha Kazantseva-Miller noted that many people are still attracted to Guernsey, especially those in higher value employment. This is valuable to the economic structuring of the island. In the face of expensive labour, the public and private sectors are motivated to invest in technology and capital to improve productivity which has been done in Guernsey over the last decade. She noted that the Government of Guernsey has passed a '*Population and Immigration Policy*' to review the population regime and to consider a net annual migration of 300 people per annum by 2040. The Government has also started a public-funded, ambitious housing building programme called the '*Key Worker House Building Programme*', in addition to amending physical planning laws to ensure high quality public amenities. This would help people to stay longer in their own houses rather than needing to move into residential homes or needing care in hospitals. She concluded that the Government of Guernsey intends to hold a debate on a '*Funding and Investment Plan*', which will consider the introduction of taxes on goods and services in order to increase revenue.

There followed a question-and-answer session with many Members contributing.

Hon. W. McKeever Bush, MP (Cayman Islands) described the Cayman Islands as a small jurisdiction in its developing state, with tourism as its economic backbone. He explained that the island has a population of 97,000 people from 122 different nations, often making the locals feel left out. This population growth has brought many challenges to the island's economy, notable among them is the high cost of goods and services. According to him, there is a need to balance the unfair pressures that all these components bring.

Deputy Andrea Dudley-Owen (Guernsey) also aligned with the Member from the Cayman Islands on the point that locals are often feeling left out due to high influx of migrants in their areas. She recommended the need to concentrate on social factors because people who come from diverse areas come with many different cultures, beliefs and values. Hon. Ellis Webster, in response, agreed with the previous Members and suggested that small jurisdictions should employ 'controlled immigration', which would enable them to manage the people allowed into their jurisdictions.

Hon. Churchill Gill, MP (The Seychelles) wanted to know the impact of the population and immigration policy in Guernsey and how it could mitigate the immigration process. Deputy Sasha Kazantseva-Miller explained that the policy is to streamline the operational requirements regarding immigration. She detailed that



the acquisition of the work and immigration permit has now been reduced to a two-tier process from a three-tier system with the hope that it can be done as a single process.

Senator Hon. Carolyn Trench-Sandiford, President of the Senate of Belize stressed the importance of data when it comes to segregation and decision making in relation to gender and the vulnerable population.

Hon. Kwame McCoy, MP (Guyana) asked if cyber bullying was internally or externally driven and if the Government of Nauru has a long-term plan for economic viability instead of the 'reverse brain drain'. He opined that the greater the population, the greater the opportunities for economic and social development. The Member from Nauru, **Hon. Isabella Dageago** responded that cyber bullying is both internally and externally driven. She explained that it mainly involves the youth tracing and attacking the images and personalities of people with whom they have issues, and named blackmail, especially of elderly women, and impersonation as forms of cyber bullying. Detailing this situation, she intimated that the emergence of AI has empowered the young people, but unfortunately, they use it in voice calls and impersonation scams to defraud people over the internet for monetary gains. On the issue of the 'reverse brain drain', she explained that Nauru has an employment pathway with the Government of Australia and so young Nauruans are taught skill-based courses to boost their capacity and make them ready for the job market in Australia. The Government also has a contract with young Nauruans who migrate to Australia, to return after some time to serve in Nauru for two years before they decide where they finally want to go.

Amanda Ellis (Executive Director for ASU Julie Ann Wrigley Global Institute of Sustainability and Innovation) considered population changes from the angle of the climate crisis; an issue that had not been touched on during the discussion. She noted that about 1.2 billion people could be displaced by the year 2050 and up to 2 billion by the end of the century. She asked how legal instruments impact small jurisdictions in terms of emigration and the influx of climate migrants. **Hon. Ellis Webster**, in response, alluded to the catch phrase "*My tree, my legacy*" to indicate the importance of planting trees to mitigate the climate crisis. He related the story of a 96-year-old Anguillan man who at that age planted fruit trees with the intention of leaving a legacy of food for the future generation.

The Panel Chair agreed that the issues raised by Amanda Ellis were significant and would need to be discussed further at future CPA Small Branches workshops.

The following recommendation was endorsed by workshop delegates:

- **Parliamentarians must actively engage in crafting and implementing strategic policies to address population changes in small jurisdictions, including social, economic and environmental factors.**

CPA SMALL BRANCHES WORKSHOP B: SMALL PARLIAMENTS WORKING TOGETHER: SERVICES AND RESOURCE SHARING

Panel Chair: Hon. Derek Bennett, MHA, Speaker of the House of Assembly of Newfoundland and Labrador

Discussion Leaders:

- **Hon. Sashi Kiran Charan, MP (Fiji)**
- **Mr Simon Ross, Greffier of the States of Deliberation, Guernsey**
- **Ms Lisa Hart, Greffier of the States Assembly, Jersey**

Facilitator: Jack Hardcastle (CPA Secretariat)

Rapporteurs: Mrs Angela Wray, Mr Etornam Kwabla Ababio and Ms Martha Asantewaa Boateng (Parliament of Ghana)

The 39th CPA Small Branches Conference presents an opportunity for Parliamentarians from small jurisdictions to examine and discuss strategies to meet the unique developmental needs of the CPA's smallest Legislatures. In line with this aim, this workshop focused on how small Parliaments could collaborate and share resources and services for the collective benefit of all Parliaments within the network. The session provided opportunities for Members to explore innovative means by which services and resources could be shared, the challenges involved and the roles that the CPA Small Branches network and other entities can play to support this agenda.

The workshop opened with remarks from the Panel Chair, **Hon. Derek Bennett, MHA, Speaker of the House of Assembly of Newfoundland and Labrador**. He mentioned the limited access to resources and services as one of the major challenges confronting his Province of Newfoundland and Labrador, which has a vast land mass of 405,000 square kilometres with a relatively small population of just over 500,000 people.

Mr Simon Ross and Ms Lisa Hart from the Parliaments of Guernsey and Jersey respectively, made a joint presentation at the workshop. Guernsey and Jersey are islands in the English Channel near the French coast. They are self-governing dependencies of the United Kingdom with a blend of British and French cultures. They have their own independent legal, administrative and fiscal systems. As old assemblies dating back to the 13th and 14th centuries, they did not look like parliamentary assemblies until the 19th century. They are similar but distinct and have "*both been evolving their own Common Law, which is very distinct from UK Common Law, out of the customary law of Normandy since the early Middle Ages.*" The Parliament of Guernsey has 38 Parliamentarians (known as Deputies), while Jersey has 49 Members (8 Senators elected on an Island wide mandate, 12 Connétables representing the parishes of the Island and 29 constituency Deputies).

Code of Conduct

"Guernsey had a Code of Conduct Panel, members of which were empowered to deal with complaints against Members as they arose. The



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Panel was headed by a Presiding Officer and included ...retired business men and women, retired clergy, members of the local Bar and former Members of the Assembly.” This Panel, according to Simon Ross (Guernsey), gave judgments which were rather harsh and unsatisfactory such as suspending Members who breached the Code of Conduct for up to one year or even expelling them. “In 2020, the Panel having found that the code had been breached, recommended that the Member in question be expelled from the Assembly. There was no precedent found for such a severe sanction in any other Commonwealth Parliament.” Presently, this Panel has been replaced by a professional Pan-Island Commissioner.

Lisa Hart (Jersey) on the other hand, indicated that the Assembly in Jersey had adopted the Commissioner for Standards (Jersey) Law 2017 in February 2017, which spells out an appropriate sanctions regime for Members of Parliament. Prior to this, complaints made against Members for breach of conduct were investigated by the Privileges and Procedures Committee. “This was far from ideal and lacked the objectivity and impartiality that a dedicated Commissioner for Standards was able to bring to bear.”

Benefits of the Guernsey/Jersey Collaboration

The appointment of a Pan-Island Commissioner has had enormous benefits for both Jersey and Guernsey. A high calibre candidate has been appointed to the position; they share the cost of maintaining the office; and staff in both jurisdictions provide administrative support to the Commissioner. From Lisa Hart’s (Jersey) perspective, “the new Commissioner offers a forward-thinking approach to complaints, particularly those which relate to allegations of inappropriate behaviours for which there were no previous guidelines.” The collaboration has enhanced the public image of both Parliaments and attracted the interest of other Parliaments who wish to join the alliance. The Panel Chair acknowledged the challenges of the Pan-Island Parliaments and expressed delight about the collaboration between Guernsey and Jersey.

This was followed by a presentation by **Hon. Sashi Kiran Charan, MP (Fiji)**, who gave an insight into the workings and challenges of the Parliament of Fiji as well as the neighbouring islands. She appreciated the support of bigger Parliaments in the Region, like Australia and New Zealand, the CPA, UNDP and other development partners to build the capacity of parliamentary staff of the Fijian Parliament. She mentioned “narrow-based economies, unemployment, high vulnerability to climate change, geographical isolation, and no good governance” as some of the major challenges that confront Pacific Parliaments. “These challenges, which have a multi-sectoral effect, permeate their parliamentary systems and impact their efforts to develop robust Legislatures that are important for strong democracies... The Parliaments are under-resourced, have high turnover of staff and struggle to attain the parliamentary standards and benchmarks advocated by the CPA, IPU and other inter-parliamentary fora”, she added.

According to her, having a robust, knowledgeable and highly competent parliamentary staff is a sure way of overcoming these challenges. Also, there is a need for regional and peer-to-peer collaboration. Talking about achievements, she declared that “The Fijian Parliament, with support from development partners and more developed Parliaments, has been able to host staff from other Parliaments in the region for capacity building and competency

training workshops and attachments. These workshops were more peer-to-peer exchanges and knowledge-sharing in nature. For instance, in 2018, in partnership with UNDP Pacific and McGill University, Canada, they hosted the first - ever management course for senior staff from the Parliaments of Cook Islands, Samoa, Vanuatu, Papua New Guinea, the Federated States of Micronesia, the Marshall and Solomon Islands. Fiji’s central location made it easy to host these regional inter-parliamentary exchanges. Since then, more workshops designed to increase capacity and competency in parliamentary processes and practices have been hosted for both staff and Members of Parliament”, she emphasised.

Furthermore, some experienced parliamentary staff are able to provide assistance, to their counterparts in the neighbouring jurisdictions where they share information and exchange knowledge in specific areas of parliamentary administration such as finance, IT and research. The most recent was the assistance given to the Finance Unit of the Nauru Parliament. Another success reached by the Fijian Parliament is the hosting of the UNDP Pacific Floating Budget Office (PFBO) during their annual budget process.

During the discussion amongst the delegates that followed **Hon. Papalii Lio Oloipola Taeu Masipau, Speaker of the Legislative Assembly of Samoa** shared in the challenges that Fiji faced of limited resources. He espoused the need to form an association of South Pacific Parliaments which could promote resource sharing, for example, having social media groups among the Parliamentary Clerks. He also advocated for more capacity-building activities for parliamentary staff, as well as more UNDP-funded joint programmes and the active involvement of the UNDP in strengthening Parliaments in the various regions. Finally, he identified the need for Members of Parliament to be well informed and proposed the establishment of a platform for researchers in these Parliaments.

Hon. Valerie Woods, Speaker of the House of Representatives, National Assembly of Belize asked whether the training mentioned involved secondments and for how long. She also inquired about the Code of Conduct of Parliamentarians, and the sanctions prescribed by various Parliaments. The responses outlined the various punitive measures meted out ranging from letters of apology to suspension, censure and expulsion depending on the gravity of the offence. At times, a Member could be asked to face the Committee to explain his or her behaviour and could be suspended for a maximum of three weeks. However, it was identified that this method disenfranchised the constituents of that Member.

Hon. Sashi Kiran Charan, MP explained that her Parliament in Fiji has a Privileges Committee. However, yellow and red cards have





been introduced by the Speaker as a first measure of warning to Members before the matter is referred to the Committee. This measure has been adopted to avoid overburdening the Privileges Committee with a lot of work. After several yellow cards, the Member is shown the red card and referred to the Committee. Meanwhile, the Speaker could suspend the MP for one and a half hours during a sitting when the yellow card has not yet been used. There have also been examples of severe punishments in the past where Members could be suspended for up to two years.

Delegates at the workshop divided into regional groups and were tasked to discuss the following questions:

1. Is sharing and/or pooling resources and services a good idea?
2. If so, what potential opportunities might exist for sharing services and resources?
3. What are the challenges to this?
4. What role could the CPA or other entities have in helping facilitate this approach?

The **President of the Senate of Saint Lucia, Senator Hon. Alvina Reynolds**, speaking on behalf of the CPA Caribbean, Americas and the Atlantic Region's group, mentioned that in Guyana, there is a written agreement between Parliaments in terms of sharing resources, while in St Kitts and Nevis, the situation is quite informal. She proposed that there should be more formalised attachments and joint training sessions among the Parliaments, especially for Committee staff to promote the sharing of key information. She also mentioned the need for the establishment of a Regional Secretariat for the pooling of resources and the secondment of parliamentary staff to other Parliaments. The main challenge was continuity. Senator Hon. Alvina Reynolds opined that succession planning measures for seasoned parliamentary staff who were retiring should be put in place. Another challenge was that some Parliaments were not independent financially, and therefore could not afford certain facilities and as such needed support from the CPA and other parliamentary bodies.

The second group respondent, **Deputy Andrea Dudley-Owen (Guernsey)**, in response to the questions, admitted that the pooling of resources is a good idea. She added that the Joint Jersey/Guernsey training programmes held were beneficial because they achieved a broader pool of candidates for some services.

In addition, she said that there are opportunities for mutual aid in times of crisis, and the sharing of equipment ensured efficiencies among Parliaments. The case of a shared Commissioner between Jersey and Guernsey promotes efficiency, reduces cost and adds to credibility and good governance. Inadequate logistics for travel arrangements was identified as a challenge, with the difficulty in getting day travel to other Parliaments. The fact that some governments have more money than others is a challenge to effective collaboration because some Parliaments have to look outside their jurisdictions for support. On the role of the CPA, she called for their assistance in creating a shared portal for easy access to information.

Speaking for the Pacific Islands, the group respondent acknowledged the benefits of pooling resources. She stressed the need for Parliaments in the Pacific Islands to get in touch with the Parliament of Australia for training and support. Australia could send auditors and other experienced staff to assist with the budgets of other Parliaments. She also asked for UNDP's active involvement. She admitted that there are opportunities for knowledge sharing to empower other Members.



Images credit: Parliament of Ghana and CPA Secretariat

There was also the challenge of interpretation of new systems. There was a request for tailor-made versions of new systems to suit various countries and cultures. The third group called on the CPA to strengthen communications within the CPA Pacific Region to help capacity building and also expressed the need for the active involvement of the UNDP with their budgeting.

The fourth group from St Helena, Jersey and Newfoundland and Labrador identified the lack of resources as an issue. They have a shared Commissioner but now want to have independent Commissioners. This group asked the CPA to assist in this joint approach. In answer to a question as to how appropriate it is for fellow Parliamentarians to decide on sanctions for other Members, the Panel Chair agreed that it was a tough decision and caused a great amount of discomfort. Expelling or suspending a Member is very problematic because they have a mandate to fulfil and it must be used as a last resort. Lisa Hart (Jersey) indicated that sanctions could include a reduction in a Member's salary. A third-time offender was left to the public to decide whether they would vote for them or not.

Hon. Juan Watterson, Speaker of the House of Keys (Isle of Man) indicated that, in his jurisdiction, an offender could be suspended for more than 14 days. Subsequently, if 10% of registered voters sign a petition against the Member, a by-election is triggered. However, that Member could also stand in the by-election so the ultimate choice was for the electorate.

Overall, delegates collectively agreed that the sharing of resources for small Parliaments is a good idea. Opportunities such as sharing information, reducing costs and effective collaboration were identified. The fact that smaller Parliaments do not have the same financial strength posed a challenge because there could be inequitable joint working arrangements, especially since some Parliaments depended on donor support. Delegates called on the CPA to assist in strengthening communications between island jurisdictions by establishing an online portal to aid their research and access to information.

The following recommendation was endorsed unanimously by the delegates:

- Where possible, small Parliaments should consider pursuing opportunities to share or pool resources and services for mutual benefit in strengthening collective parliamentary good governance.



CPA SMALL BRANCHES WORKSHOP C: BUILDING INDEPENDENT PARLIAMENTS: ENSURING FINANCIAL AND ADMINISTRATIVE AUTONOMY

Panel Chair: Senator Hon. Carolyn Trench, President of the Senate of Belize

Discussion Leaders:

- **Ms Elizabeth Kikkert, MLA (Australian Capital Territory)**
- **Hon. Gervais Henrie, MNA (The Seychelles)**
- **Mr Matthew Salik, Head of Programmes, CPA Secretariat**

Moderator: Jack Hardcastle (CPA Secretariat)

Rapporteurs: Ms Charlotte Ekubea Gyawu, Ms Priscilla Elikem Sevor and Mr Osmart Adjei Antwi (Parliament of Ghana)

Using what could be described as a contextual approach, discussions transpired with reference to some small jurisdictions where there is a higher chance of interference from the other arms of government. The workshop recognised that for Parliaments to function effectively, it is important for them to be independent financially and administratively.

The Panel Chair, **Senator Hon. Carolyn Trench-Sandiford, President of the Senate of Belize**, pointed out that the effectiveness of Parliaments largely depends on their level of financial and administrative independence, and, thus, it was necessary to discuss the topic in order to make progress.

Describing a unique feature of the Belize National Assembly, she stated that the social sector is duly represented in the Senate, and, as a result, the Government has no majority. She also lauded the collaborative effort between the parliamentary staff and the Presiding Officers of both Houses which contributed to the development of a roadmap to achieve an open modelled, independent, gender responsive and climate resilient Parliament. Additionally, she mentioned that they are guided by three key working documents namely: The Constitution and Standing Orders; the National Development Plan; and recommendations based on the CPA's '*Recommended Benchmarks for Democratic Legislatures*' report. She also underscored the helpfulness of the CPA '*Model Law for Independent Parliaments*'.

Notwithstanding the challenges, Senator Hon. Carolyn Trench-Sandiford mentioned some of the achievements of the Senate including the revision of the Standing Orders, the establishment of the Belize Women's Parliamentary Caucus, among others. She also advised delegates to start with a road map, provide leadership and ensure ownership because, according to her "*only you can take the process forward.*" She further encouraged delegates to leverage their partnerships and to monitor and report what they do to build trust amongst Members, parliamentary staff and all key stakeholders.

Mr Matthew Salik, Head of Programmes, CPA Secretariat, in his presentation on '*The Model Law for Independent Parliaments*', observed that, financially, most Parliaments are not independent, and most delegates admitted being funded by the Executive for their participation in the Conference. He informed delegates that a core part of the CPA's strategic objectives is to strengthen Parliamentarians and parliamentary officials. The key to that is enforcing, supporting, defending and upholding the values surrounding the principles of the separation of powers and how those align with the Commonwealth Charter and the UN Sustainable Development Goals (SDG 16). This necessitated the '*Model Law for Independent Parliaments*'.

He described the separation of powers as the premise on which the three arms of government (the Executive, the Legislature and the Judiciary) should be equal in power and influence, and although there may be some overlap with individuals who play multiple roles, their roles should ultimately be separate from each other. He acknowledged that it is more important to enforce the principle of the separation of powers in the Westminster system of parliamentary government where Ministers of state (Executive) are also Members of Parliament (Legislature).

He also told the workshop session that in the 1990s, to enforce the concept of the separation of powers, the Commonwealth Latimer Working Group, including the Commonwealth Secretariat and the CPA conceived the Commonwealth Latimer House Principles on the Separation of Powers, that was approved by Commonwealth Heads in 2003, making it 20 years since its approval. Later in 2013, the Commonwealth Latimer House Principles were reinforced as part of the Commonwealth Charter, which is the theme of this Conference. One key principle, he stated, is that Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from 'unlawful interference', a term whose interpretation may differ from one jurisdiction to the other.

Matthew Salik added that the CPA's '*Recommended Benchmarks for Democratic Legislatures*' evolved from the Commonwealth Latimer House Principles, mainly because Parliaments needed to be supported with specific standard guidelines as regards to running the institution, elections, appointments among others to ensure the independence and effectiveness of Parliaments, particularly in line with SDG 16. He stated that the CPA Benchmarks were originally developed in 2006 with the help of the Parliament of Bermuda, the World Bank group, the EU Parliament, the Westminster Foundation of Democracy, working in conjunction with the UNDP and the National Democratic Institute (NDI).

He further added that in 2018, the Clerk of the ACT Assembly, Tom Duncan and a working group of experts updated these CPA Benchmarks in line with the UN Sustainable Development Goals and raised the number of benchmarks to 132. Since then, around 22 jurisdictions have assessed themselves against the CPA Benchmarks, which are a key opportunity for Parliaments and Legislatures to self-reflect and develop clear road maps for reforms.



Images credit: Parliament of Ghana and CPA Secretariat



Importantly, they are also a means to engage in political buy-in for each reform, and to encourage broader parliamentary engagement.

Matthew Salik also highlighted CPA Benchmark 5.1.2, which expects that the Legislature, rather than the Executive controls the Parliamentary Service with regard to staffing, terms of employment and resources. He further cautioned that Legislatures whose parliamentary staff are employed by the general public service that they are not complying with that specific benchmark.

In conclusion, he also spoke about the CPA's '*Model Law for Independent Parliaments*' which seeks to create a parliamentary corporate body to superintend Legislatures as well as contribute towards their financial and administrative independence. He acknowledged the input from key stakeholders in the development of the Model Law, and added that it was based on Parliamentary Service Acts utilised by the United Kingdom, Australia, Ghana, Zambia, Scotland, among others.

Hon. Gervais Henrie, MNA (The Seychelles) remarked that the Constitution of Seychelles provides for an independent Parliament, but, in reality, its financial and administrative operations are controlled by the Executive. He pointed to the political climate, political maturity and political culture, the type and level of democracy as factors that mitigate against parliamentary autonomy. He indicated that many jurisdictions are passing laws for their Legislatures to be more autonomous. He informed delegates that the Seychelles is considering the financial, administrative and legal implications of establishing a National Assembly Service and National Assembly Commission to strengthen the independence of the National Assembly. However, he acknowledged the existence of some level of autonomy of Parliaments in many countries, and cited freedom of expression and immunity from prosecution of what Members say in the Chamber as features of parliamentary autonomy. He further stated that most Parliaments are in charge of their internal security, maintenance of estates and control of access to their precincts.

Regarding financial autonomy, Hon. Gervais Henrie, MNA indicated that, in most jurisdictions, Parliaments do not determine their budgets, and the central government, through its Ministry of Finance, has established a financial ceiling to ensure that no Ministry, Department or Agency presents a budget that is beyond a threshold and at variance with the national budget. He asserted that, although the Legislatures draw their own budgets, the Executive and Legislature in most instances negotiate prior to the approval of the same. He believes that financial autonomy will be delayed in his

own jurisdiction due to limited resources and the concept of a financial ceiling. As a solution, he proposed that Parliaments must be allowed to determine their budgets without the Ministry of Finance having the power to vary the allocations.

On administrative autonomy, he noted that most Parliaments are in charge of the organisation of services. Although he acknowledged that some Parliaments are insisting on absolute autonomy, others are still struggling with issues concerning staffing, career paths and progression, among others. He proposed that the various Public Services Commissions

include the National Assembly in the public order.

Hon. Gervais Henrie, MNA also informed the workshop session that, in January 2023, the CPA Secretariat had funded a two-day workshop for Members of the Seychelles National Assembly to consider and build political consensus on the drafting of the Management of the National Assembly Bill to establish the National Assembly Commission, National Assembly Council and National Assembly Service to uphold the principles of the separation of powers.

Ms Elizabeth Kikkert, MLA (Australian Capital Territory) shared her experience as the Chair of the Standing Committee on Public Accounts in the Legislative Assembly of the Australian Capital Territory. She said that it is the Parliamentarians who own Parliaments because they have the power to enact and suspend the Standing Orders that regulate the conduct of business. She opined that a government's ability to suspend the Standing Orders of an Assembly to pass a Bill without resorting to the Committee is an erosion of democracy. She encouraged Parliamentarians to make laws that compel governments to route all Bills through the Committee system. She emphasised the need to build a workable relationship with other agencies of state in holding governments to account, as is the case between the Auditor-General and her Committee. She revealed that although her Committee cannot obtain confidential papers from Cabinet, the Auditor-General is mandated by law to inquire about such information and brief the Committee on it. She called for the need to amend laws that could be invoked to prevent Committees from working.

Following the presentations, delegates had the opportunity to make inquiries, contributions and interventions.

Deputy Rob Ward (Jersey) asked the panellists if the CPA Benchmarks, which have been useful, needed to be 'beefed up' and how do CPA Branches access further support. Matthew Salik responded that CPA Branches are entitled only to access technical assistance programmes (funded support) if they have completed a CPA Benchmarks assessment. However, he said that the CPA is creating an 'Advanced Benchmarks' to include gender, technology and innovation.

Hon. Amie Colley, MP (The Gambia) argued that, for every Parliament to function effectively, its Members must be elected, and should be reflective and representative of all of their constituents. An independent Parliament must have the requisite powers and



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means to express the will of the people through law-making, oversight, representation and resource allocation.

Mr Sherlock Isaacs, Clerk of the National Assembly of Guyana, in referencing the ACT Member's recommendation for Parliaments to pass laws to prohibit governments from suspending Standing Orders, said there must be exceptions to that rule to accommodate cases of emergency laws. From his experience, the Standing Orders of the National Assembly of Guyana provides for an Emergency Bill to be laid on the Table for a day before being passed into a law.

Hon. Churchill Gill, MP (The Seychelles) asked if the Auditor-General of the ACT gets any financial support and who determines the amount of support. He also asked the CPA how the Legislature could ensure limited dominance of the Executive to maintain the principles of the separation of powers. In responding to the question, Ms Elizabeth Kikkert, MLA said that the ACT in Canberra was fortunate to have a well-resourced Auditor-General. She further indicated that when the Auditor-General needs additional funds, they write to the Speaker through the Committee on Public Accounts for approval. On his part, Matthew Salik said it would be better for the opposition to have a voice in the National Assembly in the form of debate, presentation of a legislation or balance in leadership to prevent the over-concentration of power in the Executive.

Hon. Michelle Slack, President of the Nevis Island Assembly lauded the relevance of the CPA's '*Model Law for Independent Parliaments*'. She mentioned that understanding and education are key in establishing that the role of the Speaker is independent and autonomous. She revealed that there are some concerns regarding independence and 'checks and balances' in terms of financing. Matthew Salik said he could not talk about the specifics that brought about the changes in those jurisdictions that had implemented the Model Law. He remarked that governments and Parliaments can only accept and own the issues after they have completed the CPA Benchmarks Assessment. Contributing to the President of the Nevis Island Assembly's comment on understanding and education, Hon. Churchill Gill, MP (The Seychelles) said those are important issues as the civil servants are often the biggest opponents of independence and autonomy. He mentioned that the Public Service is in charge of budget preparation in The Seychelles and is not willing to relinquish

that power. He proposed that the CPA has a model Standing Orders to make Parliaments independent, as is the case in Uganda, where the Constitution allows the opposition to make a counter-policy proposal.

Mr Pedro Eastmond, Clerk of the Parliament of Barbados disagreed that public servants would not want to give up the power because it is Parliament that determines what it wants. On the CPA's Model Law, he said that the initiation of passing the *Parliament Administration Act* in Barbados was led by the Prime Minister and the Minister for Finance. The Act was introduced to, among others, prohibit the government from being able to prevent Parliament from meeting.

Hon. Maverick Eoe, MP (Nauru), in responding to the President of the Nevis Island Assembly on how they convinced the government to move the Autonomy Bill, said it is the House Committee that determines the budget of Parliament before it is brought to the Assembly.

Hon. Marcus Stephen, Speaker of the Parliament of Nauru indicated that governments, through budgeting and financing, always want to administer Parliament, and therefore Parliamentarians must be adept in approaching such cases. He encouraged Members of Parliament to put in hard work in passing legislation that will make Parliaments more autonomous.

Hon. Churchill Gill, MP (The Seychelles) asked the Member from ACT when the Estimates Committee can perform its work. Ms Elizabeth Kikkert responded that the Estimates Committee makes enquiries into the budget before approval.

Hon. Barbara Webster-Bourne, Speaker of the Anguilla House of Assembly encouraged Members to undertake the CPA's Benchmarks Assessment to assess the effectiveness of their Parliaments as Anguilla had seen the benefits of doing so.

The following recommendation was endorsed by workshop delegates:

- **Parliaments must be sufficiently independent of the Executive, and have access to resources and control mechanisms to function effectively, including those outlined in the CPA Benchmarks for Democratic Legislatures.**

CPA SMALL BRANCHES STEERING COMMITTEE MEETING

In the margins of the 39th CPA Small Branches Conference, the CPA Small Branches Steering Committee met to discuss the strategic direction for the network. The CPA Small Branches Steering Committee comprises the CPA Small Branches Chairperson and



nine Commonwealth Parliamentarians who represent the nine Regions of the CPA with Small Branches: Africa; Asia; Australia; British Isles and the Mediterranean; Canada; Caribbean, Americas and the Atlantic; India; Pacific; and South-East Asia.



Images credit: Parliament of Ghana and CPA Secretariat



CPA SMALL BRANCHES WORKSHOP D: TACKLING CLIMATE CHANGE THROUGH ENVIRONMENTAL IMPACT ASSESSMENTS

Panel Chair: Ms Joy Burch, MLA, CPA Small Branches Chairperson and the Speaker of the Australian Capital Territory Legislative Assembly

Discussion Leaders:

- **Deputy Rob Ward (Jersey)**
- **Hon. Melvin Turnbull, MHA (British Virgin Islands)**
- **Ms Amanda Ellis, ASU Global Institute of Sustainability and Innovation**

Moderator: Jack Hardcastle (CPA Secretariat)

Rapporteurs: Mr Harold Wilson Hubert, Ms Forgive Dumenyo and Mr Raymond Kaku Danyie (Parliament of Ghana)

This workshop was on the theme of *'Tackling Climate Change through Environmental Impact Assessments'*. Climate change is an issue that elicits strong emotions, as it is inextricably linked to the loss of human lives and the destruction of property. The workshop delved deep into the ways that climate change affects smaller jurisdictions and how these regions can play a pivotal role in addressing the global climate crisis. Among the many consequences of climate change are the increasing levels of melting sea ice, the rise in sea levels, and the frequency and severity of floods.

One of the key takeaways from the workshop was how to use Environmental Impact Assessments (EIAs) as powerful tools for change. **Amanda Ellis** highlighted the significant work undertaken by the ASU Global Institute of Sustainability and Innovation in collaboration with other universities and research institutes. This institute has developed practical and innovative tools to aid legislators and policymakers in combating climate change on a global scale. These tools include *Climate Trace*, *Climate Change Laws of the World*, *MIT En-Roads* and the *Blue Planet Alliance*.

Climate Trace is used to track 'real time' atmospheric climate emissions. This could help legislators know where the biggest emitters are in their jurisdictions, thus concentrating their efforts in those areas. The next tool is the *Climate Change Laws of the World*. This database was completed by the Grantham Research Institute on Climate Change and the Environment at the London School of Economics and Political Science in partnership with Climate Policy Radar

(see page 315 for more information). This tool assembles all the laws and policies about climate change submitted by many countries as a global stock take. This is a useful tool of reference for delegates to search for legislation by topic and also to see where legal actions have been taken against culprits. It is important for this legislation to be domesticated so that it becomes binding in their individual jurisdictions.

Another tool developed is the *MIT En-Roads*. This is a tool produced by the Massachusetts Institute of Technology (MIT) and would enable small jurisdictions to contact the MIT for country specific workshops. The *Allen Coral Atlas* has mapped the world's tropical shallow coral reefs in order to monitor their threats and provide actionable data and a shared understanding of coastal ecosystems.

The last tool is the *Blue Planet Alliance*. This tool allows jurisdictions to sign up to a 100% renewable energy plan, and to receive sponsorship to a workshop in Hawaii and learn about the legislation that led to the 100% renewable energy challenge in Hawaii. Amanda Ellis intimated that, according to the International Monetary Fund (IMF) data, fossil fuel subsidies for 2022 was 7 trillion US dollars. That is 7% of the global Gross Domestic Product (GDP) or almost twice of what is spent on global education. If those subsidies were removed, the world would have an estimated reduction of 34% in emissions.

In the specific context of Jersey, an island territory, particularly vulnerable to the impacts of climate change, **Deputy Rob Ward (Jersey)** indicated that the effects are already becoming evident; storms are becoming more violent, there are frequently more warm days in summer, there are effects on fishing stocks and the invasion of species, and challenges related to the water supply. This has led to discussions as to whether there should be an extra reservoir on the island and how those issues could be dealt with.

The Government of Jersey, in response to these crises, declared a Climate Change Emergency. This declaration was to serve as a commitment to mitigate the effects of climate change and to take proactive measures to protect the island's environment and its residents. Thus, the Citizen's Assembly was contacted where



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there was a stratified sampling of the population to get a genuine overview of the people.

As a result, the Citizen's Assembly produced a report on climate change, which contained the following suggestions. First, the spotlight was placed on the Government of Jersey to take action by implementing the report's recommendations. If the goal of achieving carbon neutrality was delayed, then politicians would need to be held accountable for the adverse consequences of the delay, in terms of the damage that further climate change would inflict on the island. Another solution to tackling the effects of climate change is to get people out of their cars. In practice, this means that there would be less cars on the roads and instead of people relying heavily on their own cars, that consume fossil fuels and contribute to greenhouse gas emissions, they would be more likely to use buses or bicycles, which are more environmentally friendly modes of transportation.

More so, there is the need to modify how we build houses and other buildings. Deputy Rob Ward suggested that we cannot continue to build the way we used to and so there should be a rethink on what a sustainable environment looks like, and this needs to be a common agreement across Legislatures. For example, in Jersey, houses are mostly built with insulation to keep people warmer during the winter, however, now that the summer months are becoming hotter, the requirements for housing are changing.

Hon. Melvin Turnbull, MHA (British Virgin Islands), in his presentation, stated that the British Virgin Islands (BVI) is fully committed to the implementation of the UN Sustainable Development Goal 14 – 'Life Below Water', which talks about how to conserve and sustainably use the oceans, seas and marine resources for sustainable development. Many jurisdictions are following through on their obligations through a combination of marine conservation measures and the development of a sustainable blue economy in this regard. He mentioned that the BVI continues to make good progress in regrowing their mangroves of forests and the continuous protection of their shores as well as reducing the amount of fishing in its territorial waters to

prevent overfishing. He also stated that the BVI has stepped up its monitoring of all vessels in their jurisdiction to ensure compliance with all regulations.

Hon. Melvin Turnbull, MHA indicated that their goal is to continue to become one of the most sustainable sailing destinations in the world, in line with their position as the 'sailing capital of the world'. He believes that their ongoing implementation of SDG 14 strikes the right balance for the sustainable management and the use of their marine resources, that would protect the marine environment and the growth of their economy. He recalled the profound impact of natural disasters, such as the hurricanes that struck in 2017, which cost about US\$4.3 billion in damage to their shores and was a direct effect of global warming. He added that July to November are mostly rainy months in the British Virgin Islands, however, from July to September this year, there was no rain, except for October where they experienced rain on few occasions.

However, he drew attention to the fact that the only way that the CPA Small Branches could achieve the fight against climate change is for them to be united. In a world with limited resources, collaboration and a united front become imperative to effectively tackle the menacing challenge of climate change.

Workshop delegates echoed the Member from BVI's sentiments, recognising that the CPA Small Branches, despite their limitations, possess the potential to make a substantial impact in the global fight against climate change. By pooling their resources, knowledge and expertise, these smaller jurisdictions can increase their efforts and contribute meaningfully to the broader mission of environmental sustainability. One crucial aspect of this collaborative approach involves knowledge-sharing. Delegates highlighted the importance of establishing mechanisms for the exchange of best practice and lessons learned in dealing with climate change impacts. By learning from each other's experiences and successes, the CPA Small Branches can adapt and implement effective strategies to address their unique challenges.

Furthermore, the discussion emphasised the role of education and awareness in mobilising communities to take action. Effective communication and engagement campaigns can empower individuals and businesses to make sustainable choices, reduce their carbon emissions and support climate-resilient practices. Education not only creates a sense of shared responsibility but also fosters innovation and creativity in finding local solutions to global problems.

A critical aspect of addressing climate change at the local level is resource management. Workshop delegates recognised the importance of allocating resources efficiently to support climate resilience initiatives. While there may be resource constraints, strategic investments in renewable energy, infrastructure improvements and ecosystem restoration can yield long-term benefits, both in terms of environmental protection and economic sustainability.

By prioritising sustainable transportation options as in the case of Jersey, this can aim to reduce carbon emissions significantly. This not only contributes to the global effort to combat climate change but also enhances the quality of life for residents through improved air quality and reduced traffic congestion.

Workshop delegates also emphasised the value of partnerships beyond the CPA Small Branches. Many delegates highlighted

“Workshop delegates echoed the Member from BVI's sentiments, recognising that the CPA Small Branches, despite their limitations, possess the potential to make a substantial impact in the global fight against climate change. By pooling their resources, knowledge and expertise, these smaller jurisdictions can increase their efforts and contribute meaningfully to the broader mission of environmental sustainability.”



Images credit: Parliament of Ghana and CPA Secretariat



that engaging with international organisations, neighbouring jurisdictions, and non-governmental organisations can unlock access to funding, expertise and technical support. These partnerships can facilitate the implementation of ambitious climate action plans and ensure that no community is left behind in the transition to a sustainable future.

Another significant topic of discussion was the importance of adaptation strategies. While mitigation efforts are essential for reducing greenhouse gas emissions and preventing further climate change, adaptation measures are equally vital to cope with the changes that are already occurring. The CPA Small Branches, with their unique vulnerabilities, must prioritise adaptive strategies to protect their communities. Adaptation strategies can encompass a wide range of actions, from strengthening infrastructure to withstand extreme weather events to implementing sustainable land-use practices that reduce vulnerability to floods and sea-level rise. Additionally, investing in early warning systems and disaster preparedness can save lives and minimise economic losses in the face of climate-related disasters.

Again, it is crucial for the CPA Small Branches to engage in climate diplomacy and advocate for their specific needs on the global stage. By actively participating in international climate negotiations and forums, these jurisdictions can ensure that their voices are heard and their concerns are addressed. Climate diplomacy can lead to increased support for adaptation efforts, technology transfer and capacity building, ultimately, strengthening the resilience of CPA Small Branches.

During the discussion, Guyana was commended for being one of the countries that has truly demonstrated its commitment to protecting our climate and the environment. In 2007, Guyana started the conceptionalisation of a strategy document which was concluded in 2009. That strategy document outlined the approach and action by Guyana to develop and grow inclusive benefits for all in non-polluting and low carbon methods. Guyana has come a long way from the strategy document by earning their first US\$220 million through a carbon credit agreement with the government

of Norway and recently, they have again earned another US\$750 million from carbon credits.

In conclusion, the workshop highlighted the profound impact of this global crisis on small jurisdictions. The effects of climate change, including melting sea ice, rising sea levels and more frequent floods, are already being felt, making it imperative for these regions to take action.

The workshop underscored the power of Environmental Impact Assessments (EIAs) as tools for change and highlighted the innovative resources developed by organisations like the ASU Global Institute of Sustainability and Innovation in collaboration with other universities and research institutes. These tools would provide valuable support to legislators and policymakers in their efforts to combat climate change.

The call for unity among CPA Small Branches, as expressed during the workshop, emphasised the collective strength that can be harnessed in the fight against climate change. Collaboration, knowledge sharing, education and effective resource management are essential elements of this approach.

Finally, adaptation strategies, partnerships and climate diplomacy play crucial roles in ensuring the resilience of small jurisdictions in the face of climate change. By implementing adaptive measures, forging partnerships and advocating for their needs on the global stage, these regions can contribute significantly to the global effort to address climate change and protect their communities and ecosystems for future generations.

Workshop delegates unanimously endorsed the recommendation that:

- **Parliamentarians must ensure that Environmental Impact Assessments align with and support sustainable development goals, avoiding conflicts and promoting a harmonious approach to climate resilience in small jurisdictions.**



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Third Reading Report by Dr Jayadev Sahu, Director (Retd.), Lok Sabha Secretariat, Parliament of India.

Image credits: Government of India Press Bureau.



WOMEN'S RESERVATION BILL: INDIA PARLIAMENT AIMS TO BREAK THE BARRIER ON WOMEN'S REPRESENTATION

The Parliament of India, in its short Session convened on 18 September 2023, passed the much-awaited Constitution Amendment Bill to provide reserved seats for women in elected legislative bodies in India. The India Government led by the Prime Minister, **Shri Narendra Modi**, introduced the Bill in order to facilitate the greater participation of women as public representatives in national and State legislative bodies.

The Minister of State of the Ministry of Law and Justice, **Shri Arjun Ram Meghwal** introduced the Constitution (One Hundred and Twenty eighth Constitution Amendment) Bill, 2023 on 19 September 2023. The Bill was discussed the next day in the Parliament of India and as required by the Constitution of India, it was passed by a half of the total Members of the Lok Sabha and a majority of two thirds of the Members present and voting. Two Members of the All India Majlis-e-Ittehadul Muslimeen, who were demanding a quota for Muslim women, voted against the Bill. The Bill, as passed by Lok Sabha, was passed by Rajya Sabha (Upper House) on 21 September 2023 in the same manner as provided in the Constitution.

This Bill was passed 27 years after the first introduction of such a Bill in the Lok Sabha way back in 1996. The ruling BJP Government, in its 2019 election manifesto, had committed to ensuring

33% reservation of seats for women in Parliament and the State Assemblies through a constitutional amendment.

This was the first legislative agenda of the Indian Government in the new Parliament House building, constructed within the precincts of the Parliament Estate. Parliament had shifted its business from the colonial era building to the new Parliament building on 19 September 2023. The old Parliament House as announced by the Lok Sabha Speaker henceforth will be known as *Sambidhan Sadan* (Constitution House).

Bill provisions and approval

The 128th Constitution Amendment Bill provides for the reservation of, as near as possible, one third of the total seats for women in the House of the People (Lok Sabha), the Legislative Assembly of every State in India and the Legislative Assembly of the National Capital Territory of Delhi. It also provides that one-third of seats reserved for women shall be reserved for women belonging to the Scheduled Castes or Scheduled Tribes. The Bill further provides that the provision regarding the reservation for women shall come into effect only after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after this Amendment Act have been published. The Act shall cease to have effect on the expiration of 15 years from its commencement and seats reserved for women will be rotated after each

subsequent delimitation exercise as the Parliament may determine by law.

As many as 62 Members of Parliament including six Ministers and 32 women Members participated in the Lok Sabha debate. There was overwhelming support for the Bill despite some doubt about the intention of the Government in bringing the Bill before the 2024 general elections to take advantage of its political mileage. Opposition Members asked for the immediate implementation of the Bill and not to link it to the delimitation of constituencies, as any further delay would be a gross injustice to Indian women. Many Members demanded a caste census and reservation for women belonging the Other Backward Classes (OBCs). They also strongly argued for reserving seats for women belonging to OBCs. Some Members suggested that women's seat reservation should also be introduced in the Rajya Sabha and in State Legislative Councils as well. There was also a demand for including minorities in the ambit of reservation.

Intervening in the debate, the Home Affairs Minister, **Shri Amit Shah** said that women's empowerment was not a political issue for the BJP rather a work culture. The Prime Minister and the BJP Party were committed to women's empowerment and their welfare throughout their political journey. He urged MPs of all parties to come together to make a new beginning by unanimously approving this Constitution Amendment Bill.

After the Bill was passed in the Lok Sabha on 20 September 2023, the Prime Minister complimented all the Members of House and the people outside for the smooth sailing of the Bill. He said it was a golden moment in India's parliamentary journey and once it is passed by the Rajya Sabha and becomes an Act, it will build up renewed confidence among women, enabling the country to scale new heights.

The Rajya Sabha discussed the Bill on 21 September 2023 and 72 MPs including the Prime Minister and Law Minister participated in the discussion. The Prime Minister requested the Rajya Sabha Members pass the Bill unanimously and give the country a new sense of confidence. The Bill was passed by the Rajya Sabha by a majority of the total membership of the House and by a majority of not less than two-thirds of the



THIRD READING REPORT

INDIA

Lok Sabha & State Legislative Assemblies	Last election year	Total number of seats	Total number of candidates	Total number of women candidates	Number of women elected	% of elected women in the House
Lok Sabha – Parliament of India	2019	543	8,054	726	78	14.37%
Andhra Pradesh	2019	175	2,118	211	14	8.0%
Arunachal Pradesh	2019	60	184	11	3	5.0%
Assam	2021	126	946	76	6	4.76%
Bihar	2020	243	3,733	370	26	10.70%
Chhattisgarh	2018	90	1,269	132	13	14.44%
Delhi (National Capital Territory)	2020	70	672	79	8	11.42%
Goa	2022	40	301	26	3	7.5%
Gujarat	2022	182	1,621	138	15	8.24%
Haryana	2019	90	1,169	108	9	10.0%
Himachal Pradesh	2022	68	412	24	1	1.48%
Jammu & Kashmir*	2014	87	831	28	2	2.3%
Jharkhand	2019	81	1,216	127	10	12.34%
Karnataka	2023	224	2,615	185	10	4.47%
Kerala	2021	140	957	105	11	7.86%
Madhya Pradesh	2018	230	2,899	250	21	9.13%
Maharashtra	2019	288	3,237	239	24	8.33%
Manipur	2022	60	265	17	5	8.33%
Meghalaya	2023	60	375	36	3	5.0%
Mizoram	2018	40	209	18	0	0%
Nagaland	2023	60	184	4	2	3.33%
Odisha**	2019	147	1,127	112	13	8.84%
Puducherry	2021	30	324	36	1	3.33%
Punjab	2022	117	1,304	93	13	11.11%
Rajasthan	2018	200	2,294	189	24	12.0%
Sikkim	2019	32	150	16	3	9.38%
Tamil Nadu	2021	234	3,998	413	12	5.12%
Telangana	2018	119	1,821	140	6	5.04%
Tripura	2023	60	259	30	9	15.0%
Uttarakhand	2022	70	632	63	8	11.42%
Uttar Pradesh	2022	403	4,442	559	47	11.66%
West Bengal	2021	294	2,132	240	40	13.6%

Table 1. Women's Representation in the Lok Sabha and State Legislative Assemblies in India

*Election to the Legislative Assembly of the Union Territory of Jammu and Kashmir has not been held since the reorganisation of the erstwhile State of Jammu and Kashmir into two Union Territories, namely the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh in 2019. The Delimitation Commission has since published its Order delimiting the constituencies in the Union Territory of Jammu & Kashmir.

**Due to the death of a standing MLA, the election was countermanded in one Constituency.

Source: Election Commission of India

Members of the House present and voting.
No Member voted against the Bill.

Women's Reservation in Local Bodies

Two important pieces of legislation, namely the *Constitution (Seventy-third Amendment) Act, 1992* and the

Constitution (Seventy-fourth Amendment) Act, 1992 had changed the political landscape of India. The two Acts substantially increased the representation of women in elected rural and urban representative bodies. In many States, the representation of women in such

bodies increased to more than 50% and today, about 1.5 million women have their presence in such bodies. This is in sharp contrast to the low representation of women in legislative bodies. In the last election held in 2019 to constitute the present Lok Sabha, 78 women



were elected constituting 14.37%, which is the highest so far. The importance of this amendment Bill can be realised from Table 1 which shows the not so encouraging state of present representation of women in the Lok Sabha and Legislative Assemblies across India.

Past attempts to bring legislation forward

Several attempts had been made in the past by various governments to pass a Constitution Amendment Bill to provide reservation of seats for women in Parliament. Such a Bill, the Constitution (Eighty-first Amendment) Bill, was introduced for the first time in the Eleventh Lok Sabha on 12 September 1996. The Bill was referred to a Joint Committee of Parliament which further strengthened some of the provisions of the Bill. However, the Bill as reported by the Joint Committee lapsed with the dissolution of the Lok Sabha on 4 December 1997.

Another Bill, the Constitution (Eighty-fourth Amendment) Bill 1998, was introduced on 14 December 1998 providing reservation for women in the Lok Sabha and the State Assemblies and in the Legislative Assembly of National Capital Territory of Delhi. It lapsed with the dissolution of Lok Sabha. On 23 December 1999, the Constitution (Eighty-fifth Amendment) Bill was introduced in the Thirteenth Lok Sabha for the same purpose. The Bill, however, was not pursued due to lack of political consensus and lapsed with the dissolution of Lok Sabha on 6 February 2004. On 6 May 2008, the Constitution (One Hundred and eighth Amendment) Bill was introduced, this time in Rajya Sabha, to provide for the reservation of seats for women. The Bill was passed by the Rajya Sabha on 9 March 2010 but was not taken up for consideration in Lok Sabha due to difference of views on the Bill among the coalition partners and lapsed with the dissolution of Lok Sabha on 18 May 2014.

Presidential Assent

The President of India, **Smt. Droupadi Murmu**, gave her assent to the Constitution (One Hundred and Twenty eighth Constitution Amendment) Bill, 2023 on 29 September 2023 and with that the Bill became an Act. Its implementation depends on delimitation of constituencies which in turn depends on the next census. The next Census was due in 2021 but the same was postponed due to the COVID-19 pandemic and is expected to start after the 2024 general elections.

AUSTRALIAN REFERENDUM RESULT AND PM PORTRAIT UNVEILED

Parliamentary Report by Fleur Hall, Parliament of Australia.

REFERENDUM ON THE VOICE TO PARLIAMENT

On Saturday 14 October 2023, Australians voted in a referendum about whether to change the Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander Voice. The referendum was not supported.

The proposal was submitted to electors following the passage, with an absolute majority in the Australian House of Representatives and the Australian Senate, of the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*. The request for a 'Voice to Parliament' was made by a group of First Nations Australians who took part in the Uluru Dialogues and issued the 'Uluru Statement from the Heart' to non-Indigenous Australians in 2017. Voice, through a constitutionally enshrined representative mechanism to provide expert advice to Parliament about laws and policies that affect Aboriginal and Torres Strait Islander peoples, is one of the three key pillars of substantive reform called for in the Statement, along with Treaty and Truth.

The proposed new chapter in the Constitution, Chapter IX – Recognition of Aboriginal and Torres Strait Islander Peoples, would have included a new section 129, Aboriginal and Torres Strait Islander Voice, which would have provided:

'In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

- i. there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*
- ii. the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;*
- iii. the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander*

Voice, including its composition, functions, powers and procedures.'

For a referendum to alter the Constitution to pass, it must be approved by a national majority of voters, as well as a majority of voters in a majority of the states (at least four out of Australia's six states). Votes cast outside the six states, such as from the Australian Capital Territory and the Northern Territory, are counted towards the national vote only.

It was clear early in the evening of polling day that the referendum had been defeated. The result was called at 7.25pm AEDT, just over an hour after polls closed in most eastern states, once it was evident that a majority of voters in three of the six states had already rejected the motion – Tasmania, New South Wales and South Australia – so that it would not be possible for the referendum to succeed, even without knowing the results in the remaining three states. Voters in Western Australia, which was three hours behind most of the east coast, learned of the defeat before polls in their state had even closed. By the end of the evening, none of the six states had a majority of 'yes' votes, and a national majority was also not achieved. As at 23 October 2023, with 81.6% of the vote counted, nationally 60.7% of voters had voted 'no', with only 39.3% voting 'yes'. There are 17,676,347 voters enrolled.

Shortly before 9.00pm on the evening of the referendum, the Prime Minister of Australia, **Hon. Anthony Albanese, MP**, gave a speech in which he said that while the result was 'not one that I had hoped for, I absolutely respect the decision of the Australian people and the democratic process that has delivered it.' The Prime Minister, who had made an election commitment that his Government would seek to implement the 'Uluru Statement from the Heart', said that he 'never imagined or said that it would be easy... nor could I guarantee the referendum would succeed. What I could promise was that we would go all in, that we would try.' The Prime Minister went on to say that 'this moment of disagreement does not define us. And it will not divide us...Our Government will continue to



PARLIAMENTARY REPORT

AUSTRALIA

Image credit: Parliament of Australia/AUSPIC.



listen to people and to communities...and will continue to seek better outcomes for Indigenous Australians and their children.... This is not the end of reconciliation.'

The Leader of the Opposition, **Hon. Peter Dutton, MP**, who supported the 'no' campaign, said that *'at all times in this debate, I have levelled my criticism at what I consider to have been a bad idea – to divide Australians based on their heritage, or the time at which they came to our country.'* Mr Dutton said that the Coalition *'like all Australians, wants to see Indigenous disadvantage addressed – we just disagreed on the Voice being the solution.'*

In a statement published shortly after the referendum, Indigenous leaders who campaigned for the 'yes' vote called for a week of silence *'to mourn and deeply consider the consequence of this outcome.'*

Out of the 45 referendums that have been held since Federation, only eight have been successful. The last referendum held was in 1999, on whether to alter the Constitution to establish Australia as a republic, and was also not supported.

OFFICIAL PORTRAIT OF AUSTRALIA'S 26th PRIME MINISTER UNVEILED

On 10 August 2023, the official portrait of Australia's 26th Prime Minister, and current ambassador to the United States of America, **Hon. Dr Kevin Rudd, AC**, was unveiled at Australia's Parliament House. Among those gathered for the occasion were the Speaker of the House of Representatives, **Hon. Milton Dick, MP**; the President of the Senate, **Senator Hon. Sue Lines**; the Prime Minister, **Hon. Anthony Albanese, MP**; the Deputy Leader of the Opposition, **Hon. Sussan Ley, MP**; Members of the 47th Parliament, former Parliamentarians, public servants,

family, friends and members of Dr Rudd's staff, US Ambassador to Australia, **Caroline Kennedy**, visitors from the US Congress, and the portrait artist, **Ralph Heimans, AM**, best known for his official portrait of Her Majesty Queen Elizabeth II, which was commissioned for the Diamond Jubilee in 2012 and now hangs in Westminster Abbey.

The Prime Minister welcomed Dr Rudd, and guests, describing it as *'an extraordinary honour for me, as someone who served as Deputy Prime Minister to you a decade ago, to welcome you here as Prime Minister today.'* The Prime Minister praised Mr Heimans' achievement, describing the Prime Ministerial portrait as *'powerful'*, and the only one to feature a pet. After reflecting on Dr Rudd's achievements in office, the Prime Minister remarked that what he thought was captured so well in the portrait was that *'[Dr Rudd] has always been someone who has shown a belief in Australia's capacity to show international leadership as well. Not seeing us as a small country, an island continent far away – but an active and constructive Indo-Pacific power, that could punch above our weight in the world because of who we are.'* The Prime Minister thanked Dr Rudd for his service to Australia, telling him that *'you can be proud that everyone who visits this building, including future generations, will be able to look on this portrait and know your place in our nation's history.'*

During his speech, Dr Rudd observed that *'the democratic project around the world is under threat'* and said that defending the great institution of democracy, inherited from the Palace of Westminster, was *'fundamental.'* To that end, he said, we must ensure voters are drawing on a free flow of unbiased information *'where facts are separated from opinion and where people can distill their own judgements about which course they want for the country's future.'* Among the other challenges, he said, were climate change, artificial intelligence and Australia's location in a region *'where the risk of crisis, conflict and war is real.'* Dr Rudd said that democracies must navigate security circumstances *'with a level of care, intention and foresight.'*

However, he urged political leaders not to think that the challenges posed to the nation were too immense to be faced, and that in his experience, *'they often appear much greater in anticipation than execution.'* Dr Rudd concluded by thanking his family and colleagues, and finally Mr Heimans, saying that he had applied his craft to render his subject *'with considerable sensitivity and kindness.'*

The portrait depicts Dr Rudd sitting at a table in his home, with pen and paperwork, gazing thoughtfully at the viewer. Bookshelves behind him contain tomes in Mandarin and English, as well as Chinese porcelain vases and a framed copy of the *'Apology to the Stolen Generations'*, delivered by Dr Rudd in Parliament in 2008. On the table are more books, including the *House of Representatives Practice* (6th edition). And the pet to which the Prime Minister referred? Louis the cat, strolling nonchalantly across a chessboard in the foreground of the painting – apparently included after having repeatedly interrupted the sitting. The portrait was commissioned for the Parliament's Historic Memorials Collection (HMC) and is now on display in the public exhibition area on Level 1 of Members' Hall at Parliament House.

PARLIAMENTARY REPORT FROM THE CPA AUSTRALIA REGION

30th GOVERNOR OF VICTORIA SWORN IN

Her Excellency Professor Hon. Margaret Gardner, AC was inaugurated on 9 August 2023 as the 30th Governor of Victoria, succeeding **Her Excellency Hon. Linda Dessau, AC CVO**, whose term concluded on 30 June 2023. (In the interim period, the Lieutenant-Governor of Victoria, **Professor James Angus, AO**, administered the State of Victoria.) Prior to her appointment, the new Governor was the 9th and first female President and Vice-Chancellor of Monash University, a position she had held from 1 September 2014 until 4 August 2023. The then Premier of Victoria, **Hon. Daniel Andrews, MP**, made the announcement about the appointment on 5 June 2023.

At her swearing-in, the new Governor said that she was *'deeply honoured to be the 30th Governor of Victoria.'* She described the State of Victoria as *'so ancient and yet so new'* and said that *'the connection to land of those who are of the many continuing*



Third Reading Report by Fleur Hall, Parliament of Australia.

Aboriginal groups in Victoria is different in kind from that of others...we wish to better engage with the connections Victoria's Aboriginal peoples have to this land.' The new Governor said that 'Victoria is a place of many people and many voices where, by listening to the experiences of those voices, we can and shall grow wiser' and that she would 'look forward to hearing your voices and learning from your experiences, and being part of ensuring your democratic institutions and your democratic impulse are supported and preserved.'

NEW PREMIER OF VICTORIA

On 26 September 2023, **Hon. Daniel Andrews, MP** (Australian Labor Party), announced he would be retiring as Premier and Member for Mulgrave. Earlier this year, Mr Andrews became Labor's longest-serving Premier in Victoria. He was first elected to the Victorian Parliament in 2002.

At a press conference, Mr Andrews said that being Premier had been *'the honour and privilege of his life.'* He told reporters that *'recently... thoughts of what life will be like after this job have started to creep in...I have always known, that the moment that happens it is time to go and to give this privilege, this amazing responsibility, to someone else.'*

The Prime Minister, **Hon. Anthony Albanese, MP** described Mr Andrews as *'a person of deep conviction, great compassion and fierce determination.'* He added that Mr Andrews' leadership had been *'tested by some of the toughest times. In the relentless pressure of a once-in-a-generation pandemic, he never shirked the hard decisions. He fronted up, he stood up and he did everything in his power to keep Victorians safe.'* He said that nine years as Premier was a *'remarkable achievement'* and that he wished Mr Andrews and his family *'all the very best for their future together.'*

On Wednesday 27 September 2023, during a caucus meeting, the Deputy Premier and Member for Bendigo East, **Hon. Jacinta Allan, MP**, was elected unopposed as party leader and was sworn in as the state's 49th Premier that afternoon. The Member for Niddrie, **Hon. Ben Carroll, MP**, was sworn in as Deputy Premier. Ms Allan is only the second female Premier in the state's history and was the youngest female MP when she was elected in 1999 at the age of 25. She said that she hoped her leadership *'says to young women, older women, women from across different backgrounds of all parts of the state that leadership takes on different shapes and sizes.'* Ms Allan said one of her main priorities would be to work with the First Peoples' Assembly of Victoria towards a treaty.

Parliamentary Workplace Support Service Bill 2023

Introduced on 10 August 2023 in the Australian House of Representatives, the Bill gives effect to recommendations of the Australian Human Rights Commission's *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*, by establishing the Parliamentary Workplace Support Service as an independent statutory agency to provide human resources and certain other services for Parliamentarians and persons employed under the *Members of Parliament (Staff) Act 1984*. The Bill also establishes the Parliamentary Workplace Support Service Advisory Board and the Parliamentary Workplace Support Service Consultative Committee.

This Bill was introduced by the Assistant Minister to the Prime Minister, **Hon. Patrick Gorman, MP** (Australian Labor Party). The Assistant Minister told the House that the Bill *'implements recommendation 11 of the Set the Standard report, which is a key structural reform. Once established, the proposed Parliamentary Workplace Support Service (PWSS) will carry forward work to implement another six recommendations.'* He noted that the Bill had been the product of extensive consultation with members of the Parliamentary Leadership Taskforce and its staff consultation group. The Assistant Minister said that the report had recommended that *'an independent body should be established to provide a foundation for a professionalised, safe, supportive and respectful workplace'* and that these were the objectives of the proposed PWSS. He said that the PWSS would be headed by an independent office holder and that the PWSS would also have a training and education function to support Parliamentarians and parliamentary staff in their employment relationship, and that it would report annually on indicators of cultural change.

During the Second Reading debate on the Bill, a cognate debate took place on two related Bills, described below, the Parliamentary Workplace Support Service (Consequential Amendments and Transitional Provisions) Bill 2023

and the Members of Parliament (Staff) Amendment Bill 2023.

The Member for Hume, **Hon. Angus Taylor, MP** (Liberal Party of Australia), supporting the Bill, said that the changes to the workplace were being taken *'very seriously'* by the Opposition. He said that was *'why we accepted and implemented the recommendations of the Foster review, including an independent complaints mechanism, workplace training and improved independent support services. It's why the former Government accepted the Jenkins Review and committed to working towards all 28 recommendations.'* Mr Taylor confirmed that the Coalition was *'committed to working with all parties, Independents and staff to continue to make sure that we have a safe and respectful workplace.'*

The Leader of the Australian Greens, **Mr Adam Bandt, MP**, said that the Bill had *'gone through all the due processes. It has taken account of feedback from staff and the unions. Now it is time to pass it so that staff and the community can see real action on the recommendations.'* Mr Bandt said that the PWSS was a step forward to improving Parliament but *'without enforcement powers, it can't solve the problem. That's what the future Independent Parliamentary Standards Commission will do, and we urge the other parties to push along to get that done.'*

Also supporting the Bill was the Member for Indi, **Dr Helen Haines, MP** (Independent) who said: *'Before I became a Member of Parliament, I worked in hospitals and university departments, and these workplaces had strong human resources support and complaints processes to minimise power imbalances and harmful workplace environments. They were not always perfect, but they were strong frameworks, nevertheless, to help support a better workplace environment. Like many others in this place, when I first came here, I was very, very surprised that the same structures did not exist. That our nation's Parliament did not exemplify the standards of a professional workplace was seriously problematic for me.'* Dr Haines said she would *'look forward*



to working with the Government to make sure that the oversight body meets the standards of the Australian people and that bad behaviour is never again simply swept under the rug out of sight. Our position as elected officials should never trump the safety of the people who come to work in this place.'

The Member for Goldstein, **Ms Zoe Daniel, MP** (Independent), observed that the Set the Standard report had 'found that 51% of all people currently working in Commonwealth parliamentary workplaces had experienced at least one incident of bullying, sexual harassment or actual or attempted sexual assault. It revealed that one in three workers had experienced sexual harassment, with young women and people who identified as LGBTQIA+ the most vulnerable.' Ms Daniel said that legislative change was 'critical', but that 'while these fine words on paper in this chamber and in this building are entirely another. Self-awareness among those who work here and reflections on their continuing behaviour inside this chamber and outside it must happen to make these reforms meaningful.'

The Bill was introduced in the Australian Senate on 11 September 2023. The Leader of the Australian Greens in the Senate, **Senator Larissa Waters**, said that she wished to 'pay tribute to the tenacity, grace, strength and determination of the survivors who spoke out and brought us to this moment, where we are legislating reforms to help embed and further drive the change in the culture of Parliament that's been so desperately needed since Parliament was first established.'

The Deputy Leader of the Nationals, **Senator Perin Davey**, also supporting the Bill, said that it had been 'long in development and consideration, and it is critical to the future reputation of this workplace as a respected and valuable employer.' Senator Davey described Parliament House as 'a special place...filled with passionate and dedicated people who work on very hard and important issues that can change lives, deliver prosperity and economic security, and enshrine our very high standards of democracy.' She said that it was 'important that staff feel valued, respected and safe where they work and with whom they work.'

The Minister for the Public Service, Minister for Finance and Minister for Women, **Senator Hon. Katy Gallagher**

(Australian Labor Party) thanked all Senators for their contributions, saying 'it is Parliament at its best, when we come together on legislation and work collaboratively – this being in the interests of everyone who works in the building.' The Minister observed that the Bill 'stays true to the guiding principles in the Set the Standard report for a new human resources entity to support the employment relationship between Parliamentarians and their staff. The new PWSS will play a key role in advancing the professionalism of that relationship. A significant distinction from the existing arrangement is that the new PWSS is independent and cannot be directed by any person in the performance of its function or exercise of its power.'

The Bill was then read a second time. During the Committee of the Whole debate, four Government amendments and one Opposition amendment were agreed to and the Bill, as amended, was read a third time. Later that day, the Bill was returned to the House with the amendments, to which the House agreed. The Bill received royal assent on 20 September 2023.

Members of Parliament (Staff) Amendment Bill 2023

Introduced on the same day as the Parliament Workplace Support Service Bill 2023 and the Parliamentary Workplace Support Service (Consequential Amendments and Transitional Provisions) Bill 2023, the Bill amends the *Members of Parliament (Staff) Act 1984* (MOPS Act) to:

- implement certain recommendations of the review by the Department of the Prime Minister and Cabinet in relation to the Act's employment framework.
- make amendments consequential on the establishment of the Parliamentary Workplace Support Service. Also makes consequential amendments to 18 Acts.

This Bill was introduced by the Assistant Minister to the Prime Minister, **Hon. Patrick Gorman, MP** (Australian Labor Party). The Assistant Minister told the House that 'the Set the Standard report recommended a comprehensive review of the MOPS Act to ensure consistency with modern employment frameworks.' He said that review had resulted in 15 recommendations and that this Bill would implement 11 of them, and that the remaining four would be implemented by the PWSS established by the Parliamentary Workplace Support

Service Bill 2023. The Assistant Minister said that the Bill:

- clarifies roles and responsibilities of Parliamentarians, officer holders and employees, including their obligations under other workplace laws.
- introduces employment principles to set expectations about the workplace for Parliamentarians and their staff.
- enhances transparency of employment arrangements with a new requirement that the determination of terms and conditions for employment under the act are made publicly available on the Federal Register of Legislation unless they identify individuals.
- includes requirements intended to guide decision-making by Parliamentarians about employment matters, and to support fair outcomes and processes when making significant employment decisions.

The Assistant Minister added that, as recommended by the MOPS Act review, the Bill provides for a further review within five years of the amendments commencing. He concluded by saying that the Bill 'is an important part of the reforms the government is progressing to support a professional employment framework for staff of Parliamentarians.'

The Bill passed the House on 7 September 2023 and was introduced in the Senate on 11 September. It passed the Senate on 14 September and received royal assent on 19 September 2023.

Parliamentary Workplace Support Service (Consequential and Transitional Provisions) Bill 2023

The final Bill in the package the Parliamentary Workplace Support Service (Consequential and Transitional Provisions) Bill 2023 amends the *Archives Act 1983*, *Freedom of Information Act 1982* and *Parliamentary Service Determination 2013* to make amendments consequential on the establishment of the PWSS. It also received royal assent on 19 September 2023.



LEGISLATIVE NEWS FROM TRINIDAD AND TOBAGO PARLIAMENT

Parliamentary Report by Paras Ramoutar, Freelance Journalist based at the Parliament of Trinidad and Tobago.

TRINIDAD FULLY SUPPORTS PEACE IN HAITI

Trinidad and Tobago's Attorney-General, **Senator Reginald Armour** has told the House of Representatives that the country is fully committed to the restoration of peace and security in Haiti as he commenced the debate to extend the *Economic Sanctions (Implementation of UN Security Council Resolution) on the Republic of Haiti Act 2023*.

"As such the Government of the Republic of Trinidad and Tobago has taken the appropriate steps to ensure compliance with international organisations", he said as he reminded MPs that on 6 June 2023, in accordance with the Act, the President of Trinidad and Tobago, **H.E. Christine Kangaloo**, had set out specific grounds on which to issue an order for parliamentary approval, so that Trinidad and Tobago complied with the UN Resolution 2653. He also said that the UN Security Council demanded an immediate end to gang violence and criminal activity in Haiti and expressed its readiness to take appropriate measures.

TRINIDAD AND TOBAGO PRESIDENT CALLS FOR RESPECT FOR MEMBERS OF PARLIAMENT

The President of the Republic of Trinidad and Tobago, **H.E. Christine Kangaloo** has called on society to respect Members of Parliament. She was giving her inaugural address at the ceremonial opening of the Fourth Session of the 12th Parliament of Trinidad and Tobago at the Red House on Monday 11 September 2023.

The President pointed out that Parliament was often misunderstood by the general public and that people should take time to understand their governing institutions and the role that they play in the country.

The President called for more crossbench collaboration in the fight against crime, as the country was suffering greatly from this epidemic. "These facts alone should drive Parliamentarians to put aside their party rivalries, join hands across the aisle and collaborate on how to stem criminal conduct." She also urged new laws to be introduced to support society's aspirations, including culture and the arts, and called

for urgent attention to be paid to the needs and rights of persons with disabilities.

The President expressed concern over the growth of Artificial intelligence (AI) and called for a UK-style Public Bill Committee that would free Members' time in order to focus on wider issues.

The Opposition Leader, **Hon. Kamla Persad-Bissessar, MP** said that the Government had failed in managing safety and security in Trinidad and Tobago.

OPPOSITION MP CHALLENGES YOUTH EMPLOYMENT

The Government of Trinidad and Tobago, in the last eight years, has effectively dismantled the youth development sector, according to **Hon. Arnold Ram, MP** for Caroni Central. He was speaking in the 2024 budget debate in the House of Representatives and said that from 2015 to 2021, the tertiary level of funding for youth development had fallen by TT\$936 million per year. He disputed claims that the Government had helped young people to reach their full potential and called for investment in education and training for young people.

In response, the Minister of Youth Development and National Service, **Hon. Foster Cummings** said that the Government was working to help the youth to reach their full potential and warned that the Opposition was whipping up fear, in terms of the country's crime situation.

PROMOTE HEALTH CARE IN YOUTH

Health practitioner, **Dr Rai Ragbir, MP** spoke of the urgent need for the Government of Trinidad and Tobago to place a greater emphasis on health care for young people. He made this call in his contribution to the 2024 budget debate in the House of Representatives when the Minister of Finance, **Hon. Colm Imbert**, presented the budget on 2 October 2023.

The Opposition MP for Cumuto/Manzanilla said that focusing on primary health care and non-communicable diseases amongst young people is more important than the construction of new buildings. Ultra-processed foods, which account for 67% of the calories that are taken in by children, are more likely to trigger hypertension, diabetes and obesity, he said, adding that we are 'killing our children' by what we give them to eat. Dr Rai Ragbir said that the recent COVID-19 pandemic should have taught the Government to be more proactive with healthcare provision.

TRINIDAD AND TOBAGO DELIVERS A BUDGET WITH FIVE BILLION SHORTFALL

Delivering his penultimate Budget Statement before the next General Election (due in 2025), the Finance Minister, **Hon. Colm Imbert** said that the Budget aims to move the economy from





recovery to growth. During his almost five-hour presentation in the House of Representatives on 2 October 2023, the Finance Minister promised a minimum wage of TT\$20.50 per hour up from TT\$17.50; a TT\$1,000 school book grant; a TT\$4,000 grant to some public service retirees; and accommodation to be provided for some of the most vulnerable in society. However, it was revealed that the Government had delivered a TT\$59 billion budget, but that receipts had shown that spending was at TT\$54 billion, a shortfall of five billion.

The Finance Minister told Parliament that despite the barrage of negativity from critics, the Government considered its economic management since 2015 had been ‘*extremely commendable*’. He also stated that the international financial community agreed. *“This fact was demonstrated as recently as a few weeks ago, when we successfully refinanced a US\$550 million bond on the international capital market at an interest spread of just 1.46% above current Treasury Note rates.”* This was in contrast to other countries in the Latin American and Caribbean Region that have gone to the international markets recently and have been forced to raise financing at rates above 11%. *“While our detractors at home have sought to deny how the rest of the world view Trinidad and Tobago, there is no avoiding the reality that through prudent management, we have been able to withstand successfully the consistent and multiple adverse external shocks over the last decade”*, he told the House of Representatives.

He said that some of the critical sectors that will receive significant funding for capital expenditure include agriculture, crime and security, education and youth, transportation, roads and bridges, drainage, digital transformation of the economy, sports and community development, health care, housing and shelter, and trade and investment.

In a budget contribution titled ‘*No prosperity without safety and security*’, the Opposition Leader, **Hon. Kamla Persad-Bissessar, MP** criticised the Government’s budget plans, describing a nation in pain - physical, mental and economic. The Opposition Leader said that the economy was awash with money from the drugs trade, fueling violent crime and untold

pain on ordinary citizens, citing the recent example of the Peterkin family who lost four children to gun crime. Saying that there were more murders than cultural events being held in Trinidad and Tobago, the Opposition Leader declared that the new culture of this country was ‘murder and pain’.

NATIONAL SECURITY MINISTER ANNOUNCES NEW APPROACH TO FIGHT CRIME

The Government of Trinidad and Tobago is increasing restrictions on firearms licences, according to the Minister of National Security, **Hon. Fitzgerald Hinds**. He outlined the new approach to fighting crime during his contribution to the 2024 Budget Debate in the House of Representatives.

He also urged the citizens to support the police by offering information and intelligence on where firearms were being held and used. The Minister pointed out that the police had seized 521 firearms during the year so far, comprising 96 revolvers, 298 pistols, 35 shotguns, 11 sub-machine guns, 62 rifles (using 5.56 mm or 7.62mm ammunition) and 18 home-made rifles.

The Prime Minister of Trinidad and Tobago, **Hon. Dr Keith Rowley** asked MPs to support new measures to legally permit the police to publish crime suspects’ photos in newspapers and online. He pointed out that fighting crime has to be a fight of the entire nation, if the Government are to win it. He also pointed out that the public must condemn individuals making a life of crime and not target the police who are fighting crime.

NEW INDEPENDENT SENATOR MAKES HER MAIDEN SPEECH IN THE TRINIDAD SENATE

Independent **Senator Sunity Maharaj** has spoken in the Senate of Trinidad and Tobago calling for an ‘*experimental*’ education system with a blend of creative people and pedagogical minds, suggesting that ‘*we need a bold project for education, not a version of what we have*’. She urged a transformation of the educational system including more investment in guidance counsellors for school children plus more diagnostic testing for learning disorders in pupils.

The Senator was making her maiden speech since being appointed by the

President of the Republic of Trinidad and Tobago on 11 September 2023, alongside three other new Independent Senators. Senator Sunity Maharaj is a career journalist and multimedia professional who has worked in print and broadcast media for over 45 years. She also headed several organisations including the Media Association of Trinidad and Tobago and the Commonwealth Journalists Association Trinidad and Tobago, and developed and implemented training programmes for journalists.

The other new Independent Senators are: **Professor Gerard A. Hutchinson**, a Professor of Psychiatry at the University of the West Indies (St Augustine) and Head of Mental Health at the North Central Regional Health Authority; **Dr Sharda Patasar**, a multidisciplinary artist with a strong background in teaching, research and writing, and music composition; and **Mr Helon Francis**, a singer and teacher of music who was also the Calypso Monarch for 2018 and at under 30 years old will be the youngest Independent Senator in the current Parliament.

SENATOR CALLS ON TRINIDAD GOVERNMENT TO ACT ON HINDU TEMPLE ATTACKS

Sections of the Hindu community in Trinidad and Tobago feel that the authorities are not doing enough to stop attacks on temples, according to Independent **Senator Deorooop Teemal**. The Senator underlined this point during his contribution to the 2024 Budget debate and stated that there had been incidents of desecrating temples in different places. He pointed out that society should not be dismissive of these incidents as history would show us, not only in Trinidad and Tobago but all over the world, that these things may start small, but they can mount into serious problems. Temporary **Senator Dr Tim Gopeesingh** also called on the Minister of National Security to investigate these acts thoroughly.

Senator Dr Amery Browne, the Minister of Foreign and CARICOM Affairs, condemned these acts against the Hindu community and pointed out that the majority of people in the country are a peaceful nation.



Third Reading Report by Lizzie Hendy and Sraddha Venkataraman, Parliament of New Zealand.

Natural and Built Environment Bill and Spatial Planning Bill

The Natural and Built Environment Bill and Spatial Planning Bill were read for a third time on 15 August 2023. The Bills repeal and replace the *Resource Management Act 1991* (RMA) and create a new resource management system designed to protect the natural environment, better enable development, give effect to the principles of te Tiriti o Waitangi, better prepare for adapting to climate change and reduce complexity, while retaining local democratic input.

The Bills were designed to work alongside a future climate change adaptation Act. The Natural and Built Environment Bill condenses 100 district plans into 16 regional plans, while the Spatial Planning Bill requires regional spatial strategies, which set out objectives for a region's long-term development.

The Minister for the Environment, **Hon. David Parker, MP** (Labour) explained the need for the Bills, saying *"There's widespread agreement the RMA is not working, it takes too long, and it costs too much. It hasn't adequately protected the environment nor supported housing and infrastructure, nor promoted a low-carbon economy. Cumulative effects have degraded water and biodiversity. It's no exaggeration to say it's broken."* He talked about the drawbacks of the current system, explaining that *"In the five years to 2019, consenting costs increased by 66% for non-notified consents and 124% for notified. Processing times ballooned by about 15%... This legislation fixes that, dealing to the waste of time and money."*

Chris Bishop, MP (National) said that the National Party would *"repeal both Bills by Christmas"* if elected as the next Government. He explained that *"You won't find anyone on this side of the House defending the Resource Management Act"*, however the Bills would *"make it harder to do things, it will make it harder to use the environment, and it will make it harder to protect the environment, and therefore we will oppose it."*



The Natural and Built Environment Bill recognises and upholds 'te Oranga o te Taiao', explained in the Bill's explanatory note as *"a concept that speaks to the health of the natural environment, the essential relationship between the health of the natural environment and its capacity to sustain life, and the interconnectedness of all parts of the environment."* **Tama Potaka, MP** (National) said that *"In my opinion, the use of a Māori phrase here, defined by ambiguous English language, is a boondoggle drafting experiment. There is an absence of hierarchy across the constituent parts of the definition."* **Simon Court, MP** (ACT) agreed, adding that *"It's a novel term. Lawyers told us at the Environment Committee that it could take a decade or more to unravel what that means."*

The Bill was supported by the Green Party. **Hon. Eugenie Sage, MP** (Greens) said that the Natural and Built Environment Bill *"certainly still has shortcomings from the Greens' perspective. We think the infrastructure override provisions, in relation to places of national importance and areas of highly vulnerable biodiversity value, are too broad. We think that the Minister has too many powers and they are still not adequately constrained.... But it is the best that could be done in the time available."*

Speaking in the Natural and Built Environment Bill's First Reading, **Debbie Ngarewa-Packer, MP** (Te Paati Māori)

outlined her opposition to the Bill, saying *"Te Paati Māori cannot support the Resource Management Act reforms until changes are made to protect and restore our environment and guarantee the rights and interests of tangata whenua (indigenous people). Resource management is one of the most important areas of law, especially to us as tangata whenua. What we have seen is that legislation of this significance should not be rushed... These Bills don't go far enough as far as we're concerned."*

The Bills were read for a third time on 15 August 2023 with support from Labour and the Green Party. They received the Royal Assent on 23 August 2023.

Resale Right for Visual Artists Bill

Prior to the passing of the Resale Right for Visual Artists Bill, visual artists in New Zealand could only earn income from the initial sale of their work. Even if the price of the artwork increased at the time of a resale, the artist themselves could not benefit from this monetary success. The Bill seeks to address this situation by instating a 5% royalty payment each time an artist's work is resold. The royalty scheme will be managed by a non-governmental collection agency which deducts a percentage of the royalty in return for their service. An artist's successor or beneficiary is eligible to



THIRD READING REPORT

NEW ZEALAND

receive royalty payments for up to 50 years after the artist's death.

The Bill was supported unanimously in the House and led to discussions on the status of art and artists in New Zealand. The Minister for Arts, Culture and Heritage, **Hon. Carmel Sepuloni, MP** (Labour), the Minister in charge of the Bill, noted that *"Beyond monetary compensation, this Bill acknowledges visual artists for the important contribution they make to the social and cultural identity of Aotearoa New Zealand"*. **Joseph Mooney, MP** (National), commented that *"I think what artists do is help reflect us back to ourselves, and help us reflect on who we are as a people and a nation. So they do a fantastic thing"*.

Sepuloni remarked that *"Aotearoa New Zealand is a unique country with a diverse artistic community, including our very rich and vibrant Māori and Pacific arts communities. The Bill has been drafted to reflect this unique context by including the cultural expressions of Māori and Pacific peoples in its definition of visual art and through a series of other design features which seek to ensure Māori and Pacific artists benefit equitably from this scheme. These include the ability for the right to be held jointly, which recognises the social structures within these communities and that Māori and Pacific artworks often have multiple creators, and the ability for private sales to opt in as artworks by Māori and Pacific artists are more commonly sold privately than through the secondary art market."*

Establishing an artist resale royalty scheme was a requirement of the free-trade agreement that New Zealand signed with the United Kingdom and the European Union. Mooney noted that *"this is required by our free-trade agreements and we support it."*

While the ACT Party supported the Bill, **James McDowall, MP** (ACT) cautioned that *"One concern, I guess, is the ongoing accountability of this fund, particularly when artists cannot be found or their descendants cannot be found. We've got a Committee that has almost an - and I wouldn't want to make any accusations, but an incentive to almost not find the artists, because if they don't find the artists, then they've got the option of keeping that money and putting it in the*

fund and using it for, you know, wider community work in the arts sector, whatever it may be, which is another issue of accountability."

Other MPs considered ways to further empower artists. **Chlöe Swarbrick, MP** (Green) said *"it does raise the question, I think, of how we support artists at the beginning of their career when they first are starting to flesh out their craft. Because if we are not providing those equitable opportunities to everyone in this country from all walks of life, particularly those from lower income communities, then what we're doing is suppressing talent, and that talent is everywhere."*

The Bill received unanimous support at its Third Reading and received the Royal Assent on 30 August 2023.

Integrity Sport and Recreation Bill

The Integrity Sport and Recreation Bill was read for a third time under urgency on 15 August 2023. The Bill sets up the Integrity Sport and Recreation Commission, a new independent Crown entity. It aims to streamline the current integrity system for participants by moving existing functions into the Commission so they are more accessible and focused on participants. The Bill disestablishes Drug Free Sport New Zealand and folds its anti-doping functions into the Commission, giving it a broader function to prevent threats to the integrity of sport, including match fixing, bullying, abuse, corruption and fraud.

The Minister for Sport and Recreation, **Hon. Grant Robertson, MP** (Labour) stated that *"What we are creating here, I believe, is something that will ultimately improve the experience of a range of New Zealanders when they go about sport and recreation in their community. I think it's going to mean that some people stay in sport when otherwise they would have left. I think it's going to mean that some people, and I do not say this lightly, some people's lives will be saved by this piece of legislation that we are passing tonight."*

Hon. Michael Woodhouse, MP (National) expressed his support for the Bill, saying *"there's no candy coating the reality that for too many of our athletes and our participants in sport, there have been times when events have fallen well below the standard that we would expect, and*

this integrity framework will do a number of things, not the least of which will prevent - and I appreciate the Minister's comments about that."

Nicole McKee, MP (ACT) argued that the Bill would lead to *"more taxpayer money being spent in areas where it could have been lightened if we'd utilise what we already have instead of creating this whole new centre to look at sports. We don't need another bureaucratic arm. We don't need another commission. We have so many of them. When we've put lots of costs, lots of taxpayer money into establishing a whole lot of commissions, and we have worse outcomes occurring for New Zealanders at the moment, I don't see how spending more money is actually going to make a difference."* She also said that *"More importantly, it has not recognised the significance of women and girls in sport, especially at a time when we do have the women's football world cup running here. It is strange that women and their plight for fairness in sport has actually been totally ignored in this Bill."*

Ricardo Menéndez March, MP (Green) countered that *"If the ACT Party was so concerned about representation of women in the board of this unit, they could have supported our Supplementary Order Paper (SOP) to actually have gender balance in the board rather than just throw out sound bites for social media."*

During the Committee of the Whole House stage of the Bill, MPs voted to include a Green Party amendment that would ensure representation from the rainbow community on the board of the new commission. Menéndez March thanked the Labour Party *"for supporting my SOP to ensure that the rights of rainbow people were being considered as part of the make-up of the board... I think this will ensure that a broader range of perspectives and rights are considered, particularly when we've seen how anti-doping provisions have been weaponised against trans people - which ironically end up then disproportionately impacting cis women - it's really, really important that we get these provisions right."*

The Bill was read for a third time on 15 August 2023 with 109 votes in favour and 10 opposed, and received the Royal Assent on 23 August 2023.



PARLIAMENTARY NEWS FROM FEDERAL PARLIAMENT OF CANADA

Parliamentary Report by Gabrielle de Billy Brown, Parliament of Canada.

NEW SPEAKER OF THE HOUSE OF COMMONS OF CANADA

On 26 September 2023, **Hon. Anthony Rota, MP**, Speaker of the House of Commons, announced his resignation from his role as Speaker, effective the following day. Following this announcement, an election for his successor was called for 3 October 2023. In the interim, House proceedings, including the election of the new Speaker, were presided over by **Hon. Louis Plamondon, MP**, who, as the longest-serving Member with over 39 years of service, is considered the Dean of the House of Commons. This approach ensured the continuation of parliamentary work, as the Standing Orders usually require that all work cease when the Speaker's seat is vacant.

The procedure for the election of the Speaker is set out in the Standing Orders of the House of Commons. First, the names of all Members, except for Members of Cabinet and the Leaders of the recognised parties, are deemed eligible and automatically put on the list for consideration. Members who do not wish to be considered must then individually inform the House of their intention to be removed from the list by the day prior to the election of the Speaker.

On this occasion, eight Members stood for election. Two were from the Maritime Provinces: **Sean Casey, MP** for the constituency of Charlottetown in Prince Edward Island, and **Chris D'Entremont, MP** for the constituency of West Nova in Nova Scotia and Deputy Speaker of the House

of Commons. Four candidates were from the Province of Québec: **Greg Fergus, MP** for the constituency of Hull-Aylmer, **Stéphane Lauzon, MP** for Argenteuil-La Petite Nation, **Alexandra Mendès, MP** for Brossard-Saint-Lambert and Assistant Deputy Speaker, and **Peter Schiefke, MP** for Vaudreuil-Soulanges. One candidate was from the Province of Ontario, **Carol Hughes, MP** for Algoma-Manitoulin-Kapuskasing and Assistant Deputy Speaker. The final candidate represented the Province of British Columbia: **Elizabeth May, MP** for Saanich-Gulf Islands.

On the day of the vote, Mr Lauzon announced to the House that he was removing his name from consideration.

After speeches from the remaining candidates, the election for Speaker of the House of Commons was conducted using a preferential secret ballot. Following the announcement of the results, **Hon. Greg Fergus, MP** and newly elected Speaker of the House of Commons, took his seat and began presiding over the work of the Chamber. **Hon. Chris D'Entremont, MP**, remains in his position as Deputy Speaker and **Hon. Carol Hughes, MP**, and **Hon. Alexandra Mendès, MP**, remain in their positions as Assistant Deputy Speakers.

CHANGES IN THE SENATE

On 7 September 2023, **Hon. Sarabjit S. Marwah** retired from the Senate of Canada. He had been a member of the Upper Chamber since 2016, representing the

Province of Ontario. During his tenure, he sat as a member of the Independent Senators Group. Before his appointment, he worked as a banker and a corporate director.

On 15 September 2023, **Senator Hon. Jane MacAdam**, who represents the Province of Prince Edward Island, joined the Independent Senators Group. She had previously been sitting as non-affiliated since her appointment in May 2023.

On 19 September, **Senator Hon. Iris G. Petten** joined the Independent Senators Group. Representing the Province of Newfoundland and Labrador, she had been sitting as non-affiliated since her appointment in May 2023.

As of 23 October 2023, the standings in the Senate were: Independent Senators Group 39, Conservative Party of Canada 15, Canadian Senators Group 15, Progressive Senate Group 11 and non affiliated 10. Fifteen seats were vacant.

CHANGES IN THE HOUSE OF COMMONS

The standings in the House of Commons as of 23 October 2023 were: Liberal Party of Canada 158, Conservative Party of Canada 117, Bloc Québécois 32, New Democratic Party 25, Independent 3 and Green Party of Canada 2. Following the resignation of **Hon. Erin O'Toole, MP**, the seat in the constituency of Durham, in the Province of Ontario, has officially been vacant since 1 August 2023 and no by-election has been called.

FOREIGN ELECTION INTERFERENCE

As mentioned in previous editions of *The Parliamentarian*, the topic of foreign interference in Canadian democracy has been at the heart of many discussions in the Parliament of Canada in recent months. The work of the former Independent Special Rapporteur on Foreign Interference, **Rt Hon. David Johnston**, also the former Governor-General of Canada, who was first tasked with studying the issue, was criticised by Members of the Opposition who insisted on a public inquiry to be launched.

On 7 September 2023, **Hon. Dominic Leblanc, MP**, Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs announced that such an inquiry would take place, to be led by Québec judge Marie-Josée Hogue. She



Image credit: Parliament of Canada.



will be tasked with conducting hearings on interference from both foreign state and non-state actors and must table an interim report by 29 February 2024, with a final report due on 31 December 2024.

REDISTRIBUTION OF FEDERAL CONSTITUENCIES

On 27 September 2023, Elections Canada announced the results of the review of the electoral boundaries across the country. This process occurs after each decennial census, as independent commissions in each Province study and propose changes that reflect the changes in Canada's population. They must consider communities of interest, historical patterns and geographical constraints, attempting to ensure that each district represents approximately the same number of the population while respecting some limits set out in Canada's *Constitution Act*.

As of the next general election, should it happen after 23 April 2024, newly revised electoral districts will be in effect, which includes an increase of five electoral districts from a total of 338 to 343. There will be an addition of one seat in British Columbia, three in Alberta and one in Ontario. There is no increase or decrease in the other provinces or in the territories. Any by-election or general election called before 23 April 2024 will be held under the current electoral boundaries.

NOMINATION OF AN INTERIM CONFLICT OF INTEREST AND ETHICS COMMISSIONER

On 31 August 2023, it was announced that Konrad Winrich von Finckenstein had been appointed as Interim Conflict of Interest and Ethics Commissioner for a period of six months. His responsibilities include providing advice on matters relating to

conflicts of interests, conducting investigations and providing direction to Members of the House of Commons and public office holders regarding their legal obligations under the *Conflict of Interest Code for Members of the House of Commons* and the *Conflict of Interest Act*.

Before the interim appointment of Mr von Finckenstein, Martine Richard occupied the position on an interim basis between the months of March and August 2023. No permanent nomination has been made since the retirement of the previous Commissioner, Mario Dion.

TAKE-NOTE DEBATE ON THE SITUATION IN ISRAEL, GAZA AND THE WEST BANK

On 16 October 2023, a take-note debate took place in the House of Commons regarding the escalating situation in Israel, Gaza and the West Bank, as the Government of Canada aims to protect its citizens in the region.

LAUNCH OF PARLIAMENT: THE IMMERSIVE EXPERIENCE

On 17 August 2023, a new multimedia attraction on Parliament Hill opened to the public. *Parliament: The Immersive Experience* is a journey through the historic Centre Block building with an exhibition and a 360° journey through art, architecture and history with wall-to-wall projections of key spaces such as the Senate Chamber, the House of Commons Chamber, the Library of Parliament, the Peace Tower and the Memorial Chamber.

Produced by the Library of Parliament, this attraction is free to the public and showcases a new way for visitors to learn about the Parliament of Canada, as the Centre Block building remains closed for renovations and rehabilitation for the foreseeable future.

FINAL BILLS AND PROROGATION

The UK Parliament concluded its 2022-23 session on 26 October 2023 with the traditional prorogation ceremony. This takes place in the House of Lords, and begins with an announcement on behalf of the King, read by the Leader of the House. The King does not attend the ceremony in person but appoints a Commission, comprising five Members of the Lords, which is responsible for the prorogation. The name of each Act passed during the session is read out, followed by the Norman French words '*Le Roy le veult*' (*'the King wishes it'*). The Leader of the House then reads a speech from the King, written by the UK Government, reviewing the achievements and legislation passed over the course of the session. The UK Parliament is then officially prorogued. The ceremonial State Opening of Parliament, marked by a King's Speech announcing the Government's legislative programme for the next parliamentary session, is scheduled for 7 November 2023.

Before prorogation, the UK Government successfully passed the *Levelling Up and Regeneration Act*, a law that would reform land use, update planning and regeneration rules, and related local government powers. The Bill drew attention as the UK Government introduced an amendment at a late stage reducing housing regulations in relation to 'nutrient neutrality'. These rules require that housing developments in certain areas should not add more nutrient pollution to their water catchment.

The UK Government's amendment would have required local planning authorities to assume that nutrients in wastewater from new developments would not adversely affect protected habitats sites. The House of Lords debated the amendment on 13 September 2023, with the responsible Minister, **Rt Hon. Baroness Scott of Bybrook** telling the House that the nutrient neutrality rules were "*hampering local economies, depriving communities of much needed housing and threatening to put the SME builders out of business*". She added that "*nutrients entering our rivers is a real and serious problem, but the contribution made by new homes is very small compared with that from sources such as industry, agriculture and our existing housing stock*".

Her position was opposed by, among others, the Labour peer **Baroness Jones of Whitchurch**, who serves on the House's Environment and Climate Change Committee. She said that the "*Government package goes against many of the fundamental principles of environmental protection to which we agreed during our consideration of the Environment Act*". She added that in requiring planning authorities to ignore certain material considerations on housing development, "*the government proposals will undermine our evidence-based planning system and set a dangerous precedent*". The amendment was ultimately defeated by 203 votes to 156, meaning that it was not included in the final legislation.

UK GOVERNMENT CANCELS HIGH-SPEED RAIL LINE

Each year, the UK Parliament holds a 'conference recess' to enable each of the main political parties to hold their annual party conferences. At the Conservative conference in Manchester, the UK Prime Minister, **Rt Hon. Rishi Sunak, MP**,



UK PARLIAMENT: PROROGATION, HIGH-SPEED RAIL AND BY-ELECTIONS

Parliamentary Report by Simon Keal, Parliament of the United Kingdom.

announced that the UK Government would cancel the second stage of the proposed new high-speed rail line (known as High Speed 2 or HS2). The first stage, already under construction, connects London to Birmingham; the second stage was due to connect the line further north to Manchester. The Prime Minister used his speech to the conference to announce that the money recouped from the line's cancellation would instead be reinvested in a range of transport projects labelled 'Network North'.

The plans were subsequently confirmed in the House of Commons in a statement by the Secretary of State for Transport, **Rt Hon. Mark Harper, MP**, on 16 October 2023. He told the House that the continuation of the HS2 line "*risked crowding out investment in other transport areas and no longer reflected post-pandemic changes in travel*" and that "*by stopping HS2 in Birmingham, we can reinvest every penny of the £36 billion saved in transport across the country, in the roads, the local bus services and the regional train links—all those essential daily connections that people rely on*".

In response, the shadow Secretary of State for Transport, **Louise Haigh, MP**, said that it was "*shocking it is that our first opportunity to scrutinise the cancellation of Europe's largest infrastructure project comes two weeks after the announcement was made. It shows sheer contempt for this House and the people affected by this decision*". She added that the Secretary of State "*has my sympathy for having to try to make this absurd decision look sensible*" and that "*the consequences of this shambles are no joke*;

they are profound. There will be owners of small and medium-sized enterprises that have bet the house on HS2. People will lose their jobs this side of the general election as a result of this decision".

SELECT COMMITTEE CHAIRS

The end of the session also saw elections for two new House of Commons Select Committee Chairs. All MPs are eligible to vote for Select Committee Chairs, which are allocated proportionately to political party groups based on their share of MPs after each General Election. There was a vacancy on the Defence Select Committee following the resignation of its Chair, the Conservative **Rt Hon. Tobias Ellwood, MP**, after controversial remarks he had made about the Taliban. Meanwhile, the recently established Business and Trade Committee also had a vacancy following the appointment of its Chair, the Labour Party's **Darren Jones, MP**, to the role of Shadow Chief Secretary to the Treasury. This necessitated his departure as 'front bench' MPs are not permitted to serve on Select Committees.

The elections were held for these two Chairs on 17 October 2023 for the Business and Trade Committee and 25 October 2023 for the Defence Committee. Only MPs from the allocated party for the Committee are eligible to stand to be Chair, meaning that the Business and Trade post was contested by Labour MPs whereas the Defence Committee was contested by Conservatives. The Business and Trade Committee Chair was contested by Labour MPs **Dame Angela Eagle, Andy McDonald**

and **Rt Hon. Liam Byrne**; Andy McDonald was eliminated in the first round of voting, with 88 votes, while in the final round Liam Byrne defeated Angela Eagle by 216 votes to 214. The Defence Committee Chair election saw a contest between Conservatives **Sarah Atherton, Robert Courts** and **Mark Francois**; Robert Courts was elected on the first round of voting with 249 votes, with Sarah Atherton receiving 142 votes and Mark Francois 39. These Chairs will serve until the next General Election, after which a new round of party chair allocations will take place and a new set of elections will be held.

FURTHER BY-ELECTIONS

The Labour Party was successful in a trio of by-elections held in October 2023. These contests are held when Parliamentary seats are vacated by resignation, expulsion or death of the incumbent MP. The first of the three, in Scotland's Rutherglen and Hamilton West, took place following the successful 'recall' of its incumbent **Margaret Ferrier**, after she was suspended from the House for 30 days for breaching COVID-19 restrictions. The Labour Party candidate, **Michael Shanks**, was the successful candidate in the by-election on 5 October 2023, winning 58.6% of the vote, with the SNP's Katy Loudon coming second with 27.6%.

The two subsequent Labour victories were in the English seats of Tamworth, in the West Midlands, and Mid-Bedfordshire, in southern England. In both cases, the by-elections were prompted by the resignation of the incumbent Conservative MPs, respectively **Rt Hon. Chris Pincher** and **Rt Hon. Nadine Dorries**. Chris Pincher resigned after the House of Commons Standards Committee recommended that he was suspended for eight weeks following findings of sexual misconduct, while Nadine Dorries resigned following her criticism of the Prime Minister amid claims that he had prevented her from being appointed to the House of Lords. Both by-elections were held on 19 October 2023; the Labour candidate **Sarah Edwards** won in Tamworth with 45.8% of the vote, with the Conservative candidate receiving 40.7%, while in Mid-Bedfordshire Labour's **Alister Strathern** won with 34.1% of the vote to the Conservatives' 31.1%.



Office Holders of the Commonwealth Parliamentary Association

CPA Executive Committee

Dates of membership below. Some Members are completing terms started by other Members.

*Term dates extended as no CPA General Assembly held in 2018, 2020 and 2021.

CPA Officers

CPA PRESIDENT: (66th CPC to 67th CPC - 2023-2024): **Hon. Ben Franklin, MLC**, President of the Legislative Council (New South Wales)

CPA VICE-PRESIDENT: (66th CPC to 67th CPC - 2023-2024): **Vacant**

CHAIRPERSON OF THE CPA EXECUTIVE COMMITTEE: (65th CPC to 68th CPC - 2022-2025): **Hon. Ian Liddell-Grainger, MP** (United Kingdom)

CPA VICE-CHAIRPERSON: (66th CPC to 67th CPC - 2023-2024): **Hon. Arthur Holder, MHA**, Speaker of Barbados

CPA TREASURER: (65th CPC to 68th CPC - 2022-2025): **Hon. Shri Anurag Sharma, MP** (Lok Sabha, India Union)

COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP) CHAIRPERSON: (65th CPC to 68th CPC - 2022-2025): **Hon. Dr Zainab Gimba, MP** (Nigeria)

CPA SMALL BRANCHES CHAIRPERSON: (65th CPC to 68th CPC - 2022-2025): **Joy Burch, MLA**, Speaker of the Legislative Assembly of Australian Capital Territory

COMMONWEALTH PARLIAMENTARIANS WITH DISABILITIES (CPwD) CHAIRPERSON: (65th CPC to 68th CPC - 2022-2025): **Hon. Laura Kanushu Opori, MP** (Uganda)

The CPA Coordinating Committee comprises the CPA Chairperson, Vice-Chairperson, Treasurer, CPA Small Branches Chairperson and the Chairpersons of the Commonwealth Women Parliamentarians (CWP) and the Commonwealth Parliamentarians with Disabilities (CPwD) networks.

Regional Representatives

CPA AFRICA REGION

Hon. Osei Kyei Mensah Bonsu, MP, Ghana (64th CPC to 67th CPC - 2019-2024)*

Rt Hon. Dr Abass Bundu, MP, Speaker, Sierra Leone (64th CPC to 67th CPC - 2019-2024)*

Hon. Solomon Lechesa Tsenoli, MP, Deputy Speaker of the National Assembly, South Africa (65th CPC to 68th CPC - 2022-2025)

Hon. Raymond Nkhata, MP, Malawi (65th CPC to 68th CPC - 2022-2025)

Vacant, Mauritius (66th CPC to 69th CPC - 2023-2026)

Vacant, Eswatini (66th CPC to 69th CPC - 2023-2026)

CPA ASIA REGION

Hon. Mahinda Yapa Abeywardana, MP, Speaker, Sri Lanka (64th CPC to 67th CPC - 2019-2024)*
Completing term started by another Sri Lanka Member.

Hon. Kazi Nabil Ahmed, MP, Bangladesh (65th CPC to 68th CPC - 2022-2025)

Vacant (66th CPC to 69th CPC - 2023-2026)

CPA AUSTRALIA REGION

Senator Hon. Sue Lines, President of the Senate, Australia Federal (64th CPC to 67th CPC - 2019-2024).
Completing term started by other Australia Federal Senators.

Hon. Mark Shelton, MP, Speaker of the Legislative Assembly, Tasmania (65th CPC to 68th CPC - 2022-2025)

Hon. Curtis Pitt, MP, Speaker of Queensland (66th CPC to 69th CPC - 2023-2026)

CPA BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Chris Elmore, MP, United Kingdom (64th CPC to 67th CPC - 2019-2024)*
Completing term started by other UK Members.

Hon. Stuart McMillan, MSP, Scotland (65th CPC to 68th CPC - 2022-2025)

Deputy Mary Le Hegarat, Jersey (66th CPC to 69th CPC - 2023-2026)

CPA CANADA REGION

Hon. Terry Duguid, MP, Canada Federal (64th CPC to 67th CPC - 2019-2024)*
Completing term started by another Canadian Member.

Hon. Donna Skelly, MPP, Deputy Speaker of the Legislative Assembly of Ontario (65th CPC to 68th CPC - 2022-2025)
Completing term started by another Ontario Member.

Hon. Raj Chouhan, MLA, Speaker of the Legislative Assembly of British Columbia (66th CPC to 69th CPC - 2023-2026)

CPA CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Gordon J. Burton, MHA, Speaker, Turks & Caicos (64th CPC to 67th CPC - 2019-2024)*
Completing term started by another Turks & Caicos Member.

Hon. Arthur Holder, MHA, Speaker, Barbados (65th CPC to 68th CPC - 2022-2025) - *Also CPA Vice-Chairperson.*

Senator Hon. Dr Dessima D. Williams, President of the Senate, Grenada (66th CPC to 69th CPC - 2023-2026)

CPA INDIA REGION

Hon. Shri Uday Pratap Singh, MP, Lok Sabha, India Union, (64th CPC to 67th CPC - 2019-2024)*
Completing term started by other India Members.

Smt. Ritu Khanduri Bhushan, MLA, Speaker of Uttarakhand Legislative Assembly (65th CPC to 68th CPC - 2022-2025)

Shri Biswajit Daimary, MLA, Speaker, Assam (66th CPC to 69th CPC - 2023-2026)

CPA PACIFIC REGION

Hon. Ratu Naiqama Lalabalavu, Speaker, Fiji (64th CPC to 67th CPC - 2019-2024)*

Hon. Gerry Brownlee, MP, New Zealand (65th CPC to 68th CPC - 2022-2025)

Hon. Dulcie Tei, MP, Tonga (66th CPC to 69th CPC - 2023-2026)

CPA SOUTH-EAST ASIA REGION

Hon. Dr Dato' Noraini Ahmad, MP, Malaysia (64th CPC to 67th CPC - 2019-2024)*
Completing term started by another Malaysia Member

Hon. Dato' Law Choo Kiang, MLA, Speaker, Penang (65th CPC to 68th CPC - 2022-2025)

Hon. Mohd Fahmi Aliman, MP, Singapore (66th CPC to 69th CPC - 2023-2026)

CPA Small Branches Steering Committee

CPA SMALL BRANCHES CHAIRPERSON

Joy Burch, MLA, Speaker,
Australian Capital Territory

CPA AFRICA REGION

Hon. Churchill Gill, MNA
Seychelles (2021-2024) - *CPA
Small Branches Vice-Chairperson*

CPA ASIA REGION

Hon. Eva Abdulla, MP
Maldives (2022-2025)

CPA AUSTRALIA REGION

Hon. Mark Monaghan, MLA
Speaker, Northern Territory (2020-
2023)

CPA BRITISH ISLANDS AND MEDITERRANEAN REGION

Deputy Adrian Gabriel
Guernsey (2023-2026)

CPA CANADA REGION

Hon. Brian Warr, MHA, Deputy
Speaker, Newfoundland and
Labrador (2022-2025)

CPA CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Barbara Webster-Bourne,
MHA, Speaker, Anguilla
(2020-2023)

CPA INDIA REGION

Shri Arun Kumar Upreti, MLA
Speaker, Sikkim (2022-2025)

CPA PACIFIC REGION

Hon. Lord Fakafanua, Speaker,
Tonga (2022-2025)

CPA SOUTH-EAST ASIA REGION

Hon. Hamizan bin Hassan, MLA
Perlis (2020-2023)

Commonwealth Women Parliamentarians (CWP) Steering Committee

CWP PRESIDENT

Vacant
New South Wales (2023-2024)

CWP CHAIRPERSON

Hon. Dr Zainab Gimba, MP
Nigeria (2022-2025)

CPA AFRICA REGION

Hon. Kayanga Baroda
Watongola, MP, Uganda
(2022-2025)

CPA ASIA REGION

Hon. Selima Ahmad, MP
Bangladesh (2021-2024)

CPA AUSTRALIA REGION

Hon. Kate Doust, MLC
Western Australia (2022-2025)
- Also CWP Vice-Chairperson
(2023-2024)

CPA BRITISH ISLANDS AND MEDITERRANEAN REGION

Rt Hon. Dame Maria Miller, MP
United Kingdom
(2021-2024)

CPA CANADA REGION

Hon. Susan Leblanc, MLA
Nova Scotia (2023-2026)

CPA CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Valerie Woods, MP
Speaker of the House of
Representatives, Belize
(2021-2024)

CPA INDIA REGION

Smt. Sunita Duggal, MP
Lok Sabha, India (2020-2023)

CPA PACIFIC REGION

Hon. Lenora Qereqeretabua, MP,
Deputy Speaker, Fiji
(2023-2026)

CPA SOUTH-EAST ASIA REGION

Hon. Alice Lau Kiong Yieng, MP
Malaysia (2022-2025)

Commonwealth Parliamentarians with Disabilities (CPwD) Regional Champions

CPwD CHAIRPERSON

Hon. Laura Kanushu Opori, MP
Uganda (2022-2025)

CPA AFRICA REGION

Hon. Timothy Wanyonyi, MP
Kenya (2020-2023)

CPA ASIA REGION

Vacant
(2020-2023)

CPA AUSTRALIA REGION

Hon. Liesl Tesch, MP
New South Wales
(2020-2023)

CPA BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Paul Maynard, MP
United Kingdom
(2020-2023)

CPA CANADA REGION

Vacant (2020-2023)

CPA CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Senator Hon. Paul Richards
Trinidad and Tobago (2020-2023)
Also: CPwD Vice-Chairperson

CPA INDIA REGION

Smt. Supriya Sule, MP
India (2020-2023)

CPA PACIFIC REGION

Hon. Viam Pillay, MP
Assistant Minister for Agriculture,
Waterways and Environment, Fiji
(2020-2023)

CPA SOUTH-EAST ASIA REGION

Senator Hon. Isaiah Jacob
Malaysia (2020-2023)

CPA Regional Secretaries

CPA CANADA REGION

Mr Jeremy LeBlanc, Parliament of
Canada

CPA AFRICA REGION

Ms Nenelwa Joyce Mwihambi,
Parliament of Tanzania

CPA CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Mr Pedro E. Eastmond, Parliament
of Barbados

CPA ASIA REGION

Mrs Kushani Rohanadheera,
Parliament of Sri Lanka

CPA INDIA REGION

Shri Utpal Kumar Singh, Parliament
of India

CPA AUSTRALIA REGION

Ms Alex Cullum, Parliament of
Australia

CPA PACIFIC REGION

Ms Amber Walters, Parliament of
New Zealand

CPA BRITISH ISLANDS AND MEDITERRANEAN REGION

Mr Jon Davies, Parliament of the
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