

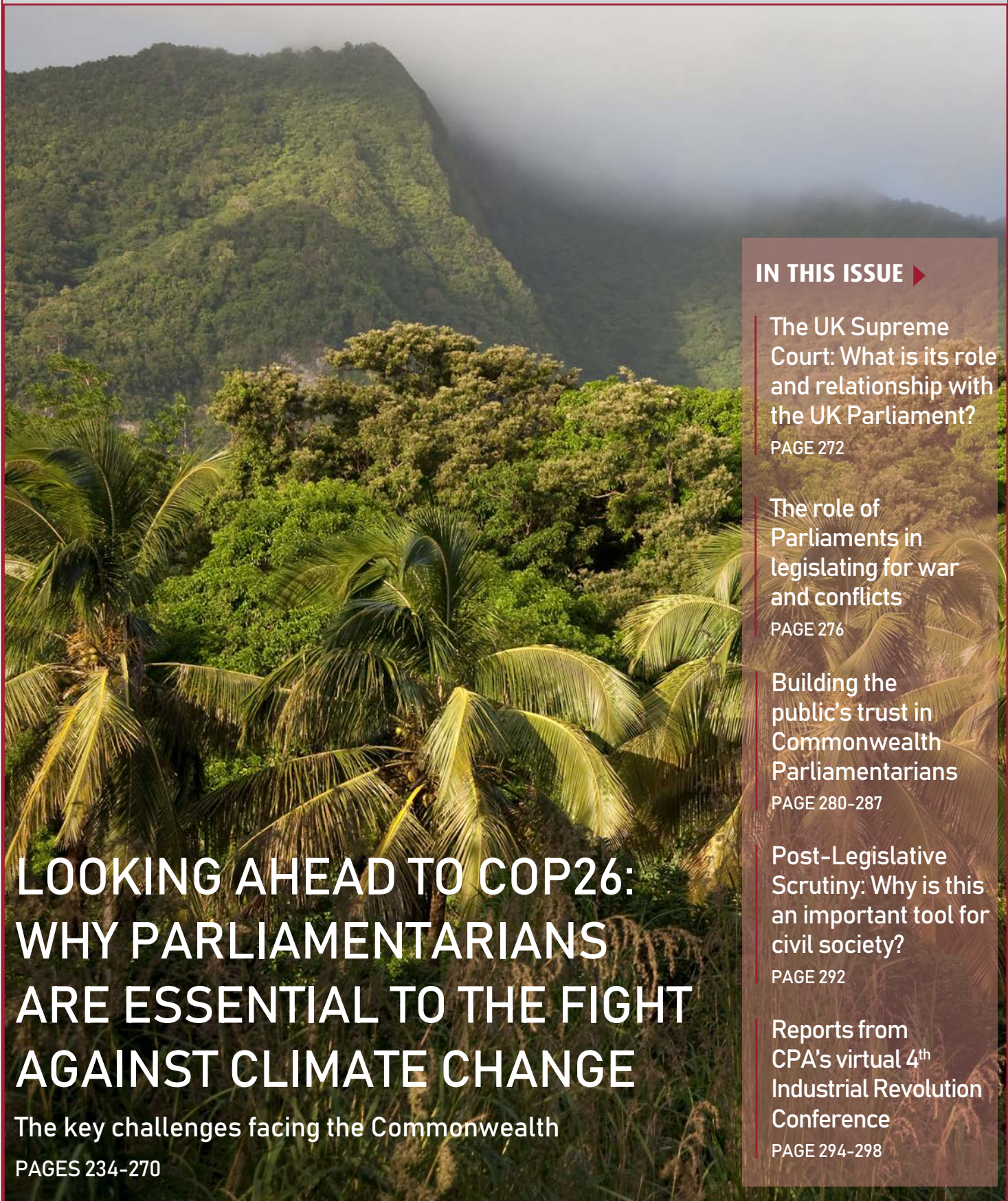


The Parliamentarian

Journal of the Parliaments of the Commonwealth

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Calendar of Forthcoming Events

Updated as at 27 September 2021

Please note that due to the COVID-19 (Coronavirus) global pandemic, many CPA events, conferences and activities have been postponed or cancelled. Please check www.cpahq.org or email hq.sec@cpahq.org.

2021

October

- 6 to 8 and 11 October 2021 2021 Virtual Global Parliamentary Forum, jointly organised by the World Bank Group, the IMF and their joint Parliamentary Network
- 7 October 2021 CWP Roundtable: Gender Sensitive Parliaments in the 21st century (CPA Caribbean, Americas and Atlantic Region) - virtual
- 18 to 22 October 2021 Virtual Commonwealth Youth Parliament
- TBC October 2021 51st CPA Africa Regional Conference, Nigeria

November

- 1 to 12 November 2021 26th United Nations Climate Change Conference (COP 26), Glasgow, UK
- 1 to 4 November 2021 CPA Australia and Pacific Regional Conference on 'Parliament, People and Pandemics', Western Australia/hybrid
- 5 to 6 November 2021 International Legislators' Summit on Climate Change, hosted by GLOBE International and the Scottish Parliament
- 26 to 30 November 2021 143rd IPU Assembly, Madrid, Spain

December

- 3 December 2021 International Day of Disabled Persons
- 10 December 2021 UN Human Rights Day

2022

March

- 8 March 2022 International Women's Day
- 14 March 2022 Commonwealth Day
- 20 March 2022 (TBC) 144th IPU Assembly, Indonesia

August

- 20 to 26 August 2022 65th Commonwealth Parliamentary Conference, Halifax, Nova Scotia, Canada

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. CPA Branch Secretaries are asked to send notices of CPA events to hq.sec@cpahq.org in advance of the publication deadline to ensure the calendar is accurate.

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Mr Jeffrey Hyland, Editor
The Parliamentarian,
Commonwealth Parliamentary
Association

LOOKING AHEAD TO COP26: 'A CODE RED FOR HUMANITY'

The challenges of climate change for the Commonwealth and the key role for Parliamentarians.

The UN Secretary-General António Guterres has said that the latest, much-anticipated Intergovernmental Panel on Climate Change (IPCC) report, released on 9 August 2021, was nothing less than *"a code red for humanity. The alarm bells are deafening, and the evidence is irrefutable"*. It was clear, he noted, that the internationally-agreed threshold of 1.5 degrees above pre-industrial levels of global heating was *"perilously close. We are at imminent risk of hitting 1.5 degrees in the near term. The only way to prevent exceeding this threshold, is by urgently stepping up our efforts, and pursuing the most ambitious path. We must act decisively now, to keep 1.5 alive. Inclusive and green economies, prosperity, cleaner air and better health are possible for all, if we respond to this crisis with solidarity and courage"*, he said.¹

World leaders – including leaders and Parliamentarians from many Commonwealth countries – will gather for the crucial 2021 United Nations Climate Change Conference (COP26) in Glasgow in November. All nations – especially the G7 and G20 leading economies – will need to join the ‘net-zero emissions’ coalition and commit to a rapid slowing and reversing of global heating before it is too late.

The Commonwealth Parliamentary Association has joined with international partners led by GLOBE International to facilitate the engagement of parliamentary networks and Parliamentarians at the forthcoming COP26 and UNFCCC meetings.

The UNFCCC Parliamentary Group² will provide administrative, information and coordination support to engage cross-party legislators. Parliamentarians are still not a formal constituency recognised by the United Nations, unlike the nine Major Groups established following the UN Earth Summit in 1992. Since the Paris Agreement of 2015, however, Parliamentarians have been recognised as an informal grouping and this paves the way to their greater recognition as key actors central to the delivery of the Paris Agreement and related international commitments.

The Commonwealth Parliamentary Association has a particular

“World leaders – including leaders and Parliamentarians from many Commonwealth countries – will gather for the crucial 2021 United Nations Climate Change Conference (COP26) in Glasgow in November.”

focus on climate change through its CPA Small Branches network which supports the smallest jurisdictions in the Commonwealth who are proportionally greater affected by environmental issues.

This issue of *The Parliamentarian* looks ahead to COP26 and examines the challenges of climate change for the Commonwealth and the key role for Parliamentarians.

The **Acting Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP** (United Kingdom) writes about the work of the CPA in this area of climate change in his *View* article and also his experience learning about green finance during his recent visit to Guernsey.

In her *View* article for this issue, the **Acting CPA Small Branches Chairperson, Joy Burch, MLA** (Australian Capital Territory) highlights the ‘*big problems for small Parliaments*’ when tackling climate change as a small jurisdiction and demonstrates how the Australian Capital Territory is achieving its climate goals.

The **Commonwealth Secretary-General, Rt Hon. Patricia Scotland, QC** writes about why Parliamentarians are integral to the fight against climate change in the Commonwealth and some of the initiatives that the Commonwealth Secretariat is undertaking including the Commonwealth Climate Finance Access Hub (CCFAH) and the Commonwealth Blue Charter.

The **Chair of the Parliamentary Network on the World Bank & the IMF, Rt Hon. Liam Byrne, MP** (United Kingdom) writes about the critical role of Parliamentarians in global development and change.

Chilean author, **Sergio Missana** writes about the key role that the Climate Parliament is playing in bringing together legislators worldwide to combat climate change.

Francesco La Camera reports on the work of the International Renewable Energy Agency (IRENA) in addressing climate change and how the promotion of renewable energy is vital in many countries of the Commonwealth.

Ahead of COP26, the UK's first Green Party Member of Parliament, **Hon. Caroline Lucas, MP** examines climate change policies and the role of the UK Climate Assembly in influencing policy.

Two members of the Commonwealth Parliamentary Climate Change Working Group, convened by the CPA UK Branch, have written about their own jurisdictions’ experiences of climate change. **Deputy Rob Ward** writes from the perspective of a small island state



in Jersey and **Hon. Yasmin Ratansi** highlights Canada's response to sustainable investment and green recovery in a post-COVID-19 era.

The role of Parliamentarians in addressing climate change threats within the Commonwealth's most vulnerable nations is examined by sustainability expert, **Dr Nana O Bonsu**.

Dr Matt Frost and **Paul Buckley** of the UK Marine Climate Change Impacts Partnership outline some of their work in the UK Overseas Territories which are the location of some of the most vulnerable marine climates in the world.

Continuing our series of articles giving voices to the young people in the Commonwealth, two climate activists, **Travis Gardiner** and **Ian Cawich** look at the green transition in the Caribbean Region. Finally, **Kervelle Baird** from the Commonwealth Youth Climate Change Network looks at the politics of climate change loss and damage.

This issue of *The Parliamentarian* also examines a wide range of other topics. The **CPA Secretary-General, Stephen Twigg** in his *View* article for this issue focuses on promoting education for all in the Commonwealth and the recent outcomes of the Rifkind Committee on the future of Commonwealth Studies at the University of London.

The President of the UK Supreme Court, **Rt Hon. The Lord Reed of Allmuir** outlines the role of the UK Supreme Court and its relationship with the UK Parliament.

The role of Parliaments in deciding whether they go to war and use force in international affairs is examined in an article by **Professor Charles Sampford** (Griffith University, Australia).

Building the public's trust in Parliamentarians is a key issue for Commonwealth Parliaments. The CPA's *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament* was published in 2015 and one of its authors, **Professor Hon. Dr Ken Coghill** (Swinburne University, Australia) examines the need for a revised and updated CPA Code of Conduct for Parliamentarians in light of the issues of gender equity, sexual harassment, sexual violence and bullying in the workplace.

Rick Stapenhurst and **Sarosha Chagani** (McGill University, Canada) look beyond the CPA's *Codes of Conduct for Parliamentarians* to the private sector for further codes of ethics that may be applied to Parliaments. **Ravindra Garimella** (Parliament of India) writes about the literary interludes on ethics that have appeared in Parliamentary Committee reports in India.

The process of Post-Legislative Scrutiny (PLS) is an important tool for civil society as it offers the opportunity to assess the impact of laws that have already been passed and influence future policy development. **Sophia Fernandes** from the Westminster Foundation for Democracy - WFD looks at PLS for civil society.

In this issue of *The Parliamentarian*, we report on the CPA's recent Virtual Conference on the 4th Industrial Revolution which brought together MPs, parliamentary staff, industry leaders and global experts to review the transformative technologies and how to better respond to these advances. **Sheila Warren**, Deputy Head of the World Economic Forum's Centre for the Fourth Industrial Revolution, delivered the opening remarks at the Conference and **Dr Carolyn Ashurst** from the Alan Turing Institute outlines some of



Above: The CPA Small Branches Climate Change Toolkit for Parliamentarians was launched in January 2020 by then Chairperson of the CPA Small Branches network (2019-2021), **Hon. Niki Rattle**, Speaker of the Parliament of the Cook Islands; the Speaker of the Parliament of Malta, **Hon. Angelo Farrugia, MP**, CPA Small Branches Chairperson (2016-2019); and the CPA Deputy Secretary-General, **Mr Jarvis Matiya**. Download a copy at www.cpahq.org.

the emerging technologies that Commonwealth Parliamentarians should be mindful of when they are legislating in the future.

This issue of *The Parliamentarian* features a wide range of news and reports from CPA and Commonwealth activities including: a CPA Post-Election Seminar in Cayman Islands; CPA Post-Election Seminar in the Cayman Islands; the CPA's 110th anniversary; the Global Education Summit; World Parliament Day; Branch visits to Jersey, Guernsey and the Isle of Man; and legislative reforms in Anguilla and The Gambia.

Commonwealth Women Parliamentarians (CWP) news featured in this issue includes CWP Roundtables on Gender Sensitive Parliaments for the India Region, activities of the CWP Chairperson in Uganda and Zambia, and CWP events in Western Cape and Kwa-Zulu Natal.

The *Parliamentary Report* and *Third Reading* section in this issue includes parliamentary and legislative news from Canada Federal; British Columbia; Trinidad and Tobago; India; New Zealand; the United Kingdom; Uganda; and Australia Federal. The CPA Headquarters Secretariat would also like to thank Mr Ravindra Garimella for his many reports as he steps down as the Third Reading parliamentary correspondent for the Parliament of India for over 15 years and look forward to his future article contributions.

We look forward to hearing your feedback and comments on this issue of *The Parliamentarian*, on the issues affecting Parliamentarians across the Commonwealth and to receiving your future contributions to this publication.

Jeffrey Hyland
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References/Notes:

- <https://news.un.org/en/story/2021/08/1097362>
- The main focal point for the Parliamentary Group is GLOBE International and the founding members include: Climate Parliament; Commonwealth Parliamentary Association; InterPares / International IDEA; ParIAmericas; Westminster Foundation for Democracy. <https://globelegislators.org>



**Acting Chairperson of the
CPA Executive Committee,
Hon. Ian Liddell-Grainger, MP,
Member of the Parliament of
the United Kingdom**

LOOKING AHEAD TO COP26 AND THE FOCUS ON CLIMATE CHANGE IN THE COMMONWEALTH

The *Acting* CPA Chairperson also reports on his first 'in-person' visit to a CPA Branch.

In writing my second View article for *The Parliamentarian*, I am greatly pleased to report that I have been able to make my first 'in-person' visit as Acting Chairperson. In early September 2021, I was delighted to be invited to visit the CPA Guernsey Branch in the CPA British Islands and Mediterranean Region. I participated in an excellent programme there, meeting with parliamentary leaders from the States of Deliberation (Parliament) and presenting the CPA's work to new and returning Deputies, following their October 2020 General Election. I endeavour to follow in the late CPA Chairperson's quest of promoting the CPA's mission of knowledge sharing and mutual learning across our membership and I look forward to further opportunities to visit all CPA Regions when COVID restrictions permit.

Whilst in Guernsey, I also had the opportunity to meet with Guernsey Finance, the international promotional agency of Guernsey's financial services sector which has placed particular emphasis on promoting Guernsey's green finance strategy. Securing finance for programmes that tackle climate change and champion environmental sustainability is an ongoing issue for small jurisdictions and, as a result, the topic has been embedded as a thematic priority in the CPA and our Small Branches Network.

Looking to other small jurisdictions, as the crucial efforts of the CPA Small Branches network has illustrated, small island developing states are on the front line of this crisis and we must continue to raise the profile of climate change and biodiversity within and outside of the CPA. I commend the work of the Acting CPA Small Branches Chairperson, Joy Burch, Speaker of the Australian Capital Territory Legislature, and the CPA Small Branches Steering Committee on driving forward the network's focus in this critical area.

This is, of course, particularly pertinent in relation to the climate change theme of this issue of *The Parliamentarian*, as we look forward towards COP26 which is taking place later this year in Glasgow, United Kingdom. With climate change dubbed "*the defining issue of our time*" by the UN Secretary-General, António Guterres, the twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP26)

presents a huge opportunity for us to convene and progress our action in tackling "*the biggest threat to security that modern humans have ever faced*". We must accept that climate change has wide, long-lasting implications, not only for the environment, but on factors such as migration, health and security and that it is our role as legislators to take action and seek to address this.

The international community has made bold commitments to tackle climate change, and treaties and pledges such as the UN's Agenda 2030 and The Paris Agreement are important tools for Parliamentarians in their work on sustainable development. It is my hope that COP26 will be another step forward in this and I look forward to participating both in a CPA capacity and in my various commitments as a UK Parliamentarian.

Turning to CPA governance, I greatly look forward to chairing and participating in the CPA Executive Committee Meeting taking place 27-30 September 2021 which, given the circumstances many of our Regional Representatives are operating under, will again be held remotely. In undertaking the Acting Chairperson position in such sad and sudden circumstances, this left the CPA Executive Committee with a vacancy for Acting CPA Vice-Chairperson. Provided for in the CPA Constitution, the CPA Secretary-General was able to undertake an election for the position outside of the parameters of an Executive Committee Meeting. I would like to offer my congratulations to Hon. Osei Kyei Mensah Bonsu MP from Ghana on his election to the role of Acting Vice-Chairperson and thank the runner-up, New Zealand's Hon. Gerry Brownlee MP, for his standing.

Adapting our processes and activities, both in our Parliaments and our Secretariat, to the 'new normal' has been a necessity the past year and a half.

Our chosen focus for International Day of Democracy (IDD) 2021 has mirrored this. The CPA's '*Democracy Looks Different*' campaign has spotlighted the plethora of ways that the COVID-19 pandemic has changed the way democracies operate across our membership. Whether it be the changes in the conduct of 'COVID-safe' elections or the introduction of virtual and hybrid sittings, our Commonwealth Parliaments have undertaken many changes to



ensure that good governance has been maintained through an extremely challenging period. I would like to thank those from our membership who contributed to the campaign through its various mediums to inform and detail the changes their jurisdictions have undergone. One can only speculate as to which adaptations may be long-standing and which may be shorter lived, but I have great faith that we have taken some significant learnings from a difficult time.

In another first since my last *View* article for *The Parliamentarian*, I participated in my first CPA Regional Conference in my capacity as Acting CPA Chairperson, travelling to Belfast, Northern Ireland for the CPA British Islands and Mediterranean Regional Conference. Focussed on the theme of ‘*Post-Pandemic Parliaments*’ and superbly hosted by the CPA Northern Ireland Branch, the conference saw many delegates

come together for an ‘in-person’ conference with additional delegates joining remotely – an excellent example of adapting to the new ‘hybrid’ way of working that IDD touched upon. From sessions ranging from the use of ‘*Emergency Legislation*’ to ‘*Public Engagement and Representation*’, it was a timely opportunity to convene to discuss these pressing issues across the Region. I look forward to participating in further CPA Regional Conferences later in the year, including the joint CPA Australia and Pacific Regional Conference hosted by the CPA Western Australia Branch in November 2021, which the CPA Secretary-General and myself will be addressing remotely.

I look forward to continued connections with all of our CPA Regions and I hope that all of our membership continues to keep safe and well.

IMPORTANCE OF SHARING PARLIAMENTARY PRACTICE IN SMALL JURISDICTIONS ACROSS THE COMMONWEALTH HIGHLIGHTED BY ACTING CPA CHAIRPERSON ON A VISIT TO GUERNSEY

The Acting CPA Chairperson, Hon. Ian Liddell-Grainger MP, visited Guernsey to meet the leaders of the States of Deliberation (the Parliament of Guernsey), marking his first ‘in person’ visit to a CPA Branch since becoming the Acting Chairperson of the CPA Executive Committee in April 2021. The visit, which took place from 7 to 8 September 2021, saw the CPA Acting Chairperson meet with parliamentary leaders from the States of Deliberation in Guernsey, including the Bailiff (Presiding Officer) and CPA Guernsey Branch President, Richard McMahon; the Chief Minister, Deputy Peter Ferbrache; and the CPA Guernsey Branch Chairperson, Deputy Lyndon Trott, among others. Discussions centred on the ongoing CPA and Commonwealth engagement with the Guernsey Branch and the range of support available by the CPA Headquarters Secretariat. The CPA Acting Chairperson also watched proceedings at the States of Deliberation, which acts as both the legislature and government of Guernsey.



The CPA Acting Chairperson also delivered a presentation to new and returning Deputies in the States of Deliberation. Guernsey held a general election in October 2020, returning 38 Deputies in a newly reformed, single 38-member constituency – the outcome of a 2018 referendum on electoral reform. The CPA British Islands and Mediterranean Region conducted the first International Election Observation Mission in Guernsey during the election.

The CPA Acting Chairperson spoke to deputies about the CPA’s mission and the range of opportunities available across professional development, knowledge sharing and mutual learning between Commonwealth Parliaments. He commented: “*the great strength of the CPA is the tremendous convening power of its network, bringing together over 17,000 Parliamentarians from over 180 Legislatures, representing approximately 2.4 billion citizens. Unique to the Association is also its representation of Legislatures across national, state, provincial and territorial levels, including Guernsey.*”

The visit also included a meeting with the Chief Executive of Guernsey Finance, Rupert Pleasant. Guernsey Finance is the international promotional agency of Guernsey’s influential financial services sector and has placed particular emphasis on promoting Guernsey’s green finance strategy. Securing finance for climate change and environmental sustainability is an ongoing issue for small jurisdictions and as a result, the issue has been embedded as a thematic priority in the CPA Small Branches Strategic Plan 2021 – 2023. The CPA Acting Chairperson, therefore, spoke about how Guernsey can share best practice and expertise across the CPA Small Branches network for the benefit of other small jurisdictions in the Commonwealth.

Deputy Lyndon Trott, Chairman of Guernsey Finance and current non-Officer Trustee of the CPA recently wrote an article for *The Parliamentarian* (2021 Issue One) showcasing Guernsey’s leadership in this area.

The Bailiff of Guernsey, Richard McMahon, who formally welcomed the CPA Acting Chairperson to Guernsey, commented: “*Guernsey has enjoyed close links with the Commonwealth Parliamentary Association for many years and has capitalised on its network of Commonwealth Parliaments, particularly other small jurisdictions. I am delighted that Guernsey receives recognition for its contributions to the Association. I’m also thankful to the innumerable opportunities that the CPA provides to the States of Deliberation, both in its institutional capacity building and professional development for Deputies and officials.*”



BIG PROBLEMS, SMALL PARLIAMENTS: TACKLING CLIMATE CHANGE AS A SMALL JURISDICTION

Acting Chairperson of the CPA Small Branches, Joy Burch, MLA, Speaker of the Legislative Assembly of the Australian Capital Territory



All Legislatures face challenges: some big, some small. Yet when you're a small Parliament, the scale of some problems do not change. Instead, your smaller jurisdiction and limited resources make these appear even bigger than they might for others. Climate change is one such challenge, and one which disproportionately affects small island developing states.

In this issue of *The Parliamentarian* ahead of the COP26 United Nations Climate Change Conference, I highlight the struggle small Parliaments can face in meaningfully fighting climate change while their capacities to do so are increasingly tested by that same changing climate. I also take the opportunity to showcase what can be done by a small jurisdiction when commitment and capacity align – as has been the story of the Australian Capital Territory (ACT).

What's the challenge?

Climate change is a tough issue for any Parliament to tackle, but what makes it different for small jurisdictions? The CPA *Climate Change and Small States toolkit* sets out several reasons for this. What it boils down to is that small states are disproportionately affected by the effects of climate change but cannot easily make any impactful difference to mitigate them. The tragedy of this is that those same states' contributions to global emissions are negligible. Because of this, small Parliaments' best bet is to pursue adaptation-focused legislation which aims to adapt to the effects of climate change. This is not to say mitigation isn't valuable. It instead reflects the reality for small states that adapting to protect what little we have against the impacts of climate change must be the priority.

Impactful legislating

As small Parliaments, our limited resources demand we employ a bit of creativity in how we legislate for impactful climate action. How each state achieves this is determined by their unique environments and character. For example, on Prince Edward Island, one of Canada's Maritime Provinces, an ambitious carbon capture-by-reforestation program is being pursued alongside work to adapt to increasingly frequent coastal flooding. While in Vanuatu, the combination of adaptation education with customary knowledge is successfully empowering ni-Vanuatu ownership of climate action projects.

In my own jurisdiction, the Australian Capital Territory, we've achieved practical-yet-ambitious targets through continued cross-party cooperation. Our focus on energy, previously our largest emissions source, saw us reduce our emissions 45% on 1990 levels and become the first city outside of Europe to be powered entirely by renewable energy. The tri-partisan work which achieved this will be key to any future work.

Some Legislatures also choose to couple legislative action with symbolic recognition of the said action's urgency. Among the CPA Small Branches Network, five Parliaments – Gibraltar, the Isle of Man,

Jersey, Yukon, and the ACT – have declared climate emergencies to date. Practical and well-implemented law-making is central to how small Parliaments are meaningfully contributing to the fight against climate change. However, this fight isn't always one-sided.

When the climate fights back

Our climate is lashing out with increasing frequency and ferocity, of which small jurisdictions overwhelmingly bear the brunt. These catastrophic events impact small Parliaments' abilities to affect change in three distinct ways.

First, damage caused by major climate events reprioritises political attention and funding. In the aftermath of any destructive event, focus understandably turns to providing relief and, later, social and economic recovery. Yet due to limited capacities, this can take small jurisdictions much longer than larger ones. This in turn delays the politically viable return to legislating on climate change.

Next, these climate events can decimate small states already limited economic capacities, drastically inhibiting their ability to rebuild and recover. Short-to-mid-term internal displacement after disasters significantly reduces the available workforce needed for rebuilding and recovery. Dominica experienced this in the aftermath of 2017's Hurricane Maria, which damaged or destroyed 90% of housing stock and displaced 47% of its population.

Similarly, climate change and major climate events can incapacitate many of the limited industries which small jurisdictions rely on. This has been most apparent in tourism, but the future risks of ocean acidification, permafrost thaw, and drought threaten small jurisdictions worldwide, from Nunavut to St Helena. Reduced income and displaced workforces from such events disempower small states' efforts to adapt to and address climate change.

Lastly, major climate events are increasingly disrupting parliamentary sittings and operations. The level of disruption varies. At the lower end of the scale, it is an inconvenience, such as when smoke from the 2019-20 bushfires forced our Legislative Assembly to close for a day. Yet at the other end it can destroy entire Parliaments, as Tropical Cyclone Gita did to Tonga's Fale Alea in 2018.

What can be achieved by a small jurisdiction?

It is well understood that Parliaments have key roles in passing laws, responding to social and economic needs of their community and in setting the policy framework that guides its own and private sector responses. It is also understood that the role of Speaker/Presiding Officers is to ensure the good function of the Parliament and that it operates without hindrance from the Executive. That said many Speakers are also members of a political party and as elected Members contribute to policy devolvement. This is an opportunity to share recent ACT government policy and legislation passed in the ACT Legislative Assembly.



Parliaments have to start somewhere

In 2011, the government released an *ACT Sustainable Energy Policy 2011* that set out goals for a zero-emission, reliable and competitive energy market. It included an ambitious goal of 100% renewable energy. This 2011 policy goal was formalised in 2016 when the ACT Government legislated a target of sourcing 100% renewable electricity by 2020 - from within the ACT or across the National Electricity Market. During the course of the last parliamentary term this goal and that of reductions in emissions has been supported across party lines.

The ACT achieved something no other Australian state or territory has achieved by being powered by 100% renewable electricity. It was noted that the ACT is proof positive, that if you make the political decision and get onto it, you can get this done. The renewable energy that the ACT purchases is drawn from solar and wind farms spread across the Territory and four other states.

The ACT generates about five per cent of the electricity that its residents use and the rest is drawn from the National Energy Market. However, energy that Canberra draws from the grid, it pays to feed the same amount of 'clean' energy back into the system. While 21% of those payments are mandatory under the national Renewable Energy Target scheme, the ACT government pays the remainder voluntarily, at a cost that is expected to peak next year at around AUS\$5.50 per household per week. In December 2020, the ACT also reached a nation-leading milestone of reducing greenhouse gas emissions by 40% on 1990 levels, in fact achieving a 45% reduction.

Declaring a climate emergency

In May 2019, through a motion in the Assembly, the ACT declared a state of climate emergency, acknowledging the need for urgent action across all levels of Government. The motion noted that the ACT residents want their elected representatives to take urgent and effective action to address climate change.

This position was reaffirmed by the ACT Government in January 2021 following another motion and debate. The ACT Government again declared that climate change poses a real and immediate threat to our city and citizens. It announced through its budget a range of initiatives to build on the ACT's achievement of 100% renewable electricity through investing funds over five years to take the next steps to transition the ACT to net zero emissions. Initiatives include:

- Sustainable Household Scheme to offer zero-interest loans to help households with the upfront costs of investing in rooftop solar panels, household battery storage, zero emission vehicles and efficient electric appliances.
- Build a Big Canberra Battery of at least 250MW of new 'large-scale' battery storage distributed across the ACT.
- Waive registration fees for 2 years on new ZEV registered vehicles.
- Vulnerable Household Energy Support Initiative to improve building efficiency for social housing and low-income owner occupiers.
- Make it mandatory for energy companies to notify customers of plans that would reduce the customer's bills.
- Support the phasing out of fossil fuel gas to prevent new gas mains network connections to future stages of greenfield residential development.
- Establish an Office of the Coordinator General for Climate Action to coordinate government efforts and oversee major projects to keep our Climate Action commitments on track.

Reducing environmental impacts

In March 2021 the *Plastic Reduction Bill 2020* was passed and agreed across party lines in the ACT Legislative Assembly, delivering a framework for progressively phasing out single-use plastics. The ACT is the second jurisdiction in Australia to take this important step, with the first tranche of products to be banned from 1 July this year including plastic cutlery, drink stirrers and expanded polystyrene containers.

We have seen many local businesses make the switch to more sustainable materials, reflecting the community's values. This policy and legislative framework ensure there is a level playing field for all businesses by banning the sale and use of cheap single-use plastics. This legislative and regulatory change is an important part of making Canberra a more sustainable city. It will see every Canberran and local business taking practical action towards the development of a circular economy.

In an Australian first, the legislation also gives the ACT Government the power to declare public events as single-use plastic free. This means that other single-use plastic items could be banned at public events beyond the initial items to be phased out. These events could include major festivals and sporting matches. The decision to declare events single-use plastic free will be made in close consultation with event organisers.

The ACT Government will, in 2022, seek to phase out a second tranche of single-use plastic items such as straws and barrier bags for fruit and vegetables. Exemptions will be carefully designed to ensure people who need to use straws will still be able to access and use them. Other items will remain under consideration for future phase outs from 2023 onwards.

Making the change in your own public services

In June 2021, the ACT Government began the transition to zero emissions public transport with the release of a tender for securing the territory's first electric buses. This is an important step forward in the transition towards zero emissions public transport.

The ACT Government is committed to leading by example to showcase best practice sustainability in Government operations. The ACT Government aims to demonstrate leadership by pursuing rapid emission reductions targets of greater than a 33% reduction in emissions from Government operations by 2025 (from 2020 levels) and zero emissions from Government operations by 2040. These targets will be met without the purchase of carbon offsets.

Summary

As Speaker I am nonpartisan while in the chair – that's a key element of being a fair Speaker. Being an active elected local member of a political party provides me an opportunity to participate in policy discussion and development. I feel immensely privileged to be Speaker in the ACT Assembly – a Parliament with over 50% women members – and to be part of the party of government that provides leadership in climate change and environmental sustainability. As Acting CPA Small Branches Chairperson, I also feel privileged to be able to work alongside fellow small jurisdictions in the Commonwealth as we make progress and seek solutions to key challenges such as climate change.

Climate change is an issue which will dominate the agendas of Commonwealth Parliaments for at least the next decade. As can be seen from the above, CPA Small Branches are and will continue to make significant contributions to further our collective knowledge of this important issue.



Secretary-General of the
Commonwealth Parliamentary
Association, Stephen Twigg

PROMOTING EDUCATION FOR ALL IS AT THE HEART OF THE COMMONWEALTH

The difficult and challenging circumstances of the past eighteen months have demonstrated powerfully the importance of strong and effective multilateral institutions and networks, including the Commonwealth. Our common challenges require us to work together to seek solutions that benefit citizens in all parts of the world – this applies whether we are addressing unequal access to COVID-19 vaccines, the urgent necessity for action to address climate change or the huge scale of the work needed to make meaningful progress on the Sustainable Development Goals.

Commonwealth Parliamentarians are playing an active role in all these areas and this edition of *The Parliamentarian* highlights some of these important activities. In July 2021, I was pleased to attend the Global Education Summit in London co-hosted by President Jomo Kenyatta of Kenya and Prime Minister Boris Johnson of the United Kingdom. The purpose of the Summit was to replenish the Global Partnership for Education (GPE) and it achieved donor pledges of US\$4 billion and commitments by partner countries to increased financing of education.

Commonwealth countries and their leaders (past and present) have been key to the successful impact of GPE. The former Prime Minister of Australia, Julia Gillard, was Chairperson of GPE's Board between 2014 and 2021. Her successor from 15 September 2021 is the former President of Tanzania, Dr Jayata Kikwete. I wish him well in this important role.

Before joining the CPA, I helped to establish the International Parliamentary Network for Education (IPNEd) which is now a thriving voice on education co-chaired by Senator Dr Gertrude Muzuruve Inimah of Kenya and Hon. Harriett Baldwin MP of the United Kingdom. I pay tribute to the leadership which both Kenya and the UK have demonstrated as we face up to the task of meeting UN Sustainable Development Goal Four on education.

One of the cross-cutting themes in the CPA's new Strategic Plan 2022-25, adopted by our Executive Committee in March of this year, is Sustainable Development and Climate Change. In the run-up to COP26 in Glasgow, we will be working with our Members and other international parliamentary organisations to ensure that Parliamentarians' voices are heard on climate change. It is, of course, a universal challenge but we know that its urgency is recognised especially in Small Island Developing States, many of which are in the Commonwealth. The CPA is exploring what more we can do, for example working with our members in the CPA Pacific Region, to

support practical action to address the climate crisis.

2021 is the 40th anniversary of CPA's Small Branches network and I pay tribute to the work which they have led on sustainability, climate change, biodiversity and the environment. It is vitally important work, and I am determined that we do more in this area over the coming months and years. The Acting Chairperson of the CPA Small Branches network, Joy Burch (Australian Capital Territory), has written about this in her column in this edition of *The Parliamentarian*. I thank her for her leadership of the network at this critical time.

One of the six Strategic Objectives which form the CPA Strategic Plan 2022-2025 is to “support and enable the Commonwealth Women Parliamentarians (CWP), CPA Small Branches and Commonwealth Parliamentarians with Disabilities (CPwD) networks to fulfil their strategic objectives”.

CWP has undertaken an excellent series of regional roundtables on gender sensitive Parliaments with significant participation from Parliamentarians from across the Commonwealth. Additionally, in June 2021, the CPA and CWP organised a brilliant event with the Commonwealth Secretariat on Women's Parliamentary and Transformational Leadership. The Chairperson of the Commonwealth Women Parliamentarians, Hon. Shandana Gulzar Khan MNA (Pakistan), has led the Network since her election as Chair in 2019 and I thank her for her leadership. In August 2021, she also joined the Commonwealth Observer Mission for the recent elections in Zambia.

Disability is a cross-cutting theme in our new Strategic Plan. We are exploring partnerships with others so that the CPA can be more proactive in our work to promote disability inclusion, which covers how best to support Parliamentarians and Parliamentary staff with disabilities and how to support our Members to engage better with their constituents with disabilities and civil society organisations working on disability rights.

In August 2021, Hon. Kevin Murphy was not re-elected to the Nova Scotia House of Assembly and, as a result, he has stepped down as the Chairperson of the Commonwealth Parliamentarians with Disabilities network. I would like to take this opportunity to thank Kevin for his work with the CPA. He played a pivotal role in the establishment of the CPwD network and was an active member of the CPA Executive Committee. I congratulate Hon. Dennitah Ghatai MP from the National Assembly of Kenya on her election as the new Chairperson of CPwD and I look forward to working together in the coming months.



In *The Parliamentarian* 2021 Issue Two, the CPA paid tribute to our late Madam Chairperson, Hon. Emilia Monjowa Lifaka from Cameroon. As a consequence of her sad death, Hon. Ian Liddell-Grainger MP (United Kingdom) is our Acting CPA Chairperson and I thank him for his hard work and commitment since taking over in such distressing circumstances. In particular, the Acting CPA Chairperson and I have been working closely together on the vital and longstanding issue of CPA's legal status in the United Kingdom on which I hope we can make progress over the coming year.

In August 2021, we concluded the ballot for a new Acting CPA Vice-Chairperson and I am pleased to take this opportunity to congratulate Hon. Osei Kyei Mensah Bonsu MP from Ghana on his election to this important role. I would also like to thank the runner-up, Hon. Gerry Brownlee MP from New Zealand, for his participation in this election.

In October 2020, the University of London made a proposal to close its dedicated Institute of Commonwealth Studies (ICWS) and relocate its existing activities to other parts of the University's School of Advanced Study. The CPA joined a diverse range of Commonwealth and other organisations in expressing our concern about this proposal. As a result, the University invited the former UK Foreign Secretary, Sir Malcolm Rifkind, to chair a Committee to look at the future of Commonwealth Studies at the University of London.

I was pleased to serve as a member of the Rifkind Committee.

Our report has now been published and I am grateful to everyone who contributed to our work. We were unanimous in recommending that the ICWS should be maintained, and we set out some suggestions for how to develop its work in the future. I am delighted that the University has responded positively and has undertaken to develop our proposals over the coming year.

Alongside the Committee's formal work, the CPA joined with the Commonwealth Foundation and the Association of Commonwealth Universities to hold a virtual event to provide an open forum for a diverse range of voices about the future of Commonwealth Studies. This forum was very helpful in demonstrating the contemporary relevance of Commonwealth Studies but also reminding us of the need to network with scholars and universities across the Commonwealth.

The Rifkind Committee's Report can be found at the following link: <https://london.ac.uk/news-opinion/report-committee-inquiry-future-commonwealth-studies-university-london>. If readers have any thoughts or suggestions, please do get in touch with me.

I have now entered my second year as Secretary-General of the CPA, and I am immensely grateful to everyone for their support and advice since I started in August 2020. The circumstances arising from the pandemic have meant that I have yet to meet many of you in person, but technology has enabled me to be in regular contact with the CPA's membership across all nine regions. Once circumstances allow, I look forward to visiting in person.

CPA SECRETARY-GENERAL REITERATES THE IMPORTANCE OF THE SEPARATION OF POWERS AT COMMONWEALTH LAWYERS CONFERENCE IN THE BAHAMAS

In an address to attendees at the Commonwealth Lawyers Conference 2021 in Nassau, The Bahamas, the CPA Secretary-General, Stephen Twigg, spoke about the need to safeguard the separation of powers amidst the increased use of emergency measures during the COVID-19 pandemic. The CPA Secretary-General, chairing a session on the effects of emergency measures on the separation of powers with the Lord Chief Justice of Northern Ireland, Sir Declan Morgan QC, and the Attorney-General of Jamaica, Hon. Marlene Malahoo Forte, said that Parliamentarians, lawyers and experts must carefully scrutinise whether *'the scale, the form and content of these emergency measures were fit for purpose'*.

The onset of the COVID-19 pandemic triggered the adoption of emergency measures across the world as governments acted to slow the spread of the virus. Whilst fast and extensive restrictions were necessary to protect public health systems and save lives, the subsequent decrease in transparency and accountability placed great strain on the core democratic principle of the separation of powers.

Noting the potential for power imbalances between the three pillars of the rule of law during an emergency, the CPA Secretary-General warned that *'Parliaments can be at a significant disadvantage when compared to the position of governments.'* He emphasised that Parliamentarians must remain vigilant during a crisis to protect the independence of Parliament and highlighted that the *Commonwealth Latimer House Principles* on the separation of powers provide an important framework for good governance and democracy.

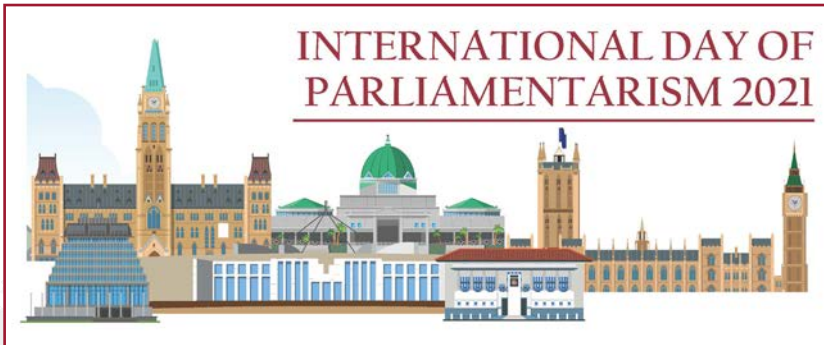
The Conference, hosted annually by the Commonwealth Lawyers Association, took place from 5 – 9 September 2021 at the Baha Mar Grand Hyatt Convention Centre in Nassau. The overall theme was *'Sustainable Justice: The future of the role of law'*, with legal practitioners, politicians, academics and experts from across the Commonwealth attending to discuss issues in the profession and share ideas. Each day featured a plenary session followed by workshops and panels split across three 'event streams.' On the second day of the Conference, the CPA Secretary-General also chaired a session on *'Judicial oversight and accountability: the rise of the watchdog.'*

The Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC, spoke at the opening plenary session, alongside Brian Speers, President of the Commonwealth Lawyers Association, about why climate rights must be treated as essential human rights.

Whilst in The Bahamas, the CPA Secretary-General also held meetings with some of the country's parliamentary and civil society leaders, including Matthew Aubry, President of the Organisation for Responsible Governance, and Anthony Hamilton, President of Civil Society Bahamas. He heard from them about the interaction between Parliament and civil society in The Bahamas, how their organisations contribute to the upkeep of Bahamian democracy, and the ways in which the CPA can support this. The CPA Secretary-General also met with the President of the Senate, the Speaker and the Clerk of the House of Assembly of The Bahamas during his visit.



CPA RECOGNISES VALUABLE CONTRIBUTION OF PARLIAMENTARIANS AND PARLIAMENTARY STAFF TO HEALTHY, THRIVING DEMOCRACIES



On International Day of Parliamentarism, the Commonwealth Parliamentary Association (CPA) celebrated the unique contribution of Parliamentarians and parliamentary staff to democracy in the Commonwealth and reaffirmed its mission to promote knowledge of the constitutional, legislative, economic, social and cultural aspects of parliamentary democracy.

In a special video message to mark the day, the CPA Secretary-General, Stephen Twigg, emphasised the need for Parliaments and Parliamentarians to lead the recovery from the current COVID-19 pandemic. He said: “This has

been an incredibly challenging past 12 months as the people of the Commonwealth have adapted to the pandemic. Parliaments and Parliamentarians have a crucial role to play – holding governments to account, passing the necessary legislation and budgets, and speaking up for the citizens of their country. International Day of Parliamentarism enables us to remember the crucial role of Parliaments, Parliamentarians and parliamentary staff.”

In the last year, the COVID-19 emergency has made the full operation of Parliament challenging and created new threats to the sovereignty of Parliaments. Across the Commonwealth, there has been an impressive response from Parliamentarians and parliamentary staff, who have acted resolutely to maintain proper oversight of government decisions and worked hard to keep democratic processes running smoothly.

International Day of Parliamentarism is also an opportunity to pay tribute to the crucial contribution of parliamentary staff to democracy. Throughout the Commonwealth, Parliaments are constantly evolving to become more modern, inclusive and accessible institutions, serving as a model that others can follow. It is the leadership shown by those within Parliaments, from Clerks and Committee staff to HR, communications, and finance professionals, that drives Parliaments forward, ensuring that they remain relevant democratic institutions in the 21st century. The International Day of Parliamentarism, also known as World Parliament Day, is celebrated every year on 30 June. The Day was established in 2018 through a United Nations General Assembly Resolution.

NEW ENGAGEMENT, EDUCATION AND OUTREACH HANDBOOK FOR PARLIAMENTS

If Parliaments are ever going to succeed in having ‘effective, accountable and transparent institutions at all levels’ and ensure decision-making is ‘responsive, inclusive, participatory, and representative’ (UN SDG 16), then they must engage, listen, educate and share information with their citizens and public. This is the core rationale behind the CPA’s latest publication. The *Engagement, Education and Outreach Handbook: Creating Open, Accountable and Transparent Institutions* has been developed for the benefit of the CPA’s 180 Parliaments and Legislatures and is designed to be a practical resource to strengthen their public engagement and outreach focus. The Handbook has been developed with the support and cooperation of national and subnational Legislatures across the Commonwealth and covers a broad spectrum of topics ranging from: how to develop youth engagement activities; how to target the right audiences; how to utilise social media; how to ensure public input into committee inquiries; and how to effectively monitor and evaluate outreach and engagement activities to ensure maximum impact.

The CPA Handbook is filled with tips, case studies, templates, checklists and many other useful and accessible tools and resources which Parliaments can quickly extract and utilise for their own practical use. The Handbook is designed for busy Parliamentarians, Clerks and parliamentary officials to access and refer to when needed.

Stephen Twigg, CPA Secretary-General, stated that: “In line with SDG 16, the CPA has a mandate to support our member Branches in strengthening their engagement, education and outreach work. This Handbook seeks to explain the rationale for why Parliaments across the

Commonwealth should engage, educate and communicate with the public on the role, work and importance of Parliaments. I am very pleased to add this Handbook to the CPA’s existing institutional strengthening resources and present it to our membership on the International Day of Parliamentarism.”

CPA President and Speaker of the Canadian House of Commons, Hon. Anthony Rota, MP said: “International Day of Parliamentarism is a good time to highlight that education and outreach are an important part of a Parliamentarian’s job. The *Engagement, Education and Outreach Handbook* published by CPA is a new tool which I invite Parliamentarians to consult and use in order to raise awareness of their roles and those of the institutions in which they serve.”

CPA UK Branch President and Speaker of the UK House of Commons, Rt Hon. Sir Lindsay Hoyle MP said: “As host of the forthcoming G7 Speakers’ Conference, which will be looking at ‘open parliaments’, I believe the CPA’s latest publication will be an invaluable resource to assist Parliaments around the Commonwealth to strengthen public engagement, education and outreach. I highly recommend Speakers across the Commonwealth take note of this handbook as they engage with their key stakeholders and share information with their citizens.”

Visit www.cpahq.org/knowledge-centre/cpa-library



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CPA SECRETARY-GENERAL MEETS PARLIAMENTARY LEADERS IN JERSEY FOR FIRST 'IN-PERSON' VISIT

The CPA Secretary-General, Stephen Twigg, visited Jersey to meet the leaders of the States Assembly (the Parliament of Jersey) and attend the 64th Annual General Meeting (AGM) of the CPA Jersey Branch. Due to COVID-19 travel restrictions, the trip was the first 'in-person' visit that the CPA Secretary-General has been able to undertake since assuming the position on 1 August 2020. During the visit, which took place from 28-30 June 2021, the CPA Secretary-General watched proceedings at the States Assembly in Jersey's capital St Helier, met with the Bailiff, Timothy Le Cocq, and the Chief Minister, Senator John Le Fondré, and attended a number of meetings with parliamentary leaders to discuss ongoing CPA and Commonwealth engagement with the Branch. The CPA Secretary-General also met with Jersey's External Relations Minister, Senator Ian Gorst and the Jersey Overseas Aid Office.

The CPA Secretary-General commented: *"The CPA provides a wealth of opportunities for Members to build strong relationships with,*

and learn from, other Commonwealth jurisdictions in the promotion of parliamentary democracy. Being a member of the CPA and our Small Branches network presents a unique opportunity for Jersey to connect with the smallest jurisdictions in the Commonwealth that may face similar issues and opportunities. I was very pleased to undertake my first physical visit as CPA Secretary-General to the States Assembly and CPA Jersey Branch, at a particularly pertinent time as we celebrated International Day of Parliamentarism on 30th June. I enjoyed meeting with Jersey States Members during my visit and learning from their perspectives."

The Chair of the CPA Jersey Branch Executive Committee, Deputy Carolyn Labey, who gave the welcome at the AGM, said, *"The CPA provides fantastic opportunities to share ideas and discuss best practices on the global stage. Jersey benefits hugely from its close links with the Commonwealth, and I am proud to lead the Island's work in this field. Jersey is an active contributor to the CPA and achieves recognition for our efforts. I am looking forward to showcasing more of our Island's achievements and learning from others in the year to come."*



CPA DEPUTY SECRETARY-GENERAL ATTENDS ISLE OF MAN'S TYNWALD DAY CEREMONY

The CPA Deputy Secretary-General, Mr Jarvis Matiya, visited the Isle of Man to take part in the Annual Tynwald Day celebrations. He joined Members and parliamentary staff of the House of Keys and Legislative Council, dignitaries, the judiciary, the clergy, local campaigners and the general public to celebrate the National Day of the Isle of Man. HRH The Princess Royal presided over this year's occasion, which saw a return to full proceedings after a scaled back event in 2020 due to the pandemic.

Usually celebrated on 5th July every year, the ancient Tynwald Day has been celebrated for over 1000 years and involves a sitting of the Tynwald (Parliament) that takes place in the Royal Chapel of St John and outside near Tynwald Hill. This year's proceedings included the service in the Royal Chapel of St John, the Tynwald Ceremony attended by His Excellency the Lieutenant Governor of the Isle of Man, Sir Richard Gozney, and the traditional processions to and from Tynwald Hill. At the sitting of the Tynwald, twenty acts were promulgated as per the Isle of Man's Statutes.

Whilst on the Island, the CPA Deputy Secretary-General also toured the Legislative Chambers with joint CPA Isle of Man Branch President and the President of Tynwald and Legislative Council, Hon. Stephen Rodan, and met with joint CPA Isle of Man Branch President and Speaker of the House of Keys, Hon. Juan Watterson. He also had an opportunity to meet with UK Deputy Speaker, Nigel Evans MP, who was attending the celebrations on behalf of the UK Parliament. The CPA Deputy Secretary-General commented: *"It is a pleasure to be able to celebrate Tynwald Day with the CPA Isle of Man Branch and others. As my first in-person CPA Branch visit since February 2020, it is excellent to be able to take part in such a special and longstanding tradition of the Commonwealth's oldest continuous parliamentary body. It is fascinating to see the rich Manx history celebrated in modern life, showcasing principles of openness, democracy and good governance. The interaction and closeness between the legislature (and other branches of government) on one hand and the people on the other is striking."* The celebrations this year also marked the 140th anniversary of the Tynwald becoming the first national parliament to give women partial suffrage.



COMMONWEALTH EDUCATION PARTNERS HOLD ROUNDTABLE EVENT IN ADVANCE OF THE GLOBAL EDUCATION SUMMIT 2021

In advance of the Global Education Summit 2021, Commonwealth Education partners* launched a virtual roundtable as an official side-event for delegates which highlighted the mobilization of resources for education and the crucial role of Commonwealth countries. The discussion also focused on the development of resilient education systems and the importance of increasing domestic finance budgets toward education.

The virtual roundtable was chaired by Hon. Mehnaz Akber Aziz, MNA, Pakistan with panellists including Rt Hon. Patricia Scotland, QC, Commonwealth Secretary-General; Dr Sara Ruto, Chief Administrative Secretary at the Ministry of Education in Kenya; Professor Keith Lewin, Emeritus Professor of International Development and Education at the University of Sussex; Pamella McLaren, Adviser and Head of Debt Management Unit at the Commonwealth Secretariat; and Dr Musarrat Maisha Reza, Chairperson of the Commonwealth Students Association. The roundtable also considered the scope for innovative parallel resource mobilisation from communities and the private sector, as well as external resources, to benefit low- and middle-income Commonwealth countries. Panellists said that it was fundamental that recovery post COVID-19 led to building sustainably stronger education systems that could withstand future shocks.

*The Commonwealth Education partners were: Association of Commonwealth Universities (ACU), Commonwealth Consortium for Education (CCfE), Commonwealth of Learning (COL), Commonwealth Parliamentary Association (CPA), Commonwealth Secretariat (CS), Council for Education in the Commonwealth (CEC), International Parliamentary Network for Education (IPNEd).



GLOBAL EDUCATION SUMMIT RAISES US\$4 BILLION FOR THE GLOBAL PARTNERSHIP FOR EDUCATION TO HELP 175 MILLION CHILDREN LEARN

The Global Education Summit, co-hosted by UK Prime Minister Boris Johnson and Kenyan President Uhuru Kenyatta in London, has raised a record US\$4 billion from donors for the Global Partnership for Education (GPE). This fundraising total puts GPE firmly on the path to achieving its target of raising at least \$5 billion over the next five years to transform education for millions of the world's most vulnerable children. A fully funded GPE would enable up to 175 million children to learn and help get 88 million more girls and boys in school by 2025.

The two-day hybrid event brought together leaders from governments, businesses, private foundations and development banks to commit funding and support to children's education in the world's lowest-income countries. The CPA Secretary-General, Stephen Twigg also attended the Summit.

UK Prime Minister Boris Johnson said: *“Education is the closest thing we have to a silver bullet to solve a myriad of problems, from gender inequality to climate change, and is one of the surest ways for our countries’ economies to rebound. Ensuring that all children – and especially girls – can get the education they deserve is the smartest investment we can make to ensure we build back better from the pandemic.”*



In addition to the US\$4 billion pledged from donors, 19 Heads of State and Government committed to spending at least 20% of national budgets on education, rallying behind a political declaration on education financing led by Kenyan President Uhuru Kenyatta. Over the next five years, the countries endorsing this statement are committing up to US\$196 billion in education financing. These commitments are a crucial shield against learning losses resulting from the economic impact of COVID-19.

Julia Gillard, GPE Board Chair and former Prime Minister of Australia said: *“The Summit is an important success for millions of children and young people around the world whose education has been upended by the pandemic, and a critical step to ensuring that education is at the heart of our response and recovery.”*



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RECOGNITION FOR FORMER CPA REGIONAL SECRETARY



A former Clerk of the Parliament of Jamaica has been recognised for over twenty years of service to the national Parliament. Heather Cooke first joined the Parliament as Deputy Clerk in 2001 and she was appointed as Clerk to the Houses in 2006 and served in that capacity until her recent retirement. During her tenure as Clerk, she also served as Regional Secretary for the Commonwealth Parliamentary Association Caribbean, Atlantic and Americas Region as well as CPA Jamaica Branch Secretary and she undertook numerous activities for the CPA including Post-Election Seminars, parliamentary conferences and the annual Commonwealth Day celebrations in Jamaica with local schools. For her service to the Houses of Parliament in Jamaica, Heather Cooke was conferred with the Jamaican Order of Distinction in the rank of Commander in 2017. Tributes to Heather Cooke were also paid by the President of the Senate, Senator Thomas Tavares-Finson and the Speaker of the House of Representatives, Marisa Dalrymple-Philibert.

Valrie Curtis has been appointed Clerk to the Houses of Parliament in Jamaica on 23 July 2021 by the Governor-General of Jamaica, Sir Patrick Allen. Valrie Curtis began her parliamentary career as Assistant Clerk in 1995 and was appointed Deputy Clerk in 2006.

NEWLY ELECTED MEMBERS OF PARLIAMENT OF THE CAYMAN ISLANDS ATTEND VIRTUAL CPA POST-ELECTION SEMINAR

Newly elected Members of the Parliament of the Cayman Islands have completed the CPA Virtual Post-Election Seminar, designed to strengthen their understanding of parliamentary democracy and provide an insight into leading democratic practices from around the Commonwealth.

The seminar took place from 4 – 6 August 2021 and was attended by government and opposition Members of Parliament. The opening ceremony featured remarks by the Premier, Hon. G. Wayne Panton JP MP, the Speaker, Hon. Dr W. McKeever Bush OBE JP MP, and the CPA Secretary-General, Stephen Twigg, who joined the event via video link. This hybrid format was used throughout the programme, with Members sitting in the Parliament building whilst speakers from across the Commonwealth joined virtually. Across the three days, Members and Clerks from eleven Commonwealth Parliaments (The Cayman Islands, Antigua and Barbuda, British Virgin Islands, Jersey, Maldives, Bermuda, Canada, Anguilla, Trinidad and Tobago, United Kingdom and Isle of Man) joined sessions on topics including the legislative process, parliamentary ethics and the committee system. One highlight was a presentation by Hon. Mohamed Nasheed GCSK MP, Speaker of the People's Majlis of the Maldives, in which he recalled his years of imprisonment and the recent bomb attack which left him hospitalised, bringing the importance of parliamentary privilege and freedom of speech into sharp focus.

The CPA Secretary-General said: *"The CPA was delighted to support the Parliament of the Cayman Islands once again through the delivery of the third successive Post-Election Seminar programme, following previous seminars in 2013 and 2017. I was pleased to see newly elected government and opposition Members come together to learn from their colleagues elsewhere in the Commonwealth and discuss how the institutions of democracy in the Cayman Islands can be continually strengthened."*

The Speaker of the Cayman Islands said: *"As the Father of the House with over 36 years' experience as a legislator and now a Parliamentarian, I see the merit of holding such a seminar. The seminar's remit is to help Members hone their skills at becoming more effective parliamentarians, which is really a very invaluable service, particularly to new representatives. My sincere thanks go to the CPA Secretariat for bringing this resource to the direct benefit of our MPs."*



CPA AFRICA REGION DISCUSS THE COVID-19 PANDEMIC

Speakers and Members of Parliament from the Commonwealth Parliamentary Association (CPA) Africa Region met in Nairobi, Kenya from 12 to 18 July 2021 for the 80th CPA Africa Region Executive Committee Meeting. The main focus of the meeting was to discuss

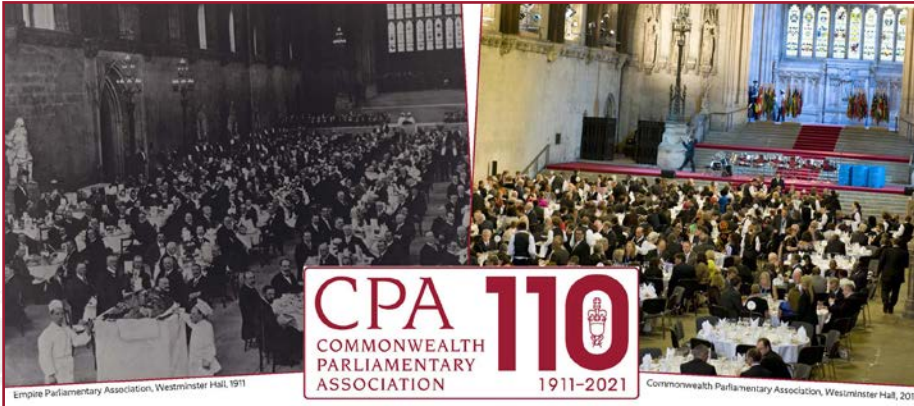


the role of African Legislatures in implementing measures to counter the effects of the COVID-19 pandemic as well as a key focus on mainstreaming representation for people living with disabilities.

Delegates attended the meetings from 18 CPA Branches in the Africa Region including Botswana, Cameroon, Eswatini, Ghana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Tanzania, Uganda and Zambia. Representatives from State and Provincial Legislatures from Nigeria, South Africa and Tanzania also attended the meeting. The Chairperson of the CPA Africa Regional Executive Committee, Rt Hon. Justin B. Muturi, EGH, MP, Speaker of the National Assembly of Kenya welcomed delegates including Rt Hon. Ndugai Job Yustino, MP, Speaker of the National Assembly of Tanzania; Rt Hon. Femi Gbajabiamila, MP, Speaker of the House of Representatives of Nigeria; and Hon. Tsenoli Solomon Lechesa, Deputy Speaker of the National Assembly of South Africa.

A number of Sub-Committees took place during the meetings of the CPA Africa Regional Executive Committee including the Program Planning and Finance (PPF) Sub-Committee as well as a meeting of the CPA Africa Investment Board. The Commonwealth Women Parliamentarians (CWP) Africa Region Steering Committee also held a meeting chaired by Hon. Dr Zainab Gimba, CWP Africa Chairperson (Nigeria) to discuss women's leadership and CWP activities for the Region.

CPA CELEBRATES 110TH ANNIVERSARY WITH LAUNCH OF YOUTH CREATIVITY COMPETITION AND ASKS: 'WHAT WILL PARLIAMENTS LOOK LIKE IN THE NEXT 110 YEARS?'



On 18th July 2021, the Commonwealth Parliamentary Association (CPA) celebrated its 110th anniversary. As the CPA marked this anniversary and reflected on the evolution of Parliaments over the last 110 years, it also looked forward to consider what the next 110 years may hold for Parliaments, democracy and the Commonwealth.

To help us think about the future, the CPA turned to those who will define it: young people. On its 110th anniversary, the CPA launched a Youth Creativity Competition for under-18s, asking them to submit their creative response

to the question: 'What will Parliaments look like in the next 110 years?' Parliaments across the Commonwealth are encouraged to reach out to their young people to enter the competition by writing an essay, filming a video, designing a piece of art or creating any other piece of work that responds to the question above.

The CPA was founded on 18th July 1911 as the Empire Parliamentary Association by Members of Parliament from the United Kingdom, Australia, Canada, New Zealand, Newfoundland and South Africa. 110 years later, the membership of the CPA, which succeeded the Empire Parliamentary Association in October 1948, has grown to more than 180 Parliaments and Legislatures across the 54 countries of the 'modern' Commonwealth. Physically, in their composition and in the way they operate, the Parliaments of today are virtually unrecognisable from the Parliaments of 1911. Since the founding of the CPA, the Parliament of Canada has been rebuilt after a devastating fire, the Parliament of Australia has relocated to Canberra and the UK Parliament has suffered bomb damage in the Second World War. In 2021, India, Jamaica and Eswatini are just three Commonwealth jurisdictions currently constructing new Parliament buildings as institutions continually adapt to meet the requirements of the modern world. The membership of Commonwealth Parliaments has also undergone a transformation in the last 110 years. In 1911, there was not a single woman Member in any of the CPA's founding Parliaments. Now, globally 25.5% of MPs are women.

Just as its Members have undergone many transformations in the last 110 years, so has the CPA itself. Amongst its many achievements, the Association has established three formal networks, a renowned post-election seminar programme and, most recently, an online learning platform as part of the CPA Parliamentary Academy.

CPA SUPPORTS LANDMARK PARLIAMENTARY CHANGE IN ANGUILLA

At the 23rd Meeting of the Anguilla House of Assembly on 23 July 2021, the Legislature proposed the Standing Orders, House of Assembly (Procedure) Rules, 2021 which, together with the House of Assembly (Powers and Privileges) Amendment Act 2021, was assented into law by the Governor of Anguilla on 30 July 2021. The law created a new set of Standing Orders for the Assembly, the first time they had been comprehensively updated since the first set of Standing Orders were enacted in 1976. This result was a culmination of an 18-month Technical Assistance Programme led by the Commonwealth Parliamentary Association (CPA) in partnership with the House of Assembly.

The CPA *Recommended Benchmarks for Democratic Legislatures* provide a framework for excellence in Commonwealth parliamentary and legislative practice. In February 2020, the House of Assembly of Anguilla became the eleventh Commonwealth Legislature to use the CPA Benchmarks framework to conduct an Assessment. The Assessment recommended a number of reforms to the Assembly and one of the most important was an updated Standing Orders. In August 2020, the House took its first steps towards reform by establishing a Committee on Parliamentary Reform which has led on the development of these new Standing Orders. The new law will have a number of wider impacts on the

Assembly and Anguilla as a whole, including greater gender recognition in the rules of the House and the establishment of an Administration Committee for the House to strengthen its autonomy and powers.

The achievement was a testament to the dedication and determination of the Speaker of the House, the Members of the Committee, the Clerk and his team and the Attorney General's Office along with the support of the CPA Headquarters Secretariat. The review process was achieved through a cross-party and collaborative process. In addition, recognition should go to Nick Beech, Committee Clerk at the UK Parliament's House of Commons for his technical input in the drafting of the Standing Orders.

The CPA Secretary-General, Stephen Twigg said: "*The landmark parliamentary reforms in Anguilla demonstrate the CPA's long-term commitment to our 180 CPA Branches across the Commonwealth and CPA's ability to provide a framework for democratic governance and to convene experts in parliamentary strengthening for the benefit of Legislatures.*"

The Memorandum of Understanding between the CPA and the Anguilla House of Assembly will continue to build on the success thus far, in the development of further programmes of reform, especially those focused on the administration of the Assembly and supporting engagement and outreach programmes.

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



NEW REPORT EXAMINES IMPACT OF COVID-19 ON THE CPA BIM REGION

A new report from the Commonwealth Parliamentary Association British Islands and Mediterranean Region examines the impact of COVID-19 with insights from MPs in the Falkland Islands, the Isle of Man, Gibraltar and Wales.

Four members of the CPA BIMR Working Group on COVID-19 volunteered to lead a virtual event focusing on a key aspect of their CPA Branch's response to the challenges of the pandemic. Topics covered included Recovery (led by Hon. Leona Roberts, MLA, Falkland Islands); Borders: Residence, travel and tourism (led by Hon. Rob Callister, MHK, Isle of Man); Health and Social Impact (led by Hon. Steven Linares, MP, Gibraltar); and Agile and Effective Parliaments (led by Hon. Rhianon Passmore, MS, Wales).

To download a copy of the report please visit www.uk-cpa.org.

FIRST WOMAN SECRETARY-GENERAL OF CARICOM APPOINTED



Image: CARICOM Secretariat

A former Commonwealth Woman Parliamentarian from Belize has been appointed as the first woman Secretary-General of CARICOM. Dr Carla Barnett assumed the post of 8th Secretary General of CARICOM on 15 August 2021, the first person from Belize to take the position.

The new Secretary-General was welcomed by the Chair of CARICOM, Hon. Gaston Browne, MP, Prime Minister of Antigua and Barbuda, in his capacity as Chairperson of the regional body, following a virtual CARICOM Heads of Government meeting.

The Caribbean Community (CARICOM) is an organisation of fifteen states and dependencies throughout the Caribbean, promoting economic integration and coordinating foreign policy. Dr Barnett succeeds Ambassador Irwin LaRocque who completed his second term. Dr Barnett is a former Vice-President (Deputy Speaker) of the Senate of Belize and held several Ministerial posts in Belize before becoming Deputy Secretary-General of CARICOM. She also served as Financial Secretary of Belize and Deputy Governor of the Central Bank of Belize, as well as Vice-President (Operations) of the Caribbean Development Bank (CDB).

In a statement, Dr Carla Barnett said that CARICOM should never be afraid to re-strategise, as it is now doing when the needs are great and the resources scarce. *"The COVID-19 pandemic is forcing us to recalibrate and set new priorities for regional development. To do more with less has new meaning for all of us. Indeed, increased incorporation of information and communication technology into our work provides opportunities for greater productivity, and for CARICOM citizens to be much more involved in the strengthening of our regional integration well into future, beyond COVID."* Dr Barnett also pointed out that as CARICOM marks its 50th anniversary, it would set out a number of achievable goals by creating space for new thinking to solve current problems and to outline future paths.

THE GAMBIA ESTABLISHES NEW INDEPENDENT NATIONAL ASSEMBLY SERVICE



Image: Matthew Salik/CPA Headquarters Secretariat

The National Assembly of The Gambia has established a new independent National Assembly Service through the passing of the *National Assembly Service Act, 2021*. The new Act establishes a supervisory authority to provide services and support for the National Assembly, chaired by the Speaker.

The *National Assembly Service Act, 2021* came into law on 27 July 2021 with the Bill being tabled by the Executive (Government) under special procedure with a certificate of urgency to allow the legislation to be passed within a very short period. The Act ensures autonomy for the Assembly in relation to the administration and financial management of the Legislature. This reform brings the National Assembly in line with international good practice, in particular the *Commonwealth Latimer House Principles on the Separation of Powers*.

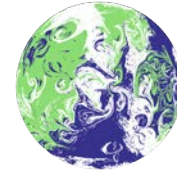
The establishment of the new National Assembly Service comes alongside a broader agenda for change within The Gambia's National Assembly since the new Parliament was re-established in 2017, in particular an updated set of Standing Orders. Mr Kalipha MM Mbye, Director of the Table Office at the National Assembly of The Gambia, said: *"I am delighted to report that we were able to develop this Bill and ensure its successful passage to guarantee greater independence of the parliamentary service. The Bill was very much inspired by the CPA's Model Law on Independent Parliaments."*

In drafting the Act, the National Assembly utilised the Commonwealth Parliamentary Association's *Model Law on Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures*. The CPA developed its Model Law toolkit to help empower Commonwealth Parliaments and Legislatures to be independent and ensure they have the administrative, operational and financial resources they need to function effectively.

The legislative reform also follows the National Assembly's assessment as part of the *CPA Benchmarks for Democratic Legislatures* to assess parliamentary excellence and achieving the UN Sustainable Development Goal 16 in January 2020, part-funded through the Commonwealth Partnership for Democracy (CP4D).

The CPA Secretary-General, Stephen Twigg said: *"The Gambia should be commended for its continued efforts to strengthen the independence and autonomy of the National Assembly. We are proud that our resources could be utilised to such good effect in the development of the National Assembly Services Act 2021. We remain committed to aid the Assembly in its ongoing reform agenda."*

The National Assembly of The Gambia rejoined the membership of the Commonwealth Parliamentary Association (CPA) in 2019 following its readmission to the Commonwealth in 2018. Previously, The Gambia first joined the CPA in 1949.



LOOKING AHEAD TO COP26: WHY PARLIAMENTARIANS ARE INTEGRAL TO THE FIGHT AGAINST CLIMATE CHANGE

The landmark report released recently by the Intergovernmental Panel on Climate Change (IPCC) has put the world on red alert. Titled '*Climate Change 2021: the Physical Science Basis*'¹, it contains significant and unequivocal evidence about the disturbing speed, extent and intensity with which the global climate crisis is unfolding.

The science is crystal clear, and what it proves is something every legislator and policymaker in the Commonwealth must recognise: climate change is caused by human activity; it is happening at an unprecedented rate; and its impacts are intensifying and affecting millions of people across the world – in particular, those living in the most vulnerable nations.

Without significant actions taken by governments to curb global warming to 1.5°Celsius above pre-industrial levels, we are headed towards irrevocable and destructive transformations to our environment and way of life.

Already we can see the devastating impacts in all corners of the Commonwealth, including the increasing frequency and intensity of extreme weather events, from super storms to raging floods and wildfires. The World Meteorological Organization (WMO)² points out that the number of disasters related to a weather, climate or water hazard has increased fivefold worldwide from 1970 to 2019. On average, these disasters kill more than 800 people each week, while causing around US\$202 million in losses each day.

At the same time, more subtle impacts continue to put lives and livelihoods at risk. Sea level rise is damaging crops and homes in coastal communities in the Pacific, while droughts and changing rain patterns are driving up food prices, putting pressure on tens of millions of people in Eastern and Southern Africa. Climate change is also expanding the range of zoonotic infectious diseases – those that pass from animals to humans – due to changing natural environments. These are realities affecting people and communities, which cannot be ignored.

Role of Parliamentarians

Parliamentarians play a vital role in tackling the global climate crisis. As well as working on legislation, regulations and policies, they have an important function in holding governments to account on national and international commitments, including the Paris Agreement – the only legally binding international treaty on climate change.

In addition, Parliamentarians have a responsibility to monitor the implementation of climate laws and to ensure that vital resources are allocated within national budgets to ensure climate goals are achieved.

More than 130 countries³ have adopted or are considering net-zero carbon emission targets to combat climate change. In other words, their policymakers have either successfully passed or are currently discussing potential legal measures that aim to prevent new greenhouse gas emissions being added into the atmosphere, which is the main driver of climate change.

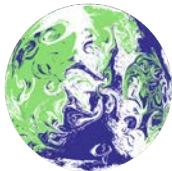
In the Commonwealth, at least four countries – Canada, Fiji, New Zealand and the UK - have enshrined net-zero targets in law. Eight more member countries have either proposed legislation or include it in a policy document, while about 30 others are discussing the target. Parliamentarians are central to the outcomes of these discussions, with the ability to steer the national debate and focus.

Parliamentarians also serve as an important conduit for the will and voices of their constituencies. As public awareness about climate change increases around the world, there are mounting calls for urgent action, including from vulnerable populations. According to a global survey⁴ of public opinion conducted by Oxford University and the United Nations Development Programme (UNDP), a clear majority (64%) said that climate change was an emergency, out of 1.2 million respondents in 50 countries.

Of this group, 59% said that the world should do everything necessary to urgently respond. The highest level of support was in small island developing states (74%), followed by high-income



Rt Hon. Patricia Scotland, QC is the Secretary-General of the Commonwealth and she has served the 54 governments and 2.4 billion people of the Commonwealth since April 2016. Born in Dominica, she moved to the UK at an early age and has pursued a dynamic career in law, public service and politics. A lawyer by profession, she was the youngest woman ever to be appointed Queen's Counsel and the first woman since 1315 to be Attorney-General for England and Wales. She became a Parliamentarian in 1997 when appointed to the UK House of Lords as Baroness Scotland of Asthal.



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Image credit: Commonwealth Secretariat.

countries (72%), middle-income countries (62%), then least developed countries (58%). Nearly 70% of young people (under 18) said climate change was a global emergency, compared to 65% of those aged 18-35, 66% aged 36-59 and 58% of those aged over 60. Members of Parliament are essential to ensuring these voices are heard and enabling these populations to participate in decision-making around climate change.

Capacity-building

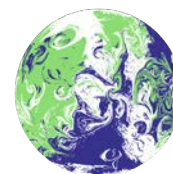
However, to be effective, Parliamentarians need to be equipped with adequate knowledge and up-to-date skills related to climate policy, climate science and relevant networks. Parliamentary Committees require resources to meet, research and coordinate action with stakeholders such as civil society and government agencies, as well as hold relevant discussions and consultations. A number of Commonwealth countries face capacity constraints that can hinder the effectiveness of Parliamentarians in the climate space. Capacity-building and knowledge-exchange programmes can be useful in this regard.

Above: The Commonwealth Secretary-General views the damage on a visit to The Bahamas in 2019 following the Category 5 Hurricane Dorian.

The Commonwealth Parliamentary Association provides valuable opportunities for representatives in Legislatures and Assemblies of nations and territories to exchange knowledge and experiences of what has worked and what has not worked in their efforts to address climate change. Practical guides are currently available to support policymakers to be more effective in implementing national climate plans and meeting Paris Agreement commitments.

For example, the CPA's Parliamentarian's Toolkit⁵ on climate change and small states, as well as the Commonwealth Secretariat's Law and Climate Change Toolkit⁶ developed in collaboration with the United Nations Environment Programme (UNEP) and the United Nations Framework Convention on Climate Change (UNFCCC) are useful tools in this regard.

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Commonwealth key issues

This November, Glasgow will host the world's most important climate summit of the year, the United Nations Climate Change Conference, COP26. At this event, it is crucial that Commonwealth countries, which make up over a quarter of signatories to the Paris Agreement, come together once again to take a united stance on climate issues.

Member countries are looking to agree on a set of shared priorities to take to the summit, including the overriding commitment to limit the rise in global average temperature to well below 2°Celsius, while pursuing efforts towards a 1.5°Celsius maximum. The support of Commonwealth Parliaments will give further impetus to our joint efforts.

Key technical and advocacy priorities for the Commonwealth at COP26 include:

- *Climate Finance*

Developing countries require significant resources to tackle the adverse impacts of climate change. Since the Paris Agreement, advanced economies have committed jointly to mobilising US\$100 billion of climate finance annually through to 2025. Most recent figures from the Organisation of Economic Cooperation and Development (OECD)⁷ show that in 2018, US\$78.9 billion in climate finance was mobilised, up from US\$71.2 billion in 2017. However, the COVID-19 pandemic will have no doubt affected this trend, so a significant gap remains between the needs of developing nations, and the finance available.

At the same time, the reality is that oftentimes small countries find it challenging to access what is already available, due to a lack of capacity and the complex procedures involved. To address this, the Commonwealth Climate Finance Access Hub (CCFAH) was set up in 2015 to help member countries develop successful funding proposals for global climate funds. By embedding long-term national climate finance advisers in government departments, CCFAH has helped to mobilise US\$43.8 million for 31 approved projects in several Commonwealth small states, with more than US\$762 worth of projects in the pipeline.

- *Nationally Determined Contributions*

Nationally-determined Contributions (NDCs) are the self-defined climate goals of each country, also known as 'national climate plans'. They lie at the heart of the Paris Agreement, outlining actions, policies and targets which countries plan to deliver in support of global climate action. Parties to the Paris Agreement had agreed to set out Intended NDCs in 2015, and then update or re-submit increasingly ambitious NDCs every five years.

COP26 (which was postponed from last year due to COVID-19) will likely see another wave of revised NDCs submitted. According to the UNFCCC NDC Registry⁸, 33 Commonwealth countries

have submitted a new or updated NDC as at September 2021 - an encouragement to all Commonwealth members, including major emitters, to submit enhanced, highest possible ambition NDCs ahead of COP26.

The Commonwealth Secretariat is working to support governments in enhancing and delivering their national climate plans, collaborating with the NDC Partnership under its Climate Action Enhancement Package (CAEP). Currently, we have placed highly-skilled Commonwealth National Climate Finance Advisers in three countries – Belize, Eswatini and Zambia – to help governments fast-track work on NDCs. Under this programme, the Secretariat is also assisting Jamaica to assess the socio-economic consequences of climate change on its national budget and spending.

The Commonwealth Climate Finance Access Hub has also deployed advisers in nine other countries across Africa, the Caribbean and the Pacific to help governments develop strong climate finance proposals for NDC implementation and wider climate action.

- *Nature-Based Solutions*

Nature-based solutions (NBS) refer to natural, ecosystem-based approaches to mitigating and adapting to climate change. For example, mangroves, forests and seagrass have a natural capacity to sequester carbon, removing it from the atmosphere and storing it away for millions of years. This helps to curb climate change.

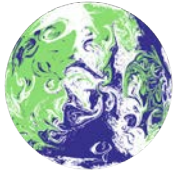
COP26 will seek to take forward discussions on integrating nature-based solutions into strategies for implementing the Paris Agreement. The focus will be on improving the 'carbon sink' capacity of nature (forests, agriculture and ecosystems). The Commonwealth Secretariat is working to support this process, through initiatives such as the Commonwealth Blue Charter⁹ and the Commonwealth Call to Action on Living Lands (CALL), the latter is currently in development and undergoing consultations with member countries.

Under the Commonwealth Blue Charter, Sri Lanka leads an action group focused on mangrove ecosystems and livelihoods, exploring the capacity of mangroves as carbon sinks. An ambition for the Commonwealth CALL initiative is to integrate nature-based solutions and sustainable land management for climate action.

- *Loss and Damage*

The funding to cope with loss and damage incurred from the impacts of climate change remains a key component of the Paris Agreement, and a critical concern for Commonwealth least-developed countries and small states. Countries need support to deal with damage to infrastructure, communities, and the natural environment.

While the Commonwealth Secretariat's Disaster Risk Finance Portal¹⁰ aims to help member countries easily find the right type of financial support to prepare for, respond to and recover from natural



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Image credit: Commonwealth Secretariat.

Left: The Commonwealth Secretary-General speaks at COP25 in Madrid.

Secretariat is currently undertaking a gender analysis of member countries' NDCs, to identify best practices to support gender integration in future NDC submissions. This will be available for dissemination at COP26.

Also important is the engagement of young people in public debates, policy dialogues and decision-making around climate action. Of the Commonwealth's 2.5 billion people, 60% are under age 30, and their perspectives, innovative ideas and experiences can help shape and accelerate successful implementation of the Paris Agreement. The Commonwealth Youth Climate Change Network is a valuable platform to encourage youth engagement.

disasters, more needs to be done at the multilateral level to ensure relevant funding is actually made readily available.

Some member countries are also classified as being in debt distress, after borrowing heavily to build back from successive disasters. The Commonwealth continues to advocate for debt-for-climate swaps, whereby public debt is reduced by 'exchanging' them for investments in national climate adaptation and mitigation programmes.

- **Carbon market mechanisms**

Article 6 of the Paris Agreement provides a framework for a new global carbon market to mitigate greenhouse gas emissions. Discussions regarding 'carbon trading' will continue at COP26, though the extent and rules for these markets remains a contentious issue. However, a number of Commonwealth countries are already exploring how to enter this emerging market, through platforms such as the Commonwealth Blue Charter and the Commonwealth Sustainable Energy Transition (CSET) Agenda.

- **Gender and youth mainstreaming**

The integration of gender and youth into climate change initiatives is fundamental for building resilience in an equitable manner. Women make up half of the global population but constitute 70% of the world's poor. Coupled with persistent gender inequalities across societies, this means they are disproportionately affected by climate change. However, their contributions as leaders, carers, experts and educators are vital to effective climate action.

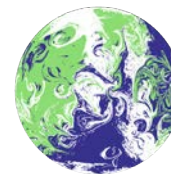
COP26 offers a key opportunity to discuss these issues, and to ensure the ongoing implementation of gender action plans for global climate finance instruments and institutions. The Commonwealth

Our window of opportunity

The upcoming UN Climate Change Conference COP26 will take place at a decisive point in history, as the world grapples with an unprecedented global pandemic that is exacerbating the impacts of the ongoing climate crisis. As we seek to build back better, we must approach COP26 committed and ready to take bold actions that will set us on more sustainable pathways for generations to come. As leaders and elected officials, Parliamentarians have pivotal roles to fulfil in delivering that shared vision, to ensure the survival of our communities and the well-being of all who live in our Commonwealth.

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FROM THE PANDEMIC TO THE PARIS AGREEMENT, PARLIAMENTARIANS ARE MISSION CRITICAL TO CHANGE

Ahead of COP26, the Chair of the Parliamentary Network on the World Bank & the IMF writes about the critical role of Parliamentarians in global development.

We now live, not in an era of change, but in a change of era. Over the next ten and half thousand days, the brief arc of time between the pandemic and Paris agreement deadlines, we must change the way billions of people take trillions of decisions each and every day. It is the biggest political challenge the human community has ever confronted. Which is why Parliamentarians must be centre stage.

There is an old maxim once penned by the British philosopher Thomas Hobbes; *'hell is the truth seen too late'*. Today, we can see the truth of climate change; but acting on that truth will depend on politics, politics depends on votes and votes in the year ahead will go to those who offer a very different kind of 'GIG economy'; an economy of Green Inclusive Growth. Success will require Parliamentarians helping to make the trade-offs to win five arguments with citizens.

First, Parliamentarians must explain a *plausible* plan to increase the pace of change. The IPCC reports are clear. We are running out of time. Things are worse than we thought. The pace of change must accelerate and the chorus line of powerful voices urging our constituents to demand ambitious targets is wide and strong. This is a good thing. But politicians have to translate those ambitions into practical programs of change, or hold governments to account for delivery.

But, here's the challenge; although evidence is building,¹ the design of practical programs is still in its infancy. Voters are not stupid. They know the difference between a soundbite and a strategy. Designing programs that actually make an impact is so complicated that Parliamentarians will need to radically improve the way we learn from each other, and draw on both World Bank and IMF thinking and experience to help avoid the time-consuming and expensive business of reinventing the wheel.

Second, Parliamentarians will need help squaring the bargain between winners and losers. The call for a 'just transition'

championed by trade unions and civil society, underlines how, in any big public policy change, some will gain and some will lose. But the 'losers' have votes. But how do we measure who is gaining? How do we share those gains? How do we measure who is losing? How do we craft the compensation needed? And how do we make sure that compensation arrives in time, before the next household bills are due? Governments will fall unless just transition is a reality.

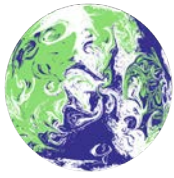
The debate about carbon taxes is a useful example. IMF leaders rightly explain that carbon pricing is now widely accepted as the most important policy tool to achieve the drastic cuts to emissions. By making polluting energy sources more expensive than clean sources, carbon pricing provides incentives to improve energy efficiency and to re-direct innovation efforts towards green technologies. Of course, carbon pricing needs to be supported by a broader package of measures to enhance its effectiveness and acceptability including public investment in clean technology networks (like grid upgrades to accommodate renewables) and measures to assist vulnerable households, workers, and regions. Nonetheless, at the global level, additional measures equivalent to a carbon price of US\$75 per ton or more are required by 2030.²

The distributional impact of this on millions of low paid workers will be political suicide if mismanaged and implemented without simple, failsafe, real-time means of providing compensation to those at risk of experiencing seismic impacts on the cost of living.

Third, Parliamentarians will need to *prove* the potential for creating new jobs in the *local* green economy. New vacancies must be real, local and decently paid. This is especially important given the loss of a quarter of a billion jobs around the world in 2020, a shock the UN International Labour Organization (ILO) says is four times the number lost during the 2009 global financial crisis. Investments to cut carbon



Rt Hon. Liam Byrne, MP is Chair of the Parliamentary Network on the World Bank & the IMF and Gwilym Gibbon Research Fellow at Nuffield College, Oxford. He was first elected as a Member of Parliament in 2004 and during his time in the UK Parliament, he has served in many Ministerial roles including as Chancellor of the Duchy of Lancaster and Chief Secretary to the Treasury. He has written over twenty books, chapters and pamphlets on economic development and foreign policy, including a major history of British capitalism.



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Global Parliamentary Forum

Townhall with WBG President and IMF Managing Director

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can create jobs, but the fiscal multipliers are very, very different for different interventions.³

Analysis shows that to date, the rescue measures of the last year are overwhelmingly ‘colourless’, meaning that they maintain the ‘status quo’, and do not increase or decrease net Green House Gas emissions beyond a base case. But going forward policy makers tend to concur that the *least* desirable recovery-type policies are;

- airline bailouts,
- traditional transport infrastructure,
- income tax cuts,
- reduction in VAT and other goods and services taxes (G),
- and rural support policies.

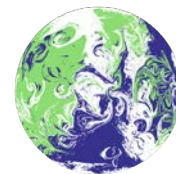
Many of these measures are *extremely* politically popular. By contrast, the ‘best’ measures for both recovery and cutting carbon were felt to be;

- clean physical infrastructure investment in the form of renewable energy assets, storage (including hydrogen), grid modernisation and CCS technology,

- building efficiency spending for renovations and retrofits including improved insulation, heating, and domestic energy storage systems,
- investment in education and training to address immediate unemployment from COVID-19 and structural shifts from decarbonisation,
- natural capital investment for ecosystem resilience and regeneration including restoration of carbon-rich habitats and climate-friendly agriculture, and
- clean R&D spending.

Most voters have no idea what a ‘green job’ is, and jobs created by these new measures will seem novel and risky. They will need to be seen to be believed. What is more, Parliamentarians will have to marry these ideas to a real vision of jobs in places where citizens actually need them. That is a mammoth challenge not least because success will critically depend on countries building retraining systems. Yet as the OECD’s Katherine Mullock argues in our recent book, *Just Transitions*⁴, retraining budgets need to reach 1-4.5%

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of GDP and crucially, these programmes have to be delivered, as Network Board member Vjosa Osmani argues in ways that radically close the enormous gaps in gender equality.

Fourth, Parliamentarians will need to show new programmes can actually lower the cost of living in this new economy. Bluntly, governments need to offer measures to help households already struggling to afford basic necessities pay for higher energy costs. These measures should extend to coal miners and other workers and communities that depend on high carbon sectors for their livelihoods. On the international front, financial support will be necessary for developing economies, which are expected to incur greater costs in the transition yet have little means to pay for it.⁵

Finally, Parliamentarians will need to work much more effectively with the private sector to help mobilise private sector finance and critically the world's goldmine of private pension wealth, especially the over US\$3 trillion committed to ESG funds.⁶ This is not simply a question of building new frameworks for investment managers. Ultimately pension savings are controlled by pension savers and today, the woeful inadequacies of financial reporting and the opacity of pension fund accounting severely limits the way pension savers could make good choices and invest in companies which are not poisoning their planet, shortchanging their workers or dodging their taxes.

These five challenges are incredibly tough. And this is only half the story. Because we need to make these choices while navigating a bow wave of 'disease debt' which the Parliamentary Network highlighted in our letter to G7 leaders, has grown by over US\$220 billion last year.⁷ As developed nations begin to exit from monetary policy stimulus, more and more of this debt will become harder and harder for poorer countries to pay back. In March, US\$290 million left the world's emerging markets every day as bond yields began to rise in the world's richest countries.⁸

Just to add to the challenge, Parliamentarians are not simply managing the rise in temperature. As we set out in our book *Just Transitions*, Parliamentarians are navigating 'three rises': the rise in temperature, the rise in technology and the rising trade conflict. Rising temperature may trigger the migration of well over 100 million people which is four times the number of migrants seeking new lives over the last 20 years the movement of which has roiled politics around the world. The rise of new technology known as the fourth industrial revolution could impact well over 1 billion of the world's 3.2 billion jobs, costing many their livelihoods. Third, trade wars persist with giant consequences for both the pace of global growth and the equity of growth for developed nations. For all of these reasons, the next ten and a half thousand days will be the toughest phase of politics that most Parliamentarians have ever known.

Navigating these trade-offs, mastering the reconciliations required, building popular consent for good ways forward can only be achieved by good Parliaments, and the international community

acting together well, backed by good IFI policy. The IMF and World Bank are moving fast to act.

On 16 July 2021, the Executive Board of the International Monetary Fund (IMF) discussed a paper proposing a strategy to includes ideas to incorporate climate change policy in *Article IV* consultations, expand coverage of climate risk to all financial stability assessments (FSAPs), and scale up of climate-related capacity development.

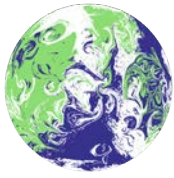
On 22 June 2021, the World Bank Group announced its new Climate Change Action Plan to route record levels of climate finance to developing countries, and provide funding and technical support so that national targets to cut carbon are ambitious. These targets will inform the World Bank's new diagnostic tool, the Country Climate and Development Reports (CCDRs), which aims to help mainstream climate in their operations, lending, and engagement with clients.

The World Bank Group committed to achieving 35% in climate finance for the entire WBG, as an average over the five years of 2021–2025, with at least 50% of IDA and IBRD climate finance to be allocated to adaptation with specific transformative public and private investments in five key systems: energy; agriculture, food, water, and land; cities; transport; and manufacturing. These systems are being prioritised because they contribute the most to emissions - together, they produce over 90% of global GHG emissions - and face significant adaptation challenges. All new operations will be aligned with Paris targets by 1 July 2023, and for the IFC and MIGA, 100% will be aligned by 1 July 2025.

There is an old African proverb that says if you want to go quickly, go alone. But if you want to go further go together. For the years ahead, Parliamentarians will be critical to *both* moving fast, and moving together. It is a daunting future.

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SPECIAL REPORT: LOOKING AHEAD TO COP26: CLIMATE CHANGE IN THE COMMONWEALTH

THE CLIMATE PARLIAMENT: LEGISLATORS WORKING WORLDWIDE TO COMBAT CLIMATE CHANGE

We are running out of time. At current emission levels, we will exhaust a safe 1.5°C 'carbon budget' by the end of this decade. The climate crisis poses a threat to civilisation and to the very survival of the human species. Most countries are moving in the right direction, making climate commitments and investing in renewable energy. But the world is not moving forward at the speed and scale needed to avoid going beyond a point of no return.

Elected politicians have a key role to play in the race to prevent a climate catastrophe, as they are a main source of political will. They are in a unique position to push for climate ambition. If they are to take action, legislators must be informed about the latest scientific evidence on climate, advances in renewable energy technology and best practices regarding energy policy.

The Climate Parliament is an international, multi-partisan network of legislators working across the world to help solve the climate crisis and accelerate the transition to renewable energy. We are working on several fronts to mobilise climate action.

Parliamentary Action on Renewable Energy

The Climate Parliament is partnering with the European Union and with the United Nations Industrial Development Organisation (UNIDO) to create awareness among key legislators from the Africa Region and from small island developing states, to mobilise them to encourage their governments to raise their climate and renewable energy ambition. The Parliamentary Action on Renewable Energy (PARE) programme, co-sponsored by the Pan-African Parliament, is organising a series of virtual roundtable meetings featuring renowned experts in three areas:

- a) rural access to renewable energy through mini-grids and other off-grid solutions
- b) large-scale renewable energy and green grids
- c) sustainable transport.

The online sessions provide a platform to exchange information on cutting-edge research, success stories and best practices, and to discuss the role of policy in promoting investment in sustainable energy. A growing network of legislators have participated. The series includes: international roundtables focused on specific topics or research programmes; national roundtables including MPs from a single country; and one-on-one engagement with key legislators.

The project supports legislators by providing toolkits and policy briefs on concrete action with recommendations in six main areas: climate ambition, large-scale renewables, green grids, sustainable transport, rural access to electricity, and energy efficiency. We are developing a *Map of Green Ambition*, a tool specifically designed for legislators that includes factsheets summarising the deployment of renewable energy in different countries.

The main objective of the PARE project is to raise awareness and build capacity among legislators about climate and energy issues, thus creating the conditions for parliamentary action. Informing the legislators has a multiplier effect, as they reach out to colleagues and their constituents, and encourage their governments to act faster. One outcome that has resulted from the national virtual roundtables has been the establishment of informal cross-party groups in several national Parliaments on climate and clean energy issues.

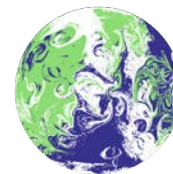
As a result of the national roundtables and the one-on-one engagement with key legislators, we have established Climate Parliament groups in the following Commonwealth countries: The Gambia, Ghana, Kenya, Nigeria, Rwanda, Sierra Leone, South Africa, Tanzania, Uganda and Zambia. We have also set up groups in Algeria, Benin, Burkina Faso, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Gabon, Mauritania, Senegal, Togo and Zimbabwe.

The Climate Parliament groups are gender-diverse and multi-partisan (including MPs close to the government and from the opposition) and bring together legislators who are motivated to take

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Sergio Missana is the Executive Director of the Climate Parliament. He is a well-known Chilean author who holds a PhD in Spanish from Stanford University. He has worked with the BBVA Foundation in Madrid and was a member of the Governing Council of the European Foundation Centre in Brussels. He was an editor of the Truth and Reconciliation Commission report on human rights violations committed by the Chilean military dictatorship between 1973 and 1990.



action on climate issues and promote the transition to renewable energy. In addition to these groups, we have actively engaged legislators from other Commonwealth countries, including Antigua and Barbuda, The Bahamas, Cameroon, Jamaica, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles and Tonga.

Case study: Uganda Climate Change Bill

A series of Climate Parliament roundtables in East Africa led to the establishment of the informal Parliamentary Forum on Climate Change in Uganda, chaired by Hon. Lawrence Biyika Songa, MP. This Forum is, in effect, the Climate Parliament group in Uganda and it currently includes more than 200 members.

In 2016, with support from GIZ, the Forum sent a delegation of Ugandan MPs to a Climate Parliament roundtable held in Marrakesh, Morocco, during the UN Climate Summit (COP 22). After the event, a formal Committee on Climate Change was created, also chaired by Hon. Biyika Songa. This Committee was instrumental to the drafting and passing of the recent Climate Change Bill. Hon. Lawrence Biyika Songa has stated: *“The interaction with the Climate Parliament gave us a boost and a lot of information that we used to engage the government.”*

The law voted for by the Parliament of Uganda in April 2021 will provide a comprehensive framework for climate action in Uganda. The new legislation will facilitate national participation in climate change mechanisms, provide institutional arrangements for coordination between different departments and agencies, and enhance financing for tackling climate change. No Ministry budget can pass Parliament without a certificate that it includes substantial

investment on climate change. This *“substantial investment”* will be determined by an independent advisory Committee composed of academics and experts.

Uganda ratified the United Nations Framework Convention on Climate Change in 1994, the Kyoto Protocol in 2004 and the Paris Agreement in 2016. The new Bill will domesticate and give force of law to those international commitments. Thus, Uganda will be able to implement climate change response measures in line with resolutions from international conventions. The Bill tasks the Ministry of Education and Sports to integrate climate change education and research into the national curriculum, as a means of raising awareness about climate change.

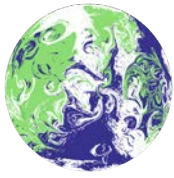
Case study: Nigeria Climate Change Bill

In June, the Climate Parliament Nigeria group hosted a series of meetings in Abuja including Parliamentarians, officials and experts to accelerate revisions to the Climate Change Bill. Rep. Sam Onuigbo, Chair of the Climate Change Committee of the House of Representatives and Chair of the Climate Parliament group in Nigeria, requested the support of the Climate Parliament to host an event to accelerate the passing of the Law through Parliament before the recess scheduled for July and in time to have an impact on Nigeria's strategy ahead of COP26. The Bill, which was sponsored by Hon. Onuigbo, was passed by the House of Representatives on 8 July 2021. It has now been sent to the Senate for concurrence before it receives Presidential assent. The Bill for an *‘Act to Provide for the Mainstreaming of Climate Change Actions, Establish the National Council on Climate Change, and for Other Related Matters’* seeks to provide a legal framework for Nigeria's efforts on climate change mitigation and adaptation.

The Bill also sets up a National Council on Climate Change to be headed by the President of the Republic. It establishes a Secretariat for the National Council on Climate Change to be headed by a Director-General. It contemplates the development of a carbon budget for Nigeria with the ultimate aim of attaining net zero emissions between 2050-2070. The Bill sets up a Climate Change Fund and it provides checks and balances through oversight by the National Assembly, the Secretariat, and engagement with the public. It seeks to address climate change by using nature-based solutions and environmental-economic accounting, contemplates mechanisms for carbon emissions trading and a carbon tax, and has a strong focus on education and awareness creation.

The powers conferred to the Council, the setting of carbon budgets and the allocation of emission reduction targets to private and public entities will play a key role in ensuring a coordinated effort to address climate issues in Nigeria. The Council will play a key role in establishing plans for the transition to a net zero economy, ensuring policies that will strengthen investment in renewable energy. The Public Engagement Strategy set out in the Bill also

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provides an opportunity for Nigerians to be part of the process by monitoring, making recommendations, and holding responsible parties accountable. The Bill also makes provisions for legal action against private and public entities who renege on their climate change responsibilities.

A cross-party, gender-diverse Climate Parliament group was established in Nigeria resulting from a series of virtual parliamentary roundtables organised in the context of the PARE project. The Climate Parliament group in Nigeria convened and funded a retreat to speed up the final negotiations and drafting of the law. According to Hon. Samuel Onuigbo, *“without the intervention of the Climate Parliament international leadership in the House of Representatives in collaboration with the Executive, and the support provided by members of the Climate Parliament Nigeria, this speedy progress that we made would not have been possible. Nigeria owes you a debt of gratitude.”*

Case study: Green Grids Initiative

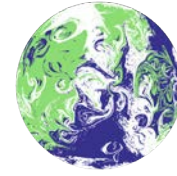
The Climate Parliament has been working since the UN Climate Summit in Paris to engage legislators and governments to promote

green grids as an essential component of the energy system of the future. The Green Grids Initiative will bring together a group of governments, legislators and international organisations to accelerate the construction of the new infrastructure needed for a world powered by clean energy, including renewable energy generation capacity as well as continental grids, charging points for electric vehicles and microgrids for rural communities and resilience. The initiative will be launched at the UN Climate Summit in Glasgow with a joint statement by a group of national leaders. It will set up regional working groups to work on priority interconnections and thematic working groups that will focus on issues such as climate finance and sustainable transport. Legislators will have a key role to play by injecting political will and a sense of urgency into an initiative that aims to accelerate the global transition to renewable energy.

To find out more about the work of the Climate Parliament visit www.climateparl.net



Image credit: Shutterstock



WORKING WITH COMMONWEALTH COUNTRIES TO ADDRESS A COMMON THREAT

The work of the International Renewable Energy Agency (IRENA) in addressing climate change and renewable energy is vital in many countries of the Commonwealth.

Global temperatures are rising. As I write this, extreme weather patterns sweep their way across all corners of our world. Floods took a heavy toll on human life and resources in India and Bangladesh. Hurricane Ida is leaving a trail of devastation across the eastern United States of America. Meanwhile on the west coast of the USA thousands are being evacuated due to the type of wildfires that have also gripped southern Europe and prompted Greece into the creation of a climate crisis ministry.

Climate change has become a very real and painful reality for many people and communities today. This is especially true for a number of Commonwealth countries, particularly island states in regions such as the Pacific and Indian Oceans and in the Caribbean which are among the most vulnerable to the impacts of rising sea levels.

With July 2021 recorded as the hottest month in history, there can be no hiding from the reality that our current trajectory is towards climate catastrophe. The Intergovernmental Panel on Climate Change's 6th Assessment Report confirmed as much recently, reporting that unless the world eliminates emissions by mid-century, the consequences of climate change could take hundreds or even thousands of years to reverse. This was perhaps the 'red alarm' needed to encourage much greater action.

The positive news is that the technologies we need to achieve a net zero energy system by the middle of the century largely exist and are increasingly cost-competitive for all countries, not just a few. The World Energy Transitions Outlook (WETO)¹, the International Renewable Energy Agency's (IRENA) roadmap to a net zero energy system, highlights that through the use of existing emission-reduction solutions such as modern sources of renewable energy, together

with rapidly emerging technologies such as green hydrogen, we can achieve a net zero future in a way that is economically attractive.

Our scenario envisages a blend of technologies including decarbonised power systems dominated by renewables; increasingly efficient energy production to ensure economic growth; increased use of electricity in buildings, industry and transport to support decarbonisation; expanded production and use of green hydrogen, synthetic fuels and feedstocks; and targeted use of sustainably sourced biomass. These are not distant aspirations but achievable aims that we stand on the cusp of fully embracing. In that respect, 2021 may serve as a turning point.

Unprecedented Momentum

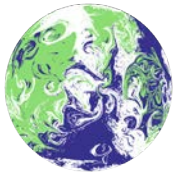
Once seen as an ambitious and overly progressive view of a renewable energy future, IRENA's energy transition perspective has quickly become the mainstream vision for the road ahead. Today, our scenario is widely accepted as an achievable and cost-effective pathway to a net zero future based largely on the technologies available to us today.

This is reflected in the fact that a growing number of countries have made commitments to net zero strategies over the last 12 months, creating unprecedented political momentum for a transformative change. Today, over 170 countries have renewables targets - many of them in their Nationally Determined Contributions (NDC). Major economies accounting for 70% of global CO₂ emissions have set targets for carbon neutrality by 2050 and markets are already pricing in energy transitions.

Steep cost declines across almost all renewable technologies have made renewable power the most cost-effective source of new generating capacity in many countries today. In 2020, renewable



Francesco La Camera is the Director-General of the International Renewable Energy Agency (IRENA) since 2019 and brings more than thirty years of experience in the fields of climate, sustainability and international cooperation. Previously, he served as Director-General of Sustainable Development, Environmental Damage, EU and International Affairs at the Italian Ministry of Environment, Land & Sea where he developed cooperation and partnership agreements with a wide range of countries, particularly Small Island Developing States (SIDS).



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generating capacity expanded well above the long-term trend despite the pandemic, with more than 260 GW of renewable energy capacity added globally.

Renewable energy is saving people and governments money. Projects brought online in 2020 alone will save emerging economies up to US\$156 billion over their lifespan. Sixty-two per cent of total renewable generation capacity added in 2020 achieved lower costs than the cheapest fossil fuels, and renewables increasingly undercut existing coal's operational costs too, giving all countries a strong business case to power past coal.

This trend is unstoppable, but as our roadmap highlights, there is still much to be done. To limit rising temperatures to 1.5^o C degrees, significant energy investments must be redirected away from fossil fuels to support the transition. In this critical decade of action, the international community must look to this trend as a source of inspiration to go further.

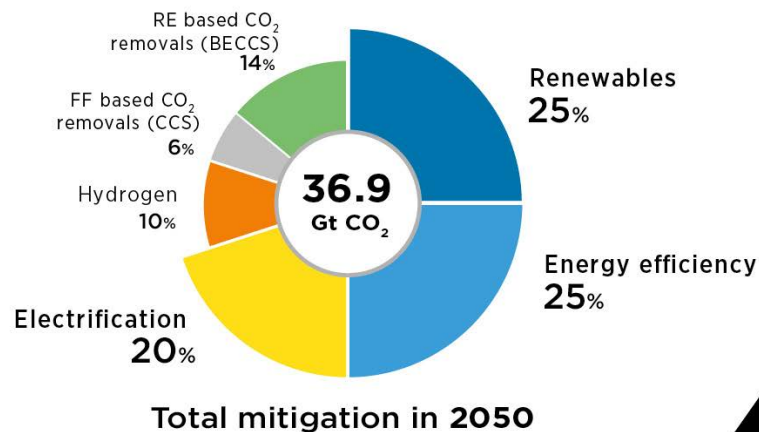
Supporting cooperation and capacity development across the Commonwealth

Commonwealth countries are amongst the most vulnerable to the impacts of climate change, yet they are also among the most committed to addressing it. IRENA has worked closely with its Members from the Commonwealth for over a decade on the importance of the energy transition, at country, regional and international level through several initiatives.

The Agency's engagement takes several forms. One of the most prominent is our Renewables Readiness Assessment (RRA)² process. Here, the Agency works in close collaboration with the

“The positive news is that the technologies we need to achieve a net zero energy system by the middle of the century largely exist and are increasingly cost-competitive for all countries, not just a few.”

Six components of the energy transition strategy



IRENA
International Renewable Energy Agency

**WORLD
ENERGY
TRANSITIONS
OUTLOOK**

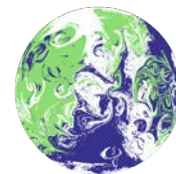
Member to assess the extent to which a country has all the necessary regulatory, political and financial components in place to support the deployment of renewable energy.

In addition, RRAs provide a set of recommendations specific to the country's development of renewable energy and covers areas such as policy, regulation, risk, investment, skills development, electrification and generation, and end-use applications. IRENA has collaborated with several Members, that are also Commonwealth countries, to produce RRAs, including Fiji, Grenada, Ghana, Pakistan, Vanuatu, and Zambia, amongst others.

The most recent RRA was jointly published in August 2021, by IRENA in collaboration with the Botswana's Ministry of Mineral Resources, Green Technology and Energy Security (MMGE)³. The RRA identified 13 key actions that could significantly impact the energy transition in Botswana. Two of the key actions include the promotion and facilitation of a clear long-term vision for renewable energy development and operationalising the country's regulatory authority.

Additionally, for country level initiatives, IRENA conducts site appraisals, assessing both the technical and financial feasibility of wind and solar sites using innovative and cost-effective approaches. The Agency also provides support on Nationally Determined Contributions (NDCs)⁴ to its Membership, such as NDC enhancement, planning and implementation.

Aside from country level initiatives, IRENA is engaged at a regional level too through the development of initiatives such as the Clean Energy Corridors⁵, which seek to accelerate the development of renewable energy through cross-border trade. Today, these corridors are comprised of the Africa Clean Energy Corridor (ACEC)⁶ and the West African Clean Energy Corridor (WACEC)⁷ – which includes



Botswana, Ghana, Kenya, Kingdom of Eswatini, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Rwanda, Sierra Leone, South Africa, The Gambia, Uganda, United Republic of Tanzania, and Zambia.

Our work in Africa does not stop there. The Agency recently announced that it will work with the African Union to support the development of a Continental Power Systems Masterplan, which aims to promote access to affordable, reliable and sustainable electricity supplies across the continent by unifying Africa's transmission network.

Furthermore, the Agency initiated and is supporting two Renewable Energy Entrepreneurship Support Facilities⁸, for Members of the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). The Renewable Energy Entrepreneurship Support Facilities are aimed at developing a market for ECOWAS and SADC based renewable energy small and medium-sized enterprises through training, mentorship, and linkages with financial institutions.

Project facilitation in the Commonwealth

While our work to offer policy guidance and capacity building is a core to the Agency's mandate, we are equally as engaged in project facilitation. As part of the IRENA/ADFD Project Facility⁹, the Abu Dhabi Fund for Development (ADFD) finances innovative projects identified by IRENA to expand sustainable and equitable energy access in developing countries. Several projects in Commonwealth countries are amongst the beneficiaries.

In total, our partnership has committed US\$350 million to projects that deliver clean energy to more than 4 million people in 26 countries around the world. Commonwealth countries that have benefited from the partnership to secure funding for renewable energy project implementation include Antigua and Barbuda, Guyana, Maldives, Mauritius, Saint Vincent and the Grenadines and Seychelles to mention just a few.

To elaborate on Seychelles, the IRENA/ADFD project facility provided funding of US\$8.5 million for a 5 MW Solar PV project, integrated into an existing offshore wind farm, benefiting 5,000 residents, providing 295 direct and indirect jobs, reducing diesel imports by 1.6 million litres each year and mitigating 5,000 metric tonnes of Carbon Dioxide Equivalent emissions annually. The project is generating electricity though pending official inauguration.

The Agency also supports international level initiatives, including capacity building activities and as the secretariat of the Global Geothermal Alliance (GGA)¹⁰, IRENA seeks to increase the use of geothermal energy globally. Through the GGA, IRENA provides a platform for dialogue, cooperation and coordinated action between the geothermal industry, policy makers and stakeholders worldwide. India, Kenya, Malaysia, Papua New Guinea, Solomon Islands, Uganda, United Republic of Tanzania, Vanuatu and Zambia are among some of the GGA's members.

Parliamentary engagement

Parliamentary engagement is a high priority for IRENA. Parliamentarians witness first-hand the devastating impacts on local communities, and are on the frontlines, assisting their constituents and dedicating their work to saving and improving lives, especially in these difficult times. They are an asset to their respective countries and regions, as well as the global community at large as they have seen the crucial link between energy, health and welfare. In essence, the importance of universal access to energy in achieving developmental priorities has become further crystallised.

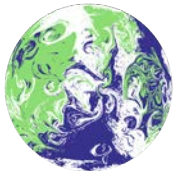
In recent years, IRENA has enhanced its parliamentary engagement work¹¹ by sharing the latest knowledge, experience and best practices on renewable energy socio-economic benefits and on specific related topics, and by convening Parliamentarians from across the world to discuss global, regional, and local energy transition related issues in an effort to promote knowledge sharing and where possible identify common ground to promote cooperation.

In the margins of the Agency's most recent annual Assembly, the sixth edition of the IRENA Legislators Forum¹² took place on 13 January 2021. The virtual event brought over 100 legislators from over 50 countries together under a structured platform for dialogue on parliamentary action to promote investments in renewables and set the stage for practical and actionable financing solutions to address global challenges including the recovery from COVID-19.

Left: The 5th IRENA Legislators Forum took place on 10 January 2020 in Abu Dhabi, and discussed the role of engaging communities to accelerate the energy transformation and promote a fair and just transition.



Image credit: IRENA



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Image credit: IRENA.

A Way Forward

There is no doubt 2021 is a critical year, which could be a turning point in global efforts to decarbonise energy systems in line with a net zero future. COP26 must signal a shift towards a more action oriented global agenda that prioritises progress over pledges. Time is short and our options to achieve a climate safe future are narrowing but there is hope that the unprecedented momentum for energy transition we are currently witnessing is merely the start of a period of accelerated and more concerted action.

Building the political and public consensus needed to mobilise public and private climate resources would not be possible without the key role played by Parliamentarians. The establishment and continuity of regulatory frameworks that encourage private sector participation in the energy transition are essential components of success that are largely driven by MPs. Additionally – and critically – Parliamentarians engage in public debate and are pivotal to driving and upholding consensus. For these reasons, Parliamentarians are not only highly valued partners to IRENA, but they are also indispensable climate action champions.

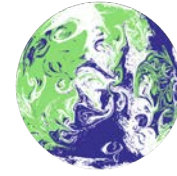
To align with a climate-safe path by 2050, we must be on track this decade, which will require unprecedented levels of cooperation. Here the Commonwealth and its Parliamentarians have a unique opportunity to foster international collaboration and ensure we can turn ambition into action and build a future that is inclusive, sustainable and prosperous for all.

Above: The Ile de Romainville solar park project in Seychelles is integrated into an existing offshore wind farm, located 500 metres from the largest island of Mahé.

For further information about the work of IRENA visit www.irena.org and the IRENA Parliamentary Network visit www.irena.org/parliamentarynetwork.

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HOW HAS THE COVID-19 PANDEMIC AFFECTED CLIMATE CHANGE POLICIES/LEGISLATION AND WHAT ROLE DO PARLIAMENTARIANS HAVE IN PLANNING FOR A 'GREEN RECOVERY'?

Ahead of COP26, the UK's first Green Party Member of Parliament examines climate change policies and the role of the Climate Assembly.

Almost two years ago, on the steps of 10 Downing Street, the UK Prime Minister, Rt Hon. Boris Johnson MP celebrated his election victory with the promise to make Britain *"the cleanest, greenest [country] on Earth, with the most far-reaching environmental programme"*.¹

He renewed his predecessor's commitment to reaching net zero carbon emissions by 2050 and added it was his UK Government's *"solemn duty to deliver on each and every one of those commitments"*.

Pledges are easily made and, especially with this UK Government, even more easily broken.

The UK Prime Minister's rhetoric about global leadership on climate has kept on flowing, as have new, more ambitious climate targets: the aim of reducing carbon emissions by 68% by 2030 compared to 1990 levels, and 78% by 2035;² raising the target for offshore wind power capacity to 40 GW³; a pledge to protect 30% of land for nature by 2030.⁴

It's not targets we are short of, it is the policies, plans and investment to reach them. And those are too often missing.

Since the 2019 UK General Election, of course, we have faced a global pandemic which has understandably absorbed most of the UK Government's time and significant financial resources to prop up the economy. But COVID-19 has also taught us some valuable lessons about how we respond to emergencies, including the heavy price to be paid if we don't prepare for a crisis, or take action too late. The UK proved ill-prepared for the impact of the pandemic, its health service was almost overwhelmed and it has one of the highest death rates in western Europe.⁵

UK Ministers say that no-one saw a pandemic coming. They cannot say the same about the climate and ecological crises. The warnings have been there for decades, and they are getting louder and more

urgent. We have also seen what government can do when faced with a crisis. The response to both the public health emergency of COVID-19 and the economic fallout has been unprecedented. When government chooses to act fast, it can do so at speed and scale and find the necessary resources.

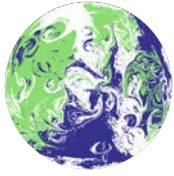
The need to reset the economy in the wake of COVID-19 now presents the UK Government with a unique opportunity, a chance to re-imagine how our economy and society operate – to *"build back greener"*.

There is widespread support for this in the UK, from the employers' organisation the CBI, from trade unions, from civil society, and from the UK citizens' assembly on climate.⁶ This was a group of 108 citizens, representative of the UK population, brought together at the request of six Parliamentary Select Committees to consider how the UK should achieve its legally-binding target of net zero emissions by 2050. Four in five of them agreed that *"steps taken by the government to help the economy recover should be designed to help achieve net zero"*.

The UK Climate Assembly⁷ was organised through the UK Parliament and is a model that could be used by other Commonwealth Parliaments in their engagement with their citizens and civil society. The UK Climate Assembly had members selected through a process known as 'sortition' or a 'civic lottery' to be representative of the UK population and the included 'engineers, health workers, parents and grandparents'. They met as an assembly over six weekends between the end of January and the middle of May 2020 and the members heard balanced, accurate and comprehensive information on how the UK could reach its net zero target by 2050. They then discussed this with each other and voted by secret ballot before the results of their work were published in a final report to the UK Government.



Hon. Caroline Lucas, MP is the UK's first Green Party Member of Parliament and was first elected for Brighton Pavilion in 2010. She served as Leader of the Green Party of England and Wales from 2008 to 2012, and Co-Leader from 2016 to 2018. From 1999-2010, she served as one of the Party's first Members of the European Parliament. In the UK Parliament, she is the Chair of the All-Party Parliamentary Groups on Climate Change and Limits to Growth and is active on many other parliamentary campaign groups



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The UK Climate Assembly was not the only case of UK MPs reaching out beyond Westminster to engage with people about the most critical issue of our time. Last year, as a member of the UK Parliament's All-Party Parliamentary Group on the Green New Deal, I spent much of the summer on a project called Reset⁸ exploring how we might re-imagine our economy in the wake of COVID.

We commissioned surveys, an opinion poll, held workshops and evidence sessions and conducted in-depth interviews with policy experts and members of the public. Overall, more than 55,000 people in the UK took part in the process.

The results were striking. There was overwhelming agreement that the COVID-19 crisis presented a unique opportunity to re-think the way our society is managed, and a chance to turn our backs on a system which has led to gross inequality and deprivation, and which is pushing our environment beyond its limits. There is clear support across the country for fundamental change, in response to both COVID-19 and the climate and nature emergency.

Unfortunately, that is not what is being delivered.

In the past year, we have had just one climate announcement of any significance from this UK Government, described as a 10-point plan⁹ for a “green industrial revolution”. It was supposed to lay out the policy path to net zero. In reality, it was little more than a shopping list of proposals ranging from an earlier phase out of petrol and diesel vehicles, to more home insulation and research into hydrogen fuels. Even if all the policies were implemented, and some of them were highly speculative, they would have taken the UK only half-way towards closing the gap where, by law, our carbon emissions are supposed to be by 2032 and where they're currently heading.

Nor is there adequate funding for this 10-point plan. The UK Government claims it's backed with £12 billion of public money, but only a third of that is new funding.¹⁰ It's also a fraction of what other western countries are investing – 26% of France's 36 billion Euros and, scaled by population, just 6% of US President Biden's green stimulus.

This matters not only because the climate emergency is accelerating and its impacts intensifying, as the IPCC report¹¹ this year made clear. It matters because the UK is hosting COP26, putting its climate actions firmly in the global spotlight. Calls for other countries¹² to be more ambitious in their climate action plans

“This matters not only because the climate emergency is accelerating and its impacts intensifying ... It matters because the UK is hosting COP26, putting its climate actions firmly in the global spotlight.”

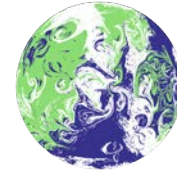
would be better received if the UK was showing the way. It isn't.

When the UK Government commands a majority of 80 in the House of Commons, any opposition to its plans can be easily brushed aside. But there is growing support in the UK Parliament for more ambition and urgency in response to both the climate and ecological crises. More than 110 UK MPs from eight political parties are backing a Private Member's Bill that I introduced last year, the Climate and Ecological Emergency Bill¹³, which updates the UK's existing climate legislation, brings it into line with the latest science, and includes measures for the restoration of nature.

I am also a co-sponsor, alongside UK MP Clive Lewis (Labour), of the Green New Deal Bill¹⁴ which covers areas from health and housing through to energy savings and renewables, nature protection and the circular economy. It would also “level up” the nation – a key UK Government commitment. The multi-party support across the UK Parliament for these Bills is exactly the kind of collaboration and cross-party consensus that the UK Climate Assembly called for. The groundwork has been done, inside and outside Parliament. It is now up to the UK Government to act.

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LOOKING AHEAD TO COP26: A FOCUS ON SMALL ISLANDS

I live on an island of nine by five miles in the English Channel. Jersey has a strong economy and a vast amount of wealth travelling through the island, a position not shared by some small island states and communities. It is a beautiful island, with coastal environments unique to us and stunning areas of beauty packed into this tiny space. However, as with many small island states, we face significant threats from climate change. We are currently in the political and social process of deciding how we will address the challenges we face and where we fit into the wider world in terms of what we do and the timescales within which we work.

My involvement in the Commonwealth Parliamentary Climate Change Working Group, convened by the CPA UK Branch, has enabled me to have an even greater focus on the threats we face and has amplified the plight of small island communities worldwide as we see changes to our climate. Speaking to a fellow group member from Kiribati brought these issues sharply into focus. Kiribati is a group of 33 Pacific atolls that lie just 1.8 metres (or 6 feet) above sea level at the highest point. It is recognised as one of the top six countries that will be most impacted by climate change.

To these islanders, and all who live in small island communities, climate change is very real and an issue that needs to be addressed now. Indeed, it needed to be addressed many years ago. The reality is that we face an existential threat to our communities. One that has taken many years to develop but leaves us with a short window of opportunity if we are to act and have the significant positive impacts that are needed. We all hope we are not too late, but the very phrase 'existential threat' is almost impossible to process for many, particularly, it appears, those who amass great wealth.

The smallness of these islands brings another challenge. Individually, our direct contribution to climate-changing emissions can be seen as insignificant compared to larger countries worldwide. As the world attempts to address our impact, many small communities may face calls to wait until the large emitters act before we take on the economic challenge of changing our infrastructure.

Indeed, small island states may face significant infrastructure and economic challenges before the issues of climate change are considered. And, of course, COVID-19 has provided another serious economic challenge to us all. There are huge inequalities across jurisdictions that unless addressed, will lead to growing divisions within and between countries. It is always the poorest in our societies that suffer most, and climate change will certainly amplify this effect. It is these issues that have driven the Commonwealth Parliamentary Climate Change Working Group, and served as a vehicle to bring voices from across the world together to share commonalities in the experience of addressing climate change.

So, is it realistic for those who create the least impact to spend perhaps a larger proportion of their wealth on addressing the threat of climate change? And is it even possible?

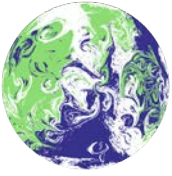
A quick search will produce the top 5 CO² emitters and contributors to climate change:

1. China.
2. United States of America.
3. India.
4. The Russian Federation.
5. Japan.

It also appears that Bhutan is the only carbon negative country in the world. So, should we simply be looking to the highest polluting countries to address their emissions? The simple answer is yes but we must also play our part and drive the change we expect of others. We can consider that when we combine the impact of all small island states we will see a significant impact on climate emissions. Perhaps considering small islands together should be in our mindset. Collectively there is an impact from our emissions, but there is also a huge impact from the political voices of those on the front line of climate change such as our colleagues in Kiribati. It was small island states that drove the initial calls for climate action. This must not be forgotten. Collectively we have a voice that holds an important key to unlocking change.



Deputy Rob Ward was elected as a Deputy of St Helier District 2 in May 2018 to the Jersey States Assembly. Previously he was a teacher for 25 years and was President of Jersey branch of the NUT (now NEU) teachers union. In Parliament, he chairs the Children, Education and Home Affairs scrutiny panel and has brought forward propositions on declaring a climate change emergency and supporting sustainable actions. He is a member of the Commonwealth Parliamentary Climate Change Working Group, convened by the CPA UK Branch, and he recently completed the CPA course in Parliamentary Governance with McGill University.



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A satellite view of the island of Jersey.

What can we do as small islands? We must involve our communities. In Jersey, a climate change emergency was declared following a proposition I brought to the States Assembly.¹ Part of the action taken (and we have so much more to do) was the formation of a citizen's assembly.² This exercise in community involvement involved a panel taken from across our population. The process of sortition was used to get a panel reflective of the community. The panel produced a report with recommendations on several areas specific to Jersey as an island, including a majority of the panel approving the target of carbon neutrality by 2030.

And that is the key. An informed and intelligent discussion looking at both the international threats from climate change and the specific

island threats we face. Then looking at the actions we can take as islanders to address our impact and change our society. I have referenced this report and it is an interesting read. I hope you will take the time to think about the process.

This is not a perfect answer. And indeed, the political will to implement these and other far-reaching recommendations is still not evident. There remain vocal opponents to action due to the economic impact it may have. This short-term view is difficult to combat and is a distraction from the larger long-term issues we must address. The protection of wealth is still a more powerful political driver than the protection of our planet.

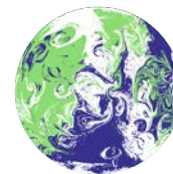
The failure to act now will leave us some stark choices for our future populations. How will we accommodate climate refugees whose homes will be lost as the impacts worsen? Will we accept the wholesale loss of island communities and the rich cultures they hold?

In this article for *The Parliamentarian*, I have avoided mentioning previous climate change agreements and declarations of action. There is one simple reason: we have not taken the action we need to if we are serious about addressing climate change. And so, it is what we do now and in the future that is key; the action we take as communities no matter what our size. It is this that I want to emphasise.

As a resident of a small island community and a political representative, I want to urge all islands to act. Individually we know

“The failure to act now will leave us some stark choices for our future populations. How will we accommodate climate refugees whose homes will be lost as the impacts worsen? Will we accept the wholesale loss of island communities and the rich cultures they hold?”

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where our main emissions come from. We know our societies and the economies that support them. Collectively we must be honest about the inequalities faced and be courageous in supporting economies that share the threat but not the financial clout to address it. Technological developments must be supported and shared. Small islands can act as model economies that are future-proofed and carbon negative. Just like Bhutan. And just as with raising the issues initially, we can lead the way for larger countries to adopt these models for their towns and cities.

The Commonwealth Parliamentary Climate Change Working Group is one voice in the cacophony of groups concerned with climate. But we have voices from across the planet, from huge countries to tiny islands. And sharing ideas and exerting political pressure is vital and has an urgency that has never been so clear. I want this group to be a voice for those small islands that will be massively impacted by climate change. We have a moral responsibility to act as much as the large polluters and the time to do so is now. COP26 is looming. Will it be another summit with declarations not worth quoting in future pieces written on climate change? Or will we see genuine action taken with the urgency needed?

There is a native American proverb that states “*We do not inherit the earth from our ancestors, we borrow it from our children.*” It seems that we have borrowed the earth and proceeded to trash it. So, like the responsible member of the family that realises the parents are returning home and the house is in chaos, it’s time to roll up our sleeves and get on with sorting the mess.

One of the most reassuring parts of the Commonwealth Parliamentary Climate Change Working Group is the involvement of young people from the Commonwealth Youth Climate Change Network. Listening to their voices and determination to make change gives me hope. The energy of youth is infectious and much appreciated. I am a parent and was a teacher before I was elected. I spent my career encouraging young people to look to the future and be successful in whatever way they wanted. I have children who are now in their twenties and looking ahead. It is for them that I continue to work. My generation is guilty of reckless exploitation of our planet. It is time to change this – one small island at a time if needs be.

Or, as one young Swedish woman who has been so influential so succinctly stated. “*The eyes of all future generations are upon you. And if you choose to fail us, I say – we will never forgive you.*”

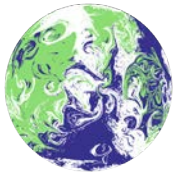
We sit on the Commonwealth Parliamentary Climate Change Working Group as Parliamentarians. We must take our voices back to our Parliaments and pressure for action. We will look to do exactly this at COP26 so that the summit is more than just words and that small islands worldwide have a future. It is certainly one worth fighting for.

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St Brelade's Bay, Jersey.



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CANADA'S RESPONSE TO SUSTAINABLE INVESTMENT AND GREEN RECOVERY IN A POST-COVID-19 ERA

Climate change is the most problematic issue that the globe is facing, and this problem must be resolved soon. As a member of the Commonwealth Parliamentary Climate Change Working Group, I am pleased to contribute this article for *The Parliamentarian* on the Canadian approach and response to post-COVID-19 recovery.

At the time of writing this article, Mother Nature is not happy with human activity. There are heat waves, forest fires, floods, droughts, weather uncertainty across the globe. Canada has experienced the worst heat wave in decades, with a heat bubble across the western provinces and people dying because of that. Forest fires have destroyed communities and lives. The economic impact of climate change is devastating, and so is the impact on mental and physical health.

Being an urgent phenomenon, and climate change being a global issue, Canada's approach has been to introduce measures that will allow it to meet its global commitment. To date however, despite all policies, Canada has not met any of its international targets. COVID-19 has put an added urgency to addressing the impacts of climate change.

This article provides an overview of Canada's commitment for an inclusive, green and/or sustainable recovery from the COVID-19 pandemic. It also outlines measures Canada has introduced to date that may be seen as part of a sustainable recovery and its financial commitments.

International calls to 'build back better'

Beginning early in the pandemic, representatives of a number of international organisations advocated a focus on inclusive and sustainable growth as countries developed their recovery plans. In December 2020, UN Secretary-General, Antonio Guterres summed up the situation as follows: "We have a chance to not simply reset the world economy but to transform it. A sustainable economy driven by renewable energies will create new jobs, cleaner infrastructure, and a resilient future. An inclusive world will help ensure that people can enjoy better health and the full respect of their human rights and live

with dignity on a healthy planet. COVID recovery and our planet's repair must be the two sides of the same coin."¹

A sustainable economic recovery

What is meant by green economic recovery? According to *Carbon Brief*, an organisation that tracks climate-related measures proposed and approved in the world's major jurisdictions, the concept of a green economic recovery is one "that 'builds back better,' by cutting CO2 emissions as well as boosting the economy."²

A number of organisations emphasise that plans to recover economically from the pandemic should include measures that lead to a reduction in greenhouse gas (GHG) emissions that is sufficient to meet globally agreed targets. One of the measures introduced by Canada is a carbon tax, that makes polluters pay but also credits the taxpayer for the added costs that may ensue.

In considering the impacts of recovery on emerging economies, a report from the International Finance Corporation suggests that "prioritising decarbonisation and low-carbon pathways across emerging markets" in recovering from the pandemic "offers an effective way to forge more sustainable, resilient, and equitable economies."³

Canadians call for a sustainable Canadian recovery from the pandemic

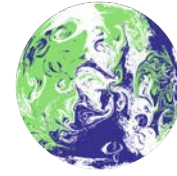
In Canada, a number of civil society organisations have called on the government to build a more inclusive, green and/or sustainable recovery from the pandemic.

On 3 April 2020, more than 200 individuals from Canada's clean energy sector, representing about 2,000 companies and trade associations, sent an open letter to the Canadian Prime Minister, Rt Hon. Justin Trudeau, with suggestions on a resilient recovery. As well in the same month, a number of Canadian environmental, labour, and social justice organisations collaborated in developing "Six Principles for a Just Recovery," which have now been endorsed by hundreds



Hon. Yasmin Ratansi was a Member of the Canadian Parliament for the riding of Don Valley East (2004-2011 and 2015-2021). She held various positions in Parliament including Chair of the Standing Committee on Environment and Sustainable Development, Chair of the Standing Committee on the Status of Women, Vice-Chair of the Procedure and House Affairs Committee. She was the Chair of the CPA Canada Federal Branch and presented at many CPA seminars and conferences. She is a member of the Commonwealth Parliamentary Climate Change Working Group, convened by the CPA UK Branch.

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of Canadian organisations. The principles focus on ‘building back better’ through priorities like building solidarity and equity across communities, generations, and borders as well as building resilience.

In September 2020, the Green Budget Coalition – a group of 25 Canadian environmental and conservation organisations – released its Recommendations for Recovery and Budget Actions in 2020–2021. Among other activities and topics, the coalition focuses on developing recommendations that it believes will “*create jobs while accelerating Canada’s responses to the climate and biodiversity crises.*”

The coalition also recommended that funding for climate finance be renewed in the Budget 2021, and “*that Canada increases its contribution in line with what is considered our fair share of responsibility (3%–4%) and invest as much or more in adaptation as in mitigation.*”⁴

Elements of a sustainable economic recovery in Canada

Canada has made various international commitments concerning reductions in GHG emissions, protection of biodiversity, and attainment of the United Nations Sustainable Development Goals (SDGs). It has made commitments to the 2015 Paris Agreement, as well as, together with 192 UN member states, adopting the 2030 Agenda for Sustainable Development, including its 17 SDGs.

Below: The tallest of a series of waterfalls in Rivière-du-Loup, Québec, Canada is the location for a hydroelectric station.

The Fall Economic Statement (FES) 2020, released on 30 November, included economic response measures, to address the impacts of the pandemic and provide direct support to individuals and businesses to survive.

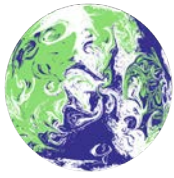
Economic response to COVID-19: Selected federal pandemic-related measures

COVID-19 has impacted vulnerable groups like seniors, youth, women, the disabled, indigenous peoples, those working in the gig economy and black business owners the most. Hence the Economic Response Plan, through programs like the Canada Emergency Response Benefit (CERB), Canada Emergency Wage Subsidy (CEWS), Canada Emergency Business Assistance (CEBA) and the like, had as its first priority, financial assistance to both the individuals and to businesses. As well, funding was provided to civil society organisations serving groups like women facing violence and those facing homelessness.

Canada’s COVID-19 Economic Response Plan also includes measures that support the energy sector, including an initiative to clean up orphan and inactive oil and gas wells, as well as the Emissions Reduction Fund.

On 11 May 2020, the government announced the Large Employer Emergency Financing Facility, to provide bridge financing to the larger employers to help them mitigate the impact of COVID-19 and climate change. To be eligible, recipient companies were required to





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make a commitment to publishing annual climate-related disclosure reports consistent with the Financial Stability Board's Task Force on Climate-related Financial Disclosures. The government also changed the Investing in Canada Infrastructure Program to include a Resilience Stream, which allowed for accelerated approval process for projects that support community-level resilience, including parks, active transportation infrastructure, and disaster mitigation and adaptation projects.

In October 2020, the Government of Canada announced a plan to allocate C\$10 billion over three years, through the Canada Infrastructure Bank, to projects relating to sustainability and resilience.

These initiatives include renewable energy generation, storage, and transmission; expanded broadband Internet access; energy-efficient building retrofits; agricultural irrigation projects; and zero-emission buses and charging infrastructure.

The government has made a commitment to seize new market opportunities, develop complementary partnerships to ensure that the emission reduction targets are met and to create good jobs. The government announced plans to spend C\$14.9 billion over eight years on public transit as part of its effort *"to create one million jobs, fight climate change, and rebuild a more sustainable and resilient economy."*¹⁵

Economic recovery from COVID-19: federal approach

Once COVID-19 has been dealt with, the government intends to *"build back better – for a greener, more inclusive, and more resilient economy"* and reconciliation with Indigenous peoples. The total amount of spending on recovery planned for 2020–2021 is C\$2.4 billion, with a total of C\$15.5 billion planned over six years.⁶

Climate finance: Financial support to developing countries

Pursuant to Article 9 of the Paris Agreement, *"developed country Parties shall provide financial resources to assist developing country Parties with respect to both climate change mitigation and adaptation."*⁷ In 2015, Canada committed C\$2.65 billion in climate finance, to be delivered by 2020–2021.

Climate finance has been named as one theme among the five campaigns of this year's Climate Conference (COP 26), being held in Scotland, UK, in November 2021. Organisers have published a background document, *'Building a private finance system for net zero'*, authored by Canadian economist, Mark Carney, who is the United Nations Special Envoy for Climate Action and Finance and the UK Prime Minister's Finance Adviser for COP26.

Canada's commitment to climate finance

The funding that the Government of Canada has committed under the *"environment and climate action"* area of its Feminist International Assistance Policy is allocated to almost 50 projects worldwide that

address various climate change issues and the disaster management cycles.⁸

These projects include the following initiatives:

- **Clean Technology Fund (CTF)** – Created in 2008, the CTF is a multi-donor fund that invests in clean energy projects in several developing and middle-income countries around the world, including in the Americas. Canada's C\$200 million contribution to the CTF will be disbursed over two decades.
- **Green Climate Fund** – Canada pledged C\$300 million as its first contribution to the Green Climate Fund, which is the financial mechanism of the United Nations Framework Convention on Climate Change. Canada is the 10th largest contributor to the fund for this mobilisation of resources.

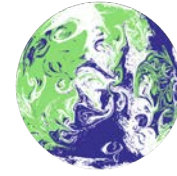
Stating that the 2015 commitment of C\$2.65 billion was almost fully allocated, the Government of Canada held consultations over the summer of 2020 related to its future international climate finance approach, which is due to begin in 2021. Some of the messages from participants include:

- adaption support should be strengthened.
- support for climate adaptation or mitigation should also support broader development and economic goals, as well as COVID-19 recovery efforts; and
- building community resilience should be a priority.

As climate change is a global phenomenon, it is imperative that all countries work hard to meet their emission commitments. To date, Canada has not met its commitment but in response to a question that I posed in the House of Commons, the current Minister has stated that to reach zero emission, he will institute a governance structure that is transparent and accountable. We hope that happens.

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COP26 AND THE ROLE OF PARLIAMENTARIANS IN ADDRESSING CLIMATE CHANGE THREATS WITHIN THE COMMONWEALTH'S VULNERABLE NATIONS

Where we are now

Transitioning to net-zero emissions by 2050 is the new target for climate and global greenhouse gas (GHG) emissions policy, following the 2015 Paris Agreement of "holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels" (UNFCCC, 2015).

But this net-zero aspiration, which aims to balance the amount of GHG produced and the amount removed, hasn't yet resulted in any state-of-the-art, clear-cut or widely applied interventions to avoid the worst environmental pollution and climate impacts, which would require global GHG emissions to drop by half by 2030 and reach net-zero around 2050.

Recognising the urgency of the situation, a rapidly growing number of businesses, national and local governments, academic institutions, emissions firms and experts are all working on solutions and making commitments to reach net-zero emissions within their jurisdictions or businesses. As a result, over 50 countries have set such *net-zero targets*, including the world's largest emitters (China and the United States), whilst hundreds more regions, cities and businesses have set targets of their own. Notably, many national and local governments – especially in the Global North – are transitioning to net-zero emissions by 2050. For example, having passed net-zero emissions by 2050 into law (*UK Department of Business, Energy and Industrial Strategy, 2019*), the UK plans to accelerate the shift to net-zero emission electric vehicles (EVs) by banning petrol and diesel cars sales by 2030 to decarbonise its transport sector. Moreover, the EU has adopted a series of legislative proposals setting out how it intends to achieve climate neutrality by 2050, including the

intermediate target of at least a 55% net reduction in GHG emissions by 2030.¹

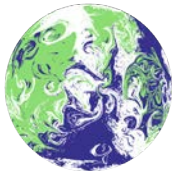
However, against the backdrop of extreme heatwaves, droughts, fires and floods across the globe, it remains crucial that *vulnerable and low-medium income countries (LMICs) are not left behind and excluded* in international decisions, particularly ahead of the COP26 climate policy discussions later this year. It's crucial that any decisions at COP26 take account of vulnerable countries when deciding their nationally determined contributions (NDCs), in particular the world's 42 small states (of which 32 are Commonwealth members). Such considerations are essential since small states are particularly vulnerable because of their geographic positioning, strong dependence on trade, limited access to development finance, and disproportionate impact from natural disasters and climate change.² Indeed, the effects of climate change are being felt particularly amongst the world's poor and vulnerable, and their consequences will continue to grow in severity and occurrence.

Considering that the world will likely surpass a critical warming threshold up to a decade sooner than previously predicted, with virtually no scenarios that avoid it, it's even more vital that COP26 discussions following the Paris Agreement address support for vulnerable countries and LMICs in the Commonwealth. *Article 4, paragraph 2* of the Paris Agreement says: 'Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions'.

Thus, this article recommends COP26 to support and stimulate conversations about the impacts on the Commonwealth's most vulnerable nations when pursuing domestic mitigation measures towards net-zero emissions by 2050.



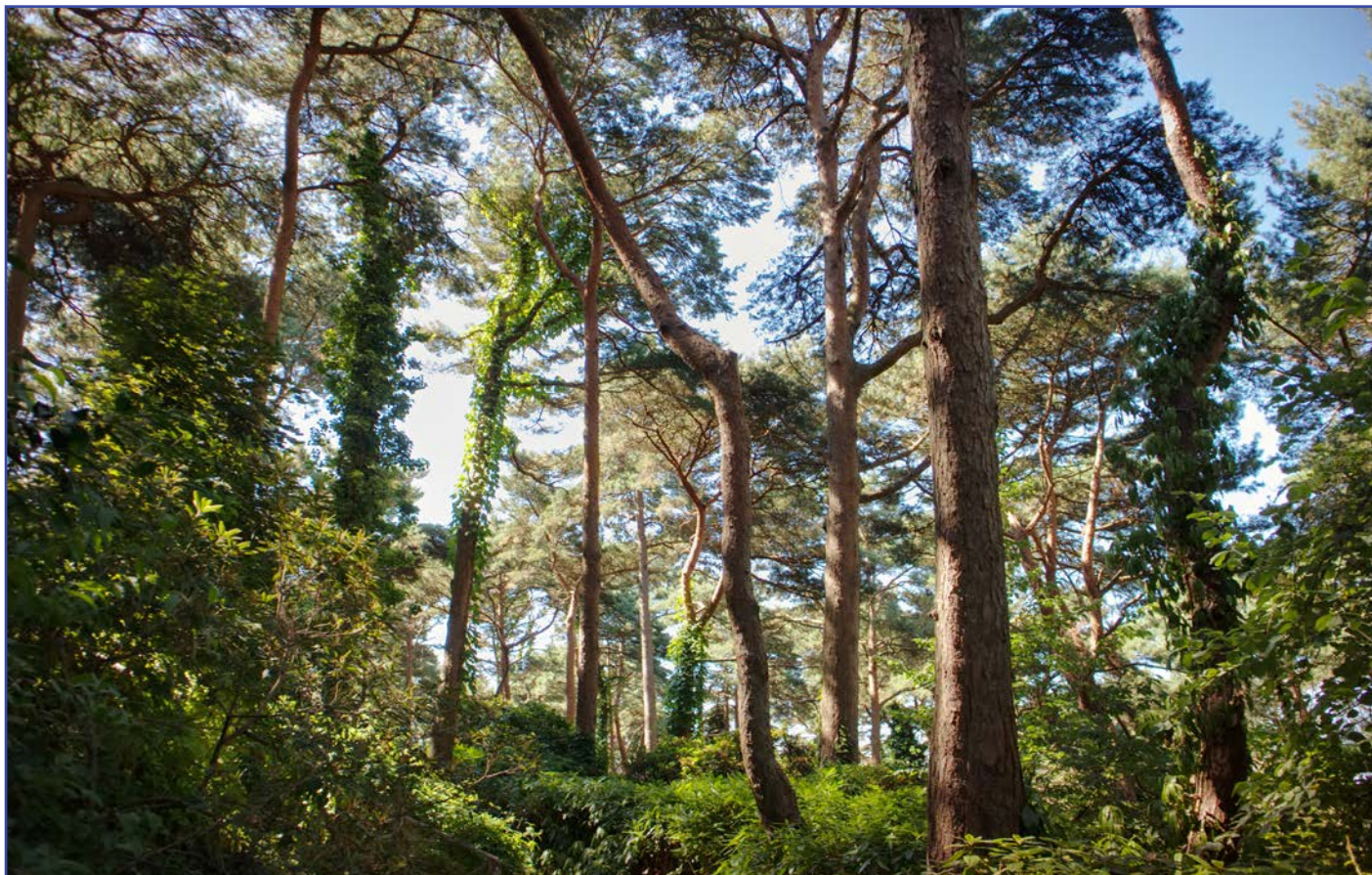
Dr Nana O Bonsu is a Research Fellow in Sustainability at the Lloyds Banking Group Centre for Responsible Business at the Birmingham Business School. His professional and research interests relate to sustainability policy and governance as well as environmental issues and their impact on public health in LMICs. Before joining the University of Birmingham, he worked for Surrey County Council, London Borough of Hounslow and London Councils where he worked on Infrastructure, Transport, Environment and Health related policy and projects.



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Not what we say that matters but what we do

As we transition to net-zero emissions, it remains crucial for COP26 to address the inequality in global emissions, considering that the world's wealthiest countries are home to half of the global population and emit 86% of CO₂ emissions.³ Any emissions reductions need to be part of a consistent and cumulative process across the globe.

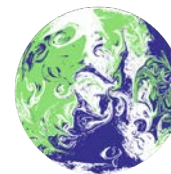
Finding compatible policy instruments and pathways for levelling this inequality is a significant challenge of this century. But COP26 can help support the world's 42 small states and LMICs to honour

“COP26 net-zero emissions action plans targeting LMICs in the Commonwealth and the world's poor should not vaguely discuss domestic mitigation measures towards net-zero emissions by 2050 but have a more detailed action plan for vulnerable nations.”

their commitment under the Paris Agreement to renew or update their NDCs, including the 2009 Commonwealth Climate Change Declaration.⁴

Though LMICs produced only 1.6% of global CO₂ emissions in 2014⁵ and will only produce 6% of global emissions in 2030⁶, LMICs still have a role to play in tackling other GHG emissions pollution, such as nitrogen oxides (NO_x) and ozone (O₃) air pollutants. Unfortunately, LMIC citizens are disproportionately affected by ambient air pollution; of the 4.2 million premature deaths worldwide in 2016 attributable to ambient air pollution, some 91% of those deaths occurred in LMICs.⁷

Often, air pollution in LMICs is due to overpopulation and uncontrolled urbanisation, as well as industrialisation. Given this, COP26 net-zero emissions action plans targeting LMICs in the Commonwealth and the world's poor should not vaguely discuss domestic mitigation measures towards net-zero emissions by 2050 but have a more detailed action plan for vulnerable nations. After all, it's not what we say that matters anymore but what we do in tackling climate crises across the globe. So COP26 must aim to stimulate and support new public policy development and robust measures



tackling climate-health issues within vulnerable countries, with clear pathways for Commonwealth countries and LMICs policy-makers and Parliamentarians to pursue the COP26 goals.⁸ Suggestions for pathways in three areas are highlighted below.

Pathway 1: Dealing with the politics of climate and net-zero emissions policy

It is explicit that political action and intervention on local, national, and international levels will have a decisive effect on whether or not humanity can limit global warming, adapt and become resilient. Unfortunately, for many policy-makers, especially in the Commonwealth's small states and LMICs, funding to tackle climate change and sustainability policy measures tends to be a 'back-of-the-mind' concern, as they experience a myriad of other burgeoning social challenges. For example, rising youth unemployment, poor education, hunger, waste, conflicts, poor health and poverty.

Thus, for any meaningful public debate on climate change and net-zero emissions policy to be developed, implemented, and achieved within LMICs would require seeing more 'proper leadership' and moral obligation from the governments and policy-makers, as well as international support for more sustainable development.

Hence, given that the focus of COP26 is on countries that are *most vulnerable to the impacts of climate change*, it is recommended for policy and political discussions to address the following:

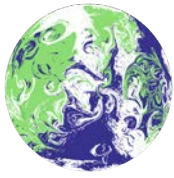
- i) Support governments and decision-makers in vulnerable countries to develop feasible/plausible legislative frameworks, with a roadmap for tackling climate change and net-zero emissions policies,
- ii) Address structural challenges such as funding for climate change programmes and projects, and
- iii) The development of sectoral and local net-zero emission business models and strategies.

Pathway 2: Future of vulnerable climate policy and climate health

The climate change crisis remains the most significant health threat facing humanity, and COP26 is a crucial moment for action. At the same time, the health arguments for climate action are now overwhelmingly clear. For instance, the impacts of climate change pose a range of threats to human health and survival in multiple, interacting ways: direct consequences such as heatwaves and extreme weather events like forest fires, floods and droughts; and indirect impacts such as migration and conflict.

- i) Legislative policy responses to protect public health and tackle the impacts of climate change must target LMICs' governments and businesses to avoid the worst effects of the climate crisis in the next decade.
- ii) Following COP26 and the role of Parliamentarians in vulnerable and Commonwealth countries, policy responses must note that health is an essential priority for governments and the wider public.





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iii) Parliamentarians must embrace the health benefits of a robust policy response, such as improved air quality, water and food security, increased resilience to climate shocks, and reduced healthcare costs, which are key factors driving the far-reaching change needed.

Pathway 3: Good Science

Significant inherent uncertainties plague current information available on climate change for policy-making purposes. And the scope of net-zero emissions discourse and widespread disinformation can make it hard to separate fact from fiction. The lack of good science includes uncertainties in the climate change models and climate change impacts, financial costs and policy responses.

Unfortunately, data gaps on the public health impacts of climate change and environmental air pollution, including knowledge amongst citizens and relevant local government, is still a problem in many LMICs' urban areas. Likewise, there is a lack of legislation and foresight around the impacts of climate change and ill-health implications of environmental air pollution. This article recommends that COP26 and Parliamentarians from LMICs and Commonwealth countries should consider:

i) Substantial funding and strengthening of public education in understanding climate change and air pollution science, with the capacity to scale up measures compatible with improved air quality and low-carbon technologies following net-zero emissions decarbonisation pathways;

ii) Explore real-time landscape-level data collection and monitoring, including broad dissemination of results, quantifying the co-benefits from net-zero emissions actions and intensifying their communication to influence and lobby policy/political decision-makers;

iii) Engage citizens through communication and awareness-raising about landscape-level data and the local health issues related to climate change and air pollution.

As per COP26 goals, '*good science and reliable data*' will remain crucial for countries to develop ambitious 2030 emissions reduction targets that align with reaching net-zero by the middle of the century. It is not too late for Commonwealth Parliamentarians to begin stimulating discussions on budgeting and funding climate change and air pollution research/science both nationally and locally.

Bringing it all together

In response to how COP26 can influence future climate policy amongst vulnerable and Commonwealth countries, the following could help guide LMIC Parliamentarians in their decision-making:

i) COP26 mitigation pathways should more closely consider LMICs' behaviour change programmes, nature-based solutions and future-oriented thinking (scenarios development) that consider the

interconnected nature of global societal challenges, such as tackling poverty, hunger, pollution, education and climate change.

ii) COP26 provides the ideal opportunity to exchange knowledge and promote significant investment in low-carbon technologies, such as energy storage applications, green finance and circular economy thinking.

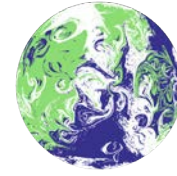
iii) COP26 and LMICs' climate policy should focus more on nature-based solutions – i.e. actions to protect, sustainably manage and restore natural or modified ecosystems, to address societal challenges, such as climate change, food and water security, or natural disasters.

Consequently, in considering the interplay between COP26 and the role of Parliamentarians in LMICs, public health should be the guiding principle of COP26, including prioritising research in gathering new data and developing bottom-up approaches in making well-informed decisions reflecting the national and local context. Thus, climate change policy development should not be linearly thought of as an environmental problem only but as an opportunity and means to an '*integrated framework addressing vulnerable and LMICs societal challenges*'. And as a means of achieving many of the UN Sustainable Development Goals (SDGs), such as creating new jobs (SDG 8), tackling poverty (SDG 1) and hunger (SDG 2), promoting good health and well-being (SDG 3), providing quality education (SDG 4), clean energy transition (SDG 7), innovation and infrastructure development (SDG 11), sustainable cities and communities (SDG 11) and ensuring peace, justice and strong institutions (SDG 16).

With their robust commitments and Paris Rulebook covering Nationally Determined Contributions (NDCs), COP26 can provide the foundations for Parliamentarians in the Commonwealth and in vulnerable nations to build sustainable, low-carbon and resilient futures in the face of a changing climate.

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PRIORITISING MARINE CLIMATE CHANGE ISSUES IN THE UK OVERSEAS TERRITORIES

In this article, the UK Marine Climate Change Impacts Partnership outlines some of its work in the UK Overseas Territories which are the location of some of the most vulnerable marine climates in the world.

Overview

The 14 UK Overseas Territories (UKOTs) collectively represent the 5th largest marine estate in the world, and almost 90% of the sea area for which the UK is responsible. The UKOTs contain 94% of the UK's unique biodiversity, much of it in their seas. Given the extent and richness of their marine and coastal environments, it is little wonder the territories are key for delivering the UK government's targets and ambitions for the ocean. This includes the Global Ocean Alliance 30by30 initiative, which is being led by the UK. Its aim is to protect at least 30% of the global ocean as Marine Protected Areas (MPAs) and Other Effective area-based Conservation Measures (OECMs) by 2030.

These unique territories, and their associated communities, are under threat from climate change. The UK Marine Climate Change Impacts Partnership (MCCIP), working closely with the UK Overseas Territories Association (UKOTA), the UK's Department for Environment, Food and Rural Affairs (DEFRA) and the Foreign, Commonwealth and Development Office (FCDO), and Great British Oceans, has carried out the first ever comprehensive assessment of climate change impacts across all UK Overseas Territories. Adopting MCCIP core principles of community engagement and scientific integrity, the key climate change issues facing the UKOTs have been identified, independently reviewed, and summarised for a policy audience.

Around 100 scientific experts and UKOT representatives across six geographic regions (Polar, Pacific, South Atlantic, Mediterranean, Caribbean and Mid Atlantic, and Indian Ocean) were brought together to identify key climate change issues for the 14 UKOTs.

UKOT REGIONS: PRIORITY CLIMATE CHANGE ISSUES

PACIFIC (PITCAIRN ISLANDS)

For the Pitcairn Island group, coral reefs and the intricate food webs they support, including commercial fish species, are increasingly at risk from the combined effects of warming and ocean acidification. Offshore, decreasing dissolved oxygen could make Pitcairn's waters less suitable for some tuna species.

Pitcairn Island relies heavily on imports for food, fuel, clothing, medicines and most other goods and materials, which could become more disrupted by extreme weather. Island shorelines may be affected by accelerating sea level rise.

INDIAN OCEAN (BRITISH INDIAN OCEAN TERRITORY (BIOT))

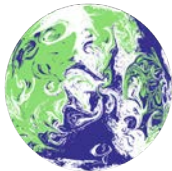
Severe warming is already having a significant effect on shallow reef habitats, and the communities they support, including fish. The effects of warming on BIOT's corals, with an increase in heat stress and bleaching events, are being exacerbated by ocean acidification. Coral reefs also supply sediment to BIOT's sandy beaches and provide coastal protection to the islands. Coastal change could threaten internationally important nesting sites for seabirds and turtles.



Dr Matt Frost is the Chair of the UK Marine Climate Change Impacts Partnership (MCCIP) and its Overseas Work Group. He is Deputy Director at the Marine Biological Association and Head of Policy and Engagement and chairs and contributes to a wide range of national and international science-policy projects and Committees.



Paul Buckley is the UK Marine Climate Change Impacts Partnership (MCCIP) Programme Manager and a principal scientist at the Centre for Environment, Fisheries and Aquaculture Science (an Executive Agency of the UK's Department for Environment, Food and Rural Affairs), specialising in communicating climate change science to policy makers.



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Above: A map showing the 14 UK Overseas Territories across the world.

SOUTH ATLANTIC (ASCENSION ISLAND, FALKLAND ISLANDS, ST HELENA AND TRISTAN DA CUNHA)

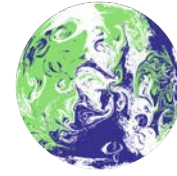
Marine food webs are at risk from changes in the growth and productivity of marine plants, including plankton, which form the basis of the food web, and kelp which provides critical habitat for many species.

Many iconic species could be affected by climate change including the Green Turtles on Ascension or Rock lobster in Tristan da Cunha, the latter having important economic value as a major fishery. Climate change is impacting on other commercially exploited species such as tuna and squid, with implications for food security and GDP in the Falkland Islands and Tristan da Cunha.

Sea-level rise and changes in storms and waves could increase coastal flooding and erosion, threaten the 'islander' way of life, and disrupt the flow of essential imports to these remote islands.

CARIBBEAN AND MID ATLANTIC (ANGUILLA, BERMUDA, THE BRITISH VIRGIN ISLANDS, THE CAYMAN ISLANDS, MONTSERRAT, AND THE TURKS AND CAICOS)

Sea-level rise and changes in extreme weather events (heatwaves, heavy rainfall, tropical cyclones and storm surges) constitute the biggest climate change risks to these UKOTs. Hurricanes Irma and Maria in 2017 (two of the most intense storms to hit the Caribbean), caused widespread devastation in Anguilla, the British Virgin Islands and the Turks and Caicos Islands. Climate change impacts on food security, fish, fishing communities, infrastructure, and operations, are highlighted as a priority issue, with important consequences for the livelihoods of local communities. Sea temperature rise is a major threat to habitats, most notably when marine heatwaves hit coral reefs and their associated communities. These impacts affect ecosystem health and marine food webs, as well as the reefs' appeal for tourism and recreation.



POLAR (SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS (SGSSI) AND THE BRITISH ANTARCTIC TERRITORY (BAT))

Sea surface temperatures at South Georgia and across the British Antarctic Territory are amongst the fastest warming in the Southern Hemisphere. These changes are having a major effect on how food webs and ecosystems function, impacting on globally important fisheries. A further issue is the loss of sea-ice, which provides critical habitat for charismatic species such as Adélie penguins and Weddell seals.

In the Southern Ocean, both the sea and marine organisms play a critical role in removing excess CO₂ from the atmosphere. Its capacity to absorb CO₂ might be reduced as seas warm. Warming waters may reduce the availability of oxygen for marine species, some of which will also be increasingly stressed by ocean acidification. The West Antarctic Ice Sheet in the British Antarctic Territory is one of the world's most vulnerable ice sheets. Both its size and the rate of ice loss will have significant implications for global sea-level rise.

MEDITERRANEAN (GIBRALTAR AND SOVEREIGN BASE AREAS (SBAS) OF AKROTIRI AND DHEKELIA)

For the Mediterranean UKOTs, which are geographically well spread, large-scale ecosystem and food web impacts are a key issue, with critically endangered species and regionally important habitats under pressure, such as seagrass meadows. These ecosystem-scale effects are being exacerbated by the spread of alien invasive species.

At the local scale, human health, coastal communities and infrastructure could be at risk. This is related to both an increase in flood risk, and increased presence of jellyfish and some algal species that present a risk to human health and that may clog industrial intakes or accumulate on beaches.

Common challenges

Although some of the climate change issues described here are specific to territories or regions, some common themes emerged across all the UKOTs, particularly when it comes to having an adequate knowledge base and supporting scientific infrastructure to better understand and address climate change impacts. For example, whilst there is strong evidence for climate change impacts in the regional seas and oceans around the UKOTs, a lack of local data often makes it difficult to measure changes and identify trends in the territories.

For many, resources for long-term monitoring programmes are limited and future climate projections do not realistically represent local land and sea areas, leading to much uncertainty when formulating action plans to address the impacts from climate change.

Part of the ethos of MCCIP is that it is just as important to state what we do not know as it is to report on what we do know. This enables funding bodies from local to national government to UK wide research councils to direct funding to the most urgent priorities. A range of knowledge gaps were therefore identified across the UKOTs ranging from specific needs such as better fish catch data in the Pitcairn Islands to more general requirements such as the need for more research and data collection in the South Atlantic UKOTs in order to better measure the impacts of climate change in relation to other human activities such as fishing.

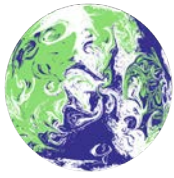
Not all the gaps relate to the biological or physical ocean components (e.g. Sea Surface Temperature, SST). For the Mediterranean, for example, there is also a real need to map stakeholder perspectives and gain a better understanding of

the economic value and other benefits of protecting the marine environment in order to support an adaptive management approach to limit socioeconomic losses.

Some of these gaps are already being addressed. It is hoped for example that innovations in technology (e.g. autonomous vehicles, remote monitoring stations, improvements in satellite remote sensing) will increase the ability of scientists to sample inaccessible regions such as the Polar region, leading to a better understanding of change in polar ecosystems and the services they provide. In other areas there is still much work to be done such as the OTs in the Caribbean and Mid-Atlantic region, which still suffer from a lack of data on which to develop sector-specific policies or assessments required to inform climate action to reduce vulnerability and exposure.



Image credit: Susie Grant/British Antarctic Survey



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Identifying solutions: Working with nature to build resilience

Across the UKOTs, efforts are already underway to work with nature to build resilience to climate change. 'Nature based solutions' are being seen by governments and scientists as a crucial element in meeting the challenges of climate change and the UKOTs are already utilising this approach widely across the different regions. The establishment of some of the world's largest MPAs in the UKOTs is key to increasing resilience to climate change, such as those established around South Georgia and the South Sandwich Islands and BIOT. At a local level, Pitcairn has developed a community action plan that includes limiting erosion, better management of fisheries resources, and controlling invasive species. Research in BIOT has shown the importance of restoring seabird populations to increase transport of nutrients from the open ocean to islands. Regional Caribbean frameworks that embed nature-based solutions, habitat restoration and water management in the South Atlantic, and seagrass restoration in the Mediterranean provide further examples.

Forward look: what next for the UKOT marine climate network?

With COP26 on the horizon, this work shines a light on the UKOTs and the challenges they face from climate change.

The MCCIP launched its latest report on 21 July 2021 with an opening address from UK Minister for Pacific and the Environment at the FCDO and DEFRA, Lord Goldsmith who said: *"The impacts of climate change pose a serious threat to the vital marine ecosystems of the UK Overseas Territories and the coastal communities that depend directly on them. By undertaking research, such as the reports published today, we can close gaps in our understanding and gain*

valuable insights that will help us to meet the global challenge of protecting and restoring the health of our ocean."

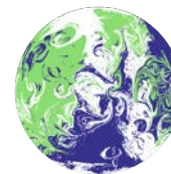
Focusing on six key regions (Polar, Pacific, South Atlantic, Mediterranean, Caribbean and North Atlantic, and Indian Ocean), more than 100 leading experts from all 14 UKOTs prioritised and highlighted their most important ecological and societal climate challenges in the latest report.

The launch event, eagerly attended across UKOT time zones, also included regional presentations from the six regions, a live debate, and an inspiring call to action from Professor John Cortez, Minister for the Environment, Sustainability, Climate Change, Heritage and Culture for the Government of Gibraltar and Chair of the Overseas Territories and Crown Dependencies Environment Ministers Council.

Supported by a strong social media campaign, the information and key messages are now being actively promoted in the UK and across the territories. A joint event with UKOTA is confirmed for UNFCCC COP26 to further promote these messages. This work has been vital in highlighting the key climate change issues for the UKOTs as well as looking forward to address the challenges.

Capacity building and science diplomacy have also been key aspects in delivering this work, which provides a benchmark for future climate action, supported by the strong civil service and UKOT networks established through this project.

Further info: The detailed peer-reviewed regional reports, summary cards and infographic are available at www.mccip.org.uk/uk-overseas-territories. The MCCIP Secretariat is based at the Centre for Environment, Fisheries and Aquaculture (CEFAS) and can be contacted at office@mccip.org.uk.



CARIBBEAN YOUTH VOICES SERIES: THE GREEN TRANSITION IN THE CARIBBEAN

Continuing our series of articles giving voices to the young people in the Commonwealth, two climate activists from the Caribbean look at the green transition in the Region.

Introduction

Climate change has highlighted the need for the transition to green energy in a more technologically advanced world. Representing 73% of global emissions, energy is the largest polluter by sector.¹ Energy production from fossil fuels reintroduces compressed carbon that has already cycled through the earth's system. The reintroduction of carbon is disrupting the earth's absorption capacity found in the natural recycling mechanisms designed to balance the system. This disruption of the natural cycles has resulted in 'human-induced' climate change. One of the solutions to reducing the rate of change is reducing emissions from our energy sources by replacing traditional fuels with renewable energy.²

Sunlight is perhaps the most studied and accessible form of renewable energy there is. With the earth receiving approximately 1,000 W/m² of light energy³, the need for further use of this energy source is vital. If there was a way to harvest this amount of energy per unit area, it would create a global energy surplus, however, that has not yet been achieved.

At present, PV systems (Photovoltaic systems)⁴ have an average conversion efficiency of less than 20%.⁵ Efficiency is also subject to several environmental factors, noting that cooling and consistent sunlight can increase output by up to 15%.⁶ As a result, research has been focused on using these factors to improve the output of these systems based on their geographic location.

Energy potential

The Caribbean Region is prime real estate for the up scaling of photovoltaic systems. The region has approximately 140 sunny days per year or approximately 3,000 sunlight hours in total.⁷ This presents an excellent opportunity to develop and test new technology under the most consistent environmental conditions. Currently, PV standards for output and warranty are designed by temperate countries, many of which have less than 100 sunny days.⁸ The research and development of equipment calibrated to the Caribbean Region's standard conditions could provide far more efficiency from technology and perhaps provide greater insight into what lies ahead in the green transition. However, governments in this region must also contend with access to funding to support the green transition as well as maintain access to social services.

Economic potential/Some challenges

Governments across the Caribbean acknowledge that heavy dependence on fuel in the electricity sector and/or on electricity imports (as in Belize's case) leads to a three-pronged problem. This reliance on fuel leads firstly to a large carbon footprint with associated climate change effects. Secondly, it leads to a lack of diversification in electricity sources that lowers electricity security, and thirdly, it leads to foreign exchange leakages that, when coupled with volatile oil prices, stifle economic growth.



Travis Gardiner is a recent graduate of the University of the West Indies Cave Hill campus with a BSc in Environmental Science and Ecology double major. He is a Barbadian youth advocate, environmentalist, and aviation enthusiast. Travis has spent the past 8 years of his life volunteering at various organisations and

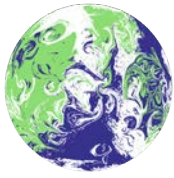
conducting environmental research into environmental education in civil society. His hope is to one day live a society that is focused on balancing nature and livelihoods.



Ian Cawich is a final year student at the University of the West Indies, Cave Hill Campus pursuing a BSc in Economics and Finance. Having been born and raised on the shores of Belize, he recognised the importance of respecting our natural environment at an early age. He is an environmentalist at heart and this is evident in his volunteer work

with organisations such as Oceana and Rotaract. He recognises that the Caribbean is one of the region's most susceptible to the effects of climate change and it is for this reason that he aspires to become an environmental economist.

Thanks to Rashana Jones, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian* for coordinating this article.



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The Inter-American Development Bank (IDB, 2016) in a study detailing the opportunities and challenges of renewable energy in the Eastern Caribbean, estimated that solar distributed generation and solar water heating could lead to fuel import savings of US\$155mn.⁹ The reduction in foreign exchange leakages in the region would come as a result of a reduced exposure to volatile oil prices. Belize, however; would be an exception as 94.4% of in-house generation already comes from renewable energy sources. The country would stand to save foreign exchanges by reducing the amount of electricity imported from Mexico's State-Owned Electric Utility (CFE). It is for this reason that all 15 CARICOM member states signed up to the CARICOM Energy Policy in 2013. This policy seeks to:

- Diversify energy sources
- Increase energy efficiency
- Accelerate the deployment of renewable and clean energy
- Increase installed renewable energy capacity in member states

Under this agreement, states committed to increase their renewable energy power capacity over the following staggered time horizons:

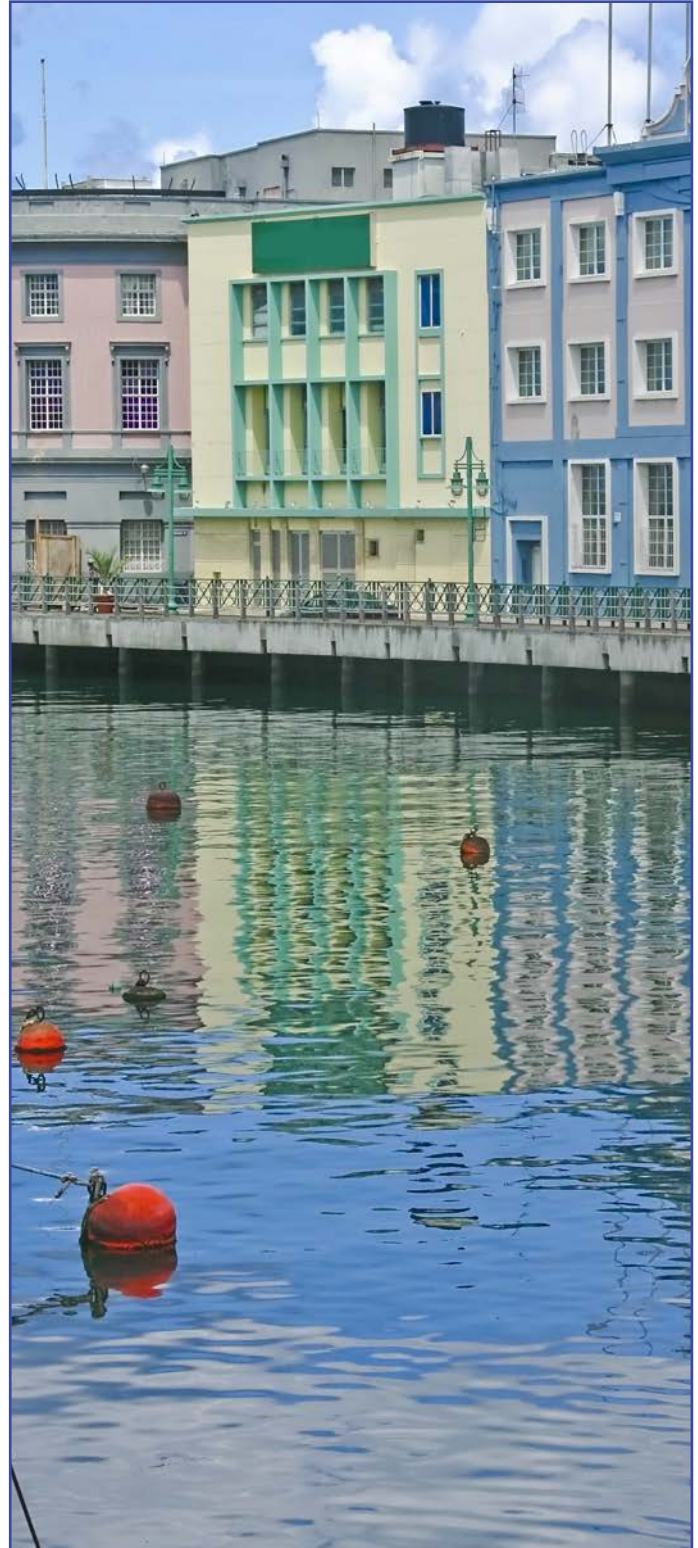
- i) short term (20% by 2017)
- ii) medium term (28% by 2022)
- iii) long term (47% by 2027).¹⁰

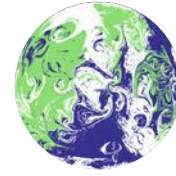
Currently, Belize and Suriname are the only states who are meeting the long-term target; however, this measure only takes the local installed capacity into consideration and ignores the high importation of energy by both countries.¹¹

In order to achieve this and various other commitments, nations across the Caribbean have turned to renewable energy sources, in particular, distributed solar energy generation. But how viable is this renewable energy source?

Though the Levelized Cost of Electricity (LCOE) of utility grade Solar Photovoltaic (PV) generation remains below most major utility energy sources currently employed in the Caribbean, according to a study commissioned by the IDB (2020), investment into solar PV still remains costly.¹²

“One of the solutions to reducing the rate of change is reducing emissions from our energy sources by replacing traditional fuels with renewable energy.”





Tillett (2012) elaborates on a phenomenon entitled '*The Dependency Dilemma*'.¹³ Essentially, investment into renewable energy sources remains heavily capital intensive, countries in the English-Speaking Caribbean often do not produce the capital required for such investments and thus do not have them readily available and often have to import them.

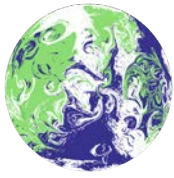
Therefore, by increasing dependence on renewable energy sources the exposure to volatile oil prices and dependence on electricity imports can be decreased but in the same breath capital imports would also increase. Essentially, one import is being substituted for another which can lead to the same foreign exchange leakages that were originally meant to be lowered.

The profitability of investment in renewable energy sources, in particular distributed energy, is further limited due to a lack or absence

of clear regulatory framework allowing for prosumer (A producer and consumer of electricity) to reap incentives. This lack of regulation has also led to an unclear licensing regime for small independent power producers as well as unclear land rights detailing access and use of land for renewable energy generation in various nations in the region. When considering the residential sector, numerous households in the region do not readily have access to lines of credit, with up to 35% of the population without access to bank accounts in some countries. To finance the expensive investment can easily incur costs surpassing USD \$5,000.

Other challenges have also reduced the profitability of renewable energy investments. Solar intermittency, for example, remains one of the most limiting factors to solar energy uptake in the Caribbean. Essentially, solar PV, much like most renewable energy sources,





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require specific weather conditions, in order to function optimally. Therefore, during periods of inclement weather or during the night, electricity generation through solar PV is impractical, as the sun is absent. This translates to an increased dependence on electricity imports or fuel-based generation in order to meet the evening demand peak.

Moreover, the electricity sectors of the Caribbean are relatively small in comparison to the rest of the world. In 2020, Jamaica registered a total electricity demand of 3,179GWh as compared to Germany's 558TWh.^{14 15}

Such a large volume of consumption has allowed these countries to obtain economies of scale, which in turn drives down the cost. There is simply not enough demand for electricity in the Caribbean to drive down costs and therefore, the said cost would ultimately have to be passed down to the consumers. This has further contributed to an underutilization of renewable energy resources, despite the remarkable potential in the Caribbean. For example: solar energy generation only accounts for 2.2% of Barbados' total installed electricity capacity despite the industry seeing an average annual growth rate of 42% in the past decade, predominantly led by Germany and China.¹⁶

Though the uptake of renewable energy does present some challenges, an increase in these energy sources can in fact lead to benefits such as: the access to grid connectivity for previously inaccessible areas (such as the north of Ambergris Caye in Belize); a realisation of climate change mitigation commitments made in accords such as the 2013 CARICOM energy policy and 2019 Paris Agreement; and lastly, an increase in energy independence by way of a reduction in electricity imports and a reduced exposure to volatile oil prices.

Things to consider

While the Caribbean has made large strides to meet its renewable energy targets and reduce fuel import bills, the inevitable must not be forgotten. The Eastern Caribbean is particularly vulnerable to disasters as the first point of contact in the main development region.¹⁷ The probability of these disasters is a great risk to the stability of energy systems across the region.

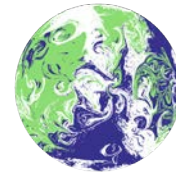
Greater consideration must also be given to future-proofing these renewable energy systems in the context of climate change. With the occurrence of more severe storms, energy sources throughout the Caribbean must be built with the idea of the 'once in a hundred years' storm in mind. This cannot be done unless there is strong support from the international community to aid the region in building climate resilience.

Small Island Developing States continue to bear the brunt of climate related disasters even though, collectively, their contribution

to greenhouse gas emissions cannot compare to that of large economies.

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THE POLITICS OF CLIMATE CHANGE LOSS AND DAMAGE: A YOUTH VIEW FROM THE CARIBBEAN

Consensus purports that the existential crises which burden the world require bold solutions. Yet, ambition often stalls in the comfort of the historical legacies that produced these challenges. Over five centuries of inequitable transfer of resources, this created disparities in standards of living and global power. The earth provides the resources that sustain our lifestyles but the people with the strongest symbiotic relationship with the environment have been disendowed and siloed. Their close ties to the environment and disempowerment have resulted in their disproportionate vulnerability to climate change. In contrast, nations that have benefited from this inequity hesitate to take the bold actions required to resolve the crises at hand.

By the 1960s, the science of climate change was known to world leaders. Action to safeguard the environment and implement holistic development formulated within three decades. Gaps still exist at the eleventh hour. Finance for Loss and Damage features among them. 'Loss and Damage' is defined under the United Nations Framework Convention on Climate Change as the cost of climate change that results from the failure of mitigation and adaptation to avert or minimize the impacts of climate change. It was attributed its own article under the Paris Agreement. 'Loss' refers to typically irreplaceable effects on health and culture while 'damage' refers to typically replaceable effects on property and infrastructure.

In the prelude to the establishment of the UNFCCC, Parties agreed that *"the financial burden of Loss and Damage suffered by the most vulnerable small island and low-lying developing countries as a result of sea-level rise shall be distributed in an equitable manner amongst the most industrialized countries."*¹

This agreement supports the principle of common but differentiated responsibilities and respective capabilities.² Further, the Convention *"bounds member states to act in the interests of human safety even in the face of scientific uncertainty."*³

The position of developed countries to dismiss the inevitability of Loss and Damage as a future prospect that can be thwarted

regardless of the ongoing trend in climate action and inaction contravenes the precautionary principle. Mitigation was the first strategy implemented to avert climate change in the mid-1990s. Consumption patterns and subversion of the carbon market scheme illustrate some challenges that undermine its efficacy. The Secretariat noted that *"In the early years of the Convention, adaptation received less attention than mitigation, as Parties wanted more certainty on impacts of and vulnerability to climate change. When IPCC's Third Assessment Report was released, adaptation gained traction, and Parties agreed on a process to address adverse effects and to establish funding arrangements for adaptation."*⁴

The Adaptation Fund, Special Climate Change Fund and Least Developed Countries Fund were created in 2001 to finance vulnerable countries that experienced impacts of climate change that could not be averted by reducing emissions.⁵

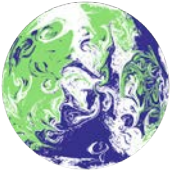
The Green Climate Fund, which is limited to mitigation and adaptation, was established under the Convention in 2010 to operationalize its Financial Mechanism.⁶ The Adaptation Committee was subsequently established to undertake technical work under the Cancun Adaptation Framework.⁷ The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, its Executive Committee and the Santiago Network were later developed to undertake a counterpart role.

However, finance for Loss and Damage remains cast in the scope of humanitarian aid and insurance despite the fact that *"the best available science confirms that loss and damage to small island developing states from the adverse effects of climate change is inevitable and that a portion of this loss and damage is the direct result of anthropogenic climate change."*⁸

As climate change mainstreams and its effects are recognised, it remains to be seen when leaders will acknowledge the foresight before them, apply lessons learned from past mistakes and finance Loss and Damage.



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Humanitarian aid involves short-term relief of suffering in emergencies. It covers a diverse portfolio of challenges we face. Over the last year, it has proven volatile in the disruption of the COVID-19 pandemic. In 2020, humanitarian aid approximated USD\$31 billion.⁹ Loss and Damage was estimated to be over three times this amount in the same year - a value equating the commitment that Parties have

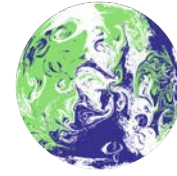
“Developing countries that have long been on the frontlines of climate change have been advocating for finance for Loss and Damage. However, power in international diplomacy is allocated based on economic factors and historic traditions.”

aimed to achieve for mitigation and adaptation. Yet, global leaders continue to dismiss the need for a fund dedicated to Loss and Damage despite the brunt of heat and storm records, eight years left to avoid the worst effects of climate change and carbon neutrality projected for another three decades.

Insurance solutions also do not suffice to finance Loss and Damage. The Caribbean Catastrophe Risk Insurance Facility - a model used to call for an international risk pool initiative - and an array of humanitarian aid covered 1% of the cost of Hurricane Dorian in The Bahamas in 2019. The Caribbean Commonwealth Nations form approximately a third of the small states that illustrate the neglect of climate-induced Loss and Damage.¹⁰

Barbuda exemplified this after Hurricane Irma in 2017 which left the island uninhabited because the government could not afford to restore the damage incurred.¹¹ The Politics of Climate Change Loss and Damage Project documented the limitation that the inability to finance Loss and Damage imposes for development in Antigua and Barbuda.¹² The trauma inflicted on the young people was depicted to the COP26 President-Designate by a member of the Loss and

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Damage Youth Coalition on a recent visit. In our changing world, it is worth having a dedicated source of finance to facilitate swift recovery from climate-induced disasters in vulnerable nations which will support resilience in our new reality and reduce compounding risks. Adaptation projects and humanitarian aid cannot bear this need. Loss and Damage finance is needed to bridge the lag.

Climate-induced mobility is another challenge that can be attenuated by establishing finance for Loss and Damage. Human resources have been a major factor in our history of inequitable transfer of resources that has created disparities in standards of living and global power. Climate-induced mobility threatens to perpetuate this legacy. People are the greatest asset in which we can invest for resilience. The COVID-19 pandemic has underscored this. Small states with land constraints and limited resources can attest to this. Loss and Damage finance for the swift recovery of nature-based livelihoods and restoration of infrastructure and property will attenuate the psychosocial effects of disasters, maintain the care of natural resources and enable societies to expedite the cycle of disaster risk management. This will help reduce conflict and promote peace.

Developing countries that have long been on the frontlines of climate change have been advocating for finance for Loss and Damage. However, power in international diplomacy is allocated based on economic factors and historic traditions. Developed countries have thwarted discussion of Loss and Damage finance. In contravention to their agreement in 1991 and against the principle of “*differentiated responsibility*” defined under the Convention, they supported including an article on Loss and Damage in the Paris Agreement under the premise that it “*does not involve or provide a basis for any liability or compensation.*”¹³

The largest economies in the Commonwealth - the United Kingdom, Canada, Australia and South Africa - must use their global leverage to lead the establishment of a finance facility for Loss and Damage. This initiative can feature in Nationally Determined Contributions under the Paris Agreement as endorsed by the World Wildlife Fund and Practical Action.¹⁴

It is high time that Loss and Damage emerge from the shadow of adaptation and figure in mainstream negotiations of climate finance. Cherri et al. suggest that it will facilitate “*systematically collecting, recording, and reporting information on loss and damage, and related financial needs by countries under the UNFCCC [and] track and report finance associated with loss and damage, either by developed or developing countries, collectively or individually.*”¹⁵

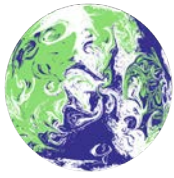
Developed nations must hold to account the multinational corporations which continue to undermine climate action with ‘greenwashing’ to prioritise their bottom line. Multinational corporations are another relic responsible for the global disparities. Developing countries owe their status to the historic quandary of minimising environmental regulations to attract MNCs to support their

economies. This tradition continued a legacy of disempowerment and inequity. Banks that have and continue to invest in climate change drivers such as fossil fuels and industrial animal agriculture must also be held accountable. The 32 small states that account for over half of Commonwealth nations, and three-quarters of the small states in the world, depend on it.

Timid action and illusory inaction from the onset of climate change led us into our present crisis and continues to undermine our ability to overcome. A history of intermittent pandemics and epidemics did not shield us from the fallout of COVID-19. We must not repeat the same mistakes but rather raise ambition to implement novel strategies to meet the moment of change.

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CPA JOINS INTERNATIONAL PARTNERS TO COORDINATE PARLIAMENTARY RESPONSES TO COP26

The Commonwealth Parliamentary Association has joined with international partners led by GLOBE International to facilitate the engagement of parliamentary networks and Parliamentarians at the forthcoming COP26 and UNFCCC meetings.

The UNFCCC Parliamentary Group will provide administrative, information and coordination support to engage cross-party legislators at UNFCCC meetings and COPs. Parliamentarians are still not a formal constituency recognised by the United Nations, unlike the nine Major Groups established following the UN Earth Summit in 1992. Since the Paris Agreement of 2015, however, Parliamentarians have been recognised as an informal grouping and this paves the way to their greater recognition as key actors central to the delivery of the Paris Agreement and related international commitments.

Membership of the Parliamentary Group is open to parliamentarians, parliamentary networks or organisations seeking to advance the aims of the UNFCCC and implementation of the Paris Agreement. The group will also work closely with the Local Government major group, which includes sub-national and regional legislators amongst their membership.

The main focal point for the Parliamentary Group is GLOBE International and the founding members include: Climate Parliament, InterPares / International IDEA, ParlAmericas,



Westminster Foundation for Democracy as well as the Commonwealth Parliamentary Association. The Commonwealth Parliamentary Association has a particular focus on climate change through its CPA Small Branches network which supports the smallest jurisdictions in the Commonwealth who are proportionally greater affected by environmental issues.

Further information email focalpoint@globelegislators.org

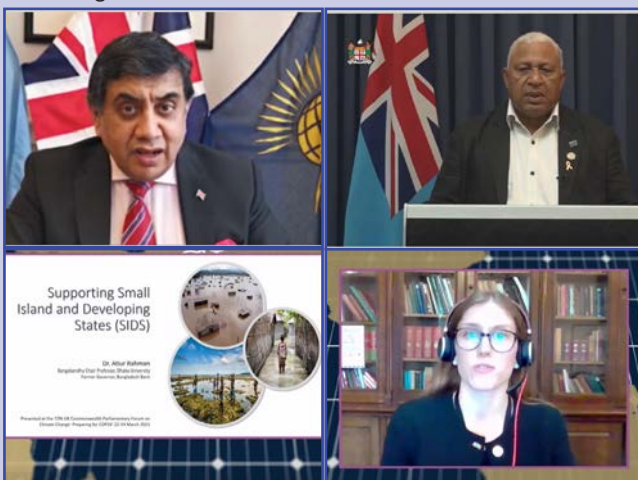
COMMONWEALTH PARLIAMENTARIANS ESTABLISH AN ACTION PLAN AHEAD OF COP26

Commonwealth Parliamentarians considered the detrimental impact of climate change on global security and how to reverse these impacts at the Commonwealth Parliamentary Forum on Climate Change, which was held virtually by the CPA UK Branch in partnership with the UK's Foreign, Commonwealth and Development Office (FCDO). Parliamentarians in attendance aimed to set an agenda for the Commonwealth community to progress towards COP26 in November with ambitious goals, advancing the interests of the most vulnerable states.

To ensure that the Forum was inclusive to all the Commonwealth when factoring time zones, two Forums were delivered - an Asia Pacific Forum took place from 15-16 March 2021 and welcomed 116 delegates from 20 Parliaments and from 22-24 March 2021, over 150 delegates from 42 Legislatures across the Commonwealth attended the second event.

Lord Ahmad of Wimbledon, the UK's Minister of State for South Asia and the Commonwealth, opened the Forum by highlighting how Parliamentarians are in a key position to advocate for bold climate goals. Nigel Topping, UN High Level Climate Action Champion, laid out practical steps Parliamentarians can take to hold national governments to account in achieving their international commitments. Hon. Josaia V Bainimarama, Fijian Prime Minister and Minister for iTaukei Affairs, Sugar Industry and Foreign Affairs and former CPA Chairperson, Hon. Dr Shirin Sharmin Chaudhury MP, Speaker of the Parliament of Bangladesh, both shone a light on how the worst impacted communities in the Commonwealth were also being the most ambitious in their drive to mitigate climate change.

Following the Forum, delegates elected a Commonwealth Parliamentary Climate Change Working Group to take forward action points. These representatives will take part in events at regular intervals in the lead up to COP26 to ensure that the Commonwealth has a co-ordinated and ambitious approach.





THE UK SUPREME COURT: WHAT IS ITS ROLE, AND WHAT IS ITS RELATIONSHIP WITH THE UK PARLIAMENT?

Introduction

In 2005, the UK Parliament created the UK Supreme Court by passing the *Constitutional Reform Act 2005*. Until then, the highest court in the UK was not a court at all, but a Parliamentary Committee: the Appellate Committee of the House of Lords.¹ Its proceedings were theoretically open to the public, but in practice very few members of the public penetrated to Committee Room 1, where the appeals were heard. In addition to hearing and deciding cases, the Law Lords (as the members of the Appellate Committee were known) were able to debate and vote on legislation.

The Law Lords also comprised the Judicial Committee of the Privy Council, which is the highest court of appeal for many Commonwealth countries, as well as the UK's Overseas Territories, Crown Dependencies and Sovereign Military Base areas. The Privy Council, as I shall call it for short, sat at that time in a court room at 9 Downing Street, subsequently converted into the government's press briefing room.

The role of the judicial House of Lords was not well understood by the public. Justice was done, but it was not very effectively seen to be done. Having Parliamentarians simultaneously acting as judges and law makers was increasingly felt to be in conflict with the idea that the Judiciary should be visibly independent of the Executive and the Legislature.

When the replacement of the Law Lords by a Supreme Court of the United Kingdom was proposed by the government in 2003, its consultation paper said: “[*The changes will*] put the relationship between the executive, the legislature and the judiciary on a modern footing, which takes account of people's expectations about the independence and transparency of the judicial system.”

The UK Government also explained that the court would be fundamentally different from the Supreme Court of the United States. Lord Falconer, then the Secretary of State for Constitutional Affairs and Lord Chancellor, said in a parliamentary debate: “*The [UK Supreme Court], which will sit separately from the legislature, will not be a supreme court of appeal such as the one in the United States of America, which has the power to strike down legislation because there is a written constitution that is superior to it. We are not going down that route. We are allowing a system to be developed where the way in which the courts operate and the way in which the legislature operates will be much clearer to the public.*”

Through the *Constitutional Reform Act*, the UK Parliament ensured that the highest court in the UK was independent, and was seen to be independent, of the other branches of government. All those who appeared before the court, and the wider public, could be confident that cases were decided fairly and free from external influence. So the members of the Appellate Committee became judges of the UK Supreme Court,² and moved across Parliament Square into the former Middlesex Guildhall. That building had housed courts for many years, but was refurbished so as to provide three court rooms, a law library, offices for the judges and staff, and a reception area, café, shop and exhibition centre for members of the public. It opened to the public on 1st October 2009.

Twelve years on

It is now 12 years since the provisions establishing the court were brought into force, and the court opened for business. How has it developed?

Image credit: Kevin Leighton, UK Supreme Court.



Rt Hon. The Lord Reed of Allermuir is the President of the UK Supreme Court since 13 January 2020. Upon this appointment, Lord Reed became a life peer. Prior to this, he was a Deputy President of the UK Supreme Court and was originally appointed as a Justice on 6 February 2012. He served as a senior judge in Scotland for 13 years and he practised at the Scottish Bar in a wide range of civil cases, and also prosecuted serious crime. He is also the Visitor of Balliol College, Oxford.



Image credit: UK Supreme Court

It was only in 2020 that the last of the Law Lords retired. The court is now composed entirely of judges appointed in accordance with the procedures laid down by the UK Parliament in 2005. A recommendation is made to the Lord Chancellor by an independent selection commission comprising a majority of non-legal members, who must consult the government, the devolved governments in Scotland and Wales, and the Northern Ireland Judicial Appointments Commission, as well as senior members of the judiciary. The Lord Chancellor then carries out further consultations, and can accept or reject the recommendation.

The court has developed public access and education far beyond anything that would have been possible in Parliament. The court's hearings are normally (when not in lockdown) packed with members of the public, especially school children and students on educational visits. In a normal year, the court receives over 100,000 visitors. Its hearings are broadcast online, and cases in which there is a high level of public interest are viewed by hundreds of thousands of people. The court also communicates with the public through its *Twitter* and *Instagram* accounts, its *YouTube* channel, and its RSS feeds. It also engages with schools and universities, not only through events held in the court building, and through the judges travelling to universities, but also by holding online events

with schools and universities which cannot bring their students to London. *Ask a Justice*, for example, is a series of half hour conversations between a judge and a class of school students, typically in Scotland, Northern Ireland, Wales or south-west or northern England. The court has also made a point of sitting not only in London, but also at venues throughout the UK.

The move has also made it easier for the court to promote diversity and inclusion, both internally and more widely. The court has devised a strategy which takes full advantage of its facilities, for example by enabling law students from under-represented groups to work alongside the judicial assistants as paid interns, and by providing judges from the lower appellate courts with opportunities to work at the court, gaining experience and encouraging them to consider applying for appointment when vacancies occur.

The Privy Council can now offer virtual hearings to parties in most of its more distant jurisdictions, allowing them cheaper and more convenient access to the court. Its in person hearings are well attended by members of the public. British students and schoolchildren, many from families which came to Britain from Privy Council countries, learn about the UK's role in the administration of justice in those countries. The Privy Council sits in those



THE UK SUPREME COURT AND ITS RELATIONSHIP WITH PARLIAMENT

jurisdictions when invited to do so, as it has been in recent years by Mauritius and The Bahamas.

The work of the Supreme Court and the Privy Council

There are a few key points that it is useful to understand about the workings of the Supreme Court. First, it is a court of appeal, so it does not hear witnesses, and it does not involve a jury. It is concerned only with questions of law.

Second, because the Supreme Court is not a constitutional court like the US Supreme Court, it hears cases across all areas of the law.

Third, there is no right of appeal to the Supreme Court. Litigants have to obtain the court's permission to appeal, and the court only grants permission where the appeal raises an arguable point of law of general public importance. In practice, that means that a high proportion of the court's work is concerned with cases where there is a great deal at stake – it may be in financial terms, or it may be in other ways – because it is usually in cases of that kind that the parties are prepared to take the risk of arguing cutting-edge points of law.

Fourth, the questions which the court considers are usually difficult. Consequently, the court does not normally take an instant decision at the end of the hearing of an appeal. The hearing is the beginning of a process involving research by the judges and their judicial assistants, discussion between the judges, and the drafting of judgments, which can last for several months.

The position is broadly similar in the Privy Council. Most countries allow an automatic right of appeal to the Privy Council where a question arises as to the interpretation of their constitution, but otherwise the Privy Council usually has to grant permission, and it applies the same test as the Supreme Court.

In practice, although political interest in the Supreme Court tends to be focused on cases of judicial review brought against the government, these form only a small element of the court's work. A high proportion of cases consist of commercial and chancery work (eg company law, trusts, tax and insolvency), usually of very high value, and often involving parties from outside the UK. That reflects the fact that the UK is a global centre for legal and financial services, with the Supreme Court as the UK's legal flagship.

For example, the court recently heard a dispute between two rival boards of the central bank of Venezuela, appointed by the rival claimants to the presidency of the country, concerning which board was entitled to the country's gold reserves, held by the Bank of England and Deutsche Bank. Another case currently before the court is a dispute between Ukraine and Russia, concerning the validity of a 3 billion dollar bond. One of the most important cases heard by the court in recent years concerned developments in patent law arising from the emergence of global technologies, and involved the world's leading mobile phone manufacturers, such as *Huawei* and *Apple*. The fact that cases like these are litigated in a UK court is not only of economic importance to the UK, but reflects a level of international confidence in British justice which is of wider global benefit to the UK. The work of the court in such cases gives the UK a degree of influence in legal matters around the world which is greater than that of many larger economies.

Many of the jurisdictions which have the Privy Council as their final court of appeal are also important global centres for financial services: for example, the Cayman Islands, the British Virgin Islands

and The Bahamas. Financial disputes of world-wide significance come to London from countries such as these, in order to be decided by the Privy Council. A current example is the aftermath of the Bernard Madoff "Ponzi" scheme, being litigated in appeals from the Cayman Islands. These countries' financial services industries, which are of great importance to their economies, are supported by confidence in the quality of justice dispensed by the Privy Council in London.

But both courts also decide issues that affect people's daily lives. For example, the Supreme Court recently decided the *Uber* appeal, concerned with whether the drivers of *Uber* cabs qualified for protection under employment legislation. The Court also heard the business interruption insurance appeal, concerned with whether businesses which had closed as a result of the COVID-19 pandemic could claim under their insurance policies. The Privy Council is currently considering appeals concerned with the availability of same-sex marriage under the constitutions of the Cayman Islands and Bermuda.

Cases such as these are, from one perspective, concerned with controversial issues of social or economic policy. But the court is concerned only with questions of law. In the *Uber* case, for example, the judges were not concerned with how the UK should respond to the rise of the "gig" economy, but with the question whether the contracts which Uber required its drivers to sign were effective to deprive them of the rights conferred by employment legislation. Equally, the Privy Council does not attempt to determine who has the better of the argument in Bermuda or the Cayman Islands about the morality of same-sex marriage, but interprets the relevant constitutional provisions in accordance with established principles of construction.

The Supreme Court and Parliament

The Supreme Court performs a vital function in supporting the pre-eminent role of Parliament in the UK's democracy. It is the ultimate interpreter of the laws that Parliament enacts. It also ensures that the laws enacted by Parliament are properly applied.

The court also protects the principle that Parliament is supreme. It was for that reason that the court rejected the argument in the prorogation case in 2019 that Parliament could only sit when the government wanted. The court also made it clear in the HS2 case

“The Supreme Court performs a vital function in supporting the pre-eminent role of Parliament in the UK's democracy. It is the ultimate interpreter of the laws that Parliament enacts. It also ensures that the laws enacted by Parliament are properly applied.”



Image credit: UK Supreme Court

in 2014 that EU law had effect in the UK only by virtue of an Act of Parliament, and that it did not accept that EU law could override Parliamentary privilege. More recently, in the child tax credit case, the court has sought to dispel the tendency to treat Ministerial statements during debates as expressing the will of Parliament. In the same case, the court has also strongly affirmed the principle that controversial questions of social policy should be decided by Parliament rather than the courts. In these and other cases, the court has insisted on the centrality of Parliament in our constitution, and has sought to protect it against the risk that its role might be diminished.

The court also protects the principle that executive powers, whether exercised by the government or by other public authorities, must be exercised within the limits which Parliament has laid down. Most cases of judicial review are concerned with the application of that principle. Some cases of that kind are politically controversial, but the judges do not decide them on a political basis. Where the power being exercised by the public authority has been conferred by Parliament, the court ensures that it is exercised on a correct understanding of the law which Parliament enacted, and for the purpose which Parliament intended. Where the power is one derived from the common law, the court ensures that it is applied fairly and rationally.

As the UK constitution is composed largely of the common law and statutes, whose interpretation is a matter for the courts, the Supreme Court inevitably has a constitutional function, like the House of Lords before it. But, as I have explained, it is far from being a constitutional court in the same sense as a court such as the US Supreme Court. Its work is based on a deep respect for Parliament, as its judgments often make clear.

One of my priorities as President of the Supreme Court is to strengthen the relationship between the court and Parliament, which has been largely confined to the annual appearance of the court's President and Deputy President before the Constitution Committee of the House of Lords. I have had valuable discussions with the Speaker of the UK House of Commons and the Lord Speaker of the UK House of Lords about how the relationship might be strengthened, and I hope to build on those discussions once circumstances permit. I am also keen to build stronger links with the devolved legislatures in the UK, and with the jurisdictions which use the Privy Council.

It is important that Parliamentarians should understand the role of the court, and vice versa. Our institutions share a commitment to the rule of law, which we uphold in different ways. Parliament enacts the law, and the court interprets and applies it. The court plays a significant role in ensuring that Parliament remains at the heart of our constitution, and Parliament can play an important role in protecting the court's independence. Both institutions are vital to our democracy.

References/Notes:

- 1 The Supreme Court is the highest court in the UK in respect of all cases other than criminal cases in Scotland. In Scottish criminal cases, the Supreme Court is the highest court in respect of matters relating to human rights and to the powers of the devolved Scottish Parliament and Government.
- 2 With the exception of Lord Scott of Foscote, who retired, and Lord Neuberger of Abbotsbury, who became Master of the Rolls (and subsequently President of the Supreme Court).

PARLIAMENTS GOING TO WAR

The role of Parliaments in deciding whether they go to war and use force in international affairs is examined in this article.

1. Waging war: the quintessential Executive power and the quintessential parliamentary ‘cheque/check’

In Montesquieu’s famous tripartite separation of powers (Executive, Legislative and Judicial), the power to make war was clearly part of the Executive power. It was the quintessential sovereign power when the sovereign and state were inseparable and supposedly all powerful domestically.

As Legislative and Judicial powers were separated from Executive powers and given to Parliaments and courts, the power to make war remained clearly within the Executive power of the English sovereigns. But this power was always subject to availability of funding for the soldiers and weapons to fight them. Both became more expensive with the end of feudal levies and the increasing sophistication of 16th century weapons. As Parliament’s approval for taxation was necessary, they had an effective veto over what wars could be fought.

Under the early Stuarts, Parliament did exercise that control in various wars of choice.¹ In the early 16th century, the choices were generally between fighting the Hapsburgs, fighting the French, or not fighting anyone – until they found themselves at war with the King. The vote to pay or not pay for a war was effectively a vote for or against the war. For this, Parliament was necessary and seen to be necessary. For example, in 1625, King Charles I was thwarted in his attempts to continue participating in the Thirty Years’ War when Parliament allowed him only £112,000 instead of the £700,000 he asked for.

During the 18th century, the power of the purse of the English Parliament constrained all government action and meant that monarchs started to appoint Ministers who could get legislation, especially money Bills, through Parliament. By convention, they came to be led, coordinated, and then nominated by a ‘Prime’ Minister.

The ‘loss’ of the American colonies led to the crystallisation of the parliamentary system. Although Executive power legally remained in the sovereign’s hands, it was increasingly exercised by Ministers appointed by the sovereign under powers conferred by legislation or

exercised by the sovereign on the ‘advice’ of Ministers – advice which, following ever strengthening conventions, was increasingly followed.

Executive power took two forms – the legal power which was retained by the King and the conventional power held by those who retained the confidence of the House of Commons. As the King followed the advice of the Prime Minister, the threat of ‘de-funding’ the military appeared superfluous.²

The relationship between legal and conventional Executive power takes four different forms:

1. Powers given to ‘Queen-in-Council’ or ‘Privy Council’ in which the sovereign would make decisions in the presence of, and on the advice of, Ministers. Many Commonwealth countries had similar bodies (e.g. Australia’s FEC – Federal Executive Council or Governor-General-in-Council). Actions are taken on Ministerial advice, but the Governor-General can and does ask questions and require answers – especially on issues of legality – a version of Bagehot’s description of the Crown’s role being “*to be consulted, [to] encourage, [and] to warn.*”³
2. The ‘prerogative’ exercised directly by the sovereign – seen as the residue of the sovereign’s once theoretically (but not historically) absolute power. These were increasingly exercised on advice, while those powers which could be exercised without advice came to be called the ‘reserve powers.’⁴
3. Statutory powers given to Ministers or nominated officials under legislation. These do not involve the Head of State unless the Minister is to be sacked for doing so.
4. Powers that are neither statutory nor prerogative (such as the power to enter contracts). These generally do not involve the Head of State.

2. The ‘War Power’ in Australia – shifting bases from colony to Dominion to independent nation

Like many other Commonwealth countries, Australia did not initially gain full independence – securing effective domestic autonomy



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Image credit: © U.S. AIR FORCES (USAF)/Photographer: Staff Sgt. Alexander W. Riedel

at Federation. Although section 61 of the Constitution vested Executive power in the sovereign which is exercisable by the Governor-General, this did not include the power to declare war. When Kings George V and VI declared war by acting on the advice of their UK advisors, Australia automatically went to war as well.

In 1942, Australia adopted the *1931 Statute of Westminster*, belatedly securing its independence (and backdating the adoption to 1 September 1939 'just in case'). This transferred the war power to the Governor-General. Acting on the advice of the Australian Cabinet, Lord Gowrie declared war against four recent belligerents. As it was in war, so it was in peace with the Governor-General signing off on peace with Germany in 1951.

In 2003, most constitutional lawyers expected that the political decision to go to war would be taken by the Cabinet or its Security Cabinet Committee. but it was legally authorised by the Governor-General on advice from the Prime Minister either exercising the prerogative or through the FEC.

The then Governor-General⁵ certainly thought so: "I saw it as my duty to ask the government of the day what instruments, if any, were required to invoke such an action or to ratify the decisions of government."⁶

"I had previously read public statements made by some academics and international lawyers, and, on the advice of the Official Secretary, I sought clarification from the Attorney-General

Above: Combined Air Operations Center (CAOC) at Al Udeid Air Base, Qatar, provides command and control of air power throughout Iraq, Syria, Afghanistan, and other nations in the U.S. Air Force Central Command region. The CAOC comprises joint and Coalition teams that execute day-to-day combined air and space operations and provide rapid reaction, positive control, coordination, and de-confliction of weapon systems.

as to technical ramifications that could arise under international law. I had not requested it, but he immediately referred the matter to the Prime Minister who met with me to address the issues from available legal advice. He...informed me that no recommendations were ever put to any of my predecessors in relation to troop deployments to places such as Somalia, Bougainville, Bosnia, Cambodia, Rwanda, the Persian Gulf, Vietnam or East Timor.

He had previously given an undertaking that in such circumstances he would in future request the Minister for Defence to recommend to the Governor-General in Council that the deployment of Australian forces overseas be noted by way of recognition of the position of Governor-General essentially as the titular Commander-in-Chief of the Australian Defence Forces."⁷

The claim to a long-standing practice was surprising, but it does raise the question of the legal means by which the political decision by Cabinet had been effected. Cabinet has neither constitutional status nor legal power. Political decisions reached there are legally

executed by Ministers, officials, the Governor-General or the FEC under one of the four forms of Executive power outlined above.

It now appears clear that Cabinet's decision was effected through a statutory power vested in the Defence Minister under a 1975 amendment to the *Defence Act 1903* (Cth) which vests the "general control and administration of the Defence Force" in the Minister and requires the military to exercise its powers in accordance with "any directions of the Minister." This may not sound like a delegation of power to the Defence Minister to make war, and Hansard gives no inkling that it was so intended. Indeed, the then Minister gave assurances that the Governor-General's powers would be unaffected.⁸

3. Enhancing the process – parliamentary vote

The prior public opposition to the Iraq war and the disastrous consequences from what became the 'Afghan sideshow' have led many to demand a better process. Going to war should not just involve a Cabinet decision legally implemented by a Minister acting on instructions or a Head of State acting on 'advice' that cannot be rejected.

The most common enhancement is a requirement that a prior parliamentary vote be held – as is constitutionally required in the United States.⁹ Such votes are becoming more common in parliamentary systems. The UK Prime Minister Rt Hon. Tony Blair took the Iraq war to a successful vote in 2003 and one of his successors, Rt Hon. David Cameron took the use of force in Syria to an unsuccessful vote in 2013, so it appears to have become a convention. It would seem to be a convention in Canada and in Australia, minor parties have introduced a number of Bills to make a parliamentary vote a statutory requirement – effectively replacing the prerogative or statutory routes to war.

But we should be careful of expecting too much of such requirements. Even in the US, the constitutional requirement of provision is a very limited check on wars of aggression. It did not stop the wars against Canada in 1812, Mexico in 1846, Spain in 1898, and Iraq in 2003. Nor did it prevent the many interventions to forcibly change governments – a rather brutal motion of no confidence in the leaders of those countries! When the International Court of Justice (ICJ) found the United States in breach of international law for mining Nicaraguan harbours,¹⁰ President Ronald Reagan ignored the decision and withdrew from the ICJ.

This creates an irony for those who press for parliamentary approval because they are concerned with preventing involvement in America's wars of choice. The mischief that they are seeking to address only arises if the US Congress votes in favour of the war!

Part of the problem is that the highly charged political atmosphere makes it hard for politicians to vote against those wars – both in the United States and among their allies. Those contemplating voting against the war will be accused of siding with enemies or failing to support the troops (ignoring the fact that attacking another country is likely to make enemies and lead to more deaths among the troops). Another problem is the quality of information which Parliament receives – legal (including likely outcomes if the matter reached international courts), military (including likely casualties on both sides and likely outcomes), and political/social/economic prospects for the country to be attacked.

4. Legal advice

Both UK Prime Minister Blair and Australian Prime Minister, Rt Hon. John Howard provided legal advice to Parliament. The advice was much criticized, for representing a minority view among international lawyers and for not recognising the majority view of the likely outcomes if it went to court. Blair did not supply Attorney-General Lord Goldsmith's earlier and fuller advice to the UK Cabinet, let alone to the UK Parliament. Howard's advice did not come from the first three law officers¹¹ but from two lawyers the next level down. That advice was heavily criticised and deeply flawed.¹²

Parliament needs independent advice. This could be by the Attorney-General or Solicitor-General, provided they are independent (as lawyers should be) and can respond to legal questions asked by the Parliament. The latter is difficult where the government insists that it is the AG's or SG's 'client'. Lord Bingham has cast doubt on that view by suggesting that Parliament and the soldiers who die might also have an interest.¹³

Given this background, Westminster Parliaments might consider a range of options:

- Attorney-General's opinion with Parliament as 'client'
- Independent legal opinion
- Advisory opinion from the ultimate appellate court (if constitutional).
- Establishing a standing panel of former judges or prominent international lawyers to provide advice.

As proof of good faith, Commonwealth countries should also accept the compulsory jurisdiction of the ICJ for any occasion on which it resorts to armed force.¹⁴

Seeking and hearing such opinions could be given to a Parliamentary Committee which reported to Parliament. This would give it the time and the ability to handle any confidential, privileged, or secret information. There are many parliamentary and congressional committees which handle such matters with necessary security clearances. Shadow Ministers could be included as they could be Ministers following the next election.

5. Military, intelligence and security advice

The same Committee that heard legal advice could also receive confidential briefings on military and intelligence assessments. These assessments must, of course, be professional, independent, frank and fearless.

“Parliament needs independent advice. This could be by the Attorney-General or Solicitor-General, provided they are independent (as lawyers should be) and can respond to legal questions asked by the Parliament.”

6. The Privy Council/FEC

While the Iraq war was not brought before the Australian FEC, there is merit in doing so and it would appear procedurally superior to both the Governor-General acting on the prerogative alone or the Defence Minister acting under *section 8*. There is an opportunity for the Governor-General to ask questions about the legal basis of a decision before signing off on documents, as he had tried to do in 2003.

7. The ICC Imperative

Now that the Rome Statute has been amended to extend the jurisdiction of the International Criminal Court (ICC) to crimes of aggression, the American prosecutor Jackson's closing statement at Nuremberg is coming true: "*let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment.*"¹⁵

Any country that signs on to this amendment will need to provide mechanisms for evaluating proposals for going to war to protect Ministers, Governors-General, and Service Chiefs from subsequent investigation and prosecution. It will also need to establish credible and independent means for investigating and prosecuting crimes of aggression within their country to ensure that the ICC will not feel it necessary to do so in a future conflict.

8. NATO, ANZUS and the COMMONWEALTH

Those Commonwealth countries with close alliances to the United States (UK, Canada, Australia, New Zealand). However, both NATO and ANZUS contain identical first clauses abjuring the use of force that is inconsistent with the UN Charter.

Furthermore, true friends of the United States (and I still count myself as one), should not offer blind support for US initiatives, let alone be the 'cheerleaders of folly.'¹⁶ Cheerleaders for a friend's folly are not likely to be thanked for it when the folly is realised. A true friend warns against folly even at the risk of that friend's disapproval. The United States cannot afford more follies of this nature.

Whether or not they are in alliance with the US and other powers, Commonwealth countries should discuss the role of Parliaments in deciding whether they go to war and use force in international affairs. I would urge them to develop best practice, adopt them in the Commonwealth, and become exemplars for the rest of the world. This would help to make the Commonwealth complete the transition from an Empire built on the use of force to a group of states committed to peace.

References/Notes:

- 1 The Spanish Armadas (the famous 1688 and the lesser-known armadas that followed until 1601) were not wars of choice.
- 2 They would typically vote on extra taxes and expenditure, but this was not done for approval and rather for financial support.
- 3 Walter Bagehot, *The English Constitution* (United Kingdom: Chapman and Hall, 1867), 103.
- 4 *In parliamentary systems, Reserve Powers are confined to cases where a Prime Minister does not command a majority in the lower house and the Head of State either refuses to take advice (generally to call an election) or dismisses the Prime Minister. Many modern constitutions spell out what happens in the situations where Reserve Powers might*

otherwise be used. While one Governor-General dismissed an Australian Prime Minister after being advised by the then Chief Justice that the Australian government was responsible to both Houses of Parliament for the passage of money Bills, this view has not been pursued and is fundamentally flawed as a matter of principal and future practice. See Charles Sampford, "Responsible government and the logic of federalism: an Australian paradox?," Public Law (Spring 1990): 90-115.

5 Dr Peter Hollingworth, Governor-General of Australia from 2001-2003.

6 This statement was provided to me and approved by publication by the Governor-General (Peter Hollingsworth) following a confidential interview he granted me. See Charles Sampford and Margaret Palmer, "*The Constitutional Power to Make War,*" *Griffith Law Review* 18, no. 2 (2009): 350–84. <https://doi.org/10.1080/10383441.2009.10854646>

7 Regarding Afghanistan, Hollingworth states that "*the Prime Minister informed me that no order from the Governor-General was required. In that matter he cited the ANZUS Treaty as the basis for action by the government*". This is quite astonishing. The Governor-General was asking the right question – about the operation of domestic law. The ANZUS treaty provides strong political reasons for the government's exercise of its conventional power, but it does not have any direct legal effect.

8 Parliamentary Debates, House of Representatives, 20 August 1975, 344 (Alan Cadman)(Austl.); Commonwealth, Parliamentary Debates, House of Representatives, 20 August 1975, 355 (Bill Morrison, Minister for Defence) (Austl.)

9 U.S. Constitution, Article I, Section 8, Clause 11.

10 *Nicaragua v United States* (1986) ICJ Rep 14.

11 Attorney-General Hon Daryl Williams QC and Solicitor-General David Bennett AC QC. Note that Williams considered that his position in Cabinet and the far greater executive responsibilities of Australian AGs compared to the British AG meant that the Solicitor-General (an independent statutory officer) should provide written opinions.

12 Sampford, C and H. Breakey Law, *Lawyering and Legal Education: Building an Ethical Profession in a Globalizing World*, Routledge, London 2017 Chapters 15, 16.

13 Rt Hon. Lord Bingham of Cornhill KG, "*The Rule of Law*" (speech, Sir David Williams Lecture, Centre for Public Law, University of Cambridge, 16 November 2006), 32-33.

14 This could reasonably be limited to a proviso that the state which seeks to question any claimed illegality by the Commonwealth country also accepts the ICJ's compulsory jurisdiction over breaches of international law which are cited as a reason for the use of armed force (what I call the 'so sue me' approach) Sampford, C. *Sovereignty and Intervention* in *Human Rights in Theory and Practice* T. Campbell and B. Leiser (eds) Ashgate, London, 2001

15 Robert H. Jackson, 'Second Day, Wednesday, 11/21/1945, Part 04' in *Trial of the Major War Criminals before the International Military Tribunal, Volume II. Proceedings: 11/14/1945-11/30/1945 (Nuremberg: IMT, 1947), 98-102, <https://www.roberthjackson.org/speech-and-writing/opening-statement-before-the-international-military-tribunal/>.*

16 Charles Sampford, '*Cheerleaders of Folly: Australia's Misguided Attempt to be a Good Ally*', in *Australia, Canada and Iraq: Perspectives on an Invasion*, eds. Ramesh Thakur and Jack Cunningham (Toronto: Dundurn Press, 2015), 186-210.



BUILDING THE PUBLIC'S TRUST IN PARLIAMENTARIANS: THE NEED FOR A REVISED CPA CODES OF CONDUCT

Stamps of Integrity

Buying one's own postage stamps for private mail does not commonly make headline news. Yet the Victorian Premier's gesture of meticulous separation of public trust and private life set the ethical standard in the time of the late John Cain's Victorian Government (1982-90). His government had recently come to office following accusations leveled against its predecessor of improper land deals. The stamps revelation confirmed his reputation for propriety and the standard was to apply across the public sector – civil servants, the Executive and Parliamentarians alike.

Underlying Principle

Whilst the switch to email has diminished the significance of postage stamps, the public trust principle (PTP) (also called the public trust doctrine - PTD) observed by Cain is as valid now as ever. Indeed, it may be undergoing something of a revival. The PTP applies to any public officer or public official holding public office, whether elected or appointed. As explained in 1783 by Lord Mansfield in deciding the famous case *R v Bembridge*, it is appointment to an "office of trust concerning the public ... by whomever and in whatsoever way the officer is appointed".¹ The office of trust is a reference to having been entrusted with particular responsibilities relating to the public. The Parliamentarian is quite different to a delegate; the latter is under instruction to act in particular ways.

Each and every Parliamentarian is a public officer according to this common law principle.

As public officers, Parliamentarians have a fiduciary relationship with the citizens on whose behalf they act, and they are entrusted with responsibility to protect and uphold the common interests of the citizens. In other words, they must put the public interest above all others.

In more recent times, the UK's Nolan Committee (1995) gave us seven principles of public life (i.e., Selflessness, Integrity,

Objectivity, Accountability, Openness, Honesty, Leadership).² These principles complement and elaborate the PTP.

The first of these ethical principles provides the foundation of all seven. It states unequivocally that: "*Holders of public office should act solely in terms of the public interest*". Clearly, it would breach this principle for a Parliamentarian to put his or her personal interests or those of a family member, a friend, a business, a campaign funds donor, or even a political party ahead of the interests of the polity (nation, state, province or local government) to which he or she had been elected. There will of course be legitimate differences of opinion as to what is in the best interests of a polity, but no argument allows private interests to prevail. The Parliamentarian must not put themselves in the position of favouring a vested interest over the community as a whole.

Cain's strength was to see that simple postage stamps of trifling monetary value were none-the-less emblematic examples of the ever-present opportunities for Parliamentarians to put private interest ahead of the public interest.

In like manner, a Parliamentarian has a fiduciary duty to act on the interests of the citizens on whose behalf he or she acts. French, former Chief Justice of the High Court of Australia, indicates that public officers have a fiduciary duty to act in the best interests of the people affected. In a parliamentary system this derives from Members of Parliament having "*a fiduciary relation towards the public*".³

This then is the background to codes of conduct for Parliamentarians. It is important to clarify what we mean by a code of conduct. Provisions similar to those in a Code of Conduct may be included in: Act of parliament; Conflict of Interest Code; Code of Official Conduct; Code of Ethics; rules of procedure; or Standing Orders.

Diverse approaches

It is important to recognise that codes of conduct are a particular type of solution to curbing unethical conduct. A diverse range



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of complementary approaches can lead to greater creativity, innovation and superior outcomes, rather than basing action on the perspective of single disciplines, each of which has its own peculiar view of the nature of institutions, their problems and solutions. Politicians are concerned with the distribution of political powers and of resources.

Correspondingly, political scientists analyse institutions in terms of power and institutional problems that arise from those who exercise it and how they exercise it. Legal experts seek formal rules (e.g., constitutions or networks of contracts) and find problems arising from poorly drafted rules; answers are thought to lie in more and better rules. Economists may focus on institutional incentives and disincentives. Perverse incentives lead to problems; their answers lie in aligning incentives with the desired behaviour. Ethicists identify informal values and norms that should be clearly articulated, and properly applied to those carrying out functions.⁴

Codes of conduct aim to provide to Parliamentarians with guidance as to acceptable or perhaps more explicitly, unacceptable behaviour, in carrying out their roles as public officers. Codes of conduct allow for enforcement if breached.

A code of ethics is different although that term is sometimes used synonymously. It can be as little as desirable professional values, which lack enforcement provisions.

In research commissioned by the CPA, colleagues and I reported a “*strong view from Parliaments with more rigorous codes that their Parliaments were better as a result.*” Furthermore, a code does not sit alone; as Abel Kinyondo and I have pointed out, it “*forms an important part of the Parliamentary Integrity System of a Parliament*”.⁵

Victoria’s former code of conduct, legislated in 1978 as part of the *Members of Parliament (Standards) Act 1978*, is an earlier example, more than three decades before the recent wave of reforms. In speaking in support of the Bill, Cain (then in his first term) pointed out that “*this type of legislation (had) been the subject of discussion in the United Kingdom, and other parts of the world including Europe and the United States of America.*”⁶ Victoria’s 1978 code was brief but included values that Parliamentarians should uphold, somewhat similar to the later Nolan Principles, commencing that: “*A Member must—(a) make the performance of their public duties their prime responsibility; ...*”

It made no provision for enforcement.

Since those early days, pressures for more effective codes of conduct have been driven both by international standards setting and public affront over misbehaviour by some Parliamentarians.

International standards

The re-establishment of functioning Parliaments and the emergence of new democracies in the 1990s led to a surge of requests for guidance on the design and operation of parliamentary democracy.

The Commonwealth took a lead with the adoption of the *Commonwealth Principles on the Three Branches of Government (Latimer House Principles)* in 2004. It includes:

Ethical Governance: Ministers, Members of Parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue

of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.⁷

A universal standard applicable to Parliaments and Legislatures everywhere was developed in that context by a Study Group convened by the CPA.⁸

The CPA’s Recommended Benchmarks for Democratic Legislatures was published by the Study Group in 2006. Its section on Ethical Governance included the recommendation that: “*The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.*”

At the time, few Commonwealth national, state, provincial or territory Parliaments had more than a short list of broad, ill-defined common law practices, although the requirement to disclose pecuniary interests and the acceptance of gifts that could create a conflict of interest was becoming more common.

Many Parliaments found themselves without rules or procedures for dealing with the steady trickle (sometimes more) of diverse allegations of impropriety concerning one or more of their Members.⁷

The CPA found itself looking for advice that it could offer to a Parliament wanting to create or update a code of conduct.

The most spectacular of these alleged misbehaviours had occurred in the very Parliament to which so many look to for guidance – Westminster. The UK House of Commons had adopted a code of conduct in 1995, drawing on earlier resolutions and the Nolan Principles.

However, allegations that many Members and Lords had misused entitlements erupted on the front pages of a mass circulation British daily newspaper - *The Telegraph* - in 2009.⁹ MPs and Lords had been encouraged to make maximum use of allowances created *in lieu* of increased MPs’ salaries.

Ironically, it was that instrument of accountability, freedom of information legislation (passed two Parliamentary terms earlier), that gave journalists access to details of allowance claims and spending. Many claims related to unjustifiable costs of second homes that MPs and Lords maintained because their principal residence was too far from Parliament. Four were convicted and jailed. Up to 146 MPs facing allegations among the House of Commons’ 650 MPs either did not recontest their seats or were defeated at the 2010 general election.

Research and development

The CPA responded to the need for further guidance on codes of conduct by commissioning a research team in 2014-15 that I led, then based at Monash University, to produce recommendations for codes of conduct to apply to Members of Parliament (See my articles in *The Parliamentarian* 2014 Issue One¹⁰ and *The Parliamentarian* 2015 Issue One¹¹).

Many of the CPA’s Branches were surveyed as the first stage of the project (around 200 chambers including both Houses in bicameral Parliaments). About two-thirds of respondents reported that they had some form of code to guide the behaviour of the Members of their House. This data was used to identify further matters of detail that could be better explored and understood through interviews.

The second stage of the research occurred at the 60th Commonwealth Parliamentary Conference (Yaoundé, Cameroon,



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October 2014) where interviews were conducted to get a deeper understanding of how misconduct was handled in practice. Those invited to be interviewed were from Parliaments that had responded to the survey; they were as diverse as St Helena, Malaysia and India.

Data from the initial survey and the interviews was used to draft benchmarks to be used by Parliaments to create or update codes of conduct. Following feedback from key stakeholders across the Commonwealth on the draft, this led to some revisions but most importantly, identified some issues on which opinion was divided.

The process to develop the recommendations culminated in a workshop at Victoria's Parliament House in Melbourne in 2015. The participants invited to the workshop included Parliamentarians and Clerks representing all but one of the CPA's Regions (one was unable to travel at the last minute). In addition, to broaden thinking outside the Commonwealth, we invited the Co-Chair of the US Office of Congressional Ethics (OCE) and a senior member of the (US) National Democratic Institute.

Recommendations

The workshop worked: Members deliberated over two days to resolve differences of approach and opinion to arrive at a final version signed by every participant. CPA's *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament* is now available online.¹² Its main sections and sub-sections are:

- Purposes and Functions of Parliaments
- Ethics Adviser
- Public Office of Member of Parliament
- Enforcement
- Purpose and Role of Parliamentary Code of Conduct
- Making and Updating the Code
- Principles
- Fostering a Culture of Ethical Conduct

Benchmarks for Codes of Conduct for Parliamentarians:

- Disclosure and Publication of Interests
- Use of Public Property
- Inducements
- Civility
- Behaviour
- Attendance

These sections are intended to be benchmarks to be built on and adapted by each Parliament and each House, applying the principles discussed above.

Note that the benchmarks did not specifically address gender equity, sexual harassment, sexual violence or bullying. Whilst it can be argued that civility and behaviour should encompass integrity, courtesy and mutual respect, later reports clearly confirmed that many women – staff and MPs – were not protected from misconduct or violence. As Hon. Michelle O'Byrne MLA (Tasmania) wrote in *The Parliamentarian*, specific events are required to draw attention to the issue and take remedial action.¹³

Several Commonwealth Parliaments have already used the benchmarks to create or revise their provisions. One of the first was St Helena. More recently, my home State Parliament

(Victoria) completely re-wrote its legislation, following most of the recommendations.

Sanctions

One area with which many politicians struggle is enforcement especially when the political stakes are high.

Table 1 shows the wide range of provisions found in a sample of houses. However, even the most rigorous provisions rely on a parliamentary culture that is prepared to enforce them without fear or favour. A governing party relying on a narrow majority or even in minority will be particularly apprehensive of the risk of losing the vote of even one of its Members.

The Westminster experience shows that a culture supporting ethical behaviour, enforced as shown in Table 1, can supplant an "anything goes" culture. A cursory review of recent UK investigations shows that recently, allegations have been more likely to be at the less egregious end of the spectrum and the akin to the misuse of postage stamps (e.g., using parliamentary letterhead for non-parliamentary purposes).¹⁴ The Parliament is clearly better for the rigour now applied to the manner in which Members are subject to scrutiny, investigation and sanction in relation to the ways in which they use public resources and treat each other, staff and others they deal with.

Time for an update

Whilst the recommendations seemed comprehensive when written in 2015, movements that emerge to sweep the world have a habit of identifying gaps in our thinking - gaps that rightly demand attention and remedial action.

In retrospect, we see that as the research team and workshop worked on the recommendations, we were blind to gender equity, sexual harassment, sexual violence and bullying: issues now known to have been below the surface. Nor were they raised, despite the opportunity. Parliamentary workplaces that were particularly unsafe for women and the #Metoo movement were in the shadows, not yet generally recognised. The composition of our workshop was mostly male, but we did not think to redress the imbalance; there was greater balance among the interviewees.

Since 2015, many Parliaments have addressed these types of misconduct, some with extensive, specialist documents

“Several Commonwealth Parliaments have already used the benchmarks to create or revise their provisions. One of the first was St Helena. More recently, my home State Parliament (Victoria) completely re-wrote its legislation, following most of the recommendations.”



Table 1: Range of sanctions found in a sample of Houses of Parliament. (Bruce 1996¹⁵ and Mawer 2006.¹⁶)

- Warning
- Remark
- Formal reprimand/ reprimand
- Rebuke
- Severe Rebuke
- Censure
- Admonition/
 - o Formal admonition
 - o Admonition to abide by the standards of conduct
 - o Admonition to refrain from presenting at the House for a certain period of time
 - o Admonition to resign from the chairmanship of a Committee
- Fine
- Loss of seniority
- Forfeiture of the Member's salary for a specified period
- Suspension from membership of the House for a specified period (which also involves loss of salary for that period)
- Suspension from office
- Disqualification from membership on grounds of defection
- Order to withdraw
- Suspension
- Loss of mandate (i.e. expulsion)
- Disqualification to hold public office
- Committal
- Imprisonment

and professional development, others by expanding the interpretation and application of generalist provisions such as the recommendation that “Members shall treat each other, the Parliament and the people with respect, dignity and courtesy, including parliamentary staff”.

Separate, specific provisions have the advantage of drawing attention to those issues, reinforcing the codified standards with ethical consciousness. Nonetheless, specific provisions should complement general provisions to avoid alleged misconduct falling between stools.

Just as the recommendations indicate that codes should be dynamic, living documents, so should code of conduct provisions themselves be reviewed and updated. For example, the Opening of Parliament following each general election can be an ideal time for each House and its Members (re-elected or newly elected) to re-consider the standards of conduct and enforcement that give effect to Parliamentarians’ entrusted responsibilities as public officers. Reviews can bring diverse perspectives to bear on the integrity of democratic Parliaments, including the distribution of political power, statutory provisions, economic incentives, and ethical values and norms. These could lead to enhancements, more substantial revisions, and reforms addressing gaps.

Bullying, sexual harassment and sexual violence are unlikely to have been the only forms of misconduct to have escaped Parliaments’ attention until recent years. Comprehensive

identification of forms of misconduct and appropriate sanctions for breaches requires constant vigilance and openness to re-considering previously unchallenged misconduct.

A review of the current CPA *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament* would provide a refreshed basis for Parliaments to review their individual codes and build the public’s trust in Parliamentarians’ exercise of their entrusted responsibilities.

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BEYOND THE CPA'S CODES OF CONDUCT FOR MPs

Introduction

In a well-functioning democracy, Parliaments and Parliamentarians have the confidence of the electorate – citizens trust that Members of Parliament (MPs) will represent their interests, enact laws to ensure the betterment of society, and scrutinise government policies and actions. However, while it is true that virtually all Parliaments have the *constitutional* power to undertake these functions, a number of issues – including historical legacies, executive dominance, the personalisation of politics, and the corruption of political systems – limit their ability to do so.

In response to such factors, citizens often – and increasingly – do not trust their own Parliaments. For the past 20 years, the world value survey¹ has conducted worldwide surveys to collect information on political culture, social and cultural values, and related issues. One question addressed citizens' trust in various public institutions, including the church, the armed forces, the press, trade unions, the police, Parliament, the civil service, the government, and political parties.

Graph 1 shows the level and trend in public confidence in selected Parliaments over the past 10-15 years. This both reflects and causes the crisis in democracy.

In its seminal publication, *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament*, the Commonwealth Parliamentary Association (CPA) produced a set of guidelines for codes of conduct applicable to MPs from around the globe. Such benchmarks were the product of a workshop hosted by the Parliament of Victoria in Australia in April 2015 and attended by MPs, parliamentary staff, and experts from across the Commonwealth. The principal authors noted that public

trust in elected representatives is a fundamental aspect of good governance and if Parliamentarians demonstrate high ethical standards consistent with their mandated public interest roles, then public trust in Parliaments can be enhanced.

The purpose of this article is to provide an update and critique of CPA's Recommended Benchmarks and suggest next steps in developing a Commonwealth parliamentary ethics regime. But first, it is necessary to clear up some confusion in terminology.

Codes of Ethics vs. Codes of Conduct

Although used interchangeably in informal settings, codes of ethics and codes of conduct are unique and serve their own purpose. Both serve the internal purpose of giving organisational members clear guidelines on their ethical behaviour as well as the external purpose of showing a public commitment to do so. However, codes of ethics are aspirational and formulate “*broad principles*” but do not define appropriate behaviour and sanctions for misbehaviour. Conversely, codes of conduct are more precise, concrete, and practical, with specific provisions and sanction violations (Bruce, 1996).

In this manner, then, CPA's Recommended Benchmarks are more like Codes of Ethics than Codes of Conduct.

Evolution of Codes of Conduct: The Private Sector

In a sector motivated by profit, managers and executives are pressured to prioritise company profits over all else, including ethical behaviour. Therefore, codes of conduct emerged as ‘proof’ to the public that corporations were pushing for ethical decision-making and integrity within their organisations. Corporate managers



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Activity	Test
School	MP uses influence to get friend admitted to a university
Pass	MP gets house pass for lobbyist paid by an outside source to act as a research assistant
Contract	Cabinet Minister uses influence to obtain a contract for a firm in his/her constituency
Secretary	MP hires wife or family member as Secretary
Travel	MP exchanges allocated first-class air ticket for economy class and pocketed the difference
Retainer	MP arranges for meetings between private corporation executives and other MPs
Gift	MP accepts a box of cigars from influential constituent

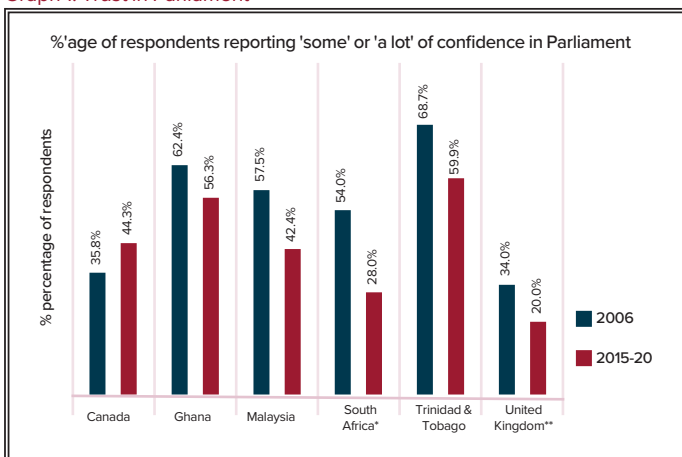
Table 1: Questions (Source: Adapted from Mancuso, 1993)

typically use codes of conduct to enforce a shared management philosophy and ensure predictable and appropriate behavior in employees, especially in ambiguous business circumstances and across geographic and cultural boundaries. Sanctions were made clear in this binding “*corporate social contract*” to ensure that misbehaviour was considered an individual flaw as opposed to organisational shortcomings.

Codes of Conduct in the Public Sector

Citizens’ demands for greater public sector accountability and transparency have led to increased use of codes of conduct within governments and Parliaments. The impacts of such codes are twofold: the external impact is similar to that of private sector codes - it is dependent on how citizens view the organisation. For private corporations, this is reflected through consumer behaviour and company reputation, while for public institutions, it is reflected

Graph 1: Trust in Parliament²



in levels of public trust. Internally, codes of conduct clarify ethical behaviour and avoid the unintentional abuse of office.

In the 1990s, the public sector began formulating codes of conduct largely in response to concerns about declining public trust in government. The United Nations (UN) and the World Bank Institute promote the use of parliamentary codes; in 1996, the UN implemented the International Code of Conduct for Public Officials while the World Bank Institute advocated for using codes of conduct as a mechanism to strengthen parliamentary institutions. Increasingly, codes of conduct were seen as an important mechanism to gain public trust and achieve a homogenous ethical culture within Parliaments.

Interestingly, UN agencies, such as the World Health Organisation and UNICEF, provided expert advisors to help transnational corporations with operations in the field of public health develop appropriate codes of conduct, while UNICEF has assisted others to develop codes regarding the employment of children.

Next steps for Commonwealth Parliaments

Going beyond CPA’s Benchmarks to develop a detailed code of conduct for the Commonwealth, MPs would require homogeneity of standards and expectations among MPs from different countries and regions, as they – like others - tend to use their conscience to resolve any ethical dilemmas they face. However, while Commonwealth Members may share the same aspirational values regarding issues such as democracy, human rights, and peace, the evidence suggests that they do not share common views on the ethicality of specific issues or actions. This lack of a transnational consensus on the ethicality of certain actions poses a challenge to the development of a Commonwealth-wide code.

For example, 25 years ago, Maureen Mancuso (currently interim Provost and Vice-President (Academic) at Canada’s Wilfrid Laurier University) found significant variation among British MPs regarding what constituted as unethical behaviour. More recently, Ang and Pelizzo replicated Mancuso’s study in Indonesia; there was greater homogeneity among Indonesian legislators on what constituted as ethical behaviour but a wide contrast between British MPs and Indonesian legislators.

In a recent study at McGill University in Canada, researchers drilled down to explore whether there was sufficient homogeneity of values among Commonwealth MPs to permit the creation of a more detailed Commonwealth-wide code of conduct, building on the CPA’s current Benchmarks.

Since many of the larger Commonwealth Parliaments have established their own codes of conduct to reflect unique cultures and values, the McGill study narrowed research to mainly the CPA’s Small Branches (defined as Commonwealth Legislatures with populations of under 500,000 people). Using a shorter version of Mancuso’s questionnaire, data was collected from 45 MPs from 24 smaller Commonwealth states. In essence, MPs were asked how unethical they believed each of seven activities to be, using a seven-point scale where ‘1’ equals very ethical/no issues raised and ‘7’ equals ‘very unethical.’ The seven activities are listed in Table 1.



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Activity	Mean	Standard Deviation	Median	Maximum	Minimum
School	2.72	1.26	2.75	5	1
Pass	2.71	1.52	2.33	6	1
Contract	2.70	1.74	2.42	6	1
Secretary	2.07	1.08	2	4.25	1
Travel	1.57	0.82	1.17	4	1
Retainer	3.44	1.72	3	7	1
Gift	3.34	1.68	3.88	7	1

Table 2: Results

Results

When the data was aggregated as seen in Table 2, a variety of perspectives regarding the ethicality of each activity were demonstrated. The activity with the least variation was 'Travel' with a range of 3 points and the lowest standard deviation of 0.82. Most of the categories had standard deviations of 1.0 or higher, indicating that there was little agreement regarding what constitutes as ethical and unethical behaviour. In short, it was evident that MPs from small Commonwealth jurisdictions did not demonstrate a homogenous set of values. In such a situation, it would seem difficult to develop a Commonwealth-wide Code of Conduct for MPs.

However, while there may have been limited consensus in what constitutes as ethical behaviour across Commonwealth regions, there was more agreement among MPs within regions. This was particularly the case in the CPA Australia Region and the CPA British Islands and Mediterranean Region: see Table 3.

Conclusion and Recommendations

The CPA has already established a set of uniform ethical standards for MPs through its *Recommended Benchmarks for Codes of Conduct*. These reflect the Commonwealth-wide agreement on the broad *aspirations* regarding ethical behaviour. From our research, however, it will likely be much harder to develop detailed criteria to be

included in codes – there is lack of agreement across countries regarding what is, and what is not, *ethical behaviour*. However, our research also shows that there is ethical homogeneity *within* regions as opposed to *across* regions. As a result, a better course of action may be to use the Benchmarks as a Commonwealth-wide set of guidelines to create region-specific codes of conduct.

It might be useful, too, if the CPA's Recommended Benchmarks themselves could be expanded to include their purpose and goals, such as increasing public trust. Evidence from the private sector suggests that codes are more effective when linked to unified desired outcomes. Additional consideration could also be given on appropriate sanctions for common misbehaviours.

Finally, thought could be given to establishing a CPA advisory board, perhaps comprising current and former parliamentary ethics advisors, who could provide assistance and guidance to those Parliaments wishing to create their own national or regionally nuanced codes of conduct.

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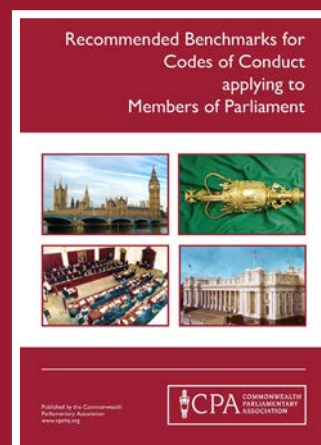
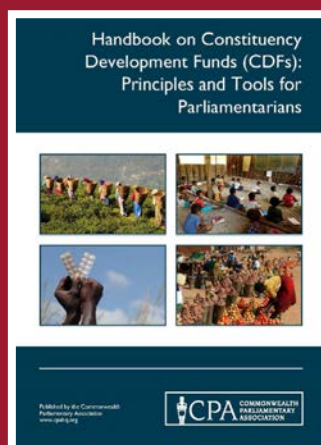
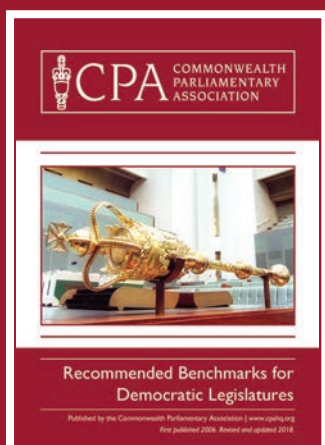
Scenario	Mean	Standard Deviation*	Mean	Standard Deviation*	Mean	Standard Deviation*	Mean	Standard Deviation*
	Australia Region		BIM Region		Caribbean Region		Pacific Region	
School	1	0	1.96	0.58	3.05	1.33	3	0.82
Pass	1	0	2.13	0.89	2.97	1.4	3	2.16
Contract	3	0	2.21	0.89	2.72	1.87	3.17	2.09
Secretary	2	0	2.38	0.96	2.16	1.19	1.33	0.47
Travel	1	0	1.54	0.68	1.72	0.93	1.17	0.24
Retainer	1	0	3.96	1	3.17	1.69	4.67	1.7
Gift	3	0	4.08	0.63	3.58	1.82	1.5	0.71

Table 3: Comparison of Responses within Regions

*SD = Standard Deviation (For Australia there was only one respondent; as a result of this single data point, there was no standard deviation)



The Commonwealth Parliamentary Association (CPA) produces a number of guides and toolkits for Commonwealth Parliamentarians and Parliamentary staff including the *CPA Recommended Benchmarks for Democratic Legislatures*; the *Recommended Benchmarks for Codes of Conduct for Members of Parliament* and the *Handbook on Constituency Development Funds (CDFs): Principles and Tools for Parliamentarians*.



Please contact hq.sec@cpahq.org to request a copy or visit www.cpahq.org/knowledge-centre/cpa-library to download an e-version.



Above: Participants on the residency programmes of the Parliamentary Governance course at McGill University in Canada.



LITERARY INTERLUDES ON ETHICS IN PARLIAMENTARY COMMITTEE REPORTS IN INDIA

In a democratic system of governance, Parliamentary Committees and their Reports have a very significant place. While it may sound like a cliché, Parliamentary Committees are an extension of Parliament and do indeed work as ‘mini-Parliaments’.

One of the core attributes of Parliamentary Committees is their very representativeness. Different parties are represented on a Parliamentary Committee in proportion to their respective strengths in the House. In this manner, the Parliamentary Committee is a microcosm of the whole House.

The experience in the Parliamentary Committees is usually congenial and conducive for in-depth deliberations in a more relaxed manner and mostly shorn of party rivalries. In Parliamentary Committee proceedings (like in India) that take place ‘in camera’, this also contributes to the cohesiveness which eventually gets reflected during Committee deliberations. With regards to the compositions of Parliamentary Committees, proposals for nominations are invited from respective parties and the individual preferences of Members are also taken into account by the Party Leadership. Parties also take into account Members’ aptitudes, educational background and interests as well, particularly so for the Committee on Finance, Infrastructure related subjects and Financial Committees. Parliamentary Committees are also effective for Members to develop a sense of belonging and offer an opportunity to develop affiliations and friendships cutting across party lines.

Such is the prominence of Parliamentary Committees in our democratic polity and the reports of Parliamentary Committees play a pivotal role in shaping and effecting efficacy in the parliamentary

system of governance. Often the reports of Parliamentary Committees are advisory and recommendatory in nature.

Nevertheless, this does not in any manner affect the significance of recommendations/observations made in Parliamentary Committee reports. There are many instances when governments have accepted the majority of recommendations made by a Parliamentary Committee on Bills referred to them. At times, new, comprehensive Bills have been introduced in line with Parliamentary Committees’ recommendations and some Committee recommendations have also paved the way for policy and procedural reforms.

In the case of quasi-judicial Parliamentary Committees, such as the Committee of Privileges, Committee on Ethics, Inquiry Committee, punitive action has also been taken against Members of Parliament, for example in cases of proved misconduct, on the basis of recommendations made by the Parliamentary Committee.

So, what do we see or notice in the language used by Parliamentary Committees?

At the outset, of course, it would be the language, manner, phraseology style in which Parliamentary Committee reports are drafted. It goes without saying that these need to, and ought to be, lucid, analytical and finally the recommendations have to be spelt out in clear and unambiguous terms.

Parliamentary Committee reports have contributed immensely to the rich legacy of our parliamentary system and parliamentary literature. These become part of the institutional memory of Parliament itself. With such huge importance of Parliamentary



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Committee reports, it would be quite fair to hope and aspire that, these reports find a popular readership among people at large. As regards readership, one may wonder, why should a citizen, who may necessarily not be initiated to and in fact not be familiar with all parliamentary jargon, the official way of writing, the script and clipped official phraseology - read parliamentary reports, at least occasionally with some interest. In that line of thought, one seeks to wonder why not bring a bit of colour of literature and poetry in expressing a view of the Parliamentary Committee, whenever feasible.

We have had some instances in otherwise serious reports on very significant matters, where recourse was taken to literary interludes. These were welcomed as *Zephyrs* from at the least expected quarters and savoured.

Through this article I wish to bring out such amazing literary interludes with examples in some Parliamentary Committee Reports.

Beauty and aesthetics sometimes emerge from most unexpected quarters and at times under some unlikely circumstances.

The Constitution of an Inquiry Committee in 1994 in the United Kingdom Parliament under the Chairmanship of Lord Nolan, a distinguished Judge, as a result of public disquiet about press reports questioning standards in public life, was perhaps the first acknowledgment by Parliamentarians of declining standards of behaviour in public life. The Parliament of India too had its share of

instances of conduct unbecoming of Members of Parliament. The Parliamentary Inquiry Committees which considered these matters in-depth, came up with corrective measures and it was in these Committee reports that several literary quotes were taken recourse, to drive home their points with effective resonance.

Cash for Query case

In 2005, an Inquiry Committee constituted in Lok Sabha and the Rajya Sabha Committee on Ethics looked at allegations against 11 Members of Parliament on the grounds of allegations of acceptance of money for raising parliamentary questions that came to light following a TV investigation. The two Committees recommended the expulsion of the 11 Members of Parliament.

The Inquiry Committee (at para 51 of its report)¹ observed:

"The Committee consider this as a defining moment in the life of Parliament. As already noted by the Committee more than half a century ago, on a resolution moved by Pandit Nehru in 1951 the Provisional Parliament had expressed its outright abhorrence of any member accepting money in return for advocating some cause in Parliament. In this context, it would be apt to recall T.S. Eliot:²

*"Time present and time past
Are both present in the Time future
And Time future contained in the Time past"*



LITERARY INTERLUDES ON ETHICS IN PARLIAMENTARY COMMITTEES

MPLADS Inquiry Case

In yet another exposé in 2006, Members of Parliament belonging to both Houses of the Parliament of India were shown by a television news channel as indulging in irregularities in sanctioning development works under the *Members of Parliament Local Area Development Scheme*.

The Parliamentary Inquiry Committee³ (at para 66 of its report) observed *"the strength of any system in its capacity to promptly correct aberrations which may creep in from time to time. The Committee expressed happiness in discerning a firm resolve among the fraternity of Legislators to take urgent remedial action whenever the situation so demands, with a view to reclaim the pristine glory of Legislative Bodies in the Country."*

In this context, the Parliamentary Committee cited the following quotation of American essayist, philosopher and poet Ralph Waldo Emerson: *"The moral sense reappears today with the same morning newness that has been from of old the foundation of beauty and strength. You say there is no religion now 'This like saying in rainy weather, there is no sun' when at that moment we are witnessing one of its superlative effects."*

Instance of improper conduct and impropriety by a Member

In 2007, following a Parliamentary Committee enquiry into the alleged misconduct of Members of Parliament with regards to official air travel, the Committee in their report (at para 58)⁴ underscored the importance of moral principles which Legislators are required to adhere to, and cited the following quotation of American statesman and philosopher, Thomas Jefferson, who also served as the third President of the United States (1801-1809): *"Man was destined for society. This morality therefore, was to be found to this object. He was endowed with a sense of right and wrong merely relative to this. This sense is as much part of his nature, as the sense of hearing, seeing, feeling; it is the true foundation of morality."*

Another case of improper conduct by a Member

In 2007, yet another case was referred to a Parliamentary Committee to Inquire into the Misconduct of Members of the Lok Sabha. The matter pertained to alleged misconduct by a Member through involvement in human trafficking which resulted in commission of offences under provisions of the Indian Penal Code and the *Indian Passports Act*.

What is interesting and illuminating is certain observations made by the Committee in their collective wisdom and their sage counsel in their report⁵, which augurs well and inspires trust in the effectiveness of India's democratic polity. The Committee's relevant observations followed by apt quotes bear testimony to this.

The Committee *inter-alia* observed (at para 42 of the report): *"It is indeed distressing for the Committee that more and more cases of misconduct by Members are coming to the fore. But just as a coin has two sides, so do situations. It is a matter of perspective. If on one side there is an increase in incidence in instances of misconduct, on the other hand, unlike in earlier times, the fraternity of legislators has been proactive in taking quick punitive action against their own wayward brethren. It has been rightly said 'It is not the severity of punishment that acts a deterrent. It is its inevitability'."*

The Committee further observed (at para 44 of the Report): *"These are indeed difficult times. Misconducts by legislators do indeed tend to erode the credibility of Legislative Bodies as also democratic form of Government. But when it comes to just and effective governance there can't be any substitute for democracy. While in our neighbouring countries democracy has always been a sort of utopian concept, democracy is vibrant and kicking in this country. It is true that certain aberrations have crept in, in this system. To make our democratic system truly effective and cleansing it of various malaises, what is needed are sustained efforts. Each and every corrective measure undertaken by the fraternity of legislators may be small but is certainly a concrete step ahead. Perseverance always pays."*

As an anonymous quote says, *"it is within your power to have the determination of an ant, who finds a way to accomplish its mission regardless of the obstacles it faces. Your reaction to disappointment is where your power lies."*

Report on Standards of Conduct of Members

In May 2007, the Speaker of the 14th Lok Sabha constituted a Parliamentary Committee to inquire into the misconduct of Members of Lok Sabha on '*Various Facets of misconduct and Basic Attributes of Standards of Conduct/Behaviour Expected of Members*'. In their Committee reports⁶, they gave very detailed and comprehensive details on various facets of misconduct and the basic attributes of standards as well as many quotes from both literature and from experts in the field.

Ayn Rand, the famous Russian-American novelist said, *"Ethics is a code of values which guide our choices and actions and determine the purpose and course of our lives."* (Para 18, page 11 of the report)

Indian lawyer and politician Mahatma Gandhi is quoted as saying: *"I have always derived my politics from ethics... It is because I swear by ethics that I find myself in politics..."* (*Ethics and Politics* - para 23, p12 of the report).

American statesman and philosopher, James Madison, who served as the fourth President of the United States (1809-1817) was quoted as saying: *"The aim of every political constitution, is or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society;*

"Such is the prominence of Parliamentary Committees in our democratic polity and the reports of Parliamentary Committees play a pivotal role in shaping and effecting efficacy in the parliamentary system of Governance."



and in the next place to take most effectual precautions for keeping them virtuous whilst they continue to hold their public trust."

The Committee also quoted from *Transparency International* as follows: "The Legislature plays a key role in promoting good governance and curbing corruption and poor administration in all sectors of society. Citizens expect Parliamentarians to serve out of conviction and a commitment to the public good, rather than for aspirations of personal power and the pursuit of private profit. In turn, they are conferred the legitimate authority to take decisions that determine the fortunes of both the State and its citizens.

Failure by Parliamentarians to live up to these expectations can seriously undermine not only the trust citizens have in the ability of their elected leaders to act in the public interest, but also in the legitimacy of the State and its institutions..

Mechanisms are needed that tell Parliamentarians in clear terms what is expected of them and what constitutes violation of public ethics. Such mechanism, for instance a code of conduct, need to be enforced and well publicized so that they serve to improve the accountability of Members of Parliament to Parliament and to the general public." [Para 35, page 17 of the report]

US Professor, Ann Florini⁸ says that codes of ethics and codes of conduct can be either prescriptive or aspirational.

According to Willa Bruce⁹, "neither legislators nor the general public understand what a code of ethics really is... because of that confusion, many government entities have passed legislation that they erroneously call code of ethics." But codes of ethics should not specify "sanctions for violation of their provisions."

The Committee on the aspect of *Conflict of Interest* quoted Peter Eigen, Chairman, *Transparency International* as follows: "Throughout the world, people are increasingly angry with the ways in which public power has been manipulated for private profit. The messages we get from our national chapters in every corner of the globe is that they want to see clear and clearly understood conflict of interest rules...."¹⁰

The Committee in their final para (101) of Conclusions cited the following quotations¹¹:

- British academic and philosopher, Bertrand Russell said: "Without civic morality communities perish; without personal morality their survival has no value."
- Indian philosopher, Swami Vivekananda said: "Every successful man must have behind him somewhere, tremendous integrity, tremendous sincerity."
- Hindu scripture, Brihadaranyaka Upanishad says: "You are what your deep, driving desire is. As your desire is, so is your will. As your will is, so is your deed. As your deed is, so is your destiny."

Improper use of social media

In 2016, an Inquiry Committee constituted by the Speaker of the 16th Lok Sabha, considered the matter of a Member of Lok Sabha having unauthorised video footage of the security arrangements at the Parliament House Estate and showing it in a public domain by live-streaming it on social media. The Committee considered the security ramifications of the action.

In their report¹², the Inquiry Committee drew upon literary allusions, while expressing their grave concern over the irresponsibility of the impugned act of live streaming critical video footage on social media.

The Inquiry Committee (at para 150 of the report) *inter-alia* observed as follows: "Committee would like to draw attention to the teachings of wise men who have equated unwisely, bold or a rash act to foolhardiness as personified by the character of Don Quixote as portrayed by the great Spanish writer Miguel de Cervantes in his celebrated work 'Don Quixote.'"

In this connection, it is pertinent to cite the following quotation of German writer and statesman, Johann Wolfgang von Goethe, which aptly describe the conduct of in question: "There is nothing more frightful than ignorance in action."

Conclusion

These are some of the instances where Parliamentary Committees' reports brought to fore the penchant for literature in their conclusions. The fact that amidst the legislative business; the 'fire and brimstone' of parliamentary debates on emotive issues; and serious Committee deliberations, that Parliamentarians have penchant for literature, comes as a refreshing change, once in a while.

Needless to state that parliamentary debates too at times reflect this literary side of Parliamentarians when sometimes even during heated debates, some Members and even Ministers choose to end their speeches by quoting from literature or even poetry.

This showcases the multihued dimension of our Parliament and Parliamentarians, which indeed augurs well for our vibrant democratic polity.

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POST-LEGISLATIVE SCRUTINY: WHY IS THIS AN IMPORTANT TOOL FOR CIVIL SOCIETY?

Post-Legislative Scrutiny (PLS) is a process by which Legislators and Parliaments can assess the impact and consequences of laws that have already been passed. This is an important process for Parliamentarians to understand whether legislation is fit for purpose, is meeting its objective, or impacting certain communities in ways that was not intended. While PLS has largely been a parliamentary-led process, civil society participation is critical.

Civil society have important roles to play in the PLS process and in their interaction with Parliament and Legislators. They can monitor the enactment or impact of legislation to ensure it achieves its objectives. This independent monitoring is important as legislation is often initiated by the State and often civil society are more aware of the effects of legislation on the people that Parliaments are meant to serve. This means that civil society can more readily engage those people most effected by legislation and identify challenges and opportunities for reform.

Civil society can also play an important role in ensuring that the design of legislation is comprehensive, effective and make the provisions contained in law more accessible to community members and the general public. In addition, civil society can increase access to data from multiple entities to assess the impact of legislation on community members, often filling data gaps in informing policy and legislation design.

When civil society organisations (CSOs) can ‘speak the language’ of Parliament, this puts them in a better position to advocate for the groups that they represent. As PLS is a methodology that States recognise and accept, when civil society can frame their concerns in technically sound ways, using the same methodology, there is better opportunity that their issues will be heard and understood by Parliament and Parliamentarians. Expanding PLS to be a

framework that is designed for civil society use, means that civil society organisations that represent various communities and policy areas, can initiate a PLS process outside of government timing and priorities. With this analysis and evidence, civil society can compel governments and Parliaments to be more attentive to critical issues including addressing the rights of marginalised and vulnerable communities.

The Westminster Foundation for Democracy (WFD) has developed several publications and tools on Post-Legislative Scrutiny for Parliaments, including a *Guide to PLS for Parliaments*¹ and *Policy Paper: Gender-Sensitive PLS*², and partnered with the Institute of Advanced Legal Studies of the University of London (IALS-UoL) to launch an *Advanced Certified Course on PLS*. WFD has also been exploring how Parliaments monitor the implementation of, and review, existing legislation through programme activities around the world since 2017.

With funding from the Commonwealth Equality Project (CEP), a UK Foreign, Commonwealth and Development Office (FCDO) funded programme focused on fighting discrimination against women and girls, LGBT+ people and other intersectionally disadvantaged groups, delivered by WFD and Kaleidoscope Trust (KT) over October 2020 to March 2021, WFD’s *Guide to PLS for Parliaments* was adapted as a guide for civil society to undertake Post-Legislative Scrutiny.

*Post-Legislative Scrutiny: From a Model for Parliamentarians to a CSO Strategic and Operational Tool*³ invites civil society organisations to take a leading role in the PLS process in one of two ways - implementing a parallel process which monitors State-led PLS, or initiating the process themselves. The guide highlights the ways that civil society organisations are already participating in



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the PLS process, even if the terminology and official methodology are unfamiliar to them. The guide also presents ways for civil society organisations to expand their activities to enable them to engage in the process, develop analysis, and exercise influence. To do so, civil society organisations require funding, technical support, human resources and exposure to a global network of peers who are also engaging in this work. This information provided in the guide, can influence funders and other organisations providing support to CSOs to be responsive and flexible in their resourcing.

International and national allies are an important element of this work, and the guide encourages civil society organisations to build and maintain relationships with potential allies and partners with a view to forming coalitions. This will aide data collection efforts to examine the effects of legislative implementation, and also aide collective advocacy to build political support for proposed reforms.

The guide outlines key actions for civil society to take in each stage of the PLS process, with attention to critical areas including the engagement of community members, engagement with decision-makers, and participation in the consultation process. This adapted methodology recognises that civil society will have different resourcing and focus, compared to parliaments that lead this process, while maintaining the rigour of the PLS process.

CSO-led PLS in Action in the Commonwealth

The guide was introduced to CSOs in Belize, Mauritius, Sri Lanka and Uganda through CEP earlier this year, and will be fully piloted through CEP's follow-on *Global Equality Project (GEP)*, which will run until March 2022.

In Belize, the guide was used to examine sexual offences law reform and the Equal Opportunities Bill, helping CSOs to start to think about defining the outcomes of legislation for community members and to structure advocacy work by highlighting and addressing capacity and resource needs.

“Civil society have important roles to play in the PLS process and in their interaction with Parliament and Legislators. They can monitor the enactment or impact of legislation to ensure it achieves its objectives. This independent monitoring is important as legislation is often initiated by the State and often civil society are more aware of the effects of legislation on the people that Parliaments are meant to serve.”

CSOs in Uganda are already doing some aspects of PLS, and it is hoped the guide will support these organisations to be more systematic in thinking, planning and conducting PLS going forward, with CSOs working on a particular legislative issue better able to pool their efforts to effect change. There is increased interest among CSOs in demanding accountability from government on the implementation of legislation in Uganda, and there is a need to explore ways to increase scrutiny of government performance in terms of the implementation of legislation and policies.

Uganda has a new Parliament, sworn in during May this year, with an interest in championing the inclusion of youth, women, children and other marginalised groups in the development process of Uganda. The previous Parliament passed Bills that focused on inclusion of women, however, the President of Uganda raised concerns around some provisions in existing laws and policies, and assent is pending to some laws. This has increased the need for PLS to review and address the issues highlighted by the President.

Between September 2021 and March 2022, WFD in Uganda plans to support CSOs to:

1. hold dialogues with stakeholders to better understand how the parliament of Uganda conducts PLS and the level of appetite for PLS;
2. hold a conference for Members of Parliament on PLS, building on the Speaker of Parliament's desire to mainstream PLS in the 11th Parliament of Uganda; and
3. support CSOs to review various pieces of legislation that require further scrutiny.

Aside from working closely with CSOs in selected countries to use the PLS guide in the coming years, WFD will launch an PLS/CSO e-learning module in 2022, to enable CSOs globally to pilot use of the guide through a self-taught programme.

This will ensure the guide can be used by a wide range of CSOs, in any country in the world, to better scrutinise the impact and consequences of legislation.

For further information on post-legislative scrutiny for civil society organisations, please refer to the *'Post-Legislative Scrutiny: From a Model for Parliamentarians to a CSO Strategic and Operational Tool'* published by the Westminster Foundation for Democracy (WFD) and Kaleidoscope Trust (KT) and made possible through funding received from the UK Foreign, Commonwealth and Development Office (FCDO) through its Commonwealth Equality Project (CEP). Visit www.wfd.org.

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GLOBAL EXPERTS EXAMINE THE FUTURE OF TECHNOLOGY AND THE ROLE OF PARLIAMENTARIANS



The Commonwealth Parliamentary Association Headquarters Secretariat hosted a ‘*Virtual Conference on the 4th Industrial Revolution*’ from 5 to 9 July 2021. The conference brought together MPs, parliamentary staff, industry leaders and global experts to review the transformative technologies that are driving the 4th Industrial Revolution and to prepare our democratic institutions to better respond to these advances. Amongst the 33 panellists who addressed the virtual conference across the course of five days were representatives from:

- the world's biggest technologies companies, such as Microsoft and IBM.
- international organisations including the World Economic Forum and the United Nations.
- leading academic institutes and think tanks.
- the Parliaments of South Africa, the United Kingdom, Canada, New South Wales and the Western Cape.

The CPA was also proud that, in an industry still dominated by men, the conference featured more than 50% women speakers and panellists.

To mark the conclusion of the conference, the CPA has linked 12 key resources that Parliamentarians should explore as they take forward the lessons from the conference within their own jurisdictions. From short blog articles and podcasts to policy-maker toolkits and detailed reports, these varied sources of information will help Parliamentarians to consider in more detail how emerging technologies can be deployed to stimulate growth and the measures that will be necessary to ensure the technology is harnessed in an equitable, inclusive and sustainable way. Visit the CPA blog page for more details: www.cpahq.org/knowledge-centre/cpa-blogs.



CPA VIRTUAL CONFERENCE ON THE 4TH INDUSTRIAL REVOLUTION: KEYNOTE ADDRESS

Sheila Warren, Deputy Head of the World Economic Forum's Centre for the Fourth Industrial Revolution, delivered the opening remarks at the Conference.



“As the CPA celebrates its 110th anniversary, I am delighted to provide thoughts on how the Commonwealth, Parliaments, and democracy itself, are changing as a result of the dramatic transformation that's happening all around us. While the Fourth Industrial Revolution is changing society like never before, it builds on foundations laid by the first three industrial revolutions. The advent of the steam engine in the 18th century led to the First Industrial Revolution, when production was mechanized for the first time and people became increasingly urbanised. In the Second Industrial Revolution, electricity and other related scientific advancements led to mass production. The Third Industrial Revolution, beginning in about the 1950s, saw the emergence of computer digital technology. This led, of course, to the increasing automation of manufacturing and destruction of industries including banking, energy, and communications.

The Fourth Industrial Revolution is a bit different, yet related. It's a way of describing the blurring of boundaries between the physical, digital, and biological worlds. It's a fusion of advances in artificial intelligence, robotics, the Internet of Things (IoT), 3D printing, genetic engineering, quantum computing, blockchain and other technologies. It's the collective force behind many products and services that are fast becoming indispensable

to modern life. Think GPS systems that suggest the fastest route to a destination, voice activated virtual assistants, personalized streaming video recommendations, and the ability of social media platforms to recognize your face and tag you in a friend's photo.

As a result of this perfect storm of technologies, the Fourth Industrial Revolution is paving the way for transformative changes in the way we live and radically disrupting almost every business sector. And all of this is happening at an unprecedented whirlwind pace.

But the Fourth Industrial Revolution is more than just technologies. It represents a fundamental change in the way we live, work, and relate to one another. It's a new chapter in human development, enabled by these extraordinary technological advances. These advances are merging our worlds in ways that create both huge potential and promise, but also bring along new risks. The speed, breadth and depth of this Revolution is forcing us to rethink how countries develop, how organisations create value and fundamentally even what it means to be human.

So, the Fourth Industrial Revolution is more than just technology-driven change and adaptation. It's an opportunity to help everyone, including leaders, policy makers and people from all income groups and nations, to harness the convergence of these technologies to create an inclusive, human-centred future. The real opportunity lies in looking beyond technology and finding ways to give the greatest number of people the ability to self-organize and positively impact their families and their communities.

We speak of the convergence of technologies, but of course technology is not a silver bullet. Quite the opposite. How do we create an enabling environment that ensures that technology – the ones that exist and the ones that are on the cutting edge of the frontier – will benefit everyone, not just some small swath of the population? How do we reimagine our cities and our built environments? How do we rethink housing and transportation of our populations? What about our financial system: how do we rethink about access and inclusion, in a world where so many still remain without access to these basic services? How do we harness both automated and autonomous systems for the benefit of society?

COVID-19 has spotlighted inequality in our environment, all over the world. We've seen that in the devastation wrought in certain parts of the population, in the speed and pace of the response that was able to be delivered, which varied around the world, and of course, fast forwarding to now, in vaccine deployment and access. We've seen how challenging it is to access data across borders, and how vital information wasn't always readily available to those who were in a position to actually help.

“Parliamentarians must spend time talking with each other, thinking and learning about the ways that the Fourth Industrial Revolution is changing our lives and what could be coming next.”

We have a chance to do better by building our systems, by building our policies and, as I refer to it, the enabling environment of policy and regulation, to ensure that we are spurring forward and accelerating the positive technology while mitigating the risks. The challenge for all leaders – at every level of government – for business and civil society, for academics and the media, is going to be: how do we do this in a global, multi-stakeholder way? A way that encourages collaboration, that recognises that the convergence of technologies is going to involve us reaching across silos, breaking some of those walls down and thinking about the global world the way we think about technology.

Parliamentarians must spend time talking with each other, thinking and learning about the ways that the Fourth Industrial Revolution is changing our lives and what could be coming next. At the World Economic Forum, what we foresee is a sheer accelerant. Things that have seemed already whirlwind and rapid are going to pick up even more as we emerge, as a world, from the holes we've been hiding in during COVID-19. We're going to see a refresh on what it means to be a society, what parts of our virtual environment worked and what parts didn't, and who did they work for and whom not. How do we maintain and keep going forward with the benefits, the things that really were positive changes in our lives? How do we think about our mental and physical health in response to this pandemic? We know this probably is not the last time we'll face challenges of this magnitude as a global society.

What we can do now is lay the groundwork through our policy, our regulations, our frameworks. Through our narratives, our conversations and our engagement with each other. To ensure that the next time such a situation strikes all of us, we are better equipped to respond, and we can leverage the benefits of technologies and make sure that all citizens, everywhere in the world, achieve what they need in order to thrive.”

ENSURING ETHICAL AND TRUSTWORTHY DATA-DRIVEN SYSTEMS

Following the recent CPA 4th Industrial Revolution Virtual Conference, the article outlines some of the emerging technologies that Commonwealth Parliamentarians should be mindful of when they are legislating in the future.

The benefits and harms of data and data-driven systems

Throughout the pandemic, we have seen first-hand how crucial data is. Data analysis has been vital to understand the spread of the virus and its impacts on health-care systems, government services, employment and education. Data has also been critical for investigating the efficacy of policies to control the disease and mitigate its broader harms. Advances in data infrastructure and data-driven systems (including artificial intelligence (AI)) can also bring a wealth of opportunities to many sectors: from improving disease diagnosis and other applications in healthcare^{1,2}, to improving productivity and energy consumption in manufacturing³, to enabling breakthroughs in fundamental scientific questions, such as protein folding.⁴

In short, data and data-driven systems can be used in countless ways to inform policy, to improve public services, and to innovate in many industrial sectors. But alongside these benefits, we have also paid witness to an increasing catalogue of risks and potential harms, which warrant our attention. For example:

Reliability and robustness - There are many examples of systems that perform well within the conditions under which they were developed, but perform poorly when moved to another environment, or when moved from the research lab to the real-world. For example, several systems trained to identify pneumonia in chest X-rays from one hospital were found to perform significantly worse on X-rays from different hospitals.⁵ A system that diagnosed eye scans with high accuracy in the lab performed much worse in practice, for example because the system failed on images taken under poorer lighting conditions than those used to train the system.⁶

Privacy and security - Data hungry analytics and algorithms are fed by increasing amounts of personal and often highly sensitive data. Ensuring meaningful consent, adequate protection for data subjects, and adequate controls against theft of data is a huge challenge. In *The Age of Surveillance Capitalism*, Zuboff argues that big tech represents a new form of capitalism, in which companies profit by converting increasing volumes of personal data into predictions or even modifications of behaviour.⁷

Algorithmic bias - In US healthcare, commercial systems are used to predict the health needs of individuals, in order to allocate resources. Researchers investigated a widely used algorithm, typical of such systems, and found that it underestimated the health needs of black individuals compared to those of white individuals.⁸ The reason? The system had been trained using healthcare costs as a proxy for healthcare *needs*. Those from more affluent backgrounds suffering a particular health issue are likely to have more spent on addressing that issue than those from less affluent backgrounds. As a result, the system learnt to allocate lower resources to those from less privileged backgrounds. This is one of many examples of algorithmic bias resulting in discriminatory outcomes.

Social injustice beyond bias - Algorithmic bias often refers to systems whose outputs are discriminatory, for example because the system performs worse for some marginalised group. Facial recognition systems often suffer from algorithmic bias, for example producing highly accurate results for lighter skinned male faces, while having much higher error rates for darker skinned female faces.⁹ But systems that perform equally well for different groups can still result in harms and discriminatory behaviour. For example, even



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if a facial recognition system were highly accurate for all subgroups (and deemed to be “unbiased”), if it is used in ways that oppress or over-police certain communities, it can still result in harms that disproportionately affect marginalised groups.¹⁰

Environmental impacts - It has been estimated that the carbon emissions from training a large language model with architecture search has a carbon footprint nearly five times the lifetime emission of an average American car.¹¹ As we rely on more data and computer-intensive systems, the amount of energy requirements will likely only worsen over time.

These examples illustrate the need to understand and mitigate the potential negative societal impacts of data-driven systems: impacts to individuals, to particular groups (particularly historically marginalised communities), to broader society and the environment. In order to harness the benefits of these technologies, we need to implement systems that can be trusted for good reason - that is, they are *trustworthy*. We need systems that are designed, built, deployed and overseen responsibly.

Mainstreaming ethical and trustworthy data-driven systems

Over the last decade we’ve seen an increasing awareness of these risks and harms. This is in large part due to advocates, researchers, and journalists who have investigated real-world impacts, and audited high-stakes systems. Their work has surfaced the realities of these systems and their impacts on people’s lives.^{12 13 14 15 16}

This work to call out current and future harms is vital. But in order to reach a destination in which trustworthy systems are the norm we need to mainstream ethical and trustworthy approaches to data-driven systems, including AI. Investigating and responding to societal impacts is not something that should only happen after something goes wrong, nor should it only be an endeavour of ethicists separate from the developers and owners of these systems. Ethics should not be left only to those who feel personally compelled, nor should it be something organisations merely pay lip service to as a public relations strategy. So how do we move from awareness and statements of aspirational principles, to a situation in which trustworthy systems are the norm?

What do we need?

Engagement with those impacted - Engagement with the public, advocacy groups, and those representing marginalised communities is crucial to understand the current and potential impacts of existing or proposed systems, as well as to build well-earned trust long-term. For example, through citizen juries, participatory impact assessments, or lived experience panels.¹⁷

Societal thinking throughout development and deployment - The requirements identified from engaging with those impacted, through engagement with societal and ethics experts, and from regulatory requirements, need to be built into systems from the very beginning. These requirements should inform problem formulation (what problem the system is aiming to solve, and how this is framed),



the design, the development, how the system is implemented and how the system is monitored after deployment.

Accountability - There needs to be clear accountability, so that data owners, system developers, system owners and users understand their responsibilities. And when things do go wrong, there need to be avenues to raise problems and incidents, and avenues for those harmed to seek redress.

Governance - These need to be backed-up by appropriate legislation, policy and guidance, that is accessible to developers and owners, and enforced when required.

How do we get there?

These are big challenges. But here we highlight just some of the mechanisms that can help us to reach these goals and move towards mainstreaming ethics and trustworthy approaches.

Training - It is vital that those making decisions have access to training, to enable sufficient understanding of digital technologies and their opportunities, but also sufficient understanding of potential risks and harms. Policymakers, legislators, leaders in relevant domains (such as healthcare and criminal justice), those making decisions about procurement, or about research and development funding, would all benefit from an understanding of potential risks.

Government leading by example - Governments can lead by example through their own use of data and systems. This can begin by engaging with the public and stakeholder groups to understand risks, engaging with experts in ethical and trustworthy data and systems, and embedding ethical thinking within development and procurement. The Alan Turing Institute’s guidance on AI ethics in the public sector can be used as a starting point.¹⁸



ENSURING ETHICAL DATA-DRIVEN SYSTEMS

Oversight - In order to make trustworthy systems the norm in the private as well as public sphere, we need adequate governance and oversight. This can begin by regulators:

(i) supporting and listening to advocacy groups to understand current and potential issues arising from use in the private sphere;

(ii) engaging with technical and ethics experts to stay on top of current and emerging technological developments and the associated benefits and harms; and

(iii) grappling with the gaps in legislation and developing guidance for best practise and achieving compliance. For example, within UK healthcare, the Multi-agency Advisory Service has been set up to provide guidance to developers to understand their regulatory responsibilities.

Research funding decisions - Private firms are making huge strides in advancing data and AI technologies. Public research funding can be used to address problems that private firms are not well-placed to solve. This includes impartial research concerning aspects of trustworthy AI, understanding the societal impacts of digital technologies, and the use of data and AI for social good.

In summary

Data and data-driven systems present huge opportunities, but we must stay cognizant of their risks and potential harms. We need to reach a destination in which ethical and trustworthy systems are the norm, and consideration of ethics and societal impact is an everyday part of the work of system developers, owners and regulators. While there are big challenges to grapple with, there are many concrete steps that can help us move towards that goal today.

For more information about the Alan Turing Institute – the UK’s national institute for data science and artificial intelligence – please visit www.turing.ac.uk.

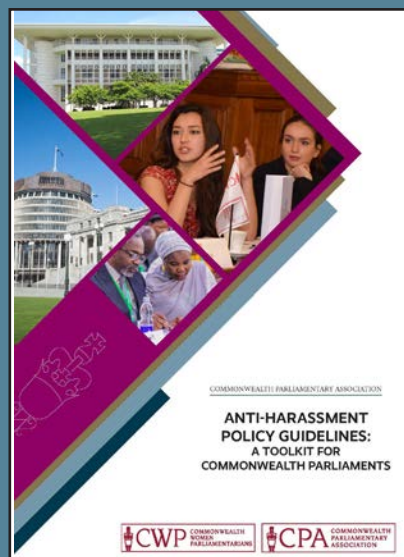
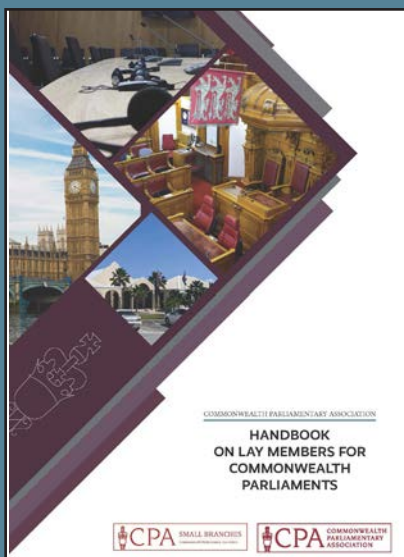
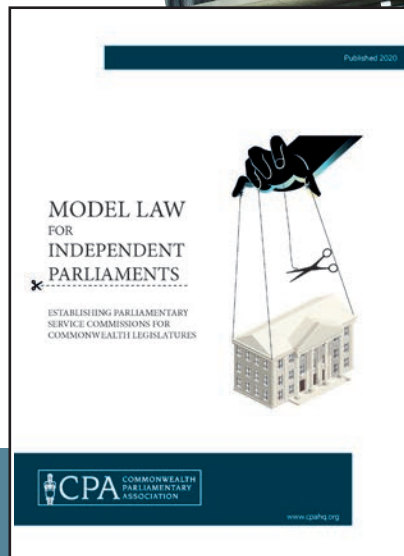
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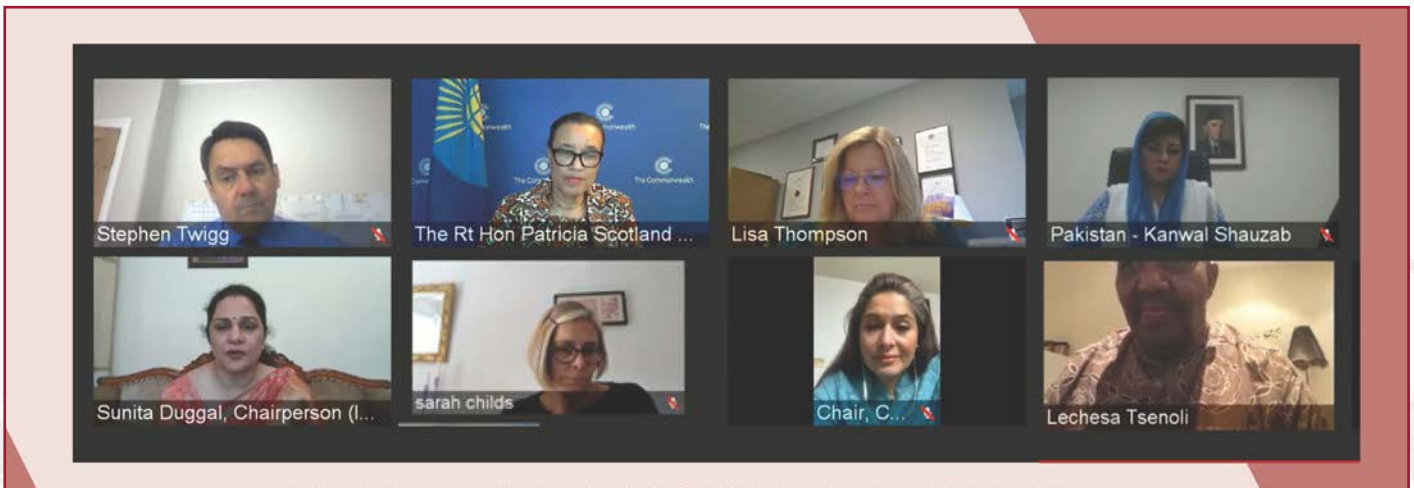
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- 6 Google's medical AI was super accurate in a lab. Real life was a different story; MIT Technology Review; <https://www.technologyreview.com/2020/04/27/1000658/google-medical-ai-accurate-lab-real-life-clinic-covid-diabetes-retina-disease/>
- 7 The Age Of Surveillance Capitalism: The Fight For A Human Future At The New Frontier Of Power; Shoshana Zuboff
- 8 Dissecting racial bias in an algorithm used to manage the health of populations; Ziad Obermeyer, Brian Powers, Christine Vogeliand, Sendhil Mullainathan
- 9 Gender shades: Intersectional accuracy disparities in commercial gender classification; Joy Buolamwini, Timnit Gebru
- 10 <https://ainowinstitute.org/oversight-committee-testimony-whittaker.pdf>
- 11 Energy and policy considerations for deep learning in NLP; Emma Strubell, Ananya Ganesh, Andrew McCallum
- 12 Actionable auditing: Investigating the impact of publicly naming biased performance results of commercial AI products; Inioluwa Deborah Raji, Joy Buolamwini
- 13 Big data's disparate impact; Solon Barocas, Andrew D. Selbst
- 14 Weapons of Math Destruction; Cathy O'Neil
- 15 Algorithms of Oppression - How Search Engines Reinforce Racism; Safiya Umoja Noble
- 16 Race after Technology; Ruha Benjamin
- 17 Participatory data stewardship; The Ada Lovelace Institute
- 18 Understanding artificial intelligence ethics and safety: A guide for the responsible design and implementation of AI systems in the public sector; The Alan Turing Institute; David Leslie
- 19 <https://www.nhs.uk/ai-lab/ai-lab-programmes/regulating-the-ai-ecosystem/the-multi-agency-advice-service-maas/>

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CWP LEAD GLOBAL DISCUSSIONS ON WOMEN'S PARLIAMENTARY LEADERSHIP

Commonwealth Women Parliamentarians from the CWP International Steering Committee participated in a webinar organised by the Commonwealth Secretariat in collaboration with the CPA and CWP on Women's Parliamentary and Transformational Leadership.

Forming part of the Commonwealth Secretariat's *Inclusive Dialogue and Women's Political Participation Webinar Series*, the online webinar was designed to critically reflect on gender sensitivity in Parliaments and the significance of women's parliamentary and transformational leadership in fostering equitable development in the Commonwealth. All of the panellists shared their knowledge, first-hand experience and examples of best practice on matters relating to barriers to women's representation and effective leadership and the challenges and strategies needed to encourage the retention of women in Parliament. The webinar was attended by Parliamentarians, parliamentary staff, academics, experts, international organisations and members from civil society organisations from across the Commonwealth.

In his opening remarks, the CPA Secretary-General, Stephen Twigg encouraged Parliaments to actively engage in the process of sharing best practices to ensure that they strengthen their institutions and support women in Parliament and strive for the exceptional to become the normal. The Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC re-echoed this sentiment and said that '*Parliaments should lead the way for greater equality and inclusivity*' and should ultimately '*act as engines of change*'. The Commonwealth Secretary-General also paid tribute to the late CPA Chairperson, Hon. Emilia Monjowa Lifaka, MP, recalling her commitment to and championing of women's leadership in Parliaments.

The webinar was delivered in two separate panel discussions. The first was moderated by the CWP Chairperson, Hon. Shandana Gulzar Khan, MNA (Pakistan), who reflected on women's parliamentary representation across the Commonwealth and addressed the barriers that women in the Commonwealth face upon their entry into politics, into Parliament and when rising to leadership positions within society.

During this discussion, CWP Canada Member, Hon. Lisa Thompson, MPP (Ontario), provided insight into her role as the Ontario Minister of Agriculture, Food and Rural Affairs and specifically the work that the Legislative Assembly of Ontario is doing to combat cyberbullying and become a gender sensitive Parliament. In her remarks, Hon. Thompson said that '*women need to change the narrative and drive policy that ensures that gender sensitivity is a priority and that bullying stops*'.

Sarah Childs, Professor of Gender and Politics at the Royal Holloway University of London and the author of the CWP's *Gender Sensitising Parliaments Guidelines* also informed Parliamentarians of how they can start the journey of gender sensitising their respective Parliaments and the importance of Parliaments undertaking audits using the CWP guidelines. During her presentation, Professor Childs also highlighted the value of male allies and women parliamentary friendship groups as methods that can be used to help Parliaments become more 'gender sensitive'.

Moderated by the CWP Vice-Chairperson, Hon. Dr Zainab Gimba MP (Nigeria), the second panel discussion titled *Retention, Relevance and Equity Strategies* confronted the hurdles that women Parliamentarians can face when accessing Parliament and the challenges they also face when trying to carve out their own space and gain influence in the policymaking process.

In his contributions to the conversation, the Deputy Speaker of the National Assembly of South Africa, Hon. Solomon Lechesa Tsenoli, MP stressed that 'the current male dominated status quo is unacceptable. It discriminates and pays lip service to equality of men and women. Lesbian, gay, bisexual, transgender persons experience even more bias and violence in addition to being looked down upon as less human'. Hon. Tsenoli continued 'if we turn our institutions, especially our Parliaments as good examples of what to do, we will provide the best leadership across society, in every sector - the political, the social, the economic, the religious, the sporting and recreation. Force of example is our best bet!'

During this second panel discussion, the CPA Secretary-General Stephen Twigg took the opportunity to highlight the need for Parliaments to be institutions that are welcoming of women and highlighted the CWP's Anti-Harassment Guidelines as a useful tool that has been developed by the CPA Headquarters Secretariat which can serve as one of the many tools that Parliaments can use to combat the issue of the retention of women in Parliament.

Other Members of the CWP International Steering Committee who also participated in the event included: the CWP Steering Committee Member for the British Islands and Mediterranean Region, Hon. Samantha Sacramento, MP (Gibraltar); CWP Member for the India Region, Smt. Sunita Duggal, MP (India Union); and Hon. Kanwal Shauzab, MNA (Pakistan) on behalf of CWP Member for the Asia Region, Hon. Munaza Hassan MNA.



CWP CHAIRPERSON HIGHLIGHTS SDG5 IN UGANDA



The current Chairperson of the Commonwealth Women Parliamentarians, Hon. Shandana Gulzar Khan, MNA (Pakistan) met recently with the former CWP Chairperson (2013-2016) Rt Hon. Rebecca Kadaga, MP, the First Deputy Prime Minister of Uganda and a former Speaker of Parliament to discuss gender equality and achieving SDG5. The meeting took place in the margins of the *African and Asian Parliamentarians' Meeting on the ICPD25 Commitments* that took place in Kampala, Uganda from 17 to 19 August 2021.

Hon. Shandana Gulzar Khan led a six-person delegation from the National Assembly of Pakistan to the conference which was attended by representatives of 24 countries to discuss Agenda 2030, population development, maternal health as well as Sustainable Development Goal 5 on Gender Equality.

CWP CHAIRPERSON JOINS COMMONWEALTH ELECTION OBSERVER MISSION TO ZAMBIA



The Commonwealth Women Parliamentarians Chairperson, Hon. Shandana Gulzar Khan, MNA (Pakistan) joined a Commonwealth observer group for the Zambia general elections recently. The former President of Tanzania, HE Dr Jakaya Kikwete, led the group of eminent persons from across the Commonwealth to observe the elections in Zambia which took place on 12 August 2021.

The 14-member team of observers was constituted by the Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC at the invitation of the Government of the Republic of Zambia.

CWP CHAIR AND SOUTH AFRICAN SPEAKER AT CWP KWA-ZULU NATAL WEBINAR



The Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Shandana Gulzar Khan, MNA (Pakistan) joined the Speaker of the Kwa-Zulu Natal Provincial Legislature, Hon. Nontembeko Boyce, MP and other Members of the Legislature for a special webinar organised by the CWP Kwa-Zulu Natal chapter. Attendees discussed discriminatory laws, economic empowerment and violence against women and girls before the keynote address on 'realising women's rights' was given by Hon. Nosiviwe N. Mapisa-Nqakula, Speaker of the National Assembly of South Africa.

WESTERN CAPE WOMEN'S PARLIAMENT PLACE WOMEN'S RIGHTS IN THE SPOTLIGHT



Commonwealth Women Parliamentarians from across the Commonwealth have joined Members of the Western Cape Provincial Parliament in South Africa for the 2021 Western Cape Women's Parliament. The theme for this year's event was: 'Placing the dignity and innate rights of women in the spotlight'.

The Chairperson of the Commonwealth Women Parliamentarians, Hon. Shandana Gulzar Khan, MNA (Pakistan) joined the CWP Vice-Chairperson and CWP Africa Region Chairperson, Hon. Zainab Gimba, MP (Nigeria) and Ms Sharon Tomiko Santos, Member of the Washington State Legislature in the United States at the event via video link.

The CWP Chairperson said in her opening remarks: "Women are 50% of the population but not 50% of Parliamentarians. Until we prioritise gender equality, we will not get very far."

The event was convened by Hon. Beverley Schäfer, MP, Deputy Speaker of the Western Cape Provincial Parliament and the programme included discussions around the promotion of women in STEM (science, technology, engineering and mathematics); the gender pay gap; and gender responsive budgeting.

Image credit: Commonwealth Secretariat

For more images of CPA activities and events please visit www.cpa.org/cpaimg/flickr.



WOMEN PARLIAMENTARIANS FROM INDIA JOIN TWO CWP VIRTUAL ROUNDTABLES ON GENDER SENSITIVE PARLIAMENTS FOR THE INDIA REGION

The Commonwealth Women Parliamentarians (CWP) network hosted two virtual roundtables on gender sensitive Parliaments shifting its focus to the CPA India Region. The forum gave attendees the opportunity to hear from Dr Sarah Childs, Professor of Gender and Politics at Royal Holloway University of London, and the author of the CWP Gender Sensitising Parliaments Guidelines, on the various implementation strategies for adopting gender sensitive practices in their respective Parliaments.

Professor Childs provided insight into how Parliaments can proceed to translate the idea of a gender sensitive Parliament into practices and reforms that are understandable to Parliamentarians and the administration of Parliament. She stated that *'gender sensitising is not just a matter for women, but Parliaments should look to critical actors [academics, members of civil society, the Speaker] and male allies in position of power'*. She continued *'gender sensitising a Parliament is not a cheap option done on the free work of committed Members whether male or female'* and that *'accountability is really important and critical to bringing about change'*.

At the first roundtable, two members of the Meghalaya State Legislature, Hon. Dr M. Ampareen Lyngdoh, MLA and Hon. Miani D. Shira, MLA spoke about their personal experiences as Members of the Legislative Assembly and highlighted some of the challenges that women Parliamentarians across the India Region face that hinder their ability to be effective and successful women in Parliament.

During the second roundtable, CWP Steering Committee Member for the India Region and Member of the Lok Sabha, Smt. Sunita Duggal underlined the record number of women Parliamentarians in the current Lok Sabha (79 women or 14.63%), and the high number of women leaders in local government as well as a wide range of other sectors in India, including in engineering, science and technology. In addition, she highlighted that India has seen a paradigm shift in moving away from talking about women's development and towards 'women-led development'.

The Parliamentarians and parliamentary staff from the India Region agreed on the need for increased gender sensitivity and inclusivity within their Parliaments and discussed their existing ambitions and the various challenges to progress.

CWP CHAIRPERSON HOLDS VIRTUAL CWP STEERING COMMITTEE TO FOCUS ON STRATEGIC PLAN AND FUTURE ACTIVITIES

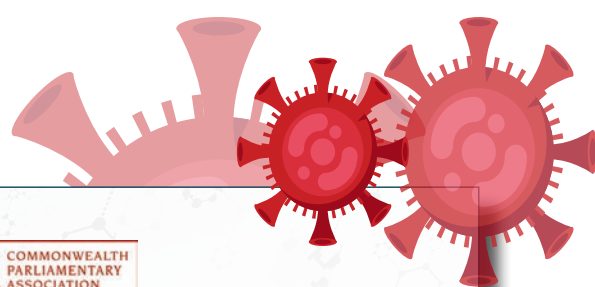
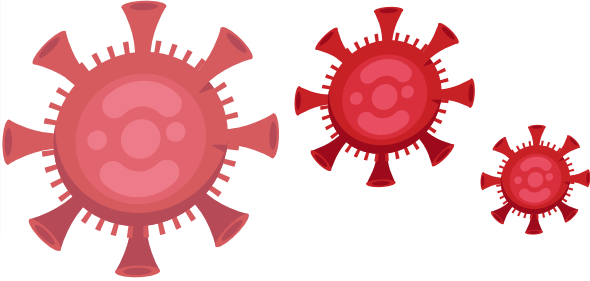
The Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Shandana Gulzar Khan, MNA (Pakistan) held the bi-annual meeting of the CWP Steering Committee online to discuss the planning of future activities of the network and proposals for the CWP strategic plan.

CWP Members reviewed and approved a new approach to utilising the CWP Regional Strengthening Funds and budget for next year as well as looking ahead to activities to mark International Women's Day in March 2022.

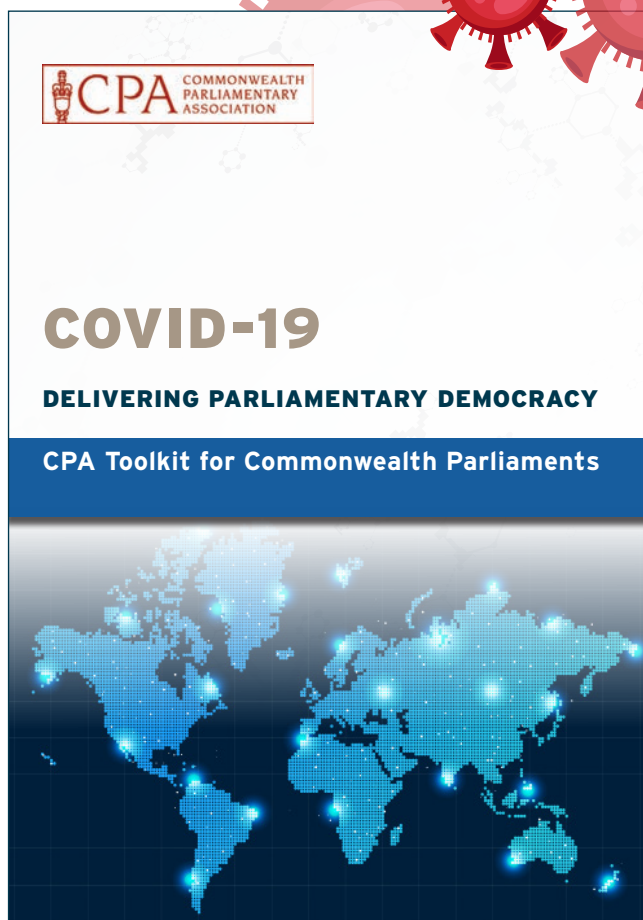
CWP Members attending the meeting included: Hon. Lisa Thompson, MPP (Ontario) representing the CWP Canada Region; Hon. Samantha Sacramento, MP (Gibraltar) representing the CWP



British Islands and Mediterranean Region; Ms Aisha Ghaus Pasha, MNA (Pakistan) representing the CWP Asia Region; Senator Nita Green (Australia Federal) representing the CWP Australia Region; Anahila Kanongata'a-Suisuiki MP (New Zealand) representing the CWP Pacific Region; Hon. Sunita Duggal, MP (Lok Sabha) representing the CWP India Region; as well as the CWP team from the CPA Headquarters.



CPA TOOLKIT FOR COMMONWEALTH PARLIAMENTS ON THE COVID-19 PANDEMIC AND DELIVERING PARLIAMENTARY DEMOCRACY



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COVID-19 PANDEMIC

Coronaviruses (CoV) are a family of viruses that cause illness ranging from the common cold to more severe diseases. Coronavirus disease (COVID-19) is a new virus that was discovered in 2019 and has not been previously identified in humans.

A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect people and can spread between people worldwide. Because there is little to no pre-existing immunity against the virus, it spreads worldwide.

The virus that causes COVID-19 is highly contagious and spreading easily from person-to-person. Cases have been detected in most countries worldwide and continue to spread in a growing number of countries. On 11 March 2020, the COVID-19 outbreak was declared as a pandemic by the WHO.

Common signs of infection include:

- Respiratory symptoms
- Fever
- Cough
- Shortness of breath
- Swallowing difficulties

In more severe cases, infection can cause:

- Pneumonia
- Severe acute respiratory syndrome
- Kidney failure
- Death

SYMPTOMS

PREVENTION

- Washing of hands frequently and thoroughly clean hands with soap and water.
- Maintain at least 2 metres (6 feet) distance between people, especially those who are coughing or sneezing.
- Practice respiratory hygiene. This means covering mouth and nose with either the bent elbow or a tissue when people cough or sneeze.
- Avoid touching eyes, nose and mouth. Hands touch many surfaces and can pick up viruses. Once contaminated, hands can transfer the virus to the eyes, nose or mouth.

PUBLIC HEALTH IMPACTS

The public health impacts of the Coronavirus outbreak are widespread. Some of the areas of public health affected will include:

- Increased mortality rate – the primary health impact of the global pandemic.
- Physical health of the general population – for those who suffer from the virus but also through lack of essential health care due to social distancing measures.
- Social care providers – particularly for elderly or vulnerable people.
- Mental health – particularly through stress, anxiety, isolation especially during social distancing measures.
- Health services – a global pandemic will have a huge effect on the public health services in any given jurisdiction.

COVID-19'S ECONOMIC IMPACT

The economic impacts of the Coronavirus outbreak have led to a global economic decline. Many governments are trying to understand how the recovery path will be affected in the future.

TRAVEL INDUSTRY DECLINE

The global travel industry has seen a sharp decline in demand. Many airlines have suspended flights and hotels are struggling to maintain occupancy levels.

GROWTH COULD STAGNATE

Global economic growth is expected to slow significantly due to the pandemic. Many countries are implementing measures to support their economies.

FINANCIAL MARKETS DECLINE

Global financial markets have experienced a sharp decline. Many investors are holding onto their investments, and governments are providing financial support to their citizens.

INDUSTRY SLOWED

Many industries, particularly those in the service sector, have slowed down or stopped operations. Governments are providing financial support to these industries.

CUSTOMERS BUYING LESS

Consumers are spending less money on goods and services. This is due to the economic uncertainty and the need for social distancing.

The outbreak of COVID-19 (Coronavirus) and its spread to at least 180 countries has consequently plunged many Parliaments and Legislatures across the world into a state of emergency. Commonwealth Parliaments and Parliamentarians are grappling with many different issues both to implement the emergency health measures during this global pandemic while at the same time looking at new ways to conduct debates, scrutinise and pass legislation, hold parliamentary committees and question the actions of their governments.

THE 'CPA TOOLKIT FOR COMMONWEALTH PARLIAMENTS AND LEGISLATURES ON THE COVID-19 (CORONAVIRUS) PANDEMIC AND DELIVERING PARLIAMENTARY DEMOCRACY' provides various measures and recommendations that can be adopted by both Parliaments and Parliamentarians in order to continue to deliver on the Legislatures' role of scrutinising legislation and delivering democracy during a global pandemic.

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COMMONWEALTH LEGISLATIVE NEWS

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PARLIAMENTARY NEWS FROM FEDERAL PARLIAMENT OF CANADA

Parliamentary Report by Gabrielle de Billy Brown, Parliament of Canada.

30TH GOVERNOR-GENERAL OF CANADA APPOINTED

On 26 July 2021, Rt Hon. Mary Simon was appointed as the Governor-General of Canada. She is the 30th individual, and the first Indigenous person, to occupy the position since Confederation.

Prior to her nomination, Her Excellency's career has been focused on advocacy for Inuit rights and culture, particularly in Nunavut and Northern Québec. She has dedicated her time to international Arctic and polar issues and was Canada's Ambassador to Denmark between 1999 and 2001.

Her appointment followed the resignation of Rt Hon. Julie Payette from her role in January 2021 and the interim nomination of Rt Hon. Richard Wagner, Chief Justice of Canada, as Administrator of the Government of Canada.

44TH GENERAL ELECTION

On 15 August 2021, the Prime Minister of Canada, Rt Hon. Justin Trudeau, MP, asked Her Excellency, Rt Hon. Mary Simon, Governor-General of Canada, to dissolve the 43rd Parliament, launching Canada's 44th general election. This comes two years after the last federal election, which was held in October 2019.

The independent Leaders' Debates Commission has been tasked with the organisation of the federal leaders' debates - one in each official language, to be held in French on 8 September 2021 and in English the following day. The leaders of the five political parties represented in the House of Commons at the time of dissolution were invited to participate.



Image credit: Office of the Governor-General of Canada.

The 44th General Election was held on 20 September 2021, following a 36-day election period, the minimum length permissible according to the *Canada Elections Act*. The Governor-General of Canada has issued a proclamation summoning the return of the House of Commons on 18 October 2021 following the results of the election.

Please note that at the time of writing, the election had not yet been held and the results were not known.

CONTINUED RESPONSE TO THE COVID-19 PANDEMIC

The dissolution of the 43rd Parliament has meant the end of the measures temporarily modifying the Standing Orders of the Senate of Canada and the House of Commons which created a hybrid model for parliamentary proceedings. These measures, including allowing remote participation in both Committee and chamber sittings and the use of an electronic voting system, may be reimplemented following

Above: The new Governor-General of Canada at a ceremony held in the Senate Chamber at the Parliament of Canada.

the 44th General Election, at the discretion of the Speakers of both the Senate and the House of Commons as well as the representatives of the recognised political parties and groups.

However, the measures surrounding the use of masks and the suspension of public activities on the parliamentary precinct were extended by Hon. Anthony Rota, MP, Speaker of the House of Commons until 15 September 2021.

In addition, the Joint Interparliamentary Council extended the moratorium on all international travel and incoming delegations until 31 December 2021.

CHANGES IN THE SENATE

On 22 June 2021, three new Senators were appointed: Senator Hon. Hassan Yussuf and Senator Hon. Bernadette Clement, both representing Ontario, and Senator Hon. James Quinn, representing New

Brunswick. As of 3 September 2021, they remain unaffiliated to any senatorial group.

On 29 July 2021, five new Senators joined the Upper Chamber: Senator Hon. Karen Sorenson, from Alberta, Senator Hon. David Arnot, from Saskatchewan, and three new representatives from Québec: Senator Hon. Clément Gignac, Senator Hon. Amina Gerba and Senator Hon. Michèle Audette. While they all originally joined the Senate as non-affiliated members, Senator Hon. Clement Gignac has since opted to join the Progressive Senate Group.

On 13 July 2021, Senator Hon. Jim Munson retired from the Senate, having served since 2003.

On 26 July 2021, Senator Hon. Carolyn Stewart Olsen retired from the Senate, having served since 2009.

On 27 August 2021, Senator Hon. Linda Frum resigned from the Senate, having been a Senator since 2009.



As of 3 September 2021, the standings in the Senate were: Independent Senators Group 40, Conservative Party 18, Canadian Senators Group 12, Progressive Senate Group 12, non-affiliated 12 and vacant 11.

CHANGES IN THE HOUSE OF COMMONS

On 10 June 2021, Jenica Atwin, MP, representing the riding of Fredericton in New Brunswick, announced that she was changing political affiliation from the Green Party to the Liberal Party.

At dissolution, the standings in the House of Commons were as follows: Liberal Party 155, Conservative Party 119, Bloc Québécois 32, New Democratic Party 24, Independent 5 and Green Party 2.

LEGISLATION

Because of dissolution, all legislation that was before Parliament has died on the Order Paper. This affected a Bill mentioned in previous editions of *The Parliamentarian*, Bill S-4, which would have amended the *Parliament of Canada Act* to update the rules and working of the Senate of Canada to account for the recent creation of groups not affiliated with an official party.

Bills that received Royal Assent before dissolution include Bill C-12, *An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050*, which requires the Government of Canada to set national targets and to implement processes to ensure their completion.

In addition, two Government Bills related to reconciliation with Indigenous Peoples received Royal Assent: Bill C-15 states that *United Nations Declaration on the Rights of Indigenous Peoples* applies in Canada and requires that that existing and future laws are made consistent with the Declaration. Bill C-8 modifies the Oath or Affirmation of Citizenship to include a solemn promise to respect, “the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples.” Both Bills

serve to answer some of the Truth and Reconciliation Commission of Canada’s calls to action.

RELEASE OF OFFICIAL DOCUMENTS BY THE PUBLIC HEALTH AGENCY OF CANADA

On 21 June 2021, the President of the Public Health Agency of Canada, Iain Stewart, stood at the bar of the House of Commons and received an official reprimand for the agency’s repeated refusal to comply with an order to provide the House of Commons with documents regarding the dismissal of two scientists from a lab in 2019. This marked the first occasion since 1913 that a private citizen was called to the bar for refusing to comply with an order by Parliament.

According to the government agency, the documents may not be released to the House of Commons because the law prevents it from disclosure of the information.

Hon. Patty Hajdu, MP, Minister of Health, instead proposed that the documents be sent to the National Security and Intelligence Committee of Parliamentarians, whose Members have received top secret clearance. This proposal did not meet with approval from the House of Commons.

IN MEMORIAM

On 15 July 2021, Hon. Judith Keating passed away in her home province of New Brunswick. She had been named to the Senate on 4 February 2020. She had served as a public servant and lawyer before joining the Upper Chamber.

SUPREME COURT OF CANADA

On 17 June 2021, the Canadian Prime Minister, Rt Hon. Justin Trudeau, MP announced the nomination of Hon. Mahmud Jamal to the Supreme Court of Canada. Justice Jamal was appointed to the Ontario Court of Appeal in 2019 and has prior experience in litigation, civil, constitutional, criminal, and regulatory issues. He officially joined the Supreme Court on 1 July 2021.

THIRD READING REPORT

InBC Investment Corp. Act

Introduced on 27 April 2021, Bill 5, *InBC Investment Corp. Act*, establishes InBC Investment Corp. (InBC) as a Crown corporation with a mandate to manage a C\$500 million strategic investment fund to support small- and medium-sized businesses. Previously known as the BC Immigrant Investment Fund, InBC will operate at arm’s length from government and be overseen by a Chief Investment Officer (CIO) who will be accountable to a board of directors appointed by government. The funds will be distributed over three years and investments will be aimed at attracting and anchoring high-growth businesses, talent, and good jobs in British Columbia, and must also support social, economic and environmental policy objectives.

Hon. Ravi Kahlon, Minister of Jobs, Economic Recovery and Innovation, explained that InBC will provide businesses with a new source of investment capital. The Minister noted that the decision-making process will be transparent and regularly audited, and reports will be released publicly on an annual basis. The Minister further noted that the last year has been a challenge for British Columbians, and that InBC will build on previous supports for small- and medium-sized businesses by providing proactive investments in high-potential businesses. He also explained that by investing alongside other sources of capital, InBC will support the creation and development of new markets and drive economic growth across the province, including building on priorities related to fostering a more innovative, low-carbon economy, and reconciliation with Indigenous peoples.

During second reading debate, Todd Stone, MLA, Official Opposition Critic for Jobs, Economic Recovery and Innovation, expressed concern about the lack of clarity and detail in parts of the Bill, particularly with respect to the accountability, transparency, and performance of the corporation. Mr Stone inquired about the cost of compensating the executives in this new Crown corporation, what conditions would be attached to investments, and how they would be distributed throughout the province. He also questioned whether a Crown corporation is the best way to support small- and medium-sized businesses and explained that the previous government established a successful, lower-cost tech fund that was managed by a third party. Mr Stone further posited that industry would be better stimulated by lowering housing costs, reducing taxes, addressing regulatory burdens, and strategically hiring local businesses for government contracts.

The Leader of the Third Party, Sonia Furstenau, MLA, was supportive of the principle of the fund, noting that such a fund can support the growth of technology companies and create quality jobs in British Columbia.

Third Reading Report by Jesse Gordon, Legislative Assembly of British Columbia.

She expressed concerns that InBC will further invest in fossil fuels, stating that British Columbia is an outlier in western countries and democracies in terms of reducing greenhouse gas emissions. She also noted that the board for InBC had already been appointed despite the legislation not yet having been adopted. In addition, she had questions about the independence of the board, and how effective this fund will be at meeting its goals.

During Committee of the Whole debate, **Todd Stone, MLA**, requested clarity regarding whether InBC would be listed under Schedule 2 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and thus subject to freedom of information requests; noting that not being subject to FOIPPA would be a gap in accountability. The Minister responded that InBC is a continuation of the BC Immigration Investment Fund, which was not subject to FOIPPA and that the Ministry is engaged with the Office of the Information and Privacy Commissioner on how to best ensure sensitive information is protected and secured. **Adam Olsen, MLA**, a Member of the Third Party, responded to the Ministers' comments by noting that Bill 5 is not an amending act, but rather establishes a new Crown corporation, one for which the government has an opportunity to promote transparency.

On 19 May 2021, Bill 5 passed Third Reading.

Accessible British Columbia Act

Introduced on 28 April 2021, Bill 6, *Accessible British Columbia Act*, provides for the development and enactment of accessibility standards to help identify, remove, and prevent barriers to the full and equal participation in society for persons with disabilities in areas such as: employment, service delivery, the built environment, transportation, health, and education. The Bill also provides for the creation of a provincial accessibility committee to ensure persons with disabilities have a voice in developing standards. Half of the people on the Committee must be persons with disabilities or advocates who work with them; the Bill also requires Indigenous representation on the Committee.

During Second Reading debate, **Hon. Nicholas Simons**, Minister of Social Development and Poverty Reduction, noted that British Columbia is the largest

province without accessibility legislation and that this Bill signifies the beginning of a new chapter in the history of the rights of people who have not always been given the opportunity to fully participate in their communities. He stated that the Bill will result in rules, regulations, standards, and expectations that will make the province more accessible, inclusive, and kinder. The Minister explained that the Bill takes a social model approach towards disability in which it defines the barriers in society, either physical or attitudinal, and seeks to remedy them to allow for fuller participation in society. He stated that the province engaged in extensive consultation processes with disability and Indigenous communities as well as the general public and various organizations to ensure that their voices were foundational to this Bill, guided by the principle of, *"nothing about us without us."* He also described the importance of recognising the intersectionality of disability and the complex nature of the relationship between LGBTQ and racialized communities and the disability community.

Stephanie Cadieux, MLA, Official Opposition Critic for Gender Equity, Accessibility and Inclusion, stated that the day of the introduction of the Bill was a proud moment for her as a Member of the Legislative Assembly. Ms Cadieux identified numerous barriers that exist for people with disabilities, noting that this legislation will help to remove these barriers. She noted that in 2017, 22% of Canadians aged 15 and over had one or more disabilities and she was pleased that the Ministry worked to ensure that people with disabilities were

extensively consulted. Despite her support, she suggested that it would be beneficial to move toward a national standard for accessibility rather than approaching the issue provincially. She also identified concerns with the Bill, noting that

the Deaf and Deafblind communities flagged that Québec Sign Language was not included as a distinct cultural linguistic community. She also critiqued the Bill for not including prescriptive timelines for the removal of barriers, nor providing means of enforcement by way of penalties or oversight. In addition, Ms Cadieux noted concerns that the Bill's definition of disability does not include learning or communication impairments and suggested it would be better to adopt the definition in the federal *Accessible Canada Act*.

Adam Olsen, MLA, a Member of the Third Party, agreed that the legislation creates a framework to create a more accessible and inclusive province for the more than 925,000 British Columbians who live with a disability that keeps them from full and equal participation in their communities and province. He also expressed support for ensuring that the provincial accessibility committee will have representatives from disability communities. Mr Olsen noted that the Bill only prescribes changes to provincial government and was curious what the impact would be on local governments across the province. He urged government to ensure that the Bill gives British Columbians consistency across municipal boundaries. He also noted that stakeholders have highlighted numerous areas of concern, including: the scope of the definition of impairment; the lack of timelines to hold government accountable; the limited application; and the failure to guarantee the Deaf community is represented on the Provincial Accessibility Committee.

Bill 6 passed Third Reading on 3 June 2021.





THIRD READING REPORT

Health (National Cervical Screening Programme) Amendment Bill

The Health (National Cervical Screening Programme) Amendment Bill passed its Third Reading on 23 June 2021. It received support from all parties across the House, with debate spanning both the 52nd and 53rd Parliaments of New Zealand. This Bill amends Part 4A of the *Health Act 1956* to enable health professionals to directly access information from the National Cervical Screening Programme (NCSP) Register for the purposes of conducting their work.

At the Third Reading, the Member in charge of the Bill, Hon. Ayesha Verrall, MP (Labour) outlined the history of the NCSP: *“The programme was established in 1990 after the Cartwright inquiry in 1988... about allegations of women under the care of Dr Herbert Green at National Women’s Hospital. Women with carcinoma in situ, so early cancer, weren’t informed that they were the subject of cervical screening research. Dr Green had been monitoring them and not treating them. This went against the current practice at the time ... As a result of this mismanagement, a number of women developed cancer and subsequently died. ... following on from the inquiry, legislation to ensure the protection of women and Māori data by way of the Health (Cervical Screening (Kaitiaki)) Regulations in 1995 was put in place. And the National Kaitiaki Group, mandated as part of the regulations, was established in 1995.”*

Verrall said that the Bill would enable the NCSP to take advantage of modern information technology and would also pave the way for self-administered human papillomavirus (HPV) testing. Verrall was among several Members to identify outdated technology as being an impediment to screening: *“the current situation is that when a woman presents to a provider for cervical screening, if the provider isn’t her regular general practitioner, the provider will need to request by fax access to that person’s screening history.”* The changes would give providers immediate look-up access to a person’s screening history, making screening more efficient.

Dr Shane Reti, MP (National) said the Bill would *“improve the access, the data analysis, and what we can actually do with cervical screening to improve the outcomes, particularly for Māori women, who disproportionately have worse outcomes, worse access, and later diagnosis for cervical cancer.”* He commended Professor Bev Lawton for her advocacy of self-administered HPV tests, which he said: *“will improve the uptake in cervical screening for Māori, for non-Māori, and for women as a whole, as has been the precedent set internationally.”*

Louisa Wall, MP (Labour) gave context to the National Kaitiaki Group, which *“was established to approve of consent to use Māori women’s data.”* She explained that the group was based on the principles of *“the sanctity of te whare tangata [the womb], the need for culturally appropriate protection for the taonga [treasure] of protected information, and the need to ensure that protected information is used for the benefit of Māori women.”*

Dr Elizabeth Kerekere, MP (Green) shared her party’s support of the Bill, noting that the Green Party *“have been assured that this service is open and will be open to all the people with a cervix and vagina ... That includes trans men, intersex,*

and non-binary people.” With regard to the National Kaitiaki Group, she said she was hopeful *“that that will become a staunch group advocating on behalf of Māori women and takatāpui [LGBTIQ].”*

The ACT Party supported the Bill. Brooke van Velden, MP (ACT) said *“We actually want to be committed to a modern healthcare system which empowers New Zealanders. ... we believe in streamlining our bureaucratic healthcare system, reducing overheads, making better use of technology, ensuring better integration of our healthcare system, and focusing on patient outcomes.”*

The Bill passed its Third Reading with unanimous support and received the Royal Assent on 28 June 2021.

Education and Training (Grants - Budget Measures) Amendment Bill

The Education and Training (Grants - Budget Measures) Amendment Bill passed its Third Reading on 7 July 2021, with support from Labour, the Green Party, and Te Paati Māori; it was opposed by National and ACT. It amends the *Education and Training Act 2020* and allows for pay parity for teachers in private early childhood education centres. Kindergarten teachers





had already had pay parity with primary school teachers for some time, but early childhood teacher salaries had not kept up. The new Bill meant that early childhood centres would be eligible for higher rates of Government funding if they paid their staff higher wages.

The Minister of Education, Hon. Chris Hipkins, MP (Labour) said the Bill *“allows us to deliver on a commitment that the Government made at the last election to deliver pay parity for early childhood education teachers working in education and care services outside of the kindergarten sector.”* He explained, *“The pay gap that has opened up between education and care teachers and teachers in kindergartens ... happened because between 2008 and 2017, there were not adjustments to the per child, per hour funding rate for education and care services to reflect the pay increases that were being given to kindergarten teachers”*

The Opposition criticised the legislative process for the Bill. Erica Stanford, MP (National) said *“The first thing about this Bill is the time frame ... the fact that we only had a few weeks to think about the Bill, to have submissions, and the fact that we only had three days, during early childhood centre hours, where submitters to the Bill could come and talk to our Committee.”* She added: *“they were never talked to about the fact that pay parity, the money that was going to be granted, would be attached to conditions like the fact that it would be a tenure-based scale rather than performance based, and ... the centres themselves wouldn’t get to decide where ... their own staff started on that scale.”* She argued: *“The teachers’ expectations have been massively raised – ‘We’re getting pay parity’ - and yet a minuscule amount of money has been put forward to actually fund it.”* In conclusion, she said: *“This is a bad Bill that jams a collective agreement model into a private business model, with no guarantee of future funding to meet the increased teacher pay. That will see kids in the most deprived areas suffer the most”*

Chris Baillie, MP (ACT) agreed: *“The funding is inadequate ... The unintended consequences ... the early childhood centres, some will have to close, the ratios will change, will get greater, and the fees will go up. The consultation process was non-existent.”*

Teanau Tuiono, MP (Green) said *“it’s a small, technical Bill, but it will unlock a pathway for that funding to actually start to happen to flow into the sector. ... So I would urge all of us around this House to be courageous in terms of the way that we fund education, in particular, with what needs to happen in order to meet pay parity.”*

Camilla Belich, MP (Labour) explained that *“The Minister ... already has wide power to set conditions for grant funding, and this particular Bill makes it clear that these conditions can be for employment relations purposes. This is the only substantive change in this Bill.”* She added: *“it is a pathway to remove serious inequity between kindergarten teachers and education and care service teachers.”*

The Education and Training (Grants - Budget Measures) Amendment Bill passed its Third Reading after a party vote of 77 to 43. It received the Royal Assent on 12 July 2021.

Holidays (Increasing Sick Leave) Amendment Bill

The Holidays (Increasing Sick Leave) Amendment Bill passed its Third Reading on 19 May 2021 with the support of the Labour Party and the Green Party; the National Party and ACT Party opposed the legislation.

Spurred on by COVID and the need for staff to stay at home when sick rather than risk infecting others, the Bill sought to double the current employer-funded minimum sick leave entitlement from five days to 10 days. Those opposing the change cited extra costs to already struggling employers, and the inequity in granting part-time workers the same 10-day allowance.

The Minister in charge of the Bill, the Minister for Workplace Relations and Safety, Hon. Michael Wood, MP (Labour) called the legislation *“a simple Bill”* and noted that *“it is surely more important than ever that we move past that old-time culture of just toughing it out, because if we continue with that then we put ourselves at risk, not just at the workplace level but at the level of our communities and our society.”* Fellow Labour Member Rachel Boyack, MP explained that *“Increasing sick leave provisions supports those workers who do the right thing by staying home from work when they are sick and by ensuring they don’t lose income from doing so.”*

The Green Party of Aotearoa New Zealand supported the Bill, but felt it didn’t go far enough in addressing sick leave for mental health and the current onus on employees to provide proof of illness. Furthermore, Workplace Relations and Safety spokesperson, Jan Logie, MP (Green) said *“We also weren’t supporting the provision in the Bill - and sought to amend it - that will reduce the number of unused days that can be carried over. At the moment, you can carry over 15 days, and this Bill reduces that to 10 days. It keeps the maximum total the same, but it reduces what people can carry over in real terms, and we didn’t see the need for that trade-off.”*

Reflecting on the introduction of the Bill during urgency and the truncated Select Committee process, ACT Party Member Chris Baillie, MP was of the view that *“the timing for this Bill is very poor. Obviously, union-initiated and pushed through under the cover of COVID - a solution looking for a problem. Businesses need a break and at least some security in what’s going to happen next.”*

The National Party spokesperson for Workplace Relations and Safety, Hon. Scott Simpson, MP pointed out that *“if a person works one day a week - arguably, about 50 days a year - 10 of those days can be taken as sick leave.”* He went on to note that *“businesses will do what they need to do to remain competitive and to remain profitable ... What they will end up doing is actually not employing part-timers as frequently or in such numbers as they used to do. That will have a negative effect on people who want and seek part-time employment, but it also means that in terms of changing the way they do business, there will be businesses who simply automate out of their business a whole range of jobs.”*

Marja Lubeck, MP (Labour) ended the debate by saying *“Business New Zealand’s 2019 Workplace Wellness Report said that a lift in absence rates may be an acceptable price to pay for an overall happier, healthier, and more productive staff.”*

Fulfilling a Labour Party 2020 election promise, the Holidays (Increasing Sick Leave) Amendment Bill passed its Third Reading after a party vote of 75 to 43. It received the Royal Assent on 24 May 2021 and came into force on 24 July 2021.



LEGISLATIVE NEWS FROM TRINIDAD AND TOBAGO PARLIAMENT

Parliamentary Report by Paras Ramoutar, Freelance Journalist based at the Parliament of Trinidad and Tobago.



PLANS TO PRIVATISE TRINIDAD'S PORT

The Prime Minister of Trinidad and Tobago, Hon. Dr Keith Rowley told Parliament that the Government is working towards the privatisation of the main port in the capital city of Port-of-Spain. The Government will be looking at three aspects of the port - land management; the inter-island ferry; and port operations.

SENATOR QUESTIONS PORNOGRAPHY PROBLEM

Speaking on the Sexual Offences (Amendment) Bill 2021 in the Senate of Trinidad and Tobago, Senator David Nakhid (Opposition) has spoken of the proliferation of pornography in the country and that more should be done to address the factors that shape such persons convicted for illegal sexual offences, adding that pornography might be a contributory factor. "All of my research shows that pornography actually

rewires the brain, especially among our young kids. It's actually a rewiring of how we view relationships, how we see the sexual act, how we see women. So, when it comes to gender equality, because pornography is such a journey from the realities of their relationships and sexual relationships, we find that men, because of their visual instant gratification that pornography provides, tend to end up frustrated and dissatisfied in relationships."

Senator Nakhid told the Senate that the state of affairs can lead to sexual dysfunction and sometimes violent acts against women, and that there was a need to draft legislation that would monitor sexual development in young people.

NEW PENALTIES FOR BREAKING QUARANTINE LAWS

The Quarantine Amendment Act 2021 has set heavy fines and jail for citizens and foreign visitors breaking the

law, through a number of amendments passed in the House of Representatives on 9 July 2021. The Attorney General, Faris Al-Rawi noted that the Act was in keeping with the reopening the economy and the country's borders which were closed since March 2020. He said that any breach of the new laws could end up with potential visitors fined TT\$350,000 and face imprisonment for up to one year.

The Attorney General told Parliament: "We must today ensure that in the reopening of the borders, that regulations offered in the Act and the information which you provide, very importantly, at the border, that you are bound to be aware that you must tell the truth, you must cooperate, you must ensure that the officers acting under the Quarantine Act are given full information that is accurate and full cooperation."

Opposition MP for Fyzabad, Dr Lackram Bodoie felt that the

proposed fines were exorbitant and urged the Attorney General to reconsider the imposition of fines.

OPPOSITION CALLS FOR MORE CONSULTATION ON TOBAGO BILL

Opposition parties in the Parliament of Trinidad and Tobago have called for more consultation on the Constitution (Amendment) Tobago Self-Government Bill 2021 and the Tobago Island Government Bill 2021. Senator Jearlean John pointed out that the Opposition United National Congress (NC) was in support of the Bill, but said that the people of Tobago should have a greater input in the Bill. "Tobagonians need more time to assimilate the Bill. We need more consultation because there are important stakeholders who should have a say. We have been waiting for 44 years for autonomy. We want Tobago to have autonomy and we stand ready and available in the spirit of co-operation."



Another Opposition Member of Parliament for Chaguanas West, Dinesh Rambally, MP called for more widespread and more meaningful consultations, noting that the UNC fully supports Tobago Self-Governance but will not stand by and allow the debate to be manipulated.

THREAT OF GAS PRICE RISE IN TRINIDAD AND TOBAGO

The Minister of Energy, Stuart Young said that the Government of Trinidad and Tobago will not allow gas station owners to hike fuel prices when the liberalisation of fuel market comes into effect shortly. In response to a query by Opposition Senator Wade Mark in the Senate, the Minister pointed out that the Government is committed to protecting the motoring public and the population at large, and this would be done through the Finance Bill. He added that the population would reap the benefits of any new policies.

GOVERNMENT OUTLINES COVID SPENDING

In a virtual press conference during the parliamentary recess, the Finance Minister, Colm Imbert said that the Government of Trinidad and Tobago has spent over five billion (TT) dollars in its response to the COVID-19 Pandemic, and as at 16 August 2021, 4,070 people have received salary relief grants (SGRs).

He also stated that the Government had made a down payment for the acquisition of single-dose Johnson & Johnson (J&J) COVID-19 vaccines from the African Vaccine Acquisition Trust. The first batch of 180,000 doses are already on route to Trinidad and Tobago, out of an overall commitment to purchase 800,000 doses.

The Minister said that the Government has not spent

and of the US\$204 million loan from China, and that the latest expenditure had been sourced from the Ministry.

MP CALLS FOR COMMISSION OF INQUIRY ON COVID-19 DURING SOE DEBATE

Opposition MP for Couva South in the House of Representatives, Rudranath Indarsingh, MP, has called for the Trinidad and Tobago Government to conduct a Commission of Inquiry into the overall handling of the COVID-19 Pandemic. The MP made the call during a motion by the Prime Minister, Hon. Dr Keith Rowley seeking to extend the current State of Emergency (SOE) by a further three months, which would end on 30 November 2021.

In a fiery debate, Rudranath Indarsingh told the House, which had been recalled from its summer recess on 25 August 2021, that he challenged the Prime Minister to call a Commission of Inquiry in relation to the pandemic and the Government's handling of it over the last 24 months. Indarsingh asked the Prime Minister to allow the Parliament to return to its normal state of affairs "to provide true democracy and good governance in Trinidad and Tobago."

The Prime Minister said that whilst the SOE is for an additional three months, it was more than likely that it could be lifted once it is medically and scientifically proven that Trinidad and Tobago no longer needs to protect the population from COVID-19. He quoted Section 10(2) of the Constitution outlining the power of the Government to use its overall majority in the House to vote to extend the SOE.

Opposition Leader, Hon. Kamla Persad-Bissessar pointed out that the SOE would not help to vaccinate more

people and that the Opposition is of the view that an SOE is not needed at this stage.

The Opposition abstained from voting on the proposal, but the Bill was successfully approved with the Government's majority.

TRINIDAD AND TOBAGO CELEBRATES 59TH INDEPENDENCE ANNIVERSARY

Citizens of Trinidad and Tobago are being urged to refine their understanding, not only of their rights but also of their responsibilities. The Prime Minister, Hon. Dr Keith Rowley, in his message marking the 59th anniversary of Independence on 31 August 2021, said: "Today after fifty-nine years, I urge all citizens to refine your understanding not only of your individual rights, but more so your responsibilities. Then take it, further recognising that every citizen is charged, equally, or as one early political theorist wrote that one's citizen rights begins where another citizen's end. In other words, we all hold in our hands, very respectively, the rights and, most importantly, the responsibilities of each other.

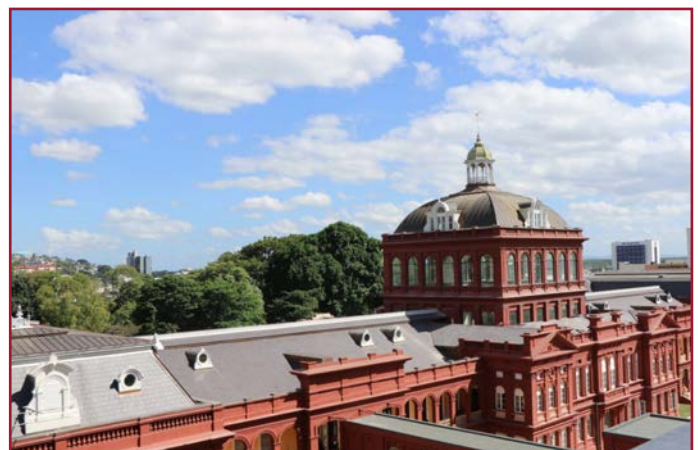
Once, we fully recognise our obligation and rights, that all citizens hold an equal share, we can take charge in shaping a better, collective future; not only for ourselves, and families, but for all others and all future

generations who will call these two islands home," he said.

Dr Rowley added: "The word Independence carries great significance for every nation as it allows their citizens to stand equally and proudly as members of a nation state recognised in the international community. This means that their citizens hold a great obligation of collective, yet individual responsibilities, privileges, duties and rights."

Opposition Leader, Hon. Kamla Persad-Bissessar noted that we have seen cruelty from past administrations seeking to silence and oppress the voices of the people who disagree with the government of the day. "However, we found solace in the rights enshrined in our great constitution that have defended our rights and freedoms throughout the years." She added: "Today, on the 59th anniversary, I call on each citizen to recommit to work, to rebuild, to restore and renew our great nation."

Trinidad and Tobago became an independent nation on 31 August 1962. On 24 September 1976, a new Republican Constitution took effect with a President as the Head of State. Both Jamaica and Trinidad and Tobago became independent nations in August 1962, following the break-up of the four-year West Indian Federation which was inaugurated in 1958.





THIRD READING REPORT

The Insurance (Amendment) Bill, 2021

Brief background

In India, insurance has a deep-rooted history. It finds mention in the ancient writings of Manu (Manusmriti), Yagnavalkya (Dharmasastra) and Kautilya (Arthashastra). The present insurance structure in India has evolved over time heavily drawing from other countries, England in particular.

The *Insurance Act, 1938* was enacted to consolidate and amend the law relating to business of insurance in the country. The foreign investment in the insurance sector was permitted in the year 2000 by allowing investments up to 26% per cent in an Indian insurance company. Subsequently, *vide the Insurance Laws (Amendment) Act, 2015*, this limit of foreign investment was raised to 49% of the paid-up equity capital of such company, which is Indian owned and controlled as per the rules made in this behalf. In order to achieve the objective of the India Government's Foreign Direct Investment Policy of supplementing domestic long-term capital, technology and skills for the growth of the economy and the insurance sector, and thereby enhance insurance penetration and social protection, it has been decided to raise the limit of foreign investment in Indian insurance companies from the existing 49% to 74% and to allow foreign ownership and control with safeguards.

Accordingly, the present Insurance (Amendment) Bill, 2021 seeking to achieve the above objective was introduced in the Upper House (Rajya Sabha) on 15 March 2021.

Debate

During the debate on the Bill, Members of Parliament expressed their views both for and against the Bill. Some of the arguments proffered against the Bill were:

- raising the Foreign Direct Investment limit from 49% to 74% will weaken the economic structure of the country. India came out of the great economic meltdown in 2008 unscathed primarily because its insurance and banking sector was still substantially nationalised, and it had a powerful public sector. It will be very difficult for beneficiaries of the insurance sector who are poor and downtrodden people

to seek justice, in cases of litigation, against the big companies, who often have their offices overseas. Also, many of the big players will be investing their money in the insurance sector only to earn profit having little regard for the welfare of consumers. With the opening up of the insurance sector to 49%, it was expected to bring in a good amount of foreign investment and enhance penetration, but it did not happen. Even if a good response emerges from foreign investors, the insurance sector will always remain under the threat of foreigners who will capture the entire insurance industry.

Some arguments put forth in favour of the Bill were:

- An increase in FDI to 74% would offer big companies an opportunity to invest. This Bill will boost competition, enable consolidation and increase insurance penetration, leading to more innovative and affordable products for the end consumer. Increasing insurance penetration from the current 3.76% to the global average of 7.23% is a need of the time. Enhanced foreign investment will increase insurance cover and will help transfers of technical knowhow. One of the objectives of Government's FDI policy is supplementing domestic long-term capital and the Bill seeks to achieve the same. This amendment will boost competition in the insurance sector resulting in a decrease in premium cost and thereby boosting social security and generating more employment opportunities. This amendment will also provide opportunities to small insurance companies for expansion.

The Minister-in-charge of the Bill thanked all the Members who spoke on the topic fairly in detail. Putting forth arguments in support of the amendment Bill, the Minister informed the House that insurance is a very highly regulated sector, and the regulator actually regulates many minute details of insurance itself. A FDI increase up to 74% is only an upper limit and there is no compulsion that every company will have to take up to this level. Increasing the level does not mean that the foreign investment will automatically increase to that extent in each company.

As for safeguards, the Minister elaborated that policy holders' funds will be invested only within India. FDI will not only bring capital, it will also bring in greater competition, consumers will have more choice, and there will be best practices being brought in from different parts of the world, including knowhow and technology on some long gestation activities, which the insurance naturally implies. This will be possible with the opening up of the market.

The Bill was passed by Rajya Sabha on 18 March 2021 and by Lok Sabha on 22 March 2021. The Amending Bill as passed by both the Houses of Parliament was assented to by the President of India on 25 March 2021.

The National Commission for Allied and Healthcare Professions Bill, 2021

Brief background

Allied and healthcare professions include a wide-range of health professionals for the diagnosis, evaluation and treatment of acute and chronic diseases, which broadly include professional categories such as physiotherapy, occupational therapy, ophthalmic services, nutrition sciences, medical laboratory and life sciences, medical radiology and imaging professionals, psychologists, community health professionals, health information management professionals to name a few. These professionals continue to remain under-utilised and unregulated. Based on the International Labour Organisation's International Standard Classification of Occupations (ISCO-08), a detailed mapping was undertaken to identify such professions. Also, an advancement in the health sector necessitated the need to implement new ways of deploying health workers, strengthening the work force and improving access to quality services through qualified and competent allied and healthcare professionals.

Accordingly, the Allied and Healthcare Professions Bill, 2018 was introduced in Rajya Sabha (the Upper House), which was referred to the Departmental Related Standing Committee for examination and report. The Committee, after detailed examination, recommended certain amendments to the Bill. Therefore, the Bill was withdrawn and a new Bill, namely, the National Commission for Allied and Health

Professions Bill, 2020, incorporating the recommendations of the Committee was introduced.

The Bill, *inter-alia*, provides for:

(a) constitution of a National Commission for Allied and Healthcare Professions for regulation and maintenance of standards of education and services, assessment of institutions, etc.

(b) constitution of Professional Councils for every recognised professional category to frame policies and standards for the governance of allied and healthcare related education and professional services.

(c) constitution of a National Allied and Healthcare Advisory Council to advise Commission on the issues relating to allied and healthcare professionals.

(d) constitution of State Councils, Undergraduate Allied and Healthcare Education Board, Postgraduate Allied and Healthcare Education Board, Allied and Healthcare Professions Assessment and Rating Board and Allied and Healthcare Professions Ethics and Registration Board for regulating the standards of allied and healthcare professionals.

Debate

During discussions on the Bill in Parliament, Members from all sections supported the Bill.

The Minister-in-charge of the Bill thanked all Members for their support of the legislation and stated that the Bill also aims at restoring the inherent dignity of allied and healthcare professionals in perception. For instance, when the public speak about COVID-warriors, they think about doctors, nurses, frontline workers, security staff, etc., overlooking altogether the services of para-medical staff who played an equally important role. This Bill is a landmark Bill envisaging greater change in the healthcare delivery system and an attempt is being made to make the medical system patient-centric. Those who work with doctors will get due recognition in the new system.

The Minister further stated that the gap in the system that has left out a major group of health workers without recognition is finally being addressed.

The Bill was passed by Rajya Sabha on 16 March 2021 and by Lok Sabha on 24 March 2021. The Bill, as passed by both Houses



The Parliament of India.

of Parliament was assented to by the President of India on 28 March 2021.

The Medical Termination of Pregnancy (Amendment) Bill, 2021

Brief background

The *Medical Termination of Pregnancy Act, 1971* was enacted to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto. This Act recognised the importance of safe, affordable, accessible abortion services to women who needed to terminate their pregnancy under certain specified conditions. The Act defined the conditions when pregnancies can be terminated, gestational limit and the places where pregnancies can be terminated. Subsequently, the Act was amended through a 2002 amending Act with a view to provide, *inter-alia*, substitution of the word 'lunatic' with 'mentally-ill person', and introduction of penalties.

With the passage of time and advancement of medical technology for safe abortion, there is a scope for increasing upper gestational limit for terminating pregnancies especially for vulnerable women and the pregnancies with substantial foetal anomalies detected late in pregnancy. The need was also felt for increasing the access of women to legal and safe abortion services in order to reduce maternal mortality and morbidity caused by unsafe abortions and its complications.

The Bill accordingly provides for:

(a) the requirement of the opinion of one registered medical practitioner for the termination of a pregnancy up to 20 weeks of gestation and of two registered medical practitioners for the termination

of a pregnancy of 20 to 24 weeks of gestation;

(b) enhancing the upper gestation limit from 20 to 24 weeks for certain categories of women as may be prescribed by the rules;

(c) non-applicability of provisions relating to the length of pregnancy for termination in cases of substantial foetal abnormalities; and

(d) protection of the privacy of women whose pregnancy has been terminated.

Debate

During the debate on the amending legislation, there were detailed deliberations in the India Parliament. The crux of views expressed both for and against the Bill and suggestions included:

(i) The right has not been earned overnight. It is worth recollecting the struggle faced by millions of women in fighting the social oppression, discrimination and stigma related to abortion. The 1971 Act failed to keep pace with the current social, medical and technological developments.

(ii) It is appreciable that this Bill has extended the pregnancy termination time period from 20 weeks in the Principal Act to 24 weeks. It has also enhanced the gestation limit for 'special categories' of women which includes the survivors of rape, incest victims and other vulnerable women (like differently-abled women and minors). It also protects the privacy of women. The Bill also applies to unmarried women and therefore relaxes one of the regressive clauses of the 1971 Act.

(iii) It must be ensured that this law is not misused for resorting to female foeticide.

(iv) This amendment is a step in the right direction and the Government needs to ensure that all norms and standard protocols in clinical practice to facilitate



abortions are followed in health care institutions across the country.

(v) The confidentiality clause is going to encourage a lot of people coming forward to clinics, hospitals and getting proper care. The Bill lays down that no registered medical practitioner will be allowed to reveal the name and other particulars of a woman whose pregnancy has been terminated except to a person authorised by law. Anyone who contravenes this provision will be punishable with imprisonment of up to one year or with a fine or both.

(vi) The proposed amendment to extend the possibility of termination of pregnancy from existing 20 weeks to 24 weeks will help cases of congenital anomaly, lunatic pregnancy detected late

and in cases of rape, unwed and widow pregnancies.

(vii) Keeping in view the risks involved with abortion, a woman should not be permitted more than two abortions.

(viii) A psychiatrist should also be included in the medical boards to be set up at State level. Such boards should also be constituted at District level. [The Bill provides for constitution of boards at state level to decide non applicability of the provisions relating to the length of the pregnancy in cases where the termination of a pregnancy is necessitated by the diagnosis of any of the substantial foetal abnormalities.]

(ix) Abortion, which is criminalised under section 312 of the Indian Penal Code, except the provisions of the Medical

Termination of Pregnancy Act, 1971 and its subsequent amendments, must be decriminalised. The Government may criminalise abortions in certain exceptional circumstances such as abortions performed without the consent of the pregnant woman as well as sex-selective abortions. The abortion laws are doctor-centric. The Bill places the onus on the doctor to determine the legitimacy of a woman's request to terminate her pregnancy. It does not pay heed to the fact that legal safe abortion is a woman's fundamental right as held by Article 21 of the Constitution of India. (x) This law should apply to pregnant 'persons' and not just pregnant 'women' as access to safe abortions is critical for transgenders also.

The Minister-in-charge of the Bill replying to the debate, *inter-alia*, stated that any unwanted pregnancy is a curse for pregnant woman. This Bill is not for extension of the term of the procedure for a simple abortion. The increase from 20 weeks to 24 weeks is for such women who have become victims of unfortunate circumstances in extraordinary circumstances (including rape). It is the wish of all parents that their baby is healthy, however some may feel that they wish to have the option of an abortion at a later stage in their pregnancy.

The Minister also stated that society is undergoing change and the living and norms of life are changing in many societies. Live-in relationships are being gradually accepted. Single women also have rights of their own. Widows also have their own rights. Commercial sex workers also have rights. Keeping all these things in view, the Bill has come up at this stage. The views of every stakeholder have been considered while bringing in the amending Bill.

The Bill was passed by Lok Sabha on 17 March 2020. Rajya Sabha passed the Bill on 16 March 2021 with some consequential amendments pertaining to the change of year from 2020 to 2021, etc.. The amendments made by Rajya Sabha in the Bill were agreed to by Lok Sabha on 19 March 2021. The Bill, as passed by both Houses was assented to by the President of India on 25 March 2021.





UK PARLIAMENT RETURNS TO IN-PERSON WORKING

Parliamentary Report by Simon Keal, Parliament of the United Kingdom.

FOREIGN AID CUT APPROVED AFTER LIVELY DEBATE

On 13 July 2021, the UK Government scheduled a vote on its planned reduction of Official Development Assistance (commonly known as foreign aid) from 0.7% to 0.5% of Gross National Income (GNI). The Government had previously been criticised by the Speaker of the House of Commons, Rt Hon. Sir Lindsay Hoyle, MP, for failing to schedule a vote on the foreign aid cut, despite the annual 0.7% level being mandated in the *International Development (Official Development Assistance Target) Act 2015*.

The Government responded by publishing a written Ministerial statement from the Chancellor of the Exchequer, Rt Hon. Rishi Sunak, MP, on 12 July setting out the Government's future intentions for foreign aid spending. It then scheduled a motion to 'take note' of the statement on 13 July. The written statement stated that foreign aid spending would return to 0.7% of GNI "when the independent Office for Budget Responsibility's fiscal forecast confirms that, on a sustainable basis, we are not borrowing for day-to-day spending and underlying debt is falling." The statement also committed that "if the House were to negative the motion... then the government would consequently return to spending 0.7% of GNI on international aid in the next calendar year."

The Speaker noted at the outset of the debate that "the motion before us may not be the preferred way of dealing with the issue for some Hon. and Right Hon. Members", but that the motion facilitated a dedicated debate on the

subject, and the written Ministerial statement "commits the Government very clearly to a certain course of action in the event of today's motion being negated."

During the debate, the Prime Minister of the United Kingdom, Rt Hon. Boris Johnson, MP, stated that "this is not an argument about principle. The only question is when we return to 0.7%. My purpose today is to describe how we propose to achieve this shared goal in an affordable way."

The Leader of the Opposition, Rt Hon. Sir Keir Starmer, MP, stated in response that "the economic criteria set out by the Chancellor would lead to an indefinite cut that is likely to last beyond this Parliament." He added that "it matters that this House keeps its word to the voters who elected us."

Following a three-hour debate, MPs supported the Government motion by 333 votes to 298, enabling it to proceed with the plans to reduce foreign aid.

EASING OF COVID-19 RESTRICTIONS: PARLIAMENT RETURNS TO IN-PERSON WORKING

The UK Government had intended its plan for the easing of COVID-19 restrictions to culminate on 21 June 2021 when all remaining domestic restrictions would be lifted in what was termed 'step 4' of its four-stage 'roadmap', with the three previous steps having proceeded in March, April and May. However, on 14 June, the Prime Minister, Rt Hon. Boris Johnson, MP, announced that easing would be delayed by up to a further four weeks. The Prime Minister's statement was followed by a confirmatory statement in the House of

Commons by the Secretary of State for Health and Social Care, Rt Hon. Matt Hancock, MP.

The Speaker of the House of Commons, Rt Hon. Sir Lindsay Hoyle, MP, criticised the Government for announcing the delay in a press conference, with the Secretary of State only appearing in the House of Commons to confirm the Government's plans later in the evening. He stated that "it is entirely unacceptable that the Government did not make today's announcement to the House first. It was disrespectful

to the House and to our constituents."

On 27 June 2021, Rt Hon. Matt Hancock, MP announced his resignation as Secretary of State for Health and Social Care following revelations of an extra-marital affair with an adviser, which received widespread criticism for breaching social distancing rules. His replacement was announced as Rt Hon. Sajid Javid, MP, a veteran Minister who had previously served in five different cabinet positions since 2014, including as Home





Secretary and as Chancellor of the Exchequer.

On 12 July 2021, the new Secretary of State for Health and Social Care confirmed that the Government would proceed with step 4 of its reopening plan on 19 July, with the announcement this time being made first in the House of Commons. This meant that all domestic restrictions in relation to COVID-19 lapsed, including requirements for social distancing and indoor mask mandates. This was replaced by guidance for individuals and businesses to help manage the spread of the virus.

On 22 July 2021, restrictions on the operation of the UK Parliament lapsed, meaning that both Houses now operated in-person and there were no longer attendance restrictions for their respective chambers. The House of Lords, which had introduced and maintained a system of electronic voting for divisions throughout the pandemic, announced that it would transition to a system of 'pass-reader' voting in the autumn, though e-voting would continue for the time being with an additional requirement that Members should declare that they were present on the Parliamentary estate before being permitted to vote.

RECALL OF UK PARLIAMENT

Following the collapse of the Afghanistan government and the fall of Kabul to the Taliban, MPs and Lords were recalled from their summer recess on Wednesday 18 August 2021 from 9.30am to 2.30pm to debate the situation. This was the first time that the UK Parliament had been recalled in August since 2013, when the House of Commons debated and rejected a Government motion to support military action against the government of Syria.

On this occasion the Government scheduled

a simultaneous debate in both Houses on the motion "that this house has considered the situation in Afghanistan". The debate was led in the Commons by the Prime Minister, Rt Hon. Boris Johnson, MP, with a response from the Leader of the Opposition, Rt Hon. Sir Keir Starmer, MP. Following the end of 'hybrid' operations in the House of Commons on 22 July 2021, the August sitting saw a full Commons chamber for the first time since March 2020.

Among other matters, the Prime Minister's speech discussed the government's plans for the evacuation of Afghan citizens under schemes including the Afghan Relocations and Assistance Policy (ARAP), covering those who had supported the British Government in various capacities during its presence in the country and whose safety may be in jeopardy. The matter of evacuation was of particular concern to many MPs, who had been contacted by constituents trapped in the country or with families there and who were struggling to evacuate. MPs also criticised the Government for failing to anticipate the rapid collapse of the Afghan administration and the speed of the Taliban advance.

Other notable speeches came from Tom Tugendhat, MP (Conservative), a former military reservist and Afghanistan veteran and current Chair of the Foreign Affairs Select Committee since 2017, who vocally criticised the decision of US President Joe Biden to withdraw US troops from the country; and from backbencher Zarah Sultana, MP (Labour), who criticised the original decision to invade and called on the Government "to ensure that this first war on terror is Britain's last war of aggression."

The debate was closed by the Secretary of State for

Foreign, Commonwealth, and Development Affairs, Rt Hon. Dominic Raab, MP, who identified a number of Government priorities when tackling the fallout from the crisis, including counter-terrorism, humanitarian support, regional stability, and human rights and accountability. The Government motion passed without division.

NEW LEVY TO FUND HEALTH AND SOCIAL CARE

Following the summer recess, the UK Government sought to move on from a political agenda which had been dominated by the COVID-19 pandemic. On 7 September 2021, the Prime Minister, Rt Hon. Boris Johnson, MP announced in a statement to the House of Commons that from April 2022 there would be a new UK-wide 1.25% health and social care levy on earned income, hypothecated in law to health and social care. The levy is intended to cover 'frontline' health and social care and to tackle the funding pressures these services have faced in recent years, particularly during the COVID-19 pandemic.

Defending the decision to introduce the levy on earned income, he said that "our new levy will share the cost between individuals and businesses, and everyone will contribute according to their means." At the same time, he announced that the Government would introduce a limit on the amount individuals would be asked to pay to cover the cost of their social care, and that it would implement a range of reforms including better integration of health and care, with a White Paper on this subject to follow. Pre-empting the criticism that the governing Conservative Party had promised in its 2019 manifesto not to increase

personal taxes, he stated that "I accept that this breaks a manifesto commitment, which is not something I do lightly, but a global pandemic was in no one's manifesto."

Following the Prime Minister's statement, the Government scheduled a debate on a Ways and Means Resolution related to the levy on the following day, 8 September. This Resolution was required in order that the Government could subsequently bring forward a Bill to implement the levy; as stated in 'the Bible of Parliamentary procedure' *Erskine May*, while the Finance Bill is the most common Bill brought forward after Ways and Means Resolutions, "other Bills the main object of which is to create a charge upon the people may also be brought forward by the Government, which must also be brought in upon such resolutions."

Following a debate on the Ways and Means Resolution, a vote was held on an amendment supported by the opposition Labour Party, which required the Chancellor of the Exchequer, Rt Hon. Rishi Sunak, MP to lay before the House of Commons "an assessment of the impact of these measures on jobs and businesses" and "a distributional impact assessment of these measures on different income groups and regions" by April 2022. This amendment was rejected by the House by 335 votes to 243, with the main resolution being supported by 319 votes to 248 immediately afterwards.

The House of Commons then passed the Health and Social Care Levy Bill in a single day on 14 September 2021, beginning with a Business of the House Motion that specified time limits for each stage of the Bill's passage. There were a total of six votes on the Bill over the course of the day; the



Opposition (Labour) proposed a reasoned amendment at Second Reading followed by three amendments at Committee stage, all of which were rejected by the House. The Bill ultimately passed Third Reading by 307 votes to 251, six hours after the Second Reading debate began. The Bill was then sent to the House of Lords, where a similarly rapid timetable was expected following the Conference Recess.

MORE UK PARLIAMENTARY BY-ELECTIONS

Two UK Parliamentary by-elections were held in recent months. The first was held on 17 June 2021 in the constituency of Chesham and Amersham, in the county of Buckinghamshire, north of London. The by-election was triggered by the death of the incumbent Conservative MP, Cheryl Gillan, who had represented the constituency since 1992. To general surprise, the seat was gained by the Liberal Democrats, who had finished in second place in 2019 with 26.3% of the vote, some 29% behind the Conservatives. At the by-election the Liberal Democrats won 56.7% of the vote with the Conservatives trailing in second on 35.5%, an overall swing of 25.2%. A range of causes were speculated upon for the result, including opposition to the High Speed Two rail line which will run through the constituency, concerns over the Government's proposed reforms to the planning and housing development system, and disillusionment with the Government's implementation of 'Brexit', the constituency having voted strongly to remain in the European Union in the 2016.

The second Parliamentary by-election of the summer was held in Batley and Spen, in West Yorkshire, on 1 July 2021. This by-election was



The Parliament of the United Kingdom in London.

Image credit: Shutterstock_974058

prompted by the departure of the incumbent MP Tracy Brabin, who had been elected to the new position of Mayor of West Yorkshire. The seat had been held by the Labour Party since 1997, but there had been some speculation that it may be vulnerable to the Conservative Party owing to the success of the COVID-19 vaccine rollout which had generated a strong boost for the governing party in the polls. The Leader of the Opposition, Rt Hon. Sir Keir Starmer, MP, had also faced criticism following a poor set of local election results for the Labour Party in May. In addition, former MP George Galloway, who had previously defeated Labour in a Parliamentary by-election in the nearby seat of Bradford West in 2012, was standing under the banner of the Workers' Party.

The seat was previously held by Jo Cox, who was tragically murdered in 2016, and the Labour candidate for the by-election was her sister Kim Leadbeater, who lived locally and had not previously been involved in politics. Ms Leadbeater ultimately held the seat for Labour with 35.3% of the vote, with the Conservative candidate

Ryan Stephenson in second place on 34.4% and Mr Galloway finishing third with 21.9%.

UK PARLIAMENTARY SITTINGS AND THE 'CONFERENCE RECESS'

Following the UK Parliament's summer break, which usually begins in late July and concludes in early September, there is usually a brief two-week sitting before Parliament rises again for a further three-week break, known as the 'Conference Recess'. This break is so named because it coincides with the traditional political party conference season, at which each major UK party in turn hosts their annual conference in a venue outside London. Party conferences usually conclude with a speech from each party leader, a set-piece televised event at which they set out their vision for the year ahead. The speeches are considered a major test for the party leaders and can contribute to the rise or decline in their political fortunes.

Until 2010, the UK Parliament more commonly held a break for nearly three months, from the beginning of the summer

recess in July until the end of the conference season in October, with no September sitting. However, following a commitment made by the then Prime Minister, Rt Hon. David Cameron, who had described the longer recess as "absurd", the Government announced on 27 May 2010 that the summer recess would be shortened, with MPs returning for a two-week sitting in September. The introduction of a September sitting was also supported by the then Speaker of the House of Commons, Rt Hon. John Bercow, who said in 2009 that it was "mystifying" to the public as to why MPs did not sit for such a lengthy period.

Since then, the UK Parliament has typically sat for at least two weeks in every September. In 2020, during the COVID-19 pandemic, the traditional party conference season was cancelled with parties holding online conferences instead, and Parliament sat for the entirety of September. This year the traditional conference recess period has resumed, with the Labour and Conservative parties holding in-person conferences for the first time since the onset of COVID-19.



UPDATE ON THE AUSTRALIAN FEDERAL PARLIAMENT DURING COVID-19

Parliamentary Report by Fleur Hall, Parliament of Australia.

COVID-19 UPDATES

The parliamentary (southern hemisphere) Spring sittings commenced on 3 August 2021. Earlier, on 26 July, in a joint statement, the Presiding Officers advised that temporary changes had been made to the operations at Australian Parliament House in order to ensure that the Australian Federal Parliament could continue its essential work while reducing the risk of COVID-19 transmission. The Presiding Officers said that the measures were “as strict as possible and align with previous arrangements implemented in early 2020 to minimise non-essential activity at Parliament House while still enabling sittings to proceed.”

The Presiding Officers advised that the building would be closed to the public and some passholders until 3 September. The number of Members and Senators attending sittings in person during August and September

was substantially reduced. Parliamentarians who did attend were requested to bring only essential staff to Canberra and Parliament House. Remote participation for those unable to attend the sittings was facilitated and supported.

In a statement to the Australian House of Representatives on 3 August 2021, the Speaker, Hon. Tony Smith, MP said that with the delta variant of COVID-19 spreading in parts of the community, the use of masks was particularly important. Building occupants, including Members, were asked to wear masks wherever possible when doing so would not impede their work, including during any meetings and in the chamber. In a statement, by indulgence, the Manager of Opposition Business, Hon. Tony Burke, MP, acknowledged the roles of the Speaker and the President of the Senate “in making sure that the Parliament is able to sit by adopting rules that

are, indeed, more stringent than would apply anywhere else in the Australian Capital Territory but, given the nature of this place, provide safety for the whole country by doing it the way you have. There’s important legislation to get through and important scrutiny to occur, and those rules...have enabled us to do that.”

COVID-19 LEGISLATION

Later that day, the Treasury Laws Amendment (COVID-19 Economic Response No. 2) Bill 2021 was introduced, debated and passed all stages. The Assistant Treasurer and Minister for Housing and Minister for Homelessness, Social and Community Housing, Hon. Michael Sukkar, MP told the House that the Bill would “enable the government to support individuals and businesses that are impacted by significant lockdowns caused by COVID-19.”

In particular, the Bill amends the:

- *Coronavirus Economic Response Package (Payments and Benefits) Act 2020* to enable the Treasurer to make rules for economic response payments to provide support to an entity where it is adversely affected by restrictions imposed by a state or territory public health order that is directed at controlling the transmission of COVID-19.
- *Taxation Administration Act 1953* to enable tax information to be disclosed to Australian government agencies for the purposes of administering COVID-19 business support programs.
- *Income Tax Assessment Act 1997* to make payments received by eligible businesses under certain COVID-19 business support programs and Commonwealth COVID-19 disaster payments exempt from income tax.

Other legislation related to the pandemic that passed during the period included the National Health Amendment (COVID-19) Bill 2021, which enables the Minister to enter into arrangements and make payments in relation to procuring COVID-19 vaccines (including boosters), treatments for COVID-19 and consumables related to the use of such vaccines and treatments; and the Paid Parental Leave Amendment (COVID-19 Work Test) Bill 2021, which amends the *Paid Parental Leave Act 2010* to provide that a person in receipt of a COVID-19 Australian Government payment or the COVID-19 disaster payment will be considered to be



The Australian Federal Parliament in Canberra.



Third Reading Report by Fleur Hall, Parliament of Australia.

performing qualifying work for the purpose of the paid parental leave work test.

DEATH OF SENATOR FOR SOUTH AUSTRALIA

On 30 August 2021, the President of the Australian Senate, Senator Hon. Scott Ryan, informed the Australian Senate of the death, overnight, of Senator Alexander (Alex) McEachian Gallacher and indicated that a condolence motion would be moved on a day agreed with his family and his Australian Labor Party colleagues. As a mark of respect, the Senate adjourned until the next day.

In the House of Representatives, following the announcement of Senator Gallacher's death by the Speaker, the Prime Minister, Hon. Scott Morrison, MP and the Leader of the Opposition, Hon. Anthony Albanese, MP made statements, by indulgence, and Members rose in silence as a mark of respect.

On the following day, 31 August 2021, the Prime Minister moved a motion of condolence. The Prime Minister told the House that Senator Gallacher, born in New Cumnock, Scotland, was "a straight talker, a man who knew the values he stood for and the working people he fought for, and a servant of Australia who loved his adopted country and the party he so honourably and faithfully served."

The Leader of the Opposition, in his contribution, said that "Australia won something of a lottery in 1966 when the young Alex and his parents left their native Scotland and headed for our shores. It must be said that the Labor Party and the trade union movement have enjoyed a pretty good track record when it comes to Scottish imports, and Alex was a prime example." The Leader of the Opposition went on to say that Senator Gallacher's "life was an act of dedication to the interests of working people" and that he "stood up consistently and passionately for the rights of his fellow Australians at work and for their right to come home safely from work."

Several other Members spoke before the debate was adjourned. On 1 September 2021, when debate on the motion resumed, the Member for Kingston, Ms Amanda Rishworth, MP (Australian Labor Party) told the House that "it was something [Senator Gallacher] said at night in an adjournment speech in 2015 which I think best describes Alex's legacy as a senator. He stated: 'For me, South Australia is first, second, third, fourth and fifth. I do not care who I have to advocate for or argue against. Whether it is in my own party, in the opposition or in the government ranks, I will be putting South Australia first, I will be putting South Australian jobs first, South Australian economic opportunities first, and South Australian small businesses first.'"

Several other contributions were made during the day, and the motion was agreed to.

THIRD READING REPORT

Foreign Intelligence Legislation Amendment Act 2021

This Bill was introduced in, and passed, the Australian House of Representatives on 25 August 2021, the same day an advisory report on the Bill from the Parliamentary Joint Committee on Intelligence and Security (PJCIS) was presented. The following day it was introduced in, and passed, the Australian Senate. The Bill was assented to on 2 September 2021.

The Act makes changes to Australia's intelligence legislation framework by amending the:

- *Telecommunications (Interception and Access) Act 1979* (TIA ACT) to enable the Director-General of Security to apply for a warrant authorising the interception of a communication for the purpose of obtaining foreign intelligence from foreign communications.
- *Australian Security Intelligence Organisation Act 1979* (ASIO Act) to enable the Attorney-General to issue foreign intelligence warrants in order to collect foreign intelligence on Australians in Australia who are acting for, or on behalf of, a foreign power.

The Minister for Trade, Tourism and Investment, Hon. Dan Tehan, MP (Liberal Party of Australia), introducing the Bill on behalf of the Minister for Home Affairs, Hon. Karen Andrews, MP (Liberal Party of Australia), told the House that the legislation was necessary to address critical gaps in the foreign intelligence collection framework. The Minister explained that currently, the Director General of Security may request a warrant for the collection of foreign communications to obtain foreign intelligence, but that the interception of any domestic communication is strictly prohibited. The Minister said that the prohibition "made sense when the warrants were first introduced in 2000 [but that] today, internet communication, such as messaging apps on smart phones, can make it extremely

difficult to determine the geographic location of a sender or recipient of a communication prior to collection."

The Minister assured the House that the reforms would be accompanied by "robust safeguards to ensure the privacy of domestic communications", including a requirement that the Attorney-General put in place a mandatory written procedure for screening communications in order to identify domestic communications incidentally collected, which must then be destroyed. The Minister added that the amendments to the ASIO Act "address a legal gap where foreign intelligence can be collected on an Australian working for a foreign power offshore, but that same intelligence cannot be collected on that Australian in Australia."

The Member for Scullin, Mr Andrew Giles, MP (Australian Labor Party) noted that the Bill "would bring Australia into alignment with our Five Eyes partner countries" and as such, was supported by Labor. Mr Giles said that he understood that the Bill "is a matter of some urgency" but that with many Members and Senators absent due to the pandemic, it was necessary to deal with it "expeditiously."

In the Australian Senate, Senator Hon. Kristina Keneally (Australian Labor Party) noted that "to avoid breaching the TIA Act, intelligence agencies do not intercept foreign communications where there is even the smallest risk of incidentally intercepting domestic communications [which] places a considerable constraint on the collection of foreign intelligence." Senator Keneally added that the PJCIS, reviewing the Bill, had recommend the changes "in a bipartisan fashion."

Informing the Senate that the Australian Greens did not support the Bill, Senator Lidia Thorpe said that the Bill was "yet another spectacular example of how the two major parties team up with each other to just ram through legislation in this chamber without respect for due process," adding the Bill had been referred to the PJCIS "also known as the Lib-Lab closed shop, for a secret review and



a final report by Friday 20 August 2021.” Senator Thorpe said that the Greens had been *“trying to refer this Bill to the Legal and Constitutional Affairs Legislation Committee to allow for proper scrutiny by the Parliament and the people.”*

Senator Thorpe’s colleague, Senator Nicholas McKim (Australian Greens) outlined further objections, stating that *“these laws effectively allow some of Australia’s intelligence and security agencies, in some circumstances, to spy on Australians in ways that are currently unlawful.”* Senator McKim said that Australia *“is the only liberal democracy in the world that does not have some form of a charter or bill of rights”*, and that such a charter *“would not mean that intelligence agencies and security agencies could not have the powers they need to a reasonable level to keep people safe... but...that there would be extra scrutiny, extra accountability.”*

The Chair of the PJCIS, Senator James Paterson (Liberal Party of Australia), addressing Senator Thorpe’s comments, said that *“it’s certainly not the preference of the PJCIS to complete its inquiries in private, nor to do so quickly”* but that the circumstances of the pandemic *“necessitated a quick and private inquiry.”* Senator Paterson assured the Senate that *“despite the constrained circumstances the Committee was operating under...we nonetheless fulfilled all our responsibilities to the Parliament and, through the Parliament, to the Australian people, to test robustly the rationale for this Bill, the need for this Bill, the individual provisions of the Bill, the safeguards of the Bill.”* Senator Paterson added that *“the proposed protections...are equal to or greater than every one of our Five Eyes partners.”*

Indicating that he had “some concerns about this Bill” was Senator Rex Patrick

(Independent). Referring to Senator Paterson’s comparison of the Bill’s protections with those of Australia’s Five Eyes colleagues, he said that *“what Senator Paterson didn’t indicate was that these other jurisdictions have parliamentary oversight of their intelligence services. That is a fundamental difference between us and the rest of our Five Eyes partners.”*

Senator Hon. Eric Abetz (Liberal Party of Australia) spoke of the urgent need for the reforms, saying they *“will help intelligence agencies protect Australians and will make it easier to uncover terrorist plots and other serious threats to Australia’s national interests.”* Senator Abetz warned that *“without the proposed changes, gaps in foreign intelligence collection will continue to grow, and Australia will not have visibility of possible threats creating such risks.”* Concluding his remarks, Senator Abetz observed that *“in an ideal*





world, legislation of this nature would of course not be necessary. There would be no attempts at sabotaging our national interest, no terrorism and no cyberattacks. But we live in a flawed world where elements, with malevolence, seek to do us harm."

Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021

This Act, which was assented to on 10 September 2021, implements certain recommendations of the Australian Human Rights Commission report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* by amending the:

- *Australian Human Rights Commission Act 1986* to amend the definition of 'unlawful discrimination' and to extend the period of time between an alleged incident and the lodging of a complaint in relation to the President's discretion to terminate a complaint.
- *Fair Work Act 2009* to provide that a worker who is sexually harassed at work may apply for a Fair Work Commission (FWC) order to stop the sexual harassment; to provide that the FWC can make an order to stop sexual harassment following a single instance of sexual harassment; to provide that sexual harassment in connection with an employee's employment can be a valid reason for dismissal; and to extend the minimum entitlement for compassionate leave in relation to miscarriage.
- *Sex Discrimination Act 1984* to prohibit discrimination involving harassment on the ground of sex; extend the application of the Act to Members of Parliament, Members of the ACT and Northern Territory Legislative Assemblies and their staff, judges, staff and consultants employed under the *Members of Parliament (Staff) Act 1984*, state employees, including independent contractors; and the public authority of a state; and to include definitions of 'worker' and 'persons conducting a business or undertaking' to extend the protection from sexual harassment to all paid and unpaid workers, including volunteers, interns and the self-employed.

The Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in

the Senate, Senator Hon. Anne Ruston (Liberal Party of Australia) told the Senate that the Bill ensures that "*all Australians are protected from workplace sexual harassment, by expanding the scope of existing sexual harassment prohibitions, promoting clarity for employers and workers, and reducing the procedural barriers for sexual harassment complainants.*" Senator Ruston said that the amendments "*support the creation of safe workplaces and are essential for advancing both women's safety and economic security.*"

In her contribution, Senator Malarndirri McCarthy (Australian Labor Party) said that "*the legislation is a weak response and a lost opportunity*" and that "*an Albanese Labor Government would fully implement all 55 recommendations of the Respect@Work Report.*" Senator McCarthy told the Senate that in her view the Bill "*should be changing the Fair Work Act to explicitly prohibit sexual harassment. It should introduce a positive duty on employers to take reasonable steps to prevent sexual harassment happening in the first place. It should make 'substantive equality between women and men' an objective. It should allow unions or other organisations to bring legal action against perpetrators on behalf of complainants. It should establish cost protections for complainants so that they aren't discouraged from taking legal action due to the possibility of having to pay massive court ordered legal costs.*"

Senator Janet Rice (Australian Greens) said that "*advocating for gender equality... is fundamental to who we Greens are as a party*", noting that there was now "*an opportunity to make some changes to our legislative framework that will improve outcomes for people who are transgender, people who are gender diverse and non-binary and people who have variations in sex characteristics, because these people are also dramatically impacted by gender inequality, and equality should not be negotiable.*"

In the House of Representatives, the Member for Warringah, Ms Zali Steggall, MP (Independent) told the House that the Bill was welcome but overdue, and that "*it does not go far enough and fails to implement all recommendations of the Respect@Work Report.*" Ms Steggall, arguing that "*prohibiting sexual harassment in all circumstances is*

essential and really needs to be ensured", urged the Government to "*continually monitor the impact of the legislation on workplaces as they continue to evolve.*"

The Member for Boothby, Ms Nicolle Flint, MP (Liberal Party of Australia) said that "*while this Bill addresses many of the recommendations outlined in the Respect@Work Report, more measures are already underway.*" Ms Flint noted that these included "*establishing the Respect@Work Council, developing the Respect@Work website and a package of training and education resources, consulting with states and territories and preparing for the fifth national survey on sexual harassment in Australian workplaces.*"

In his contribution, the Member for Isaacs, Hon. Mark Dreyfus QC, MP (Australian Labor Party) said that the Bill represented "*a litany of betrayals*" and was a "*document of missed opportunities when it should have been a document of historic change.*" Earlier, his colleague, the Member for Sydney, Hon. Tanya Plibersek, MP, attributed the opportunity to "*begin to implement the recommendations of the Respect@Work Report*" to the "*the brave women who have spoken up about safety at work, in schools, in cafes, in factories and even in the federal Parliament. These women have refused to accept harassment as a normal part of life or a normal part of work. They have fought for something better.*" Strongly criticising the legislation for only including "*six of the report's 55 recommendations: those the Government was able to pull together quickly to give the appearance of action*", Ms Plibersek bemoaned the absence in the legislation of "*the report's central policy recommendation, to introduce a positive duty on employers to take reasonable steps to stop sexual harassment in workplaces.*"

Summing up, the Minister for Communications, Urban Infrastructure, Cities and the Arts, Hon. Paul Fletcher, MP (Liberal Party of Australia) thanked Members for their contributions, saying that "*the Australian government is pleased to be taking action to streamline the national legal frameworks that deal with sexual harassment as part of its long-term strategy to prevent and address sexual harassment.*"



UGANDA WELCOMES NEW 11TH PARLIAMENT

Parliamentary Report by Mohammed Katamba, Parliament of Uganda.



Images courtesy of the Parliament of Uganda.

UGANDA WELCOMES NEW PARLIAMENT AS 10TH PARLIAMENT ENDS

In May 2021, Uganda welcomed a new and bigger Parliament, the 11th since the country's independence in October 1962, following general elections held on 14 January 2021. The election also returned H.E. Yoweri Kaguta Museveni as President of Uganda.

The five-year term of the previous Parliament, the 10th Parliament, ran from May 2016 until May 2021 and comprised 447 Members of Parliament. The new Parliament comprises 556 elected Members and ex-officio Members, with: 368 (66.2%) males and 188 (33.8%) females; with 336 (64.7%) belonging to the National Resistance Movement (NRM), the party in government, while 57 or 11.0% belong to the National Unity Platform (NUP), the leading party in the Opposition. Other Members

belong to the Democratic Party (DP), Forum for Democratic Change (FDC), which was the main Opposition party during the previous three terms; the Uganda People's Congress (UPC), JEEMA and the Peoples Progressive Party (PPP), holding one Member each. Independent Members make up 13.6 % (74 members).

Previously the Deputy Speaker for ten years, Rt Hon. Jacob L'Okori Oulanyah, MP, was overwhelmingly elected as the Speaker of the 11th Parliament, replacing the previous Speaker, Rt Hon. Rebecca Alitwala Kadaga, MP, who was appointed as First Deputy Prime Minister and Minister of East African Community Affairs.

Speaker Oulanyah, pledged to execute, together with the new Deputy Speaker, the mandate given to promote good work in the august House and appealed to colleagues to apply his standard of "utmost due

Above: Ugandan President, H.E Yoweri Kaguta Museveni (left), hands over the mace, the symbol of the authority of Parliament, to the elected Speaker of the 11th Parliament, Rt Hon. Jacob L'Okori Oulanyah at Kololo Independence Grounds on 24 May 2021.

diligence". He said that in order to achieve this, Members would need to adopt some guiding principles including facing facts, reason, tolerance and mutual respect, harmony, national interest above self and party.

"The declared mission for us at this moment, as the Eleventh Parliament, and in line with the Vision 2040 is to deliver Uganda to a middle-income status. Every generation has its mission; it can either fulfil it or betray it," the new Speaker said following his election on 24 May 2021. "We should agree that no view will be suppressed. All views will be received with tolerance and given fair treatment based on known facts and reason. We must pledge to overrule intolerance," he added.

The new Speaker asked Members of Parliament to

consider his statement and adopt his method of work basing on the guiding principles, saying that "When we accept facts, reason, tolerance and mutual respect to shape our actions, harmony, consensus and legitimacy is bound to be the inevitable result. Our people will delight in our work; they will refer to us, no longer as mere politicians, but rather as true leaders and patriots".

Hon. Anita Annet Among, MP was elected by the House as Deputy Speaker. The Member is the district woman representative for Bukedea district in eastern Uganda. She said: "As a duly elected Deputy Speaker of the Parliament of Uganda, I commit to promote teamwork, coherence, equal opportunities and enhance the welfare of the Members of Parliament. I pledge to work with

you to ensure that we perform in the 11th Parliament, for the good of our country and Parliament. We will ensure that we work together with all the other arms of Government without compromising independence.”

Several changes occurred since the new Parliament commenced, as the blue of Forum for Democratic Change gave way to the red of the National Unity Platform (NUP) as the main Opposition party in the House. The National Unity Party, a new formation, which attracted a number of Legislators from other Opposition parties, is led by Hon. Mathias Mpuuga, MP, a former MP in the last Parliament and presidential candidate during the January election. He represents Nyendo-Mukungwe Division in Masaka City, Central Region and initially subscribed to the Democratic Party, which he represented in the House since 2011, but crossed to NUP ahead of the January election. During the last Parliament, he served on the Accountability Committee of Public Accounts as well as Education and Sports and Legal and Parliamentary Affairs.

COVID-19 REQUIREMENTS AFFECT SWEARING IN AND FIRST SITTINGS

For the first time in many years, the swearing-in ceremony of elected representatives at the Parliament of Uganda had only a handful of people – the elected



Above: The new Speaker of the 11th Parliament of Uganda, Rt Hon. Jacob L'Okori Oulanyah (right) and the Deputy Speaker, Rt Hon. Anita Annet Among (left) pose for their official portraits.

Member was only allowed three other people due to the need to avoid crowds and gatherings and to maintain social distancing – all imposed by the COVID-19 pandemic. But even with the limitations in number, the event went on with colour, song and dance, as elected legislators, 346 (or over 60%) of them new in the House, took the oath of allegiance and the oath as a Member of Parliament.

The same COVID-19 standard operating procedures meant that, for the first time, the sitting in which the Speaker and Deputy Speaker were elected had to be moved from the main Parliament Building and the

Chamber, which was vacated early last year, to the Kololo Independence Grounds, a short distance away. All Members of Parliament and other persons attending the sitting were required to present a negative COVID-19 test result.

Similarly, the subsequent sittings for the presentation of the Address on the State of the Nation, the budget reading, the approval of the Vice President and Prime Minister/Leader of Government Business were all held at the same venue, following the same procedures.

However, in August 2021, the sittings were shifted and returned to the Parliament Chamber, where seating was marked with designated spaces for legislators so that social distancing could be observed. A limited number of elected representatives are expected for every sitting, which ordinarily falls every Tuesday, Wednesday and Thursday afternoon.

Still in the new Parliament, the Commonwealth Parliamentary

Association Uganda Branch Executive, just like the other international parliamentary bodies, elected its new representatives. Four Uganda MPs: Hon. Enosi Asiimwe (NRM), Hon. Baroda Kayunga (Independent), Hon. David Kalwanga Lukyamuzi (NUP) and Hon. David Kabanda (NUP) were selected for the CPA Uganda Branch.

Similarly, the President appointed former legislator and Cabinet Minister, Hon. Adolf Mwesige, as the new Clerk to Parliament. This also makes him CPA Uganda Branch Secretary as well as the Head of the Secretariat of the CPA Uganda Branch.

The outgoing CPA Uganda Branch delivered the 64th Commonwealth Parliamentary Conference in September 2019 attracting hundreds of national and sub-national CPA Branches to Uganda for the event held at the Commonwealth Speke Resort, Munyonyo, Kampala.



Left: The Deputy Speaker of the 11th Parliament, Rt Hon. Anita Annet Among, takes the oath of the Deputy Speaker at Kololo Independence Grounds on 24 May 2021.

Office Holders of the Commonwealth Parliamentary Association



Portrait of the Queen © John Swannell/Camera Press

PATRON:
Her Majesty Queen Elizabeth II
Head of the Commonwealth

VICE-PATRON:
Vacant (Canada Federal)

CPA Executive Committee

Dates of membership below. Some Members are completing terms started by other Members. * Term dates extended as no CPC and CPA General Assembly held in 2018, 2020 and 2021.

CPA Officers

CPA PRESIDENT: (64th CPC to 65th CPC - 2019-2022)*: **Hon. Anthony Rota, MP** Speaker of the House of Commons (Canada Federal)

CPA VICE-PRESIDENT: (64th CPC to 65th CPC - 2019-2022)*: **Rt Hon. Alban Bagbin, MP**, Speaker of Parliament (Ghana)

ACTING CHAIRPERSON OF THE CPA EXECUTIVE COMMITTEE (63rd CPC to 65th CPC - 2017-2022)*:
Hon. Ian Liddell-Grainger, MP (United Kingdom) - since April 2021.

ACTING CPA VICE-CHAIRPERSON (64th CPC to 65th CPC - 2019-2022)*:
Hon. Osei Kyei Mensah Bonsu, MP, Ghana - since August 2021.

CPA TREASURER (64th CPC to 65th CPC - 2019-2022):
Hon. Datuk Shamsul Iskander Md. Akin, MP (Malaysia)

COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP) CHAIRPERSON (64th CPC to 65th CPC - 2019-2022):
Hon. Shandana Gulzar Khan, MNA (Pakistan)

ACTING CPA SMALL BRANCHES CHAIRPERSON (64th CPC to 65th CPC - 2019-2022): **Joy Burch, MLA**, Speaker of the Legislative Assembly of Australian Capital Territory - Acting Chairperson since Feb 2021.

The CPA Coordinating Committee comprises the CPA Chairperson, Vice-Chairperson, Treasurer, CPA Small Branches Chairperson and Commonwealth Women Parliamentarians (CWP) Chairperson.

Regional Representatives

AFRICA REGION

Hon. Solomon Lechesa Tsenoli, MP, Deputy Speaker of the National Assembly, South Africa (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by Namibia.*

Hon. Lazarous Chungu Bwalya, MP, Zambia (62nd CPC to 65th CPC - 2016-2022)*

Hon. Dr Makali Mulu, MP, Kenya (63rd CPC to 66th CPC - 2017-2023)*

Rt Hon. Sephiri Enoch Motanyane, MP, Speaker, Lesotho (63rd CPC to 66th CPC - 2017-2023)*

Hon. Osei Kyei Mensah Bonsu, MP, Ghana (64th CPC to 67th CPC - 2019-2024)* - Also Acting CPA Vice-Chairperson.

Rt Hon. Dr Abass Bundu, MP, Speaker, Sierra Leone (64th CPC to 67th CPC - 2019-2024)*

ASIA REGION

Hon. Dr Fehmida Mirza, MP, Pakistan, (62nd CPC to 65th CPC - 2016-2022)*

Hon. Dr Lal Chand Ukrani, MPA Sindh, (63rd CPC to 66th CPC - 2017-2023)*

Hon. Mahinda Yapa Abeywardana, MP, Speaker, Sri Lanka (64th CPC to 67th CPC - 2019-2024)* *Completing the term started by another Sri Lanka Member.*

AUSTRALIA REGION

Hon. Jonathan O'Dea, MLA, Speaker, New South Wales (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by another NSW Member.*

Hon. Bruce Atkinson, MLC, Victoria (63rd CPC to 66th CPC - 2017-2023)*

Senator Hon. Scott Ryan, President of the Senate, Australia Federal (64th CPC to 67th CPC - 2019-2024)*

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Stuart McMillan, MSP, Scotland *Standing in for Northern Ireland* (62nd CPC to 65th CPC - 2016-2022)*

Hon. Leona Roberts, MLA Falkland Islands (63rd CPC to 66th CPC - 2017-2023)*

Hon. Julie Elliott, MP, United Kingdom (64th CPC to 67th CPC - 2019-2024)* *Completing the term started by another UK Member.*

CANADA REGION

Hon. Maryse Gaudreault, MNA, Vice-President of the National Assembly, Québec (62nd CPC to 65th CPC - 2016-2022)* *Completing term started by Northwest Territories.*

Hon. Randy Weekes, MLA, Speaker of the Legislative Assembly of Saskatchewan (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by Nova Scotia.*

Awaiting nomination, Canada Federal (64th CPC to 67th CPC - 2019-2024)*

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Arthur Holder, Speaker, Barbados (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by Trinidad and Tobago.*

Hon. Claudius J. Francis, MP, Speaker, Saint Lucia (64th CPC to 67th CPC - 2019-2024)* *Completing the term started by another St Lucia Member.*

Hon. Gordon J. Burton, MHA, Speaker, Turks & Caicos (64th CPC to 67th CPC - 2019-2024)* *Completing the term started by another Turks & Caicos Member.*

INDIA REGION

Shri Premchand Aggarwal, MLA, Speaker of Legislative Assembly, Uttarakhand (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by Jammu and Kashmir.*

Shri Biswajit Daimary, MLA, Speaker of the Legislative Assembly, Assam (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by another Assam Member.*

Shri Anurag Sharma, MP, Lok Sabha, India Union, (64th CPC to 67th CPC - 2019-2024)*

PACIFIC REGION

Hon. Gerry Brownlee, MP, New Zealand (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by another New Zealand Member*

Hon. Therese Kaetavara, MHR, Deputy Speaker, Bougainville (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by another Bougainville Member*

H. E. Hon. Ratu Epeli Nailatikau Speaker, Fiji (64th CPC to 67th CPC - 2019-2024)*

SOUTH-EAST ASIA REGION

Hon. Suhaizan Kayat, MLA Speaker, Johor (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by Malacca*

Hon. Mr Lim Biow Chuan, MP Singapore (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by another Singapore Member*

Hon. Datuk Wira Dr Mohd Hatta Ramli, MP, Malaysia (64th CPC to 67th CPC - 2019-2024)*

CPA Small Branches Steering Committee

ACTING CPA SMALL BRANCHES CHAIRPERSON

Joy Burch, MLA, Speaker of the Legislative Assembly of Australian Capital Territory (Acting Chairperson since Feb 2021)

AFRICA REGION

Hon. Gervais Henrie, MNA
Deputy Speaker, Seychelles (2019-2021)

AUSTRALIA REGION

Hon. Ngaree Ah Kit, MLA Northern Territory (2020-2023)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Juan Watterson, SHK
Speaker of the House of Keys, Isle of Man (2020-2023)

CANADA REGION

Hon. Nils Clarke, MLA
Speaker of the Legislative Assembly, Yukon (2019-2022)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Vacant (2020-2023).

PACIFIC REGION

Hon. Tofa Nafotoa Talaimanu Ketii, MP, Samoa (2019-2022)

SOUTH-EAST ASIA REGION

Hon. Hamizan bin Hassan, MLA, Perlis (2020-2023)

The CPA Small Branches Steering Committee comprises the CPA Small Branches Chairperson and seven Members who represent the seven out of the nine Regions of the CPA with Small Branches.

Commonwealth Women Parliamentarians (CWP) Steering Committee

CWP PRESIDENT

Vacant
Canada Federal (2019-2021)

CWP CHAIRPERSON

Hon. Shandana Gulzar Khan, MNA, Pakistan (2019-2022)

AFRICA REGION

Hon. Dr Zainab Gimba, MP
Nigeria (2019-2022)
Also CWP Vice-Chairperson (2019-2021)

ASIA REGION

Hon. Munaza Hassan, MNA
Pakistan (2018-2021)

AUSTRALIA REGION

Senator Nita Green
Australia Federal (2019-2022)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Samantha Sacramento, MP, Gibraltar (2019-2022)

CANADA REGION

Hon. Lisa Thompson, MPP
Ontario (2020-2023)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Hon. Valerie Woods
Speaker of the House of Representatives, Belize (2021-2024)

INDIA REGION

Smt. Sunita Duggal, MP
Lok Sabha, India (2020-2023)

PACIFIC REGION

Hon. Selina Napa, MP
Cook Islands (2020-2023)

SOUTH-EAST ASIA REGION

Hon. Alice Lau Kiong Yieng, MP
Malaysia (2019-2022)

Commonwealth Parliamentarians with Disabilities (CPwD) Regional Champions

CPwD CHAIRPERSON

(2021-2024)
Hon. Dennitah Ghati, MP, Member of the National Assembly of Kenya

AFRICA REGION

Hon. Dennitah Ghati, MP
Member of the National Assembly of Kenya (2020-2023)

ASIA REGION

Hon. Zill-E-Huma, MNA
Member of the National Assembly of Pakistan (2020-2023)

AUSTRALIA REGION

Hon. Gareth Ward, MP
Minister for Families, Communities and Disability Services, New South Wales (2020-2023)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Paul Maynard, MP
United Kingdom (2020-2023)

CANADA REGION

Awaiting nomination (2020-2023)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Senator Paul Richards
Trinidad and Tobago (2020-2023)

INDIA REGION

Smt. Supriya Sule, MP
India (2020-2023)

PACIFIC REGION

Hon. Viam Pillay, MP
Assistant Minister for Agriculture, Waterways and Environment, Fiji (2020-2023)

SOUTH-EAST ASIA REGION

Senator Ras Adiba Mohd Radzi
Malaysia (2020-2023)

CPA Regional Secretaries

AFRICA REGION Ms Nelwra Joyce Mwiambi, Parliament of Tanzania

ASIA REGION Mr Syed Shamoon Hashmi, Parliament of Pakistan

AUSTRALIA REGION Ms Alex Cullum, Parliament of Australia

BRITISH ISLANDS & MEDITERRANEAN Mr Jon Davies, Parliament of the United Kingdom

CANADA REGION Mr Michel Patrice, Parliament of Canada

CARIBBEAN, AMERICAS & THE ATLANTIC REGION Mr Pedro E. Eastmond, Parliament of Barbados

INDIA REGION Shri Utpal Kumar Singh, Parliament of India

PACIFIC REGION Ms Megan Robins, Parliament of New Zealand

SOUTH-EAST ASIA REGION Mr Nizam Mydin bin Bacha Mydin, Parliament of Malaysia

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A full listing of all CPA Branches can be found at: www.cpahq.org

Information as supplied by CPA Branches and CPA Regions to CPA Headquarters Secretariat

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