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FINAL REPORT AND RECOMMENDATIONS

THE INTER-PARLIAMENTARY UNION MISSION TO THE NATIONAL ASSEMBLY OF THE SEYCHELLES

23 August – 2 September 2010

EXECUTIVE SUMMARY

The IPU mission to the National Assembly of Seychelles visited the Parliament from Monday 23 August to Wednesday 1 September 2010, at the invitation of the Speaker, Dr Patrick Herminie. After an initial fact-finding period, a day of staff training was conducted and a Members' workshop was held, both dealing primarily with committees and committee work.

There is broad recognition among role-players that effective oversight of the Executive, more substantial consideration of draft legislation, and a higher profile for the Assembly as a representative body, will require changes to the current mode of functioning. Indications are that the Assembly is ready to develop its role in democratic governance, and it was in recognition of this that the Mission was invited.

The Mission found that the Assembly is not sufficiently independent of the Executive, is severely under-resourced, and needs to make provision for giving effect to its constitutional powers and privileges. A Bill to give the Assembly financial and administrative autonomy has been drafted but has not yet been Tabled.

The current committee structure of the Assembly does not lend itself to effective oversight of the range of Executive activities, nor do committees contribute to deliberation on draft legislation. Committees have a limited budget for travel or public hearings, no research facilities, and with some exceptions are relatively inactive. The Assembly and its committees have a low public profile and are substantially under-resourced. The small staff struggles to provide the minimum of administrative support required by a modern parliament.

A low level of trust and co-operation between the parties seems to have been a constraint on effective functioning.

The Mission's recommendations are aimed at:

- Establishing the role and image of Parliament as a fully-fledged arm of governance;
- Overhauling the Assembly's capacity to carry out effective oversight of the range of activities carried out by government;
- Establishing mechanisms and procedures to enable the Assembly to give informed and detailed attention to draft legislation;
- Promoting interaction with the electorate and civil society to the benefit of the entire democratic process, and by doing so raise the public profile of parliament; and
- Improving the internal functioning of the parliament and the knowledge and expertise of Members, and promoting trust and co-operation between the parties.

To achieve these objectives, this Report specifically recommends -

- Introducing the Bill already drafted, aimed at giving the Assembly financial and administrative autonomy;
- Introducing measures to give practical effect to the constitutional powers and privileges of the Assembly, and to ensure due deliberation on vital matters such as legislation;
- Establishing a multi-party business committee that arranges parliamentary business;
- A more extensive system of sectoral committees capable of exercising effective oversight over all activities of Government, chaired by Members from either party;
- Amending the Standing Orders to provide for Bills to be referred to sectoral committees;
- Providing Members with facilities, support, training and information;
- An active and more public role for parliamentary committees, promoting interaction with the electorate and civil society to promote knowledge exchange and a greater public profile for Parliament;
- Substantially increasing the parliamentary staff, including the establishment of committee support and research sections;
- Promoting media interest in parliamentary activities, and introducing a public outreach programme aimed at promoting a vigorous democratic culture.

For the longer term, the Report envisages extending parliamentary accommodation, and appointing a parliamentary law adviser. Finally, it is recommended that a multi-party ad hoc committee be tasked with driving the process of change that these recommendations will introduce, such committee also to make use of outside expertise where necessary.

INTRODUCTION AND BACKGROUND TO MISSION

The Seychelles gained its independence in 1976, and has had a multi-party presidential system, with strict separation of powers, since the adoption of a new constitution in June 1993. July 1993 saw the first multiparty presidential and legislative elections held under the new constitution.

The National Assembly of the Seychelles is a unicameral parliament consisting of 34 members, 25 of whom are directly elected by simple majority vote, while the remaining nine seats are appointed proportionally according to the percentage of votes received by each party. All members serve five-year terms. The 2007 elections returned the same party configuration as the outgoing parliament: 23 seats to the Seychelles People's Progressive Front (SPPF) and 11 to the Seychelles National Party (SNP). In all, eight women, 23.5 %, were elected.

The Parliament, which has recently moved into a new building, sits once a week during sessions and conducts on average between 30 and 45 sittings a year.

The National Assembly is in the process of strengthening its committee system and recognizes the importance of building the capacity of committee members and staff with the aim of strengthening the work of the committees. The Speaker, Dr Patrick Herminie, requested the IPU to organise a consultancy mission to assist in improving the functioning of its parliamentary committees, thereby contributing to better informed policy-making and legislative processes and building the capacity of Members and staff. The consultants were directed to –

1. Undertake a review of the committee system including:
 - assessing the constraints to efficient functioning of committees in general;
 - examining the existing provision of support services and facilities; and
 - providing recommendations on inclusive membership, improving support services and facilities and increasing access to and by the public.
2. Deliver a workshop to Committee Chairs and members on the importance of committee work, in order to afford Members of Parliament a greater appreciation of the value of parliamentary committees as a means of –
 - ‘taking Parliament to the people’, thus enabling Members to be better informed about community views;
 - providing a bridge between Members’ constituents’ concerns and the broader community interest;
 - promoting public debate; and
 - scrutinising the Executive and contributing towards better government through a more informed administration and policy making process.
3. Train committee staff with special reference to record-keeping, writing of minutes and conduct of committee meetings.
4. Provide any other advice as may be requested by the parliamentary authorities and as may be consistent with the objectives of the mission.

Activities

The Mission was conducted between Monday 23 August and Wednesday 1 September. During the first week consultations were held aimed at assessing the functioning of the Seychelles National Assembly, in particular its committee system, as well as the nature of the relationship between the Assembly as the legislative arm of government on the one hand, and the Executive, constituents and civil society on the other – again with particular reference to the role of committees. The main activities during the second week comprised staff training and a workshop for Members.

The first meeting was with the Speaker of the National Assembly, Dr. Patrick Herminie, and the Acting Deputy Clerk, Ms. Azarel Ernesta (the Clerk of the Assembly was out of the country for the greater part of the mission.) During the first week consultations were also held with the Deputy Speaker, the Leader of Government Business, the Leader of the

Opposition, the chairpersons of the various parliamentary committees and several Members and staff. Outside of Parliament the mission consulted with Vice-President and Minister of Finance Mr. D Faure, Secretary of State for Cabinet Affairs Mr. Mohammed Afif, Auditor-General Mr. Marc Benstrong, and representatives of LUNGOS, the umbrella body for civil society organisations. A list of those consulted appears in Annexure A.

The first day of the second week was devoted to a full-day staff training session on committee support and procedural work. Particular emphasis was placed on the kinds of support that a developing committee system may be expected to demand of staff in the future. Administrative, procedural, technical and research support of parliamentary committees was discussed. In addition, consideration was given to the kinds of skills, competencies and knowledge needed in order to provide effective support.

On the following day the Mission conducted a workshop for Members, also focused on the development of an effective committee system. The workshop was well attended by Members and senior parliamentary leaders, and participation by Members reflected strong interest in the subject under discussion. Following the morning's presentation which dealt with the role and function of parliamentary committees within the context of democratic governance, Members were asked to form two multiparty "committees", tasked with considering and respectively presenting recommendations internal or external to the Assembly on the kinds of changes that would assist Committees of the Assembly in achieving greater effectiveness, in particular in the fields of oversight, consideration of legislation, and public outreach. The positive remarks made by Members and office-bearers on conclusion of the workshop were encouraging. The recommendations emanating from this exercise were taken into account in drafting the recommendations in this report.

The presence and activities of the mission were extensively covered in the newspaper and television media, the Members' workshop being the main news item in the main Seychelles daily newspaper the following day.

The mission is sincerely grateful for the warm reception and hospitality accorded it by the Speaker, Leaders, Members and staff of the Assembly, members of the Executive and others throughout their stay in the Seychelles.

Resources

Annexure B contains a list of the documents made available to the Mission for research and reference purposes.

FINDINGS

Introductory remarks

The main tasks of a parliament are oversight of the Executive, consideration of legislation, controlling the national purse and debating of matters of national importance, and in performing these tasks, representing the interests of the electorate. As a body representing the different shades of political opinion in a country, a well-resourced parliament is well-placed to scrutinise and hold up to public view the wide range of Executive activity. Equally, in-depth consideration of draft legislation by the people's representatives is conducive to passing good laws. Finally, a vibrant interaction between the parliament and the society it represents ensures effective representation and an active democratic process.

Broadly, the Mission gained the impression of a parliament ready to expand its role in democratic governance in the Seychelles. Many of those consulted mentioned the need for a change of mindset, in both the legislative and executive arms of government, before the Assembly can come into its own in performing its vital constitutional roles. It was encouraging to encounter broad acceptance of the need for change to enable the Assembly to develop these roles.

1. Finances and autonomy of the Assembly

Since Seychelles is a small country which does not enjoy access to unlimited resources, it is to be expected that its parliament will have a relatively modest budget. Nevertheless, even taking the relevant circumstances into account, the National Assembly is severely under-resourced by modern standards. This is particularly evident in relation to staffing, limitations on committee activities and the facilities and resources available to Members. These factors limit the degree to which the Assembly is able to perform its constitutional functions.

Furthermore the parliament lacks financial and other autonomy from the Executive. A Bill which *inter alia* grants such autonomy, *The Administration of the National Assembly Act, 2009*, was drafted in 2008 but has not yet been introduced in the Assembly. Until change is effected in this regard, the Executive has detailed control over the budget of the Assembly.

It is expected that granting financial autonomy to the Assembly would require additional Assembly staff to manage budgetary affairs.

2. Business of the House

The current system of arranging the business of the National Assembly is relatively unstructured, and largely determined by the Speaker. (The Constitution provides that the Speaker, after consultation with the President and the Leader of the Opposition, determines the order of priority for the presentation of Bills before the House.) This leads to a degree of inter-party mistrust, since the opposition maintains that determining the Order Paper is one way in which the Executive controls the functioning of the Assembly.

3. Powers and privileges of the National Assembly

The Assembly, through its committees, has full constitutional powers to summon witnesses and call for papers [Constitution, section 104(3)]. The Constitution also requires that members of the Executive “shall” attend a meeting of the Assembly when necessary to deal with matters arising, or to answer written questions [Constitution, section 93(2)]. However, procedures to enforce these rights and ensure that the Assembly is not held in contempt, whether by a member of the Executive or any other person, have not been incorporated in the Standing Orders. This has resulted more than once in the powers and privileges of the Assembly being flouted. The Assembly lacks procedures to deal with persons who hold it in contempt by refusing to comply with its constitutional based directives.

4. Committees of the Assembly

The Seychelles National Assembly currently lacks an effective committee system capable of exercising oversight over the full range of Executive activities, giving adequate consideration to legislation, or promoting effective communication with civil society and the electorate.

- Bills are not routinely referred to committees to be subjected to detailed scrutiny, nor is it practice for committees to be used to gather evidence from experts or from civil society in public hearings, or to communicate with constituents.
- Little use is made of public hearings and other public meetings, which in addition to their information-gathering function, can serve to alert and inform the media and the public of important oversight and other work done by the Assembly. The “invisibility” of many House proceedings is a disincentive to Members.
- While some useful oversight work is being done, the parliament lacks a system of sectoral committees capable of overseeing the range of Executive activity.
- As previously mentioned, only limited administrative support can be provided by the small parliamentary staff. There is little or no access to research, technical and procedural support.
- There is currently no provision for legislative drafting expertise to be made available for the purposes of effecting amendments to draft legislation.
- In some instances, the right under the Constitution of parliamentary committees to summon witnesses and call for papers is not respected.

The Mission found that there was broad recognition, across political lines as well as in the Executive, of the need for change in this regard.

5. Members and Members’ facilities

Support given to Members in the effective performance of their duties is limited. Ordinary MPs are not provided with offices or administrative support at the Assembly or in their constituencies. While a small library is being developed, research facilities are not provided. Opportunities for training are limited.

A transport subsidy is provided for plenary and committee sittings, but no subsistence or accommodation allowance is available.

Some Members appear not to be highly motivated to carry out their task as parliamentary representatives. This is reflected in the difficulty some of the existing committees experience in obtaining a quorum. This may be attributed in part to the current low profile and limited prestige of the Parliament and its committees, and a widespread lack of appreciation of its role in the democratic system. Many Members complained that constituents lack understanding of the role of an MP, and mentioned a failure to distinguish between the roles of a parliamentary representative and a civil servant, leading to unrealistic expectations followed by scepticism. This appears to be exacerbated by a weak local government structure, leading to reliance on MPs as supposed representatives of government.

6. Staff and staff resources

The total staff complement, including “generic” posts such as drivers, security staff, maintenance workers and housekeepers, is 31. The staff providing direct support to the functioning of parliament is 17. Committee support is provided by seven of these staff *as an additional task* over and above their normal duties. There are no dedicated committee staff and there is no “committee section” focused on this aspect of parliamentary work. No staff are available to carry out research for committees or Members.

This is a reflection of two factors, in addition to the limited budget: Firstly, until two years ago the staff was even smaller and the parliament was housed in the national library building with no room for expansion; and secondly, the fact that hitherto, committees have played a relatively minor role in the functioning of the Assembly.

Staff, although hardworking and committed, are not in a position to provide more than rudimentary administrative support to committee work, and little or no procedural, technical or research support. The temporary unavailability of a member of staff can prevent a committee from meeting.

There is broad agreement among office-bearers, Members and staff that a substantial increase in the complement of professional, trained parliamentary staff is necessary if the parliament is to become more effective in performing its constitutional functions.

7. The Assembly and the Executive

The Mission found that relations between the Assembly and the Executive tend to be marked by the dominance of the Executive, as evinced by the following:

- The Assembly does not have financial autonomy. On the contrary, its budget is tightly controlled by the Executive.

- Budgetary constraints have prevented the Assembly from providing its Members and committees with the kind of administrative, technical and other forms of support that they need.
- The Assembly is routinely given inadequate time for consideration of draft legislation. While time limits for such consideration are built into the Standing Orders, these are regularly overridden by motion. The time set aside for consideration of the Appropriation Bill is one to two weeks.
- The Mission was told of instances where members of the Executive avoid accounting to Parliament through non-attendance of sittings and failure to answer parliamentary questions, despite constitutional provisions requiring them to do so [section 93(2)].
- While Section 104(3) of the Constitution affords parliamentary committees the powers, rights and privileges of the Supreme Court for enforcing the attendance of witnesses and giving of oral and documentary evidence, in practice this power is not always recognised and has not been enforced. Nor do the Standing Orders incorporate provisions giving practical effect to such powers.

There is a sense across political lines that there is a need for the Assembly to assert its status as a separate arm of governance. The comment was made more than once that the current situation may be regarded to some extent as a carryover from the one-party system that prevailed prior to 1993, when the executive arm dominated the legislature. It is felt that there is a need for a change of mindset, not only in the Executive, but also in the parliament itself.

The limited capacity of the Assembly, owing partly to the minimal technical, administrative and procedural support available to its Members and committees, constrains its capacity for meaningful input and effective consideration of the legislative programme of the Executive.

8. Legislative process

It is the view of the Mission that the legislative function of the Assembly is hampered by several factors –

1. The Standing Orders (SO 65) stipulate that after Second Reading, a Bill “shall” be referred to the Committee of the Whole House, and this is standard practice. Standing Order 83(1) provides that the Assembly “may”, upon adoption of a motion to that effect, appoint a select committee to consider a Bill. This practice is not however followed. However, even if Bills were routinely referred to committees for detailed consideration, such committees would lack research and technical support and the availability of legal drafting expertise. In addition, committees may be financially constrained from holding public hearings or *in situ* inspections where appropriate.

2. The Mission was informed that despite the requirement in the Standing Orders, Bills submitted to the Assembly are not accompanied by an explanatory memorandum explaining, in layman's terms, the purpose and effect of the Bill.
3. Regular use is made, on grounds of urgency, of a motion to suspend the timeframe for consideration of Bills as set down in the Standing Orders.
4. The process of considering the Annual Appropriation Bill takes approximately two weeks, and separate debates are not held for each government department, nor are separate decisions taken on the various votes. Generally only the Minister of Finance speaks to the Appropriation Bill; other Ministers do not respond in relation to their Votes. The Assembly votes on the entire appropriation package, not on individual Votes of government departments.

9. The Assembly and civil society

The Assembly has a low profile among the electorate and civil society. It was suggested more than once to the Mission that when the Seychelles moved to multi-party democracy from a one-party system, in many quarters there was no associated paradigm shift involving an appreciation of the new and enhanced role of the parliament and its representatives. While a vibrant relationship between parliamentary committees and civil society can be of major benefit to both sides, this has largely been lacking. Civil society by and large has not regarded the Parliament as a significant partner in terms of advocacy and influencing government action, while the Assembly and its committees have only to a limited extent seen civil society as a resource that can help the Assembly in carrying out its representative role, and provide input in the consideration of legislation and other matters of national importance.

For its part, civil society has tended to relate to the Executive rather than to the legislature, and the failure of the latter to utilise committees to relate to the electorate has meant that its proceedings are less accessible to NGOs and other societal groupings than they would otherwise be. While there is currently some interaction between civil society and certain parliamentary committees, there is scope for much more activity of this kind.

10. The Assembly and the media

The Assembly has a low profile in the media, partly as a result of low interest and awareness in the community, and partly owing to the current low level of committee activity and the fact that most committee work is not open to the media (see the relevant comments under "4" above).

Another factor is the tendency of the State media to overlook the importance of parliamentary activity. While implementation of the recommendations in this report may go some way towards correcting this by raising the profile of the Assembly, it may also be useful to communicate with the State media in this regard.

A level of mistrust was expressed about the leaking to the media of information made available to parliamentary committees sitting in camera. There is some lack of clarity about what is and should remain confidential in committee discussions, and at present this may inhibit the Executive from freely sharing Government information with committees.

The prominence currently accorded to parliamentary activities is low.

11. The internal functioning of the Assembly

The plenary sits only on Tuesdays during sessions – usually a total of 25 to 45 sitting days a year. This relatively limited activity may perhaps be seen as a reflection of the Assembly's hitherto limited level of functioning.

A degree of mistrust was perceptible between the two parties in the Assembly, and this has a detrimental effect on the democratic process. A major bone of contention relates to the chairing of committees, which are all currently chaired by the majority party. The Opposition contends that it should be given the chair of some committees, and points out that it is common (although not universal) practice for the public accounts committee to be chaired by an opposition member.

RECOMMENDATIONS

Giving effect to the powers and privileges of the Assembly

Recommendation 1: Make provision in the Standing Orders for giving concrete effect to the constitutional powers and privileges of the Assembly.

The National Assembly, in common with parliaments worldwide, is vested with constitutional powers designed to enable it to carry out its oversight role effectively and inform itself about national issues. However, to be effective, these powers must be given effect to in the Standing Orders, in the form, *inter alia*, of a clear definition of what constitutes contempt of Parliament, and procedures to deal with non-compliance. It is evident that in the past the dignity and constitutional powers of the Assembly have not always been recognised.

In addition to the definition and procedures for enforcement, Standing Order 24(2), relating to the Order of Business, could be amended by moving Item 'k' ("Matters of Privilege") up the order to position "f", since it is a well-established principle that issues of contempt of parliament should be dealt with without delay. Contempt issues raised by any Member should be dealt speedily with in terms of laid down procedure.

In some parliaments, the Standing Orders Committee also serves as a privileges committee and considers matters of contempt and privilege; this could be considered in the Assembly.

(In regard to items 'd' and 'e' of the Order of Procedure, in many parliaments announcements by the Chair take precedence over announcements by the Executive, in recognition of the parliament's autonomy from the Executive.)

(See also Recommendation 7 under "Committee System".)

Budget of parliament and financial autonomy from the Executive

Recommendation 2: Prioritise Bill to afford the Assembly financial and administrative autonomy.

It is recommended that priority be accorded the Bill already drafted to grant the parliament financial and other autonomy. The principle of financial autonomy for the legislative arm of government has been established, not to enable a parliament to spend freely, but to afford the legislature the autonomy from the Executive that it requires in order to perform its functions effectively and free from pressure, and to accord the legislature the status due to it as a separate arm of government. The processes relating to the budget of Parliament could be overseen by a small multi-party budget committee, chaired by the Speaker.

Recommendation 3: Increase the budget of the Assembly.

The recommendations below relating to staffing, Members' benefits and support, committee activities and additional sittings will require a substantial increase in the budget in the short and medium terms, as recommended developments are phased in.

The business of parliament

Recommendation 4: Establishment of business committee to determine agenda

The Constitution provides that the Speaker, after consultation with the President and the Leader of the Opposition, determines the order of priority for the presentation of Bills before the House. This provision establishes the principle of cross-party consultation, and consultation with the Executive, in arranging the business of the Assembly.

It is recommended that this principle be extended to all business of the House, and given concrete effect, through the establishment of a multi-party Business Committee, chaired by

the Speaker or Deputy Speaker, with the task of determining the agenda of the House. Party leaders may attend meetings, or else parties may depute their chief whips to attend.

Such a committee could meet on a regular basis in session to receive input from all the stakeholders, in particular the office of the Leader of Government Business, but also parties and Members, to decide on the contents and order of the Order Paper for a specific period. In practice, much of the work of such a committee could be prepared at staff level in advance, through liaison among the different offices, and presented to the committee as a draft programme for consideration. A senior staff member in charge of business matters could be the clerk of this committee.

A business committee could also be the vehicle for decisions on (1) the pattern of business for the year; (2) the pattern of plenary sittings; (3) possibly, after submissions from committees, the broad outline of committee sittings, and (4) the length of the parliamentary annual session.

Such a committee could also consider requests from private Members to introduce motions in the House.

Taking business decisions on the advice of such a committee would remove from the Speaker, who is required to be impartial, the burden of taking upon himself decisions which may have a political aspect.

Consideration may be given to extending the principle established under this recommendation, to other functions performed by the Speaker in relation to determining business before the House, such as the Speaker's powers and functions in relation to Private Members' Bills. However, any such provision must not undermine the powers and prestige of the office of Speaker.

The underlying principle to be served is that all parties need to be satisfied that the rules and conventions of parliament are fairly and evenly applied.

Committee system

Recommendation 5: Establish a system of oversight and legislative committees covering all aspects of Executive activity.

This recommendation is aimed at facilitating effective parliamentary oversight of the Executive, and more effective deliberation on legislation. Each committee should cover a broad sector rather than individual departments. Such committees should be designed to –

1. Carry out ongoing oversight of the sector of government in question.
2. Consider the section of the annual appropriation relative to the sector in question.

3. Consider and report to the Assembly on all legislation arising out of that sector.
4. Submit annually for debating in the plenary, a report on the sector in question.

It may be that such committees would supersede the Government Assurances Committee, since each sectoral committee would perform that function in respect of its sector of the Executive.

Consideration may also be given to the establishment of two non-sectoral committees – a bills committee and an appointments committee. The need for a bills committee could be superseded by the presence of sectoral committees, each capable of dealing with legislation emanating from its own sector. Nevertheless such a committee could be useful in vetting some aspects of all Bills. It could also advise the Speaker on the processing of private members' Bills. The appointments committee would deliberate on appointments entrusted to the Assembly by the Constitution or other legislation.

Recommendation 6: Adapt committee procedures to provide for membership and other issues arising out of having several active committees in a small parliament.

Adjustments may be necessary to enable several committees to sit regularly while minimising problems of overlap and availability. Possibilities:

- Introduce a provision that obliges all Members to be a member of at least one parliamentary committee, or, if the recommendation of sectoral committees is accepted, at least one sectoral committee. This would not preclude a Member from belonging to multiple committees.
- Make provision for parties to appoint an alternate for each member of a committee; such an alternate would stand in for a member who could not be present, ie be able to speak and also vote in his/her place.
- Provide that any MP, even if not a committee member or authorised alternate, may address a committee (but not vote).
- Ensure that the papers and information relating to all committees are reliably available to all Members.
- Possibly sectoral committees could be smaller than the current committees, OR a small number of broader committees could be established, with subcommittees dealing more specifically with particular sectors within the broad area covered by the committee.
- Consideration could be given to setting aside one or more days of the week specifically for committee sittings.

Recommendation 7: Incorporate in the Standing Orders a procedure for enforcing, where necessary, the committee powers to call for evidence under Section 104(3) of the Constitution.

Consideration will have to be given to the procedures whereby the Assembly utilises its constitutional powers, rights and privileges, equivalent to those of the Supreme Court, to enforce where necessary the attendance of witnesses before its committees and the submission of evidence. Procedures may be incorporated in the Standing Orders, and it may be appropriate to consult with the judiciary in determining such procedures. In principle, such powers should be used as a last resort in extreme cases, since in most instances, the negative publicity entailed by refusing to face elected representatives should suffice to persuade an unwilling witness.

Recommendation 8: After consultation, provide clarity in the Standing Orders and elsewhere on what is and is not confidential information before a closed meeting of a committee, which Members are not entitled to reveal to outsiders.

It is important to achieve clarity and agreement in advance on what does and does not constitute restricted information provided in confidence before a closed committee meeting. This may also involve striking a balance between public and confidential committee proceedings. Such agreement will tend to promote the achievement of that trust and co-operation among parties which can greatly facilitate effective parliamentary functioning.

Recommendation 9: Use committees to establish strong relations between the Assembly and the electorate and civil society, through public hearings and active oversight.

Parliamentary committees can play an active role in the community by holding public hearings around the country at which concerned and knowledgeable persons and organisations are called to give evidence in relation to matters of national importance. In this way, not only does a sector committee acquaint itself with its subject and with the views of the electorate, but the public are made aware of the role of the Assembly in giving prominence to concerns and aspirations voiced in local areas. Such meetings raise the profile of the Assembly and enable it to reflect more actively and effectively the concerns of the electorate.

Such a process would require a budget for travel by committees.

The Rules of Procedure for Committees already makes provision for public hearings.

It would be useful, as a matter of standard procedure, to inform the media, before and after meetings (in particular public hearings) of the purpose of meetings and decisions taken. This may require a dedicated parliamentary media liaison officer (see under “Expansion of staff complement” below).

Recommendation 10: Consider the appointment of opposition members to chairs of some committees.

One aspect of a multi-party parliament is that it is energised by the friction between opposing groups. Appointment of opposition members to the chair of oversight and legislation committees utilises this strength in that it tends to promote active oversight, which in turn is of benefit to open government. The element of political competition between parties may also counteract problems of motivation that have been encountered in relation to committee work. Perception by the public of active oversight raises the public profile of the parliament as a separate arm of government.

Recommendation 11: Split the Finance and Public Accounts Committee into a separate finance committee and a public accounts committee.

The majority party often wishes to retain the chairpersonship of vital committees such as the Finance Committee, whereas it is a widespread practice to have an opposition member chairing the oversight-oriented Public Accounts Committee. Splitting the FPAC into a public accounts committee on the one hand, and on the other a finance committee (which might be merged with other committees in a broad sectoral committee) on the other, would make both these options possible.

Recommendation 12: Make available to committees a research staff, and a budget *inter alia* for drawing on expertise of technical experts.

A small generalist research staff to serve all committees would enable committees to make more informed contributions to the matters under their jurisdiction. Such a research section could be expanded as the work of committees develops. Administratively it could be combined with the Library section.

Where a committee wishes to call in technical expertise on a specific subject, this is usually best done on an ad hoc basis.

Committees may be required to individually submit an annual budget for public hearings, travel and obtaining expert opinion; and consideration should be given to the degree of autonomy of committees in making use of the available resources.

Legislative process

Recommendation 13: Direct the Executive to provide a full explanatory memorandum to accompany each Bill, stating the background, objects, expected cost and intended effect of the Bill.

Such a memorandum does not form part of the Bill, but is tabled together with the Bill in order to guide and inform the Assembly and its committee in their deliberations on the Bill.

Recommendation 14: Establish as standard practice that prior to tabling of a Bill in the House, the relevant department holds a seminar or workshop for members of the relevant sector committee to acquaint them with the issues involved and to answer questions.

Besides informing the Assembly, which must take a final decision on the Bill, this pre-tabling process usually results in a better product being tabled in the Assembly. A useful way of launching such a procedure, particularly in relation to a contentious Bill, is by tabling a White Paper. Such a process, besides informing Parliament, also places the subject of the Bill in the public domain, thus promoting a national debate on the issue among civil society, the media and citizens. This can also play a part in raising the Assembly's public profile and rendering the democratic process more effective and meaningful.

These changes should benefit both the Administration and the Assembly and will tend to enrich the quality of debate and the legislative process as a whole, leading to a more actively involved and informed electorate.

Recommendation 15: Amend Standing Orders 65 and 83(1) to provide that standard legislative procedure is to refer each Bill to a select or sectoral committee for detailed consideration.

A smaller, focused committee of Members more directly concerned with the subject of the Bill, able to call in outside testimony, and with the time to give detailed consideration to the substance of a Bill, is a more effective mechanism for consideration of legislation than the Committee of the Whole.

A Bill may, where necessary, be referred to Committee of the Whole once the committee's report on that Bill, together with an amended Bill where appropriate, is received. The Committee of the Whole may then consider and decide individually on amendments recommended by the smaller committee. Where recommended amendments are contentious, each amendment can be put for decision individually.

Recommendation 16: Reconsider timeframes for passage of Bills, to allow for due consideration of draft legislation. Allow overriding of timeframes only in exceptional circumstances, ie where the Executive has demonstrated, to the satisfaction of the Parliament, that urgency overrides other considerations.

The determination of urgency is the task and responsibility of the House, not the Executive. Such a decision is taken on the recommendation of a parliamentary committee to which a referral is made. The Standing Orders could be amended to include a set of criteria to justify such a decision.

Recommendation 17: Consider extending the timeframe for consideration of the Annual Appropriation Bill, and elaborating the information provided, to enable Parliament

to give detailed consideration to the Vote of each government department. Sector committees and the Finance Committee can play a vital role here.

This is a vital function of the Assembly, and an important part of the oversight process. It would be appropriate to require sufficient time to be set aside for due consideration to be given individually to each department's Vote. It would be appropriate for each department or Ministry to present a pre-Budget presentation to the relevant sectoral committee.

Recommendation 18: Stipulate that when a committee is to deliberate on legislation, the legal draftsman who drafted the Bill be present to assist the committee.

It is usually not feasible, even for a larger parliament, to have its own legal drafting staff. However it is to the benefit of all sides for a committee deliberating on a piece of legislation, to have the original draftsman present, both to explain the intention behind particular wordings, and to draft proposed amendments.

Members and Member facilities

Recommendation 19: Provide broad training programmes for Members and arrange for government departments to provide sector-specific information.

(1) *General training:* Training programmes are particularly useful where there is a large influx of new Members after a general election. Up to a week can be set aside before the first sitting for an extended programme; and further training can be provided during the year. Consideration can be given to making such a programme compulsory.

Training can cover a multitude of areas: The constitutional background, focusing on relevant sections of the Constitution; the Standing Orders; House procedure and order in the Chamber; making a speech in the House; committee procedure; the duties and responsibilities of a Member; and many more. (Members themselves may be asked to suggest areas in which they would wish to have training.) Generic training can also be provided, eg in time and money management, gender issues, reading and understanding of statutes.

Training may be presented by office-bearers, also of the previous parliament; by staff; by experienced MPs from other parliaments; and by parliamentary consultants. Generic topics can be presented by local service providers such as academics.

(2) *Sector-specific training:* It is of the greatest importance that government departments, ministries and other government agencies conduct capacity-building workshops for their relevant sectoral committees in order to improve their insight into and understanding of the sector in question. This is ultimately to the benefit of both the Administration and the

committees. (In this regard, see also Recommendation 17 below, relating to the provision of information on specific Bills.)

Recommendation 20: As it becomes necessary, provide Members with administrative support.

Member support can take many forms, for example: Office accommodation, at the Parliament and/or in the constituency; secretarial support, or an allowance for that purpose; transport allowance (already provided); parliamentary stationery (with limitations on how it may be used); telephone allowance; car allowance.

Such assistance can be phased in as the work of the Assembly develops. Providing each Member with an office and the resources to equip and staff it may not be realistic in the short term. However, if the recommendations re a new committee system are adopted, then once the details of the system have been hammered out, benefits could initially be provided to the chairs of committees that sit regularly. This aspect should be reviewed as the Assembly becomes more active and Members require more backup in order to maximise effective use of their time. Possession of an office and a secretary can go a long way to achieve this.

Recommendation 21: Make provision for expense allowances for committee work

At present, although Members receive a subsidy for travel expenses arising out of committee meetings on days that the plenary is not sitting, no provision is made for other expenses such as bed and board. This is a disincentive to perform the all-important committee work, and is unfair on hardworking Members.

Expansion of staff complement

Recommendation 22: Establish a committee section comprising a section head and a dedicated clerk for each committee.

The size of the section will depend on the number of committees decided on, and their frequency of meeting. A gradual increase in staff may be advisable, so that the present small staff complement is not initially overwhelmed by training duties.

Initially, and in the case of relatively inactive committees, one staff member may be clerk of more than one committee. Each committee should have an “understudy” clerk, who is another member of the committee staff capable of taking over in the absence of the clerk.

Potential committee clerks should have excellent writing skills, the ability to communicate at a high level, administrative expertise and the capacity to adjust to and understand the

political environment. They should also be able to function in a completely impartial way in a political environment.

A section head, besides organising the work of the section, should be able to train staff, particularly in relation to committee procedure, minute-writing and report-writing duties and administrative expertise. He/she may also, after consulting the committee clerks, submit to the proposed business committee a draft schedule of committee meetings for the week, seeking to avoid overlaps while accommodating work programmes. He/she may also, subject to political direction, administer the budget for committees.

It may be advisable to appoint a small number of auxiliary staff to perform administrative tasks relating to meetings, public hearings and travel, and to act as messengers during committee meetings.

Recommendation 23: Increase the number of staff in the “verbatim report” section to make adequate provision for current work, and increase staff as necessary to keep up with increased committee and plenary activity.

The Mission was informed that the current limited capacity of the small verbatim report staff has constrained committee activities. A substantial increase in capacity is recommended, particularly in view of the expected increase in committee activity.

Recommendation 24: Expand the library section to make adequate provision for management and archiving of the papers of parliament. Appoint suitably qualified staff for this purpose. If necessary, employ an archives consultant to establish archiving routines and procedures.

It is vital to maintain and keep accessible the records of the work of parliament over the years. Consideration could be given to appointing a “Clerk of the Papers” whose responsibility it would be to have all papers available and properly archived.

(In this regard, see also the suggestion that the recommended research section be linked with the library)

Recommendation 25: Appoint additional staff to deal with budget management, with a view to the achievement by Parliament of financial autonomy as well as a bigger budget and expanded activities.

Recommendation 26: Appoint staff to perform the ongoing task of maintaining the website as an up-to-date source of parliamentary information; and when appropriate, appoint a parliamentary media liaison officer.

Recommendation 27: Ensure that staff salary levels continue to be higher than the equivalent public service levels

This is essential, particularly with the current small staff, for two main reasons. Firstly, parliamentary work can only be learnt “on the job”, and the loss of just one experienced staff member can be a significant loss to the parliament which cannot easily be recouped. Secondly, the staff of Parliament will always be small, with limited opportunities for advancement. Higher salaries help to make up for this.

Recommendation 28: Establish a research section in conjunction with the library section (see recommendation 13)

Public outreach

Recommendation 29: Establish a proactive public programme to highlight the function and purpose of the Assembly, with a focus on schoolchildren

Consideration should be given to promoting civic awareness of the role and function of the Assembly. This can be done through the media, a focus on schools, constituency workshops, the publication of booklets and educational material, and organised tours of the parliament.

Recommendation 30: Make effective use of the parliamentary website as a well-designed resource providing up-to-date and comprehensive information on Parliament. This is an ongoing task which requires adequate staffing.

Longer term recommendations

Recommendation 31: Future additional accommodation.

It is likely that the accommodation available in the current parliamentary building, while adequate for current levels of activity, will require supplementation before long, as the need develops for accommodation for additional staff, offices for chairs of committees, and additional committee venues with provision for media attendance when public hearings are held in Victoria. Future office accommodation for Members may also be a consideration.

Recommendation 32: Future appointment of a Parliamentary law adviser.

In due course consideration should be given to the appointment, at a senior level, of a parliamentary law adviser, who should be conversant with the unique constitutional situation and character of parliament as a separate arm of government, its privileges and conventions, and its relationship vis-à-vis the Executive, the judiciary and the outside world.

Implementation of recommendations

Recommendation 33: Appointment of a multi-party ad hoc committee to consider and implement recommendations.

It is hoped that consideration of these recommendations will take place in the parliamentary spirit of open discussion, deliberation and negotiation, thus promoting inter-party trust and co-operation. To this end, it is recommended that a multi-party ad hoc committee be established to consider the recommendations and report on its findings to the Speaker and the plenary, and to steer the process of change and renewal.

To promote broad consensus and open discussion about the process, it is suggested that the proposed ad hoc committee –

- Functions in an inclusive and consultative way, for example by holding Members' workshops on major issues such as Executive/Legislature relations, forms of oversight, and development of legislative procedures, or other issues that prove contentious. Such workshops, in enabling a range of views to be expressed and taken into account, can be particularly important in developing a framework of new rules and conventions that are broadly acceptable.
- Where necessary, calls on outside technical assistance to facilitate workshops and to provide technical know-how to facilitate the work of the committee, for example in drafting amendments to the Standing Orders.

The Inter-Parliamentary Union stands ready to assist in this process.

Hon Frederick Opare-Ansah, MP
Mr Peter Lilienfeld, Parliamentary specialist
12 September 2010

ANNEXURE A

List of persons consulted

Parliament:

Speaker, Hon. Dr. P Herminie, MP

Deputy Speaker and Chair of Standing Orders Committee, Hon Wilby Lucas, MP

Leader of Government Business, Hon. M – L Potter, MP

Leader of the Opposition, Hon Wavel Ramkalawan, MP

Chair of Finance & Public Accounts Committee, Hon Terence Mondon, MP

Chair of Economic Reform Oversight Committee, Hon C de Commarmond, MP

Chair of Government Assurances Committee, Hon M-A Rose, MP

Chair of International Affairs Committee, Hon W William, MP

Hon C Andre, MP

Hon J Charles, MP

Hon B Adonis, MP

Hon S Arissol, MP

Hon M Larue, MP

Hon M Volcere, MP

Hon V Theresine, MP

Hon G Henrie, MP

Hon D Pierre, MP

Clerk of the Parliament, Ms. Veronique Bresson

Deputy Clerk, Ms. A Ernesta

Other parliamentary staff

The Executive & other:

Mr. D Faure, Deputy President and Minister of Finance

Mr. M Afif, Secretary of State for Cabinet Affairs

Auditor-General Mr. M Benstrong

Chair of LUNGOS (umbrella body for civil society organisations) Mr. Bernard Elizabeth

ANNEXURE B

Documents consulted by the Mission

Seychelles Constitution

Standing Orders of the National Assembly of Seychelles

Rules of Procedure for Committees of the National Assembly of Seychelles

Staff Establishment of the National Assembly of Seychelles

List of Ministries of the Government of Seychelles

The *National Assembly (Privileges, Immunities and Powers) Act, 1975* (as amended)

A draft Bill, *The Administration of the National Assembly Act, 2009*

The *Report on restructuring the secretariat and other logistical supports and facilities of the National Assembly of Seychelles* by Priyaneer Wijesekera, Clerk of the Parliament of Sri Lanka (September 2008)

Annual Report (2008) of the United National Development Programme (Seychelles), in particular the section entitled "*Building the capacity of the National Assembly*"

Text of speech by Speaker of the Seychelles National Assembly, Dr P Herminie, entitled: "*Making Parliament more Effective through a strong Committee System*"

Tools for Parliamentary Oversight: A comparative study of 88 national parliaments (2007) by H Yamamoto (published by the Inter-Parliamentary Union)

Recommendations emanating from the Mission's workshop on parliamentary committees