

TOPIC 2

INTER-PARLIAMENTARY CO-OPERATION AFTER THE TREATY OF AMSTERDAM

2.A) THE SCOPE AND AIMS OF CO-OPERATION

2.B) THE ORGANISATIONAL MODEL FOR CO-OPERATION, IN PARTICULAR FOR
THE CONFERENCE OF PARLIAMENTARY SPEAKERS

(joint discussion)

Rapporteurs:

Speaker Heinz Fischer, Nationalrat, Austria.

Speaker Birgitta Dahl, Riksdagen, Sweden.

Speaker Heinz Fischer (Nationalrat, Austria) recalled that the topic under discussion had already been debated at several conferences of speakers, namely in Dublin in 1993 (commenting that many of the ideas expressed at the time still hold), and also at Helsinki, in 1997, when the conference discussed the relation between national parliaments and the institutions of the European Union, on the basis of the report presented by Speaker Langendries. In 1998, the broader Stockholm Conference had looked into the role of national parliaments in a democratic Europe, and the most recent debate took place less than six months ago, in Vienna, where a consensus had been reached that the forms of parliamentary co-operation at various levels should be analysed in Lisbon and, if possible, a framework established for these conferences. He added that a working party had been created to prepare this, with representatives from parliaments whose points of view on these questions are traditionally at variance with each other, as a result of different constitutional mandates and traditions, such as the Belgian, Swedish, Portuguese, British, Italian and European parliaments.

Despite being a recurrent theme at these conferences, Speaker Fischer continued, it is far from having been exhausted – the European Union evolves, causing parliamentary co-operation to evolve also. Indeed, the Union is currently undergoing a process of substantial change, related in part with deepening the Union (with the introduction of the Euro and the new role of the EP) and partly with the question of new members. The Treaty of Amsterdam has strengthened (correctly) the role of the EP and includes the protocol on national parliaments, which should be put into effect, thereby adding to our responsibilities.

Speaker Fischer considered that European questions are no longer foreign policy issues in the member states: they are instead domestic European policy, or simply European policy. As an example of this he cited the change in the Austrian constitution due to which the territory of the Union is no longer considered foreign for the purpose of appointing a replacement for a member of government absent from national territory. As the scope of the international activities of national parliaments has widened, he continued, we need to select the areas and aims of co-operation on the basis of the parliaments' traditional tasks: legislation, control of the executive and forum for political discussion.

Speaker Fischer denied that strengthening the European Parliament would lead to the weakening of national parliaments – some of the tasks of the EP could never be performed by national parliaments, and the power, effectiveness and prestige of the latter depend on many factors, which have little to do with the powers of the EP. On the contrary, he said, strengthening the role of all parliaments and of co-operation between them is beneficial to them all and without such co-operation it will not be possible to tackle the problem of the democratic deficit.

Speaker Fischer recalled that inter-parliamentary co-operation is a dynamic process: it starts normally with an informal invitation, which is then repeated and gradually becomes institutionalised. This is an obvious advantage in a process of this kind (in being the response to a desire expressed by the participants), but there is also the need for some order and limits, given that neither the financial resources nor the time available to parliamentarians are unlimited. With patience,

mutual respect, good sense and respect for the traditions of each parliament, we can move towards greater co-operation, at European level, between the speakers of the parliaments. In this respect he had been to some extent surprised that the COSAC had managed to establish a structure for itself, whilst the higher level conference – that of the speakers – had not yet managed this.

Speaker Fischer underlines some of the conclusions of the report which he presented to the conference: the crucial need for good co-ordination, preparation and planning international co-operation, the importance of a careful choice of topics for each meeting and the need to co-ordinate activities between national parliaments and the European parliament.

In short, Speaker Fischer concluded that full advantage should be taken of the possibilities for inter-parliamentary co-operation opened up by the Treaty of Amsterdam, in order to strengthen parliamentary institutions in Europe and democratic legitimacy, and to ensure that parliaments are as close as possible to their citizens. He agreed with Speaker Thierse on the need to create a public democratic space in Europe in order to reinforce democratic legitimacy in Europe.

Speaker Birgitta Dahl (Sweden) mentioned the many and major political events which occurred during the preparation of this meeting and which render the Treaty of Amsterdam obsolete, at least in part: the European Parliament has gained in importance in relation to the other institutions of the Union (as was seen with the fall of the Commission); the war in Kosovo and in the Balkans in general points to a change of perspective in foreign policy, with national interests counting for less and respect for human rights counting for more; the OSCE has had various successes in crisis zones and has shown itself to be in a position to do even better in the Balkans.

In a period of such great changes, said Speaker Dahl, it is important that political structures inspire confidence, in order to hold firm and serve democracy. The political responses to the current challenges should have a firm foundation in the electorate – and parliaments have a fundamental role to play in this respect, through exercise of legislative and budgetary power, and through the political control which they exercise, as well as by monitoring international agreements, namely when they approve legislation to be applied nationally.

Speaker Dahl argued that national parliaments and the European Parliament safeguard political transparency and control of the executive, vital roles in democratic societies. Given that parliaments do not compete with each other, but rather co-operate in order to bolster democracy and European co-operation, she said that conferences such as this were extremely helpful in order to share experiences and points of view, in order to ensure that our parliaments and states enjoy the confidence of the people, that they act more efficiently in matters relating to international co-operation.

Speaker Dahl commented on some of the rules presented in her report:

- ② There appears to be a consensus that the conference be held annually, preferably at the beginning of September in order to allow for a degree of continuity and to avoid the need for extraordinary meetings.
- ② It appears important that countries applying for membership should be included, at the right time.
- ② There are political limits on both the topics to be discussed and on the positions to be taken: in some countries only the plenary can express parliamentary positions or make binding commitments. This has consequences for this and other *fora*, such as COSAC. Care should therefore be taken with the topics discussed.
- ② A troika of the current, past and future speakers is proposed, together with the speaker of the EP: in order to this to be possible, the host countries will have to be chosen on time.

In conclusion, Speaker Dahl said it would be useful to approve a set of rules along the lines of those set out in the annex to her report. She proposed that the topic – aims and forms of co-operation – should be made a standing topic, and offered the facilities of the Swedish parliament for the next conference meeting, possibly in September 2001 (in view of the Italian offer for the year 2000), with countries applying for membership.

Lord Tordoff (House of Lords, United Kingdom) informed the conference that his chamber was currently being radically reformed, and that the Lord Chancellor was therefore unable to attend this meeting. He then alluded to various problems which make it difficult for national parliaments to follow through community affairs adequately. Firstly, the six weeks available for dealing with proposals from the European Commission are not always enough; the successive presidencies of the Council exert considerable pressure for proposals to be approved swiftly, which prevents deputies from exercising their powers of scrutiny efficiently. Moreover, last minute amendments to proposals, some of which are important, escape the control of deputies.

Secondly, Lord Tordoff continued, the flow of information between the European Parliament and the national parliaments should be improved, especially in relation to simplified joint decision procedures. The six-week rule should be taken as the starting point here, but the joint decision procedure should be revised in order to involve national parliaments more closely in the creation of community legislation.

Thirdly, Lord Tordoff referred to the question of commitology, pointing out that no-one even knows how many committees exist, there being estimates which point to as few as 200 or as many as 450, depending on whether we include committees which never meet.

Fourthly, Lord Tordoff recalled the workload which deputies to both national parliaments and the European Parliament are today subject. Even in the European Affairs Committee of the House of Lords, which has 70 members, 7 members of senior staff and a host of administrative workers, well above the normal in other parliaments in the Union, it is impossible to conduct an adequate analysis of complex pieces of proposed legislation such as, for instance, the Union budget,

given that there is neither the time nor the resources to analyse properly the thousands of pages of the budget documents.

Lord Tordoff explained that, in the United Kingdom, the speakers of the two chambers cannot express their position, meaning that unless there is a radical reform of the existing mandate, it will be difficult to follow some of Speaker Dahl's recommendations. He informed the conference that the United Kingdom Parliament has followed the example of the Dutch and Finns and had set up an office at the EP, in Brussels. He also made a personal comment: it is imperative to arrange alternative ways of passing on the message of parliaments to the common citizen, given that the traditional media are not enough – no-one reads the parliamentary reports, national or European, in the newspapers.

Deputy Speaker Maria van der Hoeven (Second Chamber, Netherlands) reported that in the Netherlands there is a growing consensus between the majority and the opposition in relation to foreign policy. An example of this was the way in which the government and opposition both took the same position in relation to the Kosovo crisis.

Deputy Speaker van der Hoeven expressed her belief that cyber-democracy does not exist, as it is necessary to have democratic institutions which take into account simultaneously all the interests in question, given that the sum of the parts is not equal to the whole. Democracy needs, however, to increase its presence in the media, in order to give a greater voice to voters, and especially to the young.

With the Treaty of Amsterdam, said Deputy Speaker van der Hoeven, the deputies of national parliaments now have new tools at their disposal, which they should use. The EP has also seen its powers increase, meaning that as a whole European democracy has come out of this process stronger. It is now necessary, she continued, to step up co-ordination between national and European deputies, in order to learn from the experience of others, as they have been doing in the Netherlands.

Deputy Speaker van der Hoeven argued that topics should be chosen which are of interest to national parliaments, and expressed regret that some speakers has so much difficulty in attending the conference because, within the limited framework of the powers of each one of them, their presence made a very positive contribution to the proceedings. She was nonetheless opposed to institutionalising the conference, because of the rigidity this would bring and the potential for conflicts, and disagreed with the creation of a permanent secretariat, which would involve considerable costs (financial, logistical and human resources). She also expressed doubts as to the politicisation of the conference. In this context she believed that the ways forward indicated in the annex to Speaker Dahl's report seemed to offer the best chance of making the conference's proceedings more interesting and of practical value.

Speaker Seamus Pattison (Dáil, Ireland) said that the European Union had to be capable of maintaining and consolidating the progress already made at the same time as absorbing new members. National parliaments have a central role to play

in this context through co-operation between speakers, European affairs committees and other specialised committees. He explained that the Irish European Affairs Committee had just reviewed its own mandate, in the light of the Treaty of Amsterdam, and had even recommended changes to the procedures of the chamber as whole in scrutinising the process of European integration.

Speaker Pattison agreed with Speaker Fischer on the absence of any sense of competition between national parliaments and the European Parliament. If such competition existed it would be counterproductive.

He agreed however that co-operation should be extended to applicant countries, as has already started to happen. They should also not dismiss other *fora*, he continued, such as the Euro-Mediterranean Conference, the last session of which had recently been held in Palma (Majorca). In the same way, co-operation between different specialist committees (encouraged in particular by the European Parliament) has been important, especially in the fields of justice and internal affairs.

Speaker Pattison then reported that the opportunities for peace that have presented themselves in the Ulster process in Ireland, and the constitutional changes made in the United Kingdom, have led staff of the Irish Parliament to enter upon administrative co-operation with the new assemblies in Northern Ireland, Scotland and Wales.

In conclusion, Speaker Pattison said that it was by national governments reporting to their national parliaments that the parliaments had their best chance of influencing community legislation, as Speaker Fischer said, he described the report on subsidiarity as important and suggested that special meetings be arranged for urgent questions under the aegis of COSAC.

Deputy Speaker Carlo Rognoni (Senate, Italy) said, quoting Pessoa, that although the rousers of feelings have more success than the rousers of ideas, attention should be paid to an idea articulated several times at this conference: the need to set criteria for more rationalisation and more effective co-ordination of the various spheres of inter-parliamentary co-operation and the work of this conference. But the complexity of the situations to which parliaments have to adjust their activities, he said, should lead us to reflect on the convenience of over-regulating this conference which, by definition, should not be circumscribed to procedural arrangements.

Deputy Speaker Rognoni said that the speakers should reflect on whether a model for collective parliamentary participation in the future European Union would be relevant, or even politically desirable. Only, he continued, if a balance is achieved between two requirements: on the one hand, over-rigid rules must be avoided, on the other hand, clear standards need to be identified to rationalise parliamentary co-operation. As the space for a consensus lies within this balance, he argued that it was premature to adopt Speaker Dahl's text, in the form in which it was presented.

But as this work, which has been going on since 1992, should not be dropped, and discussion of the report postponed indefinitely, Deputy Speaker Rognoni argued in favour of making improvements to the text which, by making it more flexible, would obtain a consensus of support. He therefore repeated the proposal, presented at the Vienna Conference of December 1998, that a specific Working Party be set up comprising the speakers (or their political representatives) of the parliaments already involved in the Working Party of Secretaries-General and others which might be interested. This group could even meet in Rome, prior to the year 2000 conference, which as Speaker Dahl said, anticipating the Italian proposal, could be held in Rome.

Deputy Speaker Rognoni suggested that the Working Party should submit a proposal to the next conference, taking Speaker Dahl's text into account. The group's main task would be to establish ground rules for the workings of the conference which conciliated the need to safeguard flexibility with the need to respect the standing and responsibilities of the parliamentary speakers in their own legal systems, thereby allowing the conference to play the role of a kind of moral guardian in relation to other *fora* for parliamentary co-operation. This moral role would be performed by, for example, making non-binding suggestions to other interlocutors as to questions to be looked into and questions of methodology, such as the organisational and regulatory profile of parliamentary assemblies, legislative techniques, review procedures and the control of executives, etc..

Deputy Speaker Rognoni also suggested a number of changes to the text attached to Speaker Dahl's report. He proposed including in the aims of the conference (number 5) the possibility of making non-binding suggestions to other parliamentary co-operation *fora* on questions of methodology, amongst others. He proposed that number 6 should specify that although the Conference cannot vote on political recommendations, it could approve, by consensus, resolutions on questions of methodology and on general questions on the respective suggestions. He advocated the elimination of number 11, on the grounds that a troika of speakers would complicate the process of drawing up the order of business. He expressed his agreement with numbers 13 and 16. He proposed that at each conference one major theme be debated, as with the theme of globalisation in Lisbon, because by choosing a main theme they were sending a message to the peoples of Europe, bringing the citizens close to the institutions and helping with the construction of the European Union.

Speaker Almeida Santos noted that two alternatives were beginning to take shape: the approval of a text, albeit a summary, during this meeting, or else to leave the question until the next session of the conference, in Rome, as proposed by Deputy Speaker Rognoni.

Speaker José Maria Gil-Robles (European Parliament) expressed doubts as to the advantage of increasing the number inter-parliamentary meetings, explaining that from the Helsinki Conference through to the end of 1998, a period of around one and a half years, the European Parliament had taken part in 17 multilateral meetings, had received 12 speakers of national parliaments, organised 5 seminars, received 5 visits from European Affairs Committees (as well as COSAC), had held

28 meetings of specialist committees with the presence of national deputies, had participated in 28 staff exchanges, had been present at 6 meetings with the parliamentary speakers of Central and Eastern European nations and had taken part in meetings of the parliamentary assemblies of the Council of Europe (5 times) and of the IPU, WEU, OSCE and NATO (4 times each).

Speaker Gil-Robles said that something had to be done to control this exponential increase in the number of meetings, as it is not possible, in terms of either time or funding, to take full advantage of them, given the obvious lack of preparation and follow-up. Acknowledging that a consensus existed that the Conference of Speakers should now meet annually, he suggested that this meeting be used to draw up a plan of meetings for the following year, even if it is impossible to keep to such a schedule in every detail, given the unexpected turns of parliamentary life.

Speaker Gil-Robles considered that a set of regulations for the conference would be helpful, on one condition: the regulations should be lightweight, and not very detailed. He expressed his opposition to the fixing of a list of topics to be discussed by the conference, recalling that neither the theme of globalisation nor the question of the IGC, the central theme of the London Conference in 1996, are included in the list attached to the Dahl report. He agreed that the conference should be held annually, and with the possibility of inviting the parliamentary speakers from countries applying for EU membership, but he reminded the speakers that this would mean around 40 participants at each meeting.

Speaker Gil-Robles supported Speaker Rognoni's proposal that Speaker Dahl's excellent work should be carried further and an effort made to reach an even broader consensus. In conclusion, he referred to the question of committees, agreeing with Lord Tordoff's comments, and saying that he would personally go further and abolish all committees. Knowing this to be impossible, he reported that the EP, in co-operation with Commissioner Oreja, was making efforts to improve the way the system worked.

Speaker Christian Poncelet (Senate, France) said that this conference should not be academic in character, notwithstanding that experts should be called in if necessary. But he added that when the 25 speakers meet it is to talk to each other, to share and exchange ideas and, potentially, to draw up joint proposals.

Speaker Poncelet regarded it as unrealistic to fix a list of topics for discussion in 2, 3 or 5 years' time. He argued that the conference should instead address the issues which concerned citizens, at the time when such concerns were being felt, and from a political point of view. It made no sense, he added, to discuss the excessive rigidity of legislation and at the same time to do away with flexibility in the conferences' own proceedings. He therefore called for a period of time at all conferences when current topics could be discussed, as mentioned by Speaker Maria van der Hoeven.

Speaker Poncelet then spoke on three current questions which in his opinion deserve to be looked into: the lack of fiscal and social harmonisation in the Euro zone, with the consequent dislocation within the zone and causing justifiable

concern to European citizens; the possibility of allowing, in the name of unbridled liberalism, potentially dangerous foodstuffs, - a political and not merely technical question; and the need to create effective security arrangements in Europe, which transmit a sense of confidence to the citizens. On this subject, he said he could not understand how it was possible to have a conference of the parliamentary speakers of the European Union for two days without at some point dealing with what was going on in Kosovo. If this continued, the speakers could be accused of behaving like the Byzantines, discussing the sex of angels when the enemy armies were at the gates of the city. In conclusion, he said he had been moved by Speaker Kaklamanis' speech.

First Deputy Speaker Sir Alan Haselhurst (House of Commons, United Kingdom) considered the debate on the difficulties and misunderstandings as to the role of the conference as an ongoing process. However, he continued, he had hope that a decisive step forward could be made in Lisbon and an agreement be reached, respecting the different constitutional contexts in which each speaker operated, and that this would constitute a landmark for future work, as a set of rules – a code of conduct – was increasingly necessary.

Deputy Speaker Haselhurst explained that the Speaker of the United Kingdom Parliament could not take part in political declarations of any kind – it may seem a paradox but, although it is necessary to be politician to reach the post of Speaker or Deputy Speaker, once in this position they had to leave this background behind them. Only heads of government, supported by a majority in parliament, could speak politically on behalf of parliament. He said he understood perfectly that citizens of other countries were surprised when, after a meeting of the speakers of parliaments, there was no political declaration; but in the United Kingdom they would be very surprised if there was.

Insofar as it recognised these differences, Deputy Speaker Haselhurst said he understood and supported the approach taken by the Dahl report. However, he added, although one moment everyone claims to respect constitutional traditions, the next moment some people immediately take the opposite view by seeming to want to stop all the speakers taking part on the same level. He added that he believed that everyone agreed on the need to work on the basis of consensus. He declared himself in favour of annual meetings, the troika and the need for a larger majority to the holding of extraordinary meetings.

Deputy Speaker Haselhurst concluded his speech by saying that if it was impossible to approve Speaker Dahl's document here and now, the conference should not drop the spirit of her suggestions, at the risk of their carrying on with meetings in which everyone claimed to understand differences but in which some participants want the meetings to turn into what they think they should be. What is needed is genuine mutual understanding.

Speaker Apostolos Kaklamanis (Greece) agreed that after the approval of the Treaty of Amsterdam, the situation in Europe was different – the attached protocol gives parliaments a greater role and all our deputies will soon be aware of the importance of this to our parliaments.

Speaker Kaklamanis argued that the procedures proposed by Speakers Fischer and Dahl should not put limits on our conference, although some rules of procedure were necessary and it was clear that constitutional differences had to be respected. But, he added, we shouldn't give credence to the idea that these conferences should consist merely of meetings, dinners and conversations in pleasant settings. The conferences had to be able, he concluded, at least to make recommendations, on pain of not exerting any influence when future reforms are introduced.

Speaker Kaklamanis thanked Speaker Poncelet for his reference to Kosovo, saying that however important the other topics of debate might be, none could at present be more relevant than Kosovo. On his return to Athens, he explained, it is about Kosovo that he will be asked. He therefore proposed that the Conclusions of the Presidency should include a call for an end to the war, for the return of the refugees with the support of an international security force and to the rehabilitation of the region through European efforts, thereby revealing a more democratic and modern Europe.

Speaker Brian Mullooly (Senate, Ireland) supported Speaker Dahl's proposals, and recalled that this question had retained its interest since the Dublin Conference in 1993, and it is important for national parliaments to get to know each other and to work together on the basis of consensus.

Speaker Mullooly agreed with the scope of the proposals contained in the Dahl Report, although he called for a separation between matters of political interest and general themes, in order to allow each speaker to take a personal stand without prejudicing the consensus of the conference.

Stressing that there is no competition between the European Parliament and the national parliaments, whose main purpose is to control governments, Speaker Mullooly regarded the proposal as appropriate in terms of balance between the roles of the different speakers, accommodating well and in a practical way the complexity of the make-up of the conference. He concluded by agreeing that the conferences should be held annually, pointing out that care should be taken to ensure that they do not coincide with other international meetings, such as the Inter-Parliamentary Union.

Speaker Riitta Uosukainen (Finland) praised both of the reports, supporting that of Speaker Dahl, with one observation: compilation and analysis of the questions would be a help in understanding the problems under consideration – if parliaments compare information in documents, they will be sure to arrive at different decisions.

She then spoke of how useful and important it had proved to have a staff member of the Finnish parliament at the European Parliament. The Treaty of Amsterdam had changed the idea of competition between the European Parliament and the national parliaments, which now have more of a complementary role, given that the national parliaments control the Council of Ministers of the Union, through

control of their ministers, whilst the European Parliament exercises similar powers in relation to the European Commission.

In view of all this, Speaker Uosukainen added, it would be helpful to conduct a study of inter-parliamentary co-operation in the European Union, and the future conference should set the guidelines, dividing powers between the different bodies and meetings, and maintaining special respect for co-operation between parliamentary committees.

Finally, she agreed that the conference should be held annually, that it should not be associated with the presidency of the European Union and with the rotating presidency suggested, although a troika might be excessive. The model for preparations used by the secretaries-general has stood up well, although ad hoc groups of administrative or political staff could also be used.

However, the question of mandate should not be overestimated, as the speakers have ways of making public their positions on the topics under discussion.

Winding up the debate on this subject, **Speaker Almeida Santos** noted that there were two positions: one which sought to avoid rigid organisational arrangements and another which sought to facilitate organisation by promoting flexibility. But we should be clear that organisation and rigidity are not the same thing. Rigidity is negative, but globalisation requires organisation, also in the case of this conference. A set of rules of procedure seems natural, given that every collegiate body has one.

It would therefore be frustrating, especially for the rapporteurs amongst the speakers, if nothing concrete were to emerge from this meeting. He therefore suggested that there could be a declaration setting out the topics debated at the conference, given that there is a wide margin of consensus on these. A final – *lightweight* – text based on consensus need not cause alarm, given that there is a broad margin of agreement in relation to most of the proposals in the reports.

There is clearly a consensus on rules such as the annual holding of the conference, the preparation of the conference by the secretaries-general, the duties and composition of the troika, the rules for choosing topics and the role of the host nation, and Speaker Almeida Santos therefore proposed that a working party be set up, comprising Portugal, Italy, Spain, Austria, Sweden and the United Kingdom, in order to prepare a text to be approved at the end of the conference, which would also include a recommendation intended to reduce the rate of abstention in the European elections to be held in June 1999.

All the participants agreed to creating this working party.

Speaker Gil-Robles (European Parliament) asked for the EP to be included in the working party, and this was approved by the conference.