

Report of the Canadian Parliamentary Delegation to the 53rd Commonwealth Parliamentary Conference

Canadian Branch of the Commonwealth Parliamentary Association (CPA)

New Delhi, India September 21-30, 2007 The delegation of the Canadian Branch of the Commonwealth Parliamentary Association which attended the 53rd Annual Conference of the Commonwealth Parliamentary Association in New Delhi, India from September 21 to 30, 2007, has the honour to present its

Report

More than 800 parliamentarians and parliamentary officials from 134 of the 170 member national, state, provincial and territorial Parliaments and Legislatures around the Commonwealth attended the meetings in New Delhi as guests of the Parliament, government and peoples of India from September 21 to 30, 2007. The Canadian Branch, CPA was represented by the following delegates:

Senator Raynell Andreychuk

Senator David Smith

Russ **Hiebert**, M.P., Chair of the Canadian Branch, Leader of the Delegation and Regional Representative

Hon. Sue Barnes, P.C., M.P.

Raynald **Blais**, M.P.

Patricia Davidson, M.P.

Judy Wasylycia-Leis, M.P.

The members of the Canadian Branch delegation were part of a 40 member Canadian Region delegation to the Conference, representing the provincial and territorial legislative bodies of the Canadian Region.

It should be noted that the official start date for the Conference was September 24th; however, several members of the delegation participated as observers at the Small Countries Conference and as delegates at the Commonwealth Women Parliamentarians (CWP) Business Session. As the Chair of the Canadian Branch and one of three Regional Representatives, Russ **Hiebert** also participated in meetings of the Working Party and the International Executive Committee (EXCO) prior to the official start date of the Conference.

The women parliamentary delegates from both the Canadian Branch and the Canadian provincial and territorial Branches actively participated in the Commonwealth Women Parliamentarians Business Session on Monday, September 24th. This was an important occasion as the Hon. Sue Barnes, P.C., M.P. was a candidate for the position of Chair of the CWP Steering Committee, a three-year position. Following presentations by the four candidates for the position, the delegates found themselves voting in two rounds to determine a successful candidate. Ms. Barnes and Ms. Kashmala Tariq of Pakistan (representing the Asian Region) were competing on the final ballot which resulted in Ms. Tariq gaining 41 votes to Ms. Barnes total of 32 votes. All delegates to the CWP Business Session felt that it had been a very close race and complimented Ms. Barnes on her campaign. However, there were concerns expressed at the methods used to establish the list of eligible voters and, to finalize the list of candidates for the second

vote. These concerns are being forwarded to the CPA Secretariat by various Branches throughout the Commonwealth.

The Conference was officially opened on Tuesday, September 25th by the President of India, Smt. Pratibha Devisingh **Patil**. As delegates entered the Vigyan Bhawan Conference Centre they were greeted by enthusiastic dancers and musicians representing the many cultural groups in India, dressed in their native costumes and playing traditional instruments.

In her remarks officially opening the Conference, the President referred to "...the serious threat emanating from the disruptive activities of terrorists who are using modern technologies to set up extensive networks and are killing innocent people. Terrorism has no justification whatsoever and no cause can be served by shedding the blood of innocent people. It is imperative that we all take a firm and unequivocal stand against terrorism in all its forms and manifestations." "...in a globalized and interdependent world, the good of all becomes a common global endeavour. Our planet belongs to all of us and to sustain it as well as to preserve it for further generations requires action by all of us. Many of the development issues that confront the world – poverty, hunger, disease and ignorance – all require collective action." The President took advantage of the occasion to speak briefly on all of the topics to be discussed during the Conference, emphasizing India's contributions in these areas of concern.

The theme for the 53rd Conference was *Delivering Democracy and Sustainable Development*. The Secretary General of the CPA, Dr. William **Shija**, addressed the delegates and used the opportunity to provide them with a briefing on the activities of the Association since the 52rd CPA Conference held in Abjua, Nigeria in September 2006. He noted that his first year as Secretary General of the Association had been a very busy and exciting one and that he looked forward to working with all of the Branches and Regions in strengthening the Association in the face of the many challenges facing the Commonwealth parliamentary community. He also noted the CPA's continuing relationship with various international organizations such as the World Bank Institute and the International Monetary Fund in developing professional training sessions for parliamentarians with an emphasis on building fiscal transparency and accountability.

Dr. Shija was joined by the Secretary General of the Lok Sabha, Mr. P.D.T. **Achary**, who briefed the participants on the formats for the various Workshops and Plenary Sessions during the Conference. Separate briefings were then held for the Workshop Moderators, Discussion Leaders, Rapporteurs and Session Secretaries and the Accompanying Persons.

Following lunch, delegates were addressed by the outgoing Secretary General of the Commonwealth Secretariat, the Hon. Don **McKinnon**. In his opening remarks, he praised the Indian Parliament for the progress it had made since independence, noting that it has the world's largest democracy with an impressive 600 million voters participating in the general elections held in 2004.

During his remarks, Mr. McKinnon noted the many CPA Conferences he has attended over the years as Secretary General of the Commonwealth and praised the Association for the advances it has made in not only drawing attention to the need for constructive

professional development of elected parliamentarians within the Commonwealth, but also for bringing issues of international importance to the attention of the Commonwealth Heads of Government meetings. In praise of the work of the CPA, he also listed the following successes of "...several building blocks to Commonwealth democracy in practice: Parliaments that are properly inclusive of the half of humankind that is women, as well as ethnic and religious minorities; a lively civil society; an independent and responsible media; an effective and truly impartial judiciary; and a voice for young people. So, democracy is about far more than democratic elections. A vote has to be a thing worth having. It has to bring dividends, in the form of government which benefits normal people, in the form of efficient, transparent, fair, accountable institutions that administer service, and – ultimately – in the form of a better life, and peace and prosperity for all."

The six workshops of the 53rd Conference took place on Wednesday, September 26th and Thursday, September 27th, with the three plenary sessions taking place on the Thursday afternoon and Friday, September 28th.

The workshop themes included:

Workshops:

- A. Climate Change and Global Warming: Policy Issues and Solutions
- B. Global Water and Energy Use Towards Sustainable Development
- C. Balancing Economic Development and Environmental Protection
- D. Parliamentary Practice and Procedure: The Need for Reforms to Secure Greater Executive Accountability.
- E. The Role, Rights and Responsibilities of the Opposition.
- F. Strengthening Financial Scrutiny.

The three plenary sessions included the following topics:

Plenary on a Gender-Related Theme:

The Role of Parliamentarians in Raising Awareness of and Curbing Human Trafficking. Indian Host Branch Plenary Session:

Right to Recall as a Strategy for Enforcing Greater Accountability of Parliaments to the People.

Final Plenary:

Benchmarks for Democratic Legislatures.

Throughout the Conference, the federal and Canadian regional delegates played an active role in contributing to the discussions in the Workshops and at the Plenary sessions. As a concrete example of the esteem in which Canadian delegates are regarded within the CPA, two of the federal delegates, the Hon. Raynell Andreychuk, Senator and Russ Hiebert, MP, Chair of the Canadian Branch, participated as panel discussion leaders in two of the workshops.

On Workshop A - Climate Change and Global Warming: Policy Issues and Solutions, parliamentarians were in solid agreement that climate change poses a serious threat to development and poverty reduction in the poorest and most vulnerable regions of the globe. This had been raised as a serious threat at last year's Conference in Abuja and delegates noted that the situation has only worsened over the past twelve months. It was noted that, "Studies have shown that for many African countries, a rise in temperature means an increase in the incidence of malaria, and a decrease in rainfall which will affect crop production, leading to malnutrition, desertification and food insecurity."

The presenter from the Cook Islands in the South Pacific concentrated his concerns on the plight of the Pacific Islands in the face of global warming and rising sea levels. "Rising sea levels could leave some 200 million people displaced. Climate change has already had significant negative impacts on the economic, social and environmental security of many small island states, in particular, fresh water reserves that have been ruined through salt water contamination."

The Workshop concluded with an acknowledgement by those present that the challenge is to find a balance between economic growth, poverty alleviation and infrastructure development on the one hand and sustainable development and adherence to international agreements on climate change mitigation measures on the other. A complete report of the proceedings of Workshop A can be found at: http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20Workshop%20A%20-%20climate%20change.pdf

On Workshop B - Global Water and Energy Use – Towards Sustainable Development. It should be noted that the Canadian delegation had several delegates who participated in this workshop which was held concurrently with Workshops A and C on Wednesday, September 26th. Details on the presentations made at this workshop and on the discussions following the presentations are not yet available from the Rapporteur for the workshop. Those who are interested in examining the details of the workshop should visit the following site: http://www.cpahq.org/default.aspx?id=20060.

Senator Raynell Andreychuk was the lead presenter on Workshop C - Balancing Economic Development and Environmental Protection which was moderated by the Hon. Philip Zuniga, President of the Senate of Belize. In her remarks, Senator Andrevehuk noted that "...many people believe that the best strategy for development is to avoid any policy that might interfere with economic growth. Any intended environmental problems that these events cause can be dealt with once sufficient wealth has been accumulated." She then noted that this strategy is based on two assumptions: "The first is that the environmental degradation that accompanies development will never impede the accumulation of wealth to the point where the cleanup becomes impossible. The second is that environmental protection policies always interfere with economic growth." She reported that these assumptions are problematic for two reasons: "One is that development is generally measured in a very restrictive manner, as gross domestic product (GDP). 'Services' provided by the ecological process, such as filtering of water through forests and wet lands, are not included in the calculation of GDP. The second problem with the assumption that environmental degradation will not impede economic growth is that it ignores the carrying capacity of

the environment. Carry capacity essentially describes a maximum limit that a population and its activities can achieve without degrading the surrounding environment to the extent that the ability of future generations to survive is impeded. With the correct set of incentives and policies in place it is not inevitable that environmental protection will hold back economic growth sufficiently to imperil the battle against poverty; on the other hand, a sufficiently degraded environment will most certainly threaten economic growth and cause great human misery.

In concluding her remarks, Senator Andreychuk emphasised that the "grow first, clean up later paradigm can and must be avoided."

This particular Workshop resulted in a very lively discussion among all the delegates with most expressing strong concerns about the need to quickly find mechanisms to meet the Millennium goals while at the same time finding ways to mitigate the impact of environmental degradation. Additional details on the discussions of this workshop can be found at:

http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20-%20WORKSHOP%20C%20-%20%20BALANCHING%20ECONOMIC%20DEVELOPMENT%20AND%20ENVIRONMENTAL%20PROTECTION.pdf

Russ Hiebert, MP was a presenter on Workshop D - Parliamentary Practice and Procedure: The Need for Reforms to Secure Greater Executive Accountability along with Shri K. Suresh Reddy, Speaker of the Legislative Assembly of Andhra Pradesh and Mr. K. Scott Hubli, of the Democratic Governance Group United Nations Development Programme.

It was evident from the response of the large number of delegates who sat in on this particular workshop, that "...accountability and financial scrutiny is a fundamental essence of parliamentary form of Government and should be strengthened by evolving new measures and with more and more debate and discussion through various procedural devices."

During his presentation, Mr. Hiebert provided a Canadian perspective on this issue and emphasized the legislation taken to change the culture within government and among elected officials. He noted that this had been one of the main goals of his government since coming to office and included strengthening the ethics within government and its legislative institutions: access to information, lobbying, financing of political parties and in the establishment of several new offices which report directly to Parliament. He also referenced the "enactment of (i) the Conflict of Interest Act which provides a number of ethical provisions to ensure and govern the ethical conduct of public office [holders], and (ii) Public Servants Disclosure Protection Act to establish the Office of the Public Sector Integrity Commissioner who is required to report its findings of wrong doing to Parliament."

The conclusions of the discussions at this Workshop included: (1) the need for more technical and specialized assistance and training for Members to understand the issues in depth and to fulfill their roles as guardians of the public trust in Executive Accountability; and (2) and the need for strengthened committee systems for better parliamentary oversight on financial questions. In some of the legislatures within the

Commonwealth, it was agreed that their parliaments need to increase the number of their sitting days in order to permit more in-depth discussion and debate on complex budget related issues. Additional details on the proceedings of this workshop can be found at: http://www.cpahq.org/default.aspx?id=20060

Workshop E – **Role, Rights and Responsibilities of the Opposition** was held on September 27 and was well attended by delegates from around the Commonwealth, particularly from those Branches where the Opposition has been encountering difficulties in being recognized by their respective governing parties.

During the discussion, "...there was a general agreement among delegates on the role, rights and responsibilities of the opposition. There was a general consensus that there can be no strong democracy without a strong opposition. Indeed, the strength of the opposition in parliament is an essential element for measuring the quality of democracy in a nation. Democracy involves discussions and dissent and the opposition is a result of this system."

The discussions were lively with participation from delegates representing both government and opposition parties, which lead to some general agreements on the rights to be accorded to opposition parties and parliamentarians. Also agreed upon were the responsibilities incumbent on opposition parliamentarians to uphold the dignity and status of parliament, to avoid bringing the institution into disrepute, and to permit the governing party to implement its policies and programs. When a balance is not achieved, there is a risk of a negative perception as to the value of all democratic institutions.

Delegates also made suggestions on increasing the contributions of the opposition to effective governing of their respective countries, while noting the need for changes in those parliaments where the role of the opposition is not recognized. These changes include: access to information, research and staff resources to assist all members in studying legislation and budgetary questions; equal access to the media to promote their policies and criticisms of government programs, and equal treatment within parliamentary institutions.

Delegates were also reminded of the need to act responsibly and uphold the rule of law as members of the opposition and that this also applies to government members. The greatest concern expressed was of the potential for a national distrust of the parliamentary institutions with a concurrent weakening in parliamentary democracy.

Additional details on the proceedings of this workshop can be found at: <a href="http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20-%20Workshop%20E-Role,%20Rights%20&%20Responsibilities%20of%20the%20Opposition(1).pdf

Workshop F – **Strengthening Financial Scrutiny** focused on a topic which has been gaining in popularity within CPA-sponsored Seminars and other workshops over the past few years. One of the discussion leaders in the Workshop was Mr. Les Kojima, Senior Financial Management Specialist with the World Bank. Several members of the Canadian delegation participated in the discussions and shared their experience with

the system of pre-budget consultations currently practiced within the Canadian federal parliamentary system.

Delegates expressed their strong support for the practice of "asking for pre-budget submission of budget strategies by governments and holding public hearings for civil society engagement in the financial scrutiny of budgets."

During the discussions several participants agreed that there is a "...need to strengthen the Public Accounts and Estimates Committees by means of arranging specialized training for members and seeking expertise from the Supreme Audit Institutions (eg. Auditors General) in their own countries."

Both Judy **Wasylycia-Leis**, MP and Joseph **Handley**, MLA, Premier of the Northwest Territories, described their experiences on both the federal and provincial/territorial levels with the budgetary process. Ms. Wasylycia-Leis spoke of the need for independent budget advice as an essential element for members to be able to effectively conduct financial scrutiny of the entire budget process. Mr. Handley noted that the NWT does not have political parties instead "the premier and executive formed the government and the rest formed an accountability committee. Five to six months prior to the budget a business plan is prepared and once this comes back, a budget is prepared and put to a vote in a consensus model of legislative governance."

In concluding the session, the moderator reiterated the comments from many of the participants concerning the need to strengthen the parliamentary Public Accounts Committees by training their members and the provision of expert advice from officers of the Auditors General to ensure that members were knowledgeable about the information presented to them in the budget process. Additional information on this workshop can be found at:

http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20-%20Workshop%20F%20-%20Strengthening%20Financial%20Scrutiny.pdf

The first of the plenary sessions was held on Thursday, September 27th in the afternoon and concerned – **The Role of Parliamentarians in Raising Awareness of and Curbing Human Trafficking**. As has been noted within debates in the Parliament of Canada, the questions surrounding human trafficking has struck a cord throughout the Commonwealth. During the presentations it was noted that human trafficking was described "...as a multi-billion dollar global trade involving hundreds of thousands of victims, most of whom are women and children, who are exploited as cheap labour or objects of the sex trade."

Presenters encouraged the delegates to make use of their time in both their House and committees to draw attention to this issue and to develop and pass legislation for the "...passage of international conventions and the provision of well-trained and resourced enforcement agencies which treat the victims of trafficking as victims of a crime, not as perpetrators."

During the discussions, several delegates emphasized the necessity of tackling the root causes for the increase in the number of human trafficking cases. Poverty was the cause most commonly quoted as being the main reason why traffickers find it so easy to

prey on families who resort to selling their children because they cannot support them themselves and are duped into believing that the children will be provided a better life. Several of the women delegates also raised the point that in many countries, there is unequal treatment of and regard for the rights of female children over male children. This will require not only a cultural / societal shift, but also changes in education in those countries.

Despite advances in many countries, the impact of globalization, urbanization and the opening of national borders within regional blocs are also considered to be contributing factors in this increasing illegal movement of peoples. Several delegates advocated boycotting those products which are produced using children as slave labour, e.g., chocolate from the Ivory Coast, bricks from Kerala, and hand-knotted carpets from other countries which are part of the Commonwealth.

Patricia Davidson, MP noted that the issue of human trafficking affects all countries, Canada included. She stated that within the Canadian House of Commons, an all party committee has agreed that additional studies are required and preventive measures are needed to eliminate all aspects of this trafficking in Canada before it becomes worse. "She was among those who recommended that parliamentarians play a leading role in raising public awareness about this issue." Delegates also agreed that women's groups throughout the Commonwealth need to play a greater role in educating the public about this issue.

In conclusion, delegates agreed that stronger domestic and international legislation outlawing human trafficking but protecting the victims needs to be combined with an aggressive education program with the public in order to reduce and eventually eliminate this kind of crime. Additional information on this plenary session can be found at:

http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20-%20Trafficking%20in%20People.pdf

The second plenary debate was on **Right of Recall as a Strategy for Enforcing Greater Accountability of Parliaments of the People**. This topic was the Host
Branch selection and several speakers from the Raja Sabha and the Lok Sabha made presentations both in support of the concept of the Right of Recall and against.

The discussions were lively, with delegates splitting between supporting the proposal and those who expressed serious concerns with parliaments moving in this direction. Those supporting the concept of the Right of Recall expressed the opinion that it would assist greatly in re-establishing respect for parliamentarians and the parliamentary institutions. Elected parliamentarians would be more accountable for their actions if they faced a constitutional requirement for recall in face of certain actions or accusations of mis-deeds.

Opposition to the concept was expressed by a senior advocate in the Indian Supreme Court who had been Solicitor General from 1996 to 1998. He cited historical references in making the case against legislation formalizing the right to recall, noting from Edmund Burke "...that an MP is a representative of the people, not their delegate, Parliamentarians are not just representatives of their constituencies but trustees for the wider nation." Concerns were also expressed about the impact of recall on the

independence of a Member and the fact that this tool can be open to abuse for spurious political reasons, particularly in situations where the electorate is strongly influenced by political parties.

Senator David Smith noted that there had been some discussions about recall in Canada, but "...generally this arises when an MP crosses the floor. Recall is viewed in partisan political terms. It is an expensive process," Senator Smith said. "Recall has not worked well in British Columbia. It can only be launched at least 18 months after an election and only if at least 60 per cent of the electorate signs a recall petition, a level that he said is hard to achieve." He agreed with other speakers that there are many other remedies already in place to remove unworthy Parliamentarians, such as those who are convicted of a crime.

Other delegates noted that there exist other practices and processes to improve the democratic governance without risking the political stability inherent in the recall process. Most parliaments also require those parliamentarians convicted of criminal offences to either resign or be expelled from office.

Some delegates noted that implementing a recall process would require constitutional amendments. They also added that many parliaments are reluctant to take this approach, since it could potentially lead to more extensive and divisive constitutional amendments. Most also agreed that those parliamentarians who fail to deliver on their promises or are perceived to have misbehaved are subject to public disapproval by their electorate and are usually defeated at the next general election.

In conclusion, there appeared to be a consensus that recall is a costly process which can divide communities and be subject to abuse by political rivals. "Any decision to implement recall should be considered very carefully." Additional information on the work of this plenary session can be found at:

http://www.cpahq.org/uploadedFiles/Programmes_and_Activities/Professional_Development/53rd%20CPC%20Host%20Branch%20Plenary.pdf

The final plenary session was held on Friday afternoon, September 28th and dealt with **Benchmarks for Democratic Legislatures**. This particular topic has been the subject of various CPA Workshops since 2004 and continues to be of great interest through the Commonwealth parliaments.

Various points of view on what constitutes real benchmarks were discussed throughout the session where there was concern over whether the public has a good understanding of the terms "democracy" and "democratic governance." One of the presenters noted, "Democracy embodies concepts of pluralism and an appreciation of diversity. The way in which democracy is manifested in a particular country must never be static and must continue to evolve to respond to the needs of its citizens."

Throughout the discussion, it was apparent the establishing benchmarks for democratic legislatures is a constantly evolving process and those parliaments which do not evolve to meet the worldwide demands for accountability within their democratic institutions will ultimately fail or make gains both on the human rights front and on the development front. All delegates agreed that exchanges between parliaments within the Commonwealth are a vital element in reaching current benchmarks and establishing

new ones. Effective benchmarks help to ensure that parliamentary institutions remain independent from the Executive and maintain their powers and authorities relative to governments.

One suggestion was to follow the natural parliamentary cycle in establishing coherent benchmarks.

- "Election/selection of Members of Parliament: The electoral system determines the legitimacy and to a great extent the authority of Parliament thus it sets the parameters for Parliament's contribution to democratic governance.
- Formation of the government and selection of parliamentary leaders: The formation of the government and the selection of parliamentary leaders have a major bearing on how relations will be conducted between Parliament and the executive and on the style and effectiveness of parliamentary performance.
- **The business of Parliament:** Day-to-day lawmaking and oversight activities along with the parliamentary services to support them are the routine of parliamentary performance.
- **Dissolution of Parliament**: The manner in which Parliaments are dissolved has a huge impact on their capacity and authority."

This approach provides a framework for parliaments to work towards establishing and meeting their benchmarks.

The Conference ended with a day-long excursion organized by the host Branch, India, to two of their most famous landmarks, the Taj Mahal Palace and the Red Fort at Fatehpur. The pride of the Indian hosts in being able to share these two fabulous world heritage sites was evident through the day.

In conclusion, the delegates would like to express their appreciation to the Parliamentary Research Branch of the Library of Parliament for the excellent background information they prepared for the use of the delegation during the Conference. Special thanks are offered to Dr. David Malone, High Commissioner of Canada to India and the officers and staff of the Canadian High Commission for their extremely professional assistance prior to and during the delegation's time in New Delhi, India.

Respectfully submitted,

Russ Hiebert, MP, Chair
Canadian Branch
of the Commonwealth Parliamentary Association (CPA)

Travel Costs

ASSOCIATION Canadian Branch of the Commonwealth

Parliamentary Association (CPA)

ACTIVITY 53rd Commonwealth Parliamentary

Conference

DESTINATION New Delhi, India

DATES September 21 – 30, 2007

DELEGATION

SENATE Hon. Raynell **Andreychuk**

Hon. David Smith

HOUSE OF COMMONS Russ **Hiebert**, M.P., Chair of the

Canadian Branch, Leader of the

Delegation and Regional

Representative

Hon. Sue Barnes, P.C., M.P.

Raynald **Blais**, M.P.

Patricia **Davidson**, M.P.

Judy Wasylycia-Leis, M.P.

STAFF Carol Chafe, Executive Secretary

TRANSPORTATION \$ 22,779.64

ACCOMMODATION \$ 9,848.15

PER DIEMS \$ 1,526.30

OFFICIAL GIFTS \$ 408.25

MISC. /REGISTRATION FEES \$ 943.01

TOTAL \$ 35,505.35