



The Parliamentarian

Journal of the Parliaments of the Commonwealth

2021 | Volume 102 | Issue Two | Price £14

Established in 1920 | Over 100 years of publishing



IN THIS ISSUE ▶

Obituary and parliamentary tributes to the late CPA Chairperson

PAGES 122-125

HRH The Duke of Edinburgh and his legacy in the Commonwealth

PAGE 126

Funding twelve years quality education for every Commonwealth child

PAGE 142-147

How can Parliaments and MPs harness the benefits of social media?

PAGE 154

Caribbean Youth Voices: engaging young people in politics and debate

PAGES 168-179

DELIVERING A COMMON FUTURE: CONNECTING, INNOVATING, TRANSFORMING

The key challenges facing the Commonwealth

PAGE 136



THE CPA PARLIAMENTARY ACADEMY

A Centre of Excellence for Commonwealth Parliamentarians

Register for the CPA Parliamentary Academy Now

Free courses
for CPA
Members



The CPA has designed a curriculum of online courses specifically for Parliamentarians and parliamentary officials.

Our courses are intended to strengthen your capacity to fulfil constitutional and statutory obligations as well as to enhance your knowledge and understanding of the role of Parliament in the democratic governance process. These accessible courses offer an adaptive and flexible learning approach, with both written and visual content along with access to a variety of useful resources. So if this sounds right for you, register for the Academy now and get started!

To register for the CPA Parliamentary Academy, please email hq.sec@cpahq.org or fill out a 'Contact Us' form on our website. More information can be found on our website: www.cpahq.org/parliamentary-academy



Calendar of Forthcoming Events

Updated as at 28 June 2021

Please note that due to the COVID-19 (Coronavirus) global pandemic, many CPA events, conferences and activities have been postponed or cancelled.

Please check www.cpahq.org or email hq.sec@cpahq.org.

2021

June

30 June 2021 International Day of Parliamentarism (World Parliament Day)

July

5-9 July 2021 CPA Virtual Conference: The 4th Industrial Revolution
16 July 2021 CWP Australia Regional Conference, Darwin, Northern Territory/virtual

September

15 September 2021 International Day of Democracy
27-30 September 2021 CPA Executive Committee meeting - virtual
TBC September 2021 50th CPA British Islands & Mediterranean Regional Conference, Northern Ireland
TBC September 2021 51st CPA Africa Regional Conference, Nigeria

November

1-12 November 2021 26th United Nations Climate Change Conference (COP 26), Glasgow, UK
5-6 November 2021 International Legislators' Summit on Climate Change, hosted by GLOBE International and the Scottish Parliament

December

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

2022

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

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

ADVERTISE HERE

- Want to reach an audience of 17,000 Commonwealth Parliamentarians??
- Be one of the first to place an advert in *The Parliamentarian* in 2021.

For over a century, our quarterly journal has been circulated to Commonwealth Parliaments and Legislatures in print and digital formats and will give your organisation a unique platform to showcase your work to Members of Parliament and key decision makers across the Commonwealth alongside articles from global leaders and international experts.

To discuss advertising space in our upcoming publications email editor@cpahq.org.



CONTENTS

THE PARLIAMENTARIAN: 2021 ISSUE TWO

VIEWS & COMMENT

Editor's Note
Page 112

View from the Acting CPA Chairperson

110 years of delivering a common future

Page 114

View from the CWP Chairperson

Commonwealth Women Parliamentarians and Delivering a Common Future

Page 116

View from the Acting CPA Small Branches Chairperson

Promoting the diversity and recognition of languages in the Commonwealth

Page 118

View from the CPA Secretary-General

Delivering a Common Future: Connecting, Innovating, Transforming

Page 120

EDITORIAL

Obituary and tributes to the late CPA Chairperson

Hon. Emilia Monjowa Lifaka, MP (1959-2021)

Pages 122-125

Prince Philip and the Commonwealth

HRH The Prince Philip, Duke of Edinburgh (1921-2021)

Page 126

NEWS & PHOTOS

CPA News

News reports include:

- CPA Post-Election Seminars in Belize and Trinidad and Tobago
- CPA webinars on the rule of law, education financing and the impact of COVID-19 on health systems
- Virtual CPA Executive Committee
- Launch of the new CPA website and podcasts
- New CPA Parliamentary Academy

Pages 128-135

Commonwealth Day 2021

Reports from activities around the Commonwealth to mark this year's Commonwealth Day

Pages 184-187

Commonwealth Women Parliamentarians News and Events

Reports from CWP activities around the Commonwealth including CWP Roundtables on Gender Sensitive Parliaments and women pioneers in Canada and Australia

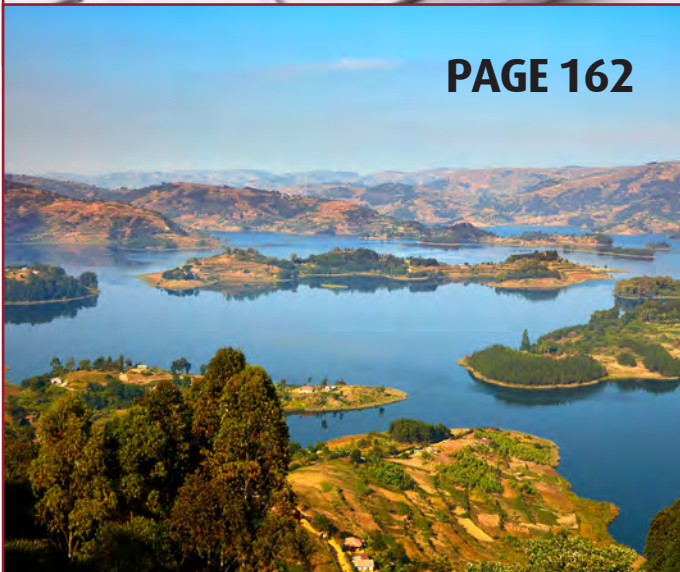
Pages 192-196



PAGE 122



PAGE 154



PAGE 162



PAGE 188

FEATURE ARTICLES

India and the Commonwealth

The Speaker of the Lok Sabha charts the relationship between India and the Commonwealth
Page 136

'Tobacco Free' Bangladesh by 2040

Progress on the health crisis in Bangladesh
Page 139

Galvanising the effort to fund global education

Twelve years quality education for every Commonwealth child
Page 142

Education Financing

Urging Commonwealth Parliamentarians to raise their hands in support of education
Page 145

Electoral reform in Jersey

A real 'watershed moment' for democracy in Jersey
Page 148

Valuing women in public life is a sure way to a more equal society: Protecting them online is the first step

Preventing gender-based violence
Page 152

Parliaments can harness the benefits of social media

Providing advice for Members on social media use
Page 154

The Separation of Powers and the budget making process

The Supreme Court of The Gambia and the power of Parliament
Page 157

Greening the Humanitarian response

Utilising the power of trees for sustainable refugee support
Page 162

Equality for all in the Commonwealth

LGBTIQ+ Commonwealth Parliamentarians shared their experiences for a CPA blog
Page 166

CARIBBEAN YOUTH VOICES

The role of youth in guaranteeing equal opportunity and responsibility

Page 168

The road to 2030: Are we as SIDS where we need to be?

Page 172

The Rule of Law and governance in a pandemic: Emergency Powers in the Caribbean

Page 174

The participation of Indigenous peoples in Caribbean governance

Page 177

Changes to the Constitution of Sri Lanka

What is the impact of the Twentieth Amendment?
Page 180

PARLIAMENTARY REPORTS

100 years of Legislating in Uganda

Reflections on this 100th anniversary
Page 188

Parliamentary Report and Third Reading

Featuring legislative reports from Canada, British Columbia, Trinidad and Tobago, the United Kingdom, New Zealand, Australia and India
Pages 198-215

CPA DIRECTORY

CPA Organisational Structure

CPA Executive Committee, CWP and CPA Small Branches Steering Committees, CPWD Regional Champions and CPA Regional Secretaries
Pages 216

The Parliamentarian:
Journal of the Parliaments of the Commonwealth
Volume 102 | 2021: Issue Two
The Parliamentarian
ISSN 0031-2282

Issued and published by the Commonwealth Parliamentary Association, CPA Headquarters Secretariat, Richmond House, Houses of Parliament, London, SW1A 0AA, United Kingdom.

Tel: +44 (0) 20 7799 1460
Email: hq.sec@cpahq.org
www.cpahq.org
Twitter @CPA_Secretariat
Facebook.com/CPAHQ

Stephen Twigg
CPA Secretary-General

Mr Jeffrey Hyland
Editor, *The Parliamentarian*
editor@cpahq.org

Main images: CPA Headquarters Secretariat. *Additional images:* CPA Branches and Shutterstock.

Annual subscription: Four issues including supplements: UK: £44 inc. postage. | Worldwide: £46 surface post and £52 airmail

Price per issue: UK: £14 cover price plus UK or worldwide postage.

Disclaimer: Opinions and comments expressed in articles and reviews published in *The Parliamentarian* are those of the individual contributors and should not be attributed to the Secretariat of the Association.

Contributors: Thank you to all contributors for this issue.

Printed in: United Kingdom by Warners Midlands, PLC; and Times Printers, Singapore.

Limited print run - contact editor@cpahq.org for details of print copies for CPA Branches.





Mr Jeffrey Hyland, Editor
The Parliamentarian,
Commonwealth Parliamentary
Association

THE COMMONWEALTH'S 2021 THEME OF 'DELIVERING A COMMON FUTURE: CONNECTING, INNOVATING, TRANSFORMING'

Each year a theme is chosen for Commonwealth Day and the theme both informs events to mark the day and helps to guide activities by Commonwealth organisations throughout the year.

The theme for the 2021 Commonwealth Heads of Government Meeting (CHOGM), for Commonwealth Day and for the work of the Commonwealth more generally is: *'Delivering a Common Future: Connecting, Innovating, Transforming'*. Although the CHOGM that was due to take place in June 2021 in Rwanda has been postponed until further notice, this theme has continued for 2021 and it highlights how the 54 member countries in the Commonwealth are *'innovating, connecting and transforming'* to help achieve some of its biggest goals, like protecting natural resources and boosting trade.

This overall theme was chosen because Commonwealth countries and territories are connected by deep-rooted networks of friendship and goodwill and the Commonwealth Parliamentary Association demonstrates this network across nine regions of the CPA and through its work in parliamentary strengthening, development and cooperation. The representation of all CPA Branches, large and small, is one of the unique functions of the Association, bringing together many Parliaments and Legislatures that are not represented in other inter-parliamentary organisations.

The 2021 Commonwealth theme also has a number of sub-themes: Governance and the Rule of Law; ICT and Innovation; Youth; Environment; and Trade – all are represented along with many other key topics in this issue of *The Parliamentarian*.

This issue of *The Parliamentarian* firstly marks the passing of the late Chairperson of the CPA Executive Committee, Hon. Emilia

“This overall theme was chosen because Commonwealth countries and territories are connected by deep-rooted networks of friendship and goodwill and the Commonwealth Parliamentary Association demonstrates this network across nine regions of the CPA and through its work in parliamentary strengthening, development and cooperation.”

Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon who sadly passed away in April 2021. We report on the many parliamentary tributes held in Cameroon and elsewhere in the Commonwealth and feature tributes to her life and work.

This issue of *The Parliamentarian* also pays tribute to **HRH The Prince Philip, Duke of Edinburgh**, whose recent death has also shone new light on his role in the Commonwealth and international development over many years.

In his first *View* article for *The Parliamentarian*, **Acting Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP** (United Kingdom) writes about the work of the CPA over many years and how it has a record of *'delivering a common future'* as the Association approaches its 110th anniversary.

The **Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Shandana Gulzar Khan, MNA** (Pakistan) in her *View* article pays her own tribute to the late CPA Chairperson and her support for the CWP over the years.

In her *View* article, the **Acting CPA Small Branches Chairperson, Joy Burch, MLA** (Australian Capital Territory) highlights the role of Commonwealth Parliaments in promoting the diversity and recognition of languages and shows how the Legislative Assembly of the Australian Capital Territory is putting this into practice.

The **CPA Secretary-General, Stephen Twigg**, in his *View* article for *The Parliamentarian*, focuses on how the CPA is addressing the Commonwealth theme of *'Delivering a Common Future: Connecting, Innovating, Transforming'* as well as highlighting the recent launch of the CPA Strategic Plan 2022-2025.

The **Speaker of the Lok Sabha, Hon. Shri Om Birla** (India) gives his own perspective on India's relationship with the Commonwealth and the CPA.

Professor Dr Md Habibe Millat, MP (Bangladesh) recently joined health experts and Parliamentarians in examining the challenges posed to healthcare systems in the Commonwealth by COVID-19 during a CPA health webinar and in this issue of *The Parliamentarian*, he writes about the health crisis of tobacco and the progress on Bangladesh's target to be *'tobacco free by 2040'*.

Ahead of the Global Education Summit (Financing GPE 2021-2025), the CPA joined education partners for a global webinar examining twelve years' education for every Commonwealth child and the importance of education financing, and two of the



panelists have shared their experiences for this issue of *The Parliamentarian*. **Hon. Mehnaz Akber Aziz, MNA** (Pakistan) is the International Parliamentary Network for Education's Regional Representative for Asia and she writes about the importance of galvanising the effort to fund and deliver twelve years' of quality education for every Commonwealth child. Kenya Education Envoy, **Mrs Ruth Kagia** urges Commonwealth Parliamentarians to raise their hands in support of education and to fund global education.

Electoral reform has been on the agenda in Jersey for several years and the CPA has been assisting the States of Jersey Assembly and individual Members to pursue these objectives. **Deputy Carina Alves** writes about the latest stages and how the latest decisions mark a real 'watershed moment' for democracy in Jersey.

UK Parliamentarian, **Rt Hon. Maria Miller, MP** has been campaigning for equality and women's rights for many years and she writes about the latest proposals to protect women online and to raise awareness of gender-based violence.

Digital Parliament expert, **Dr Andy Williamson** writes about how Parliaments and Parliamentarians can harness the benefits of social media and provides advice for Members on its use.

The separation of powers is a key Commonwealth principle outlined in the *Latimer House Principles* and in an article published in this issue, **Kalipha MM Mbye** examines the role of the Supreme Court and the Parliament in the budget making process in The Gambia.

Utilising the power of trees to make farming and livelihoods more environmentally, socially and economically sustainable for refugees in Uganda is a key objective for the Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF). **Cathy Watson**, Chief of Partnerships for CIFOR-ICRAF, examines how a greener, more equal and food and nutrition secure world is possible.

To mark this year's International Day Against Homophobia, Transphobia and Biphobia on 17 May 2021, Commonwealth Parliamentarians from Australia (Federal, South Australia and New South Wales), New Zealand and Canada shared their own experiences in a new blog article published on the CPA website. Extracts from the blog article are published in this issue.

In a new series of articles from 'Caribbean Youth Voices' coordinated by **Rashana Jones**, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian*, young people from the Region share their views on a wide range of topics from youth engagement to the UN's Agenda 2030, the rule of law during a pandemic to the role of indigenous people in governance in the Caribbean.

His Honour Justice Neil Iddawala, until recently the Deputy Secretary-General at the Parliament of Sri Lanka, writes about the impact of the Twentieth Amendment to the Constitution of Sri Lanka.

This issue of *The Parliamentarian* features a wide range of news and reports from CPA and Commonwealth activities including: CPA Post-Election Seminars in Belize and Trinidad and Tobago; CPA webinars on the rule of law, education financing and the impact of COVID-19 on health systems; the virtual CPA Executive Committee meeting; the launch of the new CPA website and podcasts; and new training opportunities for Parliamentarians



Image: RCS/Commonwealth Secretariat.

Above: HRH The Prince Philip, Duke of Edinburgh accompanied HM Queen Elizabeth II on many engagements connected to the Commonwealth during his lifetime - such as the Commonwealth service at Westminster Abbey in March 2017. Read about his legacy in the Commonwealth on page 126.

and Parliamentary staff through the new *CPA Parliamentary Academy*.

Commonwealth Day 2021 was celebrated on the second Monday in March this year (8th March) and although many jurisdictions could not hold 'in-person' events due to the current global pandemic, there were several events held in Commonwealth Parliaments and Legislatures and the overriding theme was the engagement of youth. Reports from across the Commonwealth appear in this issue.

The second Monday in March this year (8th March) also coincided with **International Women's Day** with the global theme of #ChoosetoChallenge. Commonwealth Women Parliamentarians from across the CPA and CWP network took part in many events highlighting equality and women's rights and this issue reports on these events. CWP news also features the virtual roundtables on gender sensitive Parliaments, CWP virtual events in the Pacific and BIM Regions and celebrating female pioneers in the Canadian and Australian Parliaments.

On 23 March this year, the Parliament of Uganda marked 100 years of legislation with a special exhibition and an article in this issue reflects on this anniversary.

The *Parliamentary Report* and *Third Reading* section in this issue includes parliamentary and legislative news from Canada Federal; British Columbia; Trinidad and Tobago; India; New Zealand; the United Kingdom; and Australia Federal. The CPA Headquarters Secretariat would also like to thank Mr Michael Berry for his contributions as the UK parliamentary correspondent for *The Parliamentarian* and to welcome his successor, Simon Keal.

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

Jeffrey Hyland
Editor, *The Parliamentarian*
editor@cpahq.org



110 YEARS OF DELIVERING A COMMON FUTURE



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

The *Acting* CPA Chairperson reflects on recent CPA activities and looks back at 110 years of 'delivering a common future'.

Over the past decade I have been actively involved with the Commonwealth Parliamentary Association at a Branch and Regional level and now as Acting CPA Chairperson. Whilst I assumed the role in extremely sad and unforeseen circumstances, I hope that I will be able to provide the necessary stewardship until the next CPA Chairperson is elected.

In writing my first View article for *The Parliamentarian*, I would like to first pay tribute to the late CPA Chairperson and Deputy Speaker of the National Assembly of Cameroon, Hon. Emilia Monjowa Lifaka, MP who sadly passed away on 20 April 2021. Hon. Lifaka's passing came as a deep shock to the Association. Her passion for the CPA was unmatched and her tireless promotion of its work across the Commonwealth was clear in her several positions as CPA Chairperson, Vice-Chairperson and African Regional Representative. A formidable person, Hon. Lifaka was a powerful voice across Africa. Her passion for her work as a Parliamentarian and her commitment to all those she represented in her aspiration to deliver a common future was highlighted by her fierce championing for the rights of women. I was glad to have had

the opportunity to work alongside her at previous CPA events and more recently, albeit virtually, at the Meeting of the CPA Executive Committee held in March 2021.

Hon. Lifaka's presence and engagement at the CPA and within the wider Commonwealth will be greatly missed and I would like to extend my thanks to all those who have expressed condolences to the CPA, the Parliament of Cameroon and Hon. Lifaka's family, friends and colleagues. Whilst the current restrictions in place prevented my travel to Cameroon, the CPA were ably represented at a session of parliamentary tributes to Hon. Lifaka and the funeral by Hon. Dr Zainab Gimba, MP, Vice-Chairperson of the Commonwealth Women Parliamentarians (CWP) International and CWP Africa Chairperson, and Hon. Zakarayau Galadima, MP, CPA Nigeria Federal Branch Representative. A formal obituary and collated messages of condolence and respect from across the membership on the loss of Hon. Lifaka can be found within this issue.

As the CPA membership continues to bravely cope with the COVID-19 pandemic, the postponement of all physical programmatic activities and governance meetings has remained during this period. The CPA International Executive Committee Meeting in March 2021 agreed to further postpone the 65th Commonwealth Parliamentary Conference from August 2021 to August 2022, taking place in Halifax, Canada.

In a similar move, the Commonwealth Heads of Government Meeting (CHOGM) that had been set to take place in June 2021, has been further postponed to a future date. Whilst we may not be able to meet in person, the theme for the CHOGM meeting, '*Delivering a Common Future: Connecting, Innovating, Transforming*' remains as relevant as ever, offering opportunities for the people, Parliaments, governments and institutions of the Commonwealth to connect, work together and evolve at many levels through far-reaching and deep-rooted networks of friendship and goodwill – an aim which we have held since the CPA's inception.

Established on 18 July 1911 as the Empire Parliamentary Association and later as the Commonwealth Parliamentary

“Whilst we may not be able to meet in person, the theme for the CHOGM meeting, ‘Delivering a Common Future: Connecting, Innovating, Transforming’ remains as relevant as ever, offering opportunities for the people, Parliaments, governments and institutions of the Commonwealth to connect, work together and evolve at many levels through far-reaching and deep-rooted networks of friendship and goodwill – an aim which we have held since the CPA’s inception.”



Association, the CPA celebrates its 110th anniversary this year. Throughout the Commonwealth's history, the CPA has been a vital and vocal voice in the practice of democratic government and the language of parliamentary politics. The ideals on which the CPA was founded and the organisation's commitment to its mission has been unwavering: *"To promote knowledge of the constitutional, legislative, economic, social and cultural aspects of parliamentary democracy, with particular reference to the countries of the Commonwealth."* The overwhelming commonalities shared by the Members is timeless and has only strengthened over the years because of our adaptive power. Change in the form of cultural, social and technical adaptations have been imperative for the Association to deliver on its mandate and are essential during these uncertain times - from how we communicate and travel to the ways in which we legislate, represent and scrutinise our governments.

Celebratory activities for this year's Commonwealth Day on 8 March 2021 were also readily adapted by Parliaments (see page 184 for reports of CPA Branch activities to mark Commonwealth Day this year), however the message remains the same: for our organisation, it is a celebration of the CPA family's unique connection of over 180 Commonwealth Parliaments and Legislatures, encompassing almost 2.4 billion people, coming together as a representation of our collective values. The CPA community has grown together in the last 110 years, cultivating a tremendous convening power, diversity of voices and experiences which we have used to address our mutual concerns and capitalise on our successes. This great potential held in working together to embrace and accomplish innovative changes is reflected in the CPA Strategic Plan 2022 – 2025, approved by the CPA International Executive Committee in March 2021. An ambitious, outward thinking and future-facing plan for the next four years, it looks to further democratic governance, accountability

and parliamentary democracy through common values, the sharing of best practice and continued professional development.

Therefore, as well as looking back at its evolution and achievements, this year provides a valuable opportunity for the CPA to look forward and consider how the Commonwealth, Parliaments and democracy may evolve over the next 10, 50 and even 100 years and retain our shared principles, practices and knowledge. While the COVID-19 pandemic has raised great challenges, it has also allowed us to embrace new methods of communication and highlighted our ability to adapt to changing circumstances. The onset of the global pandemic has been a learning curve for Parliamentarians such as myself, across the Commonwealth and wider globe, navigating the digital and technological space that has initiated innovative change to modify our modes of working and made it possible for Parliaments to continue to function effectively and steer their jurisdictions through the pandemic.

To further examine these technological revolutions and in celebration of our anniversary, the CPA Secretariat will be hosting a virtual Conference on the '4th Industrial Revolution', to be held between 5 and 9 July 2021. The largest virtual event the CPA has ever held, the conference will examine future evolutionary changes of the Commonwealth and Parliaments over time, analysing the impact of the '4th Industrial Revolution' on current and future generations within and across the Commonwealth, and Parliaments. The Conference will include sessions on technologies such as blockchain and artificial intelligence, with a focus on their implications for democracy and governance. We will also be producing a commemorative e-book to mark our 110th anniversary which will focus on our member Legislatures and their rich histories.

I look forward to advancing the aims of the Association, working together with the CPA family and envisioning the next 110 years.



Commonwealth Women
Parliamentarians (CWP)
Chairperson, Hon. Shandana
Gulzar Khan, MNA, National
Assembly of Pakistan

COMMONWEALTH WOMEN PARLIAMENTARIANS AND DELIVERING A COMMON FUTURE: CONNECTING, INNOVATING, TRANSFORMING

Nobody could have thought through the enormous implications and resonance of the Commonwealth theme of *'Delivering a Common Future: Connecting, Innovating, Transforming'* when it was first launched some time ago.

Not since the Second World War has our 'common future' been so uncertain than in the post-COVID world that holds all of our futures in the balance. The COVID-19 pandemic reminds us that whether we wish it or not, we stand united for the protection of our lives, our world, our planet, our people, and our Parliaments. Isolationism is passé and will not ensure a future of any sort.

To further its vision, the Commonwealth focused on *'Connecting, Innovating, Transforming'* as laying the seeds of the elements that are capable of delivering that golden *'common future'* and these will be found in: Governance and the Rule of Law; Information, Communication Technology & Innovation; Youth; and the Environment.

To put it simplistically, *'Connecting'* in its most literal sense is what is (unfortunately) responsible for the uncontrolled spread of the current pandemic. However, I'm proud to state that both

“This work reflects our will and power to stay the course, to innovate and produce work that touches the lives of all women Parliamentarians across the Commonwealth and enables them to deliver on transforming the futures of their constituents. And what is more is that the CWP is working to ensure that we reflect our own guidelines and enabling aspects of our work to connect and transform the entire CPA.”

the CPA and CWP in particular have managed to use the power of ICT and technology to stay connected, plan, work and deliver during the current time. Some of the CWPs most innovative pieces of work have emerged during this pandemic, including the CWP 2020-2022 Strategic Plan, our *CWP Anti-harassment and Bullying Guidelines*, the *CWP's Gender-Sensitive Parliament Guidelines*, and for the first time, collaboration with international organisations.

This work reflects our will and power to stay the course, to innovate and produce work that touches the lives of all women Parliamentarians across the Commonwealth and enables them to deliver on transforming the futures of their constituents. And what is more is that the CWP is working to ensure that we reflect our own guidelines and enabling aspects of our work to connect and transform the entire CPA. One readily available example is the role that the CWP has had in the development of the CPA-wide Strategic Plan 2022-2025 that was recently launched by the CPA Secretary-General. The CWP, while keeping its own vision for the empowerment and growth of women Parliamentarians, as well as seeking to achieve Sustainable Development Goal 5 on gender equality, is also looking at how the rest of the CPA re-positions itself in a new world order.

This does beg the important question of distinction i.e., how does the CPA differ from similarly situated organisations that all are working on connected projects such as the UN Agenda 2030, and delivering on a *'common future'*?

For me, the answer lies in the traditional staying power of the CPA, which has skillfully adapted itself to a post-colonial world, recognising that the world has moved on in so many ways and taking charge of its destiny in a world of new technology and AI. The aspirations of all Members of Parliament have to be taken into account to keep our diverse coalition of different colours, races and religions together, as what binds the CPA is its reverence to the values of democracy, equality and good governance in the Commonwealth. Why this is critical is simply due to the fact that the world has no precedent of stability and that difficult times are inevitable; as a case in point, with a post COVID-19 situation, the



Left: The Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Shandana Gulzar Khan, MNA is pictured welcoming the late CPA Chairperson, Hon. Emilia Lifaka, MP to Islamabad, Pakistan in July 2019 on the occasion of the 5th CPA Asia Regional Conference. The late CPA Chairperson was a vocal champion for the Commonwealth Women Parliamentarians (CWP) and gender equality in Parliaments.

world has yet to experience more fundamental changes.

My view is that the CPA must hold on to two seemingly opposed yet complementary values, traditionalism and modernism. The CPA must attain the status of an international organisation externally, yet ensure that while this process is in action, we must internally change our mindsets, our practices and our approach to equality as well. To that end, there are two CPA Working Groups that are striving to take this forward – the Working Group on Constitutional Reform and the Working Group on Governance, both looking at the future of the CPA. These two groups are working diligently with the new CPA Secretary-General to ensure that the CPA retains its relevance in a new world order.

By way of example, in relation to the CWP, the CPA Executive Committee has accepted two Constitutional amendments proposed by the CPA New Zealand Branch to ensure that Commonwealth Women Parliamentarians have fair representation in the future Commonwealth Parliamentary Conferences (CPC). These proposed amendments will be tabled before the next CPA General Assembly in the upcoming 65th Commonwealth Parliamentary Conference in Canada (now due to be held in 2022), marking a small but significant change in how the CPA puts into practice its pledge to ensure gender equality and its commitment to SDG5. This is the essence of signaling through changes to the CPA on gender equality that sends a message to the wider Commonwealth and the rest of the world about

how we intend to stay true to our values, our traditions and more importantly, for fairness in our dealings with all CPA and CWP Members.

The impact of women's empowerment and its signaling to a wider society takes on many different forms in all aspects of life. For example, it is interesting that *Victoria's Secret*, an American lingerie, clothing and beauty retailer known for its high visibility marketing and branding, has decided to stop the use of female models to display its products, essentially '*human mannequins on a ramp*'. The decision of this group was made in line with objections from various women's groups that opposed the objectification of women disguised as empowerment. Whether this decision was made in keeping with these objections or the impact of falling market prices, the signaling effect has been made and people are listening and watching for transformation in our value systems.

The survival of the traditional values of the CPA lies in upholding a dedication to evolution and the struggle for a world where we all stand on the same elevated platform, connecting through innovation, leading to transformation.

This article, and all others that come after it, are dedicated to the loving memory of the late Hon. Emilia Monjowa Lifaka, Chairperson of the Commonwealth Parliamentary Association - a mother, a leader and a unifier. May you rest in eternal peace.



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

PROMOTING THE DIVERSITY AND RECOGNITION OF LANGUAGES IN THE COMMONWEALTH

This year, the Commonwealth Parliamentary Association marked International Mother Language Day for the first time in recognition of the diversity of languages in the Commonwealth.

The United Nations and UNESCO's International Mother Language Day is marked annually on 21 February, and it promotes the preservation and protection of all languages used by peoples of the world. The CPA celebrated the diversity of languages in the Commonwealth amongst its 2.4 billion people and the role of language in building inclusive and democratic societies as well as preserving both our heritage and diverse cultures.

Indigenous languages are facing the very real prospect of extinction across the world. Linguistic diversity is increasingly threatened as more and more languages disappear. According to UNESCO figures, at least 43% of the estimated 6,000 languages currently spoken around the world are endangered. Globally 40% of the population does not have access to an education in a language they speak or understand. Nevertheless, progress is being made in mother tongue-based multilingual education with growing understanding of its importance, particularly in early schooling, and more commitment to its development in public life.

In February 2019, the Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC stressed the important role that languages play in education, intercultural dialogue and culture. *"In the Commonwealth we are aware that languages, especially mother tongue languages, are powerful instruments for preserving and developing our tangible and intangible heritage as peoples. Indeed, there is growing awareness of the vital role mother languages play in development, by adding to cultural diversity and intercultural dialogue. Mother languages can also strengthen cooperation towards attaining quality education for all and building inclusive knowledge societies that preserve cultural inheritances."*

One of the biggest examples of language diversity 'under threat' is in Nigeria, where the population speaks more than 500 indigenous languages. According to UNESCO research, a quarter of children below 11 years old in the country are unable to speak their parents' indigenous language. If this trend is not checked, linguistic experts believe Nigerian languages will fall out of use in two to three generations – 50 to 75 years' time – and be confined to the history books. Even the three major indigenous languages

of Hausa, Igbo and Yoruba are not safe as young people use English in their daily interactions.

The most linguistically diverse place on Earth is the island of New Guinea, which is split into the independent state of Papua New Guinea, and West Papua, which is part of Indonesia. In an area of 786,000 km², approximately 1,000 languages are spoken. Compare this to Europe, where around 100 languages are spoken in an area of over ten million km².

In the CPA Small Branches network that stretches from the small states in the Pacific across to islands in the Caribbean and many places in between, small jurisdictions have long histories of interaction with local communities. According to UNESCO, these local communities in Small Island Developing States (SIDS) have a cumulative body of knowledge, know-how, practices and representations which includes language, naming and classification systems, resource use practices, ritual, spirituality and worldview. These sophisticated sets of understandings, interpretations and meanings are part and parcel of a complex cultural relationship.

The role of indigenous languages in fostering inclusion in education and in wider society cannot be underestimated. Parliaments can play a role in the wider acceptance of indigenous languages in many different ways.

In New Zealand for example, recent innovations in the New Zealand Parliament which had made Parliament more accessible to citizens and more relevant to their lives included the relaxation of rules to facilitate the observance of some aspects of 'Tikanga Maori' or Maori culture, such as permitting 'waiata', the singing of songs or hymns from the public galleries, and the saying of a 'karakia' or prayer by a Member at each sitting.

The New South Wales Parliament is just one example of a Legislature that introduced an Aboriginal Languages Bill into the Legislative Council in October 2017 to promote and protect the 'languages of the first peoples of the land comprising New South Wales' which are 'an integral part of the world's oldest living culture and connect Aboriginal people to each other and to their land'.

In my own jurisdiction of the Australian Capital Territory in June 2020, we marked an Australian first for language recognition when our Parliament's *Acknowledgement of Country* was delivered in the Ngunnawal language for the first time in an



COMMONWEALTH PARLIAMENTARIANS CELEBRATE THE DIVERSITY OF LANGUAGES IN THE COMMONWEALTH ON INTERNATIONAL MOTHER LANGUAGE DAY



The Commonwealth Parliamentary Association (CPA) supported the United Nations and UNESCO's International Mother Language Day on 21 February for the first time, which promotes the preservation and protection of all languages used by peoples of the world. Commonwealth Parliamentarians celebrated the diversity of languages in the Commonwealth amongst its 2.4 billion people and the role of language in building inclusive and democratic societies as well as preserving both our heritage and diverse cultures.

The theme of the 2021 International Mother Language Day is 'Fostering multilingualism for inclusion in education and society' which recognises that languages and multilingualism can advance inclusion, and the Sustainable Development

Goals' focus on leaving no one behind. The CPA supports UNESCO's goal that education, based on the first language or mother tongue, must begin from the early years as early childhood care and education is the foundation of learning.

The CPA released a special video message with Commonwealth Parliamentarians from Cameroon, Australia and Canada explaining how language diversity is celebrated in their Parliaments.

The idea to celebrate International Mother Language Day was the initiative of Bangladesh and it was approved at the 1999 UNESCO General Conference and has been observed throughout the world since 2000.

To view the CPA video please visit the CPA's *YouTube* channel via www.cpahq.org/social-media

Australian Legislature. The ancient language of the Ngunnawal people echoed through the chamber as the *Acknowledgement of Country* was delivered. The ACT Assembly is the first Parliament in Australia to deliver its Acknowledgement in an indigenous language at the start of each sitting.

An *Acknowledgement of Country* allows non-indigenous Australians to pay respect to the indigenous people whose country they meet on and recognise their role as enduring guardians or 'traditional owners' of that land.

Aboriginal and Torres Strait Islanders have a unique, deep connection to their ancestral lands, known as 'country' and in ACT, the Traditional Custodians of the land are the Ngunnawal people.

In November 2019, the ACT Assembly had voted unanimously to shift from an English to Ngunnawal language Acknowledgment of Country and the resolution calling for this was the first tripartisan motion in the Assembly's history.

One of my duties as Speaker of the Assembly is to read the Acknowledgement of Country at the start of each parliamentary sitting and so I undertook linguistics training with Ngunnawal man Cheyne Halloran and linguist Louise Baird.

The wording of the Acknowledgement of Country in ACT is as follows:

*Dhawura nguna, dhawura Ngunnawal.
Yanggu ngalawiri, dhunimanyin Ngunnawalwari dhawurawari.
Nginggada Dindi dhawura Ngunnawalbun yindjumaralidjinyin.*

*This is Ngunnawal Country.
Today we are gathering on Ngunnawal country.
We always pay respect to Elders, female and male, and Ngunnawal country.*

As Commonwealth Parliamentarians, we must celebrate and protect the diversity of languages in the Commonwealth to build inclusive and democratic societies.

Below (left to right): The Chief Minister of the Australian Capital Territory (ACT), Andrew Barr, MLA; Ngunnawal elder, Warren Daley; ACT Greens Leader, Shane Rattenbury, MLA; Leader of the Opposition, Alistair Coe, MLA; and Speaker of the ACT Assembly, Joy Burch, MLA are photographed following the first delivery of the

Acknowledgement of Country in Ngunnawal language at the Legislative Assembly of the Australian Capital Territory. Although the building was closed due to the pandemic, a small group of elders were invited to sit in the public gallery for the occasion as representatives of the Ngunnawal people in recognition of this significant milestone in the Assembly's reconciliation journey with Canberra's indigenous people.



Image: Office of the ACT Legislative Assembly (CC BY-NC-ND 3.0)



Secretary-General of the
Commonwealth Parliamentary
Association, Stephen Twigg

DELIVERING A COMMON FUTURE: CONNECTING, INNOVATING, TRANSFORMING

In April of this year, it was with a profound sense of shock and great sadness that we heard the news that our CPA Chairperson, the late Hon. Emilia Monjowa Lifaka, MP, had passed away. My thoughts are with her family, her friends and her colleagues in the National Assembly of Cameroon where she served as Deputy Speaker. I first met the Hon. Lifaka in February 2020 when I attended my interviews for the role of CPA Secretary-General. Since I took up this position last August, I worked closely with her as we sought to adapt the work of the CPA to the various restrictions arising from the COVID-19 pandemic. She chaired two virtual CPA Executive Committee meetings held in August 2020 and in March of this year and spoke powerfully at a CPA webinar in October last year on ‘*The Commonwealth in 2025: Building effective partnerships*’. I am grateful to the many people and organisations which have been in contact with the CPA Secretariat to express their condolences.

Hon. Ian Liddell-Grainger, MP, Chair of the CPA’s UK Branch, was elected as the *Acting* CPA Vice-Chairperson at the CPA Executive Committee in March 2021. He has now taken over as the *Acting* CPA Chairperson. His column in this edition includes a warm tribute to our late Madam Chairperson.

In March, the CPA Executive Committee approved our new Strategic Plan for 2022-25, building upon the excellent progress made through the implementation of the 2018-21 Strategic Plan.

“Mutual learning lies at the heart of the CPA’s work and the launch of the new CPA Parliamentary Academy is testament to this. A curriculum of online courses specifically aimed at strengthening the capacity of Parliamentarians and parliamentary officials in fulfilling their roles, the Academy is an exciting new opportunity for our membership.”

The Plan sets out our Strategic Objectives and the tools we will use to achieve them. During the consultation period late last year, several priority areas were highlighted. We have identified six of them as cross-cutting themes in the new Strategic Plan: Gender; Small States and Jurisdictions; Youth; Disability; Sustainable Development and Climate Change; and Technology and Innovation.

Several recent issues of *The Parliamentarian* have included a number of articles focusing on disability. I am delighted that the CPA has nine Regional Champions leading the Commonwealth Parliamentarians with Disabilities (CPwD) network and is chaired by Hon. Kevin Murphy MLA, Speaker of the Nova Scotia Legislature. All nine are passionate advocates for disability inclusion and the rights of persons with disabilities. One Regional Champion, Hon. Ann Jones, recently stood down from Senedd Cymru (the Welsh Parliament) in which she had served as an Assembly Member from its inception in 1999 and as Deputy Presiding Officer from 2016-21. She, therefore, has also stood down as a CPwD Regional Champion. She participated in the 2017 CPA Conference for Commonwealth Parliamentarians with Disabilities in Halifax, Nova Scotia and chaired a mentoring session at the 64th Commonwealth Parliamentary Conference on *The Role of Parliament in Facilitating Persons with Disabilities as Electors, Candidates and Legislators*.

Hon. Ann Jones is a great example of CPA’s high-quality alumni. In our new Strategic Plan, we propose to strengthen our links with former Commonwealth Parliamentarians and parliamentary staff after they leave Parliament. The development of a ‘*CPA Alumni*’ will enable us not only to keep in touch but to tap into the huge experience and expertise of our alumni. As well as Ann Jones, we have seen two other highly experienced CPA Parliamentarians step down this year – our former CPA Vice-Chairperson, Hon. John Ajaka (New South Wales) and our former Chairperson of the CPA Small Branches, Hon. Niki Rattle (Cook Islands). Let me take this opportunity to thank them for their hard work, dedication and commitment to the CPA. I look forward to engaging with them in the CPA Alumni as it develops.

A key theme in this issue of *The Parliamentarian* is the rights of the indigenous peoples of the Commonwealth. Our new Strategic



Plan emphasises the importance of the UN's Agenda 2030 and the Sustainable Development Goals. This agenda has huge relevance for indigenous people who often face marginalisation and discrimination with, for example, significantly higher levels of poverty in many indigenous communities. The indigenous people of the Commonwealth are often at the forefront of the battle against climate change and efforts to protect the natural environment and biodiversity. As the CPA seeks to strengthen good governance and promote representative Parliaments, it is important that the voices of indigenous people are heard – in the chambers of Commonwealth Legislatures, in wider societies and at an international level.

The new CPA Strategic Plan also emphasises the importance of partnerships with others who share our values and goals. Increasingly, we are working with a range of external organisations to support our Parliaments and Parliamentarians. In April, we held three webinars in partnership with others. Each webinar addressed a key challenge – Global Health, the Rule of Law and Education Financing. Earlier this year, we had a series of virtual CPC workshops covering issues including Climate Change, International Humanitarian Law and the role of social media. In July, to mark the CPA's 110th anniversary, we will host a Virtual Conference on the Fourth Industrial Revolution (4th IR) as part of our commitment to focus on technology and innovation, including how best to address the digital divide.

Mutual learning lies at the heart of the CPA's work and the launch of the new CPA Parliamentary Academy is testament to this.

A curriculum of online courses specifically aimed at strengthening the capacity of Parliamentarians and parliamentary officials in fulfilling their roles, the Academy is an exciting new opportunity for our membership. I am immensely grateful to everybody whose hard work has made it happen. We have also recently launched our new website which the CPA Parliamentary Academy is hosted on. I would welcome feedback about both the Academy and the website. Effective communication is a critical element to the CPA's work and the past year has demonstrated this very powerfully. As well as adapting many of our existing activities to the necessity of the situation by 'going virtual', we have also been determined to innovate. One example of this is the new CPA Podcast – '*Parliamentary Conversations in the Commonwealth*'. We seek to ensure that the CPA provides a platform for diverse Commonwealth voices to be heard and to foster our shared understanding of key issues.

I had hoped to have the opportunity to attend the Commonwealth Heads of Government Meeting (CHOGM) in Rwanda in June 2021. Sadly, but understandably, CHOGM has again been postponed. Nevertheless, its theme of '*Delivering a Common Future: Connecting, Innovating, Transforming*' is one that will inform the work of the Commonwealth in the important months ahead as we address together key challenges including fair access to vaccines, financing quality education and how to ensure an economic recovery that is equitable and sustainable. Parliaments will have a crucial role to play here, and the CPA will work hard to support, engage and learn from our Members.

COMMONWEALTH PARLIAMENTARY ASSOCIATION LAUNCHES NEW STRATEGIC PLAN FOR 2022-2025 TO SUPPORT ITS MEMBERSHIP OF 180 COMMONWEALTH PARLIAMENTS



The CPA has officially launched its new Strategic Plan, covering the period 2022 – 2025. This Strategic Plan sets out how the organisation will advance and develop support to CPA Members over the next four-year reporting period, through focusing on six core objectives and cross cutting themes that will be mainstreamed across CPA operations and workstreams.

The Acting Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP (United Kingdom) said: "*Having been involved with the CPA for many years, both at a Branch and international level and now as Acting Chairperson, I take great pride in presenting this CPA Strategic Plan 2022-25. The CPA is a unique platform of Commonwealth Parliamentarians and parliamentary staff, with a tremendous convening power and diversity of voices and experiences. As such the CPA family holds great potential to effect innovative changes in addressing common concerns, with this strategy enabling us to reach new heights in doing so.*"

The CPA Strategic Plan was informed by an internal review of the previous Strategic Plan and a comprehensive and inclusive consultation process open to all CPA Members and key external partners. Following responses from over 50 individuals, CPA Branches, partners and Secretariat staff, the feedback was analysed, and several key themes emerged and were developed, resulting in the final document.

The CPA Secretary-General, Stephen Twigg reflected that: "*At the heart of this Strategic Plan is a pledge to work in partnership with others to deliver our mission. We will strengthen existing partnerships and seek new ones with organisations both within and beyond the Commonwealth. In doing so, we will be guided by our belief in the value of multilateralism and our support for the values enshrined in the Commonwealth Charter and the goals set out by the United Nations in Agenda 2030.*"

As well as outlining the key organisational priorities, the plan defines the tools with which the CPA will fulfil its objectives. It will be accompanied each year of its implementation by an Annual Business Plan to identify the priority activities and outputs necessary in order to achieve the strategies' commitments. It is hoped that this new Strategic Plan will enable the CPA to build upon the organisation's existing strengths and the substantial progress made by the Secretariat and membership in recent years, whilst also addressing the challenges the organisation will face between now and 2025.

To download a copy of the CPA Strategic Plan 2022-2025 please visit www.cpahq.org. If you have any feedback on the strategic plan please email hq.sec@cpahq.org.



Hon. Emilia Monjowa Lifaka, MP (1959-2021) Chairperson of the CPA Executive Committee (2017-2021) Deputy Speaker of the National Assembly Cameroon (2009-2021)



Hon. Emilia Monjowa Lifaka was first elected to the National Assembly of Cameroon in 2002 and re-elected three times from the Buea Rural constituency in very highly contested elections. In 2007, in recognition of her hard work and dedication, Hon. Emilia Monjowa Lifaka was designated as the Deputy Majority Group Leader by her party, the ruling CPDM.

Hon. Emilia Monjowa Lifaka was later elected as a Deputy Speaker (Vice-President) of the House in 2009, a position she occupied until her death. She served the National Assembly in many roles through her participation in different Parliamentary Committees, including the Committee of Finance and the Budget, the Constitutional Laws Committee and the Executive Committee of Good Governance. She was also a Member of the National Commission of Human Rights and Freedom and represented the National Assembly in the National Decentralization Council from 2007-2014.

From 2007, Hon. Emilia Monjowa Lifaka was very engaged in international activities, in particular, the Commonwealth Parliamentary Association for which she attended meetings regularly both in the CPA Africa Region and internationally. She was also the Coordinator of CPA activities for the National Assembly of Cameroon.

One of her proudest moments within the CPA was as the Conference Coordinator for the successful 60th Commonwealth Parliamentary Conference that was held in 2014, hosted by the National Assembly

of Cameroon and CPA Cameroon Branch. Hon. Emilia Monjowa Lifaka was delighted to host parliamentary colleagues from across the Commonwealth in her home country and Parliament.

Within the CPA's governance, Hon. Emilia Monjowa Lifaka held several positions including Regional Representative on the CPA International Executive Committee for the CPA West Africa Sub Region from 2015-2017 and as CPA Vice-Chairperson from 2016-2017. This culminated in her election as the Chairperson of the CPA International Executive Committee at the CPA General Assembly held in Dhaka, Bangladesh in November 2017, as part of the 63rd Commonwealth Parliamentary Conference.

During her time as CPA Chairperson, she was passionate about the CPA and the Commonwealth, travelling extensively across the CPA's nine Regions to promote the work of the Association and to chair governance meetings.

Hon. Emilia Monjowa Lifaka was a vocal champion for the Commonwealth Women Parliamentarians (CWP) and gender equality in Parliaments, and for the CPA Small Branches network and the representation of the smallest jurisdictions in the Commonwealth. She also supported the recent creation of the new network for Commonwealth Parliamentarians with Disabilities (CPwD).

Hon. Emilia Monjowa Lifaka was also a champion for the Commonwealth's youth – she attended the most recent physical 10th Commonwealth Youth Parliament in India to

meet young Parliamentarians and regularly attended the CPA's Commonwealth Day youth programmes.

Away from Parliament and in her quest to promote the opportunities for young women, Hon. Emilia Monjowa Lifaka was a mentor for several women's groups and took a particular interest in the training of young women through her Fako West Scholarship Scheme.

Before entering politics, she was the Director of the Buea-based Intermediate Vocational Training Centre (IVTC). Hon. Emilia Monjowa Lifaka held several degrees and diplomas from Cameroon, the UK and USA including Crown Secretarial and Business Studies College, the University of Maryland Eastern Shore and Anglia Ruskin University.

Hon. Emilia Monjowa Lifaka was a recipient of three national distinctions: Knight of the Cameroon National Order of Merit; Officer of the Cameroon National Order of Merit; Knight of the National Order of Valour. She was also recognised posthumously with the Commander of the Cameroon National Order of Valour.

Hon. Emilia Monjowa Lifaka was born on 11 April 1959 and died on 20 April 2021. She was laid to rest in her parliamentary constituency of Bonjongo, a suburb of Buea, the regional capital of the South-West Region of Cameroon. She is survived by her two adult sons, Adolphe Stephin Mbonjo Mbaho Jr and Kenneth Vekima Edube Mbaho, as well as adopted children and an extended family.





PARLIAMENTARY TRIBUTES IN CAMEROON FOR THE LATE CPA CHAIRPERSON



On 19 May 2021, Members of the National Assembly of Cameroon paid tribute to the late Chairperson of the Commonwealth Parliamentary Association Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon who passed away on 20 April 2021 at the age of 62.

Members of Parliament spoke of her work both in Cameroon and internationally for the CPA at the tribute ceremony, held at the Yaoundé Conference Centre, that was also attended by government representatives, parliamentary associations, family and friends.

At the tribute ceremony, floral tributes were placed on behalf of the Commonwealth Parliamentary Association. Attending the ceremony in person on behalf of the CPA were: Hon. Dr Zainab Gimba, MP (Nigeria), Vice-Chairperson of the Commonwealth Women Parliamentarians International and CWP Africa Chairperson; and Hon. Zakariyau Galadima, MP, CPA Nigeria Federal Branch Representative, who also attended on behalf of the CPA Africa Region President-Designate, Rt Hon. Femi Gbajabamila, MP, Speaker of the

National Assembly of Nigeria. In a moving eulogy, Hon. Dr Zainab Gimba said: *“The late Hon. Emilia Monjowa Lifaka, as a CPA Chairperson and a Commonwealth Parliamentarian, was a woman of many qualities, she was a bridge-builder, a consummate advocate of women issues. She served the Association with such great diligence, dedication, and dignity. Hon. Lifaka showed profound commitment and visionary leadership during her time as Chairperson of the Association by providing a platform for Commonwealth Parliamentarians to speak with one voice, the voice to change the stereotypes about women’s issues. She was a woman with many striking personalities, an amiable character, a solution provider, an embodiment of humility, very passionate in what she believes in and an avowed believer in the capacity of the women to break all frontiers.”*

The Acting Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP (United Kingdom) also sent a video message to the ceremony in which he spoke of the late Chairperson’s tireless work for the CPA and the high esteem in which she was held by parliamentary colleagues across the Commonwealth. The CPA Secretary-General, Stephen Twigg also sent tributes to the CPA Cameroon Branch.

The late CPA Chairperson was laid to rest on Saturday 22 May 2021 in her parliamentary constituency of Bonjongo, a suburb of Buea, the regional capital of the South-West Region of Cameroon. The Senior Deputy Speaker of the National Assembly of Cameroon, Hon. Hilarion Etong, also representing the Speaker of the National Assembly, posthumously decorated the late Hon. Emilia Monjowa Lifaka with the Commander of Cameroon National Order of Valour during the funeral ceremony, alongside the South-West Region Governor, Bernard Okalia Bilai. The citation for the medal honour recognised her humanism, patriotism and political contributions to the national and international scene.





Hon. Emilia Monjowa Lifaka, MP (1959-2021)
Chairperson of the CPA Executive Committee (2017-2021)
Deputy Speaker of the National Assembly Cameroon (2009-2021)

His Excellency Paul Biya, President of the Republic of Cameroon said in a statement to the Rt Hon. Cavaye Yeguie Djibril, President of the National Assembly of Cameroon and CPA Cameroon Branch President: *"I learned the sad news of the death, in Buea, of Hon. Emilia Monjowa Lifaka. I share your sorrow as well as that of her family. As a Member of Parliament and Vice-President of the National Assembly, she left her mark on this House with her long presence and her experience in parliamentary issues. Mrs Monjowa Lifaka was a loyal and dynamic militant of the Cameroon People's Democratic Movement. She was equally an elite of the Fako Division, who was cherished and respected by the people. Her demise is a great loss for the South-West Region, Our Party, the National Assembly and Cameroon, which she served with dignity. On this sad occasion, I extend to you, her family, the Bakweri community and Parliament, my sincere condolences, as well as the moving compassion of my wife."*

The Acting Vice-Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP (United Kingdom) said: *"On behalf of the CPA Executive Committee and the entire CPA membership, we are deeply saddened to learn of the sudden passing of the Chairperson of the CPA Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon. As CPA Chairperson and as a Commonwealth Parliamentarian, she was passionate*



about the Commonwealth Parliamentary Association and tirelessly promoted its work across the Commonwealth. She was also a strong advocate for the work of the Commonwealth Women Parliamentarians (CWP) and the CPA Small Branches networks."

The CPA Secretary-General, Stephen Twigg said: *"I am deeply saddened to learn of the sudden death of the Chairperson of the CPA Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon. As CPA Chairperson, she warmly welcomed me as CPA Secretary-General last year and she worked very closely with the staff at the CPA Headquarters Secretariat who will all mourn her passing."*

The CPA Treasurer, Hon. Datuk Seri Shamsul Iskandar Mohd Akin, MP, CPA Malaysia Branch Chairperson said: *"She was an exceptional individual dedicated towards working for a better organisation."*

The Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Shandana Gulzar Khan, MNA (Pakistan) said: *"The Commonwealth Parliamentary Association and the Commonwealth Women Parliamentarians has lost a champion of women and the Commonwealth. Words cannot describe her services to Cameroon, to Africa and to the Commonwealth. Rest in peace."*

The Chairperson of the CPA Africa Region Executive Committee, Rt Hon. Justin B. N. Muturi, MP, Speaker of the National Assembly of Kenya said: *"At the CPA Africa Region, we mourn a great colleague whom we will always remember for her humility, assertiveness, and belief in collegiality. The late Hon. Lifaka was a devoted leader who passionately advocated for greater collaboration of Legislatures within the fraternity and constantly urged them to embrace the shared values of the Commonwealth Parliamentary Association."*

Former CPA Chairperson (2014-2017), Hon. Dr Shirin Sharmin Chaudhury, MP, Speaker of the Parliament of Bangladesh said: *"Hon. Lifaka was a dynamic leader and relentlessly worked to promote the CPA. I had the privilege to work with her closely and we often shared*



and discussed many important issues and resolved the same. Her prudence, diligence, commitment and patience in handling all matters were indeed exceptional.”

Former Commonwealth Women Parliamentarians Chairperson (2013-2016), Rt Hon. Rebecca Kadaga, MP (Uganda)

said: “I send my deep-felt condolences to the family, the National Assembly of Cameroon, the CPA fraternity and indeed the people of Africa upon this loss of an industrious woman who still had a lot to offer. In her country, she also took in the empowerment of women and girl child through her Scholarship Scheme where many women and girls received training.”

The Chairperson of the Commonwealth Parliamentarians with Disabilities, Hon. Kevin S. Murphy, MHA, Speaker of the House of Assembly of Nova Scotia

said: “Her leadership as the Chairperson of the CPA Executive Committee was greatly appreciated and we join you all in mourning her loss. We hope the cherished memories you have of her will be a source of comfort at this difficult time.”

Hon. Bridgid Annisette-George, MP, Speaker of the House of the Republic of Trinidad and Tobago said: “In every respect, her discharge of the Office as the first female Chairperson of the CPA coming from the CPA Africa Region, she not only did African women proud but all black women within the 2.4 billion population of the Commonwealth.”

The Presiding Officers of the Parliament of South Africa, Hon. Thandi Modise, Speaker of the National Assembly and Hon. Amos Masekela, Chairperson of the National Council of Provinces said in a joint statement: “Hon. Lifaka was a dedicated leader and

passionate about women’s empowerment and youth development issues. Having been involved in activities of the CPA for decades, she was determined to ensure that the CPA achieved its goals for the benefit of Parliamentarians and humanity at large. The Parliament of the Republic of South Africa sends its heartfelt condolences to her family, colleagues, and all CPA member countries.”

Rt Hon. Sir Lindsay Hoyle, Speaker of the UK House of Commons said: “The death of Emilia Monjowa Lifaka, who chaired the Commonwealth Parliamentary Association, has come as a great shock to all of us. She was a doughty Parliamentarian in Cameroon - where she was Deputy Speaker of the National Assembly - and in her promotion of the activities of the CPA in Africa and internationally. She was someone we looked up to as chair of the CPA – and her presence at our meetings will be greatly missed.”

Senator Hon. Scott Ryan, President of the Australian Senate said: “Madam Chairperson was a larger-than-life character who was a passionate advocate for the CPA. She will be greatly missed.”

Hon. Gerry Brownlee, MP, Chairperson of the CPA New Zealand Branch said: “Her work mentoring women and young girls aligns closely with New Zealand values and the approach of the Commonwealth Women Parliamentarians Pacific Region and is a highly regarded endeavour.”

Rt Hon. Ken Macintosh, MSP, former Presiding Officer of the Scottish Parliament said: “As an active participant in CPA work, we recognise the commitment she had in promoting, during her term as CPA Chairperson, the values and work of the

CPA, particularly that of the CWP, and supporting and mentoring young women in politics. I am sure the CPA will continue to build on her legacy.”

Rt Hon. James Duddridge, MP, UK Government Minister for Africa and former CPA UK Chairperson said: “My deepest condolences go to the family and friends of Emilia Lifaka. She leaves behind a strong legacy of service as Chairperson of the Commonwealth Parliamentary Association and their work across the Commonwealth. I and many others will miss her greatly.”

CPA Canada Federal Branch statement: “The Canadian Branch of the Commonwealth Parliamentary Association #CCOM is deeply saddened to learn of the death of the Hon. Emilia Monjowa Lifaka and sends sincere condolences to her family and her colleagues in Cameroon’s Parliament.”

CPA Québec Branch statement: “On behalf of the Speaker of the National Assembly of Québec, Hon. François Paradis, and the CPA Québec Branch, I would like to express our deepest condolences to you and the entire CPA family. Hon. Emilia Monjowa Lifaka truly believed in the mission of the CPA and was strongly involved in promoting the work of the CPA. We will have fond memories of her as CPA Chairperson, especially her visit to Québec city in 2018.”

Hon. Laura Tucker-Longsworth, former Speaker of Belize said: “I express my deepest condolences to the Commonwealth Parliamentary Association, especially the Secretary-General, the staff and Members of the Executive Committee who worked closely with Hon. Emilia Lifaka. My interactions with Hon. Lifaka were always pleasant as we exchanged information on our countries and activities of the CPA.”

Mr Jon Davies, CPA British Islands and Mediterranean Regional Secretary said: “The CPA BIM Region and its Branches have many happy memories of Hon. Lifaka’s participation in CPA events, including our most recent (virtual) CPA Regional Conference which she kindly attended and addressed last year. As Chairperson she always went out of her way to recognise the contribution of Regional Secretaries to the work of the CPA, and to include us wherever possible in its work.”



EDITORIAL: PRINCE PHILIP AND THE COMMONWEALTH

The recent death of HRH The Duke of Edinburgh has shone new light on his role in the Commonwealth and international development over many years.

The death of His Royal Highness The Prince Philip, Duke of Edinburgh was announced on 9th April 2021 and was quickly transmitted across the Commonwealth. A statement on behalf of Her Majesty Queen Elizabeth II announced the death of her beloved husband who passed away peacefully at Windsor Castle at the age of 99.¹

When Prince Philip officially retired from royal duties in 2017 aged 96, he had completed more than 22,000 solo engagements since 1952, given 5,496 speeches in his travels to more than 76 countries, authored 14 books, served as Patron or President to over 785 organisations and made 637 solo overseas visits. The Duke of Edinburgh was survived by his wife, four children, eight grandchildren and 10 great-grandchildren.

The Commonwealth Parliamentary Association's Chairperson, Hon. Emilia Monjowa Lifaka, MP and the CPA Secretary-General, Stephen Twigg sent thoughts and condolences to the CPA's Patron, Her Majesty Queen Elizabeth II and the Royal Family on behalf of the Association on the sad passing of His Royal Highness The Prince Philip, Duke of Edinburgh.

On reflecting on his life of service to the 'modern' Commonwealth, over a period of 67 years (between 1949 and 2016), The Duke of Edinburgh made 229 visits to 67 Commonwealth countries on solo visits without The Queen. This was in addition to the visits he made to Commonwealth countries accompanying Her Majesty, often visiting many Commonwealth Parliaments and Legislatures with The Queen and meeting Speakers, Members of Parliament and parliamentary staff.

Prince Philip held a number of Commonwealth appointments and military affiliations in Australia, Canada, New Zealand and Trinidad and Tobago as well as Patronage appointments in 12 different Commonwealth countries.

In 1956, Prince Philip founded The Duke of Edinburgh's Commonwealth Study Conferences, which continue in much the same format to the present day. The first Conference, based in Oxford and held over three weeks, was entitled: '*The Duke of Edinburgh's Study Conference on the Human Problems of Industrial Communities within the Commonwealth and Empire*'. It brought together over 300 emerging leaders from across the Commonwealth and from all sectors of society met to discuss the human problems of industrial communities. The participants were, at Prince Philip's insistence, to be "people who appeared likely to be in the next generations of leaders so that when the time came for them to take important decisions, they would have the benefit of what they had discovered on the Study Conference to help them."

Although the first conference was conceived as a 'one-off', its participants found it such a worthwhile experience that they determined to make it available to subsequent generations. Since then, conferences have been hosted in Australia, Canada, India,

Malaysia, New Zealand and the United Kingdom and to date, over 10,000 people have taken part in The Duke of Edinburgh's leadership programs.²

One of the most impactful programmes developed by Prince Philip was The Duke of Edinburgh's Award Scheme or the 'DofE' as it became known. Prince Philip first considered the idea of a national programme to support young people's development in the autumn of 1954 at the request of his inspiring former headmaster, Kurt Hahn. He wanted to bridge the gap between leaving formal education at 15 and entering into National Service at 18, so that young men (and later young women) made the best use of their free time, found interests and acquired self-confidence and a sense of purpose that would support them into their future and help them to become well-rounded citizens.

The Duke of Edinburgh's Award was launched in February 1956 as a pilot scheme with four sections: Rescue and Public Service, Expeditions, Pursuits and Projects, and Fitness, which would holistically support, guide and upskill young people. After the first year, 7,000 boys had started a DofE programme and 1,000 Awards had been achieved.

The Duke of Edinburgh's Award continued to evolve over subsequent decades and in 1980 the age limit was extended so that any young person aged 14 to 24 could take part. The programme was extended to a bronze, silver and gold award. Popularity continued to grow, with over 130 countries and territories now offering DofE programmes as part of The Duke of Edinburgh's International Award Foundation.³

Commonwealth leaders paid tribute to Prince Philip and his work across the world following his death. The **Secretary-General of the Commonwealth, Rt Hon. Patricia Scotland QC**, paid tribute and said: "*His Royal Highness had a farsighted understanding of the potential of Commonwealth connection, and his approaches to bringing people together from a wide range of backgrounds to develop leadership skills were regarded as innovative and brave. With vigour and vision, The Duke of Edinburgh carved out an immensely valuable role for himself within Commonwealth networks, with a focus on projects and programmes through which he could build on his distinctive philosophy of cultivating understanding and self-reliance, and thereby complement Her Majesty's official responsibilities and duties as Head of the Commonwealth. Past, present and future generations of Commonwealth citizens owe a debt of gratitude to Prince Philip for remaining constant and steadfast in his commitment to the Commonwealth, and his assuredness and vision of its global importance.*"⁴

The UK Prime Minister, Rt Hon. Boris Johnson, MP during a press briefing spoke about Prince Philip's life and legacy: "*Prince Philip earned the affection of generations here in the United*



Kingdom, across the Commonwealth and around the world. Like the expert carriage driver that he was, he helped to steer the Royal Family and the monarchy so that it remains an institution indisputably vital to the balance and happiness of our national life.”

The Australian Prime Minister, Hon. Scott Morrison, MP reflected on Prince Philip’s service to Australia saying: “Prince Philip was no stranger to Australia, having visited our country on more than 20 occasions. Through his service to the Commonwealth, he presided as Patron or President of nearly 50 organisations in Australia. Given his own service, Prince Philip also had a strong connection with the Australian Defense Force. For 65 years, The Duke of Edinburgh’s Award scheme has encouraged over 775,000 young Australians to explore their leadership potential. Forty thousand young Australians are currently participating in the program.”



Above: Prince Philip pictured with guests at the Commonwealth Day reception at Marlborough House in March 2016.

Canada’s Prime Minister, Rt Hon. Justin Trudeau, MP described Prince Philip as a “man of great purpose and conviction” in a tribute posted on social media. “A man of great purpose and conviction, who was motivated by a sense of duty to others, Prince Philip contributed so much to the social fabric of our country – and the world,” he wrote. “Prince Philip will be remembered as a decorated naval officer, a dedicated philanthropist, and a constant in the life of Queen Elizabeth II.”

Indian Prime Minister, Hon. Narendra Modi, MP wrote: “My thoughts are with the British people and the Royal Family on the passing away of HRH The Prince Philip, Duke of Edinburgh. He had a distinguished career in the military and was at the forefront of many community service initiatives. May his soul rest in peace.”

New Zealand’s Prime Minister Rt Hon. Jacinda Ardern, MP expressed New Zealand’s sorrow and said: “Prince Philip will be fondly remembered for the encouragement he gave to so many young New Zealanders through The Duke of Edinburgh’s Hillary Award. In over fifty years of the award in New Zealand, thousands of young people have completed life-changing challenges through the programme. New Zealanders will also remember The Duke of Edinburgh’s enormous support for Her Majesty The Queen. His time as royal consort exceeded that of any other royal consort in British history. His Royal Highness accompanied The Queen on her ten visits to New Zealand, the first being in 1953, and the last in 2002.”

In Kenya, President Uhuru Kenyatta said: “His Royal Highness Prince Philip has been a towering symbol of family values and the unity of the British people as well as the entire global community. Certainly, we mourn a great man who cherished and worked for peaceful co-existence of the human race.”

Nigeria’s President Muhammadu Buhari said he was a “global icon” and in a statement, he said the Commonwealth will remember Prince Philip “for generations to come”.

In an article for *The Round Table*, the former diplomat Sir Peter Marshall⁵ summed up the life of Prince Philip and his relationship with the Commonwealth as follows: “Prince Philip was a polymath: the range and the depth of his interests and concerns was prodigious. But they can perhaps be grouped together under three rubrics: enhancing the quality of life, especially of young people – notably through the Duke of Edinburgh Awards scheme; protecting, cherishing and safeguarding the environment; and the encouragement and management of change, with an ever-vigilant eye to our shared future. Eminently appropriate as these priorities are in the case of those who have responsibility in one country, they are even more suited to the magnificent diversity of the Commonwealth.”⁶

By The Editor of *The Parliamentarian*, Mr Jeffrey Hyland.

References:

- ¹ Royal Family website www.royal.uk/duke-edinburgh-and-commonwealth
- ² Commonwealth Leaders Dialogue Canada www.commonwealthleaders.org/our-history
- ³ The Duke of Edinburgh’s Award www.dofe.org/
- ⁴ The Commonwealth <https://thecommonwealth.org/media/news/commonwealth-pays-tribute-prince-philip-duke-edinburgh>
- ⁵ Sir Peter Marshall is Past President of the Royal Commonwealth Society, a former Deputy Commonwealth Secretary-General (1983-88), a former British diplomat, and a Permanent Representative to the United Nations
- ⁶ *The Round Table*, 15 April 2021 www.commonwealthroundtable.co.uk/general/monarchy/prince-philip/

BELIZE PARLIAMENTARIANS COMPLETE CPA POST-ELECTION SEMINAR AS THEY CELEBRATE 40 YEARS OF INDEPENDENCE



Members of the National Assembly of Belize have completed the CPA Post-Election Seminar, designed to strengthen their understanding of parliamentary democracy and provide an insight into leading democratic practices from around the Commonwealth.

The programme was attended by Members of the House of Representatives and the Senate. The virtual sessions, co-ordinated by the CPA, featured presentations by a roster of Parliamentarians, Clerks and experts from across the Commonwealth, who shared their knowledge, experience and examples of best practice with new and returning Parliamentarians in Belize. The seminar was organised following national elections held on 11 November 2020 and forms part of a wider stream of work taking place between the National Assembly of Belize and the CPA. The National Assembly has agreed to a long-

term commitment of parliamentary strengthening activities under the umbrella of a CPA Technical Assistance Programme. This seminar is the second of those activities and will be followed by the development of a parliamentary Code of Conduct.

2021 marks 40 years since Belize gained independence and signed a new constitution, expanding the House of Representatives and increasing elected terms of office to five years. Hon. Valerie Woods MP, Speaker of the House of Representatives of Belize said: *“Belize’s new Parliament: House and Senate, Government Members, Opposition and social partners, have a golden opportunity to set the stage for how we wish the next 40 years to unfold and provide an example for the youth and leaders of the future. The fault will only lie in ourselves if we do not seize this chance to make our parliamentary system work better for Members and the people of Belize.”*

Commenting on the contribution of the seminar to the process of democratic renewal in Belize, Hon. Carolyn Trench Sandiford, President of the Senate, said, *“The CPA seminar was timely as, 40 years post our independence, Belizeans are now, more than ever, demanding better governance, of which the law-making and oversight role of Parliament is crucial. In addition, and without a doubt, this seminar provided an ideal platform for a new generation of Parliamentarians and thought leaders to begin to conceptualize the architecture of the kind of Parliament needed to respond to these demands and that of the next generation.”*

UK HOUSE OF COMMONS LAUNCHES NETWORK OF COMMONWEALTH PARLIAMENTARY COMMUNICATORS

As part of Commonwealth Day celebrations for 2021, the UK House of Commons launched a professional development network for people working in parliamentary communications in legislatures across the Commonwealth, UK Overseas Territories and Crown Dependencies.

The Commonwealth Parliamentary Communications Network (CPCN) mirrors a number of other informal networks in existence across the Commonwealth parliamentary community for people to exchange ideas, knowledge and best practice. This could cover everything from how Legislatures can best use social media, to the facilities provided to the media.

It is hoped that a virtual seminar will take place later in the year for a series of practical discussions on how legislatures can better engage with the media and the public. Over time a series of toolkits will be developed covering a range of external, internal, digital and strategic communications issues.

The Speaker of the UK House of Commons, Rt Hon. Sir Lindsay Hoyle, MP said *“It is so important that Legislatures large or small can effectively communicate with the media and public. A Parliament belongs to its people, and so boosting awareness and understanding of how Parliament works, and what elected Members are doing is vital; something that can only be done through effective communications. I know there is so much innovative work being carried out in Legislatures across the Commonwealth and Overseas Territories and I’m delighted that staff working in this important area will now have these opportunities to come together and share knowledge and ideas.”*

Legislatures interested in joining the network should email cpcn@parliament.uk.



Image: copyright UK Parliament

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

PUBLIC ACCOUNTS COMMITTEES MAINTAIN FINANCIAL SCRUTINY DURING COVID-19



According to the new report, Public Accounts Committees in the Commonwealth have maintained financial scrutiny during the ongoing COVID-19 pandemic.

Although the pandemic has had a significant impact on the activities of many Public Accounts Committees, with different levels of financial scrutiny being maintained through the adoption of various adaptations, the overall operations of a Public Accounts Committee prior to the pandemic was an important factor in the resilience of financial scrutiny under the pandemic, particularly its working relationship with the supreme audit institution.

Public Accounts Committees provide financial scrutiny of government expenditure in legislatures across the Commonwealth. They play a crucial role in parliamentary democracy, holding the Executive to account for public spending.

During the ongoing global pandemic, Public Accounts Committees have faced the dual challenge of both scrutinising major increases in government expenditure and undertaking that scrutiny amid unprecedented disruption.

The findings were made in a new report published by the CPA UK Branch as part of a project funded by the UK Foreign, Commonwealth and Development Office to strengthen democracy, oversight, and sustainability in the Commonwealth.

Visit www.uk-cpa.org to access the full report.

CO-OPERATION, ACCOUNTABILITY AND BOUNDARIES: WEBINAR ON THE RULE OF LAW

Parliamentarians and lawyers from across the Commonwealth discussed their respective roles in upholding constitutional democracy and holding governments to account at a recent webinar. Co-hosted by the CPA and the Commonwealth Lawyers' Association (CLA) on 27 April 2021, the webinar focussed on the separation of powers between the Executive, the Legislature and the Judiciary. Panellists reflected on the centrality of firm boundaries between the three branches of government to the health of constitutional democracies.



Judge Zak Yacoob, a former Justice of the Constitutional Court of South Africa, explained that whilst in principle the Executive administers laws, the Legislature passes laws, and the Judiciary interprets laws, the reality is more complex, requiring careful, disciplined monitoring. He said: *"The separation of powers is not a static concept. It is dynamic: it changes from time to time, it changes in context and it changes as time goes on."*

The President of the Senate of Antigua and Barbuda, Hon. Alincia Williams-Grant, who is also the Managing Director of a civil law practice, spoke about the difficulties of ensuring clear separation between the Executive and the Legislature in small Parliaments. After the 2014 election, for example, 14 of the 17 MPs in Antigua and Barbuda were also appointed to government positions as Cabinet Ministers, creating a significant overlap. She said: *"The strict application of the separation of powers is a great challenge, in a practical sense, for the functioning of all constitutional democracies."*

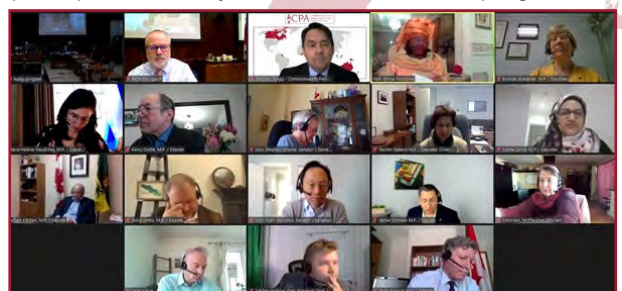
Oluseun Abimbola, former Attorney-General of Oyo State, Nigeria, referenced the Commonwealth Latimer House Principles, a set of guidelines that provide an effective framework for the separation of powers in Commonwealth jurisdictions. The CPA and CLA both played a central role in the development of the Principles. He noted that whilst the constitutions of Commonwealth countries and territories may have incorporated the Principles, it was the responsibility of lawyers to protect them by actively challenging constitutional breaches. He warned that: *"the politics of power creeps into the governance systems to such an extent that it is not uncommon to have elected representatives sacrificing their own independence on the altar of politics."*

The webinar, which was livestreamed on the CPA YouTube channel and is available online, was co-chaired by Brian Speers, President of the Commonwealth Lawyers Association and Emily Davies, Head of Strategy and Engagement, CPA Secretary-General's Office.

CPA CHAIRPERSON AND SECRETARY-GENERAL ATTEND CPA CANADA VIRTUAL MEETING

The late Chairperson of the Commonwealth Parliamentary Association, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon and the CPA Secretary-General, Stephen Twigg attended a virtual meeting of the CPA Canada Federal Branch Executive Committee to provide updates on CPA activities and to answer questions from Members. The meeting was chaired by Yasmin Ratansi, MP, CPA Canada Federal Chairperson.

The late CPA Chairperson said: *"Since the last meeting of the Executive Committee of the CPA Canada Federal Branch in 2020, I have unfortunately not been able to visit the Canada Region but I have participated in many remote CPA and CWP programmes and meetings and I have been delighted to see the number of Members from the Canadian Parliament participating in these events as speakers and attendees, as well as parliamentary staff offering their expertise and assistance."*



COMMONWEALTH PARLIAMENTARY ASSOCIATION RECOGNISED WITH INVESTORS IN PEOPLE AWARD AS THE CPA EXECUTIVE COMMITTEE HOLD VIRTUAL MEETING TO ADDRESS KEY GOVERNANCE ISSUES



The Commonwealth Parliamentary Association (CPA) Headquarters Secretariat has received the Investors in People standard award in recognition of its principles and practices as well as its human resources support for its 22 staff. The accredited award follows a rigorous review process and places the CPA Headquarters Secretariat alongside a wide range of organisations that understand the value of people.

The award was announced as the CPA Executive Committee held its second fully virtual meeting from 24 to 26 March 2021 chaired by the late Chairperson of the Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National

Assembly of Cameroon. The CPA Executive Committee Mid-Year meeting was due to have been held in Gibraltar but was held virtually due to the COVID-19 global pandemic and travel restrictions in place. The CPA Executive Committee represents the nine regions of the CPA - Africa; Asia; Australia; British Islands and Mediterranean; Canada; Caribbean, Americas and Atlantic; India; Pacific; South-East Asia.

The late Chairperson of the CPA Executive Committee said: *"We would like to congratulate the CPA Secretary-General and the CPA Headquarters Secretariat on receiving the Investors in People standard award in recognition of the practical support for CPA staff members. The Commonwealth Parliamentary Association provides a unique platform for inter-parliamentary dialogue to take place amongst its membership of 180 Member Parliaments and Legislatures. Although the CPA Executive Committee is meeting virtually once again this week, we look forward to meeting in person and furthering the CPA's work in strengthening parliamentary democracy across the Commonwealth supported by the CPA Headquarters Secretariat's dedicated staff members."*

The CPA Secretary-General, Stephen Twigg said: *"Receiving the Investors in People standard award for the CPA Headquarters Secretariat in recognition of its principles and practices is a testament to the hard work of the CPA staff and our belief that the success of any organisation begins and ends with its people. This is a continuous process and so we will continue to ensure that our staff are supported – especially during the difficult circumstances of the COVID-19 pandemic."*

The Investors in People accreditation is a community of 15,000 organisations across 75 countries.

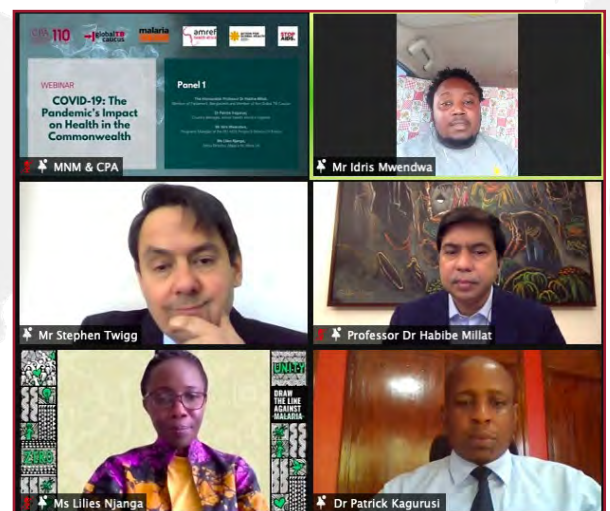


WEBINAR: THE IMPACT OF COVID-19 ON HEALTH SYSTEMS IN THE COMMONWEALTH

Global health experts and Commonwealth Parliamentarians came together for a webinar on 16 April 2021 to discuss the need to protect health systems in the aftermath of the COVID-19 pandemic. The webinar, co-hosted by the Commonwealth Parliamentary Association (CPA) and Malaria No More UK, focussed on the need to initiate a recovery from the shockwaves that have rippled through global health systems since the onset of the pandemic. COVID-19 has caused mass disruption across health systems; intensive care wards have been overwhelmed, medical supply chains have been interrupted and health-seeking behaviours have changed.

Panellists considered strategies to create better prepared, more resilient health programming in the future, agreeing that the co-operation between medical leaders and Parliamentarians that has been such a vital part of the response to COVID-19 provides a strong basis for further reform and innovation.

The webinar was moderated by Stephen Twigg, Secretary-General of the Commonwealth Parliamentary Association and the panel featured: Prof. Dr. Md Habibe Millat, MP (Bangladesh); Idris Mwendwa, Programs Manager, HIV & AIDS People's Alliance of Kenya; Lilies Njanga, Africa Director, Malaria No More UK; Layne Robinson, Head of Social Policy Development, Commonwealth Secretariat; Clare Battle, Head of Policy, Malaria No More UK; Dr. Patrick T Kagurusi, Country Manager, Amref Health Africa; Lenio Capaskis, Action for Global Health Steering Committee Member and Head of Health Policy, Advocacy and Research at Save the Children.



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

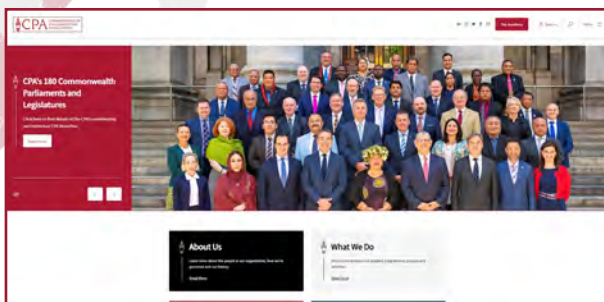
CPA LAUNCHES NEW WEBSITE FOR THE BENEFIT OF ITS MEMBERSHIP

The CPA has launched its new modern and accessible website. The newly launched site at www.cpahq.org includes a wide range of resources, information and online learning opportunities for Commonwealth Parliamentarians, parliamentary staff and the wider public.

The new CPA website includes information and links to the following areas of our work:

- Information about each of the 180 Commonwealth Parliaments that make up the membership of the CPA at national, subnational and territorial level.
- A new online learning portal for Members of Parliament, Clerks and parliamentary staff to access online training and professional development through the new *CPA Parliamentary Academy*.
- Learn more about how we help build better Parliaments through our institutional parliamentary strengthening work and how we can help your Parliament.
- Links to the three CPA networks – the Commonwealth Women Parliamentarians (CWP), the CPA Small Branches and the Commonwealth Parliamentarian with Disabilities (CPwD).
- Information about our forthcoming seminars, conferences, events and activities with an online registration portal.
- Access to the online editions of *The Parliamentarian*, the Journal of Commonwealth Parliaments providing articles and news on Commonwealth and international affairs.
- Links to the newly launched CPA Podcast Series and blog articles.
- A CPA library featuring toolkits, booklets, guides and resources on many different aspects of parliamentary development and research produced by the CPA and its partners.
- Information about our youth engagement work with resources on the CPA and the Commonwealth for schools.
- Learn more about how the CPA is governed and meet the Members of the CPA International Executive Committee.

The CPA Headquarters Secretariat has worked with external developers, CSI Media and Fabric IT to develop the designs and back office elements of the new site and to launch the new website.



WHAT IS THE ROLE OF THE COMMONWEALTH IN EDUCATION FUNDING POST-COVID?

WEBINAR: TWELVE YEARS' EDUCATION FOR EVERY COMMONWEALTH CHILD. FINDING THE MONEY.

What is the role of the Commonwealth in supporting education funding post-COVID?



Education partners joined together for a global webinar examining twelve years' education for every Commonwealth child and the importance of education financing. Commonwealth Parliamentary Association Secretary-General, Stephen Twigg chaired the webinar exploring the role of the Commonwealth in supporting education funding post-COVID with global education partners – Council for Education in the Commonwealth, Commonwealth Consortium for Education (CCfE) and the International Parliamentary Network for Education (IPNEd). The CPA Secretary-General introduced the webinar by suggesting that it was always going to be a challenge to meet Sustainable Development Goal 4 on global education but that this has been compounded by the COVID-19 pandemic. This demonstrates the vital importance of resilient and gender-transformative education financing in the Commonwealth, especially given 1.6 billion learners have been out of school during the COVID-19 pandemic.

Mehnaz Akber Aziz, Member of the National Assembly of Pakistan, Chair of the SDG Committee on Child Rights and IPNEd Regional Representative for Asia, spoke about how the pandemic has compounded the learning crisis in Pakistan and put decades of progress in education at risk. Globally, two thirds of lower-middle income countries have already cut their education budget since the start of the pandemic.

Ruth Kagia, Deputy Chief of Staff, Office of the President of Kenya, spoke about the progress that Kenya was making before the pandemic towards SDG4 and their goal of achieving a 100% transition to secondary education with the support of government and community engagement. Kenya has one of the largest budgets for education at 23-24% of their national budget.

Wongani Grace Tauro, Senior Education Adviser at UNICEF, outlined how COVID-19 has exacerbated the education financing gap with widespread cuts in school budgets taking place already, on top of the additional costs associated with rising climate-related events. Even before the COVID-19 pandemic, UNESCO data estimated that 130 million girls were out of school for a wide range of reasons with the highest numbers in many Commonwealth countries.

Pauline Rose, Professor of International Education at the University of Cambridge and Director of Research for the Equitable Access and Learning Centre, highlighted that girls have been disproportionately impacted by the COVID-19 pandemic and so the cuts to funding for girls' education will be catastrophic for children in the world's poorest countries.

Amina Osman, Education Adviser at the Commonwealth Secretariat, spoke about how education will feature on the agenda at the forthcoming Commonwealth Heads of Government Meeting (CHOGM) due to be held in Rwanda in June 2021, and that the Commonwealth will continue to be at the forefront of the response to global education funding.

Watch on the CPA's [YouTube](https://www.youtube.com/channel/UC...) channel via www.cpahq.org/social-media.

INSIGHT INTO LEADING COMMONWEALTH PARLIAMENTARY PRACTICES FOR TRINIDAD AND TOBAGO PARLIAMENTARIANS



Members of the Parliament of the Republic of Trinidad and Tobago have completed the CPA Post-Election Seminar programme, designed to strengthen their understanding of parliamentary democracy and provide an insight into leading democratic practices from around the Commonwealth.

New and returning MPs and Senators participated in the virtual programme over the course of three days, held between 22 February to 1 March 2021. The sessions, co-ordinated by the CPA, examined many aspects of parliamentary democracy, from engaging with constituents to financial oversight of the Executive. Panellists for the seminar included parliamentary colleagues from nine other Commonwealth Parliaments and experts from leading international organisations, including the United Nations, BBC and the Commonwealth Foundation.

Hon. Bridgid Annisette-George, MP, Speaker of the House of Representatives of Trinidad and Tobago, said: *“The CPA Post-Election Seminar provided an invaluable forum for our Parliamentarians to discuss various elements of parliamentary practice and procedure while simultaneously gaining the perspective of their colleagues from the Commonwealth family. This exchange supported our realization, that although the demands of parliamentary democracy are great and even overwhelming at times, the established parliamentary procedures and practices, if appropriately applied, can facilitate the discharge of our mandate in providing, good, effective, accountable, transparent and inclusive governance, to our citizens.”*

Stephen Twigg, the CPA Secretary-General, said: *“The Commonwealth Parliamentary Association is delighted to support the Parliament of the Republic of Trinidad and Tobago through our Post-Election Seminar programme. This virtual seminar offered a rare opportunity for the 73 Members of Parliament in the current cohort to come together as one, to consider how democracy on the islands can be further strengthened and to learn from the experiences of their parliamentary colleagues elsewhere in the Commonwealth.”*

NEW CPA REPORT PROVIDES COMPARATIVE ANALYSIS OF COMMONWEALTH PARLIAMENTARIANS’ PAY AND REMUNERATION

The Commonwealth Parliamentary Association (CPA) has launched the Commonwealth Parliamentarians Pay and Remuneration: Survey Outcome Report for the benefit of its membership of 180 Commonwealth Parliaments and Legislatures. The report outlines comparative information on the salaries, benefits and allowances of Members of Parliament throughout the Commonwealth and provides an update on previous reports completed in 2004-2005 and 2000-2001.

Today, more than ever, it is important for Parliaments to maintain high levels of transparency. Openness should be at the heart of all parliamentary processes and providing information to the public ensures that Parliamentarians are accountable as well as promoting democratic accountability. It also allows electorates to have oversight of the democratic institutions that represent them. This falls in line with the CPA’s commitment and contribution towards the United Nations’ Sustainable Development Goals, in particular Goal 16, and the Declaration on Parliamentary Openness.

The Commonwealth Parliamentarians Pay and Remuneration: Survey Outcome Report was developed with the assistance and cooperation of 65 Commonwealth Parliaments. The report can be accessed via the CPA website www.cpahq.org.

The CPA Secretary-General, Stephen Twigg said: *“Throughout its history the Commonwealth Parliamentary Association has been a leader in driving the agenda for transparency in the salaries of Members of Parliament and parliamentary staff and this outcomes report is another important step in that process. It will undoubtedly be an invaluable resource for Commonwealth Parliaments that are reviewing their own pay and remuneration as well as encouragement that providing such information is beneficial to all Parliaments in the pursuit of sharing best practice and promoting greater transparency.”*

The CPA understands the importance of impartiality and has remained objective throughout the production of this report. The purpose of the report is to promote transparency and act as a reference tool for Commonwealth Parliaments, parliamentary staff and parliamentary bodies when they are reviewing salaries and remuneration for Members of Parliament.



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



'PARLIAMENTARY CONVERSATIONS IN THE COMMONWEALTH' PODCAST

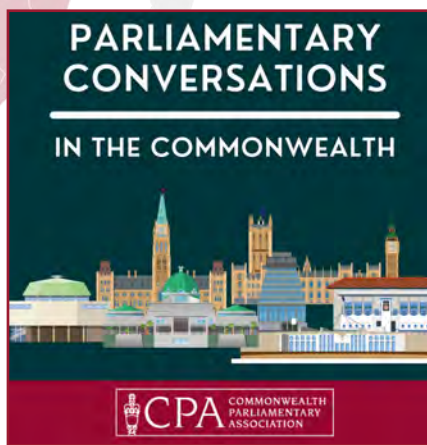
The Commonwealth Parliamentary Association has launched a new podcast, *Parliamentary Conversations in the Commonwealth*, giving a voice to Parliamentarians, civil society experts and activists across the Commonwealth to discuss common democratic challenges and share their ideas on what can be done to solve them.

Hosted by CPA Secretariat staff, each episode will explore a contemporary issue related to democracy in the Commonwealth, asking how we can work together, across the institutions of our parliamentary democracies, to find answers to the most pressing, universal challenges that we face as citizens of the Commonwealth. The podcast will feature contributions from the individuals shaping our democracies, including elected representatives, experts, academics and journalists.

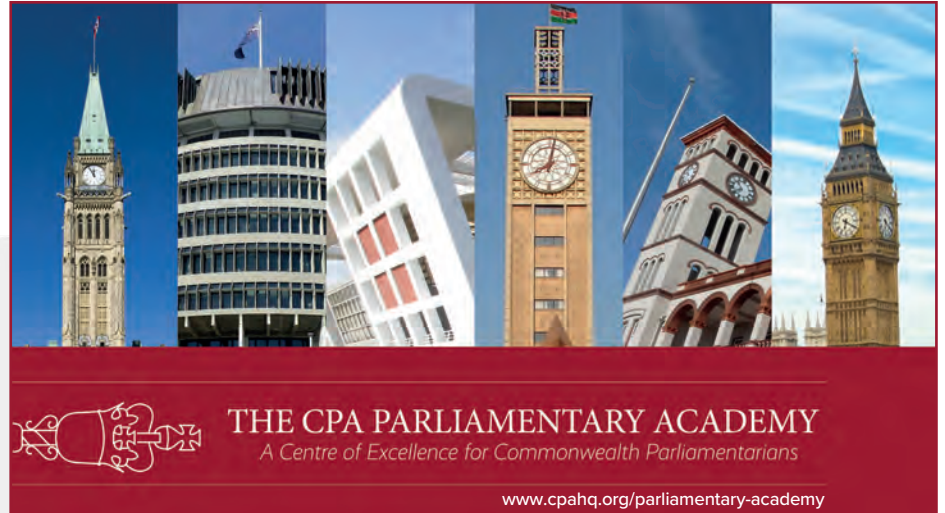
The podcast is available on most major podcasting platforms, including Apple Podcasts, Spotify and Stitcher. You can also find all the episodes on the Parliamentary Conversations in the Commonwealth website (<https://cpahq.buzzsprout.com/>) and on the CPA's YouTube channel.

The first episode focussed on Kwibuka, the annual Commemoration of Victims of the Genocide Against the Tutsi in Rwanda and reflected on the legacy of genocide asking: What can parliamentary democracies do to remember victims of genocide and prevent future genocides?

The second episode of the CPA Podcast launched on World Refugee Day and asked how refugees' voices can be amplified in our democracies through Parliaments and other methods.



NEW CPA PARLIAMENTARY ACADEMY LAUNCHES



The CPA has launched a portfolio of parliamentary professional development courses as part of the new CPA Parliamentary Academy: A Centre of Excellence for Commonwealth Parliamentarians. The Academy has been developed for the benefit of the CPA's membership of 180 Commonwealth Parliaments and Legislatures. The new CPA Parliamentary Academy brings together:

- a new online learning portal for Members of Parliament, Clerks and parliamentary staff to access online training and professional development via the CPA's new modern and accessible website. This includes video and online resources.
- two residency-based workshops on advanced parliamentary development for Commonwealth Parliamentarians that complement the online courses.
- access to externally delivered courses with the CPA's partners in leading international universities and professional development training institutions.

The CPA Headquarters has developed the new, adaptive and flexible Parliamentary Academy online courses with contributions from over 50 experienced Parliamentarians, Clerks and external experts from across the Commonwealth to offer their insight and advice on a wide range of subjects from gender-sensitive budgeting to codes of conduct.

The *Acting* Chairperson of the CPA Executive Committee, Hon. Ian Liddell-Grainger, MP (United Kingdom) said: "One of the key aims of the Commonwealth Parliamentary Association is to support and equip Parliamentarians and parliamentary staff in their mission to adhere to the highest standards of democracy. The launch of the new CPA Parliamentary Academy will further these aims and provide the CPA's membership with the skills and knowledge to deepen their commitment to good governance."

The CPA Secretary-General, Stephen Twigg said: "The aim of the CPA Parliamentary Academy and its suite of online and in-person courses is to strengthen the capacity of Commonwealth Parliamentarians and parliamentary staff to fulfil their constitutional and statutory obligations as well as to enhance knowledge and understanding of the role of Parliament. The CPA has reached across its network to bring together the wide expertise of Speakers and Presiding Officers, Ministers, Members of Parliament and Clerks and senior parliamentary staff in the development of the new CPA Parliamentary Academy demonstrating the breadth of the Association's membership."

Parliamentarians and parliamentary staff across the CPA's membership of 180 Parliaments and Legislatures are invited to register their interest in the CPA Parliamentary Academy with online courses due to start soon. Visit the website to find out more and to register your interest.



COMMONWEALTH PARLIAMENTARIANS AND GLOBAL EXPERTS SHARE STRATEGIES ON COMMON DEMOCRATIC CHALLENGES AT SERIES OF CPA VIRTUAL WORKSHOPS

Over 200 Commonwealth Parliamentarians, parliamentary staff and international experts from a wide range of organisations have examined some of the most pressing, universal challenges faced by democracies worldwide in a series of virtual workshops. The ‘Virtual CPC Workshop’ series, hosted by the CPA, brought together elected representatives, parliamentary officials, international organisations and leading academics for five workshops, held over the course of two weeks. Topics examined included: climate change; International Humanitarian Law (IHL); democracy and social media; disability representation; and youth activism. The Virtual CPC Workshops were held ahead of the next Commonwealth Parliamentary Conference (CPC).

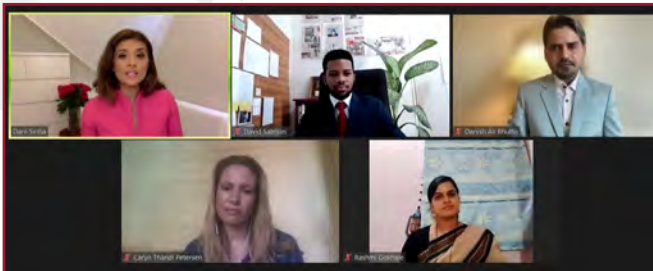
Every day across the Commonwealth, Parliamentarians and parliamentary staff grapple with legislation, debates and constituency issues related to these cross-cutting themes. The workshops offered participants an opportunity to consider the issues at hand in greater depth, informed by presentations from world-leading experts, and discuss concrete actions that legislators can take to lead international, national and local action on these issues. Representatives from the United Nations, the International Committee of the Red Cross, Accountability Lab and the UK think-tank, Demos, were amongst a host of expert panellists speaking at the workshops. By facilitating knowledge sharing between Parliamentarians and international organisations, the CPA is working to bolster connections between Parliaments and civil society and ensure that the actions of those in public office are informed by the latest data and research. The final workshop, focussing on youth activism, was held on Commonwealth Day, in recognition of the central role that young people will play in the collective effort to ‘deliver a common future’.

The CPA Secretary-General, Stephen Twigg said, “At the CPA, we recognise that many issues are universal to Parliamentarians in every corner of the Commonwealth. We are committed to facilitating ongoing dialogue between legislators, parliamentary officials and international experts to find solutions to these common democratic challenges. This series of workshops showed that the specialist knowledge of academics and NGOs will always be an invaluable resource for our elected representatives, particularly on complex topics such as International Humanitarian Law and climate change.”

The Virtual CPC Workshops are available to watch on the CPA YouTube channel.

FUTURE OF COMMONWEALTH STUDIES DEBATED AT ONLINE EVENT WITH YOUNG SCHOLARS

‘Commonwealth Studies’ is the study of the Commonwealth’s history, institutions, member states, and people and its future was debated by young scholars from across the Commonwealth at an Open Forum online event. Held as part of the



Commonwealth ‘Critical Conversations’ series, the event brought together leading youth voices from academia, policy and civil society to contribute to the debate.

The panellists at the event were:

- David Salmon, journalist and political commentator. Former Prime Minister for the National Youth Parliament of Jamaica and former delegate to the Commonwealth Youth Parliament.
- Danish Ali Bhutto, Assistant Director at the National Assembly of Pakistan. Member of the Editorial Advisory Board for *The Parliamentarian* and former delegate to the Commonwealth Youth Parliament.
- Caryn Thandi Petersen, Commonwealth Scholar from South Africa and PhD student at the University of Warwick researching the impact of decolonial activism on higher education.
- Dr Rashmi Gokhale, Commonwealth Scholar from India studying MSc International Animal Welfare, Ethics & Law at the University of Edinburgh.

One of the geneses of the online event followed the announcement last year that one of the only academic institutes dedicated to Commonwealth Studies is under review, raising questions about the future of this work. The Institute of Commonwealth Studies (ICwS) at the University of London has been established since 1949 and it is the only postgraduate academic institution in the United Kingdom devoted to the study of the Commonwealth. The online event was held in partnership by the Commonwealth Foundation, The Association of Commonwealth Universities and the Commonwealth Parliamentary Association as an opportunity to widen the debate.

Debate at: <https://commonwealthfoundation.com/events/a-future-for-commonwealth-studies/>

20TH ANNIVERSARY OF PARLAMERICAS

The Commonwealth Parliamentary Association President, Hon. Anthony Rota, MP, Speaker of the House of Commons of Canada called for continued inter-parliamentary cooperation on themes like gender equality, democracy and climate change as ParlAmericas marked its 20th anniversary. 20 years ago, Canada hosted the first meeting of the Inter-Parliamentary Forum of the Americas (FIPA), now known as ParlAmericas and the institution continues to bring together the national Parliaments of the 35 countries in the Americas and the Caribbean on issues of international and regional concern.

Many Commonwealth Parliaments are members of ParlAmericas including Canada, Belize, Antigua and Barbuda, The Bahamas, Barbados, Dominica, Grenada, Jamaica, St Kitts and Nevis, Saint Lucia, St Vincent and the Grenadines, Trinidad and Tobago, and Guyana.

The Parliament of Canada also recently hosted the virtual 5th Gathering of ParlAmericas’ Open Parliament Network from 15-26 March 2021. Originally intended to be held in Brazil in 2020, the meeting was postponed due to the COVID-19 pandemic.

www.parlAmericas.org

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



65TH CPC IN CANADA POSTPONED TO 2022

65th Commonwealth Parliamentary Conference



The CPA Executive Committee, meeting virtually from 24-26 March 2021, approved the postponement of the 65th Commonwealth Parliamentary Conference (CPC) to 20 to 26 August 2022. The annual conference, which is due to be hosted by the CPA Canada Region in Halifax, Nova Scotia, Canada, was due to be held later in 2021. The decision to postpone the CPA annual conference was the result of ongoing travel restrictions due to the COVID-19 global pandemic and the quarantine restrictions in place between different countries.

The largest annual gathering of Commonwealth Parliamentarians, the annual flagship event brings together over 500 Parliamentarians, parliamentary staff and decision makers from across the Commonwealth for a unique conference and networking opportunity.

During the 65th Commonwealth Parliamentary Conference, there will also be a number of additional conferences and meetings including: 38th CPA Small Branches Conference; 65th CPA General Assembly; meetings of the CPA Executive Committee; and the Society of Clerks at the Table (SoCATT) meetings. The postponement to 2022 will also allow for the hosting of the 7th triennial conference of the Commonwealth Women Parliamentarians (CWP).

The forthcoming annual conference in 2022 will also hold elections for the Chairperson of the CPA Executive Committee; the Chairperson of the Commonwealth Women Parliamentarians; the Chairperson of the CPA Small Branches; the CPA Vice-Chairperson and the CPA Treasurer for new terms of office.

A virtual CPA Executive Committee meeting will be held in September 2021.

All eligible CPA Branches will be contacted with further information and invitations to the 65th Commonwealth Parliamentary Conference (CPC) in Canada. For further information and updates please visit www.cpahq.org or email hq.sec@cpahq.org.

CPA SECRETARY-GENERAL'S KEY PRIORITIES FOR COMMONWEALTH COLLABORATION IN CONVERSATION WITH KIGALI COUNCIL ON FOREIGN RELATIONS

The CPA Secretary-General, Stephen Twigg, joined the Kigali Council on Foreign Relations for an open discussion on the Commonwealth, COVID-19, international collaboration and the need for leadership by Parliamentarians on Monday 17 May 2021. The virtual 'In Conversation' event, hosted by Yannick Tona, President and Managing Director of Kigali Council on Foreign Relations, was attended by individuals from public and private sector organisations in Rwanda, East Africa and beyond.



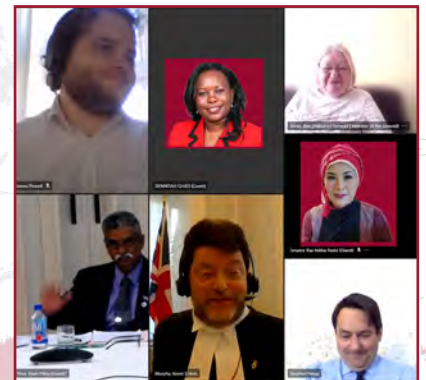
Amongst the many topics that the discussion covered, 'post-pandemic recovery' was a recurring theme. The CPA Secretary-General emphasised the need for equitable health solutions to the pandemic. The vaccine, he said, held great potential to alleviate the global strain on health systems and economies, but only if the international community worked together to facilitate fair access to supplies. A former Chair of the UK House of Commons' International Development Select Committee, the CPA Secretary-General also called on governments and Parliamentarians to afford the education sector both attention and funding in the wake of the pandemic. He warned of the risk of a 'lost generation' of children if other sectors were prioritised at the expense of education.

During the following Q&A session, the CPA Secretary-General answered questions on a variety of issues, ranging from the threats faced by multilateral organisations to the future of collaboration within the Commonwealth.

The Kigali Council on Foreign Relations exists to engage people in global conversation and to promote knowledge of Africa and Rwanda among policymakers and key stakeholders around the world. It hosts regular discussions with leaders and experts in the public and private sector. www.kigaliforeignaffairsCouncil.org

CPwD DISABILITES REGIONAL CHAMPIONS HOLD VIRTUAL MEETING

The Commonwealth Parliamentary Association Secretary-General, Stephen Twigg joined the Commonwealth Parliamentarians with Disabilities (CPwD) Chairperson, Hon. Kevin Murphy, MLA, Speaker of the Nova Scotia Legislature for a virtual meeting of the network along with CPwD Regional Champions from Kenya, Malaysia, Fiji and Wales to discuss future CPwD activities.



CPA JERSEY CHAIRPERSON LEN NORMAN

The Chairperson of the CPA Jersey Branch and former Presiding Officer at the 9th Commonwealth Youth Parliament, Connétable Len Norman has passed away. He was the current Home Affairs Minister in Jersey and the longest standing Jersey States Assembly Member. He had served as Deputy, Senator and Connétable of St Clement for more than 37 years and during his time at the Assembly had been President or Chairperson of the Education Committee, Housing Committee, Social Security Committee, Privileges and Procedures Committee, Harbours and Airport Committee and the Special Committee on the Composition and Election of the States. During the 9th Commonwealth Youth Parliament hosted by the Jersey States Assembly in 2018, Len Norman took on the role of Presiding Officer and youth delegates from across the Commonwealth remarked on his knowledge and kindness to them.



INDIA AND THE COMMONWEALTH: LOOKING INTO THE FUTURE TO CONNECT, INNOVATE AND TRANSFORM

India has been contributing to the activities of the Commonwealth and its various entities since inception. Be it promoting and strengthening democratic institutions, rule of law, good governance or human rights, India has been consistently endeavouring in tandem with other member nations of the Commonwealth to propagate these values and principles. While engaging with other members in the Commonwealth fraternity for expansion and diversification of this multilateral forum, India has expanded its relations with fellow Commonwealth member countries in trade and commerce, educational and cultural fields. India is a strong voice in the Commonwealth on critical issues like gender justice, climate change and sustainable development.

India has played an important role in the Commonwealth's principal benchmarks, like the setting up of its Secretariat in 1965, the Singapore Declaration of 1971, Harare Declaration of 1991 and establishing the Ministerial Action Group in 1995. It is the fourth largest contributor to the overall Commonwealth budgets. It is also the fifth largest contributor to the Commonwealth Fund for Technical Cooperation. India has played an active and constructive role in the Commonwealth Heads of Government Meeting (CHOGM). Recently in 2018, our Prime Minister Narendra Modi attended the CHOGM Summit held in London, UK. The slew of funds for development and capacity building projects that he announced during the CHOGM meeting, speak volumes about the bond India shares with the Commonwealth.

From our experience, multilateral bodies like the Commonwealth help in cementing nations' ties. Today, to achieve sustainable peace and prosperity we must all collaborate to address common contemporary global challenges. The theme for

the CHOGM 2021, which has recently been postponed due to the COVID-19 pandemic, is '*Delivering a Common Future: Connecting, Innovating, Transforming*'. The issues of climate change and boosting trade, that have been selected for discussions in the forum, are topical and of significant concern to humanity.

The Parliament of India continues to maintain links with the Commonwealth through the exchange of delegations, goodwill missions, etc., and is actively engaged through the Commonwealth Parliamentary Association (CPA) India Region, the Commonwealth Women Parliamentarians (CWP) network and the Conference of Speakers and Presiding Officers of the Commonwealth (CSPOC). India hosted the CHOGM in 1983 and the annual CPA Commonwealth Parliamentary Conference in 1957, 1975, 1991 and 2007, and the 20th CSPOC in 2010. The timeless values of freedom, democracy, rule of law, human rights and sustainable development have been adopted, reaffirmed and advanced, time and again, in various communiqués and declarations of the CPA and the Commonwealth. India will be hosting the 28th CSPOC in 2026.

Major Issues and Challenges

Globalisation, political, socio-cultural, scientific and economic cooperation in different areas involving trade, commerce and investment has made the world more connected, thereby providing unlimited opportunities. This has led to development. But we have to be mindful that pursuit of development has had its implications on ecology and the environment. Global warming, desertification and environmental degradation have acquired serious dimensions now. The situation now calls for coordinated and concerted global



Hon. Shri Om Birla was unanimously elected as the Speaker of the 17th Lok Sabha in the Parliament of India on 19 June 2019. He has been a Member of Parliament for Kota-Bundi parliamentary constituency since 2014 and is the current CPA India Regional Chairperson. He was previously a Member of the Rajasthan Vidhan Sabha (Provincial Assembly) from 2003 to 2014. He has held positions with the youth wing of his party, Bhartiya Janta Yuva Morcha, as National Vice President, State President and District President. He completed his Master of Commerce at Maharshi Dayanand Saraswati University.



efforts to undo the damage lest the planet becomes unlivable for our future generations.

The COVID-19 pandemic is the latest addition to the list of challenges. We have to take a cue from the events that have happened in the last one and half years to understand how imperative it is for all of us to coordinate responses to the challenges posed by this pandemic. The Commonwealth Parliamentary Association is a viable platform to develop and execute an integrated programme to address these challenges.

India's Pioneering Role on the Global Front

India is home to almost one-sixth of humanity. While marching forward on the path to development, it is mindful of its role and responsibility and has taken an array of measures, so that cooperation and collaborative efforts amongst the countries are deepened and widened for the achievement of common goals. It has launched many initiatives to mitigate against climate change. On climate action, India is today one of the few countries which is on track to meet its mitigation commitments under the Paris Agreement. India has also taken the lead in launching important multilateral initiatives on climate action like the International Solar Alliance and the Coalition for Disaster Resilient Infrastructure.

Be it earthquakes, cyclones, Ebola outbreak or any other crisis, India has always extended its cooperation to the world. As one of the largest producers of vaccines and generic drugs in the world, it has extended its assistance, including training, during these testing times of COVID-19, to not only Commonwealth countries, such as

Bangladesh, Sri Lanka, Maldives, Barbados, Saint Lucia, St Kitts and Nevis, Dominica, Ghana, Seychelles, etc., but to other countries as well such as the Ivory Coast.

Domestically, the Fit India Movement has been popularised to adopt healthy life-styles.

In the international sphere, the popularisation of International Day of Yoga is a momentous beginning in this direction. Certain yoga postures including breathing practice (popularly known as *pranayama* in India) are now being admitted as useful the world over.

Some new innovations introduced in the Parliament of India

Transforming India into a digitally empowered society has been one of India's prime objectives. In the wake of the pandemic, digital and virtual ways of connecting with each other have become inevitable. Through online courses, programmes as well as virtual meetings, our Parliament is making innovative use of Information and Communication Technologies (ICT). Increased use of ICT tools like e-Parliament and e-Office are helping Members of Parliament in the discharge of their responsibilities.

We have successfully leveraged ICT tools during the two Sessions held during the recent pandemic times, and passed several important legislations. The productivity of the House was 167% and 114%, respectively, during the last two Sessions (Monsoon and Budget Sessions).

In relation to capacity building, I have provided ample opportunities, especially to the newly elected Members, to raise



important topical issues in the House. Opportunity has also been given to maximise time for Members to raise matters of urgent public importance during the Zero Hour. This initiative to enhance Members' participation and the accountability of the Government resulted in a significant increase in the percentage of replies to the matters raised/laid on the Table of the House.

Members have been provided video clips of the statements they made in the House in order to reach out to their constituents through various mediums, including social media platforms. Several new facets have been added to the Lok Sabha Television channel, including live streaming of proceedings through social media platforms bringing the live telecast to millions of citizens.

For fruitful discussion in the House, our Secretariat organises Briefings for Members on important legislative business prior to, or during the Session. The Information and Communication Centre, set up on the lines of a call centre, ensures immediate information and assistance to Members and helps them effectively discharge their responsibilities. Various types of information, such as proceedings of Lok Sabha, participation of Members in Starred Questions, Zero Hour, participation in discussions, research, reference, medical facilities, etc., is being provided at a single window through this Centre.

Similarly, Parliamentary Research and Information Support to Members (PRISM) provides round the clock support to Members, making research notes available on request.

In order to create awareness and to strengthen local self-government institutions in our country, the Parliament of India has been undertaking public outreach programmes about the Panchayati Raj Institutions. These grass-root democratic institutions are beacons of hope for millions of youth and women in the country as they work for the betterment of people.

“In democracies, national Parliaments play a crucial role in influencing policies and priorities. This provides the necessary foundation for the pursuit of the larger goals of peace, cooperation and development. Given the immense technological advancements we are witnessing nowadays the future of mankind, nay the planet earth, hinges on how judiciously we connect and innovate to transform.”

Transformation through Inclusive and Sustainable Development

India remains convinced that inclusive and equitable sustainable development is key for securing a life of dignity, security and freedom for all. For this, it has been putting in place a set of robust socio-economic policies to address the basic needs of the people, including health, education, housing, poverty alleviation, women's empowerment, food security, social security measures, etc.

The Parliament of India has played an important role in each of these areas, through debates, discussions on Bills, Parliamentary Standing Committees' deliberations and reports, etc. During the last three decades, poverty has fallen in India due to the successful implementation of several large-scale anti-poverty programmes. India has set the goal of '*Housing for All by 2022*'.

India is working relentlessly towards achieving gender parity and has launched the campaign of *Beti Bachao Beti Padoo* (*Save the Girl Child, Educate the Girl Child*), by focusing on a comprehensive package of interventions for the girl child, including those pertaining to education and protection. India is also committed to accelerate the sanitation coverage and better access to safe and drinking water. The *Swachh Bharat Mission Scheme* has resulted in improved access to better sanitation facilities, especially to the rural households in India. Through the *Jal Jeevan Mission*, more than one third of rural households are getting potable water through taps in the country.

India is also transitioning towards achieving sustainable and climate-adaptive agriculture. A comprehensive plan is being implemented for doubling farmers' income by 2022. Given the importance of the marine ecology vis-à-vis the environment, India has laid out a clear plan for promoting the 'Blue Revolution'. Inevitably in all these endeavours, the Parliament of India plays a very important role in seeking Executive accountability by overseeing and assessing the various schematic interventions brought out by the Government for the welfare of the people.

The Way Ahead

In democracies, national Parliaments play a crucial role in influencing policies and priorities. This provides the necessary foundation for the pursuit of the larger goals of peace, cooperation and development. Given the immense technological advancements we are witnessing nowadays the future of mankind, nay the planet earth, hinges on how judiciously we connect and innovate to transform.

The mammoth challenges, the COVID-19 pandemic not excluded, exhort the comity of nations to adopt a path of peaceful coexistence with sustainable development. Only then would the transformation be worth the labour and hard work of centuries.

I am hopeful that the issues that are to be discussed and deliberated during the forthcoming CHOGM 2021 will generate sufficient awareness on this vexed issue and lead to common efforts in tackling the challenges before the Commonwealth and the world at large.



TOBACCO FREE BANGLADESH BY 2040: HOW FAR ARE WE?

Bangladesh has earned a notable progress in tobacco control. Aiming to ensure public health protection, tobacco control is a vital issue for our country. A number of anti-tobacco campaigns have taken place all over the country since its inception. But the milestone was reached on 31st January 2016, when the Prime Minister of Bangladesh declared at the 'South Asian Speakers Summit on Achieve the Sustainable Development Goals (SDGs)'; that Bangladesh will be tobacco free by 2040. This was the first declaration by any world leader to eradicate tobacco within a given timeline. After the announcement, anti-tobacco activities have gained momentum. Policy makers, development organisations, activists, MPs and doctors are working together in order to implement tobacco free Bangladesh.

But before we celebrate our victory, we want to see how much we have achieved since the declaration of our Prime Minister, Her Excellency Hon. Sheikh Hasina, MP. This is 2021 and 2040 is not so far. We have already passed five years since the Prime Minister's declaration. The question now is how far have we come in reaching that goal?

Statistics show that China has the most tobacco users (300.8 million people) in the world, followed by India (274.9 million).¹

Compared to the above two countries, the percentage of tobacco users is higher in Bangladesh. The cigarette market of Bangladesh is the eighth largest in the world, exceeds 86 billion sticks a year and is growing by about 2% annually.² Bangladesh is one of the largest tobacco consuming countries in the world (46 million). 35.3% of all adults (age 15+) use tobacco products (men 46% and women 25.2%). Among youth (age 13-15), 6.9% use tobacco in any form (boys 9.2% and girls 2.8%). 42.7% of adults who work indoors and 59% of youth (age 13-15) are exposed to secondhand smoke in public places.

The amount of health-economic damage caused by tobacco and tobacco-related diseases in Bangladesh is unbearable. Nearly 126,000 people die from various tobacco related diseases per year. Approximately 1.5million adults are suffering from diseases caused by tobacco use and nearly 61,000 children are suffering from secondhand smoke.³

Cigarette smoke contains more than 7,000 chemicals, 70 of which are known to cause cancer. Smoking causes cancer of the lung, throat, mouth, nose, voice box, esophagus, pancreas, liver, stomach, kidney, bladder, ureter, bowel, ovary, cervix and bone marrow (myeloid leukemia).⁴ Tobacco smoke also causes heart disease, stroke and lung diseases. On average, the life expectancy of a smoker is 10 years less than a nonsmoker.

A study in the January 24 issue of *The BMJ* found that smoking even one cigarette a day carries significant health consequences, namely a higher risk of heart attack and stroke. During the COVID-19 pandemic, tobacco related issues have come forward with serious note. According to the World Health Organization (WHO), smokers suffer 14% more complications in post-COVID situations.

In Bangladesh, tobacco products include cigarettes, cigars, and bidis. Some people also smoke loose tobacco in pipes or hookahs (water pipe). Other forms of tobacco products include chewing tobacco, snuff and snus. SLTs are available in various forms including Zarda, Gul, Khaini and Sada Pata. Almost one quarter of all women in Bangladesh (25%) take smokeless tobacco⁵ which is the highest in the world.

All of these issues are associated with huge financial losses. The estimate of the direct health care costs attributable to tobacco use amounted to BDT 83.9 billion annually (approx. US\$ 990 billion). 76% of this cost is paid by individuals and 24% is financed through



Professor Dr Md Habibe Millat, MP is a Member of the Bangladesh Parliament representing Sirajganj-2 constituency for the session 2019-2024. He previously served as an MP from 2014-2019. He studied at the Mymensingh Medical College, Bangladesh and the Royal College of Surgeons of Edinburgh in Scotland. He also trained in Advanced Cardiothoracic Surgery at Europe's leading hospitals and at the Harvard Medical School, USA. He has written extensively in national and international medical Journals. Professor Millat is involved in numerous national and international organisations and he campaigns to stop child marriage and drug abuse, implement tobacco control, promoting universal health coverage and the empowerment of women and youth.



TOBACCO FREE BANGLADESH BY 2040: HOW FAR ARE WE?

the public health sector budget, which represented nearly 9% of total government health expenditure in the fiscal year 2018-19.

If we look back to the Bangladesh Prime Minister's speech in 2016⁶, we can find three key issues she mentioned in order to make Bangladesh tobacco free.

Firstly, coming up with a countrywide National Tobacco Control Program using the fund generated from health development surcharge (HDS). The second step is to take effective measures for adopting a strong tobacco tax policy simplifying the current tobacco tax structure aimed at decreasing affordability of all tobacco products in the country and at the same time increasing the revenue base of the government from this sector. Thirdly, the government will follow the best practices of the world by introducing and implementing World Health Organization's (WHO) *Framework Convention on Tobacco Control (FCTC)* which Bangladesh was the first signatory of.

According to the PM's guidance, the amendment of tobacco control law and tobacco taxation are the focal working areas here. The government amended the existing tobacco control law in 2013 and passed the rules of law in 2015. Not only that, FCTC had already been included in the Seventh, 'Five Year Plan' to meet the Sustainable Development Goals (SDG). As a result, tobacco control activities have been integrated with mainstream development activities. This has led to significant success in tobacco control.

The use of tobacco has decreased 18.5% within the time frame of 2009-2017.⁷ The heavy burden of tobacco-related ill health in Bangladesh is rooted in the country's high production and consumption of tobacco products, thus Bangladesh is one of the five focus countries of the *Bloomberg Initiative to Reduce Tobacco Use (BI)*.

According to the WHO *Report on the Global Tobacco Epidemic* (2015), the prevalence of adult smoking (persons aged 15 years and over) in Bangladesh fell from 34.6% to 20% between 2000 and 2013. But there are challenges, though the total use of tobacco has decreased, the number of smokers has seen a steady increase. So, the overall progress has been slow. Another law amendment is due in order to address the gaps and inconsistencies with the FCTC.

Tobacco taxation is a key issue to work on. Every year, the government imposes tax on tobacco products primarily focused on cigarettes. But due to complex tax structure, the tier system on cigarettes, the tax increase fails to achieve the desired objectives.⁸ No other country in the world has so many stratified tax systems like Bangladesh. We should make it tier free in the long run and reduce it to two-tier in the short term. Immediately we can start on our way by increasing the price of low tier and high tier cigarettes (currently there are four tiers low, medium, high and premium targeting all sections of the population keeping cigarettes affordable). This will pave the way of merging the low and high tier cigarettes with the medium and premium segment consecutively. Making two tiers possible in the next five years.

The other issue is introducing specific taxes on all tobacco products. Currently the Ad Valorem structure actually encourages the tobacco companies by giving extra revenue for the tax increase in each budget. How can we encourage a company that is deeply harmful to public health by giving them a share of our revenue? We

have to introduce specific tax; this will ensure that the government receives the benefits of a tax increase and not tobacco companies.

The 2021-22 national budget is knocking at our door. Tobacco taxation is not only related to tobacco control, but also for earning additional revenue. As we know, the COVID-19 situation has squeezed our financial strengths. So, the government needs to make more money to support people's livelihood. This budget can simplify our tobacco tax structure and introduce a specific tax to earn that extra cash as revenue from this harmful product. In this upcoming budget we need to:

- Increase the price of cigarettes at all tiers, especially the low and high tier cigarettes.
- Introduce specific taxes on all tobacco products.
- Formulate and implement effective tobacco tax measures in the next 5 years to simplify the tier system.

If these are implemented, the government will be able to generate an additional revenue of Tk 3,400 crore (approx. US\$400,000). About 800,000 people (including 400,000 youngsters) will be saved from imminent untimely deaths.

We are moving forward with the target of 2040. We are much more organised now; our initiatives are more planned than the past. Policy makers, especially Members of Parliament are working actively to achieve this goal.

The *Bangladesh Parliamentary Forum for Health and Well-being (BPFHW)*, comprises 22 MPs of different parties, working to improve the healthcare system in Bangladesh to implement Universal Health Coverage. Tobacco control is one of the priorities of this forum. Recently on behalf of BPFHW, 152 MPs (out of 350 in total) wrote a petition to the Health Minister to amend the Tobacco Control Law⁹, 52 MPs wrote to the Finance Minister to increase the tobacco tax¹⁰ and 153 MPs wrote to the Prime Minister demanding a ban on e-cigarettes.¹¹ These campaigns also involved stakeholders to create awareness of the initiatives on tobacco.

“Bangladesh has been working against tobacco for a long time. But as we know, tobacco producers are powerful, organised and strategically aligned. We have to take different approaches to work against them. We are already on it. To achieve the goal, different Ministries and stakeholders need to have a dialogue together in order to take effective initiatives.”



Bangladesh has been working against tobacco for a long time. But as we know, tobacco producers are powerful, organised and strategically aligned. We have to take different approaches to work against them. We are already on it. To achieve the goal, different Ministries and stakeholders need to have a dialogue together in order to take effective initiatives.

Our future generations will be safeguarded and be thankful if we fight tobacco today. And I am hopeful that we shall achieve the goal set by the Prime Minister of Bangladesh. As she has clearly expressed in her original speech *“Bangladesh will become tobacco free before reaching 2040.”*

Professor Dr Md Habibe Millat, MP (Bangladesh) joined health experts and Parliamentarians in examining the challenges posed to healthcare systems in the Commonwealth by COVID-19 during a CPA health webinar held in partnership with Malaria No More UK. For further details please visit www.cpahq.org/news/2021_4-health-systems-webinar.

References:

¹ *Spatial, temporal, and demographic patterns in prevalence of smoking tobacco use and attributable disease burden in 204 countries and territories, 1990–2019: a systematic analysis from the Global Burden of Disease Study 2019*, www.thelancet.com Published online 27 May 2021.

² Center for Research and Advocacy to Fight Tobacco (CRAFT) at PROGGA - Monitoring Tobacco Industry Activities during COVID-19 Pandemic in Bangladesh (Data Collected 1 April- 31 May 2020)

³ *The toll of tobacco in Bangladesh*, <https://www.tobaccofreekids.org/problem/toll-global/asia/bangladesh>

⁴ *Deaths & disease from smoking*, <https://www.quit.org.au/resources/fact-sheets/deaths-and-disease-smoking/>

⁵ <https://ntcc.gov.bd/ntcc/uploads/editor/files/Presentation%20on%20TC%20Law.pdf>

⁶ Speech by the Prime Minister of Bangladesh, Her Excellency Hon. Sheikh Hasina at the *South Asian Speakers’ Summit on Achieving the Sustainable Development Goals*, 31 January 2016.

⁷ *Preliminary Report: Global Adult Tobacco Survey (GATS)*, Bangladesh Bureau of Statistics, 2017.

⁸ *Tobacco Taxes In Bangladesh*, Based on: *The Economics of Tobacco and Tobacco Taxation in Bangladesh*, 2012.

⁹ *MPs urge to amend tobacco control law to achieve SDGs*, Daily Sun, 23 March 2021.

¹⁰ *MPs for cigar price hike in next budget*, Bangladesh Post, 4 May 2021.

¹¹ *153 lawmakers demand ban on e-cigarettes, sign letter to PM*, Business Insider Bangladesh, 8 March 2021.



GALVANISING THE EFFORT TO FUND AND DELIVER TWELVE YEARS' OF QUALITY EDUCATION FOR EVERY COMMONWEALTH CHILD

Across the Commonwealth progress on global education is at a crossroads. The health emergency caused by the COVID-19 pandemic has created the largest education crisis in history, affecting 1.6 billion learners in over 190 countries.

No member of the Commonwealth has been left unscathed by this crisis. Whilst almost all countries rolled out remote learning strategies, their delivery has been hampered by widespread inadequacies. At least a third of the world's schoolchildren were unable to access any remote learning when their schools shut. Even when remote learning was available, many learners lacked access to the necessary resources or technology leaving them with next to no learning. It is no surprise that learning losses have accumulated rapidly over the past year, disproportionately affecting girls, children with disabilities, refugees and IDPs, and other marginalized groups. To make matters worse this all comes on top of an existing learning crisis. 90% of 10-year-olds in low-income countries can not read and understand a simple story. Whilst over a quarter of a billion children are completely excluded from education. As the world emerges from the pandemic, the challenges it has placed on education systems will not evaporate.

Pressures on public finances creates immediate risk

The combined impacts of school closures and economic crisis brought on by the pandemic threatens to send progress on Sustainable Development Goal 4 of 'quality education for all' into freefall. Millions of children have dropped out of school and 20 million girls may never return due to child marriage or early pregnancy.

As schools reopen, it is education budgets that will feel the greatest impact. The education financing gap, which is a primary driver of children's inability to access education, could, because of the additional costs associated with COVID-19, rise by up to one-

third. Yet despite these additional funding needs, two-thirds of low- and lower-middle-income countries have, in fact, cut their public education budgets since the onset of the pandemic.

In Pakistan, where I am a Member of the National Assembly, the economic consequences of the pandemic have already led to many provinces redirecting funding away from their education budgets. At the same time falling household budgets and remittances mean that many parents are struggling to maintain the resources they devote to their children's education. We are bearing witness to the impact of these cuts with many more children on our streets, begging or as labourers.

Meanwhile in Nigeria, which has the second highest out-of-school child population after Pakistan, the budget share for education is the lowest in a decade, amounting to just 5.6% of total government spending. Rather than cutting budgets, we should be investing now in education re-enrolment to get all children back into education when schools fully open, remediation programmes to address learning loss and in second chance education programmes.

From crisis to catastrophe

The cost of inaction is going to be very high. The World Bank estimates that Pakistan will lose a larger share of students from the school system than any other country, with close to a million children expected to drop out as a result of economic hardship experienced by their families. This is in addition to the 22 million children who were already out of school pre-COVID.

The World Bank also estimates that the pandemic will push millions into learning poverty, resulting in 80% of our children unable to read a simple story by the age 10.

This is nothing short of a learning catastrophe.



Hon. Mehnaz Akber Aziz, MNA is a Member of the National Assembly of Pakistan where she was first elected in 2018. She is Chair of the SDGs Committee on Child Rights and she is also the International Parliamentary Network for Education's Regional Representative for Asia. She completed a Masters in Anthropology at the Quaid-i-Azam University and a Masters in Gender and Development Studies at the University of Sussex.



One of the reasons why children's education in Pakistan has been so badly affected by the pandemic is because of decades of chronic underfunding. The share of the government budget going to education had been stagnant for many years at around just 2% of GDP, far short of the international benchmarks of allocating at least 4% to 6% of GDP to education or 15% to 20% of total public expenditure.

A shared challenge across the Commonwealth

More than 30 Commonwealth member countries are currently developing country partners (DCPs) of the Global Partnership for Education, the world's only education partnership and fund dedicated exclusively to quality education in lower-income countries. This means that these countries have been identified as having the highest rates of out-of-school children and the lowest levels of learning but lack the resources to sustainably build their education systems.

Of those 31 countries, only six currently spend at least 20% of total government expenditure on education - the globally agreed benchmark - with a further four countries spending between 17% and 20% of their total budget on education. A further four Commonwealth member countries are eligible for GPE's large scale grants.

The remainder of Commonwealth DCPs spend either less than 17% of the total budget on education or have limited, or no available data. This is a major issue in itself because without timely and accurate data on how much is being allocated it is difficult to track overall levels of financing overtime and impossible to determine whether it is being spent effectively.

Together this has significant implications for the resilience of education systems in the Commonwealth and the ability to respond to future crises. Among the Commonwealth's 54 member countries almost half are Small Island Developing States, including some of the most vulnerable countries in the world to climate change.

Confronted with climate change, young and growing populations, fragility, high poverty rates and deepening inequalities - and now confronted with the social and economic impacts of COVID-19 - governments in lower-income countries in the

Commonwealth need both urgent support and to protect and grow the domestic resources they allocate to education.

An opportunity to act

Despite these vast challenges, next month we have an opportunity to fund education and get children's learning in the Commonwealth back on track. In July, the international community will come together in London for the *Global Education Summit: Financing GPE 2021 – 2025*. At the Summit, co-hosted by the governments of the United Kingdom and Kenya, the Global Partnership for Education aims to raise at least US\$5 billion from donor governments to transform education systems in up to 90 countries and territories, where 80% of the world's out-of-school children live. This would enable 175 million girls and boys to learn, reach 140 million students with professionally trained teachers and get 88 million more children, including 46 million more girls, in school.

Growing national spending on education

President Uhuru Kenyatta of Kenya, as co-host of the GPE Financing Campaign, has written to Heads of Government in all GPE partner countries inviting them to endorse a Call to Action on Education Financing. The statement commits governments to protect domestic finance for education at pre-COVID levels and increase education budgets towards the 20% global benchmark or beyond.

My aim is that the Heads of Government in all 35 of GPE's Commonwealth developing country partners endorse President Kenyatta's Call to Action. Universal endorsement across the Commonwealth would affirm the principle that access to quality educational opportunity is at the heart of the Commonwealth project and that we are committed to putting the principle into practice.

Developing country partners have also been invited to share their commitment to national financing for education at the Summit, including how they will increase spending in order to meet or exceed the 20% of total public expenditure benchmark or beyond. They are also encouraged to set out their plans for ensuring the money allocated to education is spent equitably and efficiently.



TWELVE YEARS' OF QUALITY EDUCATION FOR EVERY COMMONWEALTH CHILD

In this way the Summit presents a critical opportunity for Commonwealth governments around the world, both donor and developing, to come together to recommit to prioritising, protecting and increasing financing for education and delivering their promise - set out in SDG 4 - to quality education for all.

More and better aid to education

For the United Kingdom, Australia and Canada there is an opportunity to step up, pledge ambitiously and demonstrate the leadership which is critical for the prosperity of the Commonwealth. New Zealand, Malaysia and Singapore have the opportunity to also affirm their commitment to education on the global stage by becoming a GPE donor partner for the first time. A fully-funded GPE will deliver transformative progress in low-income countries across the Commonwealth, but the real progress in closing the education financing gap - which risks rising to \$200 billion annually due to COVID-19 - will come from growing national resources for education, which are by far the most important source of education financing.

Growing political leadership for education

In advance of the Education Summit, Members of Parliament have a vital role to play in encouraging their governments to prioritise education. The International Parliamentary Network for Education (IPNEd), which I represent as Regional Representative for Asia, launched last year with the aim to grow and strengthen political leadership for SDG 4. Given the pressure that the pandemic has placed on public finances, putting future prosperity at risk, an important focus of the IPNEd Network has been on growing political support for education financing.

As Parliamentarians, we can play a critical role in growing the share of government expenditure for education. We can push for greater resources to be mobilised to education and help ensure that financing is made available in an effective, transparent and accountable way that ensures resources are used to achieve equity. So far more than 300 Parliamentarians from over 50 countries have become IPNEd members and we have been delighted by the willingness of legislators in the Commonwealth to

“As Parliamentarians, we can play a critical role in growing the share of government expenditure for education. We can push for greater resources to be mobilised to education and help ensure that financing is made available in an effective, transparent and accountable way that ensures resources are used to achieve equity.”

participate in the IPNEd Network. Parliamentarians join the IPNEd Network by affirming their support for our Declaration.

Collaboration with the CPA

There is still so much more work to do, so I am delighted that we are partnering with the Commonwealth Parliamentary Association on a briefing on protecting and prioritising financing for education. The briefing sets out the scale of the education financing gap in the Commonwealth and the actions Members of Parliament can take to encourage their government to prioritise, protect and increase financing for education at home and abroad.

Crucially, we are asking you to encourage your government to make a pledge at the Global Summit to either protect domestic funding for education and to increase the national education budget in order to meet the 20% global benchmark, or for donor governments to increase their financial support for GPE.

The briefing also outlines steps you can take to encourage your Head of Government to endorse the Call to Action and super charge this recommitment for more and better national financing for education. We thank you for your commitment to transforming education in your country.

A new era of progress on education across the Commonwealth

The Education Summit presents the opportunity to kick start a renewal of the Commonwealth's leadership on education. With the Commonwealth Heads of Government Meeting delayed, UK Prime Minister Rt Hon. Boris Johnson, MP and President Uhuru Kenyatta of Kenya can carry forward the momentum from the Summit to Kigali as well as to next year's Conference of Commonwealth Education Ministers, which Kenya is also hosting. Across the Commonwealth we have some of the biggest education donors and education leaders, like Singapore, alongside countries with the highest out of school populations and biggest rates of learning poverty. We can and must close those gaps and spread the opportunity and benefits of education across our Commonwealth of nations. We must not waste this opportunity. We need bold action and leadership from the Commonwealth and all its member countries. By investing now in education, we can prevent the worst education outcomes, mitigate the additional pressure on the education financing gap and get progress towards SDG4 back on track.

As Members of Parliament, we each have a vital role to play in galvanising the effort to fund and deliver twelve years' of quality education for every Commonwealth child.

- This article follows a global webinar examining twelve years' education for every Commonwealth child and the importance of education financing. Visit the CPA's *YouTube* channel to view the webinar.
- For more details of the *Global Education Summit (Financing GPE 2021-2025)* on 28-29 July 2021 to support quality education for all children please visit www.globalpartnership.org.
- To find out more about the *International Parliamentary Network for Education (IPNEd)* and their work on education financing please visit www.ipned.org. Parliamentarians can become a member of the Network by emailing info@ipned.org.



TWELVE YEARS OF EDUCATION FOR EVERY COMMONWEALTH CHILD – FINDING THE MONEY

Kenya Education Envoy urges Commonwealth Parliamentarians to raise their hands in support of education.

In 2005, world leaders set ambitious Sustainable Development Goals (SDGs), towards a safer, healthier, and more prosperous world by 2030. A central component of these goals is SDG 4, “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” This is a cornerstone goal because, as we know, education is a *sine qua non* of socioeconomic development. The evidence is unequivocal. Education transforms individuals, communities, and societies. It opens the door to opportunity and self-actualization, raises the quality of life, catalyzes vibrant economies, and promotes inclusive and resilient societies.

Despite unprecedented gains in education access across the world since 2000, we face a triple crisis in education. First, there is a crisis of access. Too many children from poor and vulnerable communities as well as girls and other disadvantaged groups, have unequal access to education. Before the COVID-19 pandemic, some 250 million children from across the world were out of school. Many factors keep children out of school. In some cases, it is because schools are too far from their homes, or there are opportunity costs to attending school because the children are needed to support household chores and activities. In other cases, schooling is too expensive or there are safety concerns especially for girls.

Second, there is a learning crisis in schools. 53% of children in low- and middle-income countries are unable to read and understand a simple text by age 10. Research from the World Bank indicates that this figure is likely to be much higher.¹ This means that

“Despite unprecedented gains in education access across the world since 2000, we face a triple crisis in education. First, there is a crisis of access. Too many children from poor and vulnerable communities as well as girls and other disadvantaged groups, have unequal access to education.”

a large proportion of children who are in school are not learning. Many factors precipitate the learning crisis. Some schools do not have enough teachers, or those that they have are not trained. In other cases, the students lack books and other learning materials. And there are also instances where the education offered is ill suited to the needs or capacity of the learner as is the case where children are taught in a language they have not mastered.

Third, education is not meeting the demands of an increasingly interconnected and fast evolving world. The world faces a complex



Mrs Ruth Kagia is currently Deputy Chief of Staff (Policy & Strategy) in the Executive Office of the President of Kenya. She is also Kenya’s Envoy for the ongoing Global Partnership for Education Replenishment Campaign and Financing Summit to be held in July 2021. Prior to this, she worked at the World Bank for over 20 years working on education projects across Southern Africa and globally. Previously, she worked with the Kenya Government in teaching, management and research.



TWELVE YEARS' OF QUALITY EDUCATION FOR EVERY COMMONWEALTH CHILD

“Swift, decisive, and bold interventions can minimise the losses from the school closures. Further, a creative approach to post-COVID education recovery could turn the pandemic into an opportunity to re-imagine education and make it more agile and responsive to the demands of the 21st century. For example, the pandemic has highlighted the potential of education technology to close the digital divide and ‘leapfrog’ systemic weaknesses in the education system.”

set of existential threats that include climate change, global pandemics, and violent extremism. It is also a world driven by ideas, innovation, and resilience. Education that simply provides the ‘three Rs’ (reading, writing and ‘rithmetic’) is woefully inadequate to respond to these challenges. A major reboot of education is needed to provide 21st century skills, attitudes, and values.

The COVID-19 pandemic compounded these challenges and threatened to roll back the progress of the last two decades. By mid-April 2020, UNESCO reported that 192 countries had closed their educational institutions, affecting more than 1.6 billion children and young people. Learning institutions would be closed for the next 9-12 months. On average children across the world spend some 15,000 hours in school during the 12 years of primary and secondary school.² Out of this, about 800 hours of learning over the past year have been severely disrupted. Children have missed academic, social, and developmental milestones because remote-learning programs are not accessible to all. One estimate indicates that while 83% of countries deployed online learning during the COVID-19 school closures, 31% of schoolchildren worldwide (463 million) were unable to access relevant broadcast- and internet-based remote learning either due to a lack of necessary technological assets at home, or because they were not specifically targeted by the adopted policies.³

As a result, many face the risk of never returning to school or returning at a level far behind their peers, undoing years of progress made in education around the world. A study recently undertaken in Kenya indicates that 16% of girls and 8% of boys did not return when schools re-opened in January 2021.

The significant disruptions to learning over the last year will stifle near-term potential of the children, widen skills gaps, and undermine the employment, earning potential, and productivity of this cohort.

Global education is at an inflexion point

Swift, decisive, and bold interventions can minimise the losses from the school closures. Further, a creative approach to post-COVID education recovery could turn the pandemic into an opportunity to re-imagine education and make it more agile and responsive to the demands of the 21st century. For example, the pandemic has highlighted the potential of education technology to close the digital divide and ‘leapfrog’ systemic weaknesses in the education system. We need to draw from such lessons to reboot education.

However, if we fail to take such action, we risk turning education into the third crisis of the pandemic after health and the economy. This would have dire inter-generational consequences.

The Global Partnership for Education (GPE)⁴ provides a unique opportunity for the Commonwealth, and other nations, to stand together to support education. The ongoing GPE fourth replenishment campaign, aims to raise at least US\$5 billion for education in developing countries for the next five years. Fully funded, the GPE will leverage its partnerships to support 140 million more students with professionally trained teachers, enroll an additional 88 million children in school, including 46 million more girls, and help governments save US\$16 billion through greater spending efficiencies. An investment in the GPE has potential far beyond education. The ripple effect of the GPE’s US\$5 billion could add up to US\$164 billion to partner economies, lift 18 million people out of poverty, and protect approximately two million girls across the world from early marriage.

Kenya has a productive relationship with the GPE which has accompanied and supported the government in its journey towards free and universal primary education, gender parity in primary and secondary education and 100% transition rate from primary to secondary school. GPE is currently supporting Kenya as it focuses on raising education quality through the new Competency Based Curriculum.

President Uhuru Kenyatta of Kenya and Prime Minister Boris Johnson of the United Kingdom are jointly leading the GPE financing campaign and will co-host the Global Education Summit on 28-29 July 2021 in the United Kingdom.

In addition to raising the US\$ 5 billion, leaders need to protect and where possible, increase their domestic education budgets. President Kenyatta is spearheading a campaign to galvanize Heads of States and Governments from GPE beneficiary countries to commit to protect domestic education budgets and to take concurrent measures to enhance equity and efficiency in the allocation of resources earmarked for education. I echo my President’s message and call us all to support the GPE financing campaign.

It is not sufficient for schools to simply reopen their doors after the pandemic. Students across the world will require tailored and sustained remedial support, schools will need to address outstanding challenges of unequal access to quality education and all of us will need to re-imagine education and make it more vibrant



Image credit: Shutterstock/790129573/Adam Jani Figei

and agile in line with the demands of the complex world we live in. The tremendous progress the world has made in education over the last twenty years demonstrates that if we come together as an international community, we can use the COVID-19 crisis as a springboard to transform education into the potent instrument of change it could be. Let us all raise our hand in support of education. Let us fund GPE!

This article follows a global webinar examining twelve years' education for every Commonwealth child and the importance of education financing. Visit the CPA's *YouTube* channel to view the webinar.

For more details of the Global Education Summit (Financing GPE 2021-2025) on 28-29 July 2021 to support quality education for all children please visit www.globalpartnership.org.

References:

- ¹ World Bank, 2019a. World Bank, *Ending Learning Poverty: What Will It Take?* 2019.
- ² *Fifteen Thousand Hours, Secondary Schools and Their Effects on Children*, Michael Rutter, 1982
- ³ UNESCO, Education and COVID-19 (2020), <https://data.unicef.org/topic/education/covid-19/>
- ⁴ The GPE is a unique multi-stakeholder partnership and the largest global fund solely dedicated to education in lower-income countries delivering crucial funds and supporting calibrated solutions to build resilient and robust education systems across the developing world. www.globalpartnership.org

ELECTORAL REFORM IN JERSEY

Is this a real ‘watershed moment’ for democracy in Jersey?

When I joined the Jersey States Assembly in May 2018 as a new Member, the Chamber had been wrestling with the issue of how to reorganise its membership and improve the voting system in the Island for nearly 20 years.

Jersey has 49 elected Members; 8 Senators elected Island-wide, 12 Connétables elected by the residents of each of the Island’s 12 Parishes and 29 Parish Deputies allocated disproportionately across 17 districts loosely based on population levels.

The history of electoral reform

There had been over 100 propositions seeking to reform the composition and election of the States Assembly considered since 1999 – these were put forward by the Privileges and Procedures Committee (PPC), which I now Chair, as well as countless well-meaning attempts by independent Members.

Considerable effort had been expended by past Assemblies debating for hours the numerous proposals, with only a handful achieving the necessary number of votes to make any concrete changes. Such changes were limited to the creation of a single election day from 2014 (previously all three types of Members were elected at different times), the movement of that general election from the autumn to the spring (from 2018 onwards) and the reduction in the number of Senators from 12 to 8 (from 2014).

In 2013, the Privileges and Procedures Committee of the day persuaded Members to vote for a referendum which was held on 24th April 2013, and which offered three options to the Public:

- Option A – 42 Deputies across 6 large districts (no Connétables or Senators);

- Option B – 42 States Members – 30 Deputies across 6 districts and 12 Connétables (no Senators); and
- Option C – no change.

The Public voted for Option B, but the States Assembly subsequently failed to adopt the proposition which would have brought this into effect.

A further referendum followed, in which the Privileges and Procedures Committee had intended to propose a move to a single type of elected Member, but the question, modified by an amendment, asked the Public whether the Connétables should remain in the States as an automatic right. 24,130 votes were cast. This was a third of the 62,565 people registered to vote (38.8% voter turnout). The outcome of this referendum was Yes: 15,069 (62.4%)/ No: 9,061 (37.6%). There then followed a lull, during which time the new Privileges and Procedures Committee of the day ran workshops to engage Members to try and achieve a consensus view on reform, but even a consensus amongst the Committee proved impossible.

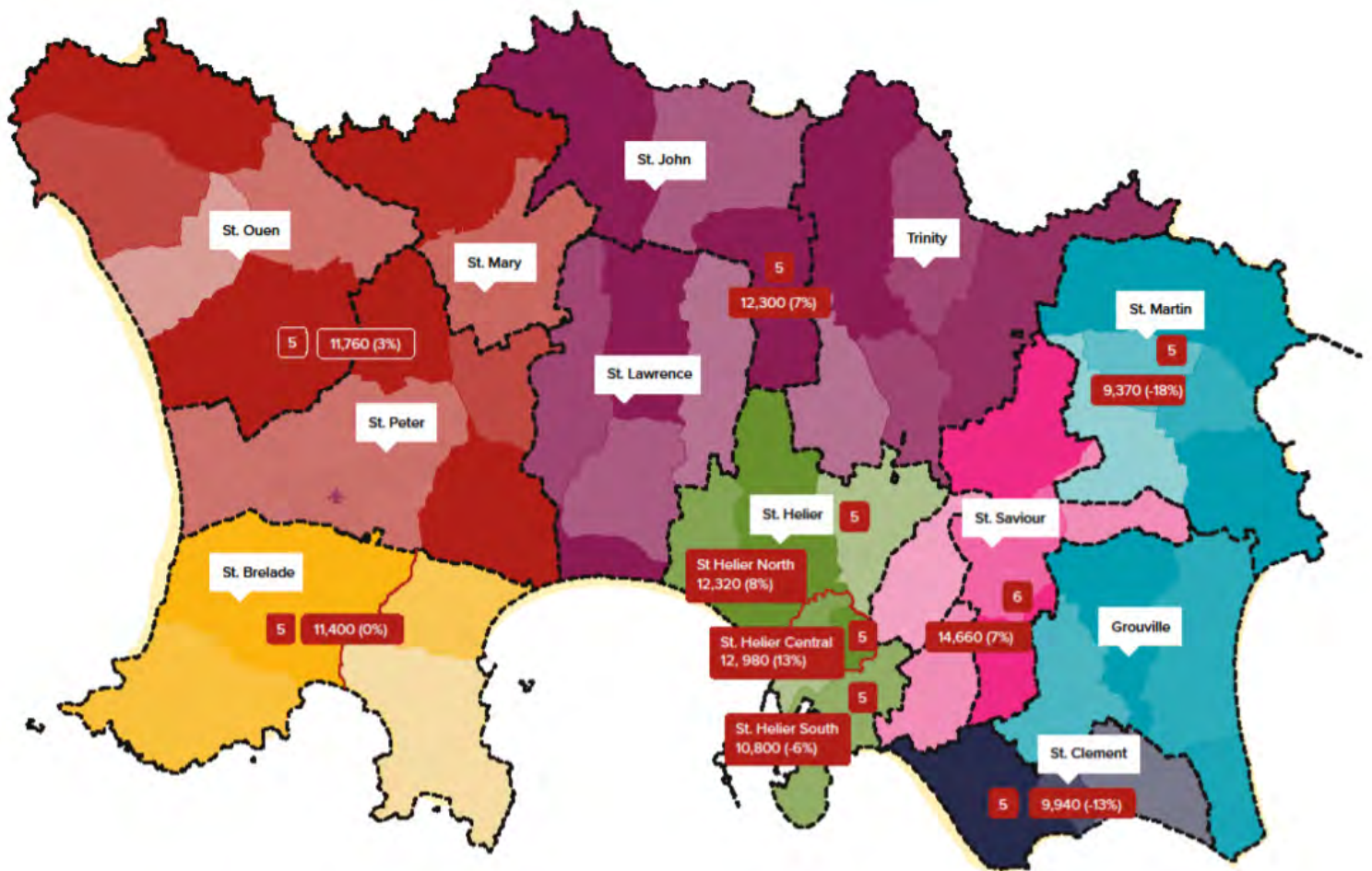
In 2016 the Assembly approved a proposition to retain the Connétables and Senators and reduce the total number of Deputies to 28, elected across 6 large districts. However, this was rejected when the implementation legislation was debated by the Assembly in 2017.

The issue we faced

So why was so little achieved, when there was clearly a desire since 2000 to change the composition of the Assembly?



Deputy Carina Alves is the Chair of the Privileges and Procedures Committee in the States of Jersey Assembly since February 2021. Elected to the Assembly in May 2018 as a Deputy of St Helier district 2 and a member of the only political party at the time Reform Jersey. She was the first person of Portuguese heritage to be elected in Jersey where approximately 15% of the population are from Portuguese heritage, who first settled in Jersey in the 1970s. Prior to being elected, she was a Mathematics teacher at a local secondary school and a translator for local GP surgeries.



Above: Map of the districts and parishes of Jersey showing the proposal for nine constituencies of equal population size within a Venice Commission allowable variance of +/-15%. Exceptions are made for two districts – St Saviour, because of its population size, returns six representatives and Grouville and St. Martin combined are overrepresented by 18%.

Members have plainly found it difficult to compromise; to adjust their position, leading to the damaging perception, however unfair, of stalemate through self-interest.

In 2017 the States Assembly adopted changes to its Public Elections Law to permit election observers and the subsequent Election Observers' Mission (EOM) in 2018 was an important catalyst for electoral change in Jersey. The EOM, comprising of 8 Members from across the Commonwealth led by Hon. Philip Paulwell, CD MP (Jamaica) was present in the Island from 5th May until 18th May 2018, having conducted two scoping visits in 2017, and observed nomination meetings on 10th and 11th April 2018. The EOM met with numerous stakeholders prior to the election and observed procedures across the Island on election day itself. The EOM concluded:

"The 2018 Jersey election was well executed, competitive and enabled the electorate to cast their votes in secret and express their will in a transparent, peaceful and orderly manner. We commend the election officials who were professional in carrying out their functions meticulously and impartially. In particular the efforts by the States Greffe to educate and engage all the segments of the population in the electoral process. However, their work was hindered by an electoral system which remains overly complicated and cumbersome. Further areas of concern relate to the number of uncontested elections, the disparity in the equality of the vote across

districts and parishes and the low voter turnout which arguably undermines the principle that the elections in Jersey are fully genuine. Improvements are needed to tackle the deficiencies in the regulatory framework, particularly in relation to campaign financing, political parties and the process for candidate nomination." (CPA British Islands and Mediterranean Region Election Observers Mission Jersey General Election Report, May 2018).¹

The EOM made 18 recommendations within the report published after the Mission, underlining the importance of reforming the current electoral structure, in which there is a disparity in equal suffrage, especially between urban and rural voters.

Straight after the election, the Privileges and Procedures Committee established a Sub-Committee to review the EOM Report led by the then Privileges and Procedures Committee Chair Deputy Russell Labey, myself, and Deputy Scott Wickenden.

It was clear that the reform of the existing electoral system needed to be our primary focus, and we considered a variety



ELECTORAL REFORM IN JERSEY



Above: The CPA British Islands and Mediterranean Region Election Observation Mission (EOM) team in Jersey in May 2018 was led by Hon. Phillip Paulwell, CD, MP (Jamaica) and included Parliamentarians from Ghana, Scotland and Bermuda.

of ways in which the Island could be divided in order to achieve equality in voting power.

We were very conscious that previous attempts to identify a revised division of parishes which combined equality in voting rights with equality in voting power had proven impossible because of the retention of the Connétables' role within the Assembly. Past efforts in which variances in the number of Deputies for each parish or the merging of parishes were proposed had proven unpalatable to the Assembly, and even the successful proposition in 2016 had not provided both equity and equality.

Jersey's electoral system provides uneven distribution of seats across districts. The Venice Commission recommended that, "except in really exceptional circumstances", the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15%.

The average deviation in the number of voters per seat in each of the 17 voting districts from the number of voters per seat in the Island as a whole is currently 28%. The highest deviation is in St Mary, where the number of voters per seat is 59% below the Island-wide average. The greatest underrepresentation is in St Clement, where the number of voters per seat is 44% above the Island-wide mean. In essence, the voters in the urban parishes are vastly under-represented compared to their rural neighbours.

The Sub-Committee embarked on a consultation process in 2019. We made a short video explaining the rationale for the changes which were needed², we used an external company to run focus groups with Islanders about the existing system to explore ideas for change and we also held roadshows in each of the Parishes to gauge support for our proposals.

As a new Member, visiting the various parishes and doing the roadshows was a daunting experience. I was visiting constituencies that were not my own and at times was faced with some quite

fierce opposition to what we were proposing. However, it was an extremely important part of our consultation and the public, although not always supportive, were appreciative that we had reached out to them.

From the roadshows, it was clear that our treatment of the role of Connétable would be pivotal – many people misunderstood our intention and worried that by suggesting there should be a separation between their parochial and Assembly roles we were trying to destroy the traditional Parish system in the Island, when in fact we were simply suggesting that if a Connétable wished to also

play a part in the governance of the Island, they should stand in a separate election for that political position.

Our initial proposal lodged in late 2019, which suggested dividing the Island into nine districts with equitable populations and ending the automatic right of the Connétables to sit in the Assembly, was mostly defeated in March 2020, although the Assembly adopted the first paragraph, agreeing that fair representation and equality in voting weight and power across the whole population should be the basis for any reform of the composition and election of the States.

So, it was back to the drawing board for the Privileges and Procedures Committee and we conceded that an alternative compromise was required if any progress on meeting international standards and adequately responding to the recommendations of the EOM were to be made.

In December 2020 we came back with another proposition which offered the compromise of retaining the automatic right of the Connétables to a seat in the Assembly, a stated 'deal breaker'

“Jersey’s electoral system provides uneven distribution of seats across districts. The Venice Commission recommended that, ‘except in really exceptional circumstances’, the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15%.”



BEFORE



AFTER

Above: Examples of banners that were erected outside Parish Halls by the Connétables showing the strength of feeling on the island about the proposed electoral reforms.

for some in the previous debate, whilst seeking the introduction of constituency boundaries drawn in line with international standards, based on population size.

The significant variance in population size of the constituencies of the Connétables (the Parishes), made achieving total voter equity and voter equality impossible without a significant increase in the number of States Members. Something which was unlikely to be acceptable to the Public. So we proposed the establishment of an Assembly of 49 Members, 37 elected from nine districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables. The role of Senator would be lost. We also suggested the creation of an independent Boundaries Commission to begin work after the 2022 elections to make recommendations to ensure that the nine districts remain compliant with the principles of voter equity and equality.

Whilst our proposition won't be able to address in full the EOM findings because of the compromise made with regard to the Connétables, it will, however, make significant progress for the elections in 2022, for which we will:

- Move to two categories of Member from three, which is a simplification;
- Have constituency boundaries for all but the Constables, 76% of the Assembly will be drawn in line with international standards;
- Reduce the number of uncontested elections in the new multi-seat constituencies;
- Reduce the disparity in the equality of the vote across the new districts; and
- Hopefully address our historically low voter turnout. Whilst it is impossible to predict, the aim is for district contested elections, simple, manageable and user-friendly providing voters with an opportunity to get to know the candidates better, making participation more satisfactory and meaningful.

In December 2020, the States Assembly adopted our proposition P139/2020 'Composition and Election of the States: Proposed Changes'.

Previously to being elected, I was a Maths teacher, so I was keen to put my skills to good use again, analysing population numbers, looking for the optimal number of constituencies, calculating variances etc. So, when I first started working on these proposals, I did not realise how biased our current system really was and how contentious these proposals would be as from a mathematical point of view, it made perfect sense.

In March this year, as a newly elected Privileges and Procedures Committee Chair, I successfully steered the first tranche of legislative changes through our States Assembly, after fighting off numerous amendments. This included one to bring the Senators back in, to implement the decision made in December 2020 and the establishment of an Assembly of 49 Members, 37 elected from nine new districts of comparable population size, plus the 12 Parish Connétables in time for our next general election on 22nd June 2022.

This decision was a real watershed moment for democracy in Jersey. In July we will bring forward the second raft of legislative changes which will embed the decisions made and, in so doing, allow progress to finally be made in the delivery of a fairer, better, simpler, more inviting election experience for candidates and voters alike.

The whole experience has been a steep learning curve, especially as a new Member, but after three years of hard work, I have learned so much and I am extremely pleased to have been able to contribute to the biggest jump forward in voting rights for Islanders in 70 years. Jersey will finally have a more equitable system for electing its people's representatives in the next general election.

References

- ¹ <https://www.uk-cpa.org/media/2417/eom-jersey-2018-final-report.pdf>
- ² To view the video visit <https://youtu.be/XFaqNa3rJQc>

VALUING WOMEN IN PUBLIC LIFE IS A SURE WAY TO A MORE EQUAL SOCIETY: PROTECTING THEM ONLINE IS THE FIRST STEP

It is a fact not so universally acknowledged that violence against women remains one of the most widespread, prevalent, and largely unpunished violations of human rights in the world today. This is especially true of the global community in today's post-pandemic world. Whilst Coronavirus spread across communities around the globe, a silent pandemic raged behind closed doors; the UN estimates suggest that domestic abuse and violence towards women could have risen by a devastating twenty per cent globally over the past year. Gender-based violence affects 1 in 3 women in their lifetime, and it comes in many different forms. Online violence is not a new phenomenon, but it is growing rapidly as a continuum of the violence that women and girls face offline. As the internet increasingly becomes the modern-day forum where the digitally native live their lives, this challenge in the online world is only set to rise.

The problem of online abuse is particularly acute for women in public office across the world. In the UK, for instance, research from the University College London's Constitution Unit revealed that women Members of Parliament received an increase in online abuse twofold greater than their male colleagues, and Amnesty International UK research found that women MPs from Black, Asian and Minority ethnic backgrounds received the most abuse of all.

Here in Westminster, the All-Party Parliamentary Group (APPG) on Women in Parliament held a debate to raise awareness of this abuse which targets women in a very particular way, going well beyond the usual rough and tumble of political life, beyond offensive language, or passionately expressed political views. Rather, my female colleagues and I can receive very personalised threats of rape, murder, stalking, or physical violence towards ourselves or our families, simply for participating in the democracy to which we were elected, very different to the experience of most elected men. Sometimes the abuse comes in the form of trolling,

often by individuals using anonymous social media accounts. There is also 'pile-on' harassment, co-ordinated by mass, online groups, deliberately working together to orchestrate an online attack on an elected Member of Parliament.

Above all else, what this kind of abuse seeks to do is intimidate, isolate, create fear and ultimately silence women, so that they are not able to contribute to political life freely and without constraint. The impact of this style of abuse is already affecting our democracy. Research from the Fawcett Society shows that in the UK, growing numbers of women are resigning from their existing elected positions because of the incessant hate and threats they face online.

Many more are being put off standing for election in the first place. In 2019, the number of women unlikely to stand as an MP in the UK stood at 59%, compared to 74% in 2020; the picture is equally worrying in local authorities, where the number of women unlikely to stand as a councillor has also increased from 44% to 62%. Alarming, 69% of those surveyed said that abuse or harassment from the public or other parties stopped them from pursuing a career in politics.

For these reasons, the inspiring Commonwealth Women Parliamentarians (CWP) network chose to focus and discuss this important issue in a virtual debate organised by the CPA UK Branch in March 2021, as Commonwealth Day opportunely coincided with International Women's Day. Parliamentarians came together from Canada, Fiji, Gibraltar, Trinidad and Tobago, Kiribati, New Zealand, Pakistan, Sierra Leone, Gambia and the United Kingdom to discuss how we can best work together to challenge online harms faced by women Parliamentarians. It was clear from the contributions of each representative that women Parliamentarians face similar problems across the Commonwealth family. The session was an inspirational



Rt Hon. Maria Miller, MP was first elected to the UK Parliament in 2005 to represent Basingstoke and has been re-elected four times. She has held a number of Ministerial roles including Secretary of State for Culture, Media and Sport, and Minister for Women and Equalities as well as the Chair of the Women and Equalities Select Committee. Maria is a member of the CPA UK Branch Executive Committee and before entering Parliament, she worked for 20 years in marketing.



celebration of women's place in politics, where reflections and pledges of action were shared across the Commonwealth.

Creating better recognition of the impact of online abuse with the support of the CPA UK Branch has been invaluable. As an organisation, the Commonwealth Parliamentary Association has been a long-standing advocate of Parliaments being at their best when they are diverse, and that more women in Parliament is a democratic and societal good; and we now have mounting evidence to back that up. Research like the Global Institute for Women's Leadership shows equal representation is not only important because Parliaments then better reflect the societies they represent, but also because legislatures with more women policy makers are shown to prioritise issues that benefit the most vulnerable in society, and are associated with lower levels of corruption.

If valuing women's voices in public life is a surer way to better democracies and a more equal society, then tackling barriers to female participation - including harmful and unlawful online abuse - has to be a priority. To tackle new and emerging threats to democracy like online violence and intimidation against elected representatives, we need to share knowledge, experience and expertise.

The CPA UK's Report, *Strengthening Democracy, Parliamentary Oversight and Sustainability in the Commonwealth*, published in April 2021 and funded by the UK Foreign, Commonwealth and Development Office (FCDO), has sought to help facilitate and enable Commonwealth Parliaments to promote the benefits of inclusive and diverse representation in truly open societies. Within the project, the CPA UK Branch have compiled a rigorous review of the legislation protecting women from all forms of violence, including online harms, and highlighting good practice, where it exists, across the Commonwealth.

As one might imagine, the report emphasises the point that despite vastly different legislative contexts and regimes across the Commonwealth, many Parliamentarians are facing challenges breaking cycles of impunity when it comes to gender-based violence. It also identifies significant deficiencies in legislation keeping up with new forms of gender-based violence facilitated by

ever changing technology and identifies nine key areas of action where legislation can be strengthened.

This is something that I myself am aware of in the UK. Social media is almost completely unregulated in the UK and criminal law is often inadequate in dealing with online abuse. Take the example of sharing of intimate images without consent: an abuse that increased 87% over the course of the pandemic in 2020. The relevant laws predate the development of social media, and thus fall short of tackling protecting women and girls from online gender-based violence.

Updating the criminal law to protect individual citizens needs to go hand in hand with the UK government's forthcoming Online Safety Bill to ensure that any new UK regulations introducing a legal 'duty of care' on social media providers is correctly framed with the criminal law properly protecting individuals, with proper access to justice and a right to redress. UK legislation must also deal with the known harms associated with anonymous social media accounts, which, in the UK, generate the majority of abuse and misinformation online, including abuse towards female Parliamentarians.

I know that the CWP Chairperson has proposed setting up cross-Commonwealth Working Groups on issues specified in the CWP strategy. This is something I believe would be incredibly valuable, as a means to track the emerging threat of online abuse, how this disproportionately impacts women Parliamentarians, and how countries effectively legislate to prevent it and protect those affected. CPA UK is already planning workshops on digital safeguarding for women Parliamentarians, and it will be considering how best to ensure these valuable conversations continue at national, regional and Commonwealth level.

As elected representatives, we must firmly condemn those who use fear and intimidation to silence free and open debate, including in the online world. We must redouble our efforts to stop this type of abuse as part of safeguarding our democracies, and we must lean into valuable inter-parliamentary networks like the CWP to support one another and learn from best practice policies from different Commonwealth regions, as we look to strengthen our democracies around the world.



PARLIAMENTS CAN HARNESS THE BENEFITS OF SOCIAL MEDIA

Social media outlets have become important tools for Parliaments and their Members. They are used to communicate, engage and connect with the public, including groups who have previously been hard to reach. Social media allows Parliaments to share information, provide educational resources and open up the scrutiny of parliamentary process. They allow Parliamentarians to engage more easily and more often with the public, with their constituents.

The 2018 World e-Parliament Report² highlights this rapid growth, revealing a significant rise in the use of social media and instant communications. Parliaments report a number of barriers to more effective public engagement, often though the biggest is a lack of knowledge of how Parliament works. Social media is a way to overcome this. To put the importance of digital tools in context, 96% of Members of Parliament regularly use a mobile device and 80% expected their digital communication with the public to increase over time. Whilst email is still the top digital communication tool amongst Members, 67% reported using *Facebook* and just over half used *WhatsApp*.

Social media is an open space, where Parliaments are not in control. You must follow the protocols and cultural norms of the platform – whether you are using it for active engagement or as a gateway to deeper, more engaging content elsewhere.²

Social media amplifies misinformation and outright disinformation, which swim through social channels making dialogue and engagement more challenging. Both Parliaments and Members must have good rules and protocols in place to ensure that they are not caught up in promoting disinformation, to protect the veracity of debate and the safety of yourselves and fellow users.

Parliamentarians understand the nature of social media only too well when a political crisis unfolds or a controversial event occurs. Their inboxes, social channels and offices will be inundated with communication from people who are concerned – or worse. While this shows how valuable social media is for sensing the depth of public feeling and sentiment, things can quickly get out of hand and become unmanageable.²

Social media matters

Despite the negatives, social media has an important role to play in our democratic futures. It is at its most useful and effective when seen as an active medium – as somewhere to connect and engage, respond to comments and answer questions in real time. Good social media practice means listening, responding, asking and sharing. In other words, it's about being an active participant in the network. There are many things that can be done to make social media work better – for Parliament and for the public. These include understanding deeply what you want to do and why, planning the project or campaign, and evaluating your social media activity. Above all, social media offers Parliaments and Members a chance go beyond one-way broadcast and traditional media channels and to become conversational.

Parliaments can use social media to get closer to citizens, using it to reach out, educate and engage; turn information into knowledge, increasing understanding about how Parliament works as a pathway towards building trust.²

Starting out

Social media is a complex and dynamic space that requires careful consideration and good planning, else the result is likely to be a poor return on your investment in terms of time, money and –



Dr Andy Williamson is an acknowledged expert in digital Parliaments, social media and public engagement. He is an experienced parliamentary consultant, Senior Researcher in the Centre for Innovation in Parliament at the Inter-Parliamentary Union¹ and author of the IPU's *Social Media Guide and World e-Parliament Reports*.
Twitter @andy_williamson



potentially – reputation. For social media to work best, treat it as a strategic communication channel and build a case for using it before embarking on individual campaigns or entering randomly into the space. Know what you hope to achieve and set realistic expectations about what you need to do to achieve this. Learn about the landscape you’re entering, who’s out there and what they expect (or hope) to get from you. Be realistic too about what you can do (and what you can’t).

You cannot expect to micro-manage the conversation but, conversely, this gives you the space to be surprised, to learn in unexpected ways and to hear views that have been missing from traditional engagement and consultation practices.²

Find your voice

How do traditional institutions, such as Parliaments, find a voice that works in these new social spaces? This is a big challenge for many Parliaments, who need to maintain a sense of who they are in a space that finds serious formal voices to be disengaging.

The voice you use on social media can change to suit the intended audience but the message must be consistent or you quickly lose credibility.²

Many institutions have a range of formal voices that they adopt, tailored to their audiences. Likewise, Parliamentarians will have developed a voice or personality that they wish to convey. You can

also build relationships with conduits and connectors, people and organisations who can bridge the gap between formal public space and wider civil society. Encouraging these trusted intermediaries to re-frame your messages is an effective way to increase reach without compromising institutional integrity.

Social media is a conversation

Social media is often used for broadcast and publishing – a Committee date, a new report, a Bill is open for submissions. That’s fine, but the real value of social media is that it allows for a conversation. And good conversations build rapport and trust. Social channels can be used to give an insight into how Parliament works behind the scenes and to make the people and the place appear more human and familiar.

Social media amplifies that powerful combination of education, outreach and engagement.²

The Finnish Parliament used *Facebook live* to run question and answer sessions with the Speaker – an effective, authentic and engaging way to draw people into learning more about how Parliament works and then to build trust. The UK Parliament uses social media in many ways, but one niche activity is how they are using it to engage with the research community, to draw them into Parliament more often and open up opportunities for academics to make timely submissions to parliamentary inquiries. Two quite



PARLIAMENTS CAN HARNESS THE BENEFITS OF SOCIAL MEDIA

different processes but both set out to build awareness, increase engagement and, ultimately, build trust.

Who runs social media?

Social media is often seen as a communications function, and in many guises it is. However, it doesn't necessarily sit comfortably in one single place. There is the technical side to manage, there is the publishing and integration with open systems within the Parliament. Most powerfully, social media can be harnessed to build on education and outreach, adding an important dimension of engagement. Social media is useful for Committees and inquiries; Parliaments should consider how they resource these with social media expertise right from the start.

Social tools are a powerful way to increase engagement in Committees, they are valuable for reporting and, importantly they can keep an audience connected to what is happening and help close the often-forgotten feedback loop within the engagement cycle.²

Who runs social media will, to some degree, determine what it looks like and, ultimately, whether it goes beyond a publishing tool and becomes a core part of the Parliament's engagement strategy.

Dealing with the detractors

Social media can be a problematic place to work: it has many detractors, and the impersonal nature of digital spaces makes them natural targets for abusive behaviour. Being mindful of this, preparing for it and understanding how to manage helps you maximise the returns and ensure a positive experience for (almost) all concerned – not just for yourself.

Don't confuse detractors with people who have valid complaints or questions, or with people who disagree with you. Try and engage them and resolve the issue.²

You will, however, encounter people who are not just negative but openly hostile, even abusive, as well as people who attempt to distort, mis-inform or spread outright lies. There's a big difference between responding to genuine questions and discussions –

“Social media can be a problematic place to work: it has many detractors, and the impersonal nature of digital spaces makes them natural targets for abusive behaviour. Being mindful of this, preparing for it and understanding how to manage helps you maximise the returns and ensure a positive experience for (almost) all concerned – not just for yourself.”

which is important – and engaging with people who are never going to be satisfied with what you say.

Effective planning and an escalation policy will help you deal with inevitable detractors (and worse) without it taking up too much of your time and resources. Be clear about what you will tolerate and what the consequences of over-stepping these rules will be. Blocking someone is a last resort when their behaviour demonstrates a pattern of abuse or mis-use but never block someone because you disagree.

Conclusion

If Parliaments and Parliamentarians are to use social media effectively, then there are some basic things that must be in place:

- Adequate resources for day-to-day use and administration.
- Rules for moderating debates, liking or sharing third-party content, following other users and declining friendship requests.
- An unambiguous statement concerning the official status of the social media account.
- Guidelines for staff using social media.
- Systems for quickly and efficiently verifying information and responding when events unfold.
- An escalation policy and crisis communication plan.

Social media is a dynamic and ever-changing landscape. By knowing what you want to achieve, and by planning your campaigns and everyday communications, you'll be better able to measure and understand how effective you've been.

Continuously evaluate, review and refresh what you're doing. By knowing what happened you can think about the way you're using social media, in terms of frequency, channel, tone and content. Getting better at social media is a reflective process – one where you're always looking for small ways to improve. Learn about how different approaches work in different settings and build a stock of methods and ideas that you can use and re-use as appropriate. Learn as you go: not just from statistics, but also from the feedback you receive – positive and negative – and by keeping an eye on other social media users to see what's working for them.

You can find out more from the IPU's new Social Media Guidelines³; a practical tool for Parliaments and Parliamentarians on how to use social media in a safe and measured way, while getting the maximum benefit from it.

References:

¹ <https://www.ipu.org/our-impact/strong-parliaments/setting-standards/centre-innovation-in-parliament>

² <https://www.ipu.org/resources/publications/reports/2018-11/world-parliament-report-2018>

³ <https://www.ipu.org/resources/publications/reference/2021-02/social-media-guidelines>





THE SUPREME COURT OF THE GAMBIA AND THE POWER OF PARLIAMENT IN THE BUDGET MAKING PROCESS

This article examines the separation of powers and the budget making process.

Introduction

The recent judgment passed by the Supreme Court of The Gambia, hereinafter referred to as 'the court', on a matter between two civil society organisations and Parliament has stimulated a great debate in the public space on the Separation of Powers and the Rule of Law in The Gambia. It should be a good case of interest for scholars who are interested in Parliamentary independence and democracy, particularly in The Gambia where the subject has had little or no attention and literature.

The two civil society organisations invoked the original jurisdiction of the Supreme Court seeking, *inter alia*, a declaration that the amendment introduced by the National Assembly (Parliament) by including a budget line item of D54.4m (awarding almost 55 million dalasi for a building loan scheme) is in contravention of sections 151, 152, and 155 of the Constitution and a violation of section 47 of the *Public Finance Act, 2014*. The court, in a unanimous decision, held that the inclusion of D54.4m by Parliament in the Estimates contravened the provisions of sections 152 and 155 of the Constitution as well as violated section 47 of the *Public Finance Act*; thereby striking out the said sum from the *Appropriation Act, 2021*.

The court, however, in its judgment sees '*...nothing inconsistent with or in contravention of the Constitution on setting up loan scheme for the Members and staff of the National Assembly...*' This simply means, as per the court, the allocation of funds for the loan scheme for Members and staff of the National Assembly is/was legally, ethically, and morally correct but, flawed in the procedure or process. The initiative and objective of the scheme were not to enrich any Member or staff of the National Assembly.

The Annual Estimates and the Annual Appropriation Bill

In an attempt to interpret the word '*approve*' in section 152(1A), the Supreme Court failed to interpret the preceding word '*consideration*'

and I do not know why but its interpretation could have had a significant bearing on the case. Similarly, the court misconstrued a Bill under 101, which has no bearing on the suit, with the Annual Estimates of Revenue and Expenditure which is the main issue for determination under section 152.

The court's failure to give meaning to the word '*consideration*' in section 152 suggests a deliberate move to deny Parliament that flexibility intended by the drafters, knowing full well that interpreting the word may lead them to inquire into the Standing Orders of Parliament which they lack jurisdiction as per section 108 unless it is contrary to the Constitution. It must be emphasised that the Constitution in this case is silent on how the Estimates should be considered but the Standing Orders of Parliament did detail the consideration stage of the Estimates extensively.

In addition, I do agree with the court's assertion that:

Central to the safeguards for the protection of the Consolidated Fund and other public funds is the balanced apportionment and separation of powers and responsibilities of the Executive and Legislature in respect of the control and administration of these funds. The Executive has the responsibility of preparing detailed proposals of the Budget and also of lending public funds and entering into financial agreements such as loans and guarantees. The Legislature, on the other hand, exercises financial scrutiny and oversight on these matters through its powers of amendment and approval as per sections 101, 151, 152, and 155 of the Constitution and sections 14 and 47 of the Public Finance Act, 2014.

However, again, the court acknowledged the power of Parliament to amend and approve but failed to recognise or give meaning to the power of '*consideration*'.

Blackwell, A. (2008) in *Essential Law Dictionary*, defined '*consideration*' to mean: '*The payment or reward essential to the*



Kalipha MM Mbye is Head of the Table Office at the National Assembly of The Gambia. He holds an LLB degree (Bachelor of Laws) from the University of The Gambia. At the time of writing this opinion, he was pursuing his LLM degree (Master of Laws) in International Law at the University of Bradford, UK. His interests lie in parliamentary democracy, constitutional law, public international law, and the rule of law.



THE POWER OF PARLIAMENT IN THE BUDGET MAKING PROCESS

formation of a contract and that persuades a person to enter the contract; something of value given in exchange for a performance or a promise.’ For the purposes of this context, consideration could be defined to mean negotiations and exchanges between the Minister of Finance and Parliament that persuaded the former to create the budget line item in Parliament.

The procedure of considering the Estimates is regulated in detail by the Standing Orders, since both the Constitution and the *Public Finance Act* are silent about it, and this is what Standing Order 91(3) states:

(3) In considering the Estimates, the Committee of Supply shall take into consideration the reported findings and recommendations of the Assembly Committees and the Finance and Public Accounts Committee’s consolidated report on the Assembly committees’ consideration of the draft budget, and shall ensure that –

(a) an increase in expenditure in a proposed Estimate is balanced by a reduction in expenditure in the same or another proposed Estimate; or

(b) a proposed reduction in expenditure is used to reduce a deficit in the Budget.

This means that the only thing Parliament is restrained of, even by its own Standing Orders, is to increase the overall Estimates without the Minister’s consent. It is evident that the Estimates were never increased by Parliament, rather the deficit was reduced. Assuming, without conceding, that section 101 of the Constitution, especially paragraph (4), is relevant for the case, that provision is not a matter for the court to interpret in such a way it did but a procedural power for the Speaker of the National Assembly to exercise in his or her own opinion.

Section 101(4) reads:

Without prejudice to the power of the National Assembly to make any amendment (whether by the increase or reduction of any tax or charges, or the amount of any payment or withdrawal, or otherwise), the National Assembly shall not give consideration to a Bill that in the opinion of the person presiding makes provision for any of the following purposes –

(i) for the imposition of taxation or the alteration of taxation;

(ii) for the imposition of any charges on the Consolidated Revenue Fund or any other public fund of The Gambia or the alteration of any such charge;

(iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of The Gambia of money not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Government, unless the Bill is introduced into the National Assembly by the President.

Still, regarding section 101(4) of the Constitution, why did the court refuse to take cognisance of the word ‘otherwise’ in the said construction of the provision even though it has emphasised that provision in rejecting the submission of the counsel for the 2nd, 3rd, and 4th defendants? The word ‘otherwise’ here in Parliament’s power of amendment may include the power to do anything associated with the amendment to the document before it.

Assuming further that section 101 is relevant to the case, I do not agree with the court’s rejection of the defendant’s submission that

the power of Parliament to amend the Estimates extends to creating new budget lines or fresh expenditure in the Estimates. The court further went to hold the view that Parliament cannot, on its own or permitted by sections 152 and 101(4) of the Constitution, create a new or fresh charge in the Consolidated Fund under the Estimates.

Interestingly, the court could not alert its mind that an allocation in the Estimates is not necessarily a direct charge on the Consolidated Fund, but it is only the Appropriation Bill when approved that puts a charge on the Consolidated Fund. This is illuminated by sections 151 and 152(3) of the Constitution.

Section 151(1) (a) and (b) of the Constitution state:

No money shall be withdrawn from the Consolidated Fund except – (a) to meet expenditure charged on that fund by this Constitution or an Act of the National Assembly; or (b) where the issue of that money has been authorised by an Appropriation Act, a Supplementary Appropriation Act or in accordance with subsection (4) of this section.

Furthermore, for purposes of clarity, section 152(3) of the Constitution states: ‘When estimates of expenditure have been approved by the National Assembly, an Appropriation Bill shall be introduced in the National Assembly for the issue from the Consolidated Fund of the sums necessary to meet that expenditure (other than expenditure charged on the Consolidated Fund), under separate votes for the several services required and for the purposes specified therein.’

Section 101 of the Constitution talks about the introduction of Bills and motions in the National Assembly and has nothing to do with the consideration of the Estimates. The most relevant section dealing with the Estimates is section 152 of the Constitution. The Appropriation Bill cannot be introduced without first dealing with the Annual Estimates as clearly asserted by section 152(3) of the Constitution above. This means that there is no way that the Appropriation Bill could be dealt with without the Annual Estimates disposed first, and then the Minister of Finance prepares his or her Appropriation Bill for introduction in Parliament.

I do agree with the court that the Legislature cannot introduce money Bills as per the Constitutional framework, but it has not barred them the power to amend, change or modify that Bill once tabled before for consideration. While this is a settled Parliamentary convention in all Commonwealth jurisdictions, it has been further codified in the Standing Orders of the Parliament of The Gambia under Order 79. However, and I repeat, it is important to note that the Appropriation Bill was never and had never been, introduced by Parliament but the Minister of Finance.

Consequently, therefore, the court should have also alerted its mind to the fact that the National Assembly did not ‘...introduce[d] any Bill that provides for withdrawal from the consolidated fund for any transaction, which creates or is likely to create long-term commitments without the prior consent of the Minister of Finance.’ Rather, the Appropriation Bill was introduced by the Minister of Finance, days after the approval of the Annual Estimates of Revenue and Expenditure.

Independence of certain Constitutional Independent Institutions

The court had also failed to dwell on the intention of the drafters or the fundamental principle of the Constitution granting certain independent



Above: The National Assembly of The Gambia's new parliament building was constructed in 2012 in the capital city of Banjul.

institutions, of similar status with Parliament, such as the Judicature, NAO, and IEC, explicit protection from Executive interference in their budget preparatory process but not to Parliament. This is because, in my view, the drafters knew that Parliament ultimately has the final say in the budget, and if their Budget to the Executive is not accommodated in the submitted version then they could implicitly redress that at their consideration stage.

The court was not vigilant to the fundamental principles behind the following Constitutional provisions accorded to such institutions of equal status with Parliament, if not more important. Sections 44, 144(1), and 159(4) of the Constitution respectively state:

The Independent Electoral Commission shall submit its annual estimates of expenditure to the President for presentation to the National Assembly in accordance with this Constitution. The President shall cause the estimates to be placed before the National Assembly without amendment, but may attach to them his or her own comments and observations.

The Chief Justice shall submit the annual estimates of expenditure for the Judicature to the President for presentation to the National Assembly in accordance with this Constitution. The President shall cause the estimates to be placed before the National Assembly without amendment, but may attach to them his or her own comments and observations.

The Auditor-General shall submit the annual estimates of expenditure for the National Audit Office for the following year to the President for presentation to the National Assembly in accordance with this Constitution. The President shall cause the estimates to be placed before the National Assembly without amendment, but may attach to them his or her own comments and observations.

Ideally, the mind of the drafters for this provision is to guarantee these important institutions their financial independence and free from Executive interference in their budget preparatory process, unlike Parliament who has the final say in the budget when their demands are not met by the Executive.

Since the alleged violation of the provisions of section 151, 152, and 155 of the Constitution and section 47 of the *Public Finance Act* is ambiguous and not literally clear, I believe the court should have drawn its mind to the fundamental reasons of Parliamentary independence and swim in the ocean of the doctrine of separation of powers to give effect to the meaning of the independence of the Legislature just like that of the Judicature.

The Public Finance Act and its interpretation

The court's reliance on the *Public Finance Act* requiring the prior consent of the Ministry of Finance and Economic Affairs (MoFEA) and the need for an agreement before a loan scheme or any other kind of loan is established is fatal. This is because the court is implying that a provision which is intended to regulate conventional loans between the State and another State, national or multinational corporations, national or international organisations/entities is also applicable to a mere institutional service loan. Otherwise, the Civil Service loan scheme itself would be rendered illegal because there was no such agreement tabled before the National Assembly for approval, rather the fund was just allocated in the Estimates and thereafter a responsible institution, the Personnel Management Office (PMO), came up with the implementing structure or governing regulation, likewise the NAO staff loan scheme.

Furthermore, it agreeable that section 47(1) of the *Public Finance Act*, subject to sub-paragraphs (2), (3), and (4), did give the Minister of



THE POWER OF PARLIAMENT IN THE BUDGET MAKING PROCESS



Finance the sole authority to lend State funds. However, it would have been good for the court to dwell on the intention of this legislation and that of section 155 of the Constitution. Basically, section 155 of the Constitution and the said legislation seeks to regulate or govern the lending of State funds outside the ordinary institutional State structure like public enterprises, private institutions, international organisations, or other Nation-States. This provision does not necessarily apply to administrative and institutional loan structures or schemes, otherwise, even the Civil Service loan Schemes and that of the NAO, which they have just secured from the same budget approval process under review, would be rendered unlawful. This is because none of their structures/agreements had ever been subject to Parliamentary approval as it would have been required by section 155 of the Constitution and section 47(4) of the *Public Finance Act* if the interpretation of the court is anything to go by. Therefore, in my view, sections 14 and 47 of the *Public Finance Act* are irrelevant to the case. It is not the State that is lending as envisaged by the *Public*

Finance Act but the institution loaning within itself – it is an internal and administrative loan scheme.

Lord Denning stated his view in *Magor and St Mellons Rural District Council v Newport Corporation* (1952):

We do not sit here to pull the language of Parliament to pieces and amend nonsense of it...we sit here to find out the indention of Parliament and carry it out, and we do this better by filling in the gaps and making sense of the enactment than by opening it up to destructive analysis.

Based on the above quotation by Lord Denning, it is my considered view that the court could have adopted the purposive approach to give effect to the true purpose of the *Public Finance Act* – State-to-State lending or State to other private or international corporations.

The main issue of the suit and the *locus standi* of the plaintiffs was an alleged violation of the Constitution. Why did the court engage itself in a fishing expedition? It was supposed to be the court's responsibility to interpret the provisions of the Constitution especially section 152 in its entirety, together with the mind of the drafters and intention of Parliament rather than extending a generous interpretation of section 101 of the Constitution as if a provision in the fundamental rights chapter is in dispute, leaving out section 152(1A) without greater analysis.

In answering the purported element of a new budget line created by Parliament, I wish the court could have extended its fishing expedition to the side of the defendants to unveil the fact that the said budget line which the court in fact quoted as budget line number 2111280 of which the D54.4m was allocated was created by the Minister of Finance, of course at the request of Parliament. Without

conceding that Parliament cannot create its own budget line, it should have been the Minister of Finance's responsibility to object to the request and if need be, request the court's declaration that the request made by Parliament was unlawful for him to execute. There is no evidence suggesting that Parliament created the budget line, but the only available is that the motion was made by a member of Parliament requesting for the Minister to create the budget line. A Parliamentary motion is defined in Standing Order 1(1) to mean "*the means of initiating an Assembly debate, in which a course of action is proposed and/or an Assembly decision sought on a relevant issue.*" Furthermore, the Standing Orders provide that a motion may be tabled by Ministers, Committee Chairs on behalf of Committees and by Members.

Therefore, the Minister as a defendant in the suit has not deposed anything that he is against the creation or he was under duress, if I may say, to act on the request of Parliament. The Minister could have invoked his privilege to move a motion to challenge or nullify that Member's motion.



The loan scheme

On the issue of the legality or otherwise of the loan scheme, the court has satisfactorily dealt with the merit of the scheme, that it is not inconsistent with the law for such to be accorded to the Legislature as an institution within the governance structure of the State. I, therefore, need not to belabour the point but just to reiterate the issue in the court's own words: '*Just like the revolving loan scheme set up for the Civil Service, I see nothing inconsistent with or in contravention of the Constitution on setting up a similar loan scheme for Members and staff of the National Assembly...*'

Notwithstanding, the court went further to put a caveat to this, that the establishment of the loan scheme ought to go through a proper process such as an enabling legislation or regulation to allow for the setting up of governing and administrative structures, including necessary rules or policy to safeguard the public funds before seed money is made in the Estimates. This, to me, reveals that the court failed to even interrogate, as a whole, the *Finance Act* it relied on.

Section 28(3) of the said Act has designated the Clerk of the National Assembly as the voting controller of the National Assembly and paragraph (5) of the same section charged the voting controller with the legal obligation '*to properly and efficiently manage the utilisation of public funds under his or her custody and shall:*

(a) comply with all the regulations, instructions and directions issued in respect of such funds; and

(b) maintain proper systems for effective internal control.'

Primarily to the above, section 111(3) of the Constitution has mandated the Clerk of the National Assembly as the administrative head of the National Assembly Service under the supervision of an Authority comprising of five National Assembly members including the Speaker.

A combined reading of section 111 of the Constitution with section 28 of the *Public Finance Act* implies that there is enough administrative structure to safeguard the public funds as well as the established fact that no fund could be released without the necessary governing rules. In fact, the existing internal governance structure of the State, such as the functions of the internal audit department prescribed in section 68 of the *Public Finance Act*, would not have allowed any public funds spent without safeguard measures or legitimate reasons in place. The court ought to have drawn its attention to the fact that there is a difference between *allocation* and *disbursement* of funds. The appropriation of funds in the *Estimates and the Appropriation Act* are all mere allocation of funds but the actual disbursement of funds is regulated and controlled by the Ministry of Finance under the *Public Finance Act* and the attendant Financial Instructions.

Conclusion

In conclusion, I wish to reiterate that, the court's inference of giving the Executive the exclusive power to create a budget line item for the Legislature, unlike the Judicature, is the same as subjecting the Legislature at the mercy of the Executive which is, of course, against the fundamental principle of the separation of powers and an affront to Parliamentary independence. The court failed to appreciate the fact that the ordinary administrative requirement of budget bilateral is purely meant for institutions and agencies, directly or indirectly, under the Executive but not for Constitutional Independent Institutions like

the Judicature, Legislature, NAO, and IEC. Subjecting Parliament to budget bilateral or Executive control is identical to equating the former to an Executive agency or institution.

One of the principles under the doctrine of the separation of powers is parliamentary sovereignty, though not absolute in The Gambia. Under most Constitutional frameworks and governance structures like The Gambia, the Constitution is supreme, and this is indisputable.

However, under the same Constitution, Parliament is not an ordinary institution and any action of it that is under review by the Judicature must not be interpreted generously against its underlying existence unless it is a matter affecting the fundamental rights provisions.

Has the court considered the consequential effects of its holding that Parliament cannot create a new budget without the prior consent of the President/Minister of Finance? As reiterated earlier, the court knows best the cornerstone of Judicial and Parliamentary Independence in a democracy is Executive-free interference and adequate resources. Certainly, the independence of the Judiciary, as well as that of Parliament, cannot be guaranteed in the absence of adequate resources. There is no doubt with the court's ruling in the instant matter, the Judicature has legitimised Executive interference in Parliament.

For instance, if Parliament during the budget preparatory process proposes to create an oversight or any other budget line item that it sees fit to effectively operate and to have funds allocated to that, but Government/MoFEA rejects such a proposal, who would rescue Parliament or check on the Executive to ensure the former gets the said budget line created since the court has already stated that Parliament cannot create its budget line unless agreed by the Executive?

Some Members of the Commonwealth Parliamentary Association (CPA) have argued previously that governments, generally, do not like Parliamentary oversight/accountability and they could do anything within their powers and privileges to stifle such. It is always good to take special note that Parliament is not an ordinary institution, in fact not an institution but an organ of the State, that should be considered or treated as other institutions operating under the pleasure of Government (the Executive). These are the fundamental reasons why the drafters of our 1997 Constitution expressly safeguarded the Judiciary, NAO, and IEC from such Executive budgetary control and granted them the expressed easy ride to prepare their budget untouched by Government, but that Parliament may touch. Contrarily, Parliament was not given such an express provision because the drafters knew that Parliament is ultimately in control of the budget and in spirit could decide on their fate.

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

This article was first published on the Law Hub Gambia website: <https://www.lawhubgambia.com/lawhug-net/wwwlawhubgambia.com/supreme-court-and-parliamentary-power-in-budget-making>



GREENING THE HUMANITARIAN RESPONSE

Utilising the power of trees to make farming and livelihoods more environmentally, socially and economically sustainable for refugees in Uganda

Among all Commonwealth countries, Uganda has probably the most generous refugee policy. Refugees have the same rights as nationals, the only exceptions being that they cannot vote or join the National Army. Otherwise, they can live anywhere in Uganda in or outside a refugee settlement (they don't call them 'camps'). They can work, send their children to Ugandan schools, use national health facilities and enjoy the right of movement around the East African state.

There are good economic reasons why Uganda opted for this. A 2016 study¹ by University of California, Davis and the UN World Food Programme found that *"refugees' purchases benefit local and national economies, and economic benefits exceed the amount of donated aid."* But Ugandans commonly explain their generosity by saying, *"Many of us were refugees. We understand what they are going through."*

Nowhere is the history of flight more evident than in West Nile in Northwest Uganda. Bordered by what are now South Sudan and the Democratic Republic of Congo, most of its population fled after the fall of Idi Amin in 1979, when rogue units of the army that ousted him took reprisals against local people for the tenuous reason that Amin was a West Niler.

Everyone has a story. *"I ran with my grandparents to Congo. My aunt was abducted. They were very rough,"* says Joel Adriko about the poorly commanded soldiers and irregulars. The refugees returned home in 1987 after the current President, Yoweri Museveni, came to power.

Today, however, the tables are turned, and it is Uganda hosting refugees, about 1.4 million mostly from South Sudan, one of several influxes caused by instability in that young nation. The biggest wave crossed the border 2016-17, and Uganda leapt into the limelight as it rolled out at massive scale its open arms policy.

Joel Adriko was one of the many Ugandans who welcomed them. A forester from West Nile, his mother tongue is Lugbara, a Sudanic language similar to some of the languages spoken by the refugees. He joined a project run by my organisation, World Agroforestry (ICRAF).

We had rushed to West Nile as soon as we heard that large numbers were crossing into Uganda. We found the Office of the Prime Minister allocating plots of between 30 metre square and 50 metre square per refugee family in a wooded savannah. It had formerly been clan land where communities collected grass, firewood and other natural resources. We knew the refugees would rely on trees and that unless they obtained a tree supply that answered at least some of their needs, refugees and nationals would soon be in conflict.

The World Bank, the UN Food and Agricultural Organisation and the Ugandan government had already conducted a study² into the demand for wood in the neighbouring mega-refugee settlement of Bidi that echoed our thoughts.

"Refugee and host households are highly dependent on forests and other woodlands as primary sources of woodfuel for cooking and income generation" it said, adding that average daily consumption of firewood by refugees and nationals was 1.6 kg and 2.1 kg per person respectively. Trees, it said, would be scarce within a few years if nothing were done.

One of its recommendations was agroforestry - trees and woody perennials interplanted along boundaries and with crops for energy, food, and fodder. *"This intervention,"* it said, *"should target the residential plots assigned to refugees and the cultivated fields of both host and refugee communities surrounding refugee settlements."*

Emboldened by this funding but pretty determined to increase the deployment of trees and other nature-based solutions in the humanitarian space anyway, we obtained funding from UK Aid (via the FCDO, then called DFID) and we set up a large tree nursery and tree growing programme. But refugees have very specific needs, as does the local community. So we also did our own study³ into whether the two communities perceived an issue with trees. Sure enough, over 80% recognised that trees were being felled unsustainably - for firewood, timber and poles and brick baking.

Happily, refugee households said they could absorb up to 50 trees, mostly on their boundaries. *"It is possible to grow trees in these small spaces,"* concluded Lalisa Duguma, the Ethiopian

Cathy Watson is Chief of Partnerships for CIFOR-ICRAF, international not for profit organisations that envision a greener more equal and food and nutrition secure world.



Lake Bunyonyi, Uganda.



researcher who led the study. Households of nationals said they could absorb about 800 trees, mostly as woodlots.

We asked further questions about how biodiversity could be maintained. The area is home to important indigenous Africa trees like the Shea Butter tree (*Vitellaria paradoxa*). And we enquired about trees to maintain soil fertility; part of the aim of Uganda's generosity towards refugees is that they should be able to grow some of their own food.

Almost four years on, we'd like to encourage Parliamentarians around the world to see trees as a basic part of life-sustaining efforts in displacement crises. Even if refugees are in camps rather than settlements, there are always corners for trees. Witness efforts to green Cox's Bazaar in Bangladesh and, among other things, prevent landslides.

A team from Coventry University⁴ studied our project and found that shade was the main reason refugees wanted trees. "At home we have a large mango tree next to our homes under which we can sit up to 15 people," said Keji Reida, a young refugee from Yei in South Sudan told me. Her refugee settlement benefitted from a large number of trees from our project in 2018. Today jackfruit trees stand tall. Papaya trees are yielding fruit. And at least one refugee is earning from making furniture from the trees. He sells a bed at \$7. The tree branches and stems are free. The main cost is nails.

We cannot claim to have satisfied all tree needs. But refugee plots where we have introduced trees are greener than those that we have not yet 'treated'.

Our star performing tree for speed of growth is the indigenous species *Albizia gummifera*, which within three years soars over the grassed thatched homes of the South Sudanese. It prevents the walls of the largely mud-and-wattle homes from being eroded by pelting tropical rain.

Trees also slow wind speeds. "When you have trees, the strong wind cannot break the houses or crops," explained Lilly Leiloba, one of our South Sudanese community-based facilitators for the project in a recent training.

Refugees are particularly interested in tree species that coppice – sprout more stems that can be used as poles when the main stem is cut. These they can sell or use to build and repair their homes. Every structure requires wood, including their kitchens, drying racks, latrines and bathing stalls, and animal hutches and enclosures for pigeons, ducks and goats.

We advise Parliamentarians who have refugees in their constituencies not to see them as a problem or to blame them for natural resource damage. Often landscapes are already degraded. Before the arrival of the refugees, West Nile had lost much of its natural vegetation to both the charcoal trade and to fire-curing tobacco.



GREENING THE HUMANITARIAN RESPONSE



A refugee influx may accelerate loss of tree cover. But it is also an opportunity to address environmental matters that may have been previously a low priority.

We ask you to be alert to the opportunities that refugee influxes can create for illegal deforestation. In West Nile, hundreds of kilometres of new roads have been built to service the refugee areas. These have unfortunately facilitated the extraction of precious hardwoods with high grade timber like *Azelia africana*.

We also advise that you involve organisations like my own and botanists from the universities and herbarium of your country. It is not enough to facilitate the planting only of fast-growing exotics species like eucalyptus or Australian acacia. Our study found 80 indigenous species of tree of which 31 had edible parts, such as oils, leaves, nuts and, of course, fruit. Botanists will know which these are.

Sourcing nutrition from the bush has often been stigmatized and eating tree leaves seen as a behaviour only resorted to in famine. In fact, these are important sources of vitamins and minerals for rural communities, and some of the products have a local and regional market.

The fruit of species like *Balinites aegyptiaca* contains more micronutrients per weight than an orange. Many indigenous trees are also medicinal. A good area for supporting the growing of such trees is around schools, child friendly spaces, women's centres, and health facilities where vulnerable people often congregate.

Protecting mother trees - the biggest and oldest trees on the landscape – is also vital. The system in West Nile has been to paint the trunks of important trees either red (never cut) or yellow (cut only with permission).

An article in *Scientific American*⁵ describes mother trees as “the glue that holds the forest together. They have the genes from previous climates; they are homes to so many creatures, so much biodiversity. Through their huge photosynthetic capacity, they provide food for the whole soil web of life.”

Finally, it is not just about raising and getting seedlings in the ground. That looks super for a photo opportunity. But assisted natural regeneration – also called also farmer-managed natural regeneration or FMNR – can be faster, easier, cheaper and better at bringing back the vegetation, particularly in arid and semi-arid areas.

This involves protecting 'wildlings' that come up on their own from seed or pruning sprouting stumps of trees that have been cut but still have healthy living root systems. By eliminating all but one or two strong stems, you encourage those stems to grow into what effectively becomes a new tall tree.

You have far less of the survival worries of planting seedlings, and there are no seedlings to transport, a big cost saving. A good resource is available from the Food Security and Natural Resources team at World Vision Australia.⁶

Until recently the humanitarian community saw protecting the environment as secondary to life-saving activities like trucking in food or drilling boreholes. Rest assured that it has completely changed its outlook.

Organisations like the UN High Commission for Refugees and the International Federation of Red Cross and Red Crescent Societies are now deeply serious about “greening the humanitarian response.”

IFRC says this “is about extending the fundamental humanitarian principle of ‘do no harm’ to the environment and ecosystems which the people we seek to assist are reliant on, recognising that sustainability is generated through environmentally sound actions.”⁷ Trees are a big part of this.

UNHCR goes even further and says that climate change is contributing to refugees. “Climate change is a risk multiplier, or a threat multiplier, for other drivers of displacement.”⁸

Whatever the circumstances of your constituency, please know that there are many resources out there to protect the environment as you host refugees. The climate and biodiversity crises are the defining challenges of our time. They are behind the COVID pandemic. Trees done right are an important part of addressing this. You will not be disappointed.

Center for International Forestry Research (CIFOR) advances human well-being, equity and environmental integrity by conducting innovative research, developing partners' capacity, and actively engaging in dialogue with all stakeholders to inform policies and practices that affect forests and people. CIFOR is a CGIAR Research Center, and leads the CGIAR Research Program on Forests, Trees and Agroforestry (FTA). The Global Landscapes Forum is led by CIFOR, in collaboration with its co-founders UNEP and the World Bank and Charter Members. Visit www.cifor.org

World Agroforestry (ICRAF) is the only institution that does globally significant agroforestry research in and for all of the developing tropics. Knowledge produced by ICRAF enables governments, development agencies and farmers to utilize the power of trees to make farming and livelihoods more environmentally, socially and economically sustainable at scales. ICRAF's work also addresses many of the issues being tackled by the Sustainable Development Goals (SDGs), specifically those that aim to eradicate hunger, reduce poverty, provide affordable and clean energy, protect life on land, and combat climate change. Headquartered in Nairobi, Kenya, ICRAF operates six regional programmes in Sub-Saharan Africa, Asia and Latin America and conducts research in more than 30 other countries around the developing world. Visit www.worldagroforestry.org

References:

¹ University of California, Davis and UN World Food Programme study ‘Refugees can offer economic boost to their host countries’, 2016.

² ‘Rapid Assessment of Natural Resources: Degradation in Areas Impacted by the South Sudan Refugee Influx in Northern Uganda’, Technical Report, 2018, International Bank for Reconstruction and Development and The World Bank and The Food and Agriculture Organisation of the United Nations.

³ ‘Restocking woody biomass to reduce social and environmental pressures in refugee-hosting landscapes: Perspectives from Northwest Uganda’ www.worldagroforestry.org

⁴ ‘Agroforestry: Challenges and Opportunities in Rhino Camp and Imvepi Refugee Settlements of Arua District, Northern Uganda’ Sustainability, MDPI, Open Access Journal, vol. 13(4), pages 1-18, February 2021.

⁵ ‘Mother Trees’ Are Intelligent: They Learn and Remember’, Richard Schiffman, 4 May 2021, www.scientificamerican.com

⁶ FMNR Hub website dedicated to Farmer Managed Natural Regeneration <https://fmnrhub.com.au/>

⁷ International Federation of Red Cross and Red Crescent Societies – Green Response <https://media.ifrc.org/ifrc/green-response/>

⁸ ‘Climate change is the defining crisis of our time and it particularly impacts the displaced’, UNHCR website, Tim Gaynor, 30 November 2020, www.unhcr.org/news



EQUALITY FOR ALL IN THE COMMONWEALTH

To mark this year's International Day Against Homophobia, Transphobia and Biphobia on 17 May 2021, Commonwealth Parliamentarians from Australia (Federal, South Australia and New South Wales), New Zealand and Canada shared their own experiences in a new blog article published on the CPA website.

The International Day Against Homophobia, Biphobia and Transphobia aims to coordinate international events that raise awareness of LGBTIQ+ rights violations and stimulate interest in LGBTIQ+ rights work worldwide. The founders of the International Day Against Homophobia, as it was originally known, established the IDAHO Committee to coordinate grass-roots actions in different countries, to promote the day and to lobby for official recognition on 17 May. That date was chosen to commemorate the decision to remove homosexuality from the International Classification of Diseases of the World Health Organization (WHO) in 1990. By 2016, the commemorations had taken place in 132 countries.

Extracts from the blog article appear below – to read the full blog visit www.cpahq.org/knowledge-centre/cpa-blogs.

Progress and pain in equal measure for LGBTIQ+ Rights

"On this year's International Day Against Homophobia, Transphobia and Biphobia, I note the progress and the pain. Progress that I can marry another woman if I want to and that LGBTIQ+ people in Australia are free to marry anyone they like. Pain that six out of ten Lesbian, Gay, Bisexual, Trans and Intersex people have experienced verbal homophobic abuse, two out of ten have experienced physical homophobic abuse and we can all be lawfully discriminated against on religious grounds in Australia.

Progress that 84 Commonwealth (of Australia) laws that discriminated against same-sex couples and their families in finance and the workplace were removed.

Pain that half of LGBTIQ+ people (including me) say that they have hidden their sexuality or gender identity at certain events out of fear.

As COVID-19 continues to have negative impacts across the globe it is important to reflect on this day the differentiated impact that the pandemic has had on marginalised groups. This year's global theme 'Together: Resisting, Supporting, Healing' is a testament to where we have come from and where we need to go. #TogetherWeAreIDAHOTB."



Hon. Tamara Smith, MP, Member for Ballina in the Parliament of New South Wales, Australia.

Working together across all communities in Canada to promote equality

"As I stood on Parliament Hill in Ottawa, Canada on 1 June 2016 watching the Canadian Prime Minister, Rt Hon. Justin Trudeau raise the Pride Flag, I could not help but reflect on how far Canada and Canadians had come in guaranteeing the rights and freedoms of the lesbian, gay, bisexual, transgender, queer, and Two-Spirit communities in my lifetime. I also recognised the challenges faced by LGBTIQ+ communities around the world, including among our Commonwealth partner countries. It was a moment of both pride and humility.

As one of only four openly gay Members of the House of Commons in Canada, we continue to be underrepresented. Nonetheless, we forge on with the help of allies, including significant Ministers, who ensured that we were able to successfully add transgender rights, broadly known as gender expression and gender identity, as protected grounds to the Canadian Human Rights Act and to the Criminal Code provisions dealing with hate propaganda and incitement to genocide. More recently, our government introduced a Bill, now in its final stages, which would place a national ban on so-called conversion therapy.

The flag-raising event in 2016 was attended by Members of Parliament and Senators representing all federal Parties. It was a non-partisan expression of pride but also of hope, as there was an implicit understanding that all politicians should be equally committed to inclusion and diversity. We are not there yet, but each new Parliament in Canada brings increased tolerance, even generosity such that inclusion will ultimately become a Canadian reality."



Robert Oliphant, MP, Member of the House of Commons in the Parliament of Canada.



Providing visibility for LGBTIQ+ in the Australian Parliament

"As far as I know, I am the only out bisexual person in any Australian Federal Parliament. I'm providing much needed visibility and highlighting the unique challenges faced by Bi+ people who are so often overlooked. I know there must be others (there are another nine MPs in the Australian Federal Parliament who identify as same sex attracted) but they are not out.

The discrimination and challenges faced by lesbian, gay, bisexual, pansexual, transgender and gender diverse, intersex, queer, and asexual people around the world are immense. In Australia we've come a long way, but we've still got a long way to go. It's about time we reached the end of our journey towards equality!"

Senator Janet Rice was elected to the Australian Senate in 2014.



Being an openly-LGBTIQ+ legislator in New Zealand

"To be an LGBTIQ+ Parliamentarian should be unremarkable. Yet when LGBTIQ+ people across the world continue to face violence and persecution, plus discrimination in areas such as employment, healthcare and sport, being an openly-LGBTIQ+ legislator stands out as a rare and remarkable accomplishment.

With so many LGBTIQ+ peoples feeling ostracised and unseen, representation and visibility is so important in our national Parliaments. It means LGBTIQ+ people can see somebody like them participating in the debates that determine their nation's future.

In New Zealand, we've recently elected the highest proportion of LGBTIQ+ MPs in the world. Our Parliament is now the most inclusive ever, with 10% of our Members identifying as openly-LGBTIQ+, and more women, indigenous and Pasifika voices than ever before. New Zealanders can look to their national Parliament and feel like they are seen.

To be elected is one thing, but to be a good lawmaker is another - we must also represent our citizens' concerns, their fears, their aspirations. We must advocate for laws that were it not for LGBTIQ+ voices, political parties would not have the courage to change."



Louisa Wall, MP is a Member of the New Zealand Parliament and is a co-founder of the Global Equality Caucus www.equalitycaucus.org

UK TO HOST ITS FIRST GLOBAL LGBT+ CONFERENCE



The United Kingdom will host its first ever global LGBT+ conference to tackle inequality around the world and urge countries to take action. Countries across the world will be invited to London to attend the UK's first global LGBT+ conference from 27 to 29 June 2022. The 'Safe To Be Me: Global Equality Conference' will be the largest event of its kind and will focus on making progress on legislative reform,

tackling violence and discrimination, and ensuring equal access to public services for LGBT+ people. The event will bring together elected officials, policy makers, and the international LGBT+ community including activists, experts, and civil society to protect and promote the rights of LGBT+ people around the world. The conference will take place in person and virtually, ensuring all can take part and the UK will work with global partners in Argentina and Cyprus to deliver the event.

UK Parliamentarian, Lord Nick Herbert of South Downs will chair the conference in his new role as the UK's Special Envoy on LGBT+ rights and he said: *"With our immense soft power, and as a global force for good, the UK has an important role to play in leading international efforts to tackle the violence and discrimination against LGBT+ people which should have no place in the modern world. I am committed to the cause of advancing LGBT+ rights worldwide and I look forward to continuing that in my role as the Prime Minister's Special Envoy and as the Chair of the Global LGBT+ Conference. At a time when COVID has pulled many of us apart, the conference offers a real chance to bring people together and drive change for good."*



THE ROLE OF YOUTH IN GUARANTEEING EQUAL OPPORTUNITY AND RESPONSIBILITY: CONNECTING CITIZENS, INNOVATING NEW IDEAS AND TRANSFORMING GOVERNANCE STRUCTURES IN THE COMMONWEALTH

In a new series of articles from 'Caribbean Youth Voices', *The Parliamentarian* invites young people from the Region to share their views on a wide range of topics, starting with youth engagement.

A common future is one in which all citizens have equal opportunity to be successful in society. In so doing, all citizens can assume responsibility for the development of their communities, countries and the Commonwealth.

This future involves shrinking or removing the digital divide among young individuals, enabling us to receive quality education, and to remain connected and engaged in our respective communities. In the same vein, a common future can also be achieved by equipping citizens with the tools to mitigate and adapt to the impacts of climate change. In guaranteeing climate resilience, we can be empowered through employment and skills training in renewable energy sectors and associated infrastructural development. However, these are only possible if youth are actively involved in policy development and decision-making.

Subsequently, national policies will be further geared towards youth empowerment and development, which will engender greater inclusivity in decisions of national importance.

Society is dynamic, and a common future is not achieved instantaneously but only through consistent, incremental progress and change. Gradually, we can achieve what the term 'common future' implies: the prospect of every citizen being able to share

in the fruits of progress and prosperity, as identified by former Commonwealth Secretary-General, Kamallesh Sharma.

Connecting and amplifying the voices of our youth

For strides to be made towards a beneficial future for everyone, all parties involved must have opportunities to access forums in which their voices can be heard and acknowledged, and their ideas fairly evaluated and implemented. This notion can be applied on a large scale between the governments of Commonwealth countries, or on a smaller scale at the societal level within a country. Connectivity of youth within Commonwealth countries and between countries is vital for progress to be realised.

Youth, especially those belonging to minority and marginalised groups, are often underrepresented in governmental hierarchy. Therefore, having organisations with heavy youth involvement or that are youth-led and collaborative with, yet independent of, government institutions should be a high-priority. The Commonwealth Parliamentary Association (CPA) already has a history of partnering with many Non-Governmental Organisations (NGOs) and governmental organisations alike. In this vein, deeper partnerships between the CPA and youth-led organisations such



Rol-J Williams

is a four-time member of the Youth Parliament of the CPA Caribbean, Americas and Atlantic Region. He has a keen

interest in Parliament and parliamentary practice and procedure, particularly in the Commonwealth Caribbean. He is currently conducting research in Biochemistry at the University of the West Indies, Cave Hill and is an avid poet, writer, blogger and reader of history and politics. Email: roljwilliams@gmail.com.



Stephen Hunter II

is a final-year Meteorology student and a UWI Open Scholar at the University of the West Indies, Cave Hill.

He plans to pursue postgraduate research in the wider field of atmospheric science where he hopes to embark on pertinent research related to the impact climate change has on Small Island Developing States (SIDS). Email: stephenhunter17@yahoo.com



Heather Lakhram

is a first-year Biochemistry student at the University of the West Indies, Cave Hill. She

is a Vincentian National Scholar having been awarded the Ebenezer Theodore Joshua Scholarship in 2021. She is passionate about advancing the cause of equity, diversity and inclusion and is an avid baker, reader and animal enthusiast. Email: heatherlakhram-12@hotmail.com.

With special thanks for the coordination of the series of articles in the Caribbean Youth Voices to Rashana Jones, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian*.



as the Commonwealth Youth Council and the Caribbean Regional Youth Council can allow for the transfer and amplification of youth voices and opinions into the more traditional arenas of decision-making while not excluding the non-traditional means of capturing youth involvement. The CPA undoubtedly is critical in facilitating these dialogues.

In this modern era, the most intuitive method of youth connecting and organising would be through the use of common technology such as cell phones, tablets, and computers with stable internet access. However, given that many Commonwealth countries are developing countries and Small Island Developing States (SIDS), access to the internet is not ubiquitous; only about 46.7% of households in developing countries have internet access (ITU, 2020).

This inequity results in the alienation of potentially vulnerable youth from online spaces that can offer support, advocacy and a platform on which concerns and solutions may be aired. Commonwealth and CPA partnerships once again can serve a very useful role here; partnerships with Commonwealth organisations focussed on assessing the 'digital divide' in these developing countries can offer reports and insight to assist Parliaments and governments in remedying these inequalities.

Above: The Caribbean Regional Youth Parliament, hosted annually by different CPA Branches within the CPA Caribbean, Americas and the Atlantic Region, sees young people aged 18-29 years from across the region come together to debate and experience parliamentary democracy in action. The Youth Parliament aims to foster an appreciation and understanding of the rules and procedures of Parliament among the youth of the region.

The event is usually held in conjunction with the annual CPA Caribbean, Americas and the Atlantic Regional Conference and recent hosts have included: 15th Caribbean Regional Youth Parliament in Trinidad and Tobago in July 2019 (top right and below left); 14th Caribbean Regional Youth Parliament in the Cayman Islands in June 2018 (below right); and 13th Caribbean Regional Youth Parliament in St Kitts and Nevis in June 2017 (top left).

Delivering a Common Future by innovating new ideas

Rt Hon. Errol Walton Barrow, first Prime Minister of Barbados, was a firm believer in education being a tool in shaping the hearts and minds of individuals in a post-colonial society and a way to guarantee true independence. Given that we have transitioned to a society where intellectual assets are essential in the creation of wealth and the establishment of economic competitiveness, cultivating the minds of youth in society in such a fashion should be paramount.



CARIBBEAN YOUTH VOICES: THE ROLE OF YOUTH IN THE COMMONWEALTH



With climate change being one of the most pertinent existential threats today, we should utilise one of the most powerful human resource demographics available - youth - in innovating ideas to mitigate and adapt to its far-reaching effects. Rising sea levels, increased global occurrence of drought and rainfall events, and more intense natural hazards are just some of the threats that will affect the livelihoods of all citizens.

In the Commonwealth Caribbean and among other SIDS, the impacts will inevitably have a 'domino effect' which will be felt physically, economically and socially. Fortunately, climate change and the plethora of other challenges we face today such as high rates of youth unemployment and underemployment can be overcome through innovation. The youth in SIDS play an integral role in the mitigation of the effects of climate change. Our generation is expected to bring about the change necessary to transform our future and to lead it along a more sustainable path.

Unemployment among youth is a growing concern in the Commonwealth Caribbean. The Organisation of Eastern Caribbean States (OECS) identified that roughly one in every four individuals between the ages of 15-24 years struggle to find employment and those that do are often underemployed. This reality leaves us feeling discouraged, disengaged and disillusioned in our society due to the paucity of available job and career opportunities. Furthermore, since we are the ones that will ultimately have to deal with the imminently devastating effects of climate change and the ever-existing problem of unemployment, ownership and responsibility for our future should now be taken.

The Commonwealth Caribbean and SIDS should be a model for the rest of the world in the implementation of Renewable Energy Technologies (RETs). Solar photovoltaic systems, wind energy, wave energy and even bio-energy are just a few RETs that can be used given the abundance of natural resources present in these countries.

In addition to this, the young, creative minds that are readily available can even further innovate these existing RETs in ways that are suited for their individual communities. The subsequent implementation and commercialisation of these alternative forms of energy by governments will have benefits that are extensive.

Firstly, reducing carbon emissions through the utilisation of more sustainable energy practices positively contributes to the battle against climate change. Secondly, the expansion of the energy sector with these new practices will foster job creation and development, thereby reducing unemployment. In addition to this, further infrastructural development and training programs will now be

possible which will ultimately aid in economic growth.

Today's youth are more educated and cognizant of the problems we face than ever before. Hence, why not encourage us to take control of our future by giving us a voice?

Involving youth in national policy development

It is an established perception in the Commonwealth Caribbean in academic and non-academic settings that there is a dichotomy of functions for young people in governance and development. We are perceived to be either burdens to development and drains on the state, or assets to development and to responding to the challenges therein (*Charles and Jameson-Charles, 2014*).

In the realm of globalisation, greater connectivity, innate youth intelligence, creativity, and empowerment, it appears unreasonable to view us from the former perspective. Therefore, the argument must be made for roles to be carved out for us in all levels of governance and this should not be limited to opportunities characterised by tokenism or only viewed from the perspective of increasing youth participation in elective politics. Governance in the Commonwealth Caribbean should transcend, but not completely exclude, government in its traditional sense.

To deliver a common future - one characterised by equal opportunity and responsibility, it is imperative for youth to be involved in decision- and policy-making in areas especially extending to the White Economy, Blue Economy, Orange Economy, Green Economy and Digital Economy, for example. These 'emerging concepts', as The Commonwealth termed the 'Blue Economy', serve as excellent platforms for youth involvement in organisations to craft and implement policies, and to plan and execute inclusive ideas that are progressive (*Commonwealth Secretariat, n.d*).

The idea of utilising youth to establish a common future has been a work in progress for some time. In 2000, the first Youth



Parliament of the CPA Caribbean, Americas and the Atlantic (CAA) Region was inaugurated as part of the annual CPA CAA Regional Conference. One of the recognised benefits of the Commonwealth Youth Parliament is that it reinforces the role of young people in democracy, and it allows us to be immersed in experiences that ennoble us to become leaders in our communities.

This initiative, and many others, birthed in the Caribbean after the turn of the 21st century have laid the initial groundwork for defining our role in the space we occupy, both regionally and globally. We have witnessed the rise of the Caribbean Regional Youth Council, the Caribbean Youth Environment Network, and others but a burning question remains. Have we been given the opportunity and responsibility to transform governance structures in our respective states?

Though the numerous opportunities in the Caribbean afford us a voice, these opportunities are often viewed informally and the ideas and potential policies emanating from them are not reaching further. This raises the point that we may have a voice but are not necessarily listened to. A key suggestion, therefore, is that the work - resolutions and Bills of our Youth Parliaments, policy documents, speeches, memoranda, accords, etc. - coming out of youth organisations should become official working documents of government.

One potent yet unfortunate example of a shortcoming in this regard is the 11th Youth Parliament of the CPA Caribbean Region, which ironically was termed a 'mock debate' (*BVI Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture*, 2015). The resolution focused on increasing youth participation in representative democracy and addressed areas such as minimum voting and candidacy age requirements and creating more opportunities for young people. The papers laid at this Youth Parliament or any other Youth Parliament for that matter should not be consigned to filing cabinets, but they should become working documents for governments and other organisations.

When the intentional work of young people is recognised, we are often more motivated to become further involved in governance through government or non-governmental organisations. The approach of listening to our voices ensures that we do not feel like the token individual sitting at the table of decision making. Naturally, therefore, we will see our roles in our societies and concomitantly, a common future will be achieved because each of us will have a contribution to make.

Conclusion

As young citizens, we have seemingly become a marginalised demographic in our society, as we are often side-lined in many of the decisions made to determine our future. The Commonwealth has recognised that some of the precepts of a common future include the creation of forums and media that facilitate transborder collaboration of youth, the innovation of energy sectors to tackle climate change, youth unemployment and underemployment, and the involvement of young people in our democracies and governance structures.

The CARICOM Commission on Youth Development (CCYD) highlighted in 2010 that youth are an underutilised asset for the region's development. They further posited that by harnessing

our creative potentials, we can respond to the challenges (and opportunities) of globalisation (CCYD, 2010). Over a decade later, further engagement with young people is still required.

References:

- Alleyne, Antonio et al. 'A Firm-Level Investigation of Innovation In The Caribbean: A Comparison Of Manufacturing And Service Firms'. *Economies*, vol 5, no. 3, 2017, p. 34. MDPI AG, doi:10.3390/economies5030034.
- Bismuth, Annabel, et al. 'Intellectual Assets and Value Creation Synthesis Report Organisation for Economic Co-operation and Development'. OECD, 2008, www.oecd.org/innovation/inno/40637101.pdf.
- CARICOM Commission on Youth Development (CCYD). 'The Cost of Negative Youth Behaviour in CARICOM Member States, Report of CCYD-CARICOM Commission on Youth Development'. CARICOM, 2010.
- Charles, Henry, and Jameson-Charles, Madgerie. 'Youth Development Policy and Practice in the Commonwealth Caribbean: A Historical Evolution'. *Social and Economic Studies*, vol. 63, no. 3/4, 2014, pp 23-57. JSTOR, www.jstor.org/stable/44732886.
- Commonwealth Parliamentary Association - Virtual Commonwealth Youth Parliament December 2020, https://www.cpahq.org/news/2020_12-virtual-commonwealth-youth-parliament/
- Crespi, Gustavo, Navarro, Juan Carlos, and Zuñiga, Pluvia. 'Science, Technology, And Innovation In Latin America And The Caribbean: A Statistical Compendium Of Indicators'. IADB Publications, 2009 <https://publications.iadb.org/publications/english/document/Science-Technology-and-Innovation-in-Latin-America-and-the-Caribbean-A-Statistical-Compendium-of-Indicators.pdf>
- International Telecommunication Union (ITU). 'Developing countries less equipped to use ICTs to minimise disruption caused by coronavirus'. How COVID-19 is Changing the World: A Statistical Perspective, n.d, www.itu.int/en/ITU-D/Statistics/Pages/publications/covid19.aspx
- Former Commonwealth Secretary-General, Kamallesh Sharma's address to 59th Commonwealth Parliamentary Conference: *Effective Solutions to Commonwealth Developmental Challenges*. The Commonwealth, 2 September 2013.
- Masson-Delmotte, Valérie, et al. 'Global warming of 1.5 °C: an IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty: summary for policy-makers'. Intergovernmental Panel on Climate Change, 2018.
- Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture. 'BVI Youth Preparing for Upcoming Regional Parliament'. Youth Affairs, 21 July 2015, www.bvi.gov.vg/media-centre/representatives-chosen-regional-youth-parliament
- Nelson, Asha. 'The Dark Cloud Of Youth Unemployment'. OECs, 28 October 2016, <https://www.oecs.org/en/oecs-yes-blog/146-dark-cloud-of-youth-unemployment>
- The Commonwealth. 'Blue Economy', n.d, <https://thecommonwealth.org/blue-economy>
- United Nations Joint Framework Initiative on Children, Youth and Climate Change (UNFCCC). 'Youth in Action on Climate Change: Inspirations from around the World'. UNFCCC, 2013.



THE ROAD TO 2030: ARE WE AS SIDS WHERE WE NEED TO BE?

A perspective from the Caribbean as part of our series of articles from 'Caribbean Youth Voices'.

Introduction

Over the course of the past 30 years, climate change has become a buzz term at high-level conventions and discussions. Yet, the average person is so detached from the climate discussion that persons often hear of the big picture and are unable to translate it to a macro level. Specifically, livelihoods and lifestyles. In 2020, more persons realised that the outdoors as we knew it, mattered. Global lockdowns provided an opportunity for the environment to reset as various measures were implemented to stem the spread of the COVID-19 virus.

For the first time, there was real tangible evidence that the reduction in emissions, consumption on a necessity basis and time allocation for physical wellbeing were all possible. While the virus is on the decline, the lessons learnt to address the climate emergency should not be forgotten. Climate change is a fight for the long haul to secure the futures of generations to come.

The unity enacted to stem the spread of the pandemic could be translated to the fight against climate change. Up until now, global efforts remain disjointed and focused on one or two initiatives as opposed to building a holistic and circular system modelled after the environment on which it will depend. Traditional income earners for small island states such as tourism and agriculture continue to bear the brunt of the current effects of climate change, while citizens are still heavily reliant on these methods as both a source of income and a source of food.

The real problem

Small Island Developing States (SIDS) have been struggling to cope with the immediate agricultural problems caused by

climate change. Many farmers are still struggling with inadequate water supplies to provide fresh food and are heavily reliant on old climatic patterns for the provision of rain to water their crops. However, food imports are almost a proverbial 'bullet in the foot' as processed foods are easier to transport and trade and have a larger carbon footprint. Local farmers and fisherfolk need to be at the centrepiece of any eco-friendly nation determined to do their part to curb the climate crisis.

These familiar climatic patterns have become less predictable, especially with sporadic rainfall. Even though rainfall is less predictable, there still remains an opportunity for the improvement of our catchment systems. Most rainwater is unable to follow traditional watercourses and recharge aquifers due to the concretization of our physical environment. Concrete breathes life into the economy but not into the marine environment. This 'hard' environment results in a significant amount of runoff, oftentimes with great speed. This is only buffered by the marine environment that is smothered by sediment and presents a compounding issue in the context of fisheries and reef health, both of which small islands heavily depend on as subsections of their traditional industries.

Hurricane season is not an unfamiliar concept as it visits us every year like clockwork. Yet, Caribbean countries have not put sufficient measures in place to alleviate the impacts associated with this season given the familiarity of the impacts. Hurricanes and storms are increasing in severity and intensity and are having deleterious impacts on our economy and livelihoods yet year after year we continue to be devastated beyond affordable repair by



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

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



Abigail Johnson is a 20-year-old Barbadian medical student who is passionate about climate change and health. As a member of the Barbados National Youth Parliament and a youth health advocate, she has often been given the opportunity to advocate for the needs of young people, as well as to remove negative stereotypes.

Abigail is the Technical Recording Coordinator and Public Relations Director for the Healthy and Environmentally Friendly Youth (H.E.Y.) Campaign as well as the Prime Minister of the H.E.Y. Parliament.

With special thanks for the coordination of the series of articles in the Caribbean Youth Voices to Rashana Jones, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian*.



these natural disasters. We fall deeper into debt and continue to depend heavily on sectors influenced by our changing weather.

The solution

The power is in choice. Not choice tomorrow or when the next administration comes in, choice now! Agriculture continues to play an important role in the lives of our people. Access to fresh produce promotes a healthy society and without it, the climate discussion would lead to one about diet and non-communicable diseases. Planning food security in the face of increased hazards should include sourcing goods from within the various sub-regions as well as adapting planting mechanisms locally that incorporate cultural and current knowledge to improve the yield and quality of produce. A lot can be learnt from cultural practices as they were developed to suit the needs of the land and maximise output, it also struck a balance with nature. Through the use of machinery, the careful observation of soil health and crop quality has been neglected as intense manual labour is now a thing of the past. Realigning farming with a 'nature-based' model would better position fields to cope with flooding.

Water scarcity has plagued countries across the globe since the 19th century. Extraction capabilities mark the difference between then and the 21st century. Now, the new threat is that there is no water to be harvested. Prolonged periods of drought exacerbated by the increases in the Earth's temperature have surpassed the due date of this issue being addressed. The Caribbean Region

must find more effective ways to store rain to not only protect crop systems but also access to sanitation.

A significant percentage of the region's population live in high-risk areas with weak infrastructure. Through climate change, the likelihood of encountering a '100-year storm' is on the rise. The time for early investment in infrastructure that is able to withstand such an eventuality is now. The Caribbean must create and implement adaptation measures that reduce the cost of climate-related damages inclusive of more disaster-resilient infrastructure to bear the effects of the hurricane season, enforcing land and zone usage laws to ensure that our coastlines are protected as well as our citizens.

Unfortunately, although preparation will assist in decreasing the climate-related damages, some damages may still be incurred by Caribbean governments. Equally building with the '100-year storm' in mind is well outside the capabilities of most lesser developed countries likely to be impacted by such storms. As such, financing for disaster risk reduction should be made available to countries by big emitters to bolster the catastrophe fund of small island states before an island is impacted by a severe hazard.

In conclusion, no, we as Small Island Developing States are not where we need to be, however with the correct leadership, dedication, commitment and sufficient resources, we have the necessary knowledge and skills to be on the right path to achieving our climate goals. Climate action is not a sprint, it is a marathon and hence we must not be dissuaded to inaction when results are not attained immediately after action.



THE RULE OF LAW AND GOVERNANCE IN A PANDEMIC: REFLECTIONS ON EMERGENCY POWERS IN THE CARIBBEAN

This 'Caribbean Youth Voices' article explores the rule of law and governance in the Caribbean during the current global pandemic.

The novel Coronavirus pandemic has put our parliamentary democracy on trial and summoned it, under oath, to swear that it would not repudiate the indispensable components which underpin our democratic order by instituting States of Emergencies (SOEs) and Emergency Powers (EPs). If the rule of law, the separation of powers, respect for the Fundamental Rights of Citizens, social, legal and economic checks and balances among other obligatory features of a liberal democracy which protect against undue and arbitrary executive action are lacking during a pandemic, then our democracy will be found guilty for its response to the COVID-19 pandemic.

While the COVID-19 response necessitates quick, flexible, responsive and bold leadership and decision-making, it must never be at the expense of the Rule of Law. The Rule of Law, as an indispensable feature of our parliamentary democracy, must not cede to emergencies. It must instead, protect citizens from abuses of power in the face of emergencies, as power corrupts, or rather, absolute and 'unchecked' power corrupts absolutely. Considering the above, it is our obligation as responsible citizens to interrogate the utilisation of SOEs and EPs across the Commonwealth Caribbean as mechanisms to curb the spread of the COVID-19 pandemic, as it suspends the Bill of Rights and could potentially hamper the exercising of civil and political liberties enshrined within our respective Constitutions and International Law treaties.

A State of Emergency? What is it? Where can it be located within the Commonwealth Caribbean Constitution? What can it do? What has it done?

It is important that we situate the definition of a SOE, within the context of its suspension of the Bill of Rights, as it allows for the necessary

interrogation and introspection. A State of Emergency is when a government makes a declaration stating that because of some crisis, the normal workings of political and social life are suspended. "A SOE may alter government operations, order specific action by individuals, and suspend regular civil rights." (Cornell Law School).

Within the Commonwealth Caribbean, or in particular, *The Saint Lucia Constitution Order 1978*, under Section 14, notes that, a SOE or EP, is established by the Governor-General in his/her individual discretion after considering the relevant circumstances and is satisfied that the SOE can be utilised for the relevant purpose. In the case of COVID-19, the Governor-General is empowered under Section 17 (2) (b) where it notes that a proclamation for a SOE shall not be effective unless the Governor-General is satisfied 'that a public emergency has arisen as a result of the occurrence of any... outbreak of pestilence or of infectious disease.'

Therefore, it is important to note that the SOE is not unconstitutional, but must pass a litmus test which probes the extent to which the SOE is reasonable and justifiable to deal with the circumstances mentioned above. Upon a critical analysis of the various prescriptions of the SOEs across the Commonwealth Caribbean, one must question whether the prerequisites of the litmus test were satisfied? But more importantly, the probing question is who or what administers the 'litmus test' and decides whether it is reasonable and justifiable? Does the grade which certifies the reasonableness and justifiability of the SOE also certify the 'excessive' powers without checks and balances, granted to certain political figures in SOE legislation? Moreover, this gives rise to further questions across Commonwealth Caribbean countries



Rahym Augustin-Joseph is currently a student of Politics and Law at the University of the West Indies Cave Hill Campus, and he is very active as a youth leader, advocate, public speaker and debater, winning several awards and competitions. He is the Chair of the Saint Lucia National Youth Parliament Committee, which seeks to provide a platform for young people to be actively involved in parliamentary democracy with the goal of institutionalising the Saint Lucia National Youth Parliament. He also represented Saint Lucia at the UN's 8th Annual Economic and Social Council Youth Forum.

With special thanks for the coordination of the series of articles in the Caribbean Youth Voices to Rashana Jones, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian*.



which seek to interrogate the instituting of SOE as a mechanism to stop the spread of COVID-19. These include, but are not limited to:

- Why are SOEs being imposed when COVID-19 cases are going down and countries are opening up and handling it fairly well?
- Why are SOEs being imposed for lengthy periods of time, such as five months, as opposed to shorter periods of time where proper monitoring and evaluation can occur within the Legislature?
- Why are other provisions within the Bill of Rights, which are not important to the handling of the pandemic, being reflected within SOE legislation?

Amidst the legal requirement imposed upon the Governor-General to be impartial and non-partisan, and in certain instances exercise his/her individual discretion to arrive at conclusions as is the case above, we must also consider the political environment, where the conventions within the Westminster system do not permit the Governor-General to circumvent or even defy the orders by the Prime Minister or the Legislature.

Nevertheless, after the Governor-General has decided that he/she is satisfied that the circumstances exist for a SOE, the question of who provides oversight to ensure the policies and laws are 'in sync' with what is necessary for the handling of the emergency is important to consider. What is even more imperative is Section 14 (3) of the *Constitution of Saint Lucia* which notes that even if the laws passed for the handling of the Emergency is inconsistent with the Bill of Rights, then it shall still have effect.

However, as mentioned above, it must pass the litmus test which shows that that the provisions are reasonable and justifiable for the purposes of handling the situation.

Nevertheless, who ensures that the powers vested in the relevant authorities - in most cases the Prime Minister - are not being abused or used improperly? It appears in certain instances that political

figures are given great latitude to be framers of the law, judge, jury and executioner, which are all troubling signs for the separation of powers, fundamental rights, the Rule of Law and justice.

Inside the walls of Parliament

It is important to consider, as a matter of concern, the manner in which legislation that falls under the nomenclature of the SOE is passed within the Parliament. Issues such as the rushing of Bills through all stages continue to be a characterisation of our political system. This inhibits proper public education, sensitisation, consultation, participatory governance and robust debate, which in turn will improve the quality of legislation. There is also an explicit responsibility, which is rarely taken seriously, on the Parliament to consult and solicit recommendations from civil society regarding legislation - especially those with wide reaching implications such as COVID-19 legislation.

Civil society must be consulted, as their professional opinions will provide greater perspective and recommendations as it will be based on their industry and institutional knowledge.

The words of French President Charles de Gaulle may find greater resonance with you when he noted that "*I have come to the conclusion that politics are too serious a matter to be left to politicians.*" It is my view that he should have said '*to be left only up to politicians.*'

It is therefore from this vantage point that the framers of the Standing Orders (SO) of the Legislature in Saint Lucia recognised under SO 48 (2) that the House and the Senate must meet after intervals of four and five days respectively, between the First and Second Readings of a Bill. Moreover, this Bill - not the Act, should be gazetted for public consumption and knowledge as noted in SO 49(3).



CARIBBEAN YOUTH VOICES: THE RULE OF LAW IN A PANDEMIC

It is even more alarming when Members of the House receive the proposed Bill for debate, a mere three days before the scheduled sitting. Of course, one could reasonably suggest that Members of the Cabinet would already be appraised of the proposed Bill from Cabinet discussions and hence are at an advantage. But we must then ask, what about Members of the Parliamentary Opposition? Moreover, there should be the increased utilisation of engrained Parliamentary Sub-Committees to critically scrutinise legislation and offer recommendations.

Excessive Powers within SOEs

It is equally troubling, that during these various SOEs across the region, that the legislative instruments being utilised have all granted 'excessive' power to the relevant authorities without the engrained social, legal, economic and political checks and balances. These legislative instruments have utilised regulations which give Members of the Legislature, who are Ministers within the Executive, the power to create relevant directives without parliamentary oversight.

While one must appreciate the swiftness and flexibility in which COVID-19 directives must be made to be effective, it must not be at the whims and fancies of political figures and at the expense of certain established parliamentary processes which seek to mitigate the possibility of abuse of powers. Imagine, your Minister of Health and/or Prime Minister being at home on a Sunday morning and getting a 'bright' idea on how to deal with the pandemic, and then he/she is able to issue a directive without the full input of anyone? It may seem inconsequential, but 'absolute power corrupts absolutely'. Even more so, immunity have been given to certain government officials under SOEs which is unprecedented and against the rule of law.

Boyce v AG makes the point that 'the rule of law establishes, first and foremost, that no person, not even the Queen or her Governor General is above the law and imbues the Constitution with other fundamental requirements such as rationality, reasonableness, fundamental fairness and the right to protection of the law requires therefore, not only law against irrationality but availability of effective remedies.'

Dr Ronnie Yearwood probes these developments perfectly when he asked "Whether the ability to affect the Constitutional Right to Personal Liberty should be a power located exclusively in a Prime Minister, or does this require broader Parliamentary involvement? Was it ever contemplated that one individual should wield the power of such magnitude to unilaterally circumscribe constitutional rights and liberties without legislative oversight? How can we purport to be a liberal constitutional democracy founded on the separation of powers and rule of law when such tremendous law-making power is concentrated in one individual and left unchecked?"

The decision in *J Astaphan & Co (1970) Ltd v Comptroller of Customs of Dominica and others* is instructive as it notes that when discretionary powers are being delegated to the Executive by the Legislature, there must still be parliamentary oversight and control, as this is fundamental to upholding the Separation of Powers Doctrine.

It is my contention that individuals within elective politics do not fully understand that there may be an overlap of individuals or 'fusion of powers' within the Executive and Legislature in small democracies as ours. However, their roles are distinct and must be treated as such.

Now more than ever, this is being shown as these wide and discretionary powers are being utilised in the name of curbing the

spread of COVID-19 pandemic. These discretionary powers in many respects gives one political figure the sole authority to determine who gathers where at what time and many others. Contemplate what that may mean for democracy.

What is even more troubling is the widespread criminalisation of citizens for lack of compliance with COVID-19 directives, as opposed to engagement in national dialogues and through the art of persuasion, which seems to be typical of our political landscape, when it is convenient. Now is the time to get citizens to understand the severity of the pandemic through persuasion. Professor Drayton notes it quite fittingly when he said "No incarceration, flowing or hanging can do the work of rooting the law in the spirit of our people. Laws can only move from external constraint to inner inspiration, if they are grounded in justice and embody the personality of all citizens." (Drayton 27)

Therefore, the alleged targeting of certain classes of society for the breaching of COVID-19 directives, while others breach it with impunity, are all issues of the Rule of Law which we must consider.

Further, Trevor Munroe asserts that "the primary political value in our Caribbean political culture is freedom." (Munroe 11). Recognising, our unique historical background within the Commonwealth Caribbean, should we not be prioritising the actualisation of these freedoms, while still focusing on the public health requirements? Is there not a formula where the two can coexist?

It is important that we practice at the bare minimum, some public consultation, education and sensitisation on these important measures being taken in the name of curbing the spread of COVID-19. These situations above also bring into sharp focus, larger issues of reform and issues such as reducing the power of the Prime Minister, creation of institutional checks and balances to prevent abuse of power and holding Members of the various arms of government accountable.

This may cause our democracy, as it would have embodied in its purpose, to be for the people, of the people and by the people. To borrow, the line of Independent Senator from Saint Lucia, Dr Adrian Augier, 'the SOE may be justifiable, but governments must prove so beyond a reasonable doubt.'

References:

- Social Checks and Balances - Civil Society Organisations and Interest Groups (Youth, Women, LGBTQIA); Political Checks and Balances (Political Parties, Trade Unions); Legal Checks and Balances; Economic Checks and Balances (Chambers of Commerce, Tourism Groups, Bankers).
- Caribbean Court of Justice. Attorney General v Joseph. 2006.
- Chapter 1.01 Constitution of Saint Lucia - Govt.lc. www.govt.lc/media.govt.lc/www/resources/legislation/ConstitutionOfSaintLucia.pdf
- Eastern Caribbean Supreme Court. *J Astaphan & Co (1970) Ltd v Comptroller of Customs of Dominica and others*
- Standing Orders of the House of Assembly, Saint Lucia
- Munroe, Trevor. *An Introduction to Politics: Lectures for First Year Students*. Ian Randle.
- Drayton, Richard. *Whose Constitution? Law, Justice and History in the Caribbean* https://www.ttlawcourts.org/jeibooks/books/djl2016_final.pdf
- Yearwood, Ronnie. "#BTCColumn - Laws, Democracy and PM Power." Barbados Today, 22 Apr. 2021. www.barbados.today.bb/2021/04/22/btcolum-laws-democracy-and-pm-power/.



BUILDING A SUSTAINABLE FUTURE BY LOOKING AT FOUNDATIONAL KNOWLEDGE: THE PARTICIPATION OF INDIGENOUS PEOPLES IN CARIBBEAN GOVERNANCE

In the final piece from our 'Caribbean Youth Voices', this article looks at the role of indigenous peoples in governance in the Caribbean.

Introduction

The impact of the processes of imperialism, colonialism and modernisation have not just degraded the environment but eroded the relationship between the indigenous peoples of the Commonwealth and the land. The importance placed on protecting land and its sacredness has been replaced by exploitation and industry.

As we face the current environmental and climate crisis, it has been well documented that indigenous communities have been disproportionately impacted by its effects. However, nature in places occupied by the indigenous is degrading slower than other areas (Drissi). The ones that were taking care of our lands for years before we arrived hold the key to its recuperation.

The Secretary-General of the Commonwealth acknowledged this on Indigenous Peoples Day in 2020:

Approximately one-third of the world's indigenous peoples live in the Commonwealth, across Asia, the Caribbean and Americas, Africa, the Pacific and Europe. Many of our indigenous communities live with the reality of being extremely vulnerable to the impacts of climate change, but at the same time, continue to be custodians of rich resources of wisdom and knowledge and are sources of inspiration as exemplars of sustainability. (The Commonwealth).

This wisdom is urgently needed for the days ahead. The theme for this year's CHOGM meeting is therefore an apt one: '*Delivering a Common Future: Connecting, Innovating, Transforming*'. In order to look towards the future, Commonwealth nations need to dig into their past and reconnect with their first peoples and transform

modern societies. In the Caribbean Region, there are many indigenous communities that can be included in building a common future. However, along with most of the world, these communities are generally sidelined. Their inclusion in not just society but participation in decision-making processes is instrumental in building a transformative future.

Indigenous Knowledge

Indigenous knowledge is tied to their foundational beliefs. This includes a belief in the oneness of the universe in which humans are connected. Therefore, they have learnt to incorporate sustainable methods of living so the environment can continue to provide humans with water, soil, shelter and medicine (Drissi). Bruchac defines indigenous knowledge as "*a network of knowledges, beliefs, and traditions intended to preserve, communicate, and contextualize Indigenous relationships with culture and landscape over time.*" (Bruchac 3814).

Over time, scientists and policymakers have realised the value of this knowledge in crafting environmental policy. However, this realisation is not unanimous. Many have questioned the veracity of indigenous knowledge or the extent to which it should be trusted over scientific research (Bruchac 3820). The belief in the superiority of science and technology has kept indigenous knowledge from informing policy and development. However, both can be used to guide nations through the current climate crisis and towards sustainability.



Shauneé Richards is a 23-year-old writer from the twin-island Republic of Trinidad and Tobago. She is a Political Science student at the University of the West Indies Cave Hill and has held various student leader positions including External Affairs Committee Chairperson, UWI Stat Senior Ambassador and Education Committee Chairperson of the Trinidad and Tobago Student Association. She is passionate about learning, politics, culture and enjoys writing articles on a plethora of topics. Email: shauneerichards@hotmail.com

With special thanks for the coordination of the series of articles in the Caribbean Youth Voices to Rashana Jones, Youth Representative for the Caribbean, Americas and the Atlantic Region on the Editorial Advisory Board for *The Parliamentarian*.



“As Small Island Developing States (SIDS), Caribbean states are especially vulnerable to climate change. Climate projections suggest rising sea levels, higher temperatures, decreasing rainfall and extreme weather events such as intensified hurricanes. Indigenous knowledge is invaluable in constructing environmental policy especially which is vital for the survival of Caribbean states.”

Along with agencies of the United Nations, the Commonwealth has seen the value of indigenous people in achieving Sustainable Development Goals (SDGs) and combating climate change. The Commonwealth Common Earth programme was launched in 2019 to create a network of projects using indigenous knowledge with modern science and technology. In the Caribbean, this includes the Global Resilience Project by the Kalinago in Dominica that uses indigenous farming methods that are more sustainable and the Macushi tribe in Guyana which works with the government and the Commonwealth Secretariat to promote their way of life (The Commonwealth).

Indigenous Communities, Climate Change and Governance in the Caribbean

Communities exist across the region and include, but are not limited to, the Kalinagos, the Mayans, the Garifuna, the Warao Nation in Dominica, Belize, St Vincent and the Grenadines, Trinidad and Tobago and Guyana. There are annual holidays to commemorate these communities such as Garifuna Settlement Day in Belize. There have also been strides to give back and protect indigenous lands and rights. Nevertheless, indigenous people continue to be marginalised and generally have a lower standard of living than the rest of the population. This explains the lack of evidence of



the involvement of indigenous peoples or knowledge in policy decision-making.

Though Caribbean governments aim to honour their indigenous populations nominally, there is very little national effort to include them in policymaking. Trinidad and Tobago's National Environmental Policy declares that *"Indigenous peoples and local communities shall have a right to participate in the decision-making process, and share in managing the resources upon which their cultural identity and livelihoods depend...The traditional knowledge, innovations and practices of indigenous and local communities shall be respected and promoted for wider application given the free, prior and informed consent of the holders of those knowledge systems"* (Government of the Republic of Trinidad & Tobago 9).

Yet, there is limited evidence of collaboration or involvement of indigenous peoples in policy decisions. In fact, the former Carib Queen of the Santa Rosa First Peoples Community, Jennifer Cassar, worked with the government and was a member of the Cabinet-Appointed Amerindian Project Committee. She also advocated for a holiday which recognised the contributions of indigenous people and helped obtain 25 acres of land for the community to build a Heritage Village and Museum (Loop News).

Further south, Guyana's indigenous population remains largely segregated from the rest of society, although there has been progress in acknowledging them. The Constitution of Guyana gives rights to the indigenous peoples, but they continue to be excluded from governance. Guyana elected its first indigenous Deputy Speaker in 2020, Lenox Shuman, Leader of the Liberty and Justice Party. This is a step in the right direction, but Shuman cannot unilaterally speak for all indigenous peoples and coerce Members of Parliament to be on board. There needs to be a systematic way to include indigenous peoples whether elected to Parliament or not.

Indigenous participation is promoted in documents, agreements and speeches but is clearly not reflected in practice. There is a gap between functional and pseudo realities of indigenous participation in politics (Airey 19).

Governments fail to understand the necessity of indigenous people in achieving the Sustainable Development Goals. For instance, Belize submitted a Voluntary National Report on their progress in attaining the 2030 SDGs, but it was written with no input from indigenous communities (Cultural Survival). This example proves the lack of regard governments in the region have towards their first peoples. The University of the West Indies, however, has been advocating for their participation. The St Augustine Campus has invited the Santa Rosa First Peoples Community to take part in symposiums held by the university including *'Our First Peoples - Leading Us Toward Environmentally Sound and Sustainable Communities'* and *'Protecting Intellectual Property and The Environmental Rights of Indigenous Peoples in Trinidad and Tobago'* in 2019.

The solution is a re-evaluation of governance structures. If governance is understood as *"a set of decisions and processes made to reflect social expectations through the management or leadership of the government"* (Fasenfest 771), then who is involved in the decision-making process is important for governance outcomes. Including indigenous peoples in this process will

undoubtedly look different in each territory. It is therefore important to engage these communities to figure this out. Whether they become members of a Committee, elected Members of Parliament or have a more consultative role, what is important is that they are heard, seen and represented.

As Small Island Developing States (SIDS), Caribbean states are especially vulnerable to climate change. Climate projections suggest rising sea levels, higher temperatures, decreasing rainfall and extreme weather events such as intensified hurricanes (UNFCCC 14-15). Indigenous knowledge is invaluable in constructing environmental policy especially which is vital for the survival of Caribbean states.

Conclusion

It is obvious that many throughout the Commonwealth of Nations see the importance of the indigenous in global development and environmental policies. Using indigenous knowledge to craft policy is key in ensuring the future and development of Commonwealth states. Caribbean states make their vulnerability to climate change clear, yet they fail to utilise and promote the knowledge of the ones that conserved the planet long before modern history.

Regional governments need to begin dialogue with indigenous people on how they could be involved in decision making. If this is done by national governments across the Commonwealth, sustainable communities may be within reach. The Caribbean in particular needs to grapple with its marginalisation of its indigenous populations and how to return their seat at the decision-making table. Only then can a common future based on sustainable development be achieved. Look to the foundation; it is our future.

References:

- Airey, Sam. *'Amerindian Power & Participation in Guyana's Low Carbon Development Strategy: The Case Study of Chenapou.'* Master Thesis in Sustainable Development, Department of Earth Sciences, Uppsala University, Villavägen, 2016.
- Bruchac, Margaret. *'Indigenous Knowledge and Traditional Knowledge.'* Encyclopedia of Global Archaeology, edited by C. Smith, Springer, 2014, pp. 3814-3824.
- *"Commonwealth Secretary-General: Indigenous people key to inclusive climate action"* The Commonwealth, 12 October 2020.
- *'The Full Participation of Belize's Indigenous People is Crucial to Achieving the Sustainable Development Goals.'* Cultural Survival, 18 July 2017.
- Drissi, Siham. *'Indigenous peoples and the nature they protect.'* United Nations Environmental Programme, 8 June 2020, www.unep.org
- Fasenfest, David. *'Government, Governing, and Governance.'* Critical Sociology, vol. 36, no. 6, 2010, pp. 771-774.
- Government of the Republic of Trinidad & Tobago. National Environmental Policy of Trinidad & Tobago 2018.
- Loop News. *"First Peoples receive 25 acres of land for Heritage Village"*, 10 August 2018.
- UNFCCC. Climate Change: Small Island Developing States. 2005.



CHANGES TO THE CONSTITUTION OF SRI LANKA

What is the impact of the Twentieth Amendment to the Constitution of Sri Lanka?

Introduction

The Constitution of the Democratic Republic of Sri Lanka is the supreme law of the country comprising of the fundamental principles of governance according to which the state and its citizens are governed. Rooting back to its colonial history, Sri Lanka has witnessed many constitutional reforms from 1833 to 1948 under the British Colonial Rule. The country was introduced its first autochthonous constitution in 1972 when Sri Lanka became a republic. The second republican constitution or the present constitution was introduced in 1978 introducing a unicameral Parliament and a powerful Executive President.

Since its enforcement, the 1978 Constitution has undergone several amendments and the most recent was introduced last year marking the twentieth instance the constitution has been amended so far. The *Twentieth Amendment to the Constitution Bill* was presented to Parliament on 22 September 2020 and it was passed with amendments on 22 October 2020 with a majority votes of two-thirds in the Parliament.

Even before its enforcement the amendment sparked many debates and dialogs among the legal and political spheres of the country due to various reasons including its substantial deviation from the previous nineteenth amendment to the Constitution.

Key Changes

Among its different aspects the main areas concerning the changes brought by the Amendment can be identified as below:

- Appointments to the judiciary, independent commissions and other high ranking officials and their removal process
- Independent Commissions
- The Parliament
- The Cabinet of Ministers
- Composition of the Judiciary
- Legislative Process

Appointments to the Judiciary and key public institutions and removal process

Prior to the twentieth Amendment, the two authorities involved in making the appointments were the President and the Constitutional Council, established by the previous nineteenth Amendment. The 10 member council was responsible for approving the President's nominations to the Superior Courts of the country and recommending nominations to be appointed to several independent commissions and certain high-ranking offices.

The twentieth amendment replaces the Constitutional Council with the Parliamentary Council, which was the operative authority from 2010 to 2015 introduced by the eighteenth Amendment to the Constitution. These two Councils substantially differ from each other not only in their powers and function but in the composition as well.

Composition

The Constitutional Council was comprised of 10 members including three civil society representatives. The Council was chaired by the Speaker of Parliament, and the Prime Minister and the Leader of the Opposition were appointed as the other two ex-officio members. Another MP also represented the parties other than the main political parties.

However, the Parliamentary Council does not include any civil society representation and is solely comprised of the Members of Parliament (Prime Minister, Speaker, Leader of the Opposition and another MP nominated by the Prime Minister).

Powers and functions

The Constitutional Council was responsible for approving the nominations of the President to the Superior Courts of the country imposing rather an obligatory role from the part of the President. However, as the twentieth Amendment enforces, the Parliamentary Council plays more of an observatory role, giving



His Honour Justice Neil Iddawala is a Judge of the Court of Appeal in Sri Lanka, a position he was appointed to by the President of Sri Lanka in December 2020. Previously he was the Deputy Secretary-General at the Parliament of Sri Lanka since 2012 and the Sri Lanka parliamentary correspondent for *The Parliamentarian* for many years. He has attended many CPA conferences and seminars.

This article is written in a personal capacity and does not reflect the views of any third party.



Right: The Speaker of the Parliament of Sri Lanka, Hon. Mahinda Yapa Abeywardane signs the Twentieth Amendment to the Constitution which was passed in Parliament with an overwhelming majority on 22 October 2020, watched by the Secretary-General of Parliament, Mr Dhammika Dasanayake (right) and the then Deputy Secretary-General and Chief of Staff of Parliament, Mr Neil Iddawala (left).



only the observations regarding the nominations of the President.

The other key responsibility of the Constitutional Council was to recommend nominations to the independent commissions and to the following key government positions – Attorney-General; Auditor General; The Parliamentary Commissioner for Administration (Ombudsman); the Secretary-General of Parliament; and the Inspector General of Police.

With the twentieth Amendment, the President seeks the observations of the Parliamentary Council instead of the recommendations as previously upheld by the Constitutional Council. Additionally, by the nineteenth Amendment, the President was required to seek the approval of the Constitutional Council for the removal of the members of the Independent Commissions, except the members of the Election Commission, Human Rights Commission and the Bribery Commission. However, the twentieth Amendment does not make provisions for the Parliamentary Council to make observation regarding the removal of the members of the Commissions.

Independent Commissions

One of the most prominent features highlighted in the discussions over the changes brought by the nineteenth Amendment in 2015 was the concept of 'Independent Commissions' and their role. Under the nineteenth Amendment, there were nine Commissions, commonly referred to as the Independent Commissions (The Election Commission; The Public Service Commission; The National Police Commission; The Audit Service Commission; The Human Rights Commission of Sri Lanka; The Commission to Investigate Allegations of Bribery or Corruption; The Finance Commission; The Delimitation Commission; The National Procurement Commission).

The appointment of members to these commissions were vested with the President and the Constitutional Council as specified above. Among them certain commissions were operative prior to the nineteenth Amendment as key institutions of the government machinery. Moreover, an independent Election Commission was introduced terminating the then operative

'Department of Election'. Additionally, three new Commissions of the Audit Service Commission, Delimitation Commission and the National Procurement Commission were introduced by the nineteenth Amendment.

Termination of certain commissions

One of the most significant changes made by the twentieth Amendment is the abolishing of the National Audit Service Commission and the National Procurement Commission.

Powers and functions of the Election Commission

The twentieth Amendment increases the composition of the Election Commission to five, making the quorum of the meetings to three members. The Election Commission comprises of a Commissioner-General of Elections, in addition to its Commissioners, who is responsible for the implementing the decisions of the Commission and exercise of supervision of the officers of the Commission. Earlier the appointment to this position was subject to the approval of the Constitutional Council. However, the twentieth Amendment vests the Commission with the sole authority to appoint the Commissioner General of Elections.¹

The nineteenth Amendment vested the Election Commission with powers to issue guidelines and directives to ensure the prevention of misuse of state property during an election period, to regulate the media and to enforce such guidelines.

The twentieth Amendment extends the compliance with the media guidelines of the commission to all the media proprietors including the private media.² The nineteenth Amendment expressly required only the mandatory compliance of the state-owned media.



The Parliament of Sri Lanka



Moreover, the twentieth Amendment distinguishes that the directions by the Election Commission should be limited to the matters directly related to the holding of an election and should not be directly connected with matters of public service or matters within the purview of Public Service Commission or the Judicial Service Commission.³

National Police Commission

The twentieth Amendment has set a range for the composition of the National Police Commission as the minimum number of members to five and the maximum number of members to seven, as opposed to the fixed number of seven members under the nineteenth Amendment.⁴ Accordingly, the quorum for meetings has been revised to five.⁵ Moreover, the Amendment removes the power of the Commission regarding the appointment, promotion, transfer and disciplinary control and dismissal of police officers other than the Inspector General of Police (IGP) and vests the Commission with the power to investigate complaints from public against the police officers or police force.⁶

Additionally, the earlier position introduced by the nineteenth Amendment making the IGP entitled to attend the meetings of the Commission has been removed from the nineteenth Amendment.⁷

The term and the tenure of the Parliament

From the nineteenth Amendment, the term of the Parliament of Sri Lanka was reduced to five years from the earlier term of six years. The twentieth Amendment did not change the provisions regarding the term. However, the nineteenth Amendment introduced certain limitations to the President's power over the dissolution of Parliament, imposing that President can dissolve the Parliament only after four years and six months from the date of its first meeting, unless otherwise the Parliament requests the dissolution by the President by a resolution passed by a two thirds majority.

The twentieth Amendment reduced this time period enabling the President to dissolve Parliament after two years and six months from its first meeting, unless the Parliament requests a dissolution by resolution. As opposed to the previous position, such resolution

need not be passed by a two thirds majority.⁸

The Cabinet of Ministers

The twentieth Amendment retains the earlier limitation imposed by the nineteenth Amendment on the number of positions of Cabinet Ministers as 30 and Non-Cabinet Ministers as 40. However, unlike the nineteenth Amendment, the twentieth Amendment makes express provisions enabling the President to assign themselves to any subject or function and will be in charge of any function for which a specific Minister is not assigned.⁹

The Composition of the Judiciary

The delay in process of administration of justice and the backlog of court cases has been a long prevailing concern in Sri Lanka. Therefore, in order to address these concerns and to expedite the judicial process, the Minister of Justice brought an amendment to the Twentieth Amendment Bill at the Committee Stage to increase the number of judges in the Supreme Court and the Court of Appeal. Accordingly, the number of judges in the Supreme Court was increased from 11 to 17 while the Judges of the Court of Appeal was increased from 12 to 20.¹⁰

Legislative Process

The twentieth Amendment made certain changes to the legislative process by revising some provisions of the nineteenth Amendment and reintroducing certain features that existed prior to 2015.

In the legislative process, as the first step a Bill will be published on the Gazette for the reference of the citizens before it is presented to the Parliament. Once it is presented to the Parliament by publishing it on the Order Paper, a citizen will be able to challenge its constitutionality at the Supreme Court by a petition.

The twentieth Amendment reduces the number of days that a Bill should be published in the Gazette before it is placed on the Order Paper of Parliament from earlier stance of 14 to 7 days.¹¹

Once the Bill has gone through the First Reading and Second Reading Stages at the Parliament, it is referred to the Committee of the Whole Parliament, where the Parliament considers all the clauses of the Bill and proposes amendments as necessary.¹² These amendments are commonly referred as '*the Committee stage amendments*'. There were no precise provisions specifying the nature of such amendments and the twentieth Amendment grasps this aspect by laying out express provisions to set out that the amendments proposed to a Bill in Parliament shall not deviate from the merits and principles of such a Bill.¹³

Moreover, the twentieth Amendment reintroduces provisions to enable the President to present any Bill (except Bills to repeal or amend the Constitution) rejected by Parliament to the people by Referendum.¹⁴ This provision had been repealed by the nineteenth Amendment.



Another significant aspect of the twentieth Amendment is the reintroduction of 'Urgent Bills' which had been repealed by the nineteenth Amendment. Accordingly, any Bill which is, in the view of the Cabinet of Ministers, urgent in the interest of national security or for the purpose of disaster management, shall not be published on the Gazette as per the normal procedure. Such a Bill shall be referred to the Supreme Court by the President for special determination and the Court is required to make the determination within 24 hours. However, the President can extend this period up to three days.¹⁵

The Supreme Court Determination

As specified above, the twentieth Amendment brought certain significant changes to the dynamics of the Executive, Legislature and the Judiciary. However, the original Bill of the Twentieth Amendment included some crucial aspects which impacted the political and legal discourse of the country.

Therefore, it is important to consider some of the changes made to the Bill subsequent to the determination of the Supreme Court.

The Twentieth Amendment Bill was challenged at the Supreme Court and the Supreme Court determined that certain calluses of the Bill were inconsistent with the Constitution and therefore requires the approval by the people at a referendum by virtue of Article 83 of the Constitution. The Supreme Court determined that these clauses are inconsistent with the Article 3 and Article 4 of the Constitution which set out that the sovereignty is in the people and the manner in which such sovereignty shall be exercised.

Accordingly the following Clauses in the Bill were amended as specified by the determination.

Clause 3 – Duties of the President: The Twentieth Amendment Bill did not include the President's duty to ensure the proper conditions for the conduct of free and fair elections and referenda on the advice of the Election Commission which was recognised in the nineteenth Amendment. The Supreme Court was of the view that imposing such duty strengthens the franchise, which is part of the inalienable sovereignty of the people as specified in Article 4 of the Constitution, as read with Article 3. The franchise is not confined to the act of polls but also includes free and fair elections. Accordingly, the Twentieth Amendment Act included the above, under the duties of the President as a way of the Committee stage amendment.¹⁶

Clause 5 – Immunity of President from law suits: The nineteenth Amendment included an exception to the general rule that the President is immune from lawsuits, enabling the citizens to make application for infringement or imminent infringement of fundamental rights by the conduct of the President, in his official capacity. Such application shall be against the Attorney-General. The Twentieth Amendment Bill removed this exception and the Supreme Court determined that it is inconsistent with Article 3 and Article 4 of the Constitution. The court emphasised that the 'immunity' is a privilege conferred on the Office of the President and not a power which he or she is permitted to exercise.¹⁷ Accordingly, the Twentieth Amendment Act included the exception to the provisions relating to the immunity of the President.¹⁸

Clause 14 – Dissolution of Parliament: The initial Twentieth Amendment Bill made provisions to enable the President to dissolve the Parliament after one year from the date of its first meeting and

in its determination, the Supreme Court highlighted that while the power to dissolve Parliament is a legitimate right of the Executive and operates as an effective check and balance between the two organs, a fair balancing of competing interest is important to ensure that the exercise of this right would not infringe the sovereignty of the people.¹⁹ Accordingly, as the proposed Committee stage amendment presented before the courts by the Attorney-General, this period was extended to two years and six months.²⁰

Clause 22 – failure to comply with the guidelines of the Election Commission: The Twentieth Amendment Bill did not include the enforcement of a penalty to the public officers who do not comply with the guidelines of the Election Commission, which was set out in the nineteenth Amendment. The Supreme Court determined that the 'prosecution of persons for non-compliance with the commission's directions and guidelines will have a greater impact on the compliance with such directions which would enhance the conduct of free and fair elections'. Therefore, the Court determined that the removal of the Article would have a prejudicial effect on the franchise and thus is inconsistent with Article 3 and Article 4 of the Constitution.²¹ Thus the *Twentieth Amendment Act* did not make provisions to repeal the said Article 104GG.

Accordingly, the twentieth Amendment to the Constitution has made some substantial changes to the matters relating to the main organs of the country, creating many debates and discourses. While there is an ongoing process to introduce a new Constitution, only time can unfold the full effects and impact of the twentieth Amendment, as it did with every other constitutional amendment previously.

References:

- ¹ Section 20 (1) of the Twentieth Amendment to the Constitution Act
- ² Section 19(3) of the Twentieth Amendment to the Constitution Act
- ³ Section 19(2) of the Twentieth Amendment to the Constitution Act
- ⁴ Section 43 (1), Twentieth Amendment to the Constitution Act
- ⁵ Section 44(1), Twentieth Amendment to the Constitution Act
- ⁶ Section 48, Twentieth Amendment to the Constitution Act
- ⁷ Section 44 (2), Twentieth Amendment to the Constitution
- ⁸ Section 12 of the Twentieth Amendment to the Constitution Act
- ⁹ Section 7 of the Twentieth Amendment to the Constitution Act
- ¹⁰ Section 25 and Section 31 of the Twentieth Amendment to the Constitution Act
- ¹¹ Section 13 (1) of the Twentieth Amendment to the Constitution Act
- ¹² Standing Order 57, Standing Orders of the Parliament of Sri Lanka
- ¹³ Section 13 (2) of the Twentieth Amendment to the Constitution Act
- ¹⁴ Section 14 of the Twentieth Amendment to the Constitution Act
- ¹⁵ Section 26 of the Twentieth Amendment to the Constitution Act
- ¹⁶ Section 3 of the Twentieth Amendment to the Constitution
- ¹⁷ Supreme Court Determination on Twentieth Amendment to the Constitution, page 30
- ¹⁸ Section 5 of the Twentieth Amendment to the Constitution
- ¹⁹ Supreme Court Determination on Twentieth Amendment to the Constitution, page 48
- ²⁰ Section 12 of the Twentieth Amendment to the Constitution
- ²¹ Supreme Court Determination on Twentieth Amendment to the Constitution, page 55



COMMONWEALTH DAY 2021 IN THE CPA'S 180 PARLIAMENTS AND LEGISLATURES

The Commonwealth Parliamentary Association celebrated Commonwealth Day 2021 across the CPA's nine Regions and over 180 Parliaments and Legislatures despite the COVID-19 pandemic curtailing many 'in-person' events. The 2021 Commonwealth Day theme focuses on 'Delivering a Common Future: Connecting, Innovating, Transforming' which offers opportunities for the people, Parliaments, governments and institutions of the Commonwealth to connect and work together at many levels through far-reaching and deep-rooted networks of friendship and goodwill.

Her Majesty Queen Elizabeth II, Head of the Commonwealth and Patron of the Commonwealth Parliamentary Association, released her Commonwealth Day message in which she spoke of the diversity of the people and countries that make up the Commonwealth and its ability to deliver a common future for all. The traditional Westminster Abbey Service for Commonwealth Day was cancelled this year due to COVID-19 restrictions.

The late Hon. Emilia Monjowa Lifaka, MP, Chairperson of the CPA International Executive Committee and Deputy Speaker of the National Assembly of Cameroon released a Commonwealth Day message on behalf of the CPA and said: "The COVID-19 pandemic may have physically separated many of us this year, but the bond that connects the various peoples of the Commonwealth remains strong. Now more than ever, we must remain united and act collectively in order to deliver a common future. With our membership of over 17,000 Parliamentarians and parliamentary staff spread across more than 180 Parliaments and Legislatures,

the Commonwealth Parliamentary Association (CPA) continues to promote the importance of parliamentary democracy and its value within our societies and our global community."

The CPA Secretary-General, Stephen Twigg added: "I am pleased to celebrate Commonwealth



Day 2021 – my first as the CPA's Secretary-General. Today, we have an opportunity to reflect on the diversity of the Commonwealth. In particular, as it is also International Women's Day, I pay tribute to the hard work of women Parliamentarians across the Commonwealth. Additionally, I am delighted to highlight the importance of engaging young people and the relaunch of CPA's Youth Engagement Pack. As we look to the future, the Commonwealth has a responsibility to listen to diverse voices including women and young people."



The CPA Headquarters Secretariat updated and re-launched its Commonwealth Day Youth Engagement Pack in advance of Commonwealth Day. The pack was first launched in 2020 to support parliamentary outreach activities on Commonwealth Day. It has been updated with ideas and resources that provide options for virtual activities in recognition of the lockdowns currently in place in many Commonwealth jurisdictions due to COVID-19. The pack features:

- A handbook outlining potential activities for Commonwealth Day
- A series of tools to use on Commonwealth Day, such as a quiz, factsheet and activity cards
- A leaflet with further information on this year's Commonwealth Day theme

To download the CPA Commonwealth Day Youth Engagement Pack visit the CPA website or email hq.sec@cpahq.org.

Commonwealth Day is celebrated annually on the second Monday of March. Although Commonwealth Day celebrations were limited this year due to the current global pandemic, the CPA and its CPA Branches still hosted a series of online and virtual events.



Commonwealth Day 2021

CAYMAN ISLANDS YOUTH PARLIAMENT TAKES OVER PARLIAMENT CHAMBER ON COMMONWEALTH DAY 2021

Image credit: Cayman Islands Government



Twenty-two participants in the 14th Commonwealth Parliamentary Association Cayman Islands Youth Parliament took over the chamber for the day when the event was held in conjunction with Commonwealth Day 2021. This prestigious event is a unique learning experience for local youth and is held to mark the Commonwealth Day celebrations in the Cayman Islands annually. The programme is aimed at students between 14 to 25 years of age, from both government and private high schools, as well as the colleges. The event is organised by the Clerk of the Parliament and CPA Cayman Islands Branch Secretary, Mrs Zena Merren-Chin and her staff and is supported by all current and past MPs.

The event has taken place since 2006 and local law firm Harneys has generously sponsored the event for the fourth consecutive sponsorship. The participants also visited the Government Administration Building and met

with the Premier, Hon. Alden McLaughlin and Minister for Health, Environment, Culture and Housing, Hon. Dwayne Seymour to get a better understanding of governance as well as how Government is set up and works.

The Clerk of the Parliament said: *"The Youth Parliament gives our participants an insight into how Parliament works and the vital role it plays in any democracy. They get a clearer understanding and better knowledge about governance, law-making and the separation of powers that is involved in the workings of democracy."*

VIRTUAL YOUTH EVENT IN JAMAICA ON COMMONWEALTH DAY 2021

The CPA Jamaica Branch and Jamaica Houses of Parliament joined with other Commonwealth countries on Monday 8 March 2021 in celebrating Commonwealth Day 2021, under the theme of *'Delivering a Common Future: Connecting, Innovating and Transforming'*. A Virtual Forum was held with representatives from youth organisations across the island to discuss the effect that the COVID-19 pandemic has had on Jamaican youth and to find solutions to the various issues they confronted.

In her opening remarks, the Speaker of the House of Representatives, Hon. Marisa Dalrymple-Philibert, MP said that the Commonwealth Parliamentary Association provides an avenue for all member countries and Parliamentarians to have an equal voice regardless of country size, income, race, religion, or gender. She noted further that the cooperation demonstrated by the Members of the CPA and other Commonwealth organisations is *"a fine example for us today as we seek to deliver a connected, innovative and transformed society."*



The Commonwealth Day messages from The Queen, the Prime Minister and the Leader of the Opposition were relayed by video. In the following discussion, a wide range of topics were explored by an expert panel including mental health, entrepreneurship, food safety and security, education and youth development. The panellists included Hon. Robert Morgan, MP, Minister of State in the Ministry of Education, Youth and Information; Senator Gabriela Morris, Opposition Spokesperson on Youth and Sports and the youngest Parliamentarian; and Senator Dr Saphire Longmore, President of the Jamaica Psychiatric Association. The forum benefited from the advantages of virtual events in that it enabled greater participation by youth organisations and in addition, the programme was streamed by the Public Broadcasting Corporation of Jamaica on its *YouTube* channel, resulting in the Parliament reaching a wider audience (over 4,000 views to date) than it would have if an 'in-person' event had been used.

NORTHERN IRELAND HOLD YOUTH EVENT TO MARK COMMONWEALTH DAY 2021

The Northern Ireland Assembly Branch of the CPA held a special virtual event with young people from across the Commonwealth who now live here to mark Commonwealth Day 2021. In a lively discussion between young people and Members of the Assembly, participants discussed how we can all work together to deliver a common future. The Chairperson of the CPA Northern Ireland Branch, Hon. William Humphrey, MLA released a video message to mark Commonwealth Day about the activities of the CPA Branch plus some future plans and how the Branch is celebrating Commonwealth Day.

The Commonwealth Parliamentary Association includes many Legislatures large and small across the Commonwealth and in the United Kingdom membership includes the devolved assemblies of Scotland, Wales and Northern Ireland. Visit www.niassembly.gov.uk/cpa to find out more about the CPA Northern Ireland Branch.

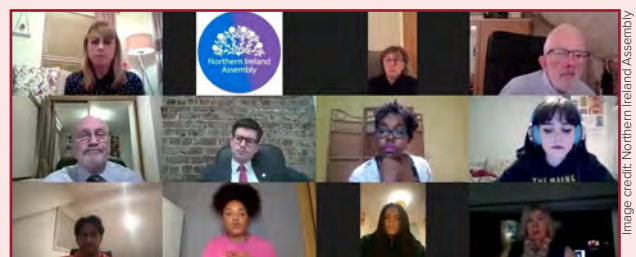


Image credit: Northern Ireland Assembly



UK PARLIAMENT MARKS COMMONWEALTH DAY 2021 WITH HISTORIC FIRST AT FLAG RAISING CEREMONY

To mark Commonwealth Day 2021, the Speaker of the UK House of Commons and Joint CPA UK Branch President, Rt Hon. Sir Lindsay Hoyle, MP took part in a special socially distanced ceremony in New Palace Yard to unveil three new flagpoles in the grounds of Parliament.

The Speaker was joined by senior politicians in the half-hour event, which culminated in the unfurling of the United Kingdom's Union flag, the flag of the Commonwealth, and one to mark International Women's Day which was also on the same day. The new flag poles will enable the House to also fly the flags of other nations and jurisdictions, when their representatives visit Parliament.

The raising of the Commonwealth flag follows a tradition that takes place across its 54 nations and the idea originated from the Speaker, who wants the House to be as welcoming as possible to the British people and dignitaries from overseas. The Speaker plans to use the new facility to also fly flags to celebrate or mark significant national and international events, such as Armed Forces Day, Pride in London and United Nations Day.

In his message for Commonwealth Day 2021, the UK Speaker said: "It's been almost a year since the world changed and I know that life currently looks very different for people across the Commonwealth. But I am so impressed at how, through the innovation of colleagues across the Commonwealth Parliamentary Association, we've still found ways to remain connected. Whether it be the Westminster village or the Commonwealth family, the past twelve months have shown the importance of working together to find shared solutions to the challenges we've faced. Commonwealth Day is the



Images credit: UK Parliament

ideal opportunity to reflect upon what we have in common in the diverse family of nations that the Commonwealth is, and celebrate ways in which Parliaments have kept transforming and reinventing themselves to reflect the realities of the communities they represent."

Other events at the UK Parliament to mark Commonwealth Day included a physical and virtual exhibition of photos and stories from Members of Parliament and parliamentary staff who have roots across the Commonwealth. "We are proud of the people who work here, and I want to celebrate their heritage with them," the Speaker said. "I also hope that by sharing their personal stories, others will be inspired to consider the House of Commons as a possible place to work."

Visit the UK Parliament website to see the virtual exhibition.



Images credit: UK Parliament





PARLIAMENT OF RWANDA CELEBRATES COMMONWEALTH DAY AHEAD OF 'POSTPONED' CHOGM 2021



Members of the Parliament of Rwanda and CPA Rwanda Branch held a virtual event to mark Commonwealth Day 2021 on the theme of 'Delivering a Common Future: Connecting, Innovating and Transforming' – which is also the theme of the 2021 Commonwealth Heads of Government Meeting (CHOGM) which was due to be held in Rwanda in June 2021 (now postponed to a future date).

The Speaker of the Chamber of Deputies, Hon. Donatille Mukabalisa, who is also the President of the CPA Rwanda Branch, commended the Executive Committee of the CPA Rwanda Branch for defying the current global pandemic and going ahead with the preparation of their virtual event. Speaker Mukabalisa said: "As we celebrate the Commonwealth Day, we will discuss the Commonwealth's strengths to influence change on global issues, and as a young CPA Branch, this will be a great opportunity for us to learn more about the CPA practices, processes and procedures."

Speaker Mukabalisa said that the COVID-19 pandemic shook and turned the world upside down and put nations in a critically challenging situation. She expressed satisfaction as to how resiliently Parliaments reacted to the current global crisis by carrying on delivering for their electors. The Speaker also called on Parliamentarians to capitalise on the CHOGM 2021 to be held in Kigali and to play their role by voicing their views and contributions in addressing the challenges that all Commonwealth nations across the world are facing.

ST HELENA FLAG RAISING AND SCHOOL ASSEMBLIES ON COMMONWEALTH DAY 2021

Commonwealth Day 2021 was celebrated on St Helena with an assembly held at Prince Andrew School (PAS) and at the Island Primary Schools attended by several Members of the CPA St Helena Branch.

Messages were read from the Head of the Commonwealth, Her Majesty The Queen and the Secretary-General of the Commonwealth as well as the Commonwealth Affirmation. Member of the Legislative Council, Christine Scipio delivered a welcome speech highlighting appreciation for women in our lives and acknowledged their tremendous contribution to our society as Commonwealth Day also coincided with International Women's Day. In recognition of the day, three female guest speakers – CEO of Sure South Atlantic Limited, Christine Thomas; Managing Director of the Bank of St Helena Ltd, Josephine (Joey) George; and Sharon Henry from What the Saints Did Next / Inside St Helena – delivered speeches and presentations, in line with the theme, during the assembly at Prince Andrew School.

Following the assembly, Mrs Marjorie (May) Young BEM raised the Commonwealth Flag at the Francis Plain Pavilion as part of the 'Fly a Flag for the Commonwealth' initiative. This initiative aims to inspire participants to join with others throughout the Commonwealth, expressing commitment and appreciation for the values the Commonwealth upholds, and the opportunities offered for friendship for all ages around the world.



THE NATIONAL ASSEMBLY OF THE SEYCHELLES POST ONLINE FOR COMMONWEALTH DAY 2021

The CPA Seychelles Branch and the National Assembly of the Seychelles marked Commonwealth Day highlighting on social media the work of the CPA Small Branches network and its support of the network's strategic plan to maximising small island Parliaments and their Parliamentarians in their efficacy as legislators, scrutineers, representatives and advocates, particularly in addressing national developmental challenges and increasing resilience to climate change.

As the current global COVID-19 pandemic prevented many events to be postponed or cancelled, the CPA Seychelles Branch shared images of past Commonwealth and CPA-related celebrations at the National Assembly.

REFLECTING ON 100 YEARS OF LEGISLATING IN UGANDA

In 1920, when the world was recovering from the effects of the 1918 influenza pandemic and the subsequent economic depression with its devastating effects, the British government, then in charge of a vast Empire, including Uganda, introduced an Order in Council, providing for the establishment of the Legislative Council, the precursor of the present day, Parliament of Uganda.

The Order in Council, issued at the Court at Buckingham Palace on 17 May 1920, said that: *‘There shall be a Legislative Council in and for the Protectorate, and the said Council shall consist of the Governor and such persons, not being less than two at any time, as His Majesty may direct by any Instructions under His Sign Manual and Signet, and all such persons shall hold their places in the said Council during His Majesty’s pleasure’.*

On 23 March 1921, the Legislative Council (or LEGCO) held its first sitting. Its initial Members were all European, but were joined by Asian Members five years later (in May 1926).

The Governor, H.E Sir Robert Coryndon, was the first President (Speaker) of the Council and indeed presided over the day’s morning sitting, which was held at the High Court Building in Entebbe, which lies southwest of Kampala, the present capital. This location, Entebbe, was the first seat of the colonial government before independence. Upon taking his special seat, surrounded by Judges, Bishops and invited guests, Sir Robert Coryndon asked the Clerk to read the proclamation.

After the prayers and administration of oaths, Sir Robert Coryndon, who had been accompanied to the sitting by Lady Coryndon and Capt. Palmer Kerrison, made his speech. *“It gives me great pleasure to address for the first time, as President, the first Legislative Council of the Uganda Protectorate. The Constitution of this Council marks a definite step in the development of the Protectorate, and I am confident that I express the views of the whole community when I tender our recognition and cordial thanks to His Majesty’s Government, and particularly to His Majesty’s Secretary of State for the colonies,”* he said.



In his address, Sir Robert Coryndon noted the effects of the great depression that had negatively affected the sale of the country’s cotton, coffee and rubber. The depression, he said, had also caused a severe setback to all the import, export, bazaar and native trade hence proposing to offer financial assistance to the affected farmers.

The Legislative Council comprised seven persons, who included: the Chief Secretary, the Attorney-General, the Treasurer, the Principal Medical Officer, all of whom were ex-officio and three unofficial nominated members. Twenty years later (in 1945), three Ugandans, two of whom were Prime Ministers of their respective Kingdoms: Michael Ernest Kawalya Kaggwa (Buganda); Petero Nyangabyaki (Bunyoro) and Yekonia Zirabamuzaale (Secretary General/ Busoga) were to join the Council, followed later by a fourth, a representative from the Northern Province.

“The LEGCO generally had limited legislative powers, as most important decisions at the time came from the British Government in Whitehall. The main activity of the LEGCO was to legislate for law and order in the Uganda Protectorate,” said Rt Hon. Rebecca Kadaga, MP and Speaker of the 10th Parliament.

Faustin Misanvu, a Ugandan journalist and researcher said that in 1921, LEGCO, comprising only whites, took over legislative duties, which were initially the preserve of the British High Commissioner and later the Governor – the representative of the Crown in the Protectorate. *“It was claimed that at the time there was no Ugandan who understood or could speak fluent English or was knowledgeable to make legislation for Uganda,”* he said of the lack of Ugandans in the Council.

At independence on 9 October 1962, the British left in place a National Assembly consisting of nominated and directly elected Members in an election held on 25 April 1962. The representatives of Buganda Kingdom, which had a special status in the country, were elected by the Kingdom’s own Parliament or Lukiiiko.

Paying tribute to LEGCO, Misanvu said that despite its shortcomings, the institution made laws and contributed to the building of the country, the basis of what is happening

Left: A model of the Parliament of Uganda building before the country’s coat of arms was added to the façade; also showing the East (right), North (background) and West (left) wings and tower before independence in 1962.



Images: Department of Communication and Public Affairs and the Parliamentary Library, Parliament of Uganda.



today. He said that LEGCO fulfilled its mandate in favour of the British at the expense of Ugandans. *“LEGCO had the mandate and freedom to work and pass laws without fear from constituents since they were not elected Members,”* he said.

The first sitting of the National Assembly of independent Uganda, held on 10 October 1962, was attended by Their Royal Highnesses The Duke and Duchess of Kent, who represented Her Majesty Queen Elizabeth II and delivered her message, marking the opening of the first session of the independent Parliament or National Assembly of Uganda. In her speech, The Queen pledged to respect the independence of the Judiciary and the equality of all persons before the law and said that the new Government would *“seek to promote international order and understanding... and to establish fraternal connections with neighbouring countries and other governments in Africa.”*

“My Government is proud of Uganda’s membership of the Commonwealth of Nations, and looks forward to the development of increasingly friendly relations with the other Commonwealth countries. It will seek to live in harmony with all the freedom-loving peoples of the world,” she said through her representative.

What started as a whites-only Assembly in 1921, joined by Asian Members five years later, has transformed and changed not only in colour, name and composition but also in structure, mandate and location. From an original seven Members, the number has grown to 32 Members in 1950, 61 by 1955 and 78 by 1961. The last Parliament, the 10th since independence (2016 – 2021) consisted of 459 Members of Parliament, while the current 11th Parliament, whose Members took oath in May 2021, surpasses the 500 mark.

From its first day, the National Assembly or Parliament of Uganda registered both ups and downs, most significant when it was rendered unwanted and hence eliminated between 1971 and 1979. Being part of the Commonwealth and fulfilling the requirements in 1962, the National Assembly established the Commonwealth Parliamentary Association Uganda Branch, and five year later, hosted the 13th Commonwealth Parliamentary Conference in 1967. After 50 years during which Parliament (1971 – 1979) and membership to both the Commonwealth and the CPA were suspended, Uganda were hosts once again to the 64th Commonwealth Parliamentary Conference. Members of Parliament and parliamentary staff have continued to play significant roles in the CPA. In 2004, the CPA Uganda Branch hosted the CPA International Executive Committee Mid-Year Meetings in Uganda. Members of the Parliament of Uganda have played a significant role in the governance of the Association. For example, in 2012, Hon. Elijah Okupa, MP from the

Right: The first President of Uganda (at independence), Sir Edward Mutesa (right) addresses a sitting of Parliament in the early years of independence; Ministers join the Prime Minister, Apollo Milton Obote (5th from right), on the front bench.



Above: Commonwealth Parliamentarians attending the 13th Commonwealth Parliamentary Conference in October/November 1967 hosted by the CPA Uganda Branch.

Parliament of Uganda represented the CPA Africa Region on the CPA Executive Committee. Rt Hon. Rebecca A. Kadaga, MP was the Commonwealth Women Parliamentarians (CWP) Chairperson between 2013 and 2016 and she had previously been the CWP Vice-Chairperson and the CWP Africa Chairperson as well as holding the office of CPA President from the 63rd to the 64th Commonwealth Parliamentary Conference.

After lifting the sanctions and rejoining the Commonwealth and the CPA, Queen Elizabeth II was in the country to address the Parliament of Uganda in November 2007, ahead of the Commonwealth Heads of Government Meeting (CHOGM) that year.

Today, in the middle of another global pandemic of COVID-19, which has claimed thousands of lives around the world, including over 300 of them in Uganda [as at May 2021] including elected legislators, the Parliament of Uganda marked its 100 years of



Images: Departments of Communication and Public Affairs and the Parliamentary Library, Parliament of Uganda.

legislation, with only low key celebrations that included a photo exhibition and a special sitting of the plenary during which a motion was moved and passed (celebrations are scheduled for next year).

In the motion, moved by the Minister of Public Service, Hon. Wilson Muruli Mukasa, MP, Parliament resolved to collectively honor the various Parliaments and governments that contributed to the attainment of Uganda’s independence, the promotion of democratic principles, and the economic and social development of the country. It further resolved to appreciate the various Speakers, Heads of Parliaments, Members of Parliament, and other Officers for “*excellent stewardship and contribution to the Legislature.*” The Parliament also recognised the contribution of the Clerks to Parliament and officials for their service to the Legislature.

The Parliament of Uganda is now provided for in the Constitution of 1995. It says in Chapter Six that “*there shall be Parliament*”, which, experts say safeguards the existence of Parliament of Uganda and protects it from being abolished by any President. From 1995, the structure and composition of the Parliament of Uganda has been changing, almost every five years. Parliament now comprises directly elected Members from constituencies, and Members representing special interest groups including women, youth (persons of 18 – 30 years), workers (representing the working unionized and non-unionised persons), persons with disabilities, the army, and the elderly (60 years and over), who only joined in this category in this new Parliament.

Looking ahead, Rt Hon. Rebecca Kadaga, MP, the Speaker of two successive Parliaments of Uganda, said that the commemoration of 100 years accorded Members with the opportunity to reflect on the task awaiting the 11th Parliament and subsequent Parliaments, especially at a time when society grapples with endemic socio-economic inequities, rampant human rights violations and rapid population growth. “*Parliament should ensure that governmental action, resources and laws are directed towards adequately meeting the ever-increasing needs of the ever quick-growing population, equitable distribution of opportunities and benefits of growth, narrowing the gap between the haves and have-nots, respect for human and peoples’ rights and sustainable conservation of the endangered environment,*” she said. She appealed to legislators to strive to enable the realisation of the aspirations of the people and asked future Parliaments to strategically adapt to rapid advancements in Information and Communication Technology (ICT) and its ramifications on the workings of the Legislature, rapid population growth and the progressive rise in the expectations and needs of the populace; increased regional integration and globalisation and with it the increased role of parliamentary diplomacy.

From the Council or Court Chamber in Entebbe to the High Court in Kampala in 1945, sittings of the LEGCO in 1950 moved to the Town Hall and eventually in 1960 to the current Parliament Building on Plot 16 – 18 Parliament Avenue. Originally meant to accommodate only 80 Members of Parliament, the Parliament of Uganda will soon move into a bigger and more spacious Chamber now under construction and capable of comfortably sitting over 500 Members.



Above: Ugandan Member of Parliament, Hon. Tom Alero Aza, MP, tours a special photography exhibition which was held as one of the activities to mark 100 years of Parliament in Uganda on 23 March 2021.

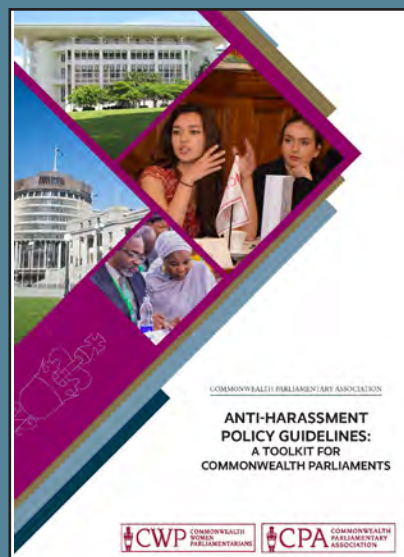
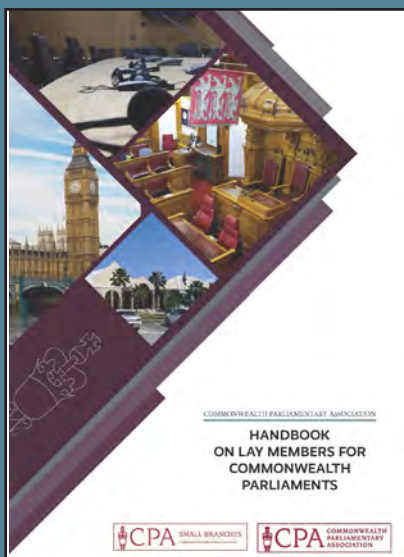
TIMELINE

- **1920** - British government introduces an Order in Council, providing for the establishment of the Legislative Council (and Executive Council).
- **23 March 1921** - the Legislative Council (LEGCO) comprising seven Members (all European) holds its first sitting. LEGCO is chaired by the Governor, H.E Sir Robert Coryndon.
- **1945** – The first Africans, Michael Ernest Kawalya Kaggwa (Prime Minister of Buganda); Petero Nyangabyaki (Prime Minister of Bunyoro) and Yekonia Zirabamuzaale (Secretary General/ Busoga) join LEGCO.
- **1962** – Uganda gains independence; counting of independence Parliaments commences.
- **1971** – President Idi Amin abolishes Parliament, rules by decree.
- **1979** – A new Government is formed; establishes the National Consultative Council (NCC), with legislative powers.
- **1980** – Following general elections, a National Assembly based on multi-parties is established. Its term was to run until 1986, but was cut short by a military coup, sending Parliament into abeyance for a year, until the coming into Government of President Yoweri Museveni in January 1986.
- **1986** – A National Assembly, called the National Resistance Council, was established, chaired by the President (in the role of Presiding Officer). The Council carried out legislative duties. The NRC lasted ten years, during which a Constituent Assembly was set up to work on the country’s new Constitution. The Constitution was promulgated in 1995, providing for Parliament of Uganda, its establishment, functions and composition. It provided for a five-year term of Parliament.
- **1996** – The first elections for President and Parliament were held in Uganda, and successively every five years, bringing Uganda to the current Parliament, the 11th since independence.

Article written by Mohammed Katamba, Principal Information Officer, Parliament of Uganda and freelance journalist.

DID YOU KNOW THAT CPA HAS RESOURCES AVAILABLE FOR COMMONWEALTH PARLIAMENTS?

DOWNLOAD CPA'S NEW PUBLICATIONS AND TOOLKITS
Visit www.cpahq.org
or email hq.sec@cpahq.org



www.cpahq.org



In celebration of International Women's Day 2021, Commonwealth Parliamentarians across the world are supporting #genderequality and this year's #ChoosetoChallenge theme

CWP COMMONWEALTH WOMEN PARLIAMENTARIANS

International Women's Day

I'm in, are you?
#ChoosetoChallenge
#IWD2021

COMMONWEALTH PARLIAMENTARIANS SUPPORT #CHOOSETOCHALLENGE

Women Parliamentarians from across the Commonwealth have mobilised behind the #ChoosetoChallenge slogan to mark International Women's Day 2021. Members of the Commonwealth Women Parliamentarians (CWP) network joined the global campaign to challenge gender bias and inequality, to celebrate women's achievements and to help create an inclusive world. In celebration of International Women's Day, the CWP Chairperson, Hon. Shandana Gulzar Khan, MNA (Pakistan) published a #ChoosetoChallenge video message in which she reflected on how Parliamentarians of all genders can choose to challenge gender inequality: *"Parliamentarians are uniquely placed to challenge gender inequality and bias. The emphasis here is on choice. We must choose to involve women at every stage of the legislative process, we must choose to produce gender-sensitive budgets and we must choose to stand against harassment of women in public, in the workplace and online. Happily, the Commonwealth Women Parliamentarians network has continued to work, during the COVID19 pandemic, to improve representation of women in elected office and build the capacity of women Parliamentarians as current and future leaders."*

On the day itself, she spoke at a number of International Women's Day events including the virtual parliamentary debate 'Raising Voices for Change', hosted by the CPA UK Branch, as well as an event with the Commonwealth Secretariat on 'Women in Leadership: Achieving an Equal Future in a COVID-19 World'. The CWP network also released a series of short videos and images online and on social media, offering an insight into the life of women Parliamentarians across the Commonwealth and their efforts to facilitate the empowerment of women at every level of society. The video featured women MPs from Nigeria; India; Ontario, Canada; Cook Islands; St Lucia and Malaysia.

In the lead up to the day, the CWP network also launched a social media campaign highlighting women Speakers of Parliament in the Commonwealth. Women are significantly under-represented in leadership positions within Parliaments, comprising only 20% of Speakers globally. The CPA and CWP is proud to have welcomed many women Speakers and Deputy Speakers to its events over the years, and a number of women Speakers have also taken on governance positions within the Association.



CWP IN NEW ZEALAND CELEBRATE INTERNATIONAL WOMEN'S DAY

The Commonwealth Women Parliamentarians New Zealand Group held an event in Parliament to mark International Women's Day 2021 and also to recognise the newly elected women Members of Parliament. At the event, first-term women Parliamentarians were presented with a camellia brooch, which all women Members of Parliament now have. The white camellia was worn by people supporting women's right to vote in New Zealand in the 19th century and it has endured as a symbol today. The unique camellia brooches are inscribed with their unique number representing their place out of the women MPs who have been elected to Parliament since the first, Elizabeth McCombs won her place in the House in 1933. The brooches were crafted by Whakatane artist Robyn Watchorn.

Guest speakers at the event were Hon. Jan Tinetti, MP, New Zealand Minister for Women; Steve Chadwick, the Mayor of Rotorua; and Jacqui Dean, MP and the event was hosted on behalf of CWP by Nicola Grigg, MP and Ingrid Leary, MP.



NIGERIA SPEAKER PLEDGES TO ADDRESS CHALLENGES OF WOMEN'S ADVANCEMENT ON INTERNATIONAL WOMEN'S DAY



The Speaker of the Nigeria House of Representatives, Rt Hon. Femi Gbajabiamila, MP has said that the House will continue to address the challenges against the advancement of women. His remarks were made as he opened an International Women's Day event organised by the Commonwealth Women Parliamentarians at the National Assembly.

The Speaker expressed the determination of the House to address the issue of violence targeted at women and reiterated the determination to remove all obstacles against the development of women through the relevant legislation. He said: "I assure you that this 9th House of Representatives will continue to take actions to address the challenges militating against the advancement of women in all spheres of human endeavour. I ask all of you here today to support the House in this regard so that together we can make the world a better place for all our mothers, sisters, daughters, friends, and colleagues."

The Vice-Chairperson of the Commonwealth Women Parliamentarians and the CWP Africa Regional Chairperson, Hon. Dr Zainab Gimba, MP said that gender inequality remains one of the greatest threats to Africa's future, noting that International Women's Day is dedicated to celebrating the socio-

economic, cultural, and political achievements of women and a platform for action to accelerate gender parity. She also spoke about how the COVID-19 pandemic has worsened gender inequality in the world, as it has led to an increase in gender-based violence. Women are disproportionately affected by the pandemic and measures need to be put in place to combat this.

WOMEN PARLIAMENTARIANS IN PAKISTAN JOIN THE SPEAKER TO LAUNCH NEW WEBSITE ON INTERNATIONAL WOMEN'S DAY



The Speaker of the National Assembly of Pakistan, Hon. Asad Qaiser, MNA launched a new website for the Pakistan Women's Parliamentary Caucus on International Women's Day 2021 at an event held to pay tribute to women from all walks of life, especially women living with disabilities. The Speaker said that gender equality cannot be achieved without ending violence against women and that it's time to recognise the role of women and take substantial steps for ensuring the equal participation of women in legislation. The Speaker also highlighted that legislative support for persons with disabilities, especially women, is imperative for their socio-economic inclusion.

The Secretary of the Pakistan Women's Parliamentary Caucus, Hon. Munaza Hassan, MNA said that International Women's Day is held to highlight gender inequality around the world, raising awareness of the need for change and celebrating those who are already working towards a fairer and more equal world. Lina Mousa, Pakistan Country Representative for the United Nations Population Fund (UNFPA) acknowledged the efforts of the National Assembly of Pakistan and the Pakistan Women's Parliamentary Caucus for leading the event which reflects their strong commitment to the cause of gender equality and through achieving an equal future in a COVID-19 world.

COMMONWEALTH WOMEN PARLIAMENTARIANS IN THE UK JOIN ONLINE DEBATE WITH WOMEN AROUND THE WORLD ON TACKLING GENDER-BASED VIOLENCE

Commonwealth Women Parliamentarians in the UK Parliament held an online event for International Women's Day titled 'Raising Voices for Change'. During this women's parliamentary debate, participants heard from thirteen panellists from all regions of the Commonwealth on how to work together to challenge online harms faced by women Parliamentarians; how to ensure equal access to political participation; and the progress on gender-sensitive legislation towards tackling gender-based violence.

During the debate, inspiring pledges were shared by Commonwealth Women Parliamentarians and parliamentary staff. These included commitments to demonstrate zero tolerance towards online violence against women; to introduce affirmative action bills to increase women's representation; and to be the 'foot soldiers for change' in strengthening legislation and its implementation.

CARIBBEAN WOMEN SPEAKERS HOLD VIRTUAL MEETING TO DISCUSS COOPERATION ON WOMEN'S LEADERSHIP



Caribbean Women Speakers from Belize, Trinidad and Tobago, Antigua and Barbuda, Saint Lucia, Montserrat and St Vincent and the Grenadines came together virtually to discuss their unique roles in Parliaments across the Caribbean, Americas and the Atlantic Region at a Commonwealth Women Parliamentarians workshop held in the margins of the CPA Post-Election Seminar for the Parliament of Belize.

The CPA Secretary-General Stephen Twigg said: *“The Commonwealth Parliamentary Association is delighted to support the National Assembly of Belize through our Post-Election Seminar. An exciting new element of our programme was the Presiding Officers’ session, which brought together women Speakers and Presiding Officers from the Caribbean region to share their experiences. As a national Parliament with two women Presiding*

Officers, the National Assembly of Belize should be commended for its commitment to women’s leadership in Parliament.”

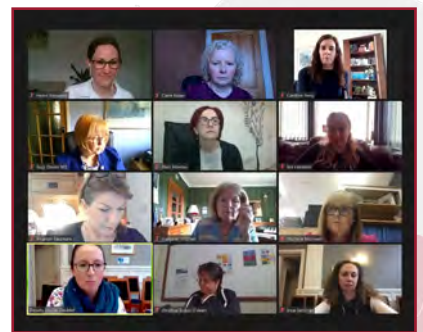
CWP PACIFIC REGION MEET WITH NEW ZEALAND FOREIGN MINISTER



Commonwealth Women Parliamentarians from the CWP Pacific Region held a virtual meeting with the New Zealand Minister of Foreign Affairs, Local Government and Associate Māori Development, Hon. Nanaia Mahuta, MP, who spoke about the important role of women in politics and her own story in government. The virtual meeting was chaired by New Zealand MP, Anahila Kanongata’a-Suisuiki and was attended by Parliamentarians from Fiji, Bougainville, Cook Islands and New Zealand.

CWP BIM REGION DISCUSS PRIORITISING WOMEN'S REPRESENTATION

The Commonwealth Women Parliamentarians British Islands and Mediterranean Regional Conference on ‘*Prioritising Women’s Representation and Promoting Gender Sensitive Parliaments*’ took place from 25-26 February 2021. This annual conference was held online, and brought together women Parliamentarians from the United Kingdom, Scotland, Wales, Northern Ireland, Isle of Man, Jersey, Guernsey, Gibraltar, Cyprus, Malta, St Helena and the Falkland Islands to hear from experts and to discuss the continued efforts to increase women’s representation in regional parliaments, and to learn from one another on policy and legislation affecting women.



NEW REPORT PAVES WAY FOR COMMONWEALTH LAWMAKERS TO STRENGTHEN LEGISLATION ON GENDER-BASED VIOLENCE

By bringing valuable insight into how effectively women are protected by legislation in their jurisdictions, a new CPA report highlights the shared challenges faced by Commonwealth Legislatures in meeting international standards, and existing good practice with examples of overcoming these challenges. The purpose of the report is to support Commonwealth Parliamentarians in enacting robust and comprehensive gender-based violence legislation; monitoring the implementation of these policies; and holding their Executive to account in making legislation more effective.

Despite vastly different legislative contexts across the Commonwealth, many of the barriers to protecting women from violence effectively are shared by Parliamentarians internationally. The rapid rise of new forms of gender-based violence facilitated by information and communication technology has exposed the deficiencies in legal frameworks, which means that Parliamentarians across the Commonwealth are faced with a new and emerging challenge that has not yet been addressed with an effective legislative response.

The new report has been published by the CPA UK Branch and has been informed by six regional roundtables with 32 Parliamentarians and legislative drafters from across the Commonwealth. It also draws on consultation responses from Parliamentarians and legislative drafters and a range of civil society organisations and academics with regional oversight in the Commonwealth. The report is part of a project funded by the UK Foreign, Commonwealth and Development Office to strengthen democracy, oversight, and sustainability in the Commonwealth.



To read the full report visit www.uk-cpa.org.



COMMONWEALTH WOMEN PARLIAMENTARIANS CONTINUE PERTINENT DISCUSSIONS ON GENDER EQUALITY WITH VIRTUAL ROUNDTABLES ON GENDER SENSITIVE PARLIAMENTS FOR ASIA, SOUTH-EAST ASIA AND AUSTRALIA REGIONS



Commonwealth Women Parliamentarians from the CPA Asia, South-East Asia and Australia Regions have joined the ongoing discussion on how Commonwealth Parliaments can effectively establish gender sensitive practices as the CWP network continues to host its virtual roundtables on gender sensitive Parliaments. The online discussions were attended by both male and female Parliamentarians and parliamentary staff provided attendees with an intimate forum where they were able to share and learn from each other's individual experiences. Importantly, attendees were equipped with the necessary tools and knowledge needed to begin or continue the process of implementing gender sensitive practices in their respective Parliaments.

The CWP Chairperson, Hon. Shandana Gulzar Khan, MNA (Pakistan) welcomed attendees to the Asia Region roundtable and began by highlighting that *"part of the problem we face in the*

Commonwealth is that only 34 of the 180 CPA Branches represented in the CPA have at least 30% women's representation in their Parliaments." She stressed that *"progress will not come from low aims or low ambitions."* The CWP Chairperson said that *"it is my hope and wish for all women Parliamentarians that we do not wait for the future to catch up with us but that we become the future and we bring the future to our people. The more women Parliamentarians that are empowered and have their voice at the table, the more voices we can use to create change."*

CWP Steering Committee Member for the South-East Asia Region, Hon. Alice Lau Kiong Yieng, MP (Malaysia) officially opened the roundtable by stressing that *"in order to make lasting change, the participation of male Parliamentarians and parliamentary staff is required."* Alice Yieng also stated that *"gender sensitisation is a method that should be considered of great importance to all CPA Branches in the South-East Asia Region and could be an important process that could increase the level of female participation across Parliament, in order to meet the international standard and Commonwealth target of 30%."*

At the CWP Australia Regional event, Hon. Frank McGuire MP (Victoria) welcomed delegates in attendance, on behalf of Hon. Sonya Kilkeny MP (Victoria) who is the CWP Australia Region Steering Committee Member, by stating that the *"virtual roundtable is an opportunity for our Region to collectively learn about the issue of gender sensitivity and the CWP Guidelines and look at ways we might be able to adapt and adopt these in the future, particularly in places where practices may not exist."* The work of the Parliament of Victoria to ensure gender equality was highlighted including that in 2019, it was the first Parliament in Australia to pass the Gender Equality Bill.

The CWP roundtables form part of a series of virtual Regional discussions that will be delivered for all nine Regions of the CPA. The roundtables will seek to facilitate a united Commonwealth approach to increasing the number of gender sensitive Parliaments across the Commonwealth. The programme builds upon the recent CWP *Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change* that was successfully launched in October 2020. These guidelines provide an outline of gender sensitising standards which Commonwealth Parliaments can use as a benchmark to achieve.

All CPA Branches are urged to take advantage of the opportunity provided by the CWP network to undergo a gender sensitive review for their respective Parliaments. For more information, please contact the CWP Network Coordinator at benite.dibateza@cpahq.org.



CANADA MARKS CENTENARY OF FIRST WOMAN MEMBER OF THE FEDERAL PARLIAMENT

Canadian Senator Donna Dasko recently highlighted in the Senate chamber that 2021 marks the 100th anniversary since the first woman was elected to the Parliament of Canada in the 1921 federal election.

Agnes Campbell Macphail (1890-1954) was a Canadian politician and teacher from Grey Southeast in Ontario, who served as a Member of Parliament in the House of Commons of Canada until 1940. Moving to provincial politics, from 1943 to 1945 and again from 1948 to 1951, she served as a Member of the Legislative Assembly of Ontario representing the Toronto riding of York East. Active throughout her life in progressive Canadian politics, she worked for two separate parties and also promoted her ideas through column-writing, activism and legislation.

With 30% female Members of the Canadian House of Commons today, Senator Donna Dasko reminded the Senate of Canada during a debate that more needed to be done to achieve gender equality across all institutions and with more women candidates coming forward for election, greater support was required.



Image credit: Yousof Karshi / Library and Archives Canada / C-021562



CELEBRATING FEMALE PIONEERS AT THE AUSTRALIAN FEDERAL PARLIAMENT

To mark International Women’s Day 2021, a new exhibition at the Museum of Australian Democracy (MoAD) at Old Parliament House in Canberra celebrates some of the early female pioneers in Parliament. The issue of female representation in Parliament remains as important as ever and Australia currently ranks 50th in the world for women’s representation in Parliament, down from 15th in 1999.

The achievements of women who broke down the barriers for others to follow has been celebrated in MoAD’s exhibition, ‘A Country Mile: Journeys of the National Party of Australia’, including some of the remarkable pioneers who walked the halls of Old Parliament House during a time when female MPs were so rare there were no toilet facilities for them.

One of those little-known parliamentary trailblazers was Senator Agnes Robertson, the Country Party’s first female member of the Australian Federal Parliament and its first female Senator. Agnes Robertson was originally elected as a Liberal Party Senator for Western Australia in 1949, and 71 years ago on 8 March, she made her first speech in the Senate. She switched allegiance to the Country Party when she discovered the Liberals had refused her preselection for the 1955 election because of her age. Robertson was elected again, and served until her retirement in 1962 at age 80.

The only girl in a family of seven brothers, Agnes Robertson knew how to stick up for herself. She learnt debating at the dinner table with her father, who enjoyed politics. At age 29, widowed and with three children and an uncertain income, she started teaching in Perth, Western Australia. She fought for the same pay and pension rights as male breadwinners and rose to be the Vice-President of her union.

Beginning her first speech in the Australian Senate on 8 March 1950, Robertson said her role as a citizen of the Commonwealth meant she was elected to represent both “men and women”. She argued that as a widowed family breadwinner, she had gained “experience of seeing life from a man’s point of view as well as from a woman’s.” And she paid tribute to “those Honourable Senators of my sex who have pioneered the way for women in this chamber.”

When that speech was made, only six women had ever been elected to the Australian Federal Parliament, including Robertson and two others who were elected to the Senate in the same year.

While Australia was one of the first nations to give full political rights to (non-Indigenous) women, it took 41 years after the *Commonwealth Franchise Act* in 1902 for the first two female MPs – Enid Lyons from Tasmania and Dorothy Tangney from Western Australia – to walk through the doors of the provisional Parliament House.

Robertson’s first speech in the Senate 71 years ago reflected the issues she had been involved with at the community level, such as rights for women, foreign affairs, education and social services, especially for the aged.

Throughout her career, she stayed engaged in these issues and a vast array of others, from peace to wheat marketing and industrial relations. In 1956, she became the first woman appointed to the Joint Parliamentary Committee on Foreign Affairs.

MoAD’s director, Daryl Karp, says the stories of early game-changers such as Senator Robertson are an important part of Australia’s democratic history. “Every female Parliamentarian has helped – little by little – to break down traditional barriers regarding women and what they are capable of,” he says. “Whatever their political persuasion – left, right or in the middle – they send a message that women belong in Parliament.”

MoAD has profiled more trailblazing women in Parliament in previous exhibitions and blogs, and the parliamentary library has a chronology of who was elected and when. The new exhibition, which opened in 2020 to mark the 100th anniversary of the National Party, tells the story of how a minor party came to have a major influence in the shaping of modern Australia.



Above: Senator Agnes Robertson in 1955.



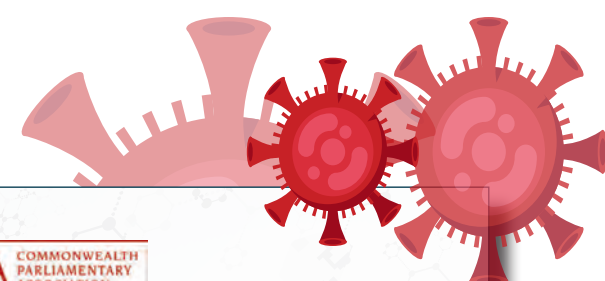
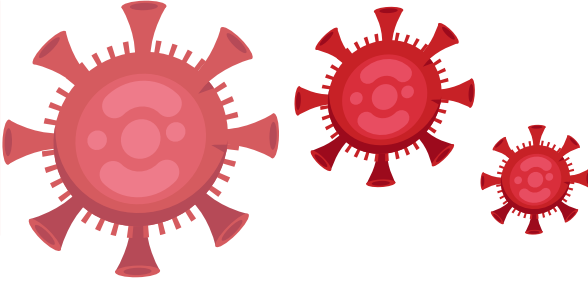
Left: Senator Agnes Robertson (third from left) with members of the National Committee on the Pan-Pacific and Southeast Asia Women’s Association of Australia in 1960.

Image credit: W. Pedersen/National Archives of Australia.

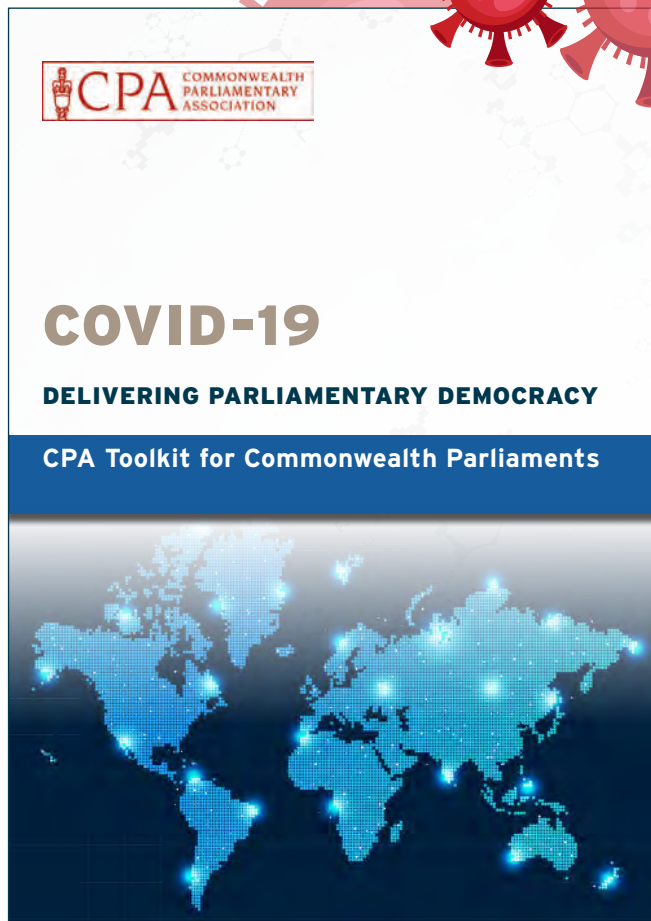
Image credit: Camera Craft/Studio/State Library of Western Australia.

This article was first published on the *RiotACT* website at: <https://the-riotact.com/>.

For details of the Museum of Australian Democracy at Old Parliament House visit www.moadoph.gov.au.



CPA TOOLKIT FOR COMMONWEALTH PARLIAMENTS ON THE COVID-19 PANDEMIC AND DELIVERING PARLIAMENTARY DEMOCRACY



DOWNLOAD CPA'S NEW PUBLICATION TODAY!
 Visit www.cpahq.org or email hq.sec@cpahq.org

COVID-19 PANDEMIC
 A pandemic is a global outbreak of disease. Pandemics happen when a new virus emerges to infect people and can spread between people worldwide. Because there is little to no pre-existing immunity against the virus, it spreads worldwide.

COVID-19 PANDEMIC
 The virus that causes COVID-19 is a relatively newly emerging virus that spreads easily from person-to-person. Cases have been detected in most countries worldwide and continue to spread in a growing number of countries. On 11 March 2020, the COVID-19 outbreak was declared as a pandemic by the WHO.

COMMON SIGNS OF INFECTION
 Common signs of infection include:
 • Respiratory symptoms
 • Fever
 • Cough
 • Shortness of breath
 • Swallowing difficulties

SYMPTOMS
 In more severe cases, infection can cause:
 • Pneumonia
 • Severe acute respiratory syndrome
 • Kidney failure
 • Death

PREVENTION
 Working of hands frequently and thoroughly clean hands with soap and water.
 Maintain social distancing. Maintain at least 2 metres (6 feet) distance between people, especially those who are coughing or sneezing.
 Practice respiratory hygiene. This means covering mouth and nose with either the bent elbow or a tissue when people cough or sneeze.
 Avoid touching eyes, nose and mouth. Hands touch many surfaces and can pick up viruses. Once contaminated, hands can transfer the virus to the eyes, nose or mouth.

PUBLIC HEALTH IMPACTS
 The public health impacts of the Coronavirus outbreak are widespread. Some of the areas of public health affected will include:
 • Increased mortality rate – the primary health impact of the global pandemic.
 • Physical health of the general population – for those who suffer from the virus but also through lack of essential health care, diet, or during social distancing measures.
 • Social care provision – particularly for elderly or vulnerable people.
 • Mental health – particularly through stress, anxiety, isolation, especially during social distancing measures.
 • Health services – a global pandemic will have a huge effect on the public health services in any given jurisdiction.

COVID-19'S ECONOMIC IMPACT
 The economic impacts of the Coronavirus outbreak have led to a global economic decline. Many governments are trying to understand how the economy will be affected in the future.

TRAVEL INDUSTRY DECLINE
 The global travel industry has been hit hard by the outbreak. Many airlines have suspended flights and ground operations. Cruise ships have also been affected. The industry is expected to suffer a significant decline in revenue.

FINANCIAL MARKETS
 The outbreak has led to a global economic decline. Many governments are trying to understand how the economy will be affected in the future.

The outbreak of COVID-19 (Coronavirus) and its spread to at least 180 countries has consequently plunged many Parliaments and Legislatures across the world into a state of emergency. Commonwealth Parliaments and Parliamentarians are grappling with many different issues both to implement the emergency health measures during this global pandemic while at the same time looking at new ways to conduct debates, scrutinise and pass legislation, hold parliamentary committees and question the actions of their governments.

THE 'CPA TOOLKIT FOR COMMONWEALTH PARLIAMENTS AND LEGISLATURES ON THE COVID-19 (CORONAVIRUS) PANDEMIC AND DELIVERING PARLIAMENTARY DEMOCRACY' provides various measures and recommendations that can be adopted by both Parliaments and Parliamentarians in order to continue to deliver on the Legislatures' role of scrutinising legislation and delivering democracy during a global pandemic.

www.cpahq.org





COMMONWEALTH LEGISLATIVE NEWS

PARLIAMENTARY REPORTS AND THIRD READINGS FROM
PARLIAMENTS AROUND THE COMMONWEALTH



CANADA

Changes to the Parliament of
Canada Act
Page 200

TRINIDAD AND TOBAGO

Legislative news and boundary
changes for Tobago
Page 204

AUSTRALIA

Budget night at the Australian
Federal Parliament
Page 212

NEW ZEALAND

Parliamentary tributes and
Special Debates
Page 202

UNITED KINGDOM

Prorogation and a new
parliamentary session
Page 209

THIRD READING REPORTS

British Columbia **Page 199**

New Zealand **Page 202**

India Union **Page 206**

Australia Federal **Page 214**



Third Reading Report by Jenny Byford, Legislative Assembly of British Columbia.

THIRD READING REPORT

Employment Standards Amendment Acts, 2021

In spring 2021, the Legislative Assembly of British Columbia adopted two Bills amending the *Employment Standards Act* to improve protection for workers during the COVID-19 pandemic.

The first amending Bill, *Bill 3*, introduced on 19 April 2021, provides paid hourly leave for workers to receive their COVID-19 vaccinations. The second amending Bill, *Bill 13*, introduced on 11 May 2021, provides paid daily sick leave.

Bill 3 entitles full and part-time workers to paid leave for up to three hours for each request for leave to be vaccinated against COVID-19. Additionally, the Bill clarifies that, if requested by the employer, employees must provide reasonably sufficient proof that they intend to use their leave to receive a COVID-19 vaccination; however, employers cannot request a note from a medical practitioner, nurse practitioner or registered nurse. Notably, the Bill's commencement clause states that it will come into force on the date of First Reading in the Legislative Assembly.

Hon. Harry Bains, MLA, Minister of Labour, explained during the Second Reading debate that the intent of this Bill was to help stop the spread of the COVID-19 virus and ensure safe workplaces by removing barriers to accessing COVID-19 vaccines. The Minister highlighted that many workers live paycheck to paycheck and cannot afford to lose pay to attend a vaccine appointment. He highlighted that this Bill would benefit those who live in rural communities, those in communities with limited clinic hours, and those who must travel longer distances to a clinic. When questioned about the standard of proof to request this leave, the Minister suggested that a confirmation email of a vaccine appointment was sufficient.

During Second Reading debate, both Greg Kylo, MLA, Official Opposition Critic for Labour, and Adam Olsen, MLA, representing the Third Party, agreed with the Bill's intent that no worker should have to choose between a paycheck and getting vaccinated. They also both raised concerns regarding the Bill's timing - the Official Opposition Critic noted that one million British Columbians (20% of the

population) had already received their first vaccine prior to First Reading. He further raised concerns about the impact on small businesses and questioned why part-time workers would be eligible for paid leave.

The *Employment Standards Amendment Act, 2021* passed Third Reading on 26 April 2021.

The second Bill amending the *Employment Standards Act, Bill 13*, provides for up to three days of COVID-19 related paid leave until 31 December 2021. It also includes a provision for permanent paid leave days for personal illness or injury starting 1 January 2022. In a media release announcing the Bill, the Ministry of Labour estimated that 50% of British Columbian workers do not have access to paid sick leave and that upwards of one million workers would benefit from a provincial program.

At the Second Reading debate, the Minister of Labour stated that a paid sick leave program should be a national priority and that, in the absence of a federal program, this Bill was an immediate measure to support full and part-time workers during the COVID-19 pandemic. While the current federal recovery sickness benefit provides some support, it does not apply to workers who require immediate leave while waiting for COVID-19 test results. The eligibility for COVID-19 paid leave includes: employees diagnosed with COVID-19 who are acting on the advice of medical professionals; employees in quarantine or self-isolation as directed by provincial health orders; and employees directed by their employer to stay home because of concern that they present an exposure risk to others. Employers without an existing paid sick leave benefits plan can seek reimbursement from the government for up to C\$200 for each of the three days an employee is on leave; if an employee's wages exceed C\$200 per day, the employer is responsible for the remaining difference. The program will be administered by WorkSafeBC, a statutory provincial agency responsible for occupational health and safety.

The Official Opposition Critic for Labour noted that C\$200 a day was a good start but was concerned it may not be enough for struggling businesses unable to afford any additional costs. He further questioned how long businesses will have to wait for reimbursement. The Leader of the Third



Party, Sonia Furstenau, MLA wanted to see the number of days for COVID-19 paid leave extended from three to five.

Regarding the permanent paid leave program that will begin in January 2022, the Minister of Labour advised that the intent was to financially support employees who are sick or injured and encourage those with infectious diseases, such as influenza, to stay home, thereby speeding up employee recovery and protecting the workforce and the public. The specifics of the permanent paid leave program have not yet been defined and will be set in regulation following government consultation.

The Official Opposition Critic was in favour of government-paid support for workers in the context of COVID-19; however, he raised concerns about how a permanent sick leave program would be funded, how it would impact businesses, and how many days of paid leave would be covered.

During the Committee stage debate, the Leader of the Third Party questioned the government's approach with respect to developing the regulation, citing the need for greater debate and consultation with the Legislative Assembly. She proposed an amendment that would require the Minister to prepare a report specifying the number of days a permanent paid leave program would cover and refer the report to a special or Select Standing Committee of the Legislative Assembly for further study and scrutiny. The amendment was defeated.

The *Employment Standards Amendment Act (No. 2), 2021* passed its Third Reading on 19 May 2021.



POTENTIAL CHANGES TO THE PARLIAMENT OF CANADA ACT AND OTHER LEGISLATIVE NEWS FROM THE CANADIAN PARLIAMENT

Parliamentary Report by Gabrielle de Billy Brown, Parliament of Canada.

THE GOVERNOR-GENERAL'S APPOINTMENT AND DUTIES

Following the resignation of Rt Hon. Julie Payette from her role as Governor-General, Rt Hon. Richard Wagner, Chief Justice of Canada, continues to serve as Administrator of the Government of Canada in the interim.

On 12 March 2021, Hon. Dominic LeBlanc, MP, in his role as President of the Queen's Privy Council for Canada, announced the creation of the *Advisory Group on the Selection of the Next Governor General*. The Advisory Group, composed of six members, is tasked with the identification of "outstanding Canadians" to be submitted for the consideration of the Prime Minister during his deliberations. The group is co-chaired by Hon. Dominic LeBlanc, MP, alongside Janice Charette, Interim Clerk of the Privy Council and former High Commissioner for Canada in the United Kingdom.

According to Hon. Dominic LeBlanc, MP, a shortlist of candidates should be provided to the Prime Minister by the end of June 2021.

CONTINUED PARLIAMENTARY RESPONSE TO THE COVID-19 PANDEMIC

The Senate of Canada prolonged its measures implementing a hybrid model for parliamentary proceedings. On 8 February 2021, it adopted a motion which allows Senators participating in parliamentary proceedings in person to speak and vote from a seat other than their own to allow for social distancing. These

measures are applicable until 23 June 2021.

On 25 February 2021, Hon. Anthony Rota, MP, Speaker of the House of Commons announced the adoption of an electronic voting system to be used during hybrid proceedings. This system, which was approved by House Leaders of all recognised parties, may only be used for Members participating remotely. It contains multiple steps to confirm the identity of the voter and allows for changes to the vote for the duration of the voting period. This system, along with other measures allowing a hybrid model for parliamentary proceedings, is in place until 23 June 2021.

In consideration of the third wave of the pandemic and the continued travel restrictions in place, the Joint Interparliamentary Council extended the moratorium on all international travel and incoming delegations until 30 June 2021. On 2 June 2021, the moratorium was extended once again, this time to 30 September 2021.

CHANGES IN THE HOUSE OF COMMONS

On 11 May 2021, Hon. Diane Finley, MP, resigned from her seat. She had been an MP for over 16 years, having first been elected in 2004.

CHANGES IN THE SENATE

On 1 March 2021, Hon. Margaret Dawn Anderson joined the Progressive Senate Group. She had previously been a part of the Independent Senators Group.

On 26 May 2021, Hon. Michael Duffy retired, having served in the Senate since 2009.

As of 7 June 2021, the standings in the Senate were: Independent Senators Group 41, Conservative Party 20, Canadian Senators Group 12, Progressive Senate Group 12, non-affiliated 5 and vacant 15.

POTENTIAL CHANGES TO THE PARLIAMENT OF CANADA ACT

Senator Hon. Mark Gold, in his role as Government Representative in the Senate, introduced *Bill S-4: An Act to amend the Parliament of Canada Act* and to make consequential and related amendments to other Acts. The main purpose of the Bill is to update the rules and working of the Senate of

Canada to account for the recent creation of groups not affiliated with an official party. Bill S-4 changes the annual allowances paid to Senators who occupy certain specific roles within a recognised party or group in the Senate. It would also allow for consultation with the leaders of all recognised parties or groups regarding appointments of certain officers and agents of Parliament. Finally, it would permit these leaders to modify the membership of the Standing Senate Committee on Internal Economy, Budgets and Administration.

Bill S-4 was passed by the Senate without amendment on 1 June 2021 and was sent to the House of Commons where, as of 7 June, it has not yet received First Reading.



Image credit: Shutterstock_67004788



LEGISLATION

On 17 March 2021, *Bill C-7: An Act to Amend the Criminal Code (medical assistance in dying)*, introduced by the Minister of Justice, Hon. David Lametti, MP, received Royal Assent. This followed a decision from the Québec Superior Court in September 2019, which declared that the “reasonably foreseeable” death requirement to qualify for medical assistance in dying was contrary to the Canadian Charter of Rights and Freedoms. Bill C-7 repeals this requirement, and also:

- specifies that patients whose sole medical condition is a mental illness are not eligible for medical assistance in dying;
- creates safeguards before such a procedure can be provided to a person; and,
- allows patients who may lose the capacity to do so later and whose death is foreseeable to give prior informed consent for medical assistance in dying.

Bill C-3: An Act to Amend the Judges Act and the Criminal Code, received royal assent on 6 May 2021. This Bill, which was also sponsored by the Minister of Justice, Hon. David Lametti, MP, restricts eligibility for judicial appointment to candidates who participate in continuing education on matters related to sexual assault law.

Bill C-30, known as the Budget Implementation Act, 2021, No. 1 was introduced on 30 April 2021 by the Deputy Prime Minister and Minister of Finance, Hon. Chrystia Freeland, MP. This was the first budget implementation Bill to be tabled following the 43rd General Election which took place on 21 October 2019. The purpose of the Bill is to enact the government’s budgetary policy, introduced in the Canadian House of Commons on 19 April 2021. Following



Parliament Hill in Ottawa, Canada.

Image credit: Shutterstock_3225018

the Second Reading, the Bill was referred to the House of Commons Standing Committee on Finance on 27 May 2021.

RECONCILIATION WITH INDIGENOUS PEOPLES

The topic of reconciliation with Indigenous peoples has been at the forefront of parliamentary work in recent weeks. On 27 May 2021, the Tk’emlúps te Secwépemc First Nation announced the discovery of a mass grave containing the remains of 215 children buried on the grounds of the former Kamloops Indian Residential School in British Columbia, which was in operation between 1890 and 1969. Following this discovery, a take-note debate occurred on 1 June 2021.

Having received Royal Assent on 3 June 2021, *Bill C-5: An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code* creates the National Day for Truth and Reconciliation on 30 September of every year. The day honours the First Nations, Inuit and Métis peoples who

were subject to the residential schools’ system and is an answer to the Truth and Reconciliation Commission of Canada’s call to action number 80. This new statutory holiday will apply to employees in the federal government and federally regulated workplaces.

ALLEGATIONS OF SEXUAL MISCONDUCT IN THE CANADIAN FORCES

In February 2021, media outlets reported allegations of sexual misconduct by former Chief of Defence Staff General Jonathan Vance, who retired on 14 January 2021, and his replacement, Admiral Art McDonald. These allegations, combined with other similar stories in recent years, led to the announcement of an external review of sexual harassment and misconduct in the Canadian Armed Forces. Former Supreme Court Justice, Hon. Louise Arbour will conduct this examination at the request of the government.

To shed additional light on the situation, two House

of Commons Standing Committees have launched their own study. The Standing Committee on National Defence has been examining these specific allegations, whereas the Standing Committee on the Status of Women has been undergoing a study on the wider topic of sexual misconduct in the military.

OFFICIAL APOLOGY IN THE HOUSE OF COMMONS

On 27 May 2021, Rt Hon. Justin Trudeau, MP, delivered an official statement of apology on behalf of the Government of Canada for the internment of Italian Canadians during the Second World War. At the time, hundreds of Italian Canadians were interned, and thousands of others were declared “enemy aliens” and put under surveillance by authorities. Since the Second World War, the government of Canada and the Royal Canadian Mounted Police have expressed their regrets.



PARLIAMENTARY TRIBUTES AND DEBATES

Parliamentary Report by Luke Harris, Parliament of New Zealand.

PARLIAMENTARY TRIBUTES TO HRH THE PRINCE PHILIP, DUKE OF EDINBURGH

On 13 April 2021, following a motion ‘*That this House express its sadness at the passing of His Royal Highness The Prince Philip, Duke of Edinburgh*’, the New Zealand House of Representatives adjourned as a mark of respect. The Prime Minister, Rt Hon. Jacinda Ardern, MP (Labour) told the House “*I take this opportunity to extend our sympathy to Her Majesty The Queen and the Royal Family ... Prince Philip’s long life was marked by his devotion to duty and his unwavering support for Her Majesty.*” Ardern stated, “*Prince Philip accompanied Her Majesty on every one of her visits to New Zealand ... He also visited New Zealand separately on a further four occasions.*”

The Leader of the Opposition, Hon. Judith Collins, MP (National) echoed the Prime Minister’s sentiments, adding, “*We honour and thank him for a lifetime of public service to his country, the Commonwealth, and, of course, his wife of 73 years, Her Majesty The Queen. He has shown her extraordinary dedication and support as the longest serving consort of our longest reigning monarch.*”

Green Party co-leader Hon. James Shaw, MP said, “*There are many New Zealanders who had a connection to the Prince - from visits here, or aspects of his work - and they too are feeling his loss at this time.*” Similarly, ACT Party

Leader Mr David Seymour, MP praised the Prince Philip’s contribution to the Commonwealth: “*The Duke of Edinburgh was somebody who selflessly contributed to enormous stability. Many people have said to me over many years that the Royal Family is one of the few constants in their lives ... and the Duke of Edinburgh embodied it.*”

Following the motion, a period of silence was observed and the House adjourned for the remainder of the sitting day.

SPECIAL DEBATES

During its 2020 review of Standing Orders, the New Zealand House of Representatives resolved to hold, each year, seven hours of debates on non-legislative business. The Parliament hopes that these special debates will provide an opportunity for issues of importance to Members and their constituents to be debated in the House. The Business Committee, when deciding on the merits of a request for a special debate, is to consider the issue’s significance to New Zealanders and whether there are other avenues for its discussion in the House.

To accommodate these debates, the length of the annual Budget debate was shortened from 15 hours to eight. The Leader of the House, Hon. Chris Hipkins, MP (Labour) explained, “*I think after some consideration there was a degree of consensus that perhaps 15 hours wasn’t the length of time that we needed any longer for the Budget debate, particularly given it often meant that the*

Budget debate would go on for three or four weeks in a row, and by the time we got to the end of the Budget debate, very few people could remember what was said in the first part of the debate ... we’re using that additional time not for additional Government business but, actually, to open up some of the other areas of parliamentary activity that wouldn’t normally get debated in this Chamber to the level of scrutiny, public transparency, and, of course, debate that we have if we can put them on the Order Paper.”

Hon. Michael Woodhouse, MP (National) added the Opposition’s support for the changes to the Standing Orders, stating, “*if we can better utilise this time with more meaningful debates, then those meaningful debates can include what I know Westminster does and other Westminster-type Parliaments around the world do, which is actually dedicate more time for non-Government business.*”

As at June 2021, three such debates had been held. The first special debate of the 53rd Parliament, held on 25 February 2021, noted a report of the Foreign Affairs, Defence and Trade Committee on an inquiry into New Zealand’s aid to the Pacific. The second, on 25 March 2021, dealt solely with local issues - topics included housing, transport, water quality, health services, racism, and local churches. The third debate, on 13 May 2021, focused on petitions pertaining to COVID-19 immigration and border policies.

THIRD READING REPORT

Electoral (Māori Wards and Māori Constituencies) Amendment Bill

On 23 February 2021, the New Zealand Parliament sat under urgency to consider the Electoral (Māori Wards and Māori Constituencies) Amendment Bill. The Bill sought to change the process for establishing new Māori wards, removing the requirement in the principal Act for councils to hold a binding referendum on any proposed Māori ward if 5% of local voters make such a request. The Government has described this as “*an almost insurmountable barrier*”, with only two new Māori wards having been created since 2002.

The debate on the Third Reading was opened by the Minister for Māori Development, Hon. Willie Jackson, MP (Labour), who spoke on behalf of the Minister for Local Government. For Minister Jackson, the central issue of the Bill was one of empowerment: “*Sadly for Māori, the petition right has been co-opted by campaigners who do not want them to be empowered. Every time but one, when a council has tried to set up a Māori ward and provide for direct Māori input into council decision-making to give effect to tino rangatiratanga [self-determination/autonomy], well-funded, well-organised, predominantly Pākehā [European/non-indigenous] communities have said no.*”

Two non-Government parties supported the Third Reading of the Bill: the Green Party and Te Paati Māori (The Māori Party). Representatives from both stated that the Bill constituted a good first step but that more could be done to ensure Māori are represented in local decision-making. Mr Teanau Tuiono, MP (Green) said the Bill “*is not the be all and end all of [Māori] sovereignty and self-determination ... This is only a beginning, one step of the journey*”. Likewise, Mr Rawiri Waititi, MP (Co-Leader—Te Paati Māori) told the House that “*the sun is only shining upon one people, and it is not the Māori in the light ... However, we are moving closer to the hopes and desires of our ancestors.*”



Third Reading Report by Luke Harris, Parliament of New Zealand.

Two parties opposed the Bill. Opposition spokesperson for local government Mr Christopher Luxon, MP (National) explained, *“We have very diverse and different communities all across New Zealand; some may want Māori wards and others may not. But our point is that, fundamentally, that is a decision for them to make, not central government to make.”* Also opposed, Mr David Seymour, MP (Leader, ACT) explained that his party would vote against the Bill because *“There is not a problem to be solved by this legislation.”* He argued that if the Bill passed, councils *“will be able to divide their voters up, not by place but by race, and that will be the only thing that the citizens of that jurisdiction can’t bring to a referendum and have changed back.”*

A party vote resolved the motion, and the Bill received Royal Assent on 1 March 2021.

Protection for First Responders and Prison Officers Bill – Report of Justice Committee

New Zealand’s House of Representatives voted down a Member’s Bill that sought to impose mandatory minimum sentences for assaults on first responders and prison officers. For a Bill that received unanimous support at its First Reading, in December 2019, its passage towards defeat on 9 April 2021 was marked by some unusual features.

The Protection for First Responders and Prison Officers Bill, in the name of New Zealand First Member, Mr Darroch Ball, MP had been referred to the Justice Committee in December 2019 - a Committee with equal numbers of Government and Opposition Members. Although the Select Committee received and considered a number of submissions and possible improvements to the Bill, unusually it did not report any findings to the House by the deadline of 17 June 2020.

At the Bill’s Second Reading on 1 July 2020, both National and Labour Members expressed reservations about the proposed minimum six-month prison sentence for assaulting police officers, corrections officers, or paramedics, which National hoped could be amended. Nevertheless, the Bill passed its Second Reading by a majority of 10. Those in favour included the main Opposition party, the National Party, an independent Member, and the Government’s coalition

partner, New Zealand First. Those against were the governing Labour Party; their support party, the Greens; and ACT, an Opposition party. However, before the Bill was debated by the Committee of the Whole House on 22 July 2020, the House took the unusual step of referring the Bill back to the Justice Committee - a motion supported by both National and Labour. The Bill was not progressed further in the 52nd Parliament, which was dissolved in September 2020. With no New Zealand First Members returned in the general election, the Bill would have lapsed had it not been reinstated in the 53rd Parliament in the name of National Party member, Hon. Mark Mitchell, MP.

The Justice Committee of the 53rd Parliament considered the Bill afresh and reported it back to the House. Debating the report on 9 April 2021, Mr Mitchell spoke of National’s attempts to substantially amend the Bill *“because we were committed and trying to do the best that we could in passing a Bill that we think sends a very positive message from this, our House of Representatives, back to our corrections officers, our first responders, our nurses and emergency department staff.”* However, Ms Ginny Andersen, MP (Labour), Chair of the Justice Committee restated Labour’s opposition to the Bill: *“we agree with the intent of keeping our first responders and respecting them and supporting them ... but we question the fact that this Bill is fundamentally flawed. There is now no core crux of what this Bill was going to deliver, which we disagreed with, which was a mandatory minimum sentence. Now that that’s gone there’s nothing left.”*

Labour Member Ms Willow Jean Prime, MP concluded: *“I am confident that what already exists in the legislation will support our first responders. The judges are able to take into consideration the aggravating factors when determining sentencing.”*

A vote on the motion, that the Bill now proceed, was lost by 32 votes, reflecting the increased majority for the Labour-led Government in the 53rd Parliament.

Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill

The Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill passed through all stages

under urgency on 17 March 2021, with support from the Labour Party, the National Party, ACT New Zealand, and Te Paati Māori; the Green Party of Aotearoa New Zealand opposed the Bill.

Introduced in response to a recent Supreme Court ruling that would have removed 600 offenders from the Child Sex Offender Register, the Bill made amendments to better reflect Parliament’s intention for the original 2016 Bill.

The Minister in charge of the Bill, the Minister of Police, Hon. Poto Williams, MP (Labour) acknowledged the issue of retrospective legislation and explained that it was important in this case *“because of the unique nature of sexual offending towards children, where the ability to raise concerns at the time is often very limited.”* She went on to say that *“this is a Bill that puts a person on a private register - a register that’s only accessed by Government agencies. The reason for that is not necessarily about monitoring ... It’s also about the ability to reach in and provide support, and I think that’s an important aspect that we can’t forget: that all people have the ability for rehabilitation and change.”*

ACT Party Member, Ms Nicole McKee, MP noted, *“The fact that we have low reoffending rates from those on the register is the evidence that the register actually does work. But there is an error that the Supreme Court has found in regard to how people get on to that register, and our job here in this House is to fix that error.”*

Speaking for the Green Party in lone opposition to the Bill, Ms Golriz Ghahraman, MP countered, *“The rule of law, which it is our duty to uphold, is about transparency and the knowability of law to those that it impacts and affects. Retrospective legislation in every way breaches the rule of law ... So this isn’t good law. It does weaken the rule of law in New Zealand. It weakens us as a Parliament and our commitment to human rights, which isn’t something that we can say we’ll only do when it’s convenient and pretty. We have to do it when it looks hard.”*

The Child Protection (Child Sex Offender Government Agency Registration) Amendment Bill passed its Third Reading after a party vote of 110 to 10. It received Royal Assent on 22 March 2021.



BOUNDARY CHANGES FOR TOBAGO ASSEMBLY AND LEGISLATIVE NEWS FROM TRINIDAD AND TOBAGO PARLIAMENT

Parliamentary Report by Paras Ramoutar, Freelance Journalist based at the Parliament of Trinidad and Tobago.

FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO

Some TT\$27 billion was received by the Financial Intelligence Unit (FIU) of Trinidad and Tobago, according to Minister of Finance, Hon. Colm Imbert. He told the House of Representatives on 5 March 2021 that this sum was highest in the 10-year history of FIU. The report heralded the 2019-2020 year.

Minister Imbert said that the increase has been attributed to an increase in fraudulent activity, including during the COVID-19 pandemic, and the demonitization of the cotton TT\$100 notes.

The Minister said that the national efforts to reduce the potential impact of the pandemic had led to the temporary closure of businesses in high-risk sectors such as private members, clubs, vehicle sales and real estate.

Minister Imbert said that there had been an 88% decrease in suspicious transactions/activity reports on suspected terrorism financing, apparently due to the collapse of the ISIS terrorist group amongst others.

The monetary value of the 1,831 reports received during the period 2019/2020 amounted to approximately TT\$27 billion. Minister Imbert pointed out that the ponzi sou-sou (susu) and romance scams had an increasing prevalence with many online victims, as well as online market scams where scammers offered goods and services for sale and failed to deliver the items after part or full payments. These schemes date back to 2018 but the COVID-19 pandemic has facilitated an increase in social media activity

as well as opportunities for exploitation by perpetrators.

LEGISLATION APPROVED TO REDRAW BOUNDARIES FOR TOBAGO HOUSE OF ASSEMBLY

Both Houses in the Parliament of Trinidad and Tobago have approved a Bill to amend the electoral boundaries for the Tobago House of Assembly following a tied vote (6-6) in the twelve-seat assembly, following elections held on 25 January 2021. Parliament has passed the Bill authorising the Elections and Boundaries Commission (EBC) to increase the quantum of seats from 12 to 15 to avoid future deadlock.

The Trinidad and Tobago Prime Minister, Hon. Dr Keith Rowley, MP in piloting the Bill in the House of Representatives said that he was duty bound, as the country's Chief Executive Officer and he had an obligation to act within the law so that the sister-island of Tobago could have an elected Executive. He said that the problem was caused by an even number of seats. "Common sense says that we should go to an odd number to eliminate any deadlock possibility," he said, adding that it was a good guide to follow.

In moving the amendment for the Tobago House of Assembly (Amendment) Bill, Dr Rowley pointed out other changes were being proposed including the arrangements for the 15 seat areas and for a report on the proposed boundaries to be sent to Parliament for approval, as a new election cannot be held without such approval. He said that after these protocols were established then the EBC can work towards new election,

and that the Tobago House of Assembly's Chief Secretary would be able to call the elections within a two-month period - 35 days minimum and 90 days maximum.

United National Congress Opposition MP, Anita Haynes noted that it was up to the EBC to determine the number of seats that needed to be changed, and not Parliament as it was eroding the Independence of the EBC.

Shadow Attorney-General, Dinesh Rambally, MP, in his contribution, said that the plan to enlarge the Tobago House of Assembly from 12 to 15 seats, would not work, suppose a third force enter the politics and each party gains five seats, therefore it would end up in a 5-5-5 tie. Rambally also alluded to the fact that the 2016 and 2020 reports of the EBC have stated that no boundary adjustments were required. "Who is to say if a third force might not come forward, that's a possibility for the future, and pointed out that the Opposition was against the Bill, adding that Government should give proper credence to the will of the people of Tobago as the Bill before Parliament seeks to disenfranchise the voters' will of January 25, when they opted to choose their representatives."

In the Senate, Opposition Senator Anil Roberts warned the Government not to usurp the role of the EBC. Senator Roberts said that the process itself is not for the Government and the Executive to conclude. The process is about seats, allocation, number of electors, electorates and electoral districts, and it is not the purpose of the Government to conduct any consultations, but this should rest with the EBC. Senator Roberts also pointed out

that Tobago should be allowed to legislate on its own affairs.

The Bill was passed in both Houses, with the Government's majority. Tobago House of Assembly elections are held every four years.

ANTI-GANG LAW PASSED IN TRINIDAD'S SENATE

The Opposition United National Congress party in Trinidad and Tobago abstained from supporting the Government's Anti-Gang Law due to disagreement on the proposals and the removal of UNC amendments to the Bill. The Bill was passed with a simple majority with the 15 Government and nine independent Senators supporting the legislation.

The Minister of National Security, Hon. Stuart Young, in presenting the Bill, pointed out that it will deal with "gang members threatening contractors and workers" in housing developments. He said that the Trinidad and Tobago Police Service and the Army are presently engaged in preventing the huge problems of human trafficking by gangs, especially the problem of bringing people from Venezuela to Trinidad and Tobago for prostitution.

Senator Jearlean John (UNC) wanted the Bill to include a clause to prevent misogyny and to deem it as a hate crime, and she referred to the recent public outcry in the UK where a woman named Sarah Everard was found dead. Senator John called for ways to be found to include domestic violence and other similar offences into the Anti-Gang law, adding that young girls are often victims in gangs and that pregnancies



can occur. She also referred to a network of candlelight vigils that had been held nationwide to campaign for an end to violence against women.

Minister Young stated that some of the gangs are highly sophisticated in their operations and identifying their next target. Some gang members are highly educated with Masters degrees and MBAs. The gangs also target housing developments, occupying people's property and evicting residents.

WORKING PROFESSIONALS WILL BE ALLOWED TO WORK IN THE UK FOR UP TO SIX MONTHS

The Minister of Trade and Industry, Senator Hon. Paula Gopee-Scoon has announced in Parliament that various professionals and performers will be allowed to work in the United Kingdom for up to six months, under a new treaty signed through CARICOM. "These sectors cover professionals such as accountants, tax advisers and bookkeepers, architect, engineers, urban planners, doctors, dentists, veterinarians, researchers, chefs, tourist guide services, fashion models translation and interpretation services, and advertising personnel" Minister Gopee-Soon said. Trinidad and Tobago nationals who are contractual services suppliers, who wish to supply their services to the United Kingdom temporarily, not exceeding six months, can also apply once a contract has been secured.

The Minister announced that the new treaty was principally a replication of the old one that had been brought about due to the United Kingdom's 'Brexit'. The Minister noted that in 2019, the United Kingdom was the Trinidad and Tobago's fifth market within the European Union, with an exported value of TT\$602

million, while in 2020, the UK was Trinidad and Tobago's third highest export market in the EU countries, with an exported value of TT\$691.3 million.

MINOR CHANGES IN TRINIDAD AND TOBAGO CABINET

Following the death of the Minister of Energy and Energy-related Industries, Hon. Franklyn Khan on 11 April 2021, the Prime Minister, Hon. Dr Keith Rowley, MP has made a new Cabinet appointment.

The Minister of National Security, Hon. Stuart Young has been shifted to the position of Minister of Energy. The former Minister of Youth and National Development, Hon. Fitzgerald Hinds is now the Minister of National Security, and the Minister of State in the Ministry of Works and Transport, Hon. Foster Cummings has been promoted and has taken over the Youth and National Development portfolio.

NEW MINISTER OF NATIONAL SECURITY TALKS ABOUT COVID-19 IN PRISONS

Newly appointed Minister of National Security, Hon. Fitzgerald Hinds said that as of 27 April 2021, there are 3,802 inmates in Trinidad and Tobago's prison system, ten facilities in total (nine in Trinidad and one in Tobago). "Thankfully at present, we report a mere eight COVID-19 positive inmates and 17 positive officers, and the eight inmates are housed in separate facilities from the general population ... they are being managed by the eight officers who are appropriately clad in full PPE gear" he said.

"We have as well, a total of 82 officers in quarantine, having identified or suspected to have been in contact with COVID-positive persons. 17 of these officers are at home, on quarantine. This is

a major improvement from the circumstances last year, when we had 80 plus inmates and 250 officers that were COVID affected." The Minister said that the prison service continued to respond sensibly to this ongoing threat from the pandemic with continuing lockdowns of facilities to contain the possible spread.

TRINIDAD AND TOBAGO INTRODUCES LEGISLATION TO ALLOW THE USE OF PEPPER SPRAY

Following a series of kidnappings and murders of young women in Trinidad and Tobago and calls from all sections of society for reforms, the Attorney-General, Hon. Faris Al-Rawi introduced the Firearms Amendment Bill in the Senate to legalise the use of pepper spray as a defence mechanism for women.

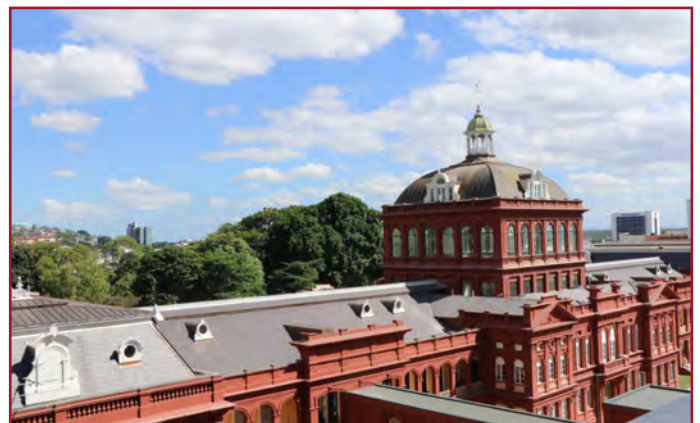
The Attorney-General said that the new law would give people over the age of 18 permission to purchase and use legal pepper spray. He listed several persons who are charged or convicted with an offence in under a number of existing Acts (including Schedule 11 of the Bail Act, the Anti-Gang Act, the Dangerous Drugs Act, the Sexual Offences Act and the Anti-Terrorism Act) are forbidden from obtaining a pepper spray permit.

The Attorney-General added that pepper spray was only to be used in acts of self-defence,

adding that fines ranging from TT\$250,000 and imprisonment for five years up to TT\$750,000 and 15 years imprisonment would exist for misuse of the spray.

During the debate, Opposition Senator Jayanti Lutchmedial said that non-lethal weapons can help to address rape and they can assist in the apprehension of an offender, giving a potential victim a fighting chance and allow them to defend themselves. She questioned why the Government had moved this legislation alongside the Firearms Act resulting in a long application process rather than introducing new legislation with a simpler process. "You are asking women who are frightened or in danger to apply to a police station, when we already know there is a delay in processing certificates, and who knows how long it might take to get a permit." Senator Lutchmedial also felt that there should be different formulations and strengths of pepper spray available.

Independent Senator Anthony Viera said that the legislation on hand is both disingenuous and condescending to women. He said that the Government must accept the possibility that pepper spray could be used to commit crimes, although he conceded that there wasn't any data available that showed it was used for criminal activities, adding that criminals would continue to use guns, cutlasses and knives, rather than reverting to pepper spray.





THIRD READING REPORT

The Arbitration and Conciliation (Amendment) Bill, 2021

The *Arbitration and Conciliation Act, 1996* (the Act) was enacted with a view to consolidate and amend the law relating to domestic arbitration, international commercial arbitration, enforcement of foreign arbitral awards and the law relating to conciliation. The Act was amended by the *Arbitration and Conciliation (Amendment) Act, 2015*, *inter alia*, to make arbitration process user friendly, cost effective and ensure speedy disposal and neutrality of arbitrators.

Subsequently, to address the practical difficulties arising in implementing the amendments carried out through 2015 Amending Act, and to promote institutional arbitration in the country, the Act was again amended by the *Arbitration and Conciliation (Amendment) Act, 2019*.

With a view to address the issue of corrupt practices in securing contracts or arbitral awards, it was felt that all stakeholder parties should get an opportunity to seek unconditional stay of enforcement of arbitral awards, where the underlying arbitration agreement or contract or making of the arbitral award is induced by fraud or corruption. Further to promote India as a hub of international commercial arbitration by attracting eminent arbitrators to the country, it was also felt necessary to omit the Eighth Schedule of the Act.

In the light of above circumstances, it had become necessary further to amend the *Arbitration and Conciliation Act, 1996*. However, as Parliament was not in session and immediate steps were required, the Arbitration and Conciliation (Amendment) Ordinance, 2020 was promulgated by the President of India on 4 November 2020 under clause (1) of article 123 of the Constitution.

Debate:

During the debate on the amending legislation, there were detailed deliberations in Parliament. The crux of views expressed both in favour and against the Bill as well as suggestions included:

- Arbitration in India is based on the country's age-old traditions and conventions. At present there is lack

of institutional arbitration in India.

Therefore, Arbitration Council of India was constituted to regularise certain matters. Also in *lieu* of Eighth Schedule, a provision had been made to appoint arbitrators and the Arbitration Council of India would determine the necessary qualifications for the arbitrator;

- Doing away with the Eighth Schedule is a promising step towards enhancing the party autonomy which is central to arbitration;
- Through the amending legislation eminent arbitrators would be facilitated in conducting arbitration. Currently e-lockdown and alternative dispute resolution is very fast, transparent and accessible option available in the country; and
- The proposed removal of Eighth Schedule deals with qualification for accreditation of arbitrators. This would also help the Government to invite Foreign arbitrators to take part in arbitration proceedings in the country. This initiative was welcomed. It was hoped that the Bill would facilitate and help the country to better that its existing 63rd rank in ease of doing business.

Some of the reservations that Members expressed in regard to the legislation included:

- There was no hurry to promulgate an Ordinance in this regard;
- Insertion of new clause to the effect that where an arbitration or agreement or making of the award is induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge is a regressive step;
- No international body would be keen. This would not ease the arbitration process nor shorten the quickness of settlement for all non-enforcement of contracts. Concern was expressed that there were chances of the 'stay' being misused;
- The Bill as well as the Ordinance is a clear case of abuse of the legislative process. There had been continuous amendments to the *Arbitration and Conciliation Act*. Piecemeal legislation is not good for a healthy legislative process.

The Minister in charge of the Bill while replying to the debate *inter alia* stated that the Government wanted to make India an arbitration hub, where the arbitrators

are more qualified and diverse, the same will have greater acceptability. Hence the Eighth Schedule was removed. Flexibility was given to the Arbitration Council of India to lay down the norms of eligibility of the arbitrators. In order to create a hub, autonomy needs to be given to the institutions, and therefore the Government had been promoting institutional arbitration in India, both for international and domestic arbitration. The Government intend to give all facilities to have a complete, good and friendly arbitration regime for quick adjudication of the disputes. Hence, the Government intend to give complete autonomy to the Arbitration Council of India. Furthermore, the Arbitration Council of India must have autonomy in its selection of arbitrators and in overseeing quick disposal of arbitration disputes.

When entire fast tracking of good institutional arbitration would be done, one institution would be delivering time bound award, the quality of arbitration would be good, where there are men of integrity, this will give rise to professionalism. The Minister also clarified that with the deletion of Eighth Schedule, the power has gone to the Arbitration Council of India. The Government had delegated that power to the Council, it was not excessive delegation, it was a rational delegation for the speedy delivery of arbitration proceedings in the country. The Minister stated that India would become hub of arbitration only, and only when the world also trusts the integrity of the system, then the governance and the award would deliver.

The Bill was passed by Lok Sabha on 12 February 2021 and by Rajya Sabha on 10 March 2021. The Bill as passed by both Houses was assented to by the President of India on 11 March 2021.

The National Bank for Financing Infrastructure and Development Bill, 2021

A significant need for investments in India has been felt. Infrastructure financing requires long-term and non-recourse financing, which is inherently risky in nature due to higher credit costs, high risk of delay and failure of projects Traditionally, banks and financial institutions in India have been an important source of financing for infrastructure sector. While banks rely heavily on short-



The Parliament of India.

term liabilities, infrastructure financing essentially involves long-term finance.

Consequently, exposure to long-term infrastructure financing has been a fundamental source of asset-liability mismatch on the balance-sheets of the banks which raises systemic concerns. On the other hand, the India corporate bond market is not sufficiently deep and is inadequately mature to meet India's infrastructure financing requirements. In view of this, the Government's intervention was felt necessary to facilitate and to enable flow of low cost, long-term, patient capital (primarily debt) from India or abroad into Greenfield infrastructure projects to foster sustainable economic development. A view was also taken that solutions for financing would be part of overall policy interventions addressing challenges to infrastructure development.

It had, therefore, been decided to set up a statutory Institution to be called the National Bank for Financing Infrastructure and Development as the principal development financial institution and development bank for infrastructure financing. Its aim is to address market failures that stem from the long-term, low margin and risky nature of infrastructure financing. The Institution shall be wholly owned by the Central Government to begin with in order to foster confidence

in its stability and sustainability and to raise resources at competitive rates. The Government would provide the Institution with grants and contributions, guarantees at concessional rates for foreign borrowings and any other concessions. Dilution or sale of stakes may be considered once the Institution has achieved stability and scale in its business operations, but the Government would at all times hold 26% of the paid-up voting equity share capital of the Institution.

The Institution shall have both development and financial objectives. Among other things, this would include developing a deep and liquid bond market of international standards for long-term infrastructure financing in India including through widening of the issuer and investor base. It would also facilitate the development of markets for interest rate derivatives, credit derivatives, currency derivatives and other such innovative financial instruments as may be necessary for infrastructure financing. The financing objectives would involve establishing a credible framework that attracts equity investments from domestic and global institutional investors as well as debt investments, including green finance, from investors, aligned to their risk appetite and asset-liability profile, in order to cater the

financing needs of Indian infrastructure sector.

Debt securities, including bonds and debentures, issued by the Institution should be considered as eligible for purposes such as approved investments, securities, etc., as per limits and conditions to be prescribed by Indian financial regulators for their regulated entities. The Institution would also be empowered to lend to, or invest in, infrastructure projects located in India, or partly in India and partly outside India, prioritising systemic risk mitigation, credit enhancement, subordinate debt, debt maturities suited to project life spans and to raise long-term finance for the same.

The Institution may also be involved in project structuring, monitoring and monetization of completed projects by itself or through its subsidiaries, etc., promoting innovation in financial products and services including by issuing long-term bonds with explicit or implicit sovereign guarantee, underwriting and dealer services. Overall, the Institution shall provide a supporting, technology enabled ecosystem across the life-cycle of infrastructure projects as a provider, enabler and catalyst for sustainable infrastructure financing in India with the backing of the Government. The Institution shall support the bond market with the aim of fostering complementarity



of market raised debt with lending for infrastructure projects.

For achieving these objectives the Government brought forward the National Bank for Financing Infrastructure and Development Bill, 2021.

Debate

The Bill met with broad consensus *vis a vis* the need and efficacy of its requirements from Members. The Bill was passed by Lok Sabha on 22 March 2021 and by Rajya Sabha on 23 March 2021. The Bill as passed by both Houses of Parliament was assented to by the President of India on 28 March 2021.

The Constitution (Scheduled Castes) Order (Amendment) Bill, 2021

In accordance with the provisions of clause (1) of Article 341 of the of the Constitution of India, six Presidential Orders were issued specifying Scheduled Castes in respect of various states and Union territories. These Orders had been amended from time to time by Acts of Parliament enacted under clause (2) of Article 341 of the Constitution.

The State Government of Tamil Nadu had proposed certain modifications in the list of Scheduled Castes, by way of grouping of seven castes, which presently exist therein as separate castes in the said list as under:

'Devendrakula Velalar
[Devendrakulathan, Kadaiyan (excluding
in the coastal areas of Tirunelveli,

Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam districts), Kalladi, Kudumban, Pallan, Pannadi, Vathiriyar]';
and

'Kadaiyan (in the districts of Tirunelveli, Thoothukudi, Ramnathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam)'

It was also proposed to consequently omit the redundant entries from the said list in view of the aforementioned grouping.

As per the established procedure, the Registrar General of India has conveyed concurrence to the proposed modifications.

With a view to give effect to these changes, the Government brought forward the Constitution (Scheduled Castes) Order (Amendment) Bill and accordingly necessary modifications were made Castes mentioned in Order under Part XVI the pertaining to the state of Tamil Nadu. Consequential omissions were made of redundant entries.

Debate

During discussion on the amending legislation in Parliament, Members supported the measure and also stressed upon need to protect the interests of the marginalised sections of society.

The Minister in charge of the Bill thanked all Members for their support of the legislation. The Minister assured Members that the Government is committed to the welfare of the poor and efforts were constantly being taken to actualize this vision. Many historic decisions had been taken. The *Scheduled Castes and Tribes (Prevention of Atrocities) Act* was enacted in 1989.

In 2015, when amendments were made thereto, new offences were added to the Act to further reinforce the law. That law was applied to put a check on the injustice meted out to the persons belonging to the Scheduled Castes category and the perpetrators are brought to book. The budgetary allocation for the welfare of the Scheduled Castes is witnessing an increase every year. The Government's approach has been positive.

The Bill was passed by Lok Sabha on 19 March 2021 and by Rajya Sabha on 20 March 2021. The Amending Bill as passed by both Houses of Parliament was assented to by the President of India on 13 April 2021.





UK PARLIAMENT PROROGATION AND A NEW PARLIAMENTARY SESSION

PROROGATION AND A NEW PARLIAMENTARY SESSION

The UK Parliament's 2019-21 session concluded with prorogation on 29 April 2021. A large number of Bills achieved Royal Assent on the day of prorogation, while others were carried over to the new 2021-22 session.

One notable item to pass was the Trade Bill, setting out in law the framework which allows the UK to sign independent trade deals with other countries. This had been a European Union responsibility until the UK's departure from the EU. The Bill attracted particular attention in its latter stages owing to the insertion of amendments by the House of Lords, intended to increase accountability where the UK Government was engaged in trade negotiations with countries which may be engaged in genocide.

During the passage of the Bill through the Lords, an amendment proposed by Lord Alton of Liverpool (Crossbench) was passed which would enable British courts to determine whether a genocide was being committed in a particular country with which the UK was undertaking trade negotiations. Such a determination would then require the UK Government to set out in Parliament how this would affect negotiations with the country in question.

On 9 February 2021, the UK Government avoided a straight vote on the amendment by proposing an amendment in *lieu*, which would enable a determination of genocide to be made by a Parliamentary Select Committee rather than a court, and for that Committee to seek a Parliamentary debate

if it was dissatisfied with the UK Government's response. This amendment passed the House of Commons on a narrow margin of 318 votes to 303, though some criticised the UK Government for using procedure to prevent a straightforward Commons vote on the Lords amendment.

Subsequently, a new amendment from Lord Alton, which would establish a panel of five MPs and Lords who had "held high judicial office" to advise the Select Committee on genocide determinations, was passed in the House of Lords by 367 votes to 214. The House of Commons then rejected this new amendment by 318 votes to 300 on 22 March 2021. On 23 March 2021, the House of Lords agreed not to press the amendment to a further vote.

The months before prorogation had seen lively debate on a number of other high-profile Bills. Among these was the Police, Crime, Sentencing and Courts Bill, a major legislative initiative intended to reform and strengthen policing and sentencing powers in a wide range of areas. The Bill attracted demonstrations in cities across England following criticisms that it would place curbs on the right to protest. The Bill also began its progress through the House of Commons shortly after the death of Sarah Everard, a 33-year-old Marketing Executive who went missing from the streets of London in March 2021, which brought renewed scrutiny of the issues of violence against women and of their personal safety.

At Second Reading on 15 March 2021, the Opposition (Labour) tabled a reasoned

amendment to the Bill, which would have declined a Second Reading because it "rushes changes to protest law and fails to introduce a single new measure specifically designed to tackle the epidemic of violence against women."

The Secretary of State for Justice, Rt Hon. Robert Buckland, MP (Con), stated that "the Bill... lies at the very heart of the mission of this Government. It is another milestone along the road to

creating a higher degree of public protection for victims of crime - and that very much includes women and girls."

The Opposition's reasoned amendment was ultimately defeated by 359 votes to 225, with the Bill then passing Second Reading by 359 votes to 263. The Bill was carried over to the 2021-22 session, with the Commons Committee stage beginning on 20 May 2021.





Following prorogation, the work of the legislature recommenced with the State Opening of Parliament on Tuesday 11 May 2021, with The Queen’s Speech setting out the UK Government’s legislative priorities for the coming session. Key proposals included an Electoral Integrity Bill, which would introduce mandatory identification for voters in British elections; a Skills and Post-16 Education Bill, which would overhaul the adult education system; and a Planning Bill, which would reform the development system to promote growth in local areas.

The debate on the Address began in the House of Commons on 11 May and continued over five further sitting days, concluding on 18 May. As is conventional, the debate began with the moving of a ‘humble Address’ to The Queen, followed by a debate on the Address.

In his opening speech in the debate, the UK Prime Minister, Rt Hon. Boris Johnson, MP (Con) drew attention to the range of initiatives proposed, including the Planning Bill, which he stated would “help people to achieve the dream of home ownership... by modernising the planning system, most of which remains unchanged since the 1940s.”

The proposed Bill was, however, criticised in the ensuing debate by former UK Prime Minister, Rt Hon. Theresa May, MP (Con), who said it would “reduce local democracy, remove the opportunity for local people to comment on specific developments, and remove the ability of local authorities to set development policies locally.”

On the penultimate day of debate, the Opposition moved an amendment to the Address to add that “the Gracious Speech fails to prevent the

potentially ruinous costs of remediation works to make buildings safe being passed on to leaseholders and tenants”, and to “call on the Government to set a deadline of June 2022 to make all homes safe.” This amendment was defeated by 358 votes to 220.

On the final day of debate on the Address, the Opposition moved a further amendment to direct the publication of the internal review of the operation of Department for Health and Social Care during the COVID-19 pandemic. This was defeated by 265 votes to 367. Further amendments to the Address from Owen Thompson, MP (SNP) and Stella Creasy, MP (Lab) were also defeated on the final day.

Among the first new Bills to be brought forward in the new session was the Advanced Research and Invention Agency Bill, which would establish a new research agency “to support high risk, high reward science.” There were widespread reports that the Government would face a serious test of its support in the House of Commons following the tabling of an amendment to the Bill at Report stage. This amendment would insert a new clause 4, requiring the new agency to make up any shortfall in Official Development Assistance (ODA), informally known as the overseas aid budget, in years when it fell below the legal target of 0.7% of Gross National Income (GNI). This followed the announcement by the Chancellor of the Exchequer, Rt Hon. Rishi Sunak, MP (Con) in the Spending Review in November 2020 that the Government’s allocation of GNI to overseas aid would be 0.5% in 2021.

Prior to the commencement of debate at Report stage, the Speaker of the House of Commons, Rt Hon. Sir Lindsay

Hoyle, MP advised that he deemed the proposed clause 4 to be outside the scope of the Bill, and that it would therefore not be moved or debated. However, the Speaker also noted that there is a legal duty for the Government to ensure that the 0.7% overseas aid target is met by the UK each year, and that this had not been subject to a decisive vote since the Chancellor’s statement. The Speaker concluded that “I expect the Government to find a way to have this important matter debated and to allow the House formally to take an effective decision.” He subsequently granted an application from Rt Hon. Andrew Mitchell, MP (Con), former Secretary of State for International Development, for an emergency debate under Standing Order 24 on Official Development Assistance, which took place on 8 June 2021. There continued to be speculation that there would be a decisive vote on the 0.7% commitment in the coming months.

UK ELECTION RESULTS 2021

During the prorogation period, elections were held for the devolved Parliaments in Scotland and Wales, as well as for regional Mayors and local councils across England on 6 May 2021. Many of the English council elections had been postponed from May 2020 owing to the Coronavirus pandemic. There were also two UK Parliamentary by-elections in May, the first to be held since the December 2019 General Election.

In Scotland, the pro-independence Scottish National Party (SNP) won re-election for a fourth consecutive term in government, with 64 out of 129 seats in the devolved Scottish Parliament – one seat short of an overall majority.

The Leader of the SNP, Rt Hon. Nicola Sturgeon, MSP was also re-elected to Parliament and returned as First Minister of Scotland. The Scottish Conservative Party again finished in second place with 31 seats – no change from the last election in 2016 – while the Scottish Labour Party finished third, with 22 seats, a decline of two seats from the previous election.

The result may lead to a continued impasse on the issue of a second Scottish independence referendum; the SNP and Scottish Greens - who won eight seats - form a majority of MSPs in favour of the proposition, but the UK Government has indicated that it will not grant a request for transfer of legislative powers to the Scottish Parliament to legislate for a new referendum. Such a transfer is known as a ‘Section 30 Order’, after the relevant provision of the Scotland Act 1998 which enables reserved legislative powers to be transferred to the devolved Scottish Parliament on a temporary basis with the consent of the UK Government. The independence referendum of 2014 was held following legislation passed under a Section 30 Order, but a request from the Scottish Government in March 2017 for a further Order to provide for a second referendum was refused by the UK Government.

In Wales, the Welsh Labour Party also retained office, winning 30 of the 60 seats in the Senedd Cymru/Welsh Parliament, up one from the last election in 2016. The Welsh Conservatives finished in second place with 16 seats – up five – and Plaid Cymru finished third, with 13 seats (up one). Incumbent First Minister of Wales, Rt Hon. Mark Drakeford, MS (Lab) was reconfirmed in his position in the Senedd



The Parliament of the United Kingdom in London.



Image credit: Shutterstock_974058.

on 12 May 2021, with Welsh Labour choosing to govern as a minority administration, having previously been in coalition with the Welsh Liberal Democrats.

Also on 6 May 2021, a Parliamentary by-election was held for the seat of Hartlepool, in north-east England, following the resignation of Mike Hill (Lab). The seat was won by the Conservative candidate Jill Mortimer with a majority of 23% over Labour candidate Paul Williams, representing the first time the seat had been won by the Conservative Party since 1959. The following week, on 13 May 2021, a Parliamentary by-election was held in the Scottish seat of Airdrie and Shotts, following the resignation of Neil Gray (SNP), who was subsequently elected to the equivalent seat in the Scottish Parliament. The seat

was retained for the SNP by their candidate Anum Qaisar-Javed, with a majority of 8% over Scottish Labour candidate Kenneth Stevenson.

CROWN STEWARDSHIPS OF THE CHILTERN HUNDREDS AND OF THE MANOR OF NORTHSTEAD

On 10 May 2021, the UK Chancellor of the Exchequer Rt Hon. Rishi Sunak, MP (Con) appointed Tracy Brabin (Lab) to be the Steward and Bailiff of the Three Hundreds of Chiltern. Ms Brabin was elected as a Member of the UK Parliament for the constituency of Batley and Spen in West Yorkshire in a by-election held in October 2016 following the murder of the previous incumbent, Jo Cox. In the UK elections held in May 2021, Tracy Brabin was elected

as the inaugural metropolitan Mayor of West Yorkshire and so was appointed as the Steward and Bailiff of the Three Hundreds of Chiltern to allow her to resign from the House of Commons. Her resignation has triggered an upcoming by-election in Batley and Spen.

The appointment to the Stewardship of the Three Hundreds of Chiltern is a procedural device in the UK Parliament to allow Members of Parliament to resign from the House of Commons. As Members are technically forbidden to resign from the House according to a resolution passed on 2 March 1623, they must resort to a 'legal fiction' and an appointment to an "office of profit under The Crown", which disqualifies an individual from sitting as an MP. Although several offices were used in the past to allow Members to resign,

only the two historical titles of the Crown Stewardship of the Three Hundreds of Chiltern and the Crown Stewardship of the Manor of Northstead are in present use.

The current holder of the title of Steward and Bailiff of the Manor of Northstead is Neil Gray (SNP) who recently resigned his seat in the UK House of Commons to run for election to the Scottish Parliament in May 2021. The Chancellor of the Exchequer announced his appointment on 24 March 2021.

Appointees to the Chiltern Hundreds are alternated with the Manor of Northstead, allowing two MPs to resign at once. However, when more than two MPs resign at the same time, appointees to these historical titles are appointed and then dismissed after a few hours to allow other resigning MPs to take their place.



BUDGET NIGHT AT THE AUSTRALIAN FEDERAL PARLIAMENT

Parliamentary Report by Fleur Hall, Parliament of Australia.

ADDRESS OF CONDOLENCE: DEATH OF HRH PRINCE PHILIP

The parliamentary (southern hemisphere) winter sittings commenced on 11 May 2021. In the Australian House of Representatives, the Prime Minister, Hon. Scott Morrison, MP, moved that the House agree to an address to Her Majesty Queen Elizabeth II in relation to the death of His Royal Highness The Prince Philip, Duke of Edinburgh. The Leader of the Opposition, Hon. Anthony Albanese, MP; the Leader of the House, Hon. Peter Dutton, MP; the Deputy Leader of the Opposition, Hon. Richard Marles, MP; and the Deputy Prime Minister, Hon. Michael McCormack, MP supported the motion. All Members rose, in silence, and the address was agreed to. As a mark of respect, the House suspended for 90 minutes. A letter, signed by the Speaker of the House of Representatives, Hon. Tony Smith, MP, conveying the terms of the address, was transmitted to Her Majesty through the Governor-General of Australia.

A similar address was agreed to in the Australian Senate, with the motion having been moved by the Leader of the Government in the Senate, Senator Hon. Simon Birmingham, and supported by the Leader of the Opposition in the Senate, Senator Hon. Penny Wong and the Leader of The Nationals in the Senate, Senator Hon. Bridget McKenzie.

On Saturday 10 April 2021, the flag at Parliament House was flown at half-mast from sunrise to sunset and the Australian Defence Force fired a 41-gun salute on the forecourt to mark the occasion.

Prince Philip visited Australia many times, including for the opening of Parliament House on 9 May 1988.

BUDGET NIGHT 2021

After the deferral of last year's Federal Budget from May to October, and the closure of the public and press galleries due to the pandemic, this year saw a return to a more traditional Budget Night, with the introduction on 11 May 2021 of the Appropriation Bill (No. 1) 2021-2022 (the Main Appropriation Bill); Appropriation Bill (No. 2) 2021-2022 and Appropriation (Parliamentary Departments) Bill (No.1) 2021-2022 in the House of Representatives.

On the night, the public galleries were open (with restricted numbers) and ticketed seating was available for Members' guests. The press gallery was also open. This year, the number of admissions to Parliament House, inclusive of passholders, was at 9,712 comparable with pre-pandemic levels (for the same 24-hour period, admissions in 2019 totalled 9,671, compared with just 4,448 in 2020).

During the Second Reading speech for the Main Appropriation Bill, the Treasurer, Hon. Josh Frydenberg, MP told the House that, although *"this pandemic is far from over ... Australia is now well on the road to recovery. The economy is coming back."* Mr Frydenberg said that unemployment *"at 5.6% ... is lower than when we came to government"* and that *"Australia has seen employment go above its pre-pandemic levels."*

Unsurprisingly, one of the first announcements in the Treasurer's speech was the allocation of funds for the

COVID-19 vaccine rollout, as well as for COVID-related health services, including for testing and tracing. Funding for mental health, and in particular suicide prevention, was also given a boost, with the Treasurer describing it as *"a clear national priority"* and reminding the House that *"suicide is the leading cause of death in Australia for those aged 18 to 44."*

The Treasurer announced further investment in skills and training, housing and small business and childcare. Funding was also committed to improve the aged care system, in the wake of the recent Royal Commission into Aged Care Quality and Safety, which as the Treasurer said, *"revealed shocking cases of neglect and abuse."*

On Thursday 13 May 2021, the Leader of the Opposition, Hon. Anthony Albanese, MP gave the reply to the Treasurer's Second Reading speech, in which he described the Government's Budget as offering *"a low-growth, low-productivity and low-wage return future."* Mr Albanese asserted the Budget contained *"nothing built to last and no real reform, just a series of announcements to overcome political problems which the government has created."* Mr Albanese told the House that *"a Labor government will invest in Australian industry and our workforce"* and that *"our approach stands in stark contrast to those opposite... If elected Prime Minister, I will always stand up for secure jobs and fair wages."*

On 24 May 2021, when debate on the question for the Second Reading was resumed, the House agreed to allow a cognate debate on the Second Reading stage for the Main

Appropriation Bill together with the two other Budget Bills. During the Second Reading debate in the House, the scope of discussion was typically broad, because the Standing Order which applies the rule of relevancy to the question makes debate on the motion of the Second Reading for the Main Appropriation Bill, one of the exceptions to its provisions, and allows *"public affairs"* to be debated.

In total, 93 Members contributed to the Second Reading debate, and in their speeches, Members raised issues of both local and national concern, including public housing in Tasmania (the Member for Lyons, Mr Brian Mitchell, MP); the renewable energy sector in Brisbane (the Member for Lilley, Ms Anika Wells, MP); the cost of housing on the northern beaches of Sydney (the Member for Mackellar, Mr Jason Falinski, MP); the environment, climate change and gender equity (the Member for Warringah, Ms Zali Steggall, MP); infrastructure projects in Perth (the Member for Stirling, Mr Vince Connelly, MP); education spending in Tamworth, New South Wales (the Member for New England, Hon. Barnaby Joyce, MP); COVID-19 vaccines and quarantine (the Member for Cowan, Dr Ann Aly, MP); tourism and infrastructure on the Gold Coast of Queensland (the Member for Moncrieff, Ms Angie Bell MP); road funding near Adelaide (the Member for Mayo, Ms Rebekah Sharkie, MP); community car parking in Elsternwick, Melbourne (the Member for Goldstein, Mr Tim Wilson, MP); education and research in Joondalup, Perth (the Member for Moore, Mr Ian Goodenough, MP); mental health funding in Benalla,



The Australian Federal Parliament in Canberra.



Victoria (the Member for Indi, Dr Helen Haines, MP) and sporting clubs on the Central Coast of New South Wales (the Member for Roberston, Mrs Lucy Wicks, MP) and appointments to the Administrative Appeals Tribunal (the Member for Isaacs, Hon. Mark Dreyfus QC, MP).

The Second Reading debate concluded on 3 June 2021, with a total 21 hours and 37 minutes of debate. In the Senate, the particulars of the Budget Bills underwent scrutiny through the Senate Estimates process which was held from 24 May to 4 June 2021. The Budget Bills are expected to have passed both Houses and to have received royal assent by 30 June, ahead of their 1 July 2021 commencement date.

PARLIAMENTARY REPORTS FROM THE AUSTRALIA REGION

TASMANIA STATE ELECTION 2021

The general election for Tasmania was held on 1 May 2021. The incumbent Liberal Government, led by Premier, Hon. Peter Gutwein, MP,

was returned for a third term, winning 13 of the 25 seats in the House of Assembly to form a majority government. Mr Gutwein, who had been sworn in on 20 January 2021 as the 46th Premier of Tasmania following the resignation of Hon. Will Hodgman, MP a week earlier, said on election night that the campaign had been “hard fought” and that his political opponents were “dedicated to serving the Tasmanian community” but that the Liberal party had “won this election convincingly.”

Describing the decisions he had to make as Premier as “among the hardest things I have ever had to do”, the Premier thanked Tasmanians “for the way they worked with... the government, how they helped their neighbours [and] how they helped their state over the last year to get on top of the deadly virus.”

The Labor Party won 9 seats, with leader Ms Rebecca White, MP conceding defeat late in the evening. Ms White congratulated the Premier and, in her concession speech, observed that

“all around the country we have seen incumbent governments rewarded for their management of COVID-19 and there is no doubt that Peter Gutwein and our public health officials kept our community safe and tonight’s results reflect that.”

Winning two seats was the Tasmanian Greens, with Leader Ms Cassy O’Connor, MP declaring that “the Greens are back in town” before congratulating the Premier “on being resoundingly elected to Bass” and Ms White “for giving it a red-hot go.”

Following the election loss, Ms White resigned her position as Leader of the Labor Party, with shadow Treasurer Mr David O’Byrne, MP expected to step into the role.

WESTERN AUSTRALIA STATE ELECTION 2021

The state general election for Western Australia was held on 13 March 2021.

Less than forty-five minutes after polls closed the election was called for the Labor Party, led by incumbent Premier, Hon. Mark McGowan, MLA. Mr

McGowan, whose party won 53 of the 59 Legislative Assembly seats, said that “the magnitude of what has happened today is not lost on me. With it comes great responsibility.” The Premier acknowledged his opponent, Liberals Leader Mr Zak Kirkup, MLA, describing the role of Opposition Leader as a “difficult and thankless job that I know well.”

In what was described as a “devastating” night for the Liberals, Mr Kirkup, who had only taken on the leadership 16 weeks prior to the election, became the first majority party leader in Western Australia to lose their own seat in 88 years. The Liberal Party won just two seats, with Ms Libby Mettam, MLA and Dr David Honey, MLA retaining the seats of Vasse and Cottesloe respectively.

In his concession speech, Mr Kirkup, who two weeks prior to polling day said he did not expect to win, described the election as “historic...and like no other. It is a loss that will be difficult to bear.” The Nationals, who won four seats, now hold more seats in the Legislative Assembly than the Liberal Party.

The immediate-past Liberal Leader, Hon. Liza Harvey, MLA, who lost her seat of Scarborough to Labor’s Mr Stuart Aubrey, MLA, acknowledged Mr McGowan’s popularity, saying that “there certainly was a sentiment of people wanting to reward the Premier for how he has handled the pandemic.”

Following Mr Kirkup’s defeat, Dr Honey became Leader of the Liberal Party, with Ms Mettam confirming she would not be seeking the leadership. Ms Mettam, now the party’s Deputy Leader, said that “David Honey has the overwhelming support of the parliamentary Liberal Party” and that she felt “very positive about what we can do to better place ourselves when it comes to the 2025 election.”



Third Reading Report by Fleur Hall, Parliament of Australia.

THIRD READING REPORT

Federal Circuit and Family Court of Australia Act, 2021

This Bill was introduced to the Australian House of Representatives on 5 December 2019 and was on that day referred to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report. It was finally assented to on 1 March 2021.

The Act unifies the administrative structure of the Family Court of Australia and the Federal Circuit Court of Australia to create the Federal Circuit and Family Court of Australia (FCFC), comprising two divisions:

- Federal Circuit and Family Court of Australia (Division 1) – a continuation of the Family Court; and
- Federal Circuit and Family Court of Australia (Division 2) – a continuation of the Federal Circuit Court.

The FCFC provides a single point of entry into the family law jurisdiction of the federal law system, with all family law matters filed in FCFC (Division 2) and then transferred to FCFC Division 1 as appropriate.

The then Attorney-General, Hon. Christian Porter, MP (Liberal Party of Australia), told the House that the legislation addresses “the fundamental structural problems that have existed within the courts” and that “the reforms are consistent with Parliament’s powers to create and invest federal jurisdiction in courts other than the High Court under Chapter III of the Constitution.” He

explained that the Bill “creates a consistent pathway for Australian families in having their family law disputes dealt with in the federal court [with] a common set of rules, procedures, practices and approaches to case management.”

The Member for Isaacs, Hon. Mark Dreyfus QC, MP (Australian Labor Party), calling the proposal “reckless”, said that it would “rob the Family Court of its essential distinguishing feature by collapsing it into one of Australia’s busiest, most poorly resourced and over-burdened courts: the Federal Circuit Court.” Describing the Family Court of Australia as a “proud Labor legacy” Mr Dreyfus said that it has been “envied throughout the common law world and its judgments have often been cited with approval by the courts of many countries including New Zealand, the UK, Canada, the USA and others” and that “its significance as the only specialist Family Court set up as a superior Court of Record and particularly that of its Appeal Division cannot be over emphasised.”

During his speech, Mr Dreyfus quoted the first Chief Justice of the Family Court, Hon. Elizabeth Evatt AC, who warned that “merging the Family Court into a generalist court will undermine the integrity and structural specialisation of the Family Court.” Mr Dreyfus argued that the justification for the proposal “does not withstand even the slightest degree of scrutiny” and said that “the only report that even comes close to recommending the

abolition of a standalone specialist Family Court is a six-week desktop review by two accountants [that is] based on obvious and fundamental errors.”

Also opposing the Bill was the Member for Indi, Dr Helen Haines, MP (Independent), who expressed concern that “these reforms will strip back tailored systems and corporate knowledge that have taken decades to develop.” Dr Haines added: “As an independent, I am committed to evaluating each Bill that passes through this place on its individual merits. Among the questions I ask myself are these ones: does this Bill have a robust evidence base? Is this Bill founded on principles of good governance? Does it serve the people it’s intended to serve? I am sorry to say that this Bill fails to answer many of those questions.”

In the Australian Senate, Senator Lidia Thorpe (Australian Greens), advising that the Greens did not support the Bill, said that “the model that the Family Court operates under is unique and has been held up as a model of best practice internationally.” Senator Thorpe added that “the alarming prevalence of family violence in the system makes specialisation critical to promote safe engagement for survivors” and that while the family law system “needs fixing... these Bills are not a fix at all.” Senator Thorpe argued that the government should consider “the model favoured by key stakeholders” involving “a straightforward





'lift and shift' of the Federal Circuit Court's family law jurisdiction and judges into a new lower division within the standalone, specialist Family Court."

Senator Patrick Dodson (Australian Labor Party) reiterated Labor's opposition to the Bill, adding that *"a Bill that diminishes the Family Court and the Family Court system is a Bill that does not serve the interests of First Nations peoples"* and that the government is *"intent on dismantling a core component of what once made our family law system the envy of the world."*

Adding her voice to those opposing the Bill was Senator Jacqui Lambie (Jacqui Lambie Network) who decried as *"atrocious"* the legal system's *"under-resourcing and under-staffing."* Senator Lambie said that *"merging the two courts that deal with family law matters won't take the pressure off the judges to get through the hundreds of cases at a time."*

Finally, the Assistant Minister to the Attorney-General and Assistant Minister for Women, Senator Hon. Amanda Stoker (Liberal Party of Australia) thanked Senators for their contribution to the debate, but said that it was *"unfortunate... that so much of the debate on these Bills mischaracterises them and the current system as a whole."* Senator Stoker refuted as *"false"* claims that the Bills will result in a loss of specialisation, and that the government has failed to provide funding for the federal family law courts and the family law system. She emphasised that the Bill *"will deliver a significant improvement to the lives of Australian families that are required to navigate the family law system"* and that *"the structural failings of the current split family law system are widely agreed, and continuing to do nothing to fix this problem is not an option."*

Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act, 2021

This Act, which was assented to on 2 March 2021, amends the *Competition and Consumer Act 2010* to establish a mandatory code of conduct that applies to news media businesses and digital platform corporations when bargaining in relation to news content made available by digital platform services.

The Treasurer, Hon. Josh Frydenberg, MP (Liberal Party of Australia) told the House that the code is *"a world-leading initiative"* and *"represents ... an historic reform ... where the eyes of the world will be on what is occurring here in Australia."* The Treasurer said that the government is *"not seeking to protect traditional media companies from the rigour of competition ... which benefits customers. Rather we are seeking to create a level playing field where market power is not misused and there is appropriate compensation for the production of original news content."* He added that the code will be reviewed after one year of operation to test its effectiveness.

Informing the House that Labor supported the Bill, the Member for Burt, Mr Matt Keogh, MP (Australian Labor Party) said his party had *"offered in-principle support for a workable code from the outset."* Mr Keogh argued that Google and Facebook *"have grown their rivers of gold in online advertising, driving users to their site and therefore to their ads in part by displaying news content [but] the platforms do not share any of that revenue."* Mr Keogh said that journalists must be protected and that *"we need a code that regulates digital platforms and ensures that people get paid for the work they do."*

Indicating her strong support for the Bill, the Member for Mayo, Ms Rebekah Sharkie, MP (Centre Alliance) commented that *"Google and other platforms have basically cannibalised local content"* and that she and colleague Senator Stirling Griff (Centre Alliance) *"believed Google and Facebook needed to pay a fair price for unique content that was not their own."*

The Member for Wentworth, Mr Dave Sharma, MP (Liberal Party of Australia) told the House that this area of public policy is not *"easy"* but that he believed *"in this instance we've struck the right balance."* In his speech, Mr Sharma spoke of the importance of the fourth estate, saying it has *"a critical role in holding power to account and scrutinising the actions of the Executive and the Legislature too, which improves the quality of our decision-making and our democracy."* Mr Sharma noted that the legislation puts in a series of safeguards, such that if no agreement can be reached, which he said would *"probably be due to the imbalance of bargaining power between both sides"* then *"a party*

can seek to trigger the code and that will ... trigger ... minimum standard obligations about how a digital platform must treat the news media business."

In the Senate, Senator Sarah Hanson-Young (Australian Greens) argued that *"overall, the principle of tackling the power imbalance is absolutely right"* but strongly criticised the Bill for only dealing with one part of the media landscape, namely the advertising and revenue bargaining process. Describing public interest journalism as *"essential to ensuring that we have a robust and accountable democracy"*, Senator Hanson-Young called for action to *"reign in the big tech giants"* and to tackle *"the monopoly of the Murdoch press."*

In her contribution, Senator Susan McDonald (The Nationals) said that the code *"will support a diverse and sustainable Australian news media sector, including Australia's public broadcasters."* Senator McDonald described it as *"a world first, and we will have much of the world looking at Australia and the success of this binding code that will address power imbalance between news media businesses and digital platforms."*

While acknowledging Labor's support for the Bill, Senator Tim Ayres (Australian Labor Party) noted that there had been *"debate in the community about the Bill and whether or not the Bill prefers the interest of one set of global media giants over another."* Senator Ayres added that *"it remains to be seen whether the government's code is workable and how big a difference it will make"* and told the Senate *"this should not be the last time we consider these issues."*

Summing up, the Minister for Superannuation, Financial Services and the Digital Economy, Senator Hon. Jane Hume (Liberal Party of Australia) thanked Senators for their contributions as well as the Senate Economics Legislation Committee for its consideration of the Bill, welcoming its finding that *"it will help safeguard public interest journalism in Australia."* Senator Hume also acknowledged the comments from Labor Senators and *"in particular, their view that the government's work on the code has improved the responsiveness of digital platforms to the news media businesses."*

Office Holders of the Commonwealth Parliamentary Association



Portrait of the Queen © John Swannell/Camera Press

PATRON:
Her Majesty Queen Elizabeth II
Head of the Commonwealth

VICE-PATRON:
Vacant (Canada Federal)

CPA Executive Committee

Dates of membership below. Some Members are completing terms started by other Members. *Term dates extended as no CPC and CPA General Assembly held in 2018, 2020 and 2021.

CPA Officers

CPA PRESIDENT: (64th CPC to 65th CPC - 2019-2022)*: **Hon. Anthony Rota, MP** Speaker of the House of Commons (Canada Federal)

CPA VICE-PRESIDENT: (64th CPC to 65th CPC - 2019-2022)*: **Rt Hon. Alban Bagbin, MP**, Speaker of Parliament (Ghana)

ACTING CHAIRPERSON OF THE CPA EXECUTIVE COMMITTEE (63rd CPC to 65th CPC - 2017-2022)*: **Hon. Ian Liddell-Grainger, MP** (United Kingdom) - *Acting Chairperson since April 2021.*

CPA VICE-CHAIRPERSON (64th CPC to 65th CPC - 2019-2022)*: *Vacant*

CPA TREASURER (64th CPC to 65th CPC - 2019-2022): **Hon. Datuk Shamsul Iskander Md. Akin, MP** (Malaysia)

COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP) CHAIRPERSON (64th CPC to 65th CPC - 2019-2022): **Hon. Shandana Gulzar Khan, MNA** (Pakistan)

ACTING CPA SMALL BRANCHES CHAIRPERSON (64th CPC to 65th CPC - 2019-2022): **Joy Burch, MLA**, Speaker of the Legislative Assembly of Australian Capital Territory - *Acting Chairperson since Feb 2021.*

The CPA Coordinating Committee comprises the CPA Chairperson, Vice-Chairperson, Treasurer, CPA Small Branches Chairperson and Commonwealth Women Parliamentarians (CWP) Chairperson.

Regional Representatives

AFRICA REGION

Awaiting nomination, Namibia (62nd CPC to 65th CPC - 2016-2022)*
Completing the term started by another Namibia Member.

Hon. Lazarous Chungu Bwalya, MP, Zambia (62nd CPC to 65th CPC - 2016-2022)*

Hon. Dr Makali Mulu, MP, Kenya (63rd CPC to 66th CPC - 2017-2023)*

Rt Hon. Sephiri Enoch Motanyane, MP, Speaker, Lesotho (63rd CPC to 66th CPC - 2017-2023)*

Hon. Osei Kyei Mensah Bonsu, MP, Ghana (64th CPC to 67th CPC - 2019-2024)*

Rt Hon. Dr Abass Bundu, MP, Speaker, Sierra Leone (64th CPC to 67th CPC - 2019-2024)*

ASIA REGION

Hon. Dr Fehmida Mirza, MP, Pakistan, (62nd CPC to 65th CPC - 2016-2022)*

Hon. Dr Lal Chand Ukrani, MPA Sindh, (63rd CPC to 66th CPC - 2017-2023)*

Hon. Mahinda Yapa Abeywardana, MP, Speaker, Sri Lanka (64th CPC to 67th CPC - 2019-2024)*
Completing the term started by another Sri Lanka Member.

AUSTRALIA REGION

Hon. Jonathan O'Dea, MLA, Speaker, New South Wales (62nd CPC to 65th CPC - 2016-2022)*
Completing the term started by another NSW Member.

Hon. Bruce Atkinson, MLC, Victoria (63rd CPC to 66th CPC - 2017-2023)*

Senator Hon. Scott Ryan, President of the Senate, Australia Federal (64th CPC to 67th CPC - 2019-2024)*

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Stuart McMillan, MSP, Scotland *Standing in for Northern Ireland* (62nd CPC to 65th CPC - 2016-2022)*

Hon. Leona Roberts, MLA Falkland Islands (63rd CPC to 66th CPC - 2017-2023)*

Hon. Julie Elliot, MP, United Kingdom (64th CPC to 67th CPC - 2019-2024)* *Completing the term started by another UK Member.*

CANADA REGION

Hon. François Paradis, MNA Québec (62nd CPC to 65th CPC - 2016-2022)* *Completing term started by Northwest Territories.*

Hon. Kevin Murphy, MLA, Speaker, Nova Scotia (63rd CPC to 66th CPC - 2017-2023)* *Also: Chairperson of the Commonwealth Parliamentarians with Disabilities (CPwD)*

Hon. Yasmin Ratansi, MP, Canada Federal (64th CPC to 67th CPC - 2019-2024)*

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Arthur Holder, Speaker, Barbados (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by Trinidad and Tobago.*

Hon. Andy Glenn Daniel, MP, Speaker, Saint Lucia (64th CPC to 67th CPC - 2019-2024)*

Hon. Gordon J. Burton, MHA, Speaker, Turks & Caicos (64th CPC to 67th CPC - 2019-2024)*
Completing the term started by another Turks & Caicos Member.

INDIA REGION

Shri Premchand Aggarwal, MLA, Speaker of Legislative Assembly, Uttarakhand (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by Jammu and Kashmir.*

Awaiting nomination, Assam (63rd CPC to 66th CPC - 2017-2023)*
Completing the term started by another Assam Member.

Shri Anurag Sharma, MP, Lok Sabha, India Union, (64th CPC to 67th CPC - 2019-2024)*

PACIFIC REGION

Hon. Gerry Brownlee, MP, New Zealand (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by another New Zealand Member*

Hon. Therese Kaetavara, MHR, Deputy Speaker, Bougainville (63rd CPC to 66th CPC - 2017-2023)*
Completing the term started by another Bougainville Member

H. E. Hon. Ratu Epeli Nailatikau Speaker, Fiji (64th CPC to 67th CPC - 2019-2024)*

SOUTH-EAST ASIA REGION

Hon. Suhaizan Kayat, MLA Speaker, Johor (62nd CPC to 65th CPC - 2016-2022)* *Completing the term started by Malacca*

Hon. Mr Lim Biow Chuan, MP Singapore (63rd CPC to 66th CPC - 2017-2023)* *Completing the term started by another Singapore Member*

Hon. Datuk Wira Dr Mohd Hatta Ramli, MP, Malaysia (64th CPC to 67th CPC - 2019-2024)*

CPA Small Branches Steering Committee

ACTING CPA SMALL BRANCHES CHAIRPERSON

Joy Burch, MLA, Speaker of the Legislative Assembly of Australian Capital Territory (Acting Chairperson since Feb 2021)

AFRICA REGION

Hon. Gervais Henrie, MNA
Deputy Speaker, Seychelles (2019-2021)

AUSTRALIA REGION

Hon. Ngaree Ah Kit, MLA Northern Territory (2020-2023)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Juan Watterson, SHK
Speaker of the House of Keys, Isle of Man (2020-2023)

CANADA REGION

Hon. Nils Clarke, MLA
Speaker of the Legislative Assembly, Yukon (2019-2022)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Vacant (2020-2023).

PACIFIC REGION

Hon. Tofa Nafotoa Talaimanu Ketii, MP, Samoa (2019-2022)

SOUTH-EAST ASIA REGION

Hon. Hamizan bin Hassan, MLA, Perlis (2020-2023)

The CPA Small Branches Steering Committee comprises the CPA Small Branches Chairperson and seven Members who represent the seven out of the nine Regions of the CPA with Small Branches.

Commonwealth Women Parliamentarians (CWP) Steering Committee

CWP PRESIDENT

Vacant
Canada Federal (2019-2021)

CWP CHAIRPERSON

Hon. Shandana Gulzar Khan, MNA, Pakistan (2019-2022)

AFRICA REGION

Hon. Dr Zainab Gimba, MP
Nigeria (2019-2022)
Also CWP Vice-Chairperson (2019-2021)

ASIA REGION

Hon. Munaza Hassan, MNA
Pakistan (2018-2021)

AUSTRALIA REGION

Senator Nita Green
Australia Federal (2019-2022)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Hon. Samantha Sacramento, MP, Gibraltar (2019-2022)

CANADA REGION

Hon. Lisa Thompson, MPP
Ontario (2020-2023)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Hon. Jeannine Giraudy-McIntyre, MP, President of the Senate of St Lucia (2018-2021)

INDIA REGION

Smt. Sunita Duggal, MP
Lok Sabha, India (2020-2023)

PACIFIC REGION

Hon. Selina Napa, MP
Cook Islands (2020-2023)

SOUTH-EAST ASIA REGION

Hon. Alice Lau Kiong Yieng, MP
Malaysia (2019-2022)

Commonwealth Parliamentarians with Disabilities (CPwD) Regional Champions

CPwD CHAIRPERSON

Hon. Kevin Murphy, MLA
Speaker of the House of Assembly, Nova Scotia (2020-2021)

AFRICA REGION

Hon. Dennitah Ghati, MP
Member of the National Assembly of Kenya (2020-2023)

ASIA REGION

Hon. Zil-E-Huma, MNA
Member of the National Assembly of Pakistan (2020-2023)

AUSTRALIA REGION

Hon. Gareth Ward, MP
Minister for Families, Communities and Disability Services, New South Wales (2020-2023)

BRITISH ISLANDS AND MEDITERRANEAN REGION

Vacant
(2020-2023)

CANADA REGION

Hon. Kevin Murphy, MLA
Speaker of the House of Assembly, Nova Scotia (2020-2023)

CARIBBEAN, AMERICAS AND THE ATLANTIC REGION

Senator Paul Richards
Trinidad and Tobago (2020-2023)

INDIA REGION

Smt. Supriya Sule, MP
India (2020-2023)

PACIFIC REGION

Hon. Viam Pillay, MP
Assistant Minister for Agriculture, Waterways and Environment, Fiji (2020-2023)

SOUTH-EAST ASIA REGION

Senator Ras Adiba Mohd Radzi
Malaysia (2020-2023)

CPA Regional Secretaries

AFRICA REGION Ms Nelwra Joyce Mwiambi, Parliament of Tanzania

ASIA REGION Mr Syed Shamoon Hashmi, Parliament of Pakistan

AUSTRALIA REGION Ms Alex Cullum, Parliament of Australia

BRITISH ISLANDS & MEDITERRANEAN Mr Jon Davies, Parliament of the United Kingdom

CANADA REGION Mr Michel Patrice, Parliament of Canada

CARIBBEAN, AMERICAS & THE ATLANTIC REGION Mr Pedro E. Eastmond, Parliament of Barbados

INDIA REGION Shri Utpal Kumar Singh, Parliament of India

PACIFIC REGION Ms Megan Robins, Parliament of New Zealand

SOUTH-EAST ASIA REGION Mr Nizam Mydin bin Bacha Mydin, Parliament of Malaysia

CPA Headquarters Secretariat

Mr Stephen Twigg
CPA Secretary-General
Commonwealth Parliamentary Association, CPA Headquarters Secretariat, Richmond House, Houses of Parliament, London SW1A 0AA, United Kingdom

Tel: +44 (0)20 7799 1460
Email: hq.sec@cpahq.org
www.cpahq.org
Twitter @CPA_Secretariat
Facebook.com/CPAHQ
Instagram @cpa_secretariat
LinkedIn | YouTube

A full listing of all CPA Branches can be found at: www.cpahq.org

Information as supplied by CPA Branches and CPA Regions to CPA Headquarters Secretariat

SUBSCRIBE TODAY

THE PARLIAMENTARIAN

