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Amendments to the IPU Statutes and Rules

Sub-amendments submitted by the Belgian Inter-Parliamentary Group to the amendments presented by the Executive Committee

New text is written in bold characters. Deleted text is struck through.

Sub-amendment 1

Modify the new Article 1.4 as follows:

To further its aims, as described in paragraphs 2 and 3 above, ~~The IPU has legal personality and has the authority to~~ **may** enter into international agreements, including cooperation agreements with national parliaments and inter-parliamentary organizations, as well as with international intergovernmental and non-governmental organizations.

Explanation

The Belgian Group is not in favour of mentioning the IPU's legal personality in the Statutes.

Obviously, the Statutes as such cannot, independently of any specific status in public or private law, confer legal personality on the IPU, the way a treaty may confer legal personality on an international organization it establishes. We understand that the Executive Committee accepts this and that the proposed new paragraph is only meant to acknowledge the de facto legal personality that the IPU, as the international organization of the parliaments of sovereign States, is generally agreed to have, despite the fact that it does not conform to any established legal construct.

The Belgian Group does not contest this de facto legal personality of the IPU. It only contests that it is appropriate to affirm it in the organization's Statutes. The Statutes are not a document describing an external reality. They only express how the organization defines itself and establish its basic rules of operation and the rights and duties existing within the organization. One has only to formulate the provision, as it is apparently intended, somewhat more explicitly ("There is general agreement that the IPU de facto has legal personality") to see that it is out of place in a document such as the Statutes.

The Belgian Group therefore proposes to delete the reference to the IPU's legal personality and, hence, to introduce also the conclusion of international agreements not as a legal capacity but as something the organization allows itself to do (or, if you will, is authorized by its Members to do) in order to reach its goals.

Sub-amendment 2

Modify the proposed Article 26.2 (e) according to one of the following options:

Option 1:

Propose to the Governing Council the five-year IPU Strategy, as well as its annual work programme and budget (cf. Financial Regs., Rule 3.4), and examine the progress made in **implementing the Strategy in accordance with the meeting-IPU Organization's basic** objectives, as stipulated in Article 1 of the Statutes.

Option 2:

Propose to the Governing Council the five-year IPU Strategy, as well as its annual work programme and budget (cf. Financial Regs., Rule 3.4), and examine the progress made in meeting IPU objectives, as stipulated in Article 1 of the Statutes, **through the implementation of the Strategy and the annual work programmes.**

Explanation

This paragraph is about the five-year general strategy (new) and the annual work programme and budget (old). The Belgian Group is in favour of also introducing the idea of progress reports in the Statutes but, in the context of this paragraph, one would expect this idea to be linked to the strategy and the annual work programmes and not (only) to the very general fundamental objectives of Article 1 of the Statutes, which the strategy and the work programme articulate for a given period of time. A regular follow-up of the strategy in particular is needed. The implementation of the annual work programme is already reported on in the annual financial results. That is why we prefer option 1. However, we suggest option 2, which stays closer to the text proposed by the Executive Committee, may also be considered.

Sub-amendment 3

Modify the proposed Article 28.2 (f bis) as follows:

Prepare for the consideration of the Executive Committee policies and reports on transparency and accountability, **as well as proposals for the IPU communications strategy**, to be approved by the Governing Council

Explanation

The Belgian Group proposes to introduce (i) the 5-year general strategy, (ii) the policies on transparency and accountability and (iii) the communications strategy not only in Article 26.2 (on the role of the Executive Committee) but also in Article 28.2 (on the role of the Secretariat) and in Article 21 (on the role of the Governing Council). In Article 28.2, the proposed amendments speak only of the 5-year general strategy and the policies on transparency and accountability but not the communications strategy. As for Article 21, which currently does not mention any of these policies, no amendment is proposed.

This sub-amendment and the following one aim to remedy this lack of consistency. For the purpose of defining and adopting IPU policies, the Secretariat, the Executive Committee and the Governing Council form a triad, each with its own role: prepare (Secretariat), examine and recommend (Executive Committee), approve (Governing Council). As far as we know, this division of tasks is not under dispute.

No doubt, the lack of consistency could be corrected at a later stage, in the framework of the comprehensive review of the IPU Statutes and Rules we are told the Executive Committee intends to undertake. However, this argument is hardly to the point here. If there is unanimity in the Executive Committee to introduce the three policies mentioned in Article 26.2, there is no reason why they could not be introduced immediately in Article 21 and Article 28.2 as well. In our opinion, these three articles should be in line with one another in their description of the tasks involved in defining and adopting IPU policies.

The present sub-amendment aims to bring Article 28.2 into line with Article 26.2 on this point.

Sub-amendment 4

Modify Article 21 (h) as follows:

Adopt the five-year Strategy as well as annually the annual work programme and budget of the IPU and establish the scale of contributions (cf. Financial Regs., Rules 3.1 and 5.2);

and introduce a new Article 21 (h bis) as follows:

Approve the Organization's policies on transparency and accountability, as well as its communications strategy;

Explanation

From a technical point of view, it may not be correct to qualify this proposal as a sub-amendment, since the Executive Committee is not proposing to amend Article 21. In spirit, however, it is definitely a sub-amendment, because it aims to bring Article 21 into line with certain proposed amendments to Article 26.2 (see the explanation concerning sub-amendment 3 above).

If sub-amendment 4 were to be accepted, it would seem advisable, from an editorial point of view, to move the important qualification "in keeping with the overall five-year IPU strategy" from Article 26.2 (e bis) to Article 21 (h bis), because the communications strategy would then be first mentioned in the latter article.