

# **Information Fact Sheets on Political and Parliamentary Systems of AIPA Member Parliaments**

**By Jan Seifert, PhD**

September 2015



The ASEAN Inter-Parliamentary Assembly (AIPA) was first established as ASEAN Inter-Parliamentary Organization (AIPO) by the virtue of the signing of the Statutes of ASEAN Inter-Parliamentary Organization on 2 September 1977. As there was a need to transform AIPO into a more effective and closely integrated institution, the name AIPO was then changed into ASEAN Inter-Parliamentary Assembly (AIPA). The Member Parliaments of AIPA are Legislative Council (*Majelis Mesyuarat*) of Brunei Darussalam, National Assembly (*Rathasaphea*) and Senate (*Prithasaphea*) of Cambodia, House of Representatives (*Dewan Perwakilan Rakyat*) of Indonesia, National Assembly (*Sapha Hengsat*) of Lao PDR, House of Representatives (*Dewan Rakyat*) and Senate (*Dewan Negara*) of Malaysia, Union Assembly (*Pyidaungsu Hluttaw*) of Myanmar, Congress of the Philippines, Parliament of Singapore, National Legislative Assembly of Thailand, and National Assembly (*Quoc Hoi*) of VietNam.

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[www.aipasecretariat.org](http://www.aipasecretariat.org) – [www.giz.de](http://www.giz.de)



## Foreword



My Warmest Greetings!

As laid out in the Preamble of the AIPA Statutes, the strengths of ASEAN emanate from the roots of our societies, and closer cooperation among the respective legislatures results in greater participation by the peoples of ASEAN countries. It is, therefore, crucial for AIPA Member Parliaments to be knowledgeable about each other in order to enhance cooperation among them towards the establishment of an ASEAN Community by 2015. This is all the more so when seen against their diverse historical backgrounds, ideologies and development priorities.

The production of this handbook under the AIPA Capacity Development Project funded by the Federal Republic of Germany through the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and Hanns Seidel Foundation (HSF) achieves much as it is multifaceted and provides readers with a good mental map of the respective constituent parliaments' historical background, political and parliamentary system, national electoral system and internal structures and processes, as well as their constitution and the relationship between the executive and legislature. Reference has also been made to the role of AIPA vis-a-vis the national parliaments as vehicles in connecting the public with the regional parliaments and with others.

It is my fervent wish that this publication will reach out to all those interested in understanding the parliamentary and political systems of AIPA member states. It showcases the solidarity of the ASEAN member states in projecting to the world the strength of the different parliamentary systems and how this strength is binding the various states together in spite of the diversity in our political system.

**H.E. Tan Sri Abu Zahar Ujang,  
President of the Senate of Malaysia**

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My gratitude also goes to all the AIPA Focal Persons who provided support in gathering data and information for this Handbook. Specifically, these people are:

- **Brunei Darussalam:** Dk Hj Zaidah Pg Haji Petra, Assistant Clerk of Councils, Jabatan Majlis-Majlis Mesyuarat, Department of Councils of State, Jabatan Perdana Menteri, Prime Minister's Office.
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- **Singapore:** Ms Chua Lin Hwee, Principal Assistant Clerk, Parliament of Singapore.
- **Thailand:** Ms Stijit Taipiboonsuk, Director of AIPA Section, House of Representatives.

- **Vietnam:** Mr Phan Minh Tuan, Director of Department of Foreign Affairs, Office of the National Assembly of Vietnam.

May I also express my special gratitude to Jan Siefert, PhD, the consultant and author of this Handbook, who patiently conducted research and analyses and put all these Fact Sheets together as a single publication.

This Handbook provides basic information on each AIPA member parliament. It includes brief descriptions of its historical background, political system, parliamentary system and constitution, national electoral system, internal structures and processes, its relationship with the executive branch and its role in AIPA and ASEAN affairs.

It is my fervent hope that users of this publication will gain a basic understanding on how these parliaments work and appreciate the importance and relevance of a regional parliamentary organization in achieving the goals of ASEAN integration.

**Hon. P. O. Ram JP**  
**Secretary General of AIPA**





## Introduction to AIPA and ASEAN

The Association of South East Asian Nations (ASEAN) was founded in 1967 to improve cooperation and promote regional peace and stability in a region that was threatened to be divided by the Cold War powers. Over time Cold War divisions have been overcome and all ten countries of the region are now members of ASEAN. Although big discrepancies persist between member states in terms of size or wealth, the region has started to develop its own identity and political mode of cooperation. Members have been working together successfully over the past years to improve the economic situation of their citizens, facilitate the free movement of their people across borders and support each other when in need. The most ambitious project so far is the ASEAN Economic Community (AEC) that will be established by the 31<sup>st</sup> December 2015.

The ASEAN region counts more than 600 million inhabitants and is currently one of the fastest growing regions in the world. This makes it a dynamic region to live in for its citizens but also an important investment target for other countries in the world. In Southeast Asia regional economic development goes hand in hand with enhanced political cooperation. ASEAN representatives from all ten members now meet on almost all policy fields throughout the year to promote common objectives and harmonise their activities even beyond the AEC. This requires good cooperation between governments and the people, an aspect that has been behind the strengthening of the parliamentary dimension of ASEAN: the establishment of the ASEAN Inter-Parliamentary Assembly (AIPA). All ten ASEAN member parliaments have been sending delegates to all recent AIPA meetings. These annual AIPA General Assemblies have become an important meeting point for lawmakers to discuss issues of common concern and exchange experiences beyond borders. A strong AIPA secretariat in Jakarta facilitates these exchanges.

ASEAN countries continue to show a wealth of cultural and religious diversity with centuries of impressive histories and empires that stretched across the region and beyond. Major religions like Buddhism, Islam, Hinduism or Christianity have found strong roots across the region without straining the cooperation between countries. It is also not too long ago that the last country gained formal independence in the 1980s. British, French, US-American, Portuguese and Dutch held colonies in the region for many years or centuries. During World War 2 Japan invaded many of the countries. Yet, by now, the colonial history is the past and the countries are looking positively into a promising future.

Through the work of AIPA parliamentarians from across Southeast Asia have been building connections beyond the government level and they promote policies that concern people across the region. This parliamentary dimension of

ASEAN is important because it gives broader legitimacy to the ASEAN project by bringing decisions and the exchange of ideas beyond the work of ministers and civil servants. By building up its network character and through trainings for its internal capacities AIPA parliaments want to increase their capacity as political actors in the future – both on the domestic level and in cooperating with each other. This can only be a good thing for people in ASEAN and this brochure is hopefully a contribution to that exercise.

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## Glossary (Acronyms)

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AIPA	ASEAN Inter-Parliamentary Assembly
AIPO	ASEAN Inter-Parliamentary Organization, predecessor of AIPA
APM	ASEAN Parliamentary Meeting, predecessor of AIPO
ASEAN	Association of South East Asian Nations
AEC	ASEAN Economic Community
GA	General Assembly (in AIPA: annual gathering and highest decision-making forum)
GIZ	Gesellschaft für internationale Zusammenarbeit, German development co-operation agency
IPU	Inter-Parliamentary Union, global association of parliaments
WTO	World Trade Organisation
LegCo	Legislative Council
MP	Member of Parliament
MFA	Ministry of Foreign Affairs
PAC	Public Accounts Committee
PMO	Prime Minister's Office
SC	Standing Committee
UNTAC	United Nations Transitional Authority for Cambodia
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
CPP	Cambodian People's Party
CNRP	Cambodia National Rescue Party
MPR	Majelis Permusyawaratan Rakyat (People's Consultative Assembly of Indonesia), Indonesia's Parliament (joint house of both chambers, DPR and DPD)
DPR	Dewan Perwakilan Rakyat (the House of Representatives of Indonesia), Indonesia's main Legislative Chamber
DPD	Dewan Perwakilan Daerah (House of Regional Representatives), Senate of Indonesia
Banggar	Badan Anggaran (Budget Committee), the House of Representatives of Indonesia
Prolegnas	Program Legislasi Nasional/National Legislation Programme (the House of Representatives of Indonesia)
P3DI	Pusat Pengkajian, Pengelolaan Data dan Informasi/Centre for Analyses, Data and Information Processing, (the House of Representatives of Indonesia)

BKSAP	Badan Kerjasama Antar Parlemen/Committee for Inter-Parliamentary Cooperation (the House of Representatives of Indonesia)
NA	National Assembly
LPRP	Lao People's Revolutionary Party
LFNC	Lao Front for National Construction
BN	Barisan Nasional/National Front (Malaysia)
EPU	Economic Planning Unit (Malaysia)
PEMANDU	Performance Management Delivery Unit (Malaysia)
MAMPU	Administrative Modernisation and Management Planning (Malaysia)
USDP	Union Solidarity and Development Party (Myanmar)
NLD	National League for Democracy (Myanmar)
SNDP	Shan Nationalities Democratic Party (Myanmar)
IPRSAB	Inter-Parliamentary Relations and Special Affairs Bureau (the House of Representatives of the Philippines)
IPRS	Inter-Parliamentary Relations Service ((the House of Representatives of the Philippines)
DFA	Department of Foreign Affairs (the Philippines)
Bicam	Conference Committee of both Houses ('bicameral') the Philippines
PAP	People Action Party (Singapore)
SMC	Single Member Constituency (Singapore)
GRC	Group Member Constituency (Singapore)
NCMP	Non-Constituency Member of Parliament (Singapore)
NMP	Nominated Member of Parliament (Singapore)
PCMR	Presidential Council for Minority Rights (Singapore)
NCPO	National Council for Peace and Order (Thailand)
NRC	National Reform Council (Thailand)
NFF	National Fatherland Front (VietNam)
FPTP	First-past-the-post, electoral rule in which (only) candidate with highest votes wins a constituency and representation in parliament



## Country Fact Sheet

### Brunei Darussalam

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#### Overview

Independence	1 January 1984
Population	0.4 million
Capital city	Bandar Seri Begawan
Political system	Monarchy
Head of State	Sultan Hassanal Bolkiah
Seat of parliament	Bandar Seri Begawan
Name of parliament	Legislative Council (LegCo; Majlis Mesyuarat Negara)
Parliament	Unicameral
Electoral system	Most LegCo members are appointed by the Sultan. There are indirect elections of a few LegCo members, namely penghulu (heads of sub-districts) and ketua kampung (heads of villages and longhouses) as representatives of the four districts
Term-time	The Sultan dissolves the Legislative Council after 5 years
Share of female MPs	2/33, 6%
Parliament website	<a href="http://www.majlis-mesyuarat.gov.bn">www.majlis-mesyuarat.gov.bn</a>

# 1 Historical Background

10011 Brunei is a Sultanate on the northern coast of Borneo. Already in the 15<sup>th</sup> and 16<sup>th</sup> century, Brunei exercised sovereignty over large parts of Borneo and into the Philippine archipelago. It became a protected state after British intervention in 1888, achieving internal self-government in 1959 and full independence in 1984. In 1967, current Sultan Hassanal Bolkiah succeeded his father Sultan Omar Ali Saifuddin who had abdicated the throne.



For hundreds of years, the Sultanate of Brunei had practiced a form of consultative council attended by aristocrats and state dignitaries. A so-called State Council was formed by the powerful British Resident in 1906 according to the Supplementary Agreement to the 1888 Protectorate Agreement. The Resident was “the Agent and Representative of His Britannic Majesty’s Government under the High Commissioner for the British Protectorates in Borneo” and his advice had to be taken and acted upon. This first State Council consisted of ten members including the Sultan and the British Resident and met for the first time in 1907. In 1959, the Legislative Council (LegCo) was formed under the Brunei Constitution and comprised eight ex officio members, six nominated members, three nominated non-official members and 16 elected members from the District Councils. The LegCo controlled the budget, tax policies and passed laws. In 1962, at the elections for the four District Councils, the Brunei People’s Party (BPP) won 54 of the 55 seats. In the subsequent poll the party won all 10 elected seats in the Legislative Council (another 11 members of the LegCo were nominated). After the postponement of the inauguration of the new LegCo, the BPP finally launched an armed uprising that was swiftly crushed. Sultan Omar Ali Saifuddin promulgated the Emergency Order and dissolved the LegCo. The LegCo was re-established in 1963 with 6 ex-officio, 10 official and 19 unofficial members. In 1965, direct elections to the LegCo were held. In contrast to 1962, not predominantly political parties, but mostly independents contested for the ten seats. Afterwards, elections were suspended. In 1970, the LegCo was changed to an appointed body by decree of the Sultan. It was suspended in 1984, a year during Brunei Darussalam gained independence. It was re-opened in September 2004 with 21 members appointed by the Sultan. In 2005 the Sultan appointed a 29-member LegCo that was dissolved after the sitting. In 2011, after the completion of its first five-year term, the LegCo was disbanded and replaced with a 33-member council.

## 2 Political System and Constitution

Brunei is a constitutional Sultanate that has achieved independence from the British in 1984, but already has drafted a constitution in 1959 when a far-



reaching self-government began. Today, the Sultan is head of state, Prime Minister, Finance Minister, Defence Minister and the Supreme Commander of the Royal Brunei Armed Forces. He is also the Head of the Islamic faith in Brunei and the 29<sup>th</sup> Sultan in a continuous hereditary royal line. A state of emergency has been renewed biannually since 1962. Legislative elections are suspended since 1962, after a revolt by the Brunei People's Party (BPP) that had won all 10 elected seats in the 21-member council. Constitutional amendments since 2004 further entrenched the absolute monarchy. The Sultan is advised by the Council of Cabinet Ministers, the Legislative Council, the Privy Council, the Religious Council, the Adat Istiadat Council, and the Council of Succession that appoints the Sultan of Brunei Darussalam. Heir to the throne is the Sultan's eldest son, Prince Haji Al-Muhtadee Billah. Today, the only registered political party is the uninfluential National Development Party.

### **3 Parliamentary Roles and Functions**

Brunei has a unicameral legislature. The Legislative Council (LegCo) is an annual forum to debate government policies and a platform to provide feedback by grassroots leaders. The LegCo has met every March since 2006. The parliament sitting usually runs for 10 to 16 days before the fiscal year ends. The LegCo, that does not have specialised committees, discusses and passes motions, imposes financial restrictions, and examines the government policies.

The Sultan in his speech at the beginning of the LegCo sitting delivers the broad guidelines and key issues to be debated. Afterwards, the ministries present key issues from their respective departments, budget proposals and projects they envisage. The representatives of the districts raise questions affecting the society at large and which will be addressed by the responsible ministers. In 2015, according to the Department of Councils of State, LegCo members submitted 39 questions to be tabled for discussion. LegCo meetings are open to the public.

The LegCo consists of not more than 45 persons, up to 30 shall be appointed by the Sultan and up to 15 representatives of the four districts shall be elected. The LegCo consists of ex-officio members (the Sultan, Prince Haji Al-Muhtadee Billah as the Crown Prince and Senior Minister at the Prime Minister's Office, Prince Mohamed Bolkiah as the Duli Pengiran Perdana Wazir and Minister of Foreign Affairs and Trade and 11 other ministers); titled persons; persons who have achieved distinction; and district representatives. Currently, the LegCo comprises 33 members of whom 14 are ex-officio and 19 are appointed members. The latter represent the cheteria (a group of traditional office holders of the upper level of nobility), the four districts and various professional, social and religious groups. The district representatives are either ketua kampung (village heads) or penghulu (mukim or subdistrict heads). The Speaker (in 2015: Pehin Dato Haji Awang Isa bin Pehin Dato Haji Awang Ibrahim) is also appointed by the Sultan and may be elected from among the members of the LegCo. The LegCo is administered by a clerk.

## 4 The Electoral System

In 2011 the Sultan allowed the LegCo to be partly and indirectly elected. The elections are valid for a few penghulu and ketua kampong of the four districts. The penghulu and ketua kampong nominate candidates from among themselves and elect specific members in each district. The candidates must be Muslims and citizens or permanent residents for more than 15 years. They are scrutinised by a Selection Committee appointed by the Sultan and makes recommendations for the Sultan's approval. The votes are counted in Bandar Seri Begawan by Home Ministry officers and the Sultan eventually approves the appointment of the LegCo members.

## 5 Internal Structures and Processes Inside Parliament

The main function of parliament during its only annual session in March is to adopt the budget and endorse the emergency orders.

### Legislative Process

All appointed and locally elected members of the Legislative Council can introduce a bill, propose a motion or present a petition. However, MPs have not made use of their right of initiative yet. According to section 39 of the constitution, the Sultan has the power to make laws in the interest of the country. A bill will only become law when the Sultan has signed it. The Sultan may still make amendments to the bill as he thinks fit. A bill is published in the gazette and within 7 days of the publication it shall be laid before the LegCo.

Some issues are excluded from being debated, for example any bill, motion, petition or business relating to questions of defence or public security or issues that could lower or adversely affect the role of the Sultan, his successors, his consort or other members of his family. Excluded are also issues affecting the standing of the so-called national philosophy of Melayu Islam Beraja (Malay Islamic Monarchy).

Decisions by the LegCo are based on a majority vote. If it rejects a bill, a so-called negative resolution, the Speaker of the LegCo has to submit a report to the Sultan who still may conclude that the bill in its present form or with changes decided upon by himself has legal effect. The Sultan, thus, retains reserved powers to make laws. He may declare any bill to have legal effect if it is expedient in the interest of public order or good government. This is also true for constitutional amendments. The Sultan's draft Proclamation to amend the constitution will be presented to the LegCo that may propose revisions to it within two weeks. But even if such revisions are proposed, the Sultan is not obliged to accept them and the amendments will have no legal effect.

## Budget Process

The LegCo discusses and approves the country's budget for the fiscal year starting on 1 April. The bill is known as the supply bill. The Ministry of Finance presents the budget proposal. Every year, according to article 60.1 of the constitution the Sultan and Yang Di-Pertuan provides for the presentation of a budget before the LegCo. The Legislative Council, thus, has the power to authorise expenditure and its members discuss the details of the supply bill. The budget comprises ordinary and charged expenditures. The latter are not discussed in the LegCo and consist of spendings on the civil list, payment for pensions, gratuities, the public service commission, the auditor general, the judges and the state council itself. If the budget allocation turns out to be too small, the LegCo has to pass additional supply bills.

The LegCo secretariat consists of five divisions:

- *Bahagian Pentadbiran dan Kewangan* (Administration and Finance Division)
- *Bahagian Laporan dan Perpustakaan* (Reporting and Library Division)
- *Bahagian Teknikal* (Technical Division)
- *Bahagian Arkib, Rekod dan Penjilid* (Archive, Record and Book-Binding Division)
- *Bahagian Keselamatan dan Pemeliharaan Kebersihan* (Security and Cleaning Division)

Moreover, there is a Unit *Majlis Mesyuarat Menteri-Menteri Kabinet* (Unit for the Cabinet Ministers in the LegCo) and a *Pejabat yang Di-Pertua Majlis Mesyuarat Negara* who assists the Speaker.

Overall, there are only limited staff resources. The Attorney General is the principal legal adviser to the Sultan's government. He/she cooperates with the relevant government ministries and departments. The Legislative Drafting Division (with 17 staff members) under the Attorney General is responsible for the drafting of legislation or the approval of drafts prepared by other ministries or departments or by other divisions within the Attorney General's Chambers. It controls the compatibility of these laws with the constitution of Brunei Darussalam and the policies of the government as well as local customs and traditions.

The Research and Law Review Division (with 6 staff members) collaborates with the Legislative Drafting Division. It advises the Attorney General and assists other ministries and government departments on legal policy and legislative reform; conducts legal research; deals with legal issues pertaining to women, children and family; and represents the Attorney General in various committees.

## 6 Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	/ (planned)	/	/
Library	Part of the Reporting and Library Division (Bahagian Laporan dan Perpustakaan)	1	Possible
Budget office	/	/	/
Legal service	/ (not under parliament but can forward requests to the Attorney General's office)	/	/

### Relationship Between Executive and Legislature

Brunei is an absolute monarchy and ruled by Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah who is both the Head of State and the Prime Minister. According to the constitution, the supreme executive authority is exercised by the Sultan who may revoke the appointment of any minister or deputy minister. The Sultan also appoints the members of the LegCo. Thus, the executive clearly dominates and controls the legislature that has a limited role in recommending and approving legislation. The LegCo only advises the Sultan who has the constitutional right to declare LegCo members to be incapable of discharging their functions. By proclamation published in the Gazette, he may also prorogue or dissolve the Council.

## 7 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Involvement

Upon independence in 1984 Brunei joined ASEAN. Due to the absence of a legislature it had observer (and since 1993 permanent observer) status at AIPO. After having revived the Legislative Council, Brunei became a full member at the AIPA GA in 2008. In 2013 it hosted the GA in Bandar Seri Begawan.

Brunei's AIPA delegations are led by the Speaker. With the help of the Clerk the Speaker suggests the list of GA delegation members to the Sultan who normally endorses the proposal. Although all MPs can attend the AIPA GA, around ten

have attended the most recent sessions that were held outside Brunei. 2 staff officers work on AIPA issues.

In preparation of GA sessions, the Speaker and MPs hold around three meetings to discuss the draft resolutions. These meetings are also attended by competent government agencies. So far there have not been any particular initiatives for GA sessions by the Brunei delegation. However, the LegCo has suggested including Timor Leste as a permanent observer at AIPA.

### **ASEAN Involvement**

With only one annual LegCo session the focus of these meetings is on the budget and domestic political developments. There have not been any debates on ASEAN issues in LegCo and there are also no ASEAN structures within the parliament.

### **AIPA Focal Point**

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## Country Fact Sheet Cambodia

### Overview

Independence	9 November 1953
Population	15.2 million
Capital city	Phnom Penh
Political system	Constitutional Monarchy
Head of State	King Norodom Sihamoni; Prime Minister Hun Sen
Seat of parliament	Phnom Penh
Name of parliament	Parliament of Cambodia (Saphea Damnang Reastr ney Preăh Réachéanachâk Kâmpŭchéa) Lower House: National Assembly (Rotsaphea) Upper House: Senate (Protsaphea)
Parliament	Bicameral
Electoral system	National Assembly: closed party-list proportional representation; multi-member constituencies corresponding to the country's provinces Senate: 57 members elected indirectly by municipal councillors; 2 elected by the National Assembly; 2 appointed by the King
Term-time	Five years (National Assembly) and six years (Senate)
Share of female MPs	National Assembly: 25/123 (20.3%) Senate: 9/61 (14.8%)
Parliament website	<a href="http://www.national-assembly.org.kh">www.national-assembly.org.kh</a> <a href="http://www.senate.gov.kh">www.senate.gov.kh</a>

## 1 Historical Background

The first important Hinduised kingdom in Southeast Asia was Funan and it existed from the first to sixth century. It was replaced by the Kingdom of Chenla (500-700). The following Khmer Empire (802–1431) is still perceived by many Cambodians as the culmination of traditional local culture. After the demise of the Empire, the next centuries were characterised by decline. In 1863 Cambodia became a French protectorate



which was part of the huge French colonial empire in Southeast Asia/Indochina. In 1946, Cambodia was granted self-rule and achieved independence in 1953 under King Norodom Sihanouk. This period came to a halt in 1970 with a coup by General Lon Nol who abolished the monarchy. In 1975, at the end of the Vietnam War, the communist Khmer Rouge seized power. The devastations by the regime of Pol Pot cost the lives of around 1.7 million Cambodians. From 1979-1993 it became a Vietnam-influenced socialist regime with one parliament. With the signing of the 1991 Paris Peace Agreements the United Nations Transitional Authority for Cambodia (UNTAC) was established. In 1993, a new Constitution was adopted and the monarchy restored with Norodom Sihanouk as King. In the same year democratic elections to the National Assembly (NA) saw the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) winning and forming a coalition with the Cambodian People's Party (CPP). In 1997, the CPP under Hun Sen, up to then co-Prime Minister, took over power and has won all elections since 1998.

## 2 Political System and Constitution

Cambodia is a constitutional monarchy with Norodom Sihamoni as the King. He succeeded his father on the throne in October 2004. The King, who has been selected by a 9-member throne council, is also head of state. Cambodia has a bicameral legislature consisting of a National Assembly and a Senate with Prime Minister Hun Sen (CPP) as head of government since 1998. A Council of Ministers is responsible to him. The Prime Minister, who is appointed by the King, and the cabinet are approved by a majority vote in the NA. The country is divided into 24 provinces (khaet) and the special administrative unit Phnom Penh as well as 163 districts (srok) and 12 districts (khan) in Phnom Penh. The provinces are headed by governors appointed by the Ministry of Interior.

The multi-party system is currently dominated by the CPP and the Cambodia National Rescue Party (CNRP). The latter was registered in October 2012 and is a merger of the Sam Rainsy Party and the Human Rights Party. In the 2013 NA elections, the Cambodia National Rescue Party (CNRP) won 55 out of 123 seats but declined to accept the official results and boycotted the NA.

### 3 Parliamentary Roles and Functions

The country has a bicameral legislature, which consists of the NA and the Senate. The National Assembly is the principal legislative chamber and has 123 members with a term of five years. After a major political crisis in 1998, it was decided to amend the Constitution and establish a second chamber, the Senate. At the beginning the Senators were appointed but most of them have been elected since 2006. Today, the Senate has 61 members with a term of six years. This second chamber reviews the legislation passed by the NA but may also propose bills. It holds its ordinary sessions twice a year for at least three months each but may meet for an extraordinary session if the King or the Prime Minister, or at least one-third of all the senators requests it.

The NA adopts and amends laws and approves the national budget. It may pass a vote of confidence in the government, or dismiss members of the government by a motion of censure. The NA approves the national budget, loans, financial commitments and decides on taxes, amnesty, treaties or international conventions and laws on the declaration of war. It may propose questions to the government and generally oversees its performance. It can also invite high ranking officials to clarify important special issues.

The two chambers are each led by a President and two Vice Presidents. Members of the two chambers and the Prime Minister have the right to initiate legislation according to article 91 of the Constitution. The Senate adopts laws and its own internal regulations.

Both the NA and the Senate have a Permanent Standing Committee that prepares the agenda for the sessions, manages the budget of the respective chambers and organises the work in between sessions. Both Permanent Committees consist of the chambers' President, Vice Presidents as well as the chairpersons of the commissions.

Within the NA, the commissions are the main working units. They consider draft legislation relevant to their respective policy area and also provide advice to the NA. Today, there are ten commissions, each consisting of a chairperson, a vice-chairperson and a secretary who are elected by the NA. Each commission has at least seven members. The commissions (which are mirrored in the Senate) are:

- Commission on human rights, reception of complaints, investigation and National Assembly-Senate relations,
- Commission on economy, finance, banking and audit,
- Commission on planning, investment, agriculture, rural development, environment and water resources,
- Commission on interior, national defence and civil service,
- Commission on foreign affairs, international cooperation, information and media,



- Commission on legislation and justice,
- Commission on education, youth, sports, religious affairs, culture and tourism,
- Commission on public health, social work, veterans, youth, rehabilitation, labour, vocational training and women's affairs,
- Commission on public works, transport, telecommunication, post, industry, mines, energy, commerce, land management, urban planning and construction,
- Commission on investigation and anti-corruption (established in August 2014).

## 4 The Electoral System

The first elections took place before independence in 1946, 1947 and 1951. The first competitive elections after independence were held in 1955. Subsequent polls were fully dominated by the royalist and nationalistic Sangkum (the People's Socialist Community) under Norodom Sihanouk. Elections under Lon Nol, Pol Pot, and during the Vietnamese occupation were widely regarded as stage-managed. After the long authoritarian period, democratic elections were again conducted in July 1993. Since then elections for the NA were held regularly. In the most recent 2013 NA elections the CPP achieved a majority with 68 of 123 seats and the CNRP gained 55 mandates. In the 2012 Senate elections the CPP won 46 seats and the Sam Rainsy Party (SRP), now part of the CNRP, got 11 seats. Local elections were conducted for the first time in 2002.

NA members are elected for five years by party-list voting in 24 constituencies of 1 to 18 members. Senators serve six-year terms. 57 Senators are elected by commune councillors, 2 by the National Assembly and 2 are appointed by the King.

## 5 Internal Structures and Processes Inside Parliament

### Legislative Process

The NA and the Senate share legislative power. Senators, members of the NA and the Prime Minister have the right to initiate legislation. The draft or proposed law (the latter is initiated by NA members) is handed by the President of the Assembly to the Permanent Standing Committee of the NA. It reviews the draft and sends it to the appropriate commission which again reviews it and may recommend considering the legislation by the full Assembly. If the NA approves the proposed or draft law, it is forwarded to the President of the Senate, then to the Permanent Standing Committee of the Senate and finally to the appropriate commission, both of whom review the draft. If NA and Senate both approve the proposed/draft law, it is sent to the King who signs a Royal Decree and turns it into a law.

The King, the Prime Minister, one-tenth of the NA members and the President of the NA (only if requested by at least one-fourth of NA members) can submit an initiative to amend or revise the Constitution. Revisions or amendments need a two-thirds majority in the NA. Upon approval only the Constitutional Council (de facto a constitutional court) can reject such decisions. It is composed of 9 members, a third of whom are replaced every three years. 3 members are appointed by the King, 3 by the NA, and 3 by the Supreme Council for the Magistracy, all of them for a term of nine years. The Constitutional Council also interprets laws passed by the NA and examines and decides on cases involving the election of NA and Senate members.

## **Budget Process**

The Budget Law is prepared by the Minister of Economy and Finance and approved by the Council of Ministers. After it is passed by the NA, it is adopted by the Senate and declared effective by Royal Decree. Afterwards, it is publicly available at the National Library and the libraries of the two Chambers.

The preparation, adoption, implementation and evaluation is based on the Law on Public Finance System that was promulgated in May 2008. The Minister of Economy and Finance reports to the NA and the Senate the economic and financial policies of the government and drafts the Annual Financial Law. Ministers, heads of all institutions, heads of public entities, and governors of sub-national administrations send their budget strategic plans to the Minister of Economy and Finance before 15 May. They prepare more detailed budgets and send it to the Minister on 15 July at the latest. In August the minister discusses with all of them their budget proposals. In September the Ministry prepares a draft financial law. After review and approval by the Council of Ministers, the draft is submitted to the NA and in December to the Senate before it is approved prior to 25 December.

## **Staff Resources**

Both Chambers have a secretariat providing administrative support. Each chamber has its own budget, a Permanent Standing Committee, specialised commissions, a general secretariat as well as provincial and municipal offices for MPs. The two general secretaries of the parliament are directing a technical coordination secretariat that coordinates and manages all external support to parliament.

The secretary general of the NA and the deputies who are also responsible for writing reports required by the NA and for the preparation of sessions are appointed by the King on proposal of the President of the NA. The President of the NA nominates other staff members on the proposal of the secretary general. The NA administration is composed of the General Department of Service and Technique, the General Department of Administration and Finance, a Secretary

Office and a Legal Office. The General Department of Service and Technique consists of the Department of Legislation, the Department of Legal Research, the Department of International Relations, the Department of Constituency Offices and the Department of Information. The General Department of Administration and Finance is divided into the Department of Administration, the Department of Finance, the Department for Personnel, the Department of Protocol and the Department of Inventory Management.

## 6 Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	Research centre	42 (NA)	Possible
Library	Each chamber has its own library	11 (NA)	Possible
Budget office	/	/	/
Legal service	Legal Research Department	55 (NA)	Depends

## Relationship Between Executive and Legislature

The legislature is dominated by the executive. Since 1998 the CPP has taken over the leading role at all administrative levels and controls law-making. Prime Minister Hun Sen is also the most powerful leader of the party. The key decisions tend to be made within the CPP and the executive, with a legislature focusing on reviewing the bills. Most bills are written in ministries and the oversight capabilities of MPs are restricted.

## 7 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Involvement

Since 1999 Cambodia has been an AIPO member. AIPA General Assemblies have been held in Cambodia in 2004 and 2011. The President of the NA is the formal delegation leader. In case s/he cannot attend, the role can be delegated to another MP, usually to the Senate President. Members of the Cambodian AIPA delegation are from Senate and National Assembly and they are organised in the national AIPA group. The delegation consists of about 3 Senators and

12 NA members, each including opposition members. The preparations for AIPA GAs are conducted exclusively by the national AIPA group and they are supported by about five staff from the Bilateral Office of the parliament. Input is provided on request and depending on the issue, typically from the concerned ministries like Foreign Affairs. The Cambodian delegation has not launched any own political initiatives at the AIPA GAs in recent years.

## **ASEAN Involvement**

The NA approves or annuls treaties or international conventions. This also pertains to ASEAN agreements drafted in the Ministry of Foreign Affairs. The Commission on Foreign Affairs and the Commission on Legislation and Justice, respectively, discuss draft agreements that were referred to them by the NA Standing Committee. The commissions send reports to the President of the Standing Committee who considers them and may send them to the NA for approval. If ASEAN agreements touch upon specific policy issues, the specialised commission will be involved.

The parliament is neither involved in ex-ante nor ex-post scrutiny of Cambodian activities at ASEAN meetings. However, parliamentarians were behind the Cambodian government initiative to promote green tourism at the 26<sup>th</sup> ASEAN summit and in Kuala Lumpur in 2015.

## **AIPA Focal Points**

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## Country Fact Sheet Indonesia

### Overview

Independence	1945
Population	252 million
Capital city	Jakarta
Political system	Presidential Republic
Head of State	President Joko Widodo ('Jokowi')
Seat of parliament	Jakarta
Name of parliament	People's Consultative Assembly ( <i>Majelis Permusyawaratan Rakyat</i> , MPR)
Parliament	Bicameral: Regional Representative Council ( <i>Dewan Perwakilan Daerah</i> , DPD) and People's Representative Council ( <i>Dewan Perwakilan Rakyat</i> , DPR)
Electoral system	DPD: Individual candidates, 4 per province DPR: Proportional (open-list, multi-seat constituencies)
Term-time	DPD: 5 years (no term limit) DPR: 5 years (no term limit)
Share of female MPs	DPR: 17% (94 MPs)
Parliament website	<a href="http://www.dpr.go.id">www.dpr.go.id</a>

## 1 Historical Background

After more than 300 years as a Dutch colony Indonesia was occupied by the Japanese during World War 2. The Indonesian nationalist movement drafted a Constitution (still valid today in amended form) in 1945 and declared independence after Japanese surrender in the same year. The first years of independence have been strongly influenced by nationalist leader-turned-President Sukarno who was later toppled by army leader Suharto. The latter ruled the country under the 'New Order' mantra until he was ousted by a democracy movement and through the harsh impact of the Asian financial crisis in 1998. Since then Indonesia has established itself as a vibrant and multi-party democracy. Throughout the whole period since independence the parliamentary institutions have existed. However, their impact - particularly during the New Order period - was limited because the institutions were under the firm control of Suharto and his allies. Free and fair parliamentary elections have been the standard since 1999 and the direct election of the President was introduced in 2004.



## 2 Political System and Constitution

Indonesia is a republic with the President as formal head of state but also leader of the government. He or she is elected directly by the people – a few months after legislative elections. Presidents can serve a maximum of two consecutive terms. Since the re-establishment of democracy in 1999 multi-party coalitions are common. Upon election and subsequent inauguration in October the President appoints members of their own parties, coalition partners and technocrats into the cabinet.

In light of Indonesia's multi-ethnic composition and religious diversity the Constitution plays an important unifying role. It outlines the national philosophy of *Pancasila*, the five principles: 1. Faith in only one God, 2. Just humanity, 3. Indonesian unity, 4. Democracy, 5. Social justice.

With regards to parliament, Indonesia has its own characteristics, with the Constitution mentioning three major state bodies:

- The House of Representatives of the Republic of Indonesia (DPR RI) with 560 members,
- The House of Regional Representatives of the Republic of Indonesia (DPD RI) with 132 members,
- The People's Consultative Assembly of the Republic of Indonesia (MPR RI) composed of the Members of DPD and DPR.

The DPD is only involved in matters affecting regional autonomy and relations between the different tiers of government, whereby the DPR exercise practically all of the legislative and oversight functions. The DPD also has the right to propose and discuss certain specific bills along with DPR and government from the beginning to the end stages but the DPD does not give consent or ratification of the bill into law (act). Laws are adopted if they find a majority in the DPR and subsequently after having obtained the President's approval for proceeding to a vote. DPR, DPD and the government jointly draw up the national legislation program (*Prolegnas*). The MPR main task is to inaugurate and to impeach President and Vice President as well as hold responsibility for the amendment or deletion of certain articles and/or provisions of the Constitution. Parliament's annual session begins on 16 August, the day before Independence Day. On this day DPR and DPD hold a joint meeting where the President gives the annual speech and also introduces the budget to parliament.

### 3 Parliamentary Roles and Functions

Practically all the regular parliamentary activities are conducted by the DPR. It formally meets for certain session periods, but it is not uncommon to see certain members participate in important formal or informal meetings in Jakarta throughout the whole year. Such sessions are particularly common for oversight and budget issues. During its regular legislative, oversight and budget powers parliament is involved in all matters of policymaking in Indonesia. The Constitution provides for a particular co-legislative provision through which the President (or in practice his/her representatives) are involved at all stages of decision-making.

Members of parliament are divided into fractions (*fraksi*) to which all members must belong. The *fraksi* mirror the political parties, of which currently ten are represented in parliament (2014-2019 term). Indonesia's parliament has a strong culture for deliberation and consensus (*musyawarah mufakat*) which is stipulated in its rules of procedure. It is therefore common that representatives of all parties work together to find solutions that are acceptable to all. At the same time there is no traditional or strongly-accented division between government and opposition, at least not until 2014. However, parties not represented in the cabinet have seen themselves to be in opposition. Until 2014 these formed the minority but at least for the beginning of the 2014-term current President Jokowi faces a majority of DPR members who are not part of his coalition. It is possible that parties (or fraction) change sides during the term. However, individual members have always cooperated in their committee work beyond party lines and government-opposition differences.

There is a strict division between the three branches of government in Indonesia. Ministers and government officials cannot be MPs at the same time. However, it is common that cabinet ministers have served as DPR members before and it is even possible and common that senior judges have been MPs before being elevated to judicial top jobs by their peers.

## 4 The Electoral System

Indonesians normally have one main voting cycle year every five years in which the President as well as all legislatures from local to national level are elected. The most recent round of elections took place in 2014. At first all legislative elections are conducted on one day in or around April. A few months later the President is elected by popular vote either in a first round if he or she obtains 50% of the vote or by relative majority in a second round run-off between the top contenders.

Different rules apply to the election of the members of DPD and DPR. For the former, each province (currently 34) elects four members from a list of individual candidates. Although formally independent it is common for successful DPD candidates to be associated with the political parties. The election of the 560 DPR members follows an open-list system in 77 multi-member constituencies across 33 provinces. Depending on local population size the constituency districts are comprised of 3-10 seats. Political parties that gain at least 3.5% of the national vote are represented in the DPR and their MPs are drawn from the best performing candidates across constituencies. There is no term-limit for MPs. Citizens have the choice between voting for individual candidates or the list as proposed by political parties. In addition, the electoral law also stipulated that at least 30% of DPR candidates must be women. Political parties that do not meet the requirement are disqualified from submitting their party list in the electoral district where the quota is not met.

DPR candidates run as candidates of political parties and there are some requirements for political parties to be able to contest across the whole of Indonesia. Observers commonly differentiate between the nationalist and religious parties although the ideological cohesion within parties is not very strict. The current and previous governments have seen coalitions of religious and nationalist parties and there are only very few political issues over which individual parties have very strong views.

## 5 Internal Structures and Processes in DPR

Following legislative elections parliament elects its speaker who normally belongs to the biggest party in DPR or it depends on the decision made by all parties in the beginning of the term. Committee chairs and vice-chairs are apportioned according to the size of the various parties in parliament. The parliament organises its work into 11 relatively strong and autonomous standing committees (*Komisi*). These are complemented by some coordinating or horizontal organs, eg. those for the budget (*Badan Anggaran* or *Banggar*), Leadership of the House Steering Committee (*Badan Musyawarah* or *Bamus*), Committee for Inter-Parliamentary Cooperation (*Badan Kerjasama Antar Parlemen* or *BKSAP*) or legislative coordination (*Badan Legislasi* or *Baleg*). Each MP is member of only one standing committee and some are also members of a coordinating organ.



The following list gives an overview of the 11 standing committees, each of which has around 50 members:

- *Komisi 1* : Foreign affairs, defence, information/communication
- *Komisi 2* : Home affairs, regional autonomy, administration
- *Komisi 3* : Legal matters, human rights, security
- *Komisi 4* : Agriculture, forestry/plantations, maritime and fisheries, food
- *Komisi 5* : Transport, telecommunication, public works, public housing, rural development
- *Komisi 6* : Trade, industry, cooperatives, SMEs, state-owned enterprises (SOE)
- *Komisi 7* : Energy, natural resources, research, environment
- *Komisi 8* : Religion, social affairs, women
- *Komisi 9* : Demography, health, manpower, transmigration
- *Komisi 10* : Education, youth, sports, tourism, culture
- *Komisi 11* : Finances, national development, banking and non-financial institutions

The political work in parliament is structured around the committees and fraction. A fraction's leadership is normally closely aligned with the party leaders (or patrons) although some are neither represented in parliament nor in cabinet, or with any other elected mandate. Party leaders coordinate crucial party issues with their fraction but for most issues the handling of specific policies is delegated to the members of the relevant committees in their fraction. Strong internal leadership is normally exercised only on high-profile national policies. This means that in most cases MPs are relatively autonomous to achieve solutions in their committees across party lines. Deliberations here follow the traditional consensual style which is sometimes criticised as being too slow, or holding back too much legislation. However, it also has the advantage of wide acceptance of policies once they are agreed upon. The distinction between government and opposition representatives commonly blurs in the committee work where members traditionally strive to find consensus among each other – even if that means a significant altering of government proposals (incl. the budget). DPR conducts virtually all the relevant business in the committee stage so that plenary debates are usually not controversial and of low public value. Following the most recent legislative and parliamentary election a more confrontational split between government and opposition parties over the distribution of internal posts has erupted and it needs to be seen if this is resolved in coming weeks or if it leads to a more combative and confrontational style in parliament.

## 6 Passing Legislation

Both the executive and parliament itself can and do successfully introduce legislation. In order to structure these legislative activities, the President and parliament develop at the beginning of their term a five-year legislative programme (*program legislasi* or *prolegnas*). It is updated along the way but

even then it has usually proved to be more ambitious than what was eventually passed. The Jokowi administration has announced a streamlining of the process with a higher focus on priority bills and a less ambitious agenda in quantitative terms.

After bills have been introduced to parliament, *Baleg* does an initial screening and then decides which committee deals with them. Inside committees a working group or task force (*pansus/panja*) is formed to take responsibility over the deliberations. It is headed by the committee chair or a deputy and at least formally involves all committee MPs who are interested. In practice most *panja* meetings are regularly attended by groups of 5-10 members including the experts from almost all parties. Since parliament and the executive need to agree on a legislative draft before it is put to a vote, representatives of the ministries involved in the respective policies usually attend all relevant committee and *panja* meetings. Deadlocks among MPs or more commonly between parliament on the one hand and the executive on the other are normally resolved through informal meetings, so-called ‘lobbi’. Once there is a consensus over the draft law among MPs and the executive it moves to the plenary where it is usually adopted without bigger debate or contestation.

## 7 The Budget Process

The national budget is prepared by the executive in spring and during summer, presented by the President in August and adopted by parliament in October. Throughout the process *Banggar* leads the deliberations and it is normally conducting business in closed meetings. As a horizontal committee *Banggar*’s membership mirrors the party composition as well as the eleven standing committees. MPs from all committees attend *Banggar* meetings and they are intended to connect its deliberations with the sectoral interests of the standing committees.

Detailed deliberations over the budget start in spring when the initial budget assumptions are outlined and discussed between parliament and government. The 98 *Banggar* members divide their work into four working groups to look into different concerns. This is also the time when MPs forward specific issues of interest. Inputs from the initial deliberations in spring are then incorporated by the Ministry of Finance into the President’s August budget proposal. MPs tend to raise some funding schemes after that but usually there are no major qualitative changes and the budget gets adopted in October.

## 8 Amending the Constitution

The Indonesian Constitution has been amended several times since its original inception in 1945. Provisions for its amendment are laid out in chapter 16. Such

changes require a simple majority in the People's Consultative Assembly (MPR) with 2/3 of members present. It is impossible to change the unitary nature of the state or the preamble.

### Internal Support Bodies

DPR members have 2-3 permanent staff (administrative and policy adviser) in their parliamentary office. They can also draw on parliament's experts or those assigned to their fraction. Additionally, MPs receive some support for a constituency office. MPR also provides for some general support services that are available to all members.

Function	Name	Staff	Individual MP Request
Scientific and research service	Centre for Analyses, Data and Information Processing ( <i>Pusat Pengkajian Pengelolaan Data dan Informasi</i> , P3DI)	78	Possible
Library	Library	9	Possible
Budget office	No specific budget office but some similar functions are attached to the Banggar secretariat	-	Not possible
Legal service	There is a service of legal drafters who are consulted for drafting parliament's own bills or when amending government initiatives	49	Possible

### Relationship Between the Executive and Parliament

There is generally a collegial relationship between parliament and the executive. The President traditionally opens the parliament session with a major speech and the budget on 16 August. For the rest of the year the dealings between executive and legislature are limited to the interactions of ministers or senior ministry representatives and MPs. Independent of their party affiliation ministers or their representatives are commonly requested by parliament to attend committee meetings and there is a strong recognition of parliament's oversight function.

## 9 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Affairs

As a founding member of AIPO Indonesia has traditionally been a key contributor to the development of ASEAN inter-parliamentary cooperation, not least by hosting the AIPA secretariat in the DPR premises in Jakarta. In fact the establishment of AIPO goes back to an initiative from the Indonesian parliament in the early 1970s. Jakarta was also the meeting point for the first ASEAN Parliamentary Meeting (APM) in 1975 and DPR has hosted the General Assemblies six times since with the last one in 2012.

After deciding to participate in the AIPA GA the DPR leadership (speaker and vice-speakers) nominates one of its members as the head of delegation. This is normally the DPR Speaker. The MPs to join the delegation are nominated by the leaders of the Inter-Parliamentary Cooperation committee and are all from DPR. When preparing AIPA meetings the delegation requests inputs on the GA host's draft resolutions from government ministries or the President and these inputs form part of the position Indonesian MPs take at the GA. AIPA activities are supported by up to 10 staff from the Regional Division of the Inter-Parliamentary Cooperation Bureau.

### ASEAN Affairs

Issues related to ASEAN integration are normally handled by Komisi 1 (Foreign Affairs) and their work can be complemented by affected sectoral committees as well as the Committee for Inter-Parliamentary Cooperation. However, the Indonesian position at ASEAN meetings is exclusively prepared by the responsible government ministries. Komisi 1 has an oversight function of foreign policy related to ASEAN as it is exercised by the executive and in doing so they can hold hearings in committees, ask oral and written questions, build fact-finding teams and send missions to government departments. In practice, however, it is uncommon for DPR to propose ASEAN initiatives to be pursued by the government.

The Committee for Inter-Parliamentary Cooperation can conduct the parliamentary diplomacy function which is a Track 2 Diplomacy aside from that one exercised by the executive. As part of this function the Commission can do bilateral visits to ASEAN member countries, participate in ASEAN inter-parliamentary conferences and form a taskforce. With the upcoming implementation of the ASEAN Economic Community (AEC) the Committee for Inter-Parliamentary Cooperation has established a task force on AEC to produce recommendations on how Indonesia should be dealing with this economic integration and how to take advantage from it.

## **AIPA Focal Point**

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## Country Fact Sheet

### Lao PDR

#### Overview

Independence	12 October 1945
Population	6.8 million
Capital city	Vientiane
Political system	Socialist republic (people's democratic republic)
Head of State	President Choummaly Sayasone, Prime Minister Thongsing Thammavong (head of government)
Seat of parliament	Vientiane
Name of parliament	National Assembly (Sapha Heng Xat)
Parliament	Unicameral
Electoral system	Open-list, multi-member constituency Term-time Five years
Term-time	DPD: 5 years (no term limit) DPR: 5 years (no term limit)
Share of female MPs	33/132, 25%
Parliament website	<a href="http://www.na.gov.la">www.na.gov.la</a>

## 1 Historical Background

The Lan Xang kingdom of the 14-18th century is often seen as the origin of current Lao PDR. After it broke up into three kingdoms, they became parts of a French protectorate in 1893. The French united the different Lao regions into one entity that is identical with today's Lao PDR. By 1940, only 600 French nationals lived in Lao PDR.



They ruled the country with the help of Vietnamese bureaucrats. An Indigenous Consultative Assembly for Lao PDR that was established in 1923 was non-elected and merely advisory. After the Japanese occupation ended, Lao PDR became independent for a short time in 1945, before being reintegrated into the French empire. In 1949 it gained autonomy and eventually became formally independent in 1953 as a constitutional monarchy, the Royal Lao Government. Lao PDR was granted full sovereignty at the Geneva peace conference in 1954. During the monarchical period, Lao PDR had a bicameral system, in which the upper chamber was nominated by the King. Lao PDR tried to remain neutral, but was drawn into the second Indochina war (1954-75) and fell victim to unprecedented US bombings. In 1975, the Communist-led Pathet Lao movement took over power and abolished the monarchy. It did so with the backing of (Northern) Vietnam, to which it still maintains particularly close ties at the political and military level. With the abrogation of the 1947 constitution, Lao PDR was governed by Part Resolutions. In 1991, the Supreme People's Council voted in favour of a new Constitution. It was amended in 2003. In 1986 the first elections for 17 years were held and later in 1992 the first polls for the National Assembly under the new Constitution.

## 2 Political System and Constitution

The People's Democratic Republic of Lao was established on 2 December 1975. At the same time, the King abdicated his throne and the monarchy was abolished. Since then, the Lao People's Revolutionary Party (LPRP) has ruled the country and is according to Article 3 of the Constitution the "leading nucleus" of the political system. Article 2 of the Constitution defines Lao PDR as a "people's democratic state", and Article 5 underscores the central role of the principle of "democratic centralism" for the National Assembly and other state organisations. Lao PDR is a centralist country with 18 provinces, a prefecture and the Vientiane Capital city municipality. Below this level there are districts and villages. The President is head of state and current General Secretary of the Central Committee of the Lao People's Revolutionary Party. As the highest-ranking member of the LPRP, he is de facto leader of the country. The President is elected by the National Assembly with two-thirds of the votes of those members attending the session. He has the right to issue edicts and

decrees and to appoint, transfer or remove provincial governors based on the recommendation of the Prime Minister. The Prime Minister is appointed or removed by the President with the approval of the National Assembly. S/he appoints the Cabinet of Ministers. In practice the leadership of the LPRP, especially the politburo with its 11 members, determines the political direction of the country. According to the Constitution, the National Assembly is the highest organ of the State and disposes of representative, legislative and oversight functions.

### 3 Parliamentary Roles and Functions

A People's Supreme Assembly was set up in 1975 and comprised 45 members. The number of legislators and the proportion of women increased over the years. The second legislature, elected in 1989, comprised 75 members, among them only 5 women. The 7th Legislature (2011-2016) has 132 members, a quarter of whom are women. When the National Assembly is not sitting, it is substituted by the Standing Committee consisting of 10 full time members. These are the President of the National Assembly as chair, two Vice-Presidents, the Chief of Cabinet and the chairs of all 6 functional committees.

The National Assembly functions in accordance with the principle of “democratic centralism”. It may change the Constitution and has the right to adopt or abrogate laws. Besides, it decides on strategic plans for socio-economic development and the state budget. It elects the President and Vice-President of the State based on the recommendation of the National Assembly Standing Committee; the President, the Vice-President and members of the National Assembly Standing Committee; as well as the President of the People's Supreme Court and the Supreme Public Prosecutor based on the recommendation of the President. It decides on the appointment or removal of the Prime Minister based on the recommendation of the President of the State and determines the organisational structure of the government and its appointment based on the recommendation of the Prime Minister.

The National Assembly may pass a vote of no confidence in the government or any member of the government, if the National Assembly Standing Committee or one-fourth of the total number of National Assembly members raises the issue. Parliament also receives public petitions in relation to decisions by state officials or court rulings and a hotline gives citizens the opportunity to express grievances.

The Assembly's work is structured along the activities of the Standing Committee (in between sessions) and six committees on:

- Law
- Ethnic affairs
- Social and cultural affairs



- Economics, planning and finance
- National defence and security
- Foreign affairs

There is also a women parliamentarians' caucus that serves as an advisory role towards the Standing Committee on women issues. The committees review bills, propose amendments and scrutinise the government. National Assembly members have developed a system of ad-hoc committees established for each draft law.

## 4 The Electoral System

National Assembly elections are held by secret ballot on a party-list system. Citizens aged 18 and over have the right to stand and to vote. According to article 4 of the Constitution, members of the National Assembly are elected by universal equal direct suffrage and secret balloting. The Constitution prohibits political parties other than the LPRP, and this party vets all candidates with the help of the Lao Front for National Construction (LFNC) that is under its control. After the last national elections held in 2011, the legislature has increased in size from 115 to 132 members who were selected in 18 multi-member constituencies with 3 to 14 seats according to population size. Out of the 190 candidates vying for seats, 47 worked for the central government and 143 were local officials. Only five candidates were independents, all others were members of the LPRP. The new National Assembly members elected Pany Yathotou as Speaker, Choummaly Sayasone as the President of the Republic and Thongsing Thammavong as Prime Minister. At the sub-national level, i.e. for provincial or municipal administrations, and for district or village heads, elections are not held, but village heads may be selected with the approval of the local population.

## 5 Internal Structures and Processes Inside Parliament

The National Assembly holds two ordinary sessions a year, normally in June and December, each usually lasting three to four weeks. During these sessions, the Assembly receives statements from ministries, debates the budget and votes on legislation. The Standing Committee substitutes the National Assembly in between sittings and may convene an extraordinary session of the National Assembly if necessary.

### Legislative Process

The legislative process is defined in articles 59-62 of the Constitution. The institutions which have the right to propose draft laws are the President of the state, the National Assembly Standing Committee, the Government, the People's Supreme Court, the Office of the Supreme Public Prosecutor and the Lao Front for National Construction (LFNC) as well as the mass organisations at

the central level. They submit proposals for draft laws to the National Assembly Standing Committee in which they explain the purpose and reasons for it. The National Assembly Standing Committee then answers in writing no later than fifteen days from the day of receiving the proposal. The Standing Committee has to consider the draft law no later than sixty days prior to the opening of the session of the National Assembly. The Standing Committee then submits the draft law to the Law Committee and other concerned committees to study it and to report the results. Subsequently, it decides whether to submit the draft law for public consultation before proposing it to the National Assembly. The chairman of the Law Committee of the National Assembly or the representative of the organisation which developed the draft law submits it to the session of the National Assembly.

The National Assembly has the right to adopt or amend the Constitution and to adopt, amend or abrogate the laws. Based on article 62, the National Assembly establishes its own committees to consider draft laws. Besides, regular meetings take place between the Standing Committee of the National Assembly and the Cabinet.

The President has to promulgate laws adopted by the National Assembly no later than thirty days afterwards. S/he may then request the National Assembly to reconsider the laws. If the National Assembly affirms its previous decision, the President must promulgate the law within fifteen days.

Although laws are essentially prepared by the LPRP leadership, the National Assembly has become more active in recent years. It increasingly produces new legislation, e.g. in order to meet international legal standards demanded by the World Trade Organisation (WTO) which Lao PDR joined in February 2013. It has also passed a Law on Making Legislation that stipulates the publication of proposed bills at the central and provincial levels for comment for 60 days.

## **Budget Process**

Among the responsibilities of the National Assembly are decisions on finance and budgeting. According to the Amended State Budget Law of 2006 the National Assembly has the responsibility to participate in the formulation of the socio-economic development plan and the budget. This involves determining budget allocations to ministries and ministry-equivalent organisations at the central level, and for provinces and cities. The National Assembly also decides upon national fiscal and monetary policies, revenues and expenditures, financial strategic plans and programmes of infrastructure projects of national significance.

During its first session in June/July, the National Assembly considers the report of the Prime Minister on implementing the State Economic and Development

Plan and the budget plan and decides on possible amendments for the first six months of the year.

At the plenary session, the Committee for Economics, Planning and Finance represents the National Assembly and comments on the draft state budget after the Minister of Finance's presentation. In the 7th legislature, the committee has 30 members and 30 supporting staff. The other committees may recommend amendments.

The government submits draft strategic plans and the draft annual budget to the National Assembly. This includes allocations for state agencies, the Lao Front for National Construction and mass organisations at the central and local levels. It provides guidance to the Ministry of Finance, and central as well as local agencies with respect to budget revenues and expenditures.

The Committee for Planning and Investment (art. 29 of the Law on State Budget) supports the Ministry of Finance in formulating financial strategies and in budget planning. It also cooperates with the ministry in determining public investments that use domestic and external sources of financing, and it may propose priority investment projects.

The Ministry of Public Investment prepares the investment budget and helps to prepare a five-year development plan that is decided upon by the National Assembly.

## **Staff Resources**

Only a third of National Assembly members are full-time legislators. Among them are the President and two Vice-Presidents of the Assembly, the Chairs and Vice-Chairs of the functional committees, the Chief of Cabinet and 18 members who are responsible for constituency offices in the 18 provinces. These advisory offices are serving the members of the National Assembly in the constituencies. The so-called "permanent members of the National Assembly in the constituencies" are members who have been appointed by the National Assembly Standing Committee and are in charge of matters within the constituency. Legislators usually do not have personal secretaries or non-secretarial staff with policy expertise, but each committee has its own functional department with technical and administrative assistants.

The Office of the National Assembly is also referred to as "Cabinet of the National Assembly". It advises and facilitates the work of members of the National Assembly and the National Assembly Standing Committee; it studies, summarises and compiles information, and is responsible for administrative matters, planning and finance. The administration office prepares the sessions of the National Assembly and of the Standing Committee as well as of the other

Committees; organises meetings and workshops; and collaborates with the administrative office of the Party Central Committee.

## Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	/ (planned)		/
Library	Library	3	Possible
Budget office	/	/	/
Legal service	Law department (under Committee on Law)	16	Possible

## 6 Relationship Between Executive and Legislature

The Lao People's Revolutionary Party (LPRP) is the only party permitted under the 1991 Constitution. It has taken over the leading role at all administrative levels, vets all candidates for election to the legislature, and strictly controls law-making. The President of Lao PDR is also Secretary General of the party. The party's Central Committee and Politburo make all major decisions. Almost all members of the National Assembly are LPRP members. In recent years though, the National Assembly has gained some institutional autonomy. It is an important forum for political debate and criticism.

According to the Amended Law on the National Assembly, promulgated in 2006, the members of the government, the President of the People's Supreme Court, the Supreme Public Prosecutor, representatives of party and state organisations, the Lao Front for National Construction, mass and social organisations as well as representatives from different social strata may participate and be authorised to provide opinions and comments to the session, but have no voting rights.

## 7 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Involvement

Since 1997 Lao PDR has been an AIPO member. Since that time it has hosted the AIPA GA twice – in its capital city in 2005 and 2014. The NA delegation to GAs is chosen by the Assembly President. S/he can also head the delegation

or delegate this to a Vice-President, committee chair or other MP. At the GA the delegation generally includes 16 members. They are supported by 4-5 expert staff from the Department of Foreign Affairs (multilateral division) in the National Assembly. No particular initiatives for the AIPA GAs have been launched from the Lao NA. Delegates prepare after having received the draft resolutions. Depending on the issue they request support from the relevant committees as well as the government departments.

### **ASEAN Involvement**

The involvement of the NA in ASEAN affairs is very limited. Its main role is to convey the government's interests in the wider public. There is some information from the Ministry of Foreign Affairs to NA members. ASEAN issues that require national implementation are dealt with by the relevant sectoral committee and there is no particular ASEAN coordination in the NA.

### **AIPA Focal Point**

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## Country Fact Sheet

### Malaysia

#### Overview

Independence	1957 (as Federation of Malaya)
Population	30 million
Capital city	Federal Territory of Kuala Lumpur
Political system	Constitutional monarchy with parliamentary system of government
Head of State	Tuanku Al-Haj Abdul Halim Mu'adzam Shah ibni Almarhum Sultan Badlishah of Kedah (rotating every 5 years); Prime Minister Najib Abdul Razak
Seat of parliament	Kuala Lumpur
Name of parliament	Parliament (Parlimen)
Parliament	Bicameral: Senate (Dewan Negara) and House of Representatives (Dewan Rakyat)
Electoral system	Senate (70 members): 26 members are nominated by the states (2 per state), 44 are appointed by the King (Yang di-Pertuan Agong) on the advice of the Prime Minister. House of Representatives (222 members): First-past-the-post
Term-time	max. 2 terms (three years per term)
Share of female MPs	Senate: 28.8% (according to IPU) House of Representatives: 10.4% (23/222)
Parliament website	<a href="http://www.parlimen.gov.my">www.parlimen.gov.my</a>

## 1 Historical Background

Malaysia looks back at a long history of foreign meddling over its territory that led to a strong British influence over the country as its colony until independence in 1957. Already during the British time, from 1948 onwards, a Federal Legislative Council existed. It consisted of 75 members, among them 11 British officials. It was established according to the Federation of Malaya Agreement. In 1955, 52 of the 98 members were elected in the first general elections. The other members were either nominated (35), were Chief Ministers, or representatives from Penang and Malacca. Parliament was formally established in 1957 when the British colony gained national independence as Federation of Malaya. In 1963, Malaya united with Singapore (until 1965), Sarawak and Sabah (the latter two states form together East Malaysia on the island of Borneo) as Federation of Malaysia. Since then, the country has had a parliamentary system based on the Westminster model with the Prime Minister as head of government and the monarch (Yang di-Pertuan Agong) as Head of State.



## 2 Political System and Constitution

Malaysia is a constitutional monarchy with a parliamentary system. Parliament is the highest legislative body in Malaysia and consists of the King as the Head of State, the Senate and the House of Representatives. The upper chamber, the Senate (Dewan Negara), fulfils a mostly symbolic role unlike the lower chamber, the House of Representatives (Dewan Rakyat). With currently 222 members it is elected through a plurality vote in single-member constituencies (FPTP). Bills are passed by both houses of Parliament and are asserted to by the King. The King rules with the advice of the Prime Minister; in the states, the sultans are advised by the respective chief ministers. According to Article 55 of the Federal Constitution, the King can summon for Parliament to be in session and has the absolute power to prorogue or dissolve Parliament.

Malaysia is a federation of thirteen states and three federal territories. Nine of the states are headed by sultans, the other four by governors who are appointed by the monarch. The latter is elected from among the sultans by the Council of Rulers. This election follows a rotation system and takes place every five years. Tuanku Al-Haj Abdul Halim Mu'adzam Shah ibni Almarhum Sultan Badlisha, the Sultan of Kedah, was installed as new King in April 2012.

The political system is characterised by a concentration of power in the executive branch with limited checks and balances. Pluralistic and inclusive elections are held on a regular basis, with the maximum term-time of 5 years for the members

of the lower house (and state assemblies). Sessions are held frequently and the first sessions starts with the Royal Address and the oath-taking of MPs. Decision-making in Malaysia is highly centralised in the office of the executive and, at least until recently, a change of government at the national level has been unlikely. The ruling coalition Barisan Nasional (BN) has been in power since independence (until the early 1970s as so-called 'Alliance'). As is common in Westminster systems the prime minister and his ministers are selected from the body of members of parliament.

Malaysia's current Federal Constitution was enacted in 1957 and has been revised frequently. The role and powers of parliament are stipulated in articles 44-68. Usually, two-thirds of the members of each House of Parliament have to support an amendment to the Constitution. In some cases, the Conference of Rulers has to concur. Moreover, the governments of Sabah and Sarawak have special powers to veto constitutional amendments affecting their states.

### **3 Parliamentary Roles and Functions**

Within the political system parliament does not play a central role. This is especially true of the Senate that some critics see as a mere rubber-stamp institution. Senators are, according to Article 45.2 of the constitution, 'persons who [...] have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines'.

The House of Representatives has a strong opposition, but its functions are restricted and the huge majority of the ruling National Front (Barisan Nasional) secures full control. In principle the legislature can initiate bills but most bills are introduced by the government, particularly by the Office of the Prime Minister (PMO). The Standing Order states that the government business is to be given priority.

The King appoints the Prime Minister and parliament can forward a vote of no confidence in the government. Yet, Parliament lacks effective powers of oversight over the military and police intelligence. The Public Accounts Committee (PAC) has the oversight function and power to investigate the executive or question executive branch officials. At the request of the Prime Minister, the King can dissolve the legislature.

### **4 The Electoral System**

Members of Parliament (lower chamber) are elected through a plurality vote (first-past-the-post, FPTP) in 222 single-member constituencies for a maximum term of five years. The Senate has 70 members, of which 26 are nominated by the states (2 per state), the remaining 44 are appointed by the King on the advice of the



Prime Minister. Among the 44 are two from the Federal Territory of Kuala Lumpur and one each from the Federal Territories of Labuan and Putrajaya.

The last elections were held in May 2013 when some 13.3 million voters decided on the composition of the new Dewan Rakyat and the state assemblies (with the exception of Sarawak). Elections are free in that a range of political parties with diverging platforms take part and are able to campaign without major restrictions. The results confirmed the ruling Barisan Nasional (BN) as the strongest party-coalition but saw gains by the opposition coalition Pakatan Rakyat (PR).

## **5 Internal Structures and Processes in Parliament**

There are five sessional or permanent committees:

- Committee of Selection,
- Public Accounts Committee (PAC, consisting of a Chairman and Vice-Chairman to be appointed by the House, and 'not less than six and not more than twelve members to be nominated by the Committee of Selection'),
- Standing Orders Committee,
- House Committee (that advises the Speaker or Tuan Yang di-Pertua 'upon all matters connected with the comfort and convenience of and services and amenities available to members of the House'), and
- Committee of Privileges that handles matters affecting 'the powers and privileges of the House'.

Other than the Public Accounts Committee (PAC) that reviews the spending of the government, the sessional committees 'consist of Tuan Yang di-Pertua as Chairman, and six other members to be nominated by the Committee of Selection'. The speaker of the Dewan Rakyat is responsible for maintaining order, organizing the debates and interpreting the Standing Orders in cases of dispute.

The rights of parliamentary committees to summon experts are limited. Only the Committee of Privileges and the PAC have this power. Responsibilities of parliamentary committees and ministries do not coincide. The committees' recommendations are mostly advisory to the government. Parliament has no sectoral policy committees but can appoint a Special Select Committee 'consisting of such members as may be nominated by the Committee of Selection'. It has the power to elect its own Chairman. These committees, such as the one on electoral reform during the previous legislative term, are uncommon.

### **The Legislative Process**

Bills have to be passed by the Dewan Rakyat, but not necessarily by the Dewan Negara. The Dewan Negara has a suspensive veto with respect to non-money bills. Some bills need the consent of other bodies, for example the Conference of

Rulers with respect to bills concerning the position of the rulers. A bill sponsored by a ministry is a government bill. A private bill, proposed by a single MP or senator, has never been passed in Malaysia. Almost all bills presented in parliament are tabled by the ministries. Even amendments are rare. Malaysian lawmakers are usually not actively involved in the drafting of bills.

A bill goes through four stages in both chambers. At the initial stage, a bill is read out to parliament. A second reading involves a debate in plenary on the content of the bill. After that, a committee analyses the bill and proposes amendments. The final version is submitted for a third reading and then put to vote. Because of the insufficient committee system with lacking select committees, many bills are scrutinised by the whole house functioning as a committee (default committee). Legislation is sometimes passed within a very short period of time. Adopted bills are sent to the King for royal assent. Even if the King does not assent within 30 days, the bill can still become law.

### **The Budget Process**

One of the main tasks of parliament is to approve the annual budget and decide on development plans. If the government intends to spend money from the Consolidated Fund, it has to be approved by parliament. General principles of the Supply Bill that outlines the budget are debated at least two days after the second reading in parliament. The debate is limited to 11 days and the draft is then sent to the Committee of Supply that has 18 days to deliberate and to propose budgetary reductions.

### **Support Functions for MPs**

The support body for individual MPs is provided although not as sufficient as compared to other countries. There is only minimal support through research assistants and constituency officers, some of which are provided through the party structures but not Parliament itself.

MPs have no individual expert staff but an allowance for a driver and to cover the running of office, e.g. phone and electricity in the constituency office. There is a pool of researchers (13) for MPs and senators available to work on any issue. They can be accessed by all MPs equally and are employed by parliament. There is an understanding that staffing is not sufficient and the government already suggested an upgrade which is currently under review. Only the opposition leader gets one private secretary and one supporting staff from parliament.

There is no particular staff employed by the parties in parliament. Moreover, office space is limited. However, political parties employ extra advisors (outside parliament) and these turn up at parliament during sessions.

Parliament's overall administrative services are led by a Chief Administrator who is assisted by two Secretaries of the House. The parliament secretariat has 353 staff positions and consists of ten divisions:

- Legal Advisor's Office
- Corporate Communication Division
- Research Division
- Senate Division
- House of Representatives Division
- Management Division
- International Relations and Protocol Division
- Building Facilities and Landscape Maintenance Division
- Information Technology Division
- Security Division

### Parliament Support Structures (Serve Both Houses)

Function	Name	Staff	Individual MP Request
Scientific and research service	Research Division	13	Not possible
Library	Library (under Research Division)	5	Possible
Budget office	/		Not possible
Legal service	Legal adviser (not involved in legislation)	2	Not possible

## 6 Relationship Between Executive and Legislature

The executive dominates policy-making in Westminster systems like Malaysia. However, the legislature can remove the Prime Minister with a vote of no confidence but this is improbable. The executive itself is efficiently supervised and controlled by the Prime Minister's Office that consists of major agencies and six ministries responsible for legislative and parliamentary affairs, national unity and performance management issues. Among the top agencies are the Economic Planning Unit (EPU), the Performance Management Delivery Unit (PEMANDU), the Administrative Modernisation and Management Planning Unit (MAMPU), the

Attorney General's Chamber, the Election Commission, the Judicial Appointments Commission and the National Security Council. Within the cabinet most issues are prepared by committees that are usually chaired by the Prime Minister or his deputy.

## **7 Parliament's Role in AIPA and ASEAN Affairs**

### **AIPA Involvement**

Malaysia has been a member of the ASEAN Parliamentary Meeting (APM) and its successor, AIPA, from the beginning. Until now it has hosted the General Assemblies five times, most recently in 2015.

The speaker appoints an AIPA committee which includes representatives from each state and also reflects the composition of parliament regarding parties. There is the Speaker and 14 members who usually attend the AIPA meetings. They also invite 4-5 senators to join them. Preparations for the AIPA GA are conducted in a few consultative meetings in cooperation with the responsible ministries.

### **ASEAN Involvement**

Parliament is usually not actively involved in the ASEAN dealings. There is no regular mechanism for dealing with ASEAN matters. The Ministry of Foreign Affairs occasionally invites MPs for briefings. It is also uncommon for MPs to start ASEAN-related initiatives. They sometimes raise issues in debates but there are no binding positions of Parliament.

### **AIPA Focal Point**

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## Country Fact Sheet

### Myanmar

#### Overview

Independence	1948
Population	51 million
Capital city	Naypyidaw
Political system	Unitary Presidential Republic
Head of State	President Thein Sein
Seat of parliament	Naypyidaw
Name of parliament	Union Assembly (Pyidaungsu Hluttaw)
Parliament	Bicameral: House of Representatives (Pyithu Hluttaw), House of Nationalities (Amyotha Hluttaw),
Electoral system	First-past-the-post (and 25% appointed by military)
Term-time	5 years
Share of female MPs	26 (5.9%) in House of Representatives, 4 (1.8%) in House of Nationalities
Parliament website	<a href="http://www.myanmarparliament.gov.mm">www.myanmarparliament.gov.mm</a>

## 1 Historical Background

Myanmar looks back at a century-long history. Earlier predecessors to the current state start with the Pagan dynasty in 849. Several dynasties and kingdoms ruled over the country's current territory for hundreds of years until the British invaded the country in 1885 and made it part of their colonial empire. From 1935 until independence on 4 January 1948 the British instituted a colonial legislature for Burma. It consisted of the Senate (36 seats) and a House of Representatives (132 members).



Upon independence and based on the 1947 constitution a democratic system - centred on the Union Parliament - was established. The legislature was divided into two chambers, the upper house Chamber of Nationalities (Lumyozu Hluttaw) and lower house Chamber of Deputies (Pyithu Hluttaw). Following the coup d'état on 2 March 1962, parliament was suspended until a rubber stamp legislature, the People's Assembly (Pyithu Hluttaw), was in place from 1974-1988. The results of the 1990 elections were never registered and the SLORC (later turned into State Peace and Development Council) took over the governing functions until early 2011. In May 1989, the name of the country changed from Burma to Myanmar. During its recent opening process the regime adopted a new constitution in 2011. In parallel, elections for the new and current Union Assembly were held on 7 November 2010. These were complemented by free and fair by-elections on 1 April 2012.

## 2 Political System and Constitution

Myanmar has turned into a presidential republic during its recent transformation. President Thein Sein is the sole head of state and elected for a term time of five years, in conjunction with parliament's term. Since the transformation from military rule to civilian democracy only began with the current term of parliament, not all processes and institutions have taken a consolidated shape. The current constitution was adopted by a referendum in 2011 but there is an ongoing process of review that may still lead to institutional changes towards the autumn 2015 elections.

The 2011 constitution defines Myanmar as a unitary state that consists of seven states and seven provinces as well as the Union Territory of the capital city Naypyidaw. There are six smaller special self-administered zones. Some remote areas are still controlled by insurgents and ethnic militias, meaning the national government does not have full control over all parts of the country. This also means that not all constituencies have elected representatives for the national

parliament. All the 14 states and provinces have their own assemblies and executives that are to take care of regional affairs. As heritage from the previous military regime the current constitution requires the national and sub-national parliaments to include 25% of its members as appointees by the commander-in-chief.

The term time of parliament and president is set for five years. Upon election the president selects his/her cabinet. Since there is a strict separation of powers, serving MPs who have been appointed ministers have to relinquish their seat, triggering by-elections in the respective constituencies. A special Presidential Electoral College elects the president. It consists of three groups, a group from each chamber as well as appointees from the two. These three groups each first elect a Vice-President for the country (not necessarily an MP) and then they jointly chose the President from among the three. The others are the two Vice-Presidents of the country.

The legislative branch is bicameral with equal powers for the Nationalities Assembly (224 MPs) and the People's Assembly (440 MPs), each of which contains the obligatory 25% representatives from the military. Members from both chambers can individually or jointly propose legislation – just like the executive.

Parliament is normally in session 2-3 times per year. The President approaches the people in his monthly radio talk.

### **3 Parliamentary Roles and Functions**

In the political system of the 2011 constitution, just like during the first phase of democracy from 1948-1962, parliament plays an important role in the political system. During its frequent sessions MPs critically assess legislative proposals from the government and question the executive. The president does not normally take part in parliamentary proceedings but he is represented by his ministers on their respective portfolios.

Normally parliament convenes for 2-3 annual sessions, lasting for 2-3 months each time. When parliament is in session, MPs stay in the capital city, whereas almost all of them move back to their home constituency or Yangon during the rest of the year. It is common for the two houses to meet in joint session (plenary) and to conduct committee work jointly.

Although Myanmar's parliaments have evolved out of a Westminster tradition, the current mode among MPs is more collegial than adversarial. Although they have been elected as representatives of their parties (or military), MPs are seated according to names in the plenary. There are no formal party caucuses although parties meet informally outside parliament.

## 4 The Electoral System

There are different election modes for the two chambers. Within each state and province 12 members are elected into the upper house (Nationalities Assembly). Since states and provinces vary in size and population, there is a different number of people behind each MP. The same is also true for the 330 elected MPs in the People's Assembly. They are elected in a traditional first-past-the-post system within their single member constituency. These election districts are based on townships whose size varies too.

Elections for both chambers (as well as the provincial elections) are held in parallel on the same day and every five years. Voting is not compulsory but turnout in 2010 was around 77%. After constituting the two chambers, the new MPs elect the Vice-Presidents and President.

Currently, the overwhelming majority of MPs hails from the Union Solidarity and Development (USDP), the party that is close to the military regime. Since the 2012 by-elections they have 222 members in the lower house and 124 in the upper house. The next biggest party is the NLD of Nobel Prize winner Aung San Suu Kyi who did not contest the original 2010 elections but holds 37 and 4 members respectively in the lower and upper chamber since the by-elections. Besides the military MPs (25%) practically all the remaining seats have been won by regional, ethnic parties. The biggest of them is the Shan Nationalities Democratic Party (SNDP) with 18+4 MPs. Five seats are currently vacant due to the security situation in some of the remote regions.

## 5 Internal Structures and Processes in DPR

There are four standing committees in each chamber as well as a number of ad-hoc committees. Standing committees have up to 15 members. Ad-hoc committees may also include non-elected members. The four standing committees are the following:

- Bill committee
- Public accounts committee
- Assembly rights committee
- Government's guarantees, pledges and undertakings vetting committee

The House of Representatives (Pyithu Hluttaw) has 21 ad-hoc committees as well as the Legal Affairs and Special Issues Assessment Commission. In the House of Nationalities (Amyotha Hluttaw) there are 16 ad-hoc committees as well as the Financial and Legal Affairs Commission.

The Speaker of parliament (Union Assembly) is formally the second most powerful position in Myanmar after the Presidency. Both houses have their



own speaker and vice-speaker. The position as speaker of the Union Assembly shifts between the speakers of the two assemblies.

### **Passing Legislation**

The legislative process is defined in paragraphs 136-140 and 156-160 in the constitution. After the submission of a bill by any government agency or members of parliament, the draft is first screened by the Bill Committee. This is to ensure compliance with the constitution and wider principles as well as to define the bill's scope. The Committee subsequently forwards the bill to the Speaker together with a report. In the next step, the Speaker submits the bill to the assembly so that it can start deliberations. This is normally done in 2-3 deliberations in the relevant sectoral committee. If supported there, the bill is forward to the plenary for debate. At the end of the debate there is a vote. If a bill receives a simple majority in the first chamber, it is passed to the other chamber for consideration. The other chamber can propose amendments but in the end the bill can only become law if both chambers agree on an identical version. Once they agree on a final version, the Speaker passes the bill to the President who has 14 days to sign it. If he does not sign off the law, he can send it back to the Assembly for reconsideration but if the Assembly insists on its version in a second vote, the bill becomes law after a week in any case.

### **The Budget Process**

The adoption of the budget is based on the constitutional provisions (particularly paragraph 103) and parliamentary rules of the Union Assembly. On behalf of the government the President assigns a delegate, normally the Finance Minister, to introduce the budget. It is then taken up by the Public Accounts Committee (PAC). The PAC decides on ceilings and the constitution has been interpreted in such a way that parliament is not allowed to increase budget lines as proposed in the government's draft budget. MPs can bring forward motions to cut spending in certain areas – if they find a majority for this in the chamber. However, certain functions like salaries and debt payments are exempted from such cuts. In parallel the budget is also considered in the National Planning Committee. Sectoral committees review the budgets for their respective ministries and agencies. Overall the budget is debated over 12 days as determined by the Speaker. After having discussed and voted on individual amendments, the Finance Minister re-introduces an amended budget that is put for the final vote.

There is no annual budget strategy of the government and no medium-term budget framework so that the main document is the annual budget. It is adopted if both houses agree. There is no presidential veto over the whole budget or individual budget lines. In recent years the budget has been approved also with the votes of the opposition parties.

## Amending the Constitution

The 2008 constitution was adopted in a controversial referendum in May 2008 and it is in force until this day. However, there is a consensus that at least some of the provisions require updating. Parliament convened a special constitutional review committee with 109 members in December 2013 but there is yet to be found a consensus about the next steps. Constitutional amendments require a 75% majority which gives a de facto veto-power to the representatives of the military.

## Internal Support Bodies

Union Assembly members have no individual staff assigned to them. Each committee has a few administrative clerks of which a few perform a de facto role as policy advisers and researchers. There are no additional staff resources for the political parties and they are not formally organised as fractions within the parliament. When seeking special advice, the Speaker draws on the experts from the Legal Affairs and Special Issues Assessment Commission.

## Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	Research Department	15	Possible
Library	Library Department	20	Possible
Budget office	/	/	
Legal service	/	/	

## Relationship Between the Executive and Parliament

Although the government commands an overwhelming majority in parliament and a number of government ministers have been MPs themselves, the Union Assembly takes its oversight function very seriously. Individual MPs call in ministers for active questioning over public problems and the Assembly Speaker U Thura Shwe Mann has been playing an active public role too. Due to the fact that it is the first term of an elected parliament in a long time, the Assembly needs to find its own parliamentary culture over time. Most MPs and most ministers are new in their current positions and there is no direct connection

between the executive and a parliamentary group that they rely on. This has led to a number of instances where government draft laws have been caught up in parliament or they have been heavily revised.

## **6 Parliament's Role in AIPA and ASEAN Affairs**

### **AIPA Affairs**

Myanmar has participated in AIPA activities as a special observer in 1997. In 1999, it became a permanent special observer. Its delegation to AIPA General Assemblies is led by the Union Assembly Speaker who also decides on the members of the delegation. Recently about seven members have participated in the AIPA GA and a bigger contingent would rely on external funding.

Preparations for the AIPA GA are coordinated by the Speaker and begin with the reception of the draft GA resolutions from the host parliament. They are discussed by the AIPA Joint Committee of the Union Assembly. It is attended by about 20 MPs from both Houses and no external input is provided. AIPA activities are supported by around five staff from the International Relations section. Normally, there are no follow-up activities conducted in the Assembly.

### **ASEAN Affairs**

Parliament has three dedicated ASEAN ad-hoc committees. They are all based in the House of Nationalities: the ASEAN Politics and Security Committee, the ASEAN Economic Community Committee and the ASEAN Social and Cultural Community Committee. However, there are no particular ASEAN meeting preparations or follow-up activities conducted in parliament.

### **AIPA Focal Point**

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## Country Fact Sheet

### Philippines

#### Overview

Independence	1898
Population	101 million
Capital city	Manila
Political system	Presidential republic
Head of State	President Benigno “Noynoy” Aquino III
Seat of parliament	Manila
Name of parliament	Congress
Parliament	Bicameral: Senate and House of Representatives
Electoral system	Senate: 12 best-placed candidates House of Representatives: First-past-the-post (for 80% of seats, based on district), proportional (for closed party-lists)
Term-time	6 years (max. 2 terms)
Share of female MPs	Senate: 6/24 (25%) House of Representatives: 27%
Parliament website	<a href="http://www.senate.gov.ph">www.senate.gov.ph</a> <a href="http://www.congress.gov.ph">www.congress.gov.ph</a>

## 1 Historical Background

Since first proclaiming independence in 1898, the Philippines had various experiences as a colony, commonwealth, occupied territory and shifts between colonial power, autocratic rule and democracy. Full and lasting independence as a republic has been granted in 1946. Since that time Congress has in principle been vested with all legislative powers as part of a presidential system of government that resembles many features of the former colonial power, the United States of America. Whereas democracy initially took its root in the country, the Philippines went back into a darker period of Martial Law under President Marcos from 1972-1986. Following the People's Revolution in 1986, the country adopted a new (i.e. the current) Constitution in 1987 that restored the presidential system with the bicameral Congress.



## 2 Political System and Constitution

Except for the interruption of democracy under Martial Law, the Philippines had a bicameral legislative system. Congress is divided into a Senate with 24 members and a House of Representatives with currently 290 members. The powers of both chambers are generally the same with their shared legislative, budgetary and oversight functions and their powers are stipulated in article six of the Constitution. Laws need to be approved by both chambers and the President can veto them. Such vetoes can be overridden with a 2/3 majority of both houses.

Each year the President opens the legislative season with the State of the Nation Address on the fourth Monday of July outlining the legislative programme of the executive. Subsequently Congress has to go into session. Normally Congress is in session most of the year and there are regular plenary and committee meetings taking place at the sites of the two chambers in the cities of Quezon and Pasay (both in Metro Manila).

## 3 Parliamentary Roles and Functions

Not only de jure but also de facto Congress has a relatively strong position in the Philippines. Although most laws are filed by members of Congress, the Executive can also proposed legislation to be considered by both chambers. Legislators regularly invite representatives of the executive to perform their oversight function, leading to an active exchange between the executive and legislative branches. Unlike other presidential systems, however, there is no tradition of a separated government in which Congress is controlled by the opposition. One reason is that there is no strong tradition of dominating parties that make up obvious opposition,

the other being that most legislators join the majority once elected to get better access to power and funds, even though they may have campaigned in political parties opposing the elected President.

Congress also serves as a training ground and recruiting pool for many members of the executive including Presidents and presidential candidates. It is common for presidential and vice-presidential candidates to having served as Senators. Likewise Senators often 'graduate' from the House of Representatives after having established their name recognition and experience there. Also a good number of cabinet members are frequently recruited from either house. These mechanisms strengthen the connection between the legislature and executive.

## **4 The Electoral System**

Different voting mechanisms apply to the election of the two chambers of Congress. Senatorial elections take place every three years with half the Senate standing for election, giving Senators a six-year term-time. Senators are elected from a national constituency in which the 12 best-placed Senators get elected. House members are elected for three years – either as 'normal' members, i.e. as representatives of their single-member constituency or through a closed party list (since 1998). The latter constitute up to 20% of the total number of members in the House and their election is according to proportional representation with a national minimum threshold of 2% and a maximum of 3 Congress (wo)men elected per list. Dynamic legislation and Supreme Court rulings have frequently changed the election mechanism of party-list-representatives over the past years. The majority of members who are elected for the House in their constituency (currently 234) - and commonly run as representatives for the major political parties - tend to occupy the powerful positions in the chamber.

Congress elections take place on the same day for the two chambers every second Monday of May. The most recent was conducted on 13 May 2013. House members can serve a maximum of three consecutive terms and Senators two terms (but can return later on). Presidents can serve for only one six-year term.

## **5 Internal Structures and Processes in the National Parliaments**

Both chambers see in principle the same division into three important modes. They elect a Speaker (House) / President (Senate) at the beginning of the term they organise into a Majority and Minority (each led by elected representatives) and structure their work into committees. Majority and Minority leadership together with the Speaker/President organise the business of the respective chambers on a daily basis. They decide about the schedule of debates and arrange what resolutions and initiatives are dealt with in which committee. Both chambers also have an extensive committee system with a high number of committees that results in overlaps of political responsibility as well as members serving on

several of them. The majority of members in both houses are chairs or vice-chairs of at least one committee. The Senate currently has 39 permanent committees and the House of Representatives 59.

## **Passing Legislation in Congress**

The typical legislative process sees legislation either being introduced by individual members of Congress in their respective chamber or by proxy of the government. Bills are initially referred for first consultation in the responsible sectoral committees for first reading. If adopted, they pass to plenary stage and debate for second reading. At least three days after the vote, the bills need to pass the third reading. If identical bills have passed the process in both Houses, they can be forwarded to the President. Commonly, there are variations between the bills of the two chambers so that a Conference Committee (or Bicam) is called for. This special committee consists of representatives of both chambers who will try to agree on a compromise between their two draft bills. Once they agree, the final compromise needs to be approved by both chambers. Adopted bills are passed on to the President. If s/he does not act, it becomes law after 30 days. If there is a veto, the bill dies unless the presidential veto is overridden by a 2/3 majority in both chambers.

Most of the practical work on any legislation is done at the committee stage. Here the most interested legislators follow the proceedings for their causes. Quite often legislators and committee staff coordinate from this stage onwards the different bills as they move through the two chambers to understand if and how compromise is possible. These direct informal contacts between the staffers or legislators themselves can play an important role, in order to move legislation forward. However, in most cases legislation emanates from the executive side and the process is supported by executive aides who work in close collaboration with their sponsors in the two chambers. The duration of the legislative process may vary quite widely. Some initiatives have been repeatedly introduced but failed to gather the necessary support, whereas others have found their way from introduction to adoption within less than six months. Crucial parameters are the support in the other chamber and the absence of opposition from the leadership and the executive.

## **The Budget Process**

Congress and President share significant powers over the budget. A few days after the State of the Nation Address the President introduces the budget proposal to the House of Representatives. There it is dealt with almost exclusively in the Appropriations Committee which currently has 124 members. House deliberations are divided broadly into three steps. At first, the full committee organises hearings with the relevant departments about the general economic framework. Secondly, it organises into sub-committees, chaired by the committee's vice-chairs, to review all relevant executive departments for about a week around the end of

September. Finally, the committee leadership prepares a committee report that includes suggested budget amendments and have this voted in plenary in October. In a next step the budget discussions move to the Senate where the Finance Committee (17 members) is responsible for the budget deliberations. Similarly, much of the work is conducted through sub-committees, which, however, due to the national constituency of the Senators, tend to focus more on issues of national interest than the district interests of House members. Following the deliberations, the Senate approves its own report on the budget that often varies from the House version. Differences then need to be ironed out in the Bicam before submitting the Congressional budget for presidential approval. Under the current administration, all budgets have been passed before the end of the calendar year to allow for timely expenditures by the departments.

The Constitution gives the President some specific powers to enforce fiscal discipline of which a key feature is a line-item veto to the budget submitted by Congress. These vetoes have been exercised by Presidents in the past and they can only be prevented if Congress blocks them with 2/3 majority votes in both houses.

The Philippine Constitution can be amended following a proposal by Congress (3/4 majority), a Constitutional Convention or a popular petition and eventual adoption in a national referendum.

## 6 Internal Support Bodies

Each chamber of Congress is independently administrated and commands over its own support structures.

### House Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	Congressional Policy and Budget Research Department (CPRBD)	41	Possible
Library	Library	23	Possible
Budget office	Congressional Planning and Budget Department; Fiscal Policy Research Service (under CPRBD)	7	Possible
Legal service	/	/	



## Senate Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	/ (some as part of the committee secretariats)		Possible
Library	None	/	/
Budget office	Legislative Budget Research and Monitoring Office (LBRMO)	30	Possible
Legal service	Legal Counsel	21	Possible

## 7 Relationship Between Executive and Legislature

As in most presidential systems the relations between the legislature and executive are marked by cooperation and conflict. Given their separate elections (and varying electoral cycles), the President and majority of Congress members are not necessarily from the same party. Additionally, party loyalty is weak and Senators and House members defend their own interests and that of their constituencies above all. However, the President also needs Congress to pass vital legislation, especially the annual budget, so that the system is practically arranged to foster cooperation. Nonetheless, members of Congress and their respective committees exercise their oversight function towards national government agencies through hearings.

Congress is not involved in the appointment of the President or Vice-President. However, cabinet members, ambassadors, military leaders and other senior public officials are approved only if supported by the joint Commission on Appointments (12 Senators + 12 House members). Theoretically, (only) the House of Representatives can initiate an impeachment of the President (or other members of the highest state organs) following the procedure laid out in article 11 of the Constitution. After at least 1/3 of House members vote to begin an impeachment, the person is then tried in the Senate. 2/3 of the Senators need to vote in favour in order to validate an impeachment and remove the person from office.

## 8 Congress's Role in AIPA and ASEAN Affairs

### AIPA Involvement

Congress has been a founding member of AIPA and its predecessor AIPO. It has hosted five General Assemblies, most recently in 2006. The Philippine Congress has also been an important driver of the development of inter-parliamentary

collaboration in ASEAN. It was a Filipino initiative in 1980 to propose a pan-ASEAN parliament. This initiative later led to the evolution of the ASEAN Inter-Parliamentary Organization (AIPO) into the AIPA from 2007 onwards.

The House of Representatives is the lead chamber in Congress on matters pertaining to AIPA. The 15 national delegates are selected by the House Speaker who leads the delegation. However, due to the coincidence of the AIPA GA and the intense budget hearings at the end of September, it is often impossible to fill the whole contingent for participation. In selecting House delegates to AIPA meetings, the House leadership aims to ensure a balanced representation including the Minority, both genders and those from the south (Muslims). Participants can also be selected for their competence in the field covered by the draft resolutions to be taken up. In organising AIPA affairs the Speaker is supported by the Inter-Parliamentary Relations and Special Affairs Bureau (IPRSAB) in the General Secretariat. Within the Bureau, the Inter-Parliamentary Relations Service (IPRS), which maintains the external relations of the House of Representatives, three permanent staff follow AIPA affairs.

Upon receiving the AIPA GA host's draft agenda the AIPA focal person seeks advice and opinions on all draft resolutions from the competent committees, legislators and/or the Department of Foreign Affairs (DFA). Once a year the AIPA focal person reports back to the AIPA Secretariat about Congress' action with regards to the implementation of the AIPA resolutions.

## **ASEAN Involvement**

Congress is indirectly and remotely involved in the dealings of ASEAN. In matters of principle ASEAN integration is dealt with by the Foreign Affairs Committees. However, day to day following of ASEAN ministerials and policies is left almost exclusively to the government. Government departments, and mostly Department of Foreign Affairs (DFA), report on ASEAN developments only upon the Congress' specific request. There is no mechanism for automatic exchange in preparation of – or following – ASEAN ministerial meetings. When translated into law, ASEAN initiatives are dealt with by the responsible sectoral committee. There is no administrative or political coordination body for ASEAN affairs inside the Congress.

## **AIPA Focal Point**

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## Country Fact Sheet

### Singapore

#### Overview

Independence	9 August 1965
Population	5.5 million
Capital city	Singapore
Political system	Parliamentary constitutional republic
Head of State	President Tony Tan Keng Yam; Prime Minister Lee Hsien Loong
Seat of parliament	Singapore
Name of parliament	Parliament of Singapore
Parliament	Unicameral
Electoral system	First-past-the-post, single-member and group-representative (4-6 members, closed list) constituencies for 87 directly-elected MPs, up to 9 non-constituency MPs (NCMPs) and 9 nominated MPs (NMPs) (currently 3 NCMPs and 9 NMPs)
Term-time	Five years, no term-limit
Share of female MPs	25/98, 25.5%
Parliament website	<a href="http://www.parliament.gov.sg">www.parliament.gov.sg</a>

## 1 Historical Background

Like many other countries in the region, Singapore looks back on a complex evolution that eventually led to it becoming a modern city-state. Singapore was founded in the 19<sup>th</sup> century when British colonial official Thomas Stamford Raffles established the city as a trading post for the Empire in 1819. Subsequently, it was ruled



together with other trade posts in the region as the British Straits Settlements since 1826. After World War II, Singapore was governed with various parts of Malaysia until the British territories on the Malaysian peninsula became part of the independent Federation of Malaysia in 1963. Already in 1948 the citizens of Singapore were allowed to elect a limited number of members to the city's Legislative Council. Since the 1959 elections the local parliament has seen no more foreign influence over its composition. Singapore joined with the Federation of Malaya, Sarawak and North Borneo in 1963 to form the Federation of Malaysia. Following tensions between Malaysian and Singaporean political leaders and race riots, Singapore separated from Malaysia and became a fully independent republic on 9 August 1965. Since that time Singapore has been ruled by the People's Action Party (PAP) and has seen three prime ministers with the first, Lee Kuan Yew, serving from 1959 until 1990.

## 2 Political System and Constitution

As a former British colony, Singapore developed a Westminster-style political system under self-rule and later independence. The President is Singapore's head of state with a mostly ceremonial role but holding certain custodial powers. He or she holds veto powers over key appointments in the government and statutory board and can also veto any attempts by the government or statutory boards to draw on reserves accumulated before its current term of office. The Prime Minister is appointed by the President. The Parliament of Singapore is a unicameral legislature. Following constitutional changes the head of state has been elected directly by the people since 1991.

The city as a whole is governed through the national institutions, i.e. parliament and government departments or agencies. There are no elected district councils. Traditional local government functions are incorporated into the work of government agencies, branches of parastatal organisations and the constituency work of Members of Parliament.

The country's current constitution was enacted in 1965 when Singapore became independent. It has since been revised a number of times. Except for a few core

articles and principles, which can only be amended following a referendum, regular constitutional changes require a two-thirds majority in parliament.

Singapore's motto is "Majulah Singapura" (Onward, Singapore) and it celebrates its National Day on its independence anniversary, 9 August, every year. The National Day Rally in August and the presentation of the annual budget in the first quarter of a year are the most important points for the government to present its programme for the country.

### **3 Parliamentary Roles and Functions**

Similar to other Westminster systems, Singapore's political system has a strong emphasis on the executive in terms of political capacity and dominating political decision-making. As the Prime Minister and other Cabinet ministers are drawn from the popularly elected Members of Parliament, the government drives most of Parliament's legislative agenda. Its initiatives are normally adopted without major adjustments by parliament. Parliament is in active session only for a few days every month.

For the political work parliamentarians are categorised into government front-benchers who conduct political work as their full-time job and the back-benchers who often hold other jobs too. Opposition MPs sit with the government's backbenchers. There are no traditional party caucus activities.

MPs of the PAP, the governing party, either informally coordinate their interests, questions or constituency concerns with ministers or through Government Parliamentary Committees (GPCs) which are formed according to ministry portfolios. Consultations between the government and these GPCs take place regularly.

### **4 The Electoral System**

Parliamentary elections are held every five years. Since independence the PAP has won the overwhelming majority of seats in parliament. Singapore's parliament has three kinds of members of parliament. The vast majority are the 87 elected constituency-based MPs. They are elected either in single-member constituencies (SMC) or group representation constituencies (GRCs) that consist of 4-6 members from a closed list of one party. At least one candidate of the party's candidates for GRCs must be from the minority races. SMC and GRC MPs are elected following the first-past-the-post logic. The other two kinds of MPs are non-constituency members (NCMP) and nominated members (NMP). The former consists of nine minus the number of elected opposition MPs. This is to ensure a minimum representation of non-government representatives. Up to nine NMPs can be nominated on the proposal of a special select committee of Parliament and with the President's consent. These NMPs are chosen to represent non-partisan views in parliament that might otherwise be

unrepresented. NCMPs and NMPs can participate in regular parliamentary activities but cannot vote on sensitive issues like the budget, no-confidence votes or constitutional changes.

Although there are a number of opposition parties, they usually coordinate their activities so that only one of them normally competes with the PAP in any constituency. Among the opposition parties, the Workers' Party is the most established. It holds the highest number of opposition members ever with its currently seven elected MPs (+2 NMPs) – compared to the PAP's 80 MPs. The Singapore People's Party has one NCMP. Voting is obligatory for Singaporeans and turnout is high.

Since 1993, Singapore's President has been elected directly by the people. The most recent election took place in 2011 and the term-time is six years. Candidates for the presidency must have served at senior level and with serious financial responsibilities in the public or private sector.

## **5 Internal Structures and Processes Inside Parliament**

Parliament's business is led by the Speaker of the House. He or she is elected by parliament. Pro forma, the Speaker does not need to be MP but in practice all Speakers have been elected members.

The Speaker oversees the administrative and analytical support structures. These functions are mostly concerned with the preparation of meetings and ensuring the functioning of the House. Most analytical support is provided on request by the relevant government departments. Individual MPs have limited staff resources whose focus is on the management of constituency issues. Citizens can meet MPs during their schedule constituency sessions, but it is uncommon for individuals or representatives of interest groups to meet MPs in parliament.

Government policy and therefore that of the majority of members is determined from the Prime Minister's Office (PMO) or at the relevant departments. Opposition members organise informally and have traditionally been too few to challenge government proposals comprehensively.

There are seven Select Committees that organise the parliamentary work:

- Committee of Selection
- Committee of Privileges
- Estimates Committee
- House Committee
- Public Accounts Committee
- Public Petitions Committee
- Standing Orders Committee

These committees consist of 10-12 members including opposition representatives and most of them are chaired by the Speaker. Parliament can also install additional ad-hoc committees but traditionally all sectoral policy issues are discussed in parliament, in full session. Committee meetings are held in private unless the committee resolves otherwise.

Critical questions to the Executive can be raised in a 90-minute session which opens the parliamentary sittings. The responsible ministers then need to provide oral or written answers to MPs.

## 6 Legislative Process

Historically, most bills have been introduced by the Government. Bills follow a process of three readings in order to be adopted. The main debates happen at the second reading, the stage at which they may be amended is at the committee stage (normally the “Committee of the Whole Parliament”). After approval in second reading, only minor adjustments can be added for the third and final reading. After being adopted by Parliament, most bills (except for e.g. Money Bills and Urgent Bills) are forwarded to the Presidential Council for Minority Rights (PCMR). This is to ensure that no essential aspect of cultural or religious life of the minorities living in Singapore is touched. Thereafter, bills move to the President for his or her assent.

### Budget Process

Singapore’s budget year starts in early April and the new budget is usually introduced by the Finance Minister in February or March. The Parliament starts debating the proposals the week after. Following the debate the government may adjust some provisions, however, without reverting to significant changes. Subsequently, during March the budget is adopted by parliament.

## 7 Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	/	/	/
Library	Library	2 from National Library Board	Possible
Budget office	/	/	/
Legal service	/	/	/

## **8 Relationship Between Executive and Legislature**

Traditionally, there is a strong overlap between executive and legislature due to the fact that all ministers are elected MPs. Since the governing party dominates parliament, its members have easy access to government resources if needed.

## **9 Parliament's Role in AIPA and ASEAN Affairs**

### **AIPA Involvement**

The Singapore parliament is a founding member of AIPA. Since its inception Singapore has hosted six General Assemblies (GAs) – the last time in 2008. Members of the Singapore AIPA GA delegation are decided by the Speaker in consultation with government leaders. The group typically includes a mix of senior and junior, male and female MPs as well as those who have attended previous sessions. Two staff from the parliament secretariat support them in their work. Prior to the GA, delegation members receive briefs from ministries on the latest issues being brought up by AIPA GA resolutions. Drafts are also forwarded to ministries for information and/or follow-up.

### **ASEAN Involvement**

There is no particular committee or mechanism for dealing with ASEAN policies in the Singapore parliament. Any issues are raised in Parliament itself and not at committee level.

### **AIPA Focal Point**

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## Country Fact Sheet

### Thailand

#### Overview

Independence	Evolutionary
Population	67.2 million
Capital city	Bangkok
Political system	Constitutional monarchy
Head of State	King Bhumibol Adulyadej; Prime Minister and Head of the National Council for Peace and Order General Prayut Chan-o-cha
Seat of parliament	Bangkok
Name of parliament	National Legislative Assembly (regular parliamentary institutions currently dissolved)
Parliament	Unicameral (under transition)
Electoral system	Currently no elections, all members appointed by National Council for Peace and Order
Term-time	Until new Constitution is evoked and elections are held
Share of female MPs	6.1%
Parliament website	<a href="http://www.parliament.go.th">www.parliament.go.th</a>

## 1 Historical Background

Thailand is the only Southeast Asian country that had never been colonised. The first Thai state roots are attributed to the Sukhothai kingdom that was established in the 13<sup>th</sup> century. Although Thai states were under pressure from eastern and western neighbours in the earlier years and British and French colonial empires later on, the entity



now known as Thailand evolved over time. After a bloodless coup in 1932 the first Constitution was established for the country. Seven years later the country changed its name from Siam to Thailand. Together with its Constitution the country also established a parliament, the People's Assembly. The 70 members were initially appointed but then in 1933 the first elections were held. The new assembly was composed of 78 elected and 78 appointed members. Civilian and military governments have taken their turn since then.

An elected Constitutional Drafting Assembly developed the "People's Constitution" in 1997. It established a bicameral legislature with the House of Representatives (500 members) and the Senate (200 members). After years of back-and-forth with coup d'états, elections and government shuffles, the military took over power in May 2014. Since then the elected institutions have been suspended and a new Constitution is in preparation. The executive (National Council for Peace and Order) is currently led by Prime Minister General Prayut Chan-o-cha. The current transition timeline foresees a presentation and vote of the new Constitution in the transitional parliament (National Reform Council) in August 2015. It has also been announced that it shall be adopted by referendum in January 2016. Afterwards organic laws will be drafted to organise elections in 2016.

## 2 Political System and Constitution

The political system is currently in transition. In principle the Thai Constitution is still upheld, however, the National Council for Peace and Order (NCPO) has suspended a number of provisions including those referring to the elected political institutions. For the time being the NCPO serves as the executive and final legislature. A transitional assembly, the National Reform Council, has been installed to deliberate on legislative proposals. Final decision power remains with the NCPO until a new Constitution is adopted in 2016 or after and elections are held.

Unaffected by the transitional arrangements is the role and power of the King. He remains the head of state which is largely a ceremonial role. The country is a unitary state and administratively divided into 76 provinces as well as two special administrative zones (Bangkok, Pattaya).

### 3 Parliamentary Roles and Functions

The National Reform Council (NRC) screens the legislative initiatives of the executive and advises on policy reforms. Members of the NRC have been appointed as experts from various parts of society and they are non-partisan. The NRC has 250 members which were suggested by the NCPO and approved by the King.

Work in the NRC is organised in committees which have between 15 and 31 members. There are currently 18 regular committees as well as the ad-hoc committee for the Constitutional Drafting:

- Committee on Political Reform
- Committee on State Administration Reform
- Committee on Laws and Justice System Reform
- Committee on Local Administration Reform
- Committee on Educational and Human Resources Development Reform
- Committee on Economic, Monetary and Financial Reform
- Committee on Agricultural, Industrial, Commercial, Tourism and Services Reform
- Committee on Energy Reform
- Committee on Public Health System Reform
- Committee on Natural Resources and Environments Reform
- Committee on Mass Communications and Information Technology Reform
- Committee on Social, Communities, Children, Youth, Women, Elderly, Disabled and the Underprivileged People Reform
- Committee on Labour Reform
- Committee on the Prevention and Suppression of Corruption Reform
- Committee on Value, Art, Cultural, Ethics and Religion Reform
- Committee on Sports Reform
- Committee on Science, Technology, Research, Innovation and Intellectual Properties Reform
- Committee on Consumer Protection Reform

### 4 The Electoral System

Before the NCPO took power, Thailand had a mixed electoral system for its House of Representatives. The majority of members were elected in first-past-the-post single-member constituencies and a minority through party lists. The Senate, which had lesser powers, had around half of its members elected (one per province) and the other half appointed from various sectors.

Since both chambers have been suspended, the members of the National Reform Council have all been appointed by the NCPO.

Members of the National Reform Council deliberate on the budget and legislative proposals of the NCPO, they can suggest changes but final decision powers remain with the NCPO.

### Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	Bureau of Academic Services	131	Possible
Library	Library Division	25	Possible
Budget office	/	/	/
Legal service	Bureau of Legal Affairs	97	Possible

## 5 Relationship Between Executive and Legislature

In the current transitional regime the executive (NCPO) also serves as the final legislative institution. The National Reform Council serves in an advisory capacity.

## 6 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Involvement

As an ASEAN founding member, Thailand's parliament has been part of AIPO from the beginning. AIPO/AIPO General Assemblies have been held in Thailand six times since then, most recently in 2009. Members for the AIPA delegation are currently selected by the Speaker and there is no AIPA procedure in the transitional arrangements. AIPA activities are supported by the assembly's AIPA team which includes around 10 staff.

### ASEAN Involvement

The NRC does not scrutinise ASEAN decisions ex-ante or ex-post. Since the role of the NRC is on domestic reforms, there are no ASEAN-related or foreign policy mechanisms in the transitional arrangements. All non-domestic issues are exclusively dealt with by the executive.

## **AIPA Focal Point**

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## Country Fact Sheet

### Vietnam

#### Overview

Independence	2 September 1945
Population	90.6 million
Capital city	Hanoi
Political system	Socialist republic
Head of State	President Truong Tan Sang; Prime Minister Nguyen Tan Dung
Seat of parliament	Hanoi
Name of parliament	National Assembly
Parliament	Unicameral
Electoral system	First-past-the post, open-list multi-member constituency
Term-time	Five years, no term-limit
Share of female MPs	121/498, 24.3%
Parliament website	<a href="http://www.na.gov.vn">www.na.gov.vn</a>

## 1 Historical Background

After having defeated Imperial China in 938, Vietnam has been struggling to consolidate as a nation in Southeast Asia. Traditionally, the population contains 54 smaller ethnic minority groups, most of which live in the mountainous and more remote regions. In the middle of the 19<sup>th</sup> century French colonialists increased their influence over Vietnam until the 1880s when they seized full control. The country then saw Japanese forces collaborating with the Vichy-French colonialists during World War 2. Since the 1930s there have been regular and increasing attempts by nationalists to regain power over their country. One of the most prominent leaders was Ho Chi Minh. Under his leadership the nationalist and Marxist-Leninist forces gained control over Hanoi and the North in 1945. They proclaimed independence on 2 September but the French increased their efforts to fight them until they unsuccessfully withdrew in 1954. The following peace accord ensured the Vietnamese government's control over the northern part of the country.



Subsequently, particularly the United States feared that Ho Chi Minh's Communists gain ground and eventually control Southern Vietnam too. This led to the US starting the 'Vietnam War' and it only ended with the Americans' complete withdrawal in 1973. The country was then re-united in 1976 as the Socialist Republic of Vietnam.

The first election to the National Assembly took place on 6 January 1946, with a term of four to six years in the initial years and a regular five-year term-time since 1987. The last elections took place in 2011. Until the country was re-united, deputies were only elected in the North. Since the sixth National Congress of the Communist Party in 1986 governments have been pursuing a policy of economic opening towards market economy known as "Doi Moi".

## 2 Political System and Constitution

Vietnam is a socialist republic in which the leading role of the Communist Party is enshrined in the constitution (article 4). It is therefore not uncommon to have parallel structures of power both in government and the Party. Formally the President acts as head of state, commander over the armed forces and by nominating the Prime Minister. However, party hierarchy may vary and the President does not necessarily need to be the highest-ranking member of the politburo. The secretary general of the Party holds significant de facto power even without being a government member. Another centre of

power is the Prime Minister, who is responsible for the day-to-day operations of the government and who is usually among the most powerful politicians of the country and Party. The President is elected by the National Assembly for five years and can only be re-elected once. Likewise, the Prime Minister is proposed by the President and then confirmed by the National Assembly to which he or she is responsible. The term time is five years and it is renewable once.

Vietnam's first constitution was adopted in 1946 following independence. It was later replaced or revised a couple of times with significant changes of powers and a new wave of liberalisation and institutional change known as "Doi Moi" (renovation) following the Communist Party national congress in 1986. The current constitution was adopted in 2013 and enacted at the beginning of 2014. Vietnam is a centralised country with some decentralised functions exercised by the 58 provinces and 5 big municipalities. The parliament is unicameral. Important policy initiatives are discussed and presented at the Communist Party's national congress that takes place every five years (most recently in 2011). The policy guidelines (and personnel) are then translated into government action through the National Assembly and the assembly adopts a legislative programme at the beginning of the annual session.

### **3 Parliamentary Roles and Functions**

Parliament convenes for two sessions a year (normally May and October), each lasting for about a month. In between sessions committees may convene and business is conducted through the Standing Committee (SC), which acts as a de facto mini-parliament for most of the year. It meets every month, coordinates the work of the committees and consists of 18 members (president, 4 vice-presidents and 13 other members chairing 10 committees). Just like other MPs, SC members are not allowed to hold national government functions. However, they are consulted and involved in government deliberations over draft initiatives. Another special body is the Ethnic Committee which is consulted on every initiative to assess its impact on ethnic minorities.

One peculiarity about the Vietnamese parliament is that there is a division between full-time and part-time MPs. In practice all enjoy the same powers, however, the full-time members (currently about 35%) are active in the regular work of parliament including their monthly committee meetings, whereas part-time members primarily join the full sessions and get involved in constituency work.

Next to the coordinating function of the SC the committees are responsible for the policy work. MPs only join one committee and there nine of them that meet once a month:



- Law
- Judicial affairs
- Economy
- Finance and budget
- Science, technology and environment
- Foreign affairs
- Security and national defence
- Culture, education, youth and children
- Social affairs

MPs organise themselves in their provincial delegations. Each of these delegations includes 1-2 full-time MPs. Members often have a strong allegiance to their province, more so than to their committees. The delegations coordinate their strategies prior to the parliament session. If helpful, they invite local experts or civil society representatives to their provincial preparations.

## 4 The Electoral System

Prior to an upcoming election the National Assembly's Standing Committee (which acts as the election committee) decides on the size of the next parliament, which is capped at 500 members. Additionally, the number of seats per province is fixed. National elections take place every five years. In parallel to the vote over the members of the national assembly citizens also elect their representatives for the lower levels of government. Members are elected through multi-member constituencies where the candidates with the highest number of individual votes win. The electoral law prescribes that each list must provide at least one more candidate than the number of MPs to be elected in the relevant province. In practice there are often up to three times the number of candidates as those to be elected. This gives voters a choice over their MPs.

Almost all MPs are elected as candidates of the National Fatherland Front (NFF) which is the dominant electoral force, uniting the Communist Party as well as representatives from allied functional groups like the trade unions. Most independent candidates get elected through the NFF, a few are 'pure' independents. Nomination by the NFF is therefore often crucial for electoral success.

## 5 Internal Structures and Processes Inside Parliament

The National Assembly convenes for two annual sessions. In between, the Standing Committee can take any decision if they require urgent attention. The SC is also responsible for drawing up the annual legislative programme which is in line with the Communist Party's desires and reflects the ambitions of the five-year plan.

## Legislative Process

Legislative initiatives can be proposed by the government (mostly), individual MPs or socio-political organisations like parliament committees, the SC or the National Fatherland Front. In a first step, any legislative initiative requires becoming part of the annual work plan. Once included there and before being tabled for wider debate, bills are verified on a technical and legal level by the Ethnic Council and relevant committees. After their initial screening a verification report is prepared. The draft bill is then turned to the SC for evaluation. If it is confident, the SC forwards the bill for deliberation to the National Assembly. MPs then have one or two sessions to conclude discussions over the initiative.

Bills are first explained by the agency or members who introduced them and the verification report is presented. Next, the bills are referred to the relevant committees for further deliberation. At this stage it is mostly the full-time MPs who discuss the policy proposals. As deliberations move forward and before the following plenary debate, the initiatives are discussed within the provincial delegations between full-time and part-time MPs to come up with a joint position and also to assess any particular provincial perspectives. Subsequently, the full plenary discusses the bill. If there are still disagreements after the debate, an opinion form is shared with MPs to gather their views and have the bill revised. Any ensuing major disagreements are then mediated by the Standing Committee which also decides if and when the draft is eventually put forward for a vote.

Once bills are approved in the National Assembly, they are referred to the President who can suspense them within 15 days. Parliament or the Standing Committee can vote to overcome the Presidential veto.

## Budget Process

The budget process in the National Assembly begins with the presentation of the directions and estimates by the Prime Minister until 31 May. Subsequently, the proposal is evaluated by the ministries, central agencies and provinces until 30 July when the government introduces the detailed budget estimates for the following year. Now, the SC charges the budget committee to review the proposal. It can change figures but not raise overall expenditures. Other parliamentary committees as well as the provincial delegations provide their inputs throughout this process. At the year-end-session and before 15 November parliament approves the budget. As part of the national budget, also the budgets for all lower tiers of government are defined. Provincial People's Councils have until 10 December to approve them at their individual level.

There are only limited staff resources available to MPs in the National Assembly. Members do not have individual support staff although a pool of policy experts

is available through the committee departments. Each committee has a staff of around 20.

## 6 Parliament Support Structures

Function	Name	Staff	Individual MP Request
Scientific and research service	Combined with library	40	Possible
Library	Library	20	Possible
Budget office	/	/	/
Legal service	Institute for Legal Service (under SC), legal service also provided by Law or Judicial Affairs committees	35	Possible

## 7 Relationship Between Executive and Legislature

Policies in Vietnam are developed in the triangle between government, Communist Party and parliament with a leading role normally between the former two. The strict separation of powers ensures a clear formal division between the executive and legislature, but in reality leaders from both sides are coordinating the country's policies through the central committee or politburo of the Party. Practically all political initiatives are introduced by the government and normally adopted by the National Assembly without major revisions. However, parliament has become more critical in recent years and this has led to significant changes to some initiatives that received wide criticism in the public.

## 8 Parliament's Role in AIPA and ASEAN Affairs

### AIPA Involvement

In 1995, Vietnam joined AIPO and it has hosted the AIPA General Assembly (GA) twice since, in 2002 and 2010. The National Assembly's GA delegation is composed of five permanent members (four from the Foreign Affairs committee and one reserve from the Standing Committee) as well as ten members who can propose themselves and are often selected depending on their area of expertise to be competent on the upcoming GA resolutions.

These ten are endorsed by the Foreign Affairs committee chair (who also chairs the delegation) and formally approved by the SC. Normally, the Ministry of Foreign Affairs (MFA) provides input for GA draft resolutions but there is hardly any follow-up of adopted ones after the GA. About five staff members work on AIPA issues.

### **ASEAN Involvement**

ASEAN affairs fall under the responsibility of the MFA and communication between the ministry and parliament is underdeveloped so that MPs often only hear about developments from the news. There is no process for prior input from the legislature, but in some instances MFA informs MPs about past ASEAN meetings. However, some committees like social affairs, foreign affairs and environment have been working on ASEAN issues in the past. Institutionally, one deputy chairman of the foreign affairs committee is responsible for ASEAN affairs. De facto there is no wider coordination of ASEAN matters inside parliament, which would fall under the SC's responsibility.

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## Conclusion

This publication assembles fact sheets about the functioning of each of the ten AIPA member parliaments which are structured along the following parameters: a) a country profile, b) a historical background of the countries' evolution and the role of parliament, c) an introduction to the political system, d) the role of parliament, e) the electoral system, f) internal structures and processes including an overview of support structures, g) the relationship between the legislature and executive and h) the legislature's participation in AIPA and ASEAN matters.

Although the comparison between the ten parliaments shows that there are significant differences in their capacity, size and internal functioning, it can be asserted that all have established some general procedures for dealing with domestic matters as well as participating in AIPA activities. All parliaments have permanent staff who deal with AIPA and the Speaker is usually in charge of their AIPA engagement. Parliaments have also been present at all recent AIPA meetings. However, in virtually all cases AIPA and ASEAN involvement can also be strengthened in the future. So far, the job of bringing up initiatives in AIPA is primarily left in the hands of the hosting parliament. They are the ones who present and circulate the draft resolutions. No other parliament has so far introduced any additional topics through own motions. Likewise, the job of influencing ASEAN matters through national governments is limited too. AIPA member parliaments have no or very limited processes to scrutinise their own governments over what they do at ASEAN meetings. Only when governments require parliamentary approval of certain legislative measures, then they involve their legislature. Ex-ante mechanisms for briefings or discussions prior to attending ASEAN ministerials do not exist yet.

Another interesting observation is the evolution of certain parliamentary types across the region. There appear to be similarities in the political and parliamentary systems between certain countries. Cambodia, Lao PDR and Vietnam have similar institutions that clearly date back to their Communist influence. Singapore and Malaysia, and with a lesser degree Brunei, organise their parliamentary business in a similar fashion to the British Westminster system. Myanmar, Indonesia and the Philippines appear to have relatively lively and more independent parliaments which show greater signs of emancipation from the executive than others. They are also typical presidential systems. Thailand was difficult to study due to its transitional nature.

In order for AIPA parliaments to play an ever stronger role in regional affairs, two main challenges need to be addressed. Firstly, AIPA participation and involvement needs to be complemented by greater ex-ante and ex-post scrutiny of national governments' activities at ASEAN meetings. This becomes particularly relevant as the AEC is becoming a reality and more decisions will have a greater impact on people's lives. The second issue is

the development of internal capacity within parliaments. Scientific services, qualified committee structures that accommodate ASEAN issues, these are some of the issues, for which each parliament needs to screen its capacities and needs.

This brochure will hopefully stimulate not only the understanding between ASEAN policymakers but also future studies of the region's parliaments. No other region with so much economic relevance and such an interesting and dynamic political development has received so little research attention.

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