

3 June 2003

DRAFT

REPORT ON DECORUM OF THE HOUSE: A COMPARISON OF AFRICAN PARLIAMENTS

[Prepared by NA Table]

INTRODUCTION

The Task Team on Decorum of the House, which was established by the Chief Whips' Forum, requested us to enquire from African Parliaments about decorum issues. We prepared an 11-issue questionnaire that formed the basis of this Report. The eleven issues around which responses were sought were the following:

1. Broadly comment on the use of language/choice of words/hand signals applicable to House plenaries?
2. What factors/considerations would determine whether a statement/word is ruled unparliamentary? Examples of some rulings in this regard would be useful.
3. How are interjections/heckling/animal sounds dealt with by Presiding Officers?
4. Do your Standing Rules prohibit members from reading their speeches? If so, how do Presiding Officers deal with those members who read their speeches?
5. How do members address each other in debates?
6. Are members allowed to display party emblems and other objects in plenaries?
7. Is the use of cell phones/computers/laptops/digital diaries and other technological aids permitted in plenaries?
8. How are members of the public expected to conduct themselves in the public gallery?
9. Do your Standing Rules prevent members from directly addressing people in the public gallery?
10. Do your Standing Rules prescribe how members should dress for plenaries? If not, what then is the practice regarding this matter.
11. Are members allowed to make references to public officials by name in plenaries?

Questionnaires were sent to the Legislatures of 10 countries. However, responses were received only from 3 Legislatures, namely, Ghana, Nigeria and Senegal. There were no explanations provided for the non-responses. The findings of the research are presented here below.

FINDINGS OF THE RESEARCH

1. *Broadly comment on the use of language/choice of words/hand signals applicable to House plenaries?*

GHANA

English is the only language applicable to House plenaries. However, if a member deems it necessary to mention a word, phrase or sentence in any of the local languages, he/she may be called upon to translate it into English. Words are chosen in such a way that they don't sound offensive, abusive, insulting, blasphemous or to impute bad motives to any other member or to make personal allusions. Sometimes gestures are made to signal disapproval of a ruling from the Chair or to persuade a member to resume his/her seat. Generally these hand signals are done in a friendly manner.

NIGERIA

Rule

It shall be out of order to use offensive and insulting language about Members of the House.

No Member shall impute improper motives to any other Member.

In the light of these provisions, members must carefully choose their words and also avoid hand signals, which are indicative of an aggressive nature and should be avoided.

SENEGAL

The official working language is French. However, the deputies (i.e. members) may express themselves in the national language which they understand best.

2. *What factors/considerations would determine whether a statement/word is ruled unparliamentary? Examples of some rulings in this regard would be useful.*

GHANA

A statement/word is ruled unparliamentary if it is offensive, abusive, insulting, blasphemous, impute bad motives to other members or if they make personal allusions.

NIGERIA

Whenever the Speaker is of the opinion that a motion proposed to the House is contrary to the Rules and Privileges of Parliament, the Speaker shall appraise the

House thereof immediately, before putting the question thereon, and may quote the Rule or authority applicable.

The Speaker in the House and the Chairman in any Committee shall be responsible for the observance of the Rules or order in the House and Committee respectively, and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the House except upon a substantive motion and after notice.

If a Member on being called to order for an offence against any standing order persists in the offence, the Speaker may direct the Member to discontinue his/her speech.

If such a Member refuses to resume his or her seat, the Speaker or the Chairman, shall order such a Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant-at-Arms shall act on such orders he may receive from the Chair in pursuance of this order.

If on any occasion the Speaker Or Chairman deems that his powers, under the previous provisions of this Rule are inadequate, he may name such Member or Members, in which event the procedure shall be followed as prescribed by the Rule.

When a Member is named by the Speaker, if the offence is a minor one, the Speaker may order the Member to withdraw for the balance of the legislative day; but if the matter appears to the Speaker to be of a more serious nature, the Speaker shall put the question on motion being made, no amendment, adjournment or debate being allowed, "that such Member be suspended from the Service of the House," such suspension being for any time stated in the motion not exceeding 14 legislative days."

When a Member has been named by the Chair when the House is meeting in Committee, the Chair shall forthwith suspend the proceedings of the Committee and report the circumstances to the House and the Speaker shall then proceed as if the offence had been Committed in the House itself.

If any Member who is suspended by the Service of the House refuses to obey the direction of the Speaker, when summoned under the Speaker's order by the Serjeant-at-Arms, the Speaker shall call to the attention of the House that force is necessary in order to compel obedience and any Member named by the Speaker as having refused to obey his or her direction shall thereupon, without any further question being put, be suspended from the Service of the House during the remainder of the session.

If two or more Members acting jointly who have been suspended under this Rule from the Service of the House, shall refuse to obey the direction of the Speaker to withdraw, when severally summoned under the direction, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction. When the Members named by him as having refused to obey his direction have been removed from the House, they shall thereupon without any further question put be suspended from the Service of the House during the remainder of the session.

Members who are ordered to withdraw under paragraph (2) of this Rule or who are suspended from the Service of the House under paragraph (3) and (6) and (9) of this Rule shall forthwith from the precincts of the House and shall be excluded therefrom for the remainder of the sitting or for the period of their suspension as the case may be.

In the case of grave disorder arising in the House, the Speaker may, if he thinks necessary to do so, adjourn the House without putting any question.

SENEGAL

No response.

3. *How are interjections/heckling/animal sounds dealt with by Presiding Officers?*

GHANA

They are allowed by Presiding Officers, but kept to a minimum so as not to unduly interrupt proceedings.

NIGERIA

Rules

Whenever the Presiding Officer or the Chairman rises during a debate, any Member then speaking or offering to speak shall sit down, and the House or the Committee shall be silent so that the Presiding Officer or the Chairman may be heard without interruption.

When a Member is speaking, no Member may converse aloud or make any noise or disturbance to interrupt him.

During a sitting all Members shall be silent or shall confer only in under tones, no Member shall be allowed to smoke, chew or drink upon the floor of the House.

No Member may interrupt another Member while speaking, unless

- (a) to call attention to a point of order or privilege suddenly arising;*
- (b) to call attention to the presence of strangers;*
- (c) to move a closure motion or;*
- (d) to move "that the business of the day be called on."*

The Presiding Officer invariably calls the House to order by using his mallet heavily on his desk. If the heckling or interjections continue, as soon as the Presiding Officer stands up, all Members use the signal to take their seats immediately and keep quiet.

SENEGAL

No response.

4. *Do your Standing Rules prohibit members from reading their speeches? If so, how do Presiding Officers deal with those members who read their speeches?*

GHANA

Yes. Presiding Officers do call to order those found guilty of reading their speeches. Members are however permitted to read their maiden speeches. Also, Ministers of State are permitted to read their speeches to the House.

NIGERIA

Rules

A Member shall not read his speech save if he is moving a motion or presenting a bill.

A Member may however, read short extracts from books or papers in support of his argument and may refresh his memory by reference to notes.

A Member is allowed to read his speech during debates on Appropriation Bills.

If a member fails to abide by these rules, the presiding Officer will forthwith, order the member to stop his/her contribution and order him/her to sit down. The Presiding Officer will then call another person to speak.

SENEGAL

The Standing Rules do not prohibit members from reading their speeches.

5. *How do members address each other in debates?*

GHANA

Members address each other with the title 'Honourable' together with the names of their constituencies, that is 'the Hon. member for....' Where a Hon. member has already been so described in a speech, he may be further referred to as 'my Hon. friend or 'the Hon. gentleman, lady or member.

NIGERIA

By practice or convention, members do not call their colleagues by name but say as follows: "My Honourable friend or my Distinguished Senator representing ABC Federal Constituency or XYZ Senatorial District."

SENEGAL

No response.

6. *Are members allowed to display party emblems and other objects in plenaries?*

GHANA

Members are allowed to display party emblems and other objects but should not pronounce in usage.

NIGERIA

There were no instances in the history of the Parliament where members have been observed to display party emblems and objects in plenary. It has accordingly become part of the culture of the Legislature not to display party emblems in any form whatsoever while the House is in plenary.

SENEGAL

Displaying party emblems and other objects is not a tradition in the Legislature.

7. *Is the use of cell phones/computers/laptops/digital diaries and other technological aids permitted in plenaries?*

GHANA

All the above technological aids can be used in plenaries but cell phones have to be put on silent buzz.

NIGERIA

Rule

It is stated in the Rules that the Serjeant-at-Arms shall "*ensure that no Member or visitor shall enter the Chamber or public gallery of the House with any type of walking stick, or any offensive or dangerous weapon, or a mobile phone.*"

It therefore follows that the use of the above mentioned technological aids are not allowed in plenaries.

SENEGAL

The use of cell phones or any electronic equipment which poses a risk of disrupting the debates is prohibited in the Hémicycle [National Assembly auditorium] and the Committee chambers.

8. *How are members of the public expected to conduct themselves in the public gallery?*

GHANA

Members of the public are not to use cameras, cellular phones, party colours or placards in the public gallery. Standing, clapping and reading of newspapers are also prohibited in the public gallery.

NIGERIA

Members of the public are expected to conduct themselves with decorum in the public gallery. They are not expected to participate in the House proceedings in any form, whatsoever, either by clapping or jeering etc.

By convention, if there is any misbehaviour in the public gallery, the matter is referred to the Presiding Officer who is the only competent authority to address the people in the gallery. If some misbehaviour emanates from the gallery, the Presiding Officer is to admonish the public and warn them of the consequences if they persist.

SENEGAL

The public has free access to the bays [galleries], provided they are correctly dressed and do not demonstrate their approval or their disapproval. They gain access to them through doors prepared to this effect. Police officers control access to the galleries.

9. *Do your Standing Rules prevent members from directly addressing people in the public gallery?*

GHANA

Though there are no Standing Rules preventing members from addressing people directly in the public gallery, such practice is never done.

NIGERIA

No response.

SENEGAL

There is no written Rule but by tradition members do not do so. Only the President [Speaker] may address the public to call them to order in the case of a disruption of

the progress of the work in the National Assembly auditorium. The public are not admitted to the Committee chambers.

10. *Do your Standing Rules prescribe how members should dress for plenaries? If not, what then is the practice regarding this matter.*

GHANA

There are no Rules regarding this matter. Members are, however, expected to dress as to befit the dignity of the House. A member who is not dressed in a suit or any of the recognized formal traditional attire risks being named by the Speaker.

NIGERIA

Rule

Members shall attend the sitting of the house properly dressed.

Proper dressing in the Legislature is defined as wearing complete traditional attire or a lounge suit.

SENEGAL

The Rules stipulate that the member must, during plenary sessions, be correctly and decently dressed. In practice, the European suit and tie as well as traditional dress are accepted.

11. *Are members allowed to make references to public officials by name in plenaries?*

GHANA

Public officials are normally referred to by their designations instead of their personal names.

NIGERIA

Parliamentary courtesy demands that public officials can only be mentioned by their official titles and not by name, even though in some isolated cases names could be mentioned in passing.

SENEGAL

No response.
