

AS/Pro (2017) 12 def

27 April 2017

Committee on Rules of Procedure, Immunities and Institutional Affairs

DECLARATION¹

Principle of confidence in members and their duty of accountability when exercising their elective offices in the Parliamentary Assembly

The members of the Parliamentary Assembly exercise a dual mandate – both national and European – and they should not invoke the one rather than the other as they see fit depending on the circumstances. While they enjoy the rights pertaining to these mandates, they are also required to act in strictest compliance with their obligations under this dual mandate. This requirement is all the stronger when Assembly members hold leading elective offices, in particular as President of the Parliamentary Assembly, Vice-President or committee chair.

Parliamentarians regard freedom of movement as a key aspect of their office which goes hand in hand with the freedom of expression needed for exercising their mandate. In the exercise of their European mandate, this freedom of movement is neither unlimited nor absolute. Quite apart from the indignant reactions from many members, the visit to Syria on 20 and 21 March 2017 by the President of the Parliamentary Assembly, the Chair of the ALDE group and the Chair of the Committee on Legal Affairs and Human Rights – which has been presented as having taken place in their capacity as national parliamentarians – calls for firm and unequivocal clarification of Assembly members' obligations.

Since the President of the Assembly “shall represent the Assembly in its external and international relations”, he/she is not free to take initiatives or actions as he/she sees fit, any more than are the other members who hold key elective offices within the Assembly. The latter cannot be dissociated from their national mandates depending on the circumstances.

The exercise of the office of President at the Assembly is based on a principle of presumed confidence, which goes hand in hand with an obligation of accountability. If the latter, which includes a duty of transparency and an obligation to account for one's acts, is not respected, the Assembly cannot have confidence in its President.

Representing an institution also means respecting it, with integrity and honesty. Holding an elective office means acting with accountability from the first day to the last day of that office.

The Committee on Rules of Procedure, Immunities and Institutional Affairs notes with regret that the parliamentary practice and tradition which for decades have governed and guided the action of Assembly members, in particular those exercising elective offices, are no longer respected or taken for granted. The lack of written rules and of mechanisms to enable the Assembly to ensure compliance with the duty of accountability of its members holding elective offices – for instance, an impeachment procedure or vote-of-no-confidence procedure – undermines the proper functioning of the Assembly. The committee therefore calls on the Bureau of the Assembly to instruct it to prepare a report on recognition of the principle of accountability and its implementation.

The committee also invites the political groups in the Assembly to consider including such a principle of accountability in their rules of procedure.

¹ Approved unanimously by the committee on 27 April 2017