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Length of term of office and re-eligibility of committee chairpersons

Report[1]
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

Summary

Since 1979, the Parliamentary Assembly's Rules of Procedure have clearly stated the principle that a committee chairperson who has served the maximum number of terms provided for in a given committee can no longer stand for the chair of that committee. The same has applied to committee vice-chairpersons since 2008. This principle is founded on the desire to foster better rotation of responsible posts in the Assembly among the five political groups and the 47 national delegations.

The bureaux of Assembly committees are elected at the first meeting of the committees in each ordinary session, on the basis of an agreement reached between the political groups, for the duration of the session up to the opening of the next annual session.

In order to forestall the problems that might arise if a committee chair or vice-chair is vacated during the year, particularly where a chairperson or vice-chairperson forfeits his or her membership of the Assembly following national parliamentary elections, the Committee on Rules of Procedure, Immunities and Institutional Affairs thinks that a former chairperson or vice-chairperson, who thus has experience of the post, could reasonably be permitted to stand for re-election in order to complete the current term of office.

1. Reference to Committee: Bureau decision, Reference 3959 of 26 April 2013

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A. Draft resolution [2]

1. The bureaux of Parliamentary Assembly committees are elected at the first meeting of the committees in each ordinary session, during the January part-session of the Assembly, on the basis of an agreement reached between the political groups, for the duration of the session up to the opening of the next annual session.

2. The Assembly considers it expedient to forestall the problems that might arise if a committee chair or vice-chair is vacated during the year, particularly where a chairperson or vice-chairperson forfeits his or her membership of the Assembly following national parliamentary elections. For this purpose, it thinks that a former chairperson or vice-chairperson, who thus has experience of the post, could reasonably be permitted to stand for re-election in order to complete the current term of office. It considers nonetheless that the proposed amendment of the Rules of Procedure does not apply to sub-committees.

3. Accordingly, the Assembly decides to amend its Rules of Procedure by adding to Rule 45.7 *in fine* the following sentence: “If a committee chair or vice-chair falls vacant in the course of a session, a former chairperson or vice-chairperson of that committee who has served two complete terms may be elected for an incomplete term until the end of that session.”

4. The Assembly decides that the amendments to the Rules of Procedure set out in this resolution shall enter into force upon their adoption.

2. Draft resolution adopted unanimously by the committee on 30 May 2013.

B. Explanatory memorandum by Mr Gross, rapporteur

1. Introduction

1. At its meeting on 26 April 2013, the Bureau of the Parliamentary Assembly decided, further to a letter dated 24 April 2013 from Mr Andreas Gross, Chairperson of the Socialist Group, to the President of the Assembly, to refer the question of the term of office and the ineligibility for re-election of committee chairpersons to the Committee on Rules of Procedure, Immunities and Institutional Affairs for a report. The reference was ratified by the Assembly on the same day.

2. The aforementioned letter proposed amending Rule 45.7 of the Assembly's Rules of Procedure. This request is put forward in a specific context, that is the early departure of two Assembly committee chairpersons who will shortly have to relinquish office due to their replacement in their delegation following national parliamentary elections. In the matter of arranging their replacement in the course of the year, the Socialist Group, to which the chair of one of these committees appertains, wonders whether it would be possible to put up a former chairperson of the committee as candidate.

3. The Committee on Rules of Procedure is therefore invited to consider the question of committee chairpersons stepping down in the course of the year after forfeiting their Assembly membership, particularly as a result of national parliamentary elections, and the problems which might arise from this situation of vacancy. It could look into the need to envisage an amendment to the Rules of Procedure in order to give the present rule a more flexible interpretation, and decide whether or not it is expedient for this possible new rule to apply to the entire bureau of committees, i.e. not only to chairpersons but also to vice-chairpersons.

2. Regulatory provisions in force

4. Under the terms of Rule 45 of the Assembly's Rules of Procedure, "The Bureau of each committee shall consist of the chairperson and the three vice-chairpersons, normally elected at the first committee meeting of each ordinary session …" (Rule 45.1); "The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. Moreover, a committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms" (Rule 45.7).

2.1. Background and brief recapitulation

5. The present wording of Rule 45.7 – prescribing an annual term of office and chairmanship of committees limited to two years maximum – was settled by Resolution 1584 (2007) "Application and amendment of various provisions of the Assembly's Rules of Procedure", [3] on the basis of the discussions of the Committee on Rules of Procedure which were aimed at promoting speedier periodic renewal of committee chairs in order to foster their increased and balanced rotation among the political groups and the national delegations and to ensure better gender balance.

6. Formerly, up to 1979, the term of office of committee chairpersons was not limited, and the tendency prevailed for them to be re-elected until such time as they left the Assembly, in some cases for over ten years. In 1979, the principle of an annual term of office was laid down, with the number of terms limited to four at the most (Resolution 684 on the election of committee chairmen – these might be elected for three annual terms, with a possible extension to a fourth term if the committee so decided by a two-thirds majority). In 1983, the Rules of Procedure came to specify that the maximum number of terms for a committee chairperson, whether or not successive, remained limited to four, but that a chairperson elected in the course of a session for an incomplete term could be re-elected for four further terms (Resolution 811 on length of committee chairmanships). This provision was confirmed in 1985 (Resolution 852 on revision of the Rules of Procedure of the Assembly). In 1991, the number of annual terms, whether or not successive, for a committee chairperson was reduced to three at the most, but a committee chairperson elected in the course of a session for an incomplete term could be re-elected for three further terms (Resolution 958 on duration of the term office of committee chairmen). As from January 2008, with the entry into force of the provisions set out in Resolution 1584 (2007), the term of office of committee chairpersons was again reduced: a committee chairperson or vice-chairperson was elected for one year and could be re-elected for a single further term,

3. See also the report by the Committee on Rules of Procedure and Immunities "Application and amendment of various provisions of the Assembly's Rules of Procedure" (Doc. 11431), rapporteur: Mr Erik Jurgens (Netherlands, SOC).

whether or not consecutive, or for two further terms in case of an incomplete initial term. It should be noted that no other provision of the rules was made before 2008 on limitation of the term of office of committee vice-chairpersons.

2.2. Considerations borne in mind by the Assembly in adopting these provisions

7. Whenever the Assembly has addressed the issue of duration regarding committee chairpersons' term of office, it has always endeavoured to seek a balance between the advantages of stability in the discharge of the office and the need for renewal of the incumbents. In its 2007 report on application and amendment of various provisions of the Assembly's Rules of Procedure, the Committee on Rules of Procedure observed that "fixing the duration of committee chairmanships means regularly finding a compromise between two conflicting principles: the maintenance of some continuity in the action and work of committees and the need to achieve a rotation of chairmanships. … It is generally admitted that distributing functions in the Assembly such as chairmanships and rapporteurships to a larger number of members … would be appropriate". In one of its earlier reports, in 1978, the Committee on Rules of Procedure already noted that "it can only be to the Assembly's benefit that a larger number of its members, coming from a greater number of national delegations, be entrusted with important responsibilities, become better acquainted with the Organisation and finally take more interest in its work". [4]

3. Discussion points

8. The Committee on Rules of Procedure is invited to look into the expediency of making a change to the Rules of Procedure concerning committee chairpersons' term of office and ineligibility for re-election. The items of information set out below may fuel its discussion.

3.1. Conditions of appointment of committee bureaux

9. The Rules of Procedure provide that committee bureaux are elected "on the basis of an agreement reached among the political groups within the Presidential Committee" (Rule 45.3), and that the chair – and each of the three vice-chairs – must appertain to the political group to which it was assigned under the terms of that agreement. Moreover, it was recently settled, in 2012 by decision of the Bureau on the basis of an opinion of the Committee on Rules of Procedure, that the order of precedence of committee vice-chairpersons should be established according to the agreement on the composition of the bureaux of committees reached among the political groups, regarding the attribution of a specific position of first, second and third vice-chairperson. [5]

10. Committee chairs are thus assigned to the political groups for a period of two years, in the same way as committee vice-chairs which are also divided among them according to a strict political balance. However, the arrangement enabling a committee chairperson or vice-chairperson elected in the course of a session for an incomplete term to be re-elected for two further terms may be problematic in this context, in so far as it might call into question the political compromise reached between the groups in January of each year. [6]

11. Of course, in practice, this arrangement seldom has occasion to be applied, and chairpersons appointed in the course of a year have not often been able to seek re-election for a second complete term, precisely because of the agreement existing between the political groups (as is still more apparent where vice-chairpersons are concerned). The few recent examples below may be mentioned:

– following its chairperson's resignation in March 2011 after 14 months in office, the Committee on Rules of Procedure elected a new chairperson from the same political group (EPP/CD) in April 2011, who was re-elected in January 2012 but was not re-elected to serve a second complete term, the chair of the committee having passed to another political group (SOC) in January 2013;

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4. Report on election of committee chairmen, Committee on Rules of Procedure, 1978, rapporteur: Mr Heger (Doc. 4257).

5. See opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs to the Bureau of the Assembly (document AS/Pro (2012) 04 final) on the order of precedence of vice-chairpersons, approved on 8 March 2012.

6. See the motion for a resolution presented by Mr Wodarg and others in 2007 on "Election of committee chairpersons and their term of office" (Doc. 11122), observing that to elect a committee chairperson "in the course of a session for an incomplete term who may [at that time] be re-elected for three further terms" "does not reflect the arrangements found among the Assembly's political groups" and is liable to call into question the agreement that committee chairs are distributed to political groups for three years.

– after its chairperson left the Assembly in November 2010, the Committee on Migration, Refugees and Population elected a new chairperson in December 2010 from the same political group (EDG), who was re-elected in January 2011 but served only one complete term as the chair of the committee passed to another political group (EPP/CD) in January 2012;

– following its chairperson's resignation, the Committee on Equal Opportunities for Women and Men elected a new chairperson in April 2009 from the same political group (UEL); she ended her term just a few months later in January 2010 with the transfer of the committee chair to another political group (EPP/CD);

– conversely, following its chairperson's death in August 2010, the Committee on Culture, Science and Education, in October 2010, elected a new chairperson from the same political group (SOC), who was indeed re-elected for two complete terms, in January 2011 then in January 2012.

12. It sometimes happens that a committee refrains from holding an election of a new chairperson in the course of a session, especially when the chairperson's departure occurs at year's end, and then avails itself of its vice-chairpersons to chair meetings pending the next session (for example the Committee on Legal Affairs and Human Rights after its chairperson left the Assembly in November 2011, or the (disbanded) Committee on Economic Affairs and Development after its chairperson's departure in November 2010).

13. At all events, since 2008 the rotation of committee chairs has strictly followed a two-year cycle which in the final analysis is not to be affected by any vacancy of a chair that may arise in the course of a year.

3.2. Impossibility under the rules of a chairperson having already served his/her entire term of office being elected to chair a committee

14. Since 1979, the Rules of Procedure have clearly stated the principle that a committee chairperson who has served the maximum number of terms provided for in a given committee, whether or not consecutively, can no longer stand for the chair of that committee. The same has applied to committee vice-chairpersons since 2008.

15. As was mentioned above (paragraphs 5 and 7), this principle is founded on the desire to foster better rotation of responsible posts in the Assembly among the five political groups and the 47 national delegations, which is made possible by the present system of reviewing the "distribution ratios" for these posts in January each year.

16. By way of comparison, it will be observed that the rules of procedure of the other European inter-parliamentary institutions, including those of the European Parliament, do not contain any provisions laying down the procedure to be followed where a committee chair becomes vacant. At the most, it is sometimes stated that a vice-chairperson has the duty of filling the office in the chairperson's absence. On the other hand, some of these rules make the stipulation that a chairperson or a vice-chairperson who have served their entire term cannot again be eligible for the same office.

17. Likewise, the Rules of Procedure of the Congress of Local and Regional Authorities of the Council of Europe state in Rule 48.3 that "the chair and vice-chairs of a committee remain in office for two years and may be re-elected for a second (but no further) consecutive mandate".

18. However, where a committee chair is vacated in the course of the year, it may prove awkward to go ahead with the election of a new chairperson who will only be holding office for a few months without having the necessary time to become thoroughly conversant with the requirements of the post, and will do so until January of the following year owing to the need for rotation of the chairs among political groups. That is why it might be reasonable to allow a former committee chairperson to be elected in order to serve out the current term of office. Promoting the candidacy of a former committee chairperson is advantageous in that he or she has prior experience of the post and would be immediately operational.

3.3. Maintaining the unity of the regulatory provisions for all members of the committee bureaux

19. The status of committee chairpersons and vice-chairpersons was unified in 2008 with regard to the conditions of their election and the associated rules. Without prejudging the committee's final decision as to the expediency of amending the relevant provisions once again, the committee will need to consider whether these should apply not only to chairpersons but also to vice-chairpersons of committees.

20. Indeed, to the extent that vice-chairpersons have the function of replacing the committee chairperson if unavailable, it may not be desirable to extend to vice-chairpersons a possible amendment of the rules concerning chairpersons' term of office and ineligibility for re-election. However, the role of committee vice-chairpersons is important and the committee might therefore consider, in order to maintain the unity of the procedures in force, allowing a committee to fill a vacant vice-chair in the course of the year by authorising a former vice-chairperson's candidacy.

21. On the other hand, to avoid eventually causing complex or inextricable situations, it is proposed not to change the provisions on the election and the functioning of sub-committee bureaux. In fact election to the chair and vice-chair of sub-committees is governed by more flexible rules, and these posts are not the subject of a formal agreement among the political groups regarding their apportionment at the start of the session.

4. Proposal

22. At its meeting on 30 May 2013, the committee discussed the following points:

– should or should it not be envisaged to permit a former committee chairperson who has served the maximum number of terms prescribed by the Rules of Procedure in the chair of a given committee to stand for election if the chair of that committee is vacated in the course of a session, in order to complete the current term of office?

– should this possibility be extended to committee vice-chairpersons, or not?

23. In the light of the observations made by the committee members, the committee decided to propose to amend Rule 45.7 of the Assembly's Rules of Procedure as follows:

> *"The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. Moreover, a committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms. If a committee chair or vice-chair falls vacant in the course of a session, a former chairperson or vice-chairperson of that committee who has served two complete terms may be elected for an incomplete term until the end of that session".*

24. This report will appear for discussion on the agenda of the Standing Committee which will meet in Yerevan on 31 May 2013. The amendments to the Rules contained in the resolution will come into force upon their adoption.