

COMMONWEALTH PARLIAMENTARY ASSOCIATION BRITISH ISLANDS AND MEDITERRANEAN REGION

POST-ELECTION SEMINAR MONTSERRAT LEGISLATIVE ASSEMBLY

14-15 JANUARY 2015



FINAL REPORT





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1. EXECUTIVE SUMMARY

In its capacity as the Secretariat for the CPA British Islands and Mediterranean Region, CPA UK organised an Election Observer Mission to Montserrat for its General Election in September 2014. The election resulted in the Montserrat Legislative Assembly altering its composition to include six new MLAs out of a total of nine. CPA BIMR offered to continue its engagement with the Montserrat Legislative Assembly to strengthen the capacity of these newer parliamentarians and bring them up to speed with their more experienced and established colleagues. Between the 14 and 15 January 2015, CPA BIMR organised a Post-Election Seminar in Montserrat. The Seminar was arranged with the support of the Legislative Assembly, the Foreign and Commonwealth Office, the Government of Montserrat and the Governor's Office.

The Seminar comprised of a number of roundtable sessions covering various topics related to the role of parliamentarians. These topics were selected to meet the specific needs of legislators in Montserrat and complement the induction work already organised. There were also a number of interactive sessions on communication skills. The format of the programme was intended to be as dynamic and flexible as possible.

2. AIM & OBJECTIVES

Aim

The aim of the Post-Election Seminar was to strengthen the knowledge, skills and confidence of the newly elected Members of the Montserrat Legislative Assembly through sharing best practice with experienced Commonwealth Parliamentarians.

Objectives

To:

- 1. Provide an overview of the leadership and administrative functions of Parliaments with the purpose of ensuring good governance, from financial management to timings of parliamentary business.
- 2. Promote an understanding of parliamentary practices and procedures with reference to legislating and scrutinising the executive, as well as ethics, standards and best practice
- 3. Clarify the role and responsibilities of parliamentarians in balancing their commitments as either a Minister or Backbencher, their work in the constituency/community, political parties, non-parliamentary careers and other commitments.
- 4. Develop skills and abilities to carry out the work of a parliamentarian with specific reference to engagement with the public, media and other stakeholders.
- 5. Provide an opportunity for the newly elected members to network with parliamentarians outside of Montserrat.

3. FACILITATORS / DELEGATION

The speakers/facilitators consisted of two Parliamentarians (from BIMR and Americas/Caribbean OT respectively) with one Clerk (House of Lords, UK) to act as facilitator and speaker:

BIMR Speaker/Participant - Hon. Alexander F Downie OBE MLC (House of Keys, Isle of Man) Americas Speaker/Participant - Hon. N H Cole Simons JP MP (House of Assembly, Bermuda) UK Facilitator/Speaker - Ms Chloe Mawson (Clerk, House of Lords, UK).

The programme was also supported by Mr Michael Jarvis who is the Director of Information & Communications of the Government of Montserrat. Mr Jarvis led the Communications session of the programme. The Seminar was further supported throughout by the former (interim) Speaker of the





Monserrat Legislative Assembly, Hon. Sir Howard Fergus who spoke at a number of sessions and the Clerk of the Legislative Assembly, Judith Baker.

Approximately thirty participants attended the seminar each day including all the newly elected Members, the newly appointed Speaker, Ms Shirley Osborne as well as a number of invited observers.



4. PROGRAMME DETAILS

TUESDAY 1	3 JANUARY - ARRIVAL DAY		
1735	Arrival in Montserrat		
WEDNESDAY	Y 14 JANUARY - DAY 1		
0900-0930	Opening Session: Welcome & Introductions - followed by housekeeping	мсс	
	Opening ceremony of the Seminar. Introduction to the speakers in attendance and official photograph. Opportunity to run through the aim and objectives of the seminar and cover some of the material for the following day's mock committee and debate.		
	Chaired by: HE Adrian Davis, <i>Governor of Montserrat</i> Hon. Donald Romeo MLA, <i>Premier of Montserrat</i> Hon. Alexander Downie OBE MLC, <i>Isle of Man</i>		
0930-1030	Session 1: Political & Constitutional Overview of Montserrat Putting the politics of Montserrat in its current context. A brief overview of the constitutional make-up of Montserrat. Looking at the role of the executive, legislature and judiciary. Recent and potential reforms. International role of the Government and Parliament Chair and Contributor: Hon. Sir Howard A. Fergus, <i>Former Speaker of the</i>	MCC	
	Legislative Assembly		





	Ms Judith Baker, Clerk of the Legislative Assembly Mr Tony Bates, Head of the Governor's office			
1030-1045				
1045-1145	Session 2: Administration & Financing of Parliaments Brief look at how the Legislative Assembly in Montserrat is financed and administered. Examination into how other legislatures are governed and what is considered best practice. UK & Bermuda case study and recent development (Joint Committee on Parliamentary Governance and Reform and House of Commons Governance Committee).	мсс		
	Chair and Contributor: Hon. N.H. Cole Simons JP MP, <i>Bermuda</i> Speaker: Ms Chloe Mawson, <i>UK</i> Speaker: Ms Judith Baker, <i>Clerk of the Legislative Assembly</i>			
1145-1245	Session 3: Parliamentary Practice & Procedures	MCC		
	This session will give a brief overview of the rules and procedures of the Montserrat Legislative Assembly and offering case-studies of the House of Lords (a self-regulating Chamber) and the House of Keys in the Isle of Man.			
	Chair and Contributor: Ms Judith Baker, <i>Clerk of the Legislative Assembly</i> Speaker: Ms Chloe Mawson, <i>UK</i> Speaker: Hon. Alexander Downie OBE MLC, <i>Isle of Man</i>			
1245-1400	Lunch	MCC		
1400-1500	Session 4: The Role of Ministers and Backbenchers	мсс		
	In the Westminster System, Ministers are also parliamentarians. How is this role balanced and managed in an effective manner. What is the role of a backbencher without a portfolio, and how can they influence and impact upon politics in their jurisdiction.			
	Chair and Contributor: Hon. Alexander Downie OBE MLC, <i>Isle of Man</i> Speaker: Hon. N.H. Cole Simons JP MP, <i>Bermuda</i>			
1500-1600	Session 5: Political Parties and Parliaments	MCC		
	What is the purpose and role of political parties beyond an election? How can they strengthen democracy and support the parliamentarian in their duties. What is the role of Whips? How do legislatures work when there are no political parties, or political parties where there are no applicable elections?			
	Chair: Hon. Delmaude Ryan MLA, <i>Deputy Premier, Montserrat</i> Speaker: Hon. NH Cole Simons JP MP, <i>Bermuda</i> Speaker: Hon. Alexander Downie OBE MLC, <i>Isle of Man</i>			
1600-1615	Tea	MCC		
1615-1715	Session 6: The Legislative Process - A Comparative Study This session will look at the legislative process from a unicameral and bicameral perspective. It will highlight process from drafting, amending and passing legislation to ensure the best outcome is achievable. There will also be a chance to look at the role of legislation introduced by backbenchers.	мсс		
	Chair: Hon. Claude Hogan MLA, <i>Minister of Agriculture, Trade, Housing,</i> <i>Lands and Environment</i> Speaker: Hon. N.H. Cole Simons JP MP, <i>Bermuda</i> Speaker: Hon. Alexander Downie OBE MLC, <i>Isle of Man</i>			





1715	End of Day One	
THURSDAY	15 JANUARY - DAY 2	
0900-1000	Developing Skills 1: Communication and Presentation Skills	мсс
	In an age of 24 hour media coverage and the role of media in scrutinising politicians, it is essential that parliamentarians have a strong presence. This will be an interactive session whereby practical suggestions are given to enhance the communication skills of parliamentarians, from giving speeches to radio interviews. Facilitator: Mr Michael Jarvis, Director of Information & Communications,	
	Government of Montserrat	
1000-1045	Session 7: Holding the Executive to Account - From Committees to Ministerial Questions	мсс
	One of the key roles of legislatures is holding governments to account. Tools to ensure accountability are parliamentary questions (written, oral and urgent) and departmental/select committees. This session will look at how these processes and bodies can succeed or fail and how accountability is possible in small legislatures.	
	Chair and Contributor: Hon. Alexander Downie OBE MLC, <i>Isle of Man</i> Speaker: Hon. N.H. Cole Simons JP MP, <i>Bermuda</i>	
1045-1100	Coffee	мсс
1100-1200	Committee Workshop- A Case Study	MCC
	In groups of three, the participants will have to review a committee case study and answer the associated questions. These will then be fed back to the group.	
	Facilitator: Ms Chloe Mawson, UK	
1200-1300	Session 8: Standards, Privileges, Ethics and Interests	мсс
	What standards should parliamentarians uphold and abide by in their roles as elected representatives? How can their activities be monitored to guarantee fairness and policed? Should this be done internally or by independent bodies/commissions? This session will look at the approaches of different jurisdictions and what works best.	
	Chair: Gregory Willock MLA, Parliamentary Secretary responsible for Sports, Youth and Culture Speaker: Hon. N.H. Cole Simons JP MP, Bermuda Speaker: Hon. Alexander Downie OBE MLC, Isle of Man	
1300-1430	Lunch	мсс
1430-1530	Brainstorming Session: Engaging with the Public, Media and other stakeholders	
	It is important for parliamentary democracy to engage people with politics and parliament. How can politicians reach out to people and organisations that would not normally take an interest? How can you address their lack of political engagement? What are the most effective strategies to engage young people? This will be a brainstorming session for all participants to propose suggestions on how legislatures and individual legislators can engage.	





1530-	eveloping Skills 2: Engaging through Social Media MCC				
1600	Following on from the previous session, this short skills-based session will look at Twitter, Facebook and other social media applications to assist parliamentarians cut-out the middleman to communicate directly with constituents and the global diaspora.				
1600-1615	Facilitator: Ms Chloe Mawson, UK	мсс			
		mee			
1615-1730	 Mock Debate - That this House believes the electoral system in Montserrat should be reformed. The aim of the debate is to allow delegates to interact with their colleagues while debating a current topic of domestic political relevance, experience the procedure of a Westminster-style parliamentary debate in action, as well as to practice their public speaking skills Speaker in the Chair: Ms Shirley Osborne, Speaker of the Legislative Assembly 				
1730-1750	Wash-up and Feedback	мсс			
1800	End of Programme				

5. PROGRAMME COMMENTS

There were a number of key issues that arose from the discussions held in Montserrat. These were primarily related to managing the various roles and responsibilities within a Legislature with a small Membership

Role of Parliament Secretaries

According to the 2010 Constitution of Montserrat [44.-(1)] The Governor, acting in accordance with the advice of the Premier, may appoint by instrument under the public seal up to two Parliamentary Secretaries from among the elected members of the Legislative Assembly, to provide assistance to the Ministers.

However the role and remit of these Parliamentary Secretaries is constitutionally vague. At the Seminar it was noted that Parliamentary Secretaries should be given leave to make statements to the Legislative Assembly on areas they oversee in support of the relevant Minister. However, the amended Standing Orders do not refer to Parliamentary Secretaries. The Standing Orders only stipulate that Members of the Cabinet may give statements and answer questions. Both Parliamentary Secretaries present sought further advice and consideration be given for greater responsibilities. They felt Parliamentary Secretaries should be viewed as Junior Ministers as opposed to the UK equivalent of Parliamentary Private Secretaries (PPS), who only support Ministers, but have no ministerial power or role.

Separation of Powers

In the sessions looking at the Administration and Financing of Parliament, the issue was raised as to how Parliament can ensure it is independent of Government when the overall majority of Parliamentarians were from the governing side. This matter was further compounded due to the unelected nature of the Speaker and her appointment by the Government majority. Furthermore





how independent is Parliament where the financing of the Legislative Assembly is allocated by the Government, much like other Government departments.

The visiting facilitators noted this issue, which is common amongst small legislatures in the Caribbean and Pacific. It was suggested that these concerns could be mitigated through the development of a Parliamentary Commission which oversees the administration, financing and governance of Parliament. A body similar to those seen in the Bermuda House of Assembly and the UK House of Commons would have political authority to compel the Government to provide adequate funding and independent governance. A body with an independent-minded membership would promote the sovereignty of the Legislature. Those present proposed further consideration in the development of such a Commission.

Scrutinising the Executive in Parliament

A further query was raised by the new Members on the matter of separation of powers. This related to whether Members of the governing party (backbenchers) could vocally and publically criticise their own Government in Committees. That to criticise in such a way would be viewed as disloyal and counterproductive. It was noted that Montserrat as a community, preferred unity and team work. A discussion arose between the new Members and the new Speaker over the importance of debating the issues rather than making personal attacks. It was agreed that an essential characteristic of Parliaments was as a forum to offer amendments to policies and legislation for their improvement rather than to undermine the Government. As Ms Mawson noted, "The Government benefits if their policy can be refined and more workable, the public benefits and all political parties benefit."

Composition of the Public Accounts Committee

The matter of conflict of interest also caused concern amongst the participants. The newer Members struggled to see how the Public Accounts Committee could fairly and adequately scrutinise the executive in its current format. As discussed during the Committee case-study, it was noted that the current Public Accounts Committee (consisting of three Members and Chaired by the Leader of the Opposition) was chaired by the former Premier. It was therefore unclear how it could scrutinise accounts which were determined by the former Cabinet. The facilitator from the Isle of Man, Hon. Alex Downie MHK, emphasised the importance of having additional external auditors to audit Government finances. But also proposed the notion of co-opting more external Members on to the Committee(s) to ensure greater checks and balances.

Ethics, Standards & Privileges

During the session on Standards, Privileges, Ethics and Interests, the newer Members were in agreement in the ethical principles required for Parliamentarians in the context of their work. However they emphasised that in small territories where the population were so interconnected it was challenging to differentiate between those matters that warranted public scrutiny and those that didn't. However there was general agreement that a Code of Conduct should be available to provide guidance as well as training on ethics.

The newer women parliamentarians also raised the issue of dress code and etiquette in the Legislative Assembly and what should be considered appropriate dress wear. They queried the principle that if there is a rigid requirement to wear business suits, there should be some financial support offered. The consensus was that the matter could be looked into, but with constrained budgets, it was unlikely.





Outreach and Engagement

It was proposed that the Legislative Assembly should have an online presence whether in the form of a comprehensive website or a Facebook page. Although the latter may lead to unwarranted and unconstructive posts it would promote Parliament as a separate entity to Government. This was one of a number of suggested methods needed to get the public more engaged in the parliamentary process. New Members were eager for a larger physical audience in Parliament as well as a greater youth engagement. Facilitators suggested having a Youth Parliament to bring in young people and have them learn about politics. There was also the notion of having a greater sense of public involvement in the legislative and policy formation, having a form of national debate or input into Committee stages of bills. It was clear from discussions that the Legislative Assembly is keen to review these proposed suggestions and find ways of taking them forward.

6. FEEDBACK

At the close of the Seminar the parliamentary participants were asked to give feedback on the programme in three words. They were:

Hon. Ingrid Buffonge MLA: "Interesting, involved and broadening"

Hon. Gregory Willock MLA: "Montserrat, better development"

Hon. Paul Lewis MLA: "Informative, capacity building"

Hon. Delmaude Ryan MLA: "Dynamic, engaging and provoking"

Hon. Keith Friday: "Educational, engaging and interesting"

Hon. David Osborne MLA: "Educating, appreciative and interesting"

Sir Howard Fergus: "Another useful experience"

The Hon. Delmaude Ryan MLA also added [that] "Madam Chair, just before we leave on behalf of the new parliamentarians, we just want to say thank you to the Office of the Department of Legislature and the CPA for continuing our development as new parliamentarians and this opportunity to learn and share with each other. We look forward to more training and development so that we can better represent the people of Montserrat... Thank you very much."

7. OUTCOMES & FOLLOW-UP ACTIVITIES

As part of this initial work, CPA UK will discuss with the Legislative Assembly and Governor's Office a proposal for developing a three year Parliamentary Strengthening Partnership for providing ongoing structured capacity building assistance. With agreement of the Montserrat Legislative Assembly, CPA UK will develop a three year workplan and corresponding funding support. Some possible areas:

- Proposed development of a Parliamentary Commission
- Training for the Presiding Officer and Clerk
- Development of Parliamentary outreach programmes





- Drafting support for a Code of Conduct and training of ethics and standards
- Other programmes as requested

At the stage of drafting this report, CPA UK have invited the newly appointed Speaker and the Clerk of the Legislative Assembly for a follow-up programme to Westminster for mid-2015.

CPA UK is also working with the Montserrat Government Representative in London on the commemoration of the twentieth anniversary of the Soufriere Hills eruption.

8. ACKNOWLEDGEMENTS

CPA BIMR would like to express its thanks to the Governor of Montserrat and Office. The FCO Overseas Territories Directorate for their funding and logistical support in running this programme. CPA BIMR would also like to thank the Clerk of the Montserrat Legislative Assembly and her team for managing the programme on the ground as well as the Government of Montserrat. CPA BIMR is also grateful to the House of Lords for their cooperation in sourcing a facilitator. Finally, CPA BIMR wishes to thank CPA Isle of Man and CPA Bermuda for their respective speakers.



9. ABOUT CPA BIMR

The Commonwealth Parliamentary Association British Islands and Mediterranean Region is one of nine regional groupings. The central aim of the BIMR strategy is to promote knowledge and understanding of constitutional, legislative, economic, social and cultural aspects of parliamentary democracy within the Commonwealth. By promoting close relations and cooperation between its branches and other CPA Regions, the BIMR works to build informed parliamentary communities within the Region and across the Commonwealth. Its two key outputs are in promoting gender equality through its Commonwealth Women Parliamentary (BIMR CWP) activities and strengthening democracy through EOMs.

The Commonwealth Parliamentary Association UK Branch remains the secretariat for all regional activities.

Contact: Matthew Salik, Americas, Caribbean and Europe Programme Manager, International Outreach Team, CPA UK





ANNEX 1 SPEAKER / FACILITATOR BIOGRAPHIES

Hon. Nelson H. Cole Simons JP MP - Bermuda



Mr N H Cole Simons was elected to the House of Assembly in 1998. He has served as the Opposition House Leader, Opposition Whip and Shadow Minister of Government Estates and Information Services, all positions he held until 2012. He has also served as the Deputy Leader of the Opposition, Shadow Minister of Youth, Sports, Cultural and Community Affairs. Now Cole serves as the Government Whip and House Leader.

Cole earned his Bachelor's degree in Management from the University of Maryland and currently is the director of Private Banking at the HSBC Bank

of Bermuda. He joined Bank of Bermuda in 1988, starting in the Audit department where he worked with the team that audited Hong Kong and Guernsey. In March 1989 he transferred to Global Fund Services' shareholder services. Cole also served as Vice President (VP) of Casualty Underwriting at Ivanhoe International Limited and Assistant Manager of Underwriting at GTE Reinsurance Company. As an AVP, Cole headed a number of shareholder service teams, which provided quality service to local and international mutual funds and unit trusts.

Hon. Alexander F Downie OBE MLC - Isle of Man



Mr Downie is an independent member of the Legislative Council. He first stood and was elected as Member of the House of Keys for Douglas West in 1991, re-elected 1996 and 2001. First elected as a Member of the Legislative Council in 2005, re-elected in 2010 for a term expiring February 2015. He was Minister for Agriculture, Fisheries and Forestry 1999-2002, Trade and Industry 2002-06; as well as Chairman of the Post Office and planning Committee. He has been Chair and Member of many Committees in his 30 years in the Tynwald and is currently a Member of the Treasury Committee 2013-date, Emoluments Committee 2010-date and Tynwald Honours Committee 2013-date.

Before entering into politics, Mr Downie was a Marine seagoing engineer, Manchester, P & O, British India, Trident Tankers, Isle of Man Steam Packet Co; Self-employed, heating maintenance business.

He has also been an active member of the Isle of Man community: as a Councillor for the Douglas Borough Council 1987-91 (St George's Ward); Chairman: Entertainments and Publicity Committee, Transport Committee, Commercial Lettings Committee; Member: Isle of Man Coastguard Rescue Service (retired), Arms and Armour Society, Vintage Motorcycle Club and Italian Motorcycle Owners' Club; President: Manx Society for the Prevention of Cruelty to Animals





Ms Chloe Mawson - United Kingdom



Chloe is Clerk of the Journals in the House of Lords. The Clerk of the Journals oversees the offices responsible for procedural advice and for keeping the procedural records of the House. Chloe clerks the Procedure Committee and the Committee for Privileges and Conduct which looks at matters of parliamentary privilege and members conduct. Chloe is also a Table Clerk and advises members in the Chamber.

Chloe is married with three children. In her spare time she is a governor of her daughters' school and enjoys reading and swimming.

COMMITTEE CASE STUDY

Erehwon is a small country, some 50,000 people, which came out of a protracted conflict five years ago. It is led by a charismatic Premier who has made much in recent years of his desire to improve transparency and accountability in governance. There have recently been elections for the unicameral Parliament which the Premier's party won with 15 out of the 22 seats.

The Health Committee has a mandate to monitor the policy, administration and spending of the Department of Health and its associated public bodies. The Committee is an investigative Committee rather than a legislative Committee: it sets its own programme and chooses subjects for inquiries.

The Committee meets for long sessions - sometime six hours at a stretch and for 100 days a year - but it meets off camera and few reports are ever produced. Even when it produces reports these are not sent to the Government unless they are debated in the House and parliamentary time is rarely available. In the past five years, only one report has gone through the whole process and reached the Premier's office.

The Department of Health is reform minded but they tend to not trust the Parliament wanting to control the process of reform themselves. The Health Minister and the Department of Health's top official are at odds on how reform should take place and they are both defensive of policy and cagey on administration details when appearing in front of the Committee.

The Committee has access to support from two members staff - one is the daughter of the previous chair of committee and the other a bright young student who has told people that she is planning to leave because her wages are so low. The Committee look to the staff to arrange meetings, call witnesses, arrange visits, and write reports. Of the five members of the committee only one member has a limited background in health, and some members have a very low attendance rate at committee meetings.

Occasionally the media picks up some of the committee's report findings but they are only interested in sensational headlines and split on party political lines - turning every failure in the implementation of government policy into a failure of politicians.

The Parliament tends not to consult civil society in its enquiries but does from time to time take note of the comments of influential NGOs (Health Wise - a health care advocacy group) and a wellrespected gender advocacy group (Fair Erehwon) as they tend to organise protests and have access to the media. The committee has a limited budget and cannot afford to cover the expenses of expert witnesses.

Task

In your groups, examine the case study and suggest a strategy to deal with each issue with the aim of making the Health Committee more effective. Be creative but be specific. Think about what





change you are seeking, what your group could do, what you would need others to do, and how you would convince them to make the changes you want.

If you think the changes would be impossible, how might you make the situation a little more manageable?

What are the measures of success you might use to judge whether your proposed change or reform worked?

- 1. What are some of the things you could do to help open up the proceedings of the Committee to greater public scrutiny? How might you go about making his happen?
- 2. Some MPs on the Committee see criticising the administration's management of the Department of Health as disloyalty. How might they be persuaded that such criticism is not disloyalty but positive assistance to improving public services?
- 3. Some of the Committee members have a very low attendance rate. What could the committee do to ensure everyone pulls their weight?
- 4. The Department of Health Committee sits for a huge amount of time. What are some of the possible reasons for this? How might the committee be persuaded to operate more efficiently?
- 5. What other supports might the Committee be able to obtain from parliamentary staff? What could the Committee do to ensure that key staff do not leave prematurely?

PARLIAMENTARY-STYLE MOCK DEBATE

MOTIONS

That this House believes the electoral system in Montserrat should be reformed.

Montserrat held a general election in September 2014. As an outcome of this election, the BIMR Election Observer Mission recommended [that] "A revision of the legal framework for elections, including the electoral system, is undertaken based on an inclusive consultative process and Montserrat's obligations under international law related to elections. This take place promptly and well in advance of the next elections to allow time for debate, research, agreement and implementation." This debate will be an unofficial opportunity to look at the issues and whether the existing system or a newer system should be considered.

This mock debate is primarily intended to utilise some of the skills developed in the session entitled Developing Skills 1: Communication and Presentation Skills can be put into practice in an actual parliamentary scenario.

1615-1630	Debate structure run-through	15mins	Ms Chloe Mawson
1630-1635	Opening Speaker	5mins	Most senior Member present
			(tbc)
1635-	Follow-up contributions from MPs	40mins	All Montserrat MPs
1715			
1715-1720	Extra time to allow for	5mins	
	interventions and points of order		
1720-1730	Feedback + discussion	10mins	Hon. Alexander Downie MLC





TIMINGS

• Chair to keep delegates to time

ROLES

1 MP to open debate

Other delegates to speak for a maximum of 5 minutes each

SEATING ARRANGEMENTS

Free seating for participants. Facilitator to sit next to Chair.