

IILHR MEMO ON SPEAKER'S TERM IN OFFICE

QUESTION PRESENTED

What is the international practice with respect to fixed terms for parliamentary leaders?

SHORT ANSWER

Not all parliamentary systems recognize the role of parliamentary leaders or speakers. For those that do recognize the position, the term limits either match the term of the representative assembly by which the speaker is elected, or have separate fixed terms.

INTRODUCTION

The scope of the role of speaker in a parliamentary system typically includes management of the assembly, allocation of assembly resources, authority of setting assembly agendas, authority to preside over assembly meetings, discretion over how agenda items are discussed, and in some cases authority to act as a member of one of the parties represented within the assembly.¹ In light of the importance the above prerogatives, this paper explores the use of term limits between the various parliamentary systems, with a focus on the experience of South Africa, Jordan, Bosnia-Herzegovina, Indonesia and Mali.

South Africa

The Constitution of South Africa provides for five-year fixed terms for members of the National Assembly.² The Speaker and Deputy Speaker are to be elected from among the members of the National Assembly and no distinction is made between the term limit of the assembly at large and the Speaker.³ Provided that a majority of the assembly is present, the National Assembly has the power to remove the Speaker⁴ by resolution of a majority of votes cast.⁵ The National

¹ Bach, Stanley, *The Office of Speaker in Comparative Perspective* 5 *The Journal of Legislative Studies* 209, 210-12 (2006).

¹ Constitution of Bosnia and Herzegovina art. IV (1995).

² S. AFR. CONST. S. 49.

³ *Id.* at s. 52(1).

⁴ *Id.* at s. 52(4).

⁵ *Id.* at s. 53(1).

Assembly may also elect fellow members of the assembly to “assist” the Speaker or Deputy Speaker.⁶

The Hashemite Kingdom of Jordan

Jordan has a bicameral parliament. The Senate (which is not to consist of more than one-half of the number of members of the Chamber of Deputies)⁷ appoints its Speaker for a fixed term of two years. The Senate has the power to reappoint the Speaker.⁸

The Chamber of Deputies, which is chosen every four years via a general election, elects its Speaker for a fixed term of one year.⁹ The Chamber has the authority to reappoint the Speaker.¹⁰ Some commentators have suggested that these short, staggered terms can help to avoid conflicts of interests from arising between the speaker and the parliament over which he or she presides.¹¹

Bosnia-Herzegovina

The constitution of Bosnia and Herzegovina provides for a bicameral parliament consisting of a House of Representatives and the House of Peoples.¹² Although the constitution does not designate a speaker *per se*, it provides for the positions of Chair along with two Deputy Chairs in each chamber.¹³

Members of the House of Representatives serve four-year terms as provided by 2001 Permanent Election Law.¹⁴ Members of the House of Peoples are elected by the House of Representatives; they also serve four-terms.¹⁵ Neither the constitution nor the election law recognizes a separate term limit for the Chair or Deputy Chairs.

Indonesia

⁶ *Id.*, at s, 52(5).

⁷ Constitution of the Hashemite Kingdom of Jordan 1952 art. 63.

⁸ *Id.* at art. 65(i).

⁹ *Id.* at art. 69(i).

¹⁰ *Id.* at 68(i). The Constitution does not state a limit as to how many times the Speaker may be reappointed. The King may, by royal decree, prolong the Speaker’s term by one to two years.

¹¹ Pardo, Sharon et al., *Public Trust and Political Legitimacy: Conflicts of Interests and the role of the Parliament’s Speaker in Israel and Europe*. 7 SAN DIEGO INT. L. J. 313, 329 (2006).

¹² Constitution of Bosnia and Herzegovina art. IV (1995).

¹³ *Id.* at art. IV § 3.

¹⁴ Election Law of BiH 2001, 23 available at <http://www.oscebih.org/documents/25-eng.pdf>.

¹⁵ *Id.*

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Members of the Indonesian *Majelis Permusyawaratan Rakyat* (House of Representatives) are elected for five-year terms; they are responsible for electing the Speaker and three Vice Speakers, whose terms appear (the available evidence is inconclusive) to be the same as the House.¹⁶ The constitution does not mention the positions of Speaker or the Vice Speakers by name.

Mali

The Constitution of Mali provides for the election of the members of the National Assembly for five-year terms.¹⁷ The “President of the National Assembly” is elected for the duration of the legislature.¹⁸

CONCLUSION

Time did not permit an exhaustive review of parliamentary jurisdictions that recognize the role of speaker, however each of the jurisdictions reviewed in this paper implicitly recognize a fixed term for parliamentary speakers. IILHR can answer any further questions and provide a more in depth study of this subject if desired.

¹⁶ See the homepage of the Indonesian House of Representatives available at <http://www.dpr.go.id/en/>.

¹⁷ Constitution of Mali, 1977 art. 61.

¹⁸ *Id.* at art. 68.