

LA MARTINIÈRE MODEL UNITED NATIONS, 2023



THE DECENNIAL EDITION

COMMISSION FOR CONSTITUTIONAL
LAWS, LEGISLATION AND GENERAL
ADMINISTRATION OF THE FRENCH
REPUBLIC

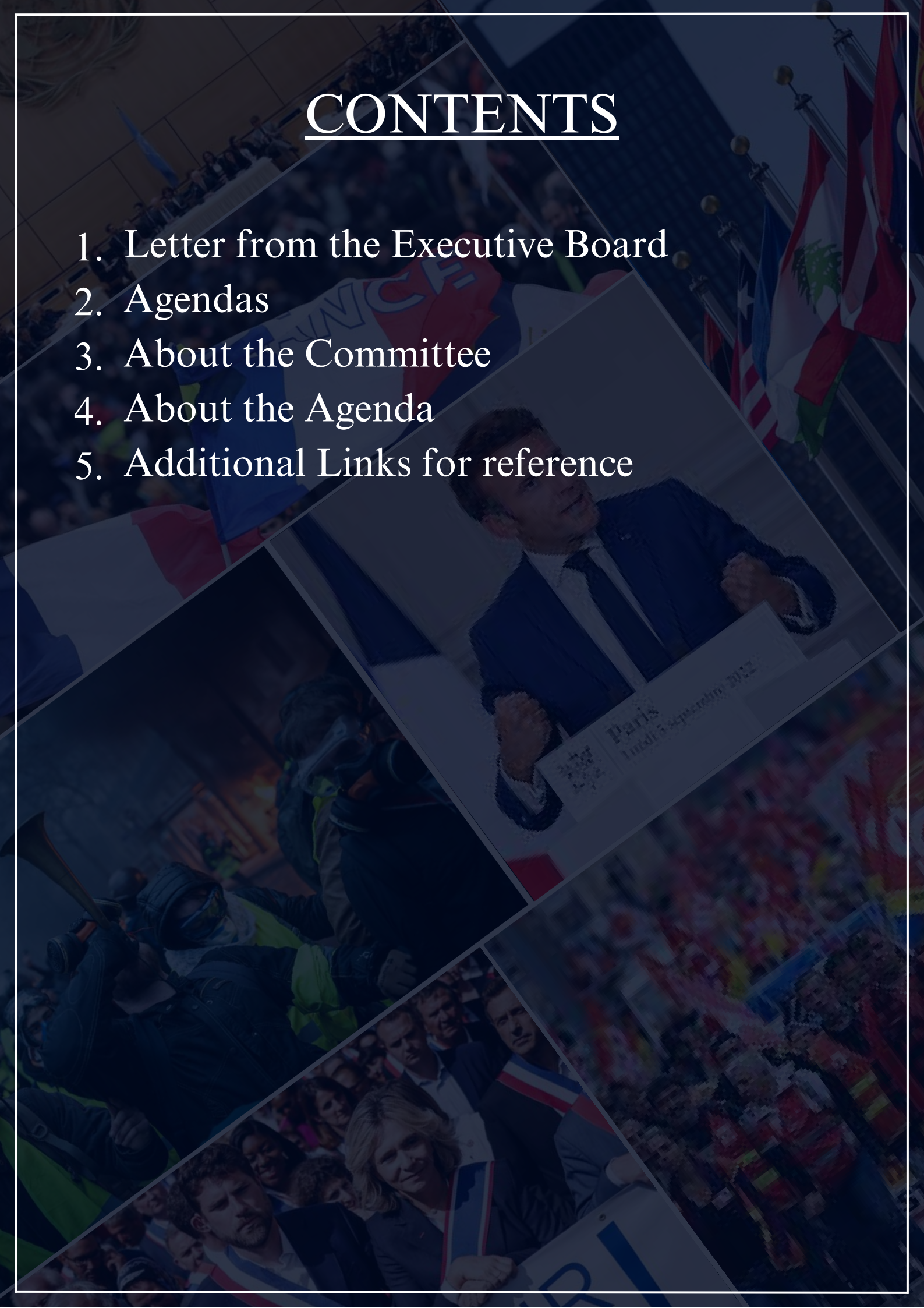
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Letter from the Executive Board

Dear delegates,

We feel honoured to welcome you to this simulation of the Commission for Constitutional Laws, Legislation, and General Administration of the French Republic at the Decennial Edition of the La Martiniere Model United Nations Conference!

We hope this experience enriches your public speaking skills and that you learn about a pressing issue that complicates the lives of many people around the French Republic. Before coming to the conference, it is very important to break the larger agenda into smaller subtopics and ask questions to yourself about the agenda. It is also crucial to enhance your leadership skills and lobbying capacity since we would give importance to overall participation in the committee.

This guide aims to provide you with the foundational knowledge and give concrete real-world examples. We hope that this guide will be treated as a starting point for your research, and just your research.

Feel free to reach out to us via email if you have any questions. Our emails are written below.

We wish you all the best for the upcoming conference, and look forward to meeting you soon!

Thanks and kind regards,

President: Imran Ahmad Ali - imranahmadali@hotmail.com

Vice President: Mansha Sharma - mansha141104@gmail.com

Agendas

Agenda 1: Examination of the Pension Reform Law, 2023, noting the civil unrest and welfare of the citizens in accordance with the right to rest and leisure

Agenda 2: With reference to the Pension Reform Law, 2023, reassessing the country's executive primacy over the assembly.

About the Committee

The Commission for Constitutional Laws, Legislation, and General Administration (known as "La Commission des Lois" in French) is one of the standing committees in the French National Assembly, which is the lower house of the French Parliament. The National Assembly plays a crucial role in the legislative process in France, and this committee is an essential part of that process.

The committee's work is crucial to ensuring that the proposed legislation aligns with the French Constitution and legal principles. It acts as a check on the legislative process, helping to maintain the rule of law and protect the rights and freedoms of French citizens.

Composition: The committee is composed of members of the National Assembly, often referred to as deputies (*députés*). The number of committee members from each political party is roughly proportional to their representation in the National Assembly. The chairperson of the committee is typically a member of the majority party in the Assembly. As with any parliamentary committee, the Commission for Constitutional Laws is influenced by political dynamics. Members from different political parties may have differing views on proposed legislation and constitutional amendments, leading to debates and negotiations within the committee.

In the French National Assembly, various committees specialise in different policy areas (e.g., foreign affairs, finance, social affairs). The Commission for Constitutional Laws may interact with these committees when legislation overlaps with multiple policy domains.

- **Important functions:**

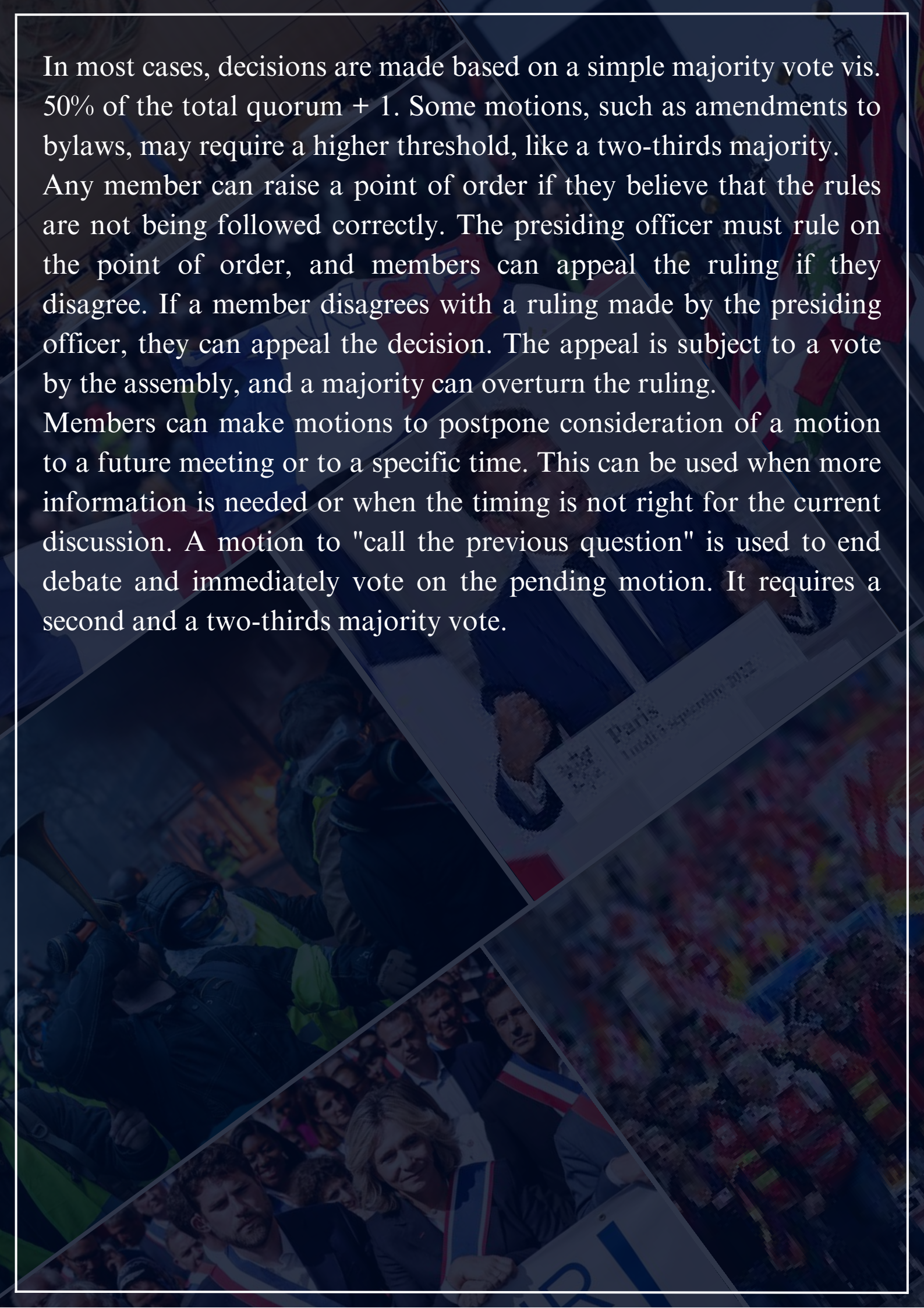
1. The committee reviews proposed bills (propositions de loi) before they are debated and voted on in the National Assembly. This review includes assessing the legal, constitutional, and administrative aspects of the proposed legislation.
2. One of the most critical functions of this committee is to examine proposed changes to the French Constitution. Constitutional amendments must pass through this committee for evaluation and debate.
3. The committee often holds public hearings where experts, stakeholders, and individuals affected by proposed legislation can provide input and testimony.
4. After its review, the committee may issue reports on the bills it has examined, including recommendations for amendments or approval.

- **Rules of Procedure**

The process typically begins when a member makes a formal motion. To make a motion, a member says, "I move that..." followed by a clear and concise statement of what they propose. Another member must then second the motion to initiate discussion.

After a motion is made and seconded, it is open to debate. Members have the opportunity to discuss the motion, with the maker of the motion given the first opportunity to speak. Debate proceeds in a structured manner, alternating between those in favour and those against the motion. The presiding officer can limit debate if necessary.

During the debate, members can propose amendments to the main motion. Amendments can be made to change the wording or details of the motion. Amendments are debated and voted on before the main motion. When debate concludes or when members are ready to vote, the presiding officer calls for a vote on the main motion or any amendments. Members typically vote using methods such as a voice vote, a show of hands, or a ballot, depending on the organisation's rules. We shall be following voting by show of placards, as is common with most MUNs.



In most cases, decisions are made based on a simple majority vote vis. 50% of the total quorum + 1. Some motions, such as amendments to bylaws, may require a higher threshold, like a two-thirds majority. Any member can raise a point of order if they believe that the rules are not being followed correctly. The presiding officer must rule on the point of order, and members can appeal the ruling if they disagree. If a member disagrees with a ruling made by the presiding officer, they can appeal the decision. The appeal is subject to a vote by the assembly, and a majority can overturn the ruling. Members can make motions to postpone consideration of a motion to a future meeting or to a specific time. This can be used when more information is needed or when the timing is not right for the current discussion. A motion to "call the previous question" is used to end debate and immediately vote on the pending motion. It requires a second and a two-thirds majority vote.

About the Agenda

AGENDA 1

- **Pension Law before reforms**

In France, the pension system is known for being relatively generous and is an integral part of the social security system. It has a complex pension system with several different schemes, including the general pension system, special pension schemes for specific professions (such as civil servants, railway workers, and public sector employees), and complementary pension schemes provided by private pension funds. Its public pension system is based on a pay-as-you-go system, where current workers' contributions finance the pensions of current retirees. It's administered by various agencies, including the Caisse Nationale d'Assurance Vieillesse. Many workers in France also have complementary or supplementary pension schemes, often managed by private pension funds or specific industry-based funds. These schemes provide additional benefits on top of the basic public pension. While the standard retirement age is 62, it's possible to retire earlier. However, taking early retirement often results in reduced pension benefits. Similarly, if you delay your retirement beyond the standard age, you may receive higher benefits.

- **What is the controversy regarding pension reforms in the country?**

Pension reforms in France have been a highly complex and divisive issue, involving political ideologies, societal values, and economic concerns. Balancing the need for fiscal responsibility with the desire to protect retirement benefits and workers' rights has been a longstanding challenge, and the debates and protests surrounding these reforms continue to shape French politics and society. They have touched upon various political, social, and economic dimensions. Here's an overview of the pension reforms and the associated controversies:

- **Political Angles:**

The French government, under various administrations, has pushed for pension reforms primarily to address the economic sustainability of the pension system. The rising life expectancy and an ageing population have led to concerns about the long-term financial viability of the system. The issue of pension reform has deeply divided French politics. Different political parties have differing views on the reforms. Right-leaning parties often emphasise fiscal responsibility and argue for raising the retirement age to ensure the pension system's solvency. Left-leaning parties, on the other hand, often prioritise workers' rights and the preservation of retirement benefits. France is known for its strong labour unions and a tradition of labour strikes and protests. Proposed pension reforms have often led to significant social unrest, with widespread strikes and demonstrations. Labour unions have played a pivotal role in organising protests against the reforms.

- **Social Angles:**

A central point of contention is the proposed increase in the retirement age from 62 to 64. Critics argue that this places an unfair burden on workers, especially those in physically demanding professions, and may force people to work longer before receiving their pensions. Advocates, however, argue that it is necessary to ensure the pension system's sustainability. The debate over pension reforms reflects broader societal values. France has a strong tradition of social solidarity, where the state plays a significant role in ensuring the welfare of its citizens. The reforms challenge this model by introducing elements of individual responsibility for retirement planning. The reforms also raise questions of generational equity. Younger generations may feel that they are being asked to work longer and contribute more to support the retirement of older generations. This can create intergenerational tensions and concerns about fairness.

- **Economic Angles:**

The rising costs of the pension system have raised concerns about the overall state budget. Policymakers argue that reform is necessary to control public spending and avoid future financial crises related to pension obligations. The proposed reforms can have implications for the labour market. Critics argue that raising the retirement age may limit opportunities for younger workers, as older employees delay retirement. It can also affect workforce planning for certain industries. The controversy surrounding pension reforms can have economic repercussions, including disruptions due to strikes and protests. Uncertainty about the outcome of reform discussions can also affect consumer and investor confidence.

AGENDA 2

- **What/who constitute(s) the French Executive?**

The French Executive refers to the branch of the French government responsible for implementing and enforcing laws, policies, and decisions. It consists of the following key components:

- **President of the French Republic (Président de la République):**

The President is the head of state and the highest-ranking official in France. The President is elected by the French citizens in a direct election for a five-year term. The President plays a significant role in foreign affairs, and national defense, and appoints the Prime Minister.

- **Prime Minister (Premier Ministre):**

The Prime Minister is the head of government and is appointed by the President. The Prime Minister is usually the leader of the majority party or coalition in the National Assembly. They lead the Council of Ministers, set government policy, and oversee the administration of government affairs.

- **Council of Ministers (Conseil des Ministres):**

Council of Ministers is composed of various government ministers, including key ministers responsible for specific policy areas such as finance, foreign affairs, defense, education, health, etc. The Council meets regularly to discuss and decide on government policies and actions.

Government Ministers (Ministres): Government ministers are appointed by the President, on the recommendation of the Prime Minister, and are responsible for specific government departments. Each minister oversees a particular area of government policy and administration.

- **Cabinet (Gouvernement):**

The Cabinet comprises the President, the Prime Minister, and the various government ministers. It serves as the collective decision-making body of the executive branch, setting policies and making important decisions.

The French executive is responsible for executing laws, administering government functions, managing the economy, conducting foreign affairs, and representing France on the international stage. While the President is the head of state and holds significant powers, the Prime Minister and the Cabinet play crucial roles in policy-making and implementation. The relationship between the President and the Prime Minister is central to the functioning of the executive branch.

- **What/Who constitute(s) the French Assembly?**

The term "French Assembly" typically refers to the French Parliament, which is the bicameral legislature of the French Republic. Similar to the Indian system of governance, the French Parliament consists of two houses:

National Assembly (Assemblée Nationale): The National Assembly is the lower house of the French Parliament and is considered the primary legislative body. It represents the people of France and is directly elected by the citizens in general elections. Members of the National Assembly are called deputies (députés). Each deputy represents a specific electoral constituency.

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Senate (Sénat): The Senate is the upper house of the French Parliament. Senators are elected by an electoral college, which is comprised of an assembly of representatives from various levels of government, including regional and municipal councils. Senators represent their regions and are elected for six-year terms.

These two houses together make up the French Parliament and are responsible for enacting laws, reviewing and amending legislation, scrutinising the actions of the executive branch, and representing the interests of the French people.

- **Relationship between the executive and the parliament**

France has a semi-presidential system, which means that it has both a President (head of state) and a Prime Minister (head of government). The President is elected by the people, while the Prime Minister is appointed by the President and is usually the leader of the majority party in the National Assembly. Like many democratic systems, the French political system is based on the principle of separation of powers. The executive branch (President and Cabinet) and the legislative branch (National Assembly and Senate) are separate but interdependent, each having specific powers and responsibilities.

The role of the Executive: The President of France is the head of state and has significant powers, including appointing the Prime Minister and members of the Cabinet. The President also plays a role in shaping policies, representing the country internationally, and has certain veto powers.

The role of the Parliament: The National Assembly, along with the Senate, constitutes the French Parliament. The National Assembly is the lower house and holds significant legislative powers. It plays a crucial role in the lawmaking process, reviewing and passing bills. The majority party or coalition in the National Assembly typically forms the government, and the Prime Minister is chosen from this majority. The National Assembly exercises oversight over the executive by scrutinising government actions, policies, and budget proposals.

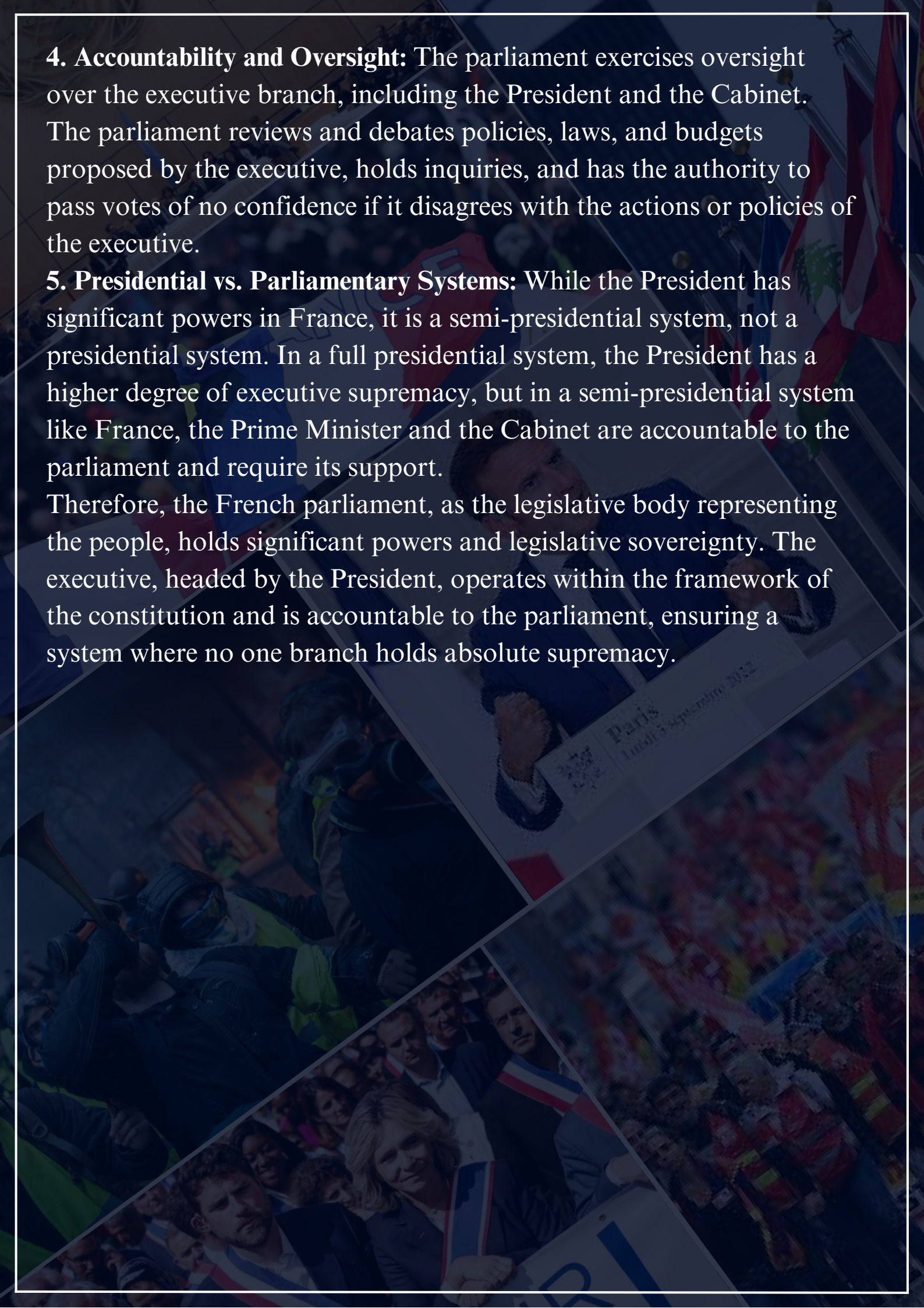
The Assembly can also pass votes of no confidence, which can lead to the resignation of the government. The relationship between the executive and the Assembly can vary based on the alignment of political parties, the agenda of the government, and the policy goals of the legislature. Cooperation is often sought to advance common goals, but conflicts can arise when there are disagreements on policies, legislation, or the direction of the country.

- **Does the French Executive hold supremacy over the French Parliament?**

No, it does not. In the French political system, the principle of separation of powers ensures a system of checks and balances among the different branches of government. The executive (headed by the President) and the legislative (National Assembly and Senate) have distinct and separate powers, and neither is supreme over the other.

Here are some of the reasons why:

1. **Legislative Sovereignty:** The French Constitution establishes the sovereignty of the people and their representatives in the parliament. The National Assembly and the Senate are the primary legislative bodies responsible for making laws, scrutinizing the actions of the executive, and representing the interests of the citizens.
2. **Bicameral Legislature:** France has a bicameral legislature consisting of the National Assembly and the Senate. Both chambers have specific roles and powers in the legislative process, and laws need to be approved by both houses before becoming legislation. This ensures that no single entity within the executive branch can unilaterally pass laws without legislative approval.
3. **Separation of Powers:** The French system follows the principle of separation of powers, where the executive, legislative, and judicial branches operate independently and have their own distinct powers and responsibilities. This separation is a fundamental aspect of democratic governance and prevents any one branch from becoming too powerful.



4. Accountability and Oversight: The parliament exercises oversight over the executive branch, including the President and the Cabinet. The parliament reviews and debates policies, laws, and budgets proposed by the executive, holds inquiries, and has the authority to pass votes of no confidence if it disagrees with the actions or policies of the executive.

5. Presidential vs. Parliamentary Systems: While the President has significant powers in France, it is a semi-presidential system, not a presidential system. In a full presidential system, the President has a higher degree of executive supremacy, but in a semi-presidential system like France, the Prime Minister and the Cabinet are accountable to the parliament and require its support.

Therefore, the French parliament, as the legislative body representing the people, holds significant powers and legislative sovereignty. The executive, headed by the President, operates within the framework of the constitution and is accountable to the parliament, ensuring a system where no one branch holds absolute supremacy.

Additional Links For Reference

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