153rd ASGP Conference in Arusha, Tanzania

General debate
"A unicameral or bicameral parliament: what are the advantages and disadvantages (please also share specific experiences from your parliament)"

Moderation: Dr Kleemann

- The spoken word takes precedence -

Ladies and Gentlemen,

Dear Colleagues,

The way in which parliament is organised is one of the key issues in any democracy. This is about far more than the mere technical structure of its constitution. Rather, it concerns matters of democratic representation, checks and balances on power, the consideration of regional interests and, last but not least, the question of how quickly and effectively political decisions can be reached. The organisation of democratic decision-making processes does not necessarily require a bicameral system – a unicameral system can also fulfil the essential parliamentary functions of a democratic community or state, namely law-making, the oversight of government, and representation. Having said that, bicameral systems exist in around a third of all countries. The reasons for this are just as varied as the way second chambers are structured, which regularly reflects social developments or historical and cultural traditions.

One key aspect, for example, is the shift from old to new power structures: in some countries, the second chamber was established to ensure that social groups or former political structures continue to be involved.

The decentralised structure of a state also plays a major role. Second chambers are usually bodies in which the interests of regional population groups are indirectly represented by the governments of the constituent states.

The cornerstone of the bicameral system, however, is based on the idea that a two-stage review of draft legislation leads to better law-making. A second chamber allows for greater scrutiny of legislation because it provides additional checks and balances. It can examine draft legislation from a different perspective, place the focus on particular interests, and force political majorities to seek compromises. This can improve the quality of legislation, prevent hasty decisions, and put short-term political sentiments into perspective.

Despite these advantages, the bicameral system is by no means uncontroversial. In Western democracies, second chambers have been abolished in recent times, for example in Sweden, Denmark and New Zealand. In Belgium, the Senate is due to be dissolved by 2029. Critics of the bicameral system have expressed doubts about its effectiveness. The involvement of two chambers can slow down legislative processes, and different majorities and political interests can lead to deadlocks – something that can be particularly problematic in times of crisis.

Another point of criticism is the additional resources required. Two chambers mean more members, higher costs, and a greater administrative burden. Critics suggest that these resources could be put to more efficient use.

A unicameral system therefore offers simplicity, faster processes, and a clear allocation of political responsibilities, which can be particularly advantageous in times of crisis. Arguments in favour of a bicameral system include additional checks and balances, a broader representation of interests, and the institutional involvement of regions or constituent states.

There is no “right or wrong” in this regard. Whether a system is better suited to a particular state depends largely on its history, its social structure, and its political system. Another crucial factor in this context is the purpose a second chamber is intended to fulfil, its composition, the way in which it derives its democratic legitimacy, and the powers it holds within the legislative process and in terms of government oversight.

In the course of today's discussion, we have the chance to share our experiences of the two systems and to exchange views on them. Against this background, I would also like to take the opportunity to say a few words about the position of the Bundesrat within the political and constitutional system of the Federal Republic of Germany – without going into too much detail.

The Bundesrat is unique in the international political landscape. It is true that there are a number of countries in which the constituent states participate in the policy-making of the central government through special chambers. For historical reasons, however, the Bundesrat operates according to its own distinctive rules. According to the German constitution, the Bundesrat is the supreme federal body through which the Länder participate in law-making and administration of the Federal Government, as well as in matters relating to the European Union. They do not participate through directly-elected representatives or senators from the respective Länder, but through members of their respective governments.

The Bundesrat is therefore not a representative body of the people in the traditional sense. Rather, its composition stems from the strong position of federalism in Germany – that is, a political system in which state responsibilities are divided between the central government and the individual Länder in such a way that both political levels are independently responsible for certain subject areas as set out in the constitution. Through the Bundesrat, the governments of the Länder can contribute the expertise and experience of their respective administrations to the law-making of the Federal Government. This can make legislation more practice-focused and helps to ensure that potential issues regarding implementation are identified at an early stage. Furthermore, this prevents the Federal Government from taking decisions whose consequences it does not itself have to manage or finance.

However, the role of the Bundesrat is not limited to safeguarding the interests of the Länder. It is also intended to provide critical yet constructive checks and balances on the Federal Government and the German Bundestag, and, within the Bundestag, in particular on the parliamentary majority supporting the Government. The Bundesrat's involvement in the legislative process varies depending on the extent to which interests of the Länder are affected. In the case of what are known as "consent laws", the Bundesrat has a right of veto; for all other laws, it has the right to lodge an objection, which can, however, be overruled by the German Bundestag.

In the event that the Bundestag and the Bundesrat take different positions on legislation, and a compromise needs to be reached, the mediation committee of the Bundestag and the Bundesrat comes into play. It is a joint committee of the Bundestag and the Bundesrat, composed of an equal number of members from each body. It mediates between the different positions and draws up a conciliation proposal. The committee cannot pass a law itself, but it can draw up a specific compromise, which the Bundestag and the Bundesrat will then discuss and take a fresh vote on. Conflicts are thus resolved within the parliamentary system and dealt with through a common procedure. This means that the mediaton committee can help to bring legislative procedures to a successful conclusion despite diverging interests.

By way of summary, it can be said that the Bundesrat fulfils several simultaneous functions. It is an instrument to impose checks and balances, a body representing the Länder at the federal level, a forum for balancing interests within the federal system, and an important link between the legislative and executive branches.

I am looking forward to an engaging discussion featuring practical examples from day-to-day parliamentary life, in particular on how second chambers can contribute to better law-making, general reflections on the advantages and

disadvantages of unicameral and bicameral parliaments, and thoughts on the question: “Is the perfect bicameral system really perfect?”

Please allow me to leave you with a few specific questions to consider during the discussion:

- What functions should a parliament generally fulfil – and can a single chamber manage this on its own?
- What checks and balances would be necessary in a unicameral system to ensure that the advantages of a speedy process are not achieved at the expense of a loss of checks on power and diversity of interests?
- What problems can arise in bicameral systems, and how can they be addressed? Keyword: crises
- If your parliament is a bicameral parliament, what mechanisms are in place to resolve any disagreements between the two chambers?
- What political, constitutional and historical factors lead to a preference for one system over the other?