

Bicameral Parliamentary Bodies Selected Examples

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International Legal Standards

International Covenant on Civil and Political Rights

- **Article 25**
- Every citizen shall have the right and the opportunity. . . without unreasonable restrictions:
- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.



Advantages of Bicameral Legislatures



- Formally represent diverse constituencies (such as state, region, ethnicity or class)
- Prevent “tyranny of the majority”
- Facilitate a deliberative approach to legislation
- Prevent passage of flawed or reckless legislation
- Provide enhanced oversight or control of the executive branch.

Spain

- Parliamentary constitutional monarchy with bicameral legislature
- Cortes Generales (parliament) consists of two chambers: *Congreso de los Diputados* and *Senado*; they serve concurrent terms that run for a maximum of four years.
- Legislative powers: Laws are approved by the Congreso.
- The Senado can make changes or refuse laws but the Congreso can ignore these acts.



Germany

- Bicameral



Bundestag: Lower house

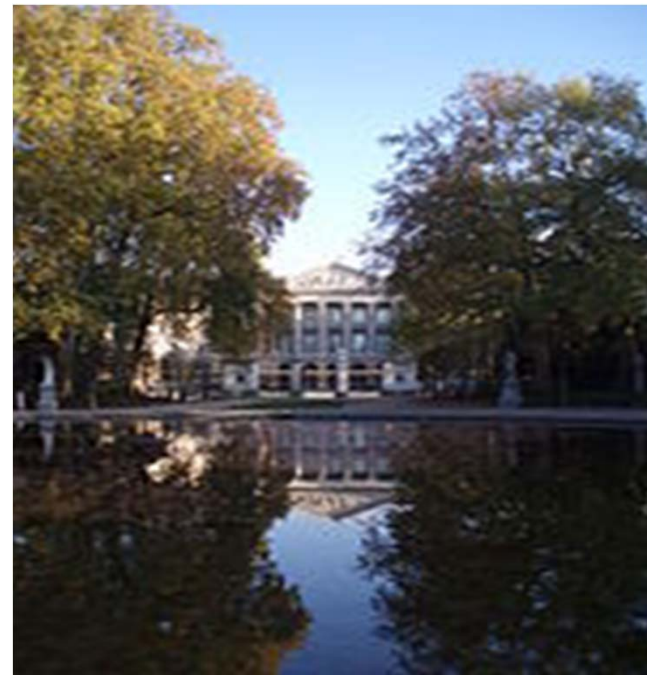
- Elections are held every four years, or earlier if Bundestag is dissolved prematurely by the president.

Bundesrat: Upper house

- Bundesrat members are not elected; they are delegated by the respective state government.

Belgium

- Bicameral
 - Chamber of Representatives: 150 members
 - Elected from 11 districts
 - Districts divided along linguistic lines
 - Districts given seats proportionate to population
 - Senate: 71 members
 - Some are directly elected; some are elected by first group; heirs of reigning monarch are included



India

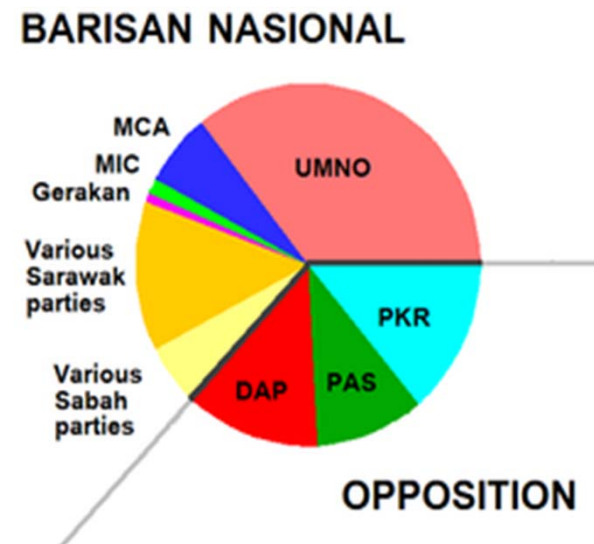
- Bicameral parliament consisting of the President and two houses: the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).



- Rajya Sabha: not more than 250 members; 12 are nominated by the President from persons having special knowledge or practical experience in matters such as literature, science, art or social service. The remaining seats are allocated to the various territories, approximately in proportion to their population.
- Lok Sabha: representatives of the people chosen by direct election. Maximum number under the Constitution is 552. 530 members represent the States, up to 20 members represent the territories and not more than two members of the Anglo-Indian community to be nominated by the President if that community is not adequately represented in the House.

Malaysia

- Bicameral: House of Representatives and Senate
- Senate
 - Two members elected from each state
 - Forty members appointed by Supreme Head of State, who in his opinion have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines.

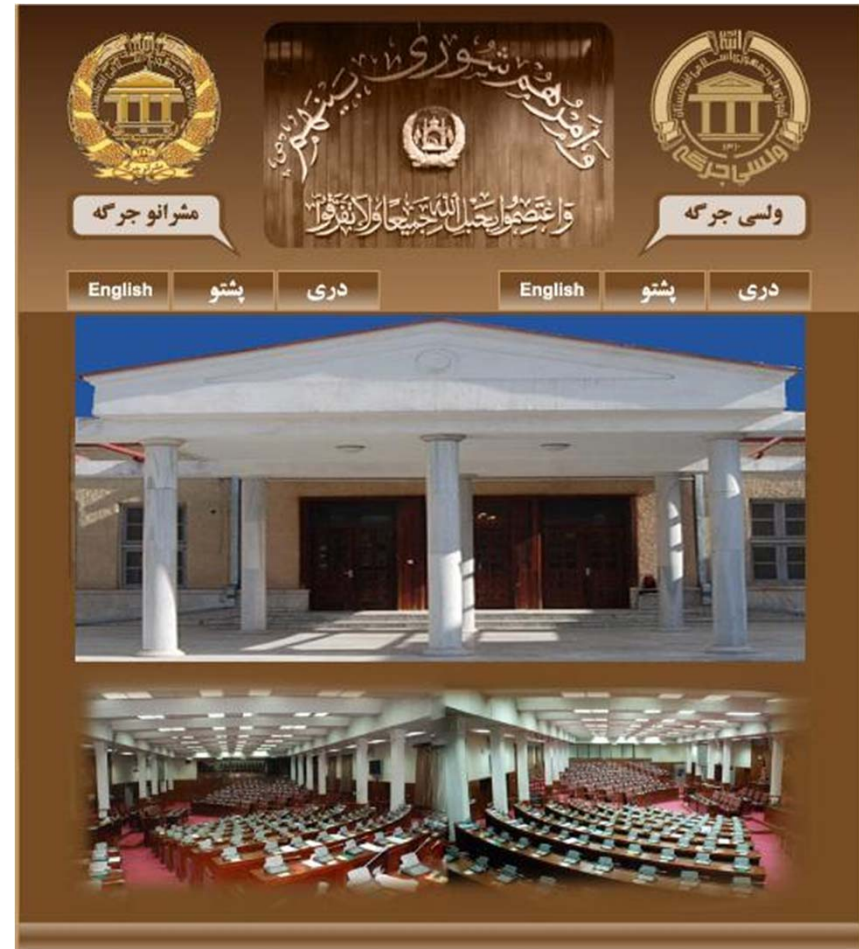


Recent Post-Conflict Models

Afghanistan: Bicameral

Constitution Article 82: “The National Assembly consists of two houses: Wolesi Jirga (the House of People) and Meshrano Jirga. (House of Elders)”

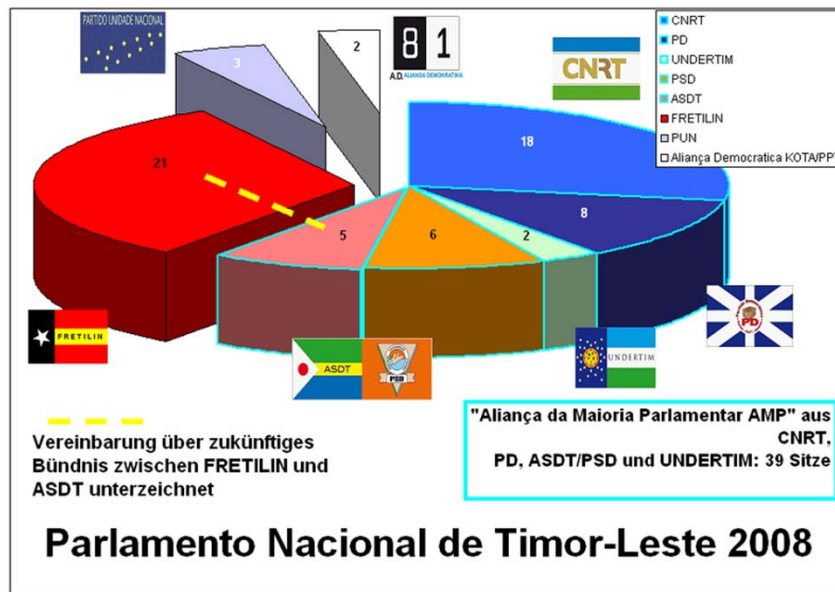
- The number of members of the Wolesi Jirga, proportionate to the population of each region, shall be not more than two hundred and fifty.
- Members of the Meshrano Jirga are elected and appointed from provisional councils and district councils; the President from among experts and experienced personalities – including two representatives from the disabled and impaired and two representatives from the Kochis – appoints the remaining one-third of the members for a period of five years.
- The president appoints 50% of these people from among women.



Recent Post-Conflict Models

Timor Leste: Unicameral

- National Assembly: 65 seats.
- All members serve five-year terms.
- Considerations: Post-referendum violence; loss of population
- Assembly was originally the Constituent Assembly; transitioned into National Assembly.



Recent Post-Conflict Models

Kosovo: Unicameral

Assembly has 120 members; of these, 100 are directly voted into the Assembly; the rest are reserved for minority groups.



Abolished Upper Houses

- **Denmark:** Upper House abolished in 1953 because it was considered obsolete after powers had been slowly removed.
- **Turkey:** Upper House existed 1961 – 1980; 1980 post- coup constitution abolished it.
- **New Zealand:** Legislative Council abolished in 1952. Very unlikely it will be reinstated.
- **Bavaria:** Senate was abolished in 2000 because of desire for leaner government.
- **Ireland:** “The Séanad, on the other hand, is not essential. It is an optional extra. Because it is not directly elected by the people, its existence is not central to the concept of representative democracy.”



Iraqi Constitutional Provisions

- **Article 48**

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

- **Article 49**

The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people shall be upheld in it.

- **Article 65**

A legislative council shall be established named the “Federation Council,” to include representatives from the regions and the governorates that are not organized in a region.

A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

Issues to Consider

- Election/appointment/
mixed systems
- Costs: two sets of
elections; salaries; two
budgets
- Political stalemates and
deadlocks



Issues to Consider

- **Upper House legislative/veto powers**

- **Great Britain:** House of Lords may debate bills and propose amendments, but cannot prevent passage of most legislation.
- **Belgium:** Lower house has final word in passing legislation.
- **Bosnia and Herzegovina:** All legislation requires approval of both houses.
- **Pakistan:** Legislation may be introduced in either house. If one house rejects bill introduced in the other, a joint session may be requested to debate.
- **Afghanistan:** Legislation must be approved by both houses and president.
- **Malaysia:** Bills are drafted in a Ministry, then submitted to each house; Upper House does not have ultimate veto power but may only delay passage by one month.

