

**Bicameralism in Europe**  
**Speech by Mr Gérard Larcher**  
*Friday 26 February 2010 at 4 p.m.*

Mr President,

Dear Jacques Chaumont,

Ladies and Gentlemen Parliamentarians,

- I am very pleased to be among you, this afternoon, to conclude the proceedings of the European Association of Former Members of Parliament of the member States of the Council of Europe.

Even if I wasn't able to attend all your meeting, I have kept informed of your exchanges with great interest. They are marked by quality and are a source of enrichment for our democratic practices.

I am pleased, as president of the Senate, to welcome you to this assembly.

The Palais du Luxembourg is a forum of dialogue, readily open to a Europe understood in its broadest sense, a Europe encompassing the 47

members of the Council of Europe.

- I also wish to greet Mr **Mevlüt Cavusoglu** who has just been elected as head of your Association. This election appropriately underscores the proximity of Turkey to the European institutional area.

- Your proceedings today have concerned a notion to which I pay utmost attention: bicameralism.

This is a notion on which I have recently had the opportunity to speak before a very wide variety of audiences: in China, during a recent trip and in Lebanon, a fortnight ago.

It is also a notion which, to my mind, is not reserved to professional constitutionalists alone. You have just provided proof of this – if that were necessary – by comparing your experiences as elected representatives of European parliaments. As a parliamentarian myself since 1986, I am not going to engage in a theoretical exposition before you. I simply wish to present you a point of view nurtured and fortified by my personal experience.

- Last, I feel bicameralism is a highly topical notion, as just emphasised by my colleague and friend Hubert Haenel who will soon be sitting among the constitutional sages. Didn't he recall that the Lisbon

Treaty has strengthened the role of national parliaments?

That's why I'm endeavouring to pursue the initiative of my predecessor, Christian Poncelet, who founded the Association of European Senates. We are shortly going to meet in Poznan, in Poland, to work on decentralised cooperation and we will also meet again in Rome at the end of the year to commemorate the tenth anniversary of the Association.

Let's move on to the heart of the issue.

- First, a remark. Bicameralism is clearly a modern idea. In all, 17 of the 47 member States of the Council of Europe have a second chamber. This is admittedly a minority, but which is borne by a dynamic, in Europe as in the rest of the world. In forty years, the number of bicameral parliaments has passed from 45 to 76.

While northern Europe is anchored by its history in a monocameral tradition, and while the Balkan countries do not have second chambers but appear to be evolving towards this type of parliamentary representation, to the west and in Russia, all States – except Portugal – have a second chamber.

In the **east-European region**, the situation of bicameralism is unsettled. I am thinking in particular of **Moldavia**, where we are all hoping for

democratic stabilisation. **Croatia** abolished its Senate in 2000. The referendum of 22 November last year in **Romania** expressed hostility in principle, but has not, I feel, condemned the Romanian Senate. I am also thinking of the projects to create a Senate in **Georgia**, and the project for constitutional reform in **Ukraine**, although it may well lapse after the presidential election.

### **An historic heritage**

**Historically**, two functions of bicameralism predominate. **First**, the *representation of federal States* at the federal level – and the reference model is of course the US **Senate** and, in Europe, the German **Bundesrat** or the Swiss **Council of State**. **Second**, the guarantee granted to a *given social segment*, the reference here being the guarantee granted formerly to the **British** aristocracy through the existence of the **House of Lords**.

The role of this house has – of course – deeply evolved. The abolition of hereditary peerage in 1999 deeply changed the composition and function of this institution. It allowed economic and financial personalities to become politicians. The number of women in the second British chamber has moreover increased and its sociological representation has become

more diverse, with in particular peers from the world of work.

- Admittedly, there are no good or bad models of institutions. There is one history, one heritage and one tradition specific to each State.

But, in the European area, aren't we more or less the descendants of ancient Romans whose influence radiated far beyond the Mediterranean circle? And we mustn't forget that the name 'Senate' has come to us directly from ancient Rome, where the Senate was a major political institution, first of the Republic, then of the Empire. While its real influence varied with the regimes, the Senate of Rome embodied all along a certain form of balance of powers symbolised by the famous acronym SPQR '*Senatus Populusque Romanus*': the Senate and the Roman people.

- Modern democratic history in Europe was moreover to be built on bicameralism.

As experienced parliamentarians, you know that the English in the XVIIIth century were the first to set in place double representation. The *Magnum Concilium*, future House of Lords, saw its influence moderated by the creation of the *Commune Concilium*. Over the centuries, the English system of government has been fine-tuned... without however ever calling into question the principle and existence of two chambers.

- In France, bicameralism is now a more than bicentennial principle.

I'll spare you a long development on the history of our institutions. I feel it is just useful to recall that it wasn't the Monarchy, but the Republic which, in 1795, set up a second elected chamber. This was then an institutional parry against what was called the Terror, in other words the transformation of an all powerful Assembly into the vehicle of a dictatorial policy.

From the outset, French bicameralism has been built on the twin determination to preserve newly acquired freedoms and protect the Nation against the risks of internal confrontation which could be brought about by forgetting about respect for the opinions or interests of members of minority groups. French bicameralism is above all a democratic instrument of moderation.

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To my mind this notion of democratic moderation is consubstantial with bicameralism. I feel its added value is based on two factors.

- **The first is dialogue in the elaboration of legislation**, the procedure of the successive consideration of legislation by two groups of legislators elected differently and at a different rhythm, but who get together to elaborate legislation that is the most complete, clearest and

most effective possible. How many times in parliamentary debates, in a sitting, do we hear deputies and senators and sometimes even the government, leave it to the shuttle to find the solution to a point of legal deadlock?

This conviction is so widely shared that some monocameral parliaments set up within themselves a kind of 'legislative shuttle', or dialogue with other bodies, practising in this way a form of 'disguised bicameralism'.

**Luxembourg**, dear President Dimmer, forms a good example with the Council of State which plays in reality the role of a second chamber.

**Greece** also has such a disguised bicameralism with a 'Scientific Council' at the Greek parliament, which revises all acts before they are adopted.

- **The second factor concerns the balance of powers.** I feel that bicameralism forms the modern method to implement the principle of the separation of powers. The dissemination of majoritarian systems appears to me to enhance the status of another chamber, particularly apt at government scrutiny, precisely because it *escapes the iron law of the majoritarian system*. **The French Senate** is, in this respect, today, quite representative, since no parliamentary group has an absolute majority in it.

This situation strengthens democratic dialogue to the detriment, true, of the

supposed efficacy of the iron law of the majoritarian system and at the price, sometimes, of a certain government irritation...

As a Gaullist, it is a pleasure for me to recall what I will be tempted to call *stabilising bicameralism*', which was already perceived in 1946 by General de Gaulle in his Bayeux speech:

- I quote: *'the first impulse of an assembly is not necessarily entirely clairvoyant and serene. There should therefore be a second assembly, elected and composed in another manner, which would publicly examine what the first one considered'*, end of quotation.

- On top of these, after all, quite classical functions of bicameralism, the ongoing **democratisation processes** of many States worldwide should now be added.

These democratisation processes require that components of the Nation should join in, who, for highly varied reasons, are not spontaneously inclined to participate in them. Bicameralism assumes **this function of integration** and stabilisation.

Other States, after having set up, in a first stage, a monocameral system, have soon seen their limits, if not even their risks. The diversification of

representation allowed by the roll-out of bicameralism has made it possible to take up the parliamentary system in a manner more respectful of national contingencies.

In other cases, the creation of a second chamber allows the political arena to be broadened, or even to promote competition and the alternation of majorities in power; it can also facilitate the transition between regimes by an appropriate allocation of parliamentary seats; or even help solve internal conflicts of an ethnic, community or regional nature.

The most significant example in this respect is perhaps the Chamber of Peoples of **Bosnia and Herzegovina**, tasked with ensuring national equality by guaranteeing that the interests of the three peoples making up this State are protected.

These factors should therefore form an encouragement for the **Balkan** countries of Europe or for **Caucasian** States to embrace bicameralism.

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In Europe, many States are today setting in place **decentralisation**, in favour of which the Council of Europe has greatly involved itself. It implies a specific representation of territorial communities: bicameralism

alone can help make this necessary adaptation to the realities of the modern world.

This representation of territories is underpinned either by the electoral system, or by the political career of the elected representatives of the second chamber, or by the past or simultaneous holding of local functions or mandates. While their **combination** must be moderate, it is for most observers and players, necessary. **Representing territories, indeed requires better knowing, better understanding and better solving their specific constraints.**

This is no doubt why the Russian second chamber is going to progressively introduce a mandatory combination of mandates.

Bicameralism forms an important asset for the **interests of local authorities** to be taken correctly into account at the national level. The competences of a second chamber can allow territorial communities to monitor, approve or, at the very least, express themselves on decisions concerning them. I will mention, as an example of extremely active involvement in the territorial reform process, the Senate of **Poland**, a fully fledged 'patron' of Polish local authorities.

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As former members of the Council of Europe, whose parliamentary assembly was the matrix of the **European Charter of Local Autonomy of 1985**, you know the importance, **for the promotion of local autonomy**, for decentralisation processes and for the implementation of proximity policies, of an assembly expressing the representation of populations on a territorial basis.

I note that while none of the **Balkan** countries, except for **Romania**, has set up a bicameral system, the local and regional authorities have all created 'associations' allowing them to adopt strong political positions with respect to their national power, and all monocameral parliaments have created a specific body which dialogues with these regional or local authorities.

The day has still not come to take the plunge, but I am convinced that these States will adopt bicameralism.

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Today, in 2010, the **underlying reason for bicameralism has changed**.

The future of bicameralism now lies in a **new type of representation of territories** which appears as an institutional antidote to the negative forces of economic globalisation and really taking account of the citizen in his community.

This basis opens **new prospects** as it allows bicameralism to be adapted to the diversity of territorial organisation, including of unitary States like France.

In conclusion, I will note that, while the *heterogeneity of bicameral systems* contrasts clearly with the *homogeneity of monocameral systems*, it is quite simply because Senates reveal remarkably well the deep and creative tensions at play in complex societies.

So, I want you to know that even if you haven't sat in the second chamber of your respective national parliaments, you are **at home at the French Senate**.