

UNION INTERPARLEMENTAIRE



INTER-PARLIAMENTARY UNION

Association of Secretaries General of Parliaments

COMMUNICATION

from

Mr Philippe SCHWAB
Secretary General of the Swiss Federal Assembly

on

“Joint administration of the two chambers in bicameral parliaments”

Saint Petersburg Session
October 2017

Four in ten of the world's parliaments are bicameral

According to the Inter-Parliamentary Union database, *40% of the world's countries have a bicameral parliament*, i.e. 77 countries out of 193. This is the percentage found in Africa (22 countries out of 54: 41%) and Asia (16 out of 41: 39%). Bicameral parliaments predominate in North and South America (20 countries out of 35: 57%), while unicameral parliaments predominate in Europe (31 out of 48: 65%) and Oceania (13 countries out of 15: 87%).

Taking a closer look at the figures, it can be seen that the choice of parliamentary structure is not related to size of population. China has a unicameral parliament for a population of 1.3 billion people, while Antigua and Barbuda has a bicameral parliament for a population of just over 90,000.

There is a closer correlation between parliamentary structure and the form of the state. *Bicameral parliaments are found particularly in federal states* (Argentina, Australia, Austria, Belgium, Brazil, Canada, Germany, Mexico, Russia, Switzerland, the United States, etc.): while the first chamber represents the population, the second ensures the representation of territorial, regional or federated entities. Nevertheless, bicameral parliaments are also found in unitary states such as Italy, France, the United Kingdom, Ireland, the Netherlands and Morocco.

Some countries have moved from a unicameral parliament to a bicameral system quite recently; this is the case in Cameroon and in Kenya, where a second chamber was created in 2013. Lebanon is also considering establishing a senate. Other countries have gone the other way; Senegal abolished its Senate in 2012, having reintroduced it in 2007.

The choice of the structure of a country's legislative body depends on many parameters related to its history, political context and legal tradition.

Organisational forms of parliamentary administrations

Every parliamentary assembly needs a combination of both material means and expertise to exercise its activity and political power. The purpose of parliamentary administrations is to provide these means.

Some organisations report directly to Parliament, while others are provided by the state's public administration, in whole or in part. A quick overview of parliamentary administrations shows that their organisation varies according to the tasks carried out by Parliament and the place it occupies within the powers of each State. Here too, the choices made are the result of the country's historical development and political culture.

For bicameral parliaments, there are also several models for the organisation of parliamentary administrations.

Generally, each chamber has its own buildings and administration, e.g. in France, Germany, Poland, India, Italy or the Russian Federation. In Australia, the two chambers

occupy different buildings and have separate staff, but the administrations work together in a range of areas, including audio-visual services and civic education. In other cases, the administrations remain separate but the two chambers occupy the same buildings; this is the case on Capitol Hill in the United States. In some countries, the two chambers occupy the same building and share certain services or processes, mainly in the logistical and technical fields (e.g. security, restaurants, visitors, information and communication technologies, etc.). This is the case, for example, in the UK's Palace of Westminster. There are also forms of collaboration in the area of research services; in Canada, both chambers sit in the same building and have a shared library.

These few examples show that there are *various forms of collaboration between the administrations of bicameral parliaments, whether in terms of infrastructure, personnel or processes*. The highest degree of integration is found in Austria, in Ireland and Switzerland, where both chambers of parliament occupy the same building and have a single parliamentary administration for both assemblies.

Full administrative integration: the example of the Swiss Confederation

The *Swiss Confederation's parliament* is known as the Federal Assembly. It is vested with law-making and budgetary powers, and powers to monitor the government. The Federal Assembly is organised into two chambers, the National Council and the Council of States, which are composed in different ways and which debate separately,¹ although there are exceptions.² *Both chambers exercise* the same powers conferred on the Federal Assembly; in exercising these powers, they also have *the same rights and powers (egalitarian bicameralism)*.³ No chamber has primacy in the consideration of bills: a bill can be considered first by either chamber first. Thus, no chamber has more extensive powers than the other has, nor does it have the last word. Any decision by the Federal Assembly must be approved by both chambers.

Because all bills need to be approved by both chambers, the two are obliged to work very closely together to find solutions. First and foremost this is possible because the two chambers of the Federal Assembly *sit simultaneously and share the same building* ("Houses of Parliament").

The two chambers also have the *same status and basic organisation*. Committees and members work in the same way and have the *same instruments* (motion, postulate, interpellation, question, amendment, parliamentary initiative, etc.) regardless of the

¹ Art. 156 Federal Constitution.

² These exceptions are set out in full in the Constitution (Art. 157). The two chambers hold joint proceedings in order to conduct elections of members of the government or of the courts, to decide on conflicts of jurisdiction between the highest federal authorities, and to decide on applications for pardons. They also sit together on special occasions or to hear government statements.

³ Equality between the two chambers is also reflected in the system of remuneration and allowances, which is the same for members of both chambers.

chamber to which they belong. They also apply the *same procedure*.⁴ Only a few organisational and procedural details are covered by separate regulations. For example, only the National Council has a slot during which members can ask government ministers questions, and it is the only chamber that limits how long its members are allowed to speak.

Cooperation between the two chambers is enshrined in the Constitution, which provides for the establishment of *joint bodies*. This is the case, for example, for parliamentary oversight of intelligence services and financial control, and for international relations, for which there are joint delegations comprising members of both the National Council the Council of States.

The parliamentary groups formed by members of the same party are also common to both chambers.

Finally, the chambers have *a single budget* and *a single administration*. Both are the exclusive responsibility of Parliament. The government has no influence over the budget nor over the Parliamentary Services. Budgetary autonomy is provided for by law⁵ and administrative autonomy by the Constitution.⁶

The parliamentary administration comes under the direct authority of the Administrative Delegation, a joint organ of the two chambers. It is invariably composed of the presidents of the chambers and the four vice presidents. The Administrative Delegation is responsible for the strategic management of administrative and financial affairs. It draws up the budget for the two chambers, which is automatically made part of the state budget, without any government intervention. The Administrative Delegation alone decides on how its budget is allocated. The Administrative Delegation also regulates the use of premises and security issues, and determines how Parliamentary Services are organised, on a proposal from the Secretary General, who makes proposals beforehand and manages the services thereafter.

It should be noted here that the administration of the Swiss Parliament is distinct from the Federal Administration (government administration). The Parliamentary Services are placed under the authority of *a single secretary general*, who is in charge of all administrative services for both chambers. The Parliamentary Services work jointly and equally for the two chambers, providing administrative, financial, logistical and technical support services as well as organising and managing committees, drafting reports, providing services in connection with parliamentary diplomacy or communication, and carrying out documentation, archiving or translation tasks. The library, web service,

⁴ See e.g. Federal Act of 13 December on the Federal Assembly (ParlA); Federal Act of 18 March 1988 on Remuneration and Infrastructure of Members of the Swiss Councils and on the Contributions to the Parliamentary Groups; Federal Assembly Ordinance of 3 October 2003 on the Parliament Act and on Parliamentary Administration; Federal Assembly Ordinance of 28 September 2012 on International Parliamentary Relations; Federal Assembly Ordinance of 18 March 1988 to the Parliamentary Resources Act.

⁵ Art. 142, paras 2 and 3, ParlA.

⁶ Art. 155 Federal Constitution.

computer support, committee secretariats, the public policy evaluation centre, protocol, travel service, etc. are common to both chambers.

Apart from a few staff positions directly related to the plenary sessions, *all staff members work for the organs of both chambers*; for example, the secretary of a committee is responsible for the work of a committee in the National Council as well as that of its sister committee in the Council of States. They advise members of parliament on procedural matters, and assist them in their legislative and oversight duties. Their privileged position in both councils allows them to follow the entire course of a legislative project or report and to help find solutions.

This *pooling of resources, services and expertise* has many advantages. At an organisational level, pooling resources makes it possible to avoid duplication, exploit synergies, simplify procedures and reduce costs. This facilitates decision-making and allows the organisation to react flexibly to new requirements. In terms of staffing, pooling resources means that forces can be concentrated and employees better integrated. At an operational level, the compartmentalisation of services is avoided, so it is easier to share information between the two chambers. By pooling resources, the parliamentary administration speaks with one voice and acts as a counterbalance to the Federal Administration (government administration).

For some, a joint organisation of the two chambers, headed by a single secretary general, might seem rather unusual. One might think that assigning the same staff to two separate chambers might create loyalty problems for the staff (how should staff behave when the bodies for which they work are of different opinions?). In practice, problems are rare because the Parliamentary Services staff are imbued with the idea that they work primarily for Parliament as a whole rather than for one chamber or the other. Their professional duty is to help the chambers to reconcile their points of view.

The combination of powers and resources is an integral feature of Swiss bicameralism. While both chambers have the same powers, they also know that they can only exercise them jointly. The fact that there is a single procedural law, a single budget and a single administration fosters cooperation between the two chambers. This unusual configuration is not the result of a deliberate choice, based on a desire to be more efficient. It developed from a *long tradition of consensus*, which is based not on the opposition of the powers – upper chamber against lower chamber, government against parliament, majority against opposition, political elites against citizens, etc. – but on their cooperation based on mutual trust.

In this respect, the Swiss parliamentary administration reflects a pragmatic and efficient way of operating. Let us not forget, however, that an organisation, no matter how good, is not able to function well by itself. First and foremost, an administration thrives on the talents of the men and women who work in it; nothing can be done without them.