

## **Federal Second Chambers Compared**

**Ronald L. Watts**

Presentation at Conference on “Federalizing Process in Italy. Comparative Perspectives”. An international conference organized by the Department for Institutional Reforms, Italy, and the Forum of Federations,

Rome, February 17-19, 2010

### *Introduction*

The purpose assigned to me for my presentation this morning is not to comment on proposals to modify the Italian Parliament but to provide a broad outline of the main comparative features of second chambers elsewhere in a wide range of federations. This will, I hope, provide a context for the subsequent discussion of possible arrangements for the representation of regional and local governments or interests in the Italian Parliament. My remarks will focus on four general points: (1) a brief consideration of the relation of bicameralism to federalism; (2) a comparative outline of the methods of appointment, composition, powers and roles of federal second legislative chambers in a variety of federations; (3) the impact of political parties on the operation of federal second chambers; and (4) whether federal second chambers constrain or enhance democratic processes. Overall themes of my presentation are to emphasize that there is no single pure model of a federal second chamber but that in fact there exists a variety of federal second chambers, and the importance of examining not only the structures but equally the political processes in understanding the role of second federal chambers in federations.

### ***I. Bicameralism within Federations***

Most federations have adopted bicameral federal legislatures. This has led to the notion held by some that bicameral federal legislatures are *by definition* a characteristic feature of a federation. Amellier in his book on parliaments for instance argued a priori

that “In federal states no choice [between unicameral and bicameral systems] is open because [federations] are *by definition* two-tier structures.”

If such statements are meant to argue that only federations instance a bicameral legislature, then this is clearly mistaken. As Preston King has noted, a great many non-federal states have featured legislatures divided into two or more bodies. For instance, the British, French, Dutch and Japanese Parliaments are just a few of the many non-federal states that are bicameral or multi-cameral.

If the point of Amellier’s statement is to argue that all federations have bicameral legislatures, then clearly this too is mistaken. Indeed, of the some two dozen current federations generally so identified, five do not have bicameral legislatures: these are the United Arab Emirates, Venezuela, and the small island federations of Comoros in the Indian Ocean, Micronesia in the Pacific, and St. Kitts and Nevis in the Caribbean. Furthermore, until its recent division, Serbia-Montenegro also had a unicameral federal legislature. Earlier, prior to the secession of Bangladesh, Pakistan also had a unicameral federal legislature in which the two provinces were equally represented. Even where there has been a federal second legislative chamber, the principle of equality of representation of the constituent units of a federation in a second federal chamber has not been universally applied. Among the many exceptions are Canada, Germany, Austria, India, Malaysia, Belgium, Spain and even Switzerland. It would seem, therefore, that it is inappropriate to regard the existence of a bicameral federal legislature or the equal representation of constituent units as definitive characteristics of federations.

Nevertheless, it has to be noted that the principle of bicameralism has been incorporated into the federal legislatures of most effective federations. Most federations

have found a bicameral federal legislature to be an important institutional feature for ensuring the entrenched representation of the regional components in policy-making within the institutions of “shared rule” that are an essential element for the effective operation of a federation. Indeed, the two key features of an effective federation would appear to be the constitutional distribution of autonomous legislative and administrative power and financial resources to the different orders of government (the subjects discussed yesterday), and second the effective participation of the different regional groups in the central institutions of shared rule of which the role of a second chamber is one aspect (discussed this morning).

In establishing bicameral federal institutions subsequent federations have been influenced by the example of the precedent of the United States. Debate over whether representation in the federal legislature should be in terms of population or in equal terms for the constituent states was intense at the time of the creation of the first modern federation in the United States. The clash between the proponents of these two positions brought the Philadelphia Convention to a deadlock. This impasse was finally resolved only by the Connecticut Compromise whereby a bicameral federal legislature was established involving both alternatives, with representation in one house, the House of Representatives, based on population, and representation in another house, the Senate, based on equal representation of the states with the senators originally elected by their state legislatures. This, it was believed, ensured that differing state viewpoints would not be overridden simply by a majority of the federal population dominated by the larger states.

Since then, most (though not all) federations have found it desirable to adopt bicameral federal legislatures. But while most federations have established bicameral federal legislatures, there has been in fact an enormous variation among them in the method of selection of members, the regional composition, and the powers of the second chambers, and consequently of their roles. Because of this variety is so complex, I have had distributed two Tables to make it easier to follow. Table 1 sets out the varieties of the different elements that have existed in various federations, i.e. with separate columns for the method of selection, regional composition, relative powers, and roles of second chambers. Table 2 summarizes the particular combination of these elements in each of the federal second chambers in a representative selection of 18 federations and quasi-federations. It should be noted that the Latin American federations have generally followed the pattern of the United States, with senators directly elected, states equally represent but by three senators each (in the case of Mexico with some additional senators nationally elected), and strong veto powers. Most of the other federations have adopted some variant of parliamentary institutions and this, as we shall see has had a bearing on the great variety in the form of their federal second chambers.

## ***II. Selection, Composition and Powers of Federal Second Chambers***

### *Selection of members of federal second chambers:*

Let me turn first to the method of selection for members of federal second chambers. Broadly speaking five different methods have been used. (1) In seven federations, Australia since its inception in 1901, the United States since 1913, and Switzerland (by cantonal choice but eventually in all the cantons), the three Latin American federations, Argentina, Brazil and Mexico, and Nigeria members of the federal

second chamber are directly elected by the citizens of the constituent units. The method has varied: for instance election has been by simple plurality in the United States and Switzerland (except proportional representation in Jura) where the numbers to be elected from each unit are small, and proportional representation in Australia where the number of seats in each state is larger. A feature unique to Switzerland is the provision enabling cantonal legislators to sit concurrently in a federal legislative house. In the past up to one-fifth of the members of each federal house concurrently held seats in a cantonal legislature thus providing a channel for cantonal views to influence federal policy making, but in recent years that proportion has declined considerably. In most other federations with elected senators such dual membership in legislatures is, however, prohibited to avoid conflicting roles and because of excessive time that would be consumed by travel. (2) In some federations members of the federal second chamber are indirectly elected by the state legislatures. This was the original arrangement in the United States from 1789 to 1912, and is currently the case in Austria and in India (for most members in the latter). (3) In Germany, there is yet a different arrangement where the members of the Bundesrat are delegates of their Land cabinets, holding office in the federal second chamber ex officio as members of their Land executive and voting in the Bundesrat for each Land in a block on the instructions of their Land government. The South African National Council of the Provinces combines these two arrangements: each provincial delegation consisting of six legislators and four executive council members. (4) Yet a fourth method of appointment is that in Canada where all the senators are appointed by the federal prime minister and currently hold office until their retirement at 75. Although appointed to represent regional groups of provinces, they have as a result of the method of appointment tended to display little accountability to regional interests,

and to vote instead generally on party lines. (5) A number of federal second chambers have a mixed membership. Examples are, not only South Africa already mentioned, but also Ethiopia, Malaysia, Mexico, Russia, Spain and to a very minor degree India. In Malaysia only 38 percent of the Senate seats are filled by indirect election by the state legislatures, the remaining 62 percent being central appointees. The Spanish senate has 204 directly elected members and 55 regional representatives. In Belgium 40 senators are directly elected, 21 indirectly elected by the Flemish, French and German Community Councils, and 10 are coopted (i.e. appointed by the directly elected senators).

In those federations where the members of the federal second chamber are directly elected, generally they are representative of the interests of the regional electorates. Where they are indirectly elected by state legislatures they are also generally representative of regional interests although regional political party interests have also played a significant role. Where, as in the German case, they are ex officio instructed delegates of the constituent governments, they have represented primarily the views of the governing parties in those governments and only indirectly those of the electorate. Where senators are appointed by the federal government, as in Canada and to a large extent in Malaysia, they have had the least credibility as spokespersons for regional interests, even when they are residents of the regions they represent. Federal appointment does, however, provide a means for ensuring representation of some particular minorities and interests who might otherwise go unrepresented. It was for that reason that the Indian constitution specifically provided for 12 such appointed members out of an overall total of 250 members in the Rajya Sabha, and the Malaysian constitution currently provides for 43 out of 69 senators to be appointed by the federal government. The mixed basis of selection of senators in Spain and Belgium represent political

compromises intended to obtain the benefits of the different forms of selection for members of the federal second chamber.

*Regional Representation in Composition of federal second chambers:*

Turning to the distribution of regional representation in the composition of federal second chambers, it is often assumed that equality of state representation in the federal second chamber is the norm in federations. In only nine of the 18 federal second chambers in the federations specifically referred to in Tables 1 and 2 are the states strictly equally represented, however. These are the United States, Australian, Argentinean, Brazilian, Mexican, Nigerian, Pakistani, Russian and South African second chambers. In most other federations where there is not equality of constituent unit representation, there is, however, some effort to weight representation in favour of smaller regional units or significant minorities. On the other hand, in these account has also been taken of the extremely unequal consequences of equal state representation (a subject I will return to later). Switzerland basically has equal cantonal representation in the Council of States although six “half cantons” are identified: these have only one member each instead of two. In the Malaysian senate the seats filled by indirectly elected senators are equally distributed among the states, but the substantial proportion that are filled by centrally appointed senators have not followed a consistent pattern of balanced state representation, thus the net effect has been one of considerable variation in state representation. In most other federations the population of the units has been taken into some account in the federal second chamber, but this has been generally been moderated by some weighting to favour the smaller units. The degree of weighting has, however, varied greatly. In Germany the Constitution (article 51) establishes four population

categories of Länder having three, four, five or six block votes in the Bundesrat. In India, Austria and Spain the range of state representation is wider: going as high as, 31:1 in India. In Belgium the differential representation of each Community and Region in the senate is specified in the constitution, but for some especially significant issues the Constitution (art. 43) requires majorities within both the French-speaking and Dutch-speaking members in the Senate (as well as within the House of Representatives).

Canada, as is the case with so much about its Senate, is unique among federations in basing Senate representation on regional groups of provinces with the four basic regions, Ontario, Quebec, the three Maritime Provinces, and the four Western Provinces having 24 seats each, plus an additional 6 for the province of Newfoundland and Labrador and one each for the three Territories. In some federal second chambers such as Ethiopia, India, Malaysia and Pakistan provision is made for additional or special representation of specified minority groups such as aboriginal peoples.

*Powers of Second Chambers Relative to the First Chambers:*

I turn now to the powers of federal second chambers relative to the first chambers. Where there is a separation of powers between the executive and the legislature, as in the U.S.A., Switzerland, and the Latin American federations, normally the two federal legislative houses have had equal powers, although in the U.S.A. the Senate in fact has some additional powers relating to ratification of appointments and treaties. Where there are parliamentary executives, the house that controls the executive inevitably has more power. Invariably, in the parliamentary federations, unlike Italy, the executive has been responsible only to one chamber, that based on population, the intention being to reduce the impact of party discipline in the house representing regional interests. The effect, on

the other hand, has been to weaken the relative power of these federal second chambers in parliamentary federations. In these federations the powers of the second chamber in relation to money bills have as a consequence also been usually limited. Furthermore, in the case of conflicts between the two houses provisions for merely a suspensive veto, for joint sittings where the total members of the second chamber are less numerous, or for double dissolution have usually rendered the second chamber weaker. Table 1, column three, gives examples. This has sometimes raised questions within parliamentary federations about whether their second chambers provide sufficient regional influence in central decision making. This concern is reinforced by the usually greater strength of party discipline within federations with parliamentary institutions. Nonetheless, some of the federal second chambers in parliamentary federations, such as the Australian Senate and the German Bundesrat, have been able to exert considerable influence. The particular membership of instructed delegates of the Land governments in the German Bundesrat and the fact that its constitutional absolute veto over all federal legislation involving administration by the Länder, in practice applying until recently to some 60 percent of all federal legislation, have been major factors in its influence. Concerns about the resulting deadlocks were a factor in the recent reforms intended to reduce somewhat the number of such cases.

*Relative Roles of Federal Second Chambers:*

These three sets of factors taken together, of which Table 2 gives the variety of individual examples, has determined the relative roles of federal second chambers in different federations.

The role of most of the federal second chambers in the federations reviewed in this study has been primarily legislative: i.e., reviewing federal legislation with a view to bringing to bear upon it regional and minority interests and concerns, but has usually also extended to conducting enquiries. By contrast with the others, the German Bundesrat performs an additional and equally important role of serving as an institution to facilitate intergovernmental cooperation and collaboration. It is able to do this because, unlike the other federal second chambers, as already noted, it is composed of instructed delegates of the Land governments and because its suspensive veto power over all federal legislation and absolute veto over federal legislation affecting state legislative and administrative responsibilities has given it strong political leverage. It is worth noting the logic of the role of the German Bundesrat which is related to the form of its distribution of legislative and administrative powers. Because most federal laws are administered by the Länder, the Bundesrat gives to the executives of the Länder a role in shaping the federal laws they will have to administer. This model heavily influenced the South Africans in the design of their national second chamber in the new constitution adopted in May 1996, although some significant modifications were made to democratize the second chamber by including the representation of both executives and legislators from the provinces in the National Council of Provinces (NCOP). This, however, lost some of the logic of the role of the German Bundesrat.

From time to time during the past two decades the reform of the Canadian Senate has been suggested, but while most Canadians agree that the Senate should be reformed, disagreement about the model that would be appropriate has left it largely unreformed. Recently, the Harper government has announced that it will continue its agenda of democratic reform by reintroducing legislation that would include direct consultations

with voters on the selection of Senators and limitations on their tenure, but in the view of some critics' such partial amendment without taking account also of the distribution of provincial seats and the powers of the Senate runs important risks.

How are we to account for this enormous variety among federal second legislative chambers? One factor has been the different circumstances at the time each federation was created. In some notable cases such as Germany and Canada historical precedents were significant. In Germany in 1949 a Senate was considered but in the end the Bundesrat created in 1949 owed much to the earlier model of the institutions of the Bismarkian Empire. In Canada, the Senate was a major issue in the pre-federation deliberations at the Quebec Conference (1864) taking up more time than any other issue. The adoption of an appointed Senate at that time was a conscious rejection of an elected second chamber which had existed previously under the Act of Union (1840) and which had by creating conflicting electoral mandates caused so many difficulties when combined with cabinets responsible to the lower chamber.

It should also be noted that the operation of federal second chambers has frequently proved significantly different from the expectations of the founders, often due to the operation of political parties. This has often led to subsequent pressures for reform of federal second chambers and of their role. Once institutionalized, however, efforts to reform them in practice have proved extremely difficult. The repeated failure of efforts at Senate reform in Canada illustrates this. More recently, efforts to modify the blocking role of the German Bundesrat have achieved some but limited success, and only after protracted negotiations.

While the European Union is a hybrid of federal and confederal institutions, it is worth noting that it too has bicameral legislative institutions. Both the Parliament,

representing the citizens, and the Council, representing constituent governments, have co-decision powers. The Council has an intergovernmental character and there is weighted voting on many matters. In this sense the Council has corresponded to the second chambers in federations, although in relative terms playing a much stronger role than many of them.

### *III The impact of political parties:*

An important factor affecting the operation of any federal second chamber is the character and role of the political parties. As Carl Friedrich has noted, an examination not only of structures but of political processes is fundamental to understanding the very nature of federations. The interaction of political parties within federal structures is, therefore, particularly important. Political parties tend to be influenced by both the institutional framework, particularly the executive-legislative relationship and the electoral system, on the one hand, and by the nature and characteristics of the diversity in the underlying society on the other. There are two aspects of political parties that may particularly affect the operation of a federation: (1) the organizational relationship between the party organizations at the federal level in the and provincial or state party organizations, and (2) the impact of party discipline upon the representation of regional interests within the federal legislative chambers.

In terms of party organization the federal parties in non-parliamentary federations, for instance in the United States and especially Switzerland, have tended to be loose confederations of state or cantonal and local party organizations. This decentralized pattern of party organization has contributed to the maintenance of non-centralized government and the prominence in their federal legislatures and particularly their second

chambers of regional and local interests. Nevertheless, in recent years, the voting pattern in the US Senate has tended to become more dominated by party ideological interests than state interests, as the recent deliberations about health policy have illustrated. In the parliamentary federations, the pressures for effective party discipline within each government, in order to sustain the executive in office within each government, have tended to separate federal and state or provincial branches of parties into more autonomous layers of party organization. This tendency appears to have been strongest in Canada, with the ties between federal and regional branches of each party remaining somewhat more significant in such parliamentary federations as Germany, Australia and India. In the case of Belgium, the federal parties have in fact become totally regional in character, with each party even at the federal level based in a region or distinct linguistic group.

The presence or absence of strong party discipline in different federations has had an impact upon the publically visible expression of regional and minority interests within the federal legislatures and particularly their second chambers. Where parliamentary institutions have operated, with cabinets dependent for office on continued support in the legislature, the pressure has been to accommodate regional and minority interests as far as possible behind closed doors within party caucuses so that the visible facade is one of cabinet and party solidarity. This contrasts with the shifting alliances and visibly varying positions much more frequently taken by legislators in federal legislatures where the principle of the separation of powers has been incorporated. Regional and minority concerns have tended to be more openly expressed and deliberated in the latter cases. On the other hand, in such cases where direct control of the executive is lacking, this has

meant that the regional views even though more visibly expressed, have not in practice necessarily been translated any more effectively into adopted policies.

Here, as in other respects, it is clear that there has been considerable variation among federations in the impact of political parties on the operation of their federal second chambers. Whether due to the pressures for party discipline within parliamentary federations, or the emphasis upon party representation in proportional representation electoral systems, or the combined effect of both, party considerations have tended often to override regional differences (although not totally) within federal second chambers. This has especially been the case where party representation has differed between the two houses. A particularly notable example of clashing party representation between the two federal legislative chambers in recent years has been the operation of the German Bundesrat. Indeed, as I have already noted, this tendency led there to pressures for reform. Even in federations where the separation of powers exists between executive and legislature resulting in less pressure for strict party discipline, there has been an increasing tendency recently for polarization along ideological rather than regional lines, as has become apparent within the US Senate. Generally, the net effect of the impact of the operation of political parties has been to moderate, although not eradicate, the role of federal second chambers as a strong voice for regional interests in federal policy-making. Nevertheless, the existence of federal second chambers in federations has generally induced political parties to take greater account of regional interests than might otherwise have been the case.

#### ***IV Do federal second chambers constrain democracy?***

I will conclude by considering whether federal second chambers constrain democracy, a charge sometimes made. In addressing this question, it should be noted at the outset, that much will depend on our definition of democracy, a concept whose definition has over the years been much debated. Modern democracy may be about rule of, by and for the people, but as Scott Greer has noted, different interpretations have given differing primary emphasis to aspects such as “participation”, “accountability”, or “group self-government”.

Critics of federalism, largely those who emphasize the majoritarian essence of democracy as “rule by the *demos*”, have noted particularly that most federations have established bicameral federal legislatures weighted in differing degrees to favour the smaller constituent units, thus for them violating a cardinal principle of democracy based on one person one vote. Consequently, they characterize such federal second chambers as “demos-constraining” in the words of Riker and Stepan. For instance, to take just one extreme example, in the United States Senate, a single vote in Wyoming counts 65 times more than its equivalent in California. Such contrasts, while not to the same degree, are replicated in many other federal second chambers.

But, as we have noted in the review of methods of selections, composition and powers, there are great variations in the relative position and strength of federal second chambers and hence in their character as ‘veto players’ and as ‘demos-constraining’ or ‘demos-enhancing.’ For instance, the variation in the relative powers of federal second chambers affects their ability to act as ‘veto players,’ and hence the degree to which they are in fact ‘demos-constraining’. Second chambers in parliamentary federations, where the federal cabinet has, unlike Italy, invariably been responsible to the popularly-elected house, have normally been weaker, although in Germany and Australia these have had

some special or significant veto powers. On the other hand those in non-parliamentary federations, such as the United States, Switzerland and the Latin American federations have had at least equal powers and hence have been in a stronger position as “veto players”. These variations suggest, as Stepan acknowledges, that federations should be placed on a continuum in terms of their ‘demos-constraining’ or ‘demos-enhancing’ character, based on the varied role of their federal second chambers as ‘veto players’.

Discussing the degree to which federal second chambers and therefore federations are ‘demos-constraining’ or ‘demos-enhancing’ from a purely majoritarian definition of democracy is in my view misleading, however. It can be argued that while federal institutions may place some limits upon simple majoritarian democracy, democracy more broadly understood as liberal democracy, may actually be expanded by federalism. Democracy and governmental responsiveness are enhanced by federalism because, as Pennock emphasized some fifty years ago, multiple levels of government in fact maximize the opportunity for citizens’ preferences to be achieved, establish alternative arenas for citizen participation, and provide for governments that are smaller and closer to the people. In this sense federalism might be described rather as ‘demos-enabling’ and hence as ‘democracy-plus’.

From a liberal-democratic point of view, by emphasizing the value of checks and balances and dispersing authority to limit the potential tyranny of the majority, federal second chambers contribute to the protection of individuals and minorities against abuses. This was a fundamental point made in the *Federalist Papers*, No. 9. Furthermore, as Lipjhart has noted the checks on democratically elected majorities imposed by federal second chambers have often pushed these federations in the direction of ‘consensus’ democracy, contributing to the accommodation of different groups in multinational

federations. Indeed, the acceptance in most federations of the need for federal second chambers points to the vitality and recognition in these federations not just of an undifferentiated *demos*, but of the distinct *demoi* in their various constituent units.

Switzerland with its extensive application of the processes of direct democracy in relation to legislation both at the cantonal and the federal levels represents a special further case of federalism as ‘demos enabling’. These Swiss processes have given the citizens in relation to both levels of government the opportunity to accept or reject constraints, and the operation of direct democracy has had an important impact upon the operation of political parties there in both federal legislative houses.

### *Concluding Summary*

Let me conclude. While bicameral federal legislatures are not a definitive characteristic of federations, and while many have fallen short of their creators’ expectations as a voice for regional interests, nevertheless, most federations have found it desirable to establish bicameral federal legislatures to provide an entrenched institution for the representation of distinct territorial voices at the level of federal policy-making. A review of federal second legislative chambers makes it clear, however, that there is an enormous variety among federations in the methods of appointment, composition, powers and hence in the roles of these bodies in different federations, particularly differentiating those in parliamentary and non-parliamentary federations. In the latter powerful federal second chambers operating as strong ‘veto players’ have been the norm. In most of the parliamentary federations, however, while some (although varying) effort has been made to represent regional interests in a federal second chamber, as a general pattern their relative power has been weakened by making the executive responsible only to the

chamber based on population. Nevertheless, they have served a useful purpose.

Furthermore, in the case of all federal second houses, political parties have affected their operation, frequently limiting their role as “regional chambers”.

What are the implications for establishing in Italy a federal second chamber as a house representative of regional views? As the great variety of federal chambers that I have outlined makes clear, there is no single ideal model of federal second chamber. Italians will, therefore, need to consider what are the primary purposes of such a reform, and then examine the method of selection, regional composition, powers and role that will fit together in a coherent way to achieve the particular processes appropriate to the overall form of the Italian polity.

**Table 1: Variations in Selection, Composition, Powers and Role of Second Chambers in Selected Federations**

<i>Selection</i>	<i>Composition</i>	<i>Powers</i>	<i>Role</i>
<p>1. Appointment by federal government (no formal consultation)</p> <p>(e.g. Canada term until age 75, Malaysia 63% of seats)</p> <p>2. Appointment by federal government based on nominations by provincial governments (e.g. Canada: Meech Lake Accord proposal)</p> <p>3. Appointment ex officio by state government (e.g. Germany, Russia 50% of seats, South Africa 40% of seats)</p> <p>4. Indirect election by state legislatures (e.g. USA 1789-1912, Austria, Ethiopia, India, Pakistan, Malaysia 37% of seats, Russia 50% of seats, South Africa 60% of seats)</p> <p>5. Direct election by simple plurality (e.g. Argentina, Brazil, Mexico 75% of seats, USA since 1913)</p> <p>6. Direct election by proportional representation (Australia, Nigeria, Mexico 25% of seats)</p> <p>7. Choice of method left to cantons (e.g. Switzerland: in practice direct election by plurality)</p> <p>8. Mixed (e.g. Belgium, Ethiopia, Malaysia, Mexico, Russia, South Africa, Spain)</p>	<p>1. Equal "regional" representation (e.g. Canada for groups of provinces)</p> <p>2. Equal state representation (e.g. Argentina, Australia, Brazil, Mexico, 37% of Malaysian senate, Nigeria, Pakistan 88% of seats, Russia, South Africa, USA)</p> <p>3. Two categories of cantonal representation (e.g. Switzerland: full cantons and half cantons)</p> <p>4. Weighted state voting: four categories (e.g. Germany: 3, 4, 5 or 6 block votes)</p> <p>5. Weighted state representation: multiple categories (e.g. Austria, India)</p> <p>6. Additional or special representation for others including aboriginal (e.g. Ethiopia, India, Malaysia, Pakistan)</p> <p>7. A minority of regional representatives (e.g. Belgium, Spain)</p>	<p>1. Absolute veto with mediation committees (e.g. Argentina, Brazil, Mexico, Switzerland, USA)</p> <p>2. Absolute veto on federal legislation affecting any state administrative functions (e.g. Germany, South Africa)</p> <p>3. Suspensive veto: time limit (e.g. Malaysia, South Africa (except above), Spain)</p> <p>4. Suspensive veto: matching lower house vote to override (e.g. Germany for some)</p> <p>5. Deadlock resolved by joint sitting (e.g. India)</p> <p>6. Deadlock resolved by double dissolution then joint sitting (e.g. Australia)</p> <p>7. Money bills: brief suspensive veto (e.g. India, Malaysia) or no veto (Pakistan)</p>	<p>1. Legislative chamber only (e.g. Argentina, Australia, Brazil, Canada, India, Malaysia, Mexico, Switzerland, USA)</p> <p>2. Combined legislative and intergovernmental roles (e.g. Germany, South Africa)</p> <p>3. Ultimate interpretation of the constitution (e.g. Ethiopia)</p>

**Table 2: Selection, Composition, and Powers of Some Federal Second Chambers**

Argentina	Senate: elected by direct vote; one-third of the members elected every two years to a six-year term; absolute veto.
Australia	Senate: direct election (by proportional representation); equal state representation; absolute veto (but followed by double dissolution and joint sitting).
Austria	Bundesrat: elected by state legislatures; weighted representation (range 12:3); suspensive veto (may be overridden by simple majority in lower house, the Nationalrat).
Belgium	Senate: combination of directly elected (40), indirectly elected by linguistic Community Councils (21), and co-opted senators (10); variable representation specified for each unit; equal competence with House of Representatives on some matters but on others House of Representatives has overriding power.
Brazil	Senado Federal (Senate): 3 members from each state and federal district elected by a simple majority to serve eight-year terms; one-third elected after a four-year period, two-thirds elected after the next four-year period; absolute veto.
Canada	Senate: appointed by federal government; equal regional representation for 4 regional groups of provinces (Ontario; Quebec; 4 western provinces; 3 maritime provinces) plus 6 for Newfoundland and one each for the 3 territories; absolute veto (legally) but in practice weakened legitimacy.
Ethiopia	House of Federation (Yefedereshn Mekir Bet): 71 members (63%) appointed by regional bodies and 41 (27%) appointed based on population and ethnicity. This body serves as the supreme constitutional arbiter. Members serve five-year terms. For members selected by states, directly or indirectly elected according to decision of state councils.
Germany	Bundesrat: state government ex officio delegations; weighted voting (3, 4, 5 or 6 block votes per state); suspensive veto on federal legislation overridden by corresponding lower-house majority, but absolute veto on any federal legislation affecting state administrative functions (60% of federal legislation reduced to about 40% by reforms in 2006); mediation.
India	Rajya Sabha (Council of States): elected by state legislatures (plus 12 additional representatives appointed by the President for special representation); weighted representation of states (range 31:1); veto resolved by joint sitting.
Malaysia	Dewan Negara (Senate): 26 (37%) elected by state legislatures plus 44 (63%) additional appointed representatives for minorities; equal state representation (for 37% of total seats); suspensive veto (six months).

---

Mexico	Camara de Senadores (Senate): 128 seats in total; 96 ( 3 per state) are elected by popular vote to serve six-year terms and cannot be re-elected; 32 are allocated on the basis of each party's popular vote; absolute veto.
Nigeria	Senate: each state has three seats while one senator represents the Federal Capital Territory. A total of 109 senators are directly elected for a four-year term; absolute veto (except taxation and appropriation bills resolved by joint sitting) with joint committees to resolve deadlocks.
Pakistan	Senate: 100 seats indirectly elected by provincial assemblies to serve 4-year terms. Of the 22 seats allocated to each province, 14 are general members, 4 are women and 4 are technocrats. Federally Administered Tribal Areas (FATAs) and the Capital Territory fill seats through direct election, with 8 seats given to the FATAs and 4 for the Capital Territory; no veto on money bills, budget, borrowing or audit of federal accounts
Russia	Federation Council (Soviet Federatsii): Asymmetry of length of term and method of selection depending on the republic or region. Each unit has 2 representatives in the Federation Council, one elected by of the constituent unit legislature, the other appointed by the governor; dispute resolution by joint committee which may be overridden by two-thirds majority in lower house.
South Africa	National Council of Provinces (NCOP): 90 seats, consisting of 54 representing provincial legislatures and 36 representing provincial executives; equal provincial representation (6 legislators plus 4 executives per province); veto varied with type of legislation.
Spain	Senate: 208 directly elected members and 51 appointed by parliaments of 17 Autonomous Communities; categories of 4, 3 or one directly elected senator(s) per provinces (sub-units of Autonomous Communities) supplemented by representation of one or more (related to population) appointed by each autonomous parliament; suspensive veto (2 months).
Switzerland	Council of States: in practice direct election (direct election by plurality; method chosen individually by all cantons); 2 representatives for full cantons and 1 for half cantons; absolute veto (mediation committees).
United States	Senate: direct election since 1913 (by simple plurality); equal state representation (six-year terms with one-third elected every two years); absolute veto (mediation committees).

---