

## **Bicameralism, Democracy and the Role of the Civic Society**

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### **Address by S. M. Mironov, Chairman of the Council of Federation of the Federal Assembly of the Russian Federation**



Mr. Chairman, Ladies and gentleman,

I am grateful to the Chairman of the State Council of Slovenia Tone Hrovat for the invitation to participate and speak at the Association of European Senates' Meeting. I consider meetings of such kind to be very fruitful. They afford to discuss not only issues actual for the so called "parliamentary guild" but problems, that actually knock at the doors of European parliaments and that should be taken care of, as well. I am sure, that our meeting will promote mutual understanding between senators of Europe.

Referring to what has been already said, I can't help expressing my deep appreciation to the Chairman of the French Senate C.Poncelet for the idea of creating such an Association. Life proves advisability of the organization's establishment and necessity of its active work on analysing and summarizing of the upper parliamentary chamber's work experience, especially now, when the process of globalization is in full swing.

In my address I would like to dwell on two-chamber parliament structure. This structure, as we believe, has good prospects in Big Europe. Democratic changes inside political institutions make the states, even those that have not experienced a two-chamber parliament structure before, turn to it, when forming their national parliaments.

A two-chamber parliament is not a phenomenon in my country. That practice was established in the Russian parliamentary tradition in the beginning of the XX century. It was in 1906 that the Basic Laws of the Russian Empire entrusted the State Duma and the State Council with legislative power. They actually became the two chambers of the first Russian parliament.

This structure still works within the Federal Assembly of the Russian Federation. A two-chamber structure is much more effective in Russia than the one-chamber, because a two-chamber parliament provides stability for itself and for all state authorities of the country. That stability is very much needed in such a large multinational state as Russia is. A two-chamber structure is particularly valuable for my country, for it affords to bring federal authorities as close as possible to numerous problems and concerns of 89 regions of Russia.

After the new Constitution was adopted in 1993, the parliament's structure in Russia walked a long way of maturation. In these years the procedure of forming of the Council of Federation was changed three times. Yet, an optimal pattern of functioning for the Federal Assembly's upper chamber is still not chosen. We believe that the Council of Federation should be a guarantor of stability and political loyalty.

In the present time the upper chamber of the Russian parliament lives through a new phase of forming. Goals, functions and, as a consequence, the whole structure of the Council of Federation have changed.

It has become a distinctive feature, that members of the Council of Federation work on permanent basis. I would like to draw your attention to the following constitutional peculiarity of the Council's work. This chamber is the only one higher state authority in Russia that not even for a day or minute could resign its commission.

There are no reasons to assume that no new procedure of forming of the Council of Federation will be introduced. International two-chamber parliaments' experience has proved to have tendency towards lengthy evolution of upper chamber's structure. I suppose, that the transfer towards an elective system of forming of the Russian parliament's upper chamber could start in 2004 and take two years, because new senators' terms of election will depend upon the terms of office of local authorities, that are represented by those senators.

It is worth mentioning that the upper chamber of the Federal Assembly of the Russian Federation has certain powers that can not be resigned to any other authority. These powers are as follows: approval of borders between the subjects of the Russian Federation; approval of the President's decrees on introduction of the martial law or the state of emergency; deciding whether the Armed Forces of the Russian Federation should or should not be used outside the territory of the Russian Federation; convocation of the Russian Federation President's election and his impeachment; appointment of the judges to the Constitutional Court, the Supreme Court and the Higher Arbitration Court; appointment and dismissal of the Prosecutor-General of the Russian Federation.

The Council of Federation intends to participate in legislation more actively, using the legislative initiative right highest possible on both levels – by the chamber, as a state institution, and by each member of the chamber individually. Before the present moment this function of the Council of Federation was used only partially.

The Council of Federation should become the main state authority in charge of federative affairs. Enjoying the power to solve personnel issues concerning Courts and Public Prosecutor's Office, the Council of Federation could act as an arbitrator between executive and judicial branches of power.

The transformation of the Council of Federation into a "chamber of the regions", lobbying interests of all subjects of the Russian Federation, is one of the ways to represent local communities in legislative sphere, which is very important for Russia as a multinational federative state.

Authority shared between the Russian Federation and its subjects, as it is stated in the Constitution, implies that the upper chamber – "chamber of the regions" – will become a coordination center in charge of legislation of joint jurisdiction.

Implementation of the co-ordination function of the Council of Federation is being discussed now. The Council of Legislators was established for that purpose on common initiative of the Russian parliament's upper chamber and legislative (representative) state authorities of the subjects of the Federation. The Council unites legislators from 89 subjects of Russia and supplements the system of full participation of regional authorities' representatives in shaping and carrying on of common state policy.

Dear colleagues!

The main priority of Russia's foreign policy is promotion of friendly equal relations with European countries, their parliaments and European parliamentary organizations. I believe, that Europe needs Russia not less than Russia needs Europe. That is why we advocate for mutually respectful partnership with Europe in the field of economy as well as in the field of law, humanitarian co-operation, culture and security.

Results of the last summits between Russia and EU held in Brussels and Moscow showed that our dialog regarding coordination in these fields becomes more specified.

Nowadays there is no bigger challenge for the European cooperation institutions than international terrorism – the largest danger for mankind and its values. The main task is to strengthen global anti-terrorist coalition by all means. That will require solid law basis and patronage of the United Nations. If all these requirements fulfilled, the coalition could be an example of collective effort of the international community to resist new challenges.

It is important to remember, that struggle against terrorism should not be carried on only by force, if it means to be effective. An anti-terrorist program should imply several different measures, including legislative ones, which are all aimed at elimination of terrorists' social basis and depriving terrorists of political and financial support.

The upper chamber of the Federal Assembly of Russia participates in solving of all the acute problems concerning promotion of security and stability in Europe, especially - regaining of stability on the Balkans. We are always open to co-operation in such fields as maintenance of security in the region, ensuring of ethnic reconciliation, restoration of the region's economy and promotion of its further development, implementation of democratic values into social and political life on the Balkans.

We co-operate today in the field of solving problems engendered by consequences of the EU expansion. Concerning this matter, we proceed from common understanding, that this process must not only create new barriers for our inter-action but, on the contrary – maintain our joint effort.

I'd like to draw your attention to Russia's approach towards the problem of lending life-support to Kaliningrad region in the context of EU extension. A special address to the European Parliament, the Parliamentary Assembly of the Council of Europe, the parliaments of Poland and Lithuania concerning this matter has been worked out at the last session of the Council of Federation.

We believe, that the problem of Kaliningrad, if it is not settled, would lead to judicial and practical consequences damaging rights and freedoms of Russian citizens. I'm not aware of any reasons, why the European parliaments should not support our position. Mutually acceptable solution could and ought to be found, for the human rights issues do not recognize double standards.

In conclusion, I would like to wish the Association success in its activities. I am absolutely sure, that only joint reason and effort of the senators of Europe supplemented by their highest sense of responsibility and good will are able to inspire a new start in coping with the problems that peoples of Europe face today.