

Federalism

Defining Federations

Like many other concepts there is admittedly some difficulty in defining/understanding federalism on the basis of various context.

For older federations-the joining of some autonomous units for some common goals

For the EU-the coming together of the bulk of European states-combining confederal as well as federal features.

For former communist federations-division of powers in constitutional form rather than in operational reality.

In the African context, federalism is associated with the colonial experience of divide and rule

What do you think is the reason for such variation?

It might, therefore, mean different things to different people depending on historical and cultural context.

also comes from the fact that federalism has been the subject of study of different disciplines and different scholars have been studying different aspects of the same

Federalism as a Mode of Organizing a State

- ▶ the word 'federalism' comes from the Latin, *foedus*, meaning "covenant": a solemn agreement among smaller polities to form a larger perpetual polity.
- ▶ Federalism is a form of non-centralized mode of organizing a polity.
- ▶ It refers to a "union of separate states in which power is divided and shared between a strong union government and strong state governments.
- ▶ the idea of "shared rule and self-rule." inherent in federalism.
- ▶ It presumes the existence of at least two layers of government .

federalism and federations

- ▶ Preston King and Ronald Watts: distinguish federations from federalism.
- ▶ federalism refers to an ideology: a normative principle, while federations refer to institutions.
- ▶ Federation is descriptive concept referring to the actual system of governments.
- ▶ The essence of federalism as a normative principle is the perpetuation of both **union** and **autonomy**, in the latter for **accommodating**, **preserving** and promoting distinct identities within a large political union.

- Federations refer to **tangible institutional facts**. They constitute the institutional and structural techniques for achieving one of the goals of federalism.
- Watts has introduced a third classification: **federal political systems refer** to a whole spectrum of more specific non-unitary forms of governments **ranging from decentralized** system of governments, federations to confederations and beyond.
- In short, federal political systems suggest that there is more than one way to apply federal principles.
- federations represent one type of species.

- ▶ there may be federalism without federations, but there can be no federations without some matching variety of federalism.
- ▶ there are various forms of organizing governments on the federal line:
- ▶ a) Federation; b) confederation; c) federacy; and d) associated statehood.

federations distinguishes from....

- ▶ What basically **distinguishes** federations from decentralized unitary systems and from confederations?
- ▶ in *unitary systems* the governments of the constituent units ultimately derive their authority from the **central government**,
- ▶ in **confederations** the central institutions ultimately derive their authority **from the constituent units** and consist of delegates of the constituent units.
- ▶ In a federation, however, **each order of government** derives its authority not from another order of government, but from the **constitution**.

- ▶ *Federation*, unlike confederation, its dissolution can only come about through the consent of all or a majority of its constituent units."
- ▶ the general government has direct access to every citizen/ citizens of the states/ and supremacy in those areas in which it is granted authority.
- ▶ to the extent confederations allow secession, mark **less permanent commitment** to form a "more perfect union" which is **the essence of covenantal federalism.**

Why an increased interest in federalism?

- ❖ Elazar spoke of the world as in the midst of a paradigm shift from a world of states (nation-states) to a world of diminished states.
- ❖ States are now recognizing their interdependence and that rather than single centers there exist multi-centered decision-making units.
- ❖ **Combine independence and interdependence**
- ❖ it provides a technique of a **shared government for certain common purposes**, combined with **autonomous action** by constituent units of government.
- ❖ It provide the **closest institutional approximation** to the complex multicultural and multidimensional economic, social and political reality of the contemporary world.

Origin/waves of federalism

- ▶ Depending on how they came to be, federations are often classified into two major categories and a third which is a hybrid of those.
 - a. **coming together** (or better known as those formed through aggregation or integration of pre-existing states); **Eg USA, Switzerland**
 - b. **holding-together** (through devolution of a previously centralized system of power in a unitary country); (Spain, Belgium, Ethiopia, Iraqi)
 - c. a combination of these two (India and Canada)

Historic waves of federalism

- ▶ Federations have been formed in a series of historical waves over the last two centuries.
- ▶ George Anderson identifies some six “waves” of federation namely:
 - ▢ **classical federations** (18th and 19th century federations such as USA, Switzerland);
 - ▢ **post-colonial** federations (India, Nigeria, etc);
 - ▢ **post-communist** federations (Russia);
 - ▢ **post conflict** federations (Iraq);
 - ▢ **new federations** (e.g. Belgium, Spain, etc);
 - ▢ **transnational**

Suitability of federalism

- ▶ **“Federalism is not always best, and there is no best version of federalism.”**
- ▶ Federalism seems particularly suited to:
 - ✓ democracy,
 - ✓ very large populations or territories,
 - ✓ highly diverse populations that are regionally concentrated.
 - ✓ sense of **identity** with the whole **country**.....
 - ✓ lively and engaged political communities at the regional level.
- ▶ Federalism is suitable for some countries, not all.
- ▶ Federalism is rooted in constitutionalism and the rule of law.
- ❖ It is a **sham** in non-democratic countries.

Federalism's common characteristics

1. **At least two orders of government**, one for the whole country and the other for the regions.
2. **A written constitution:** A constitution that formally allocates legislative, including fiscal, powers to the two orders of government ensuring
3. **Some genuine autonomy for each order**
4. **representation of the constituent units** in key central institutions to provide for regional input in central decision-making, notably in **upper houses**.
5. An **umpire** or **procedure** (usually involving **courts**, but sometimes referendums or an upper house) to rule on constitutional disputes between governments.
6. A set of processes and institutions for facilitating or conducting **relations between governments-IGR**.

Division of Powers in Federations

- ▶ Division of power is the hall mark of every federation.
- ▶ constitutional sharing of legislative, executive, judicial powers and a sharing of revenue sources is a key feature of every federation.
- ▶ Both levels of government are autonomous with respect to the powers granted to them by the federal constitution.
- ▶ neither governments are constitutionally subordinate to the other.

- ▶ each has some powers reserved to it by the constitution rather than

Models for assigning legal powers

A. dualist/classical model

- ❖ assigns different jurisdictions **exclusively** to one order of government.
- ❖ the federal government's departments are thus present throughout the country.
- ❖ These model does not achieve a neat separation of powers, hence, there are some **shared** or **concurrent powers**.
- the fact that there is less cooperation between the federal government and states, dual federalism also known as **competitive federalism**.

- Canada, Brazil, dualist federations.

integrated (interlocking) model

- Under this model, the federal government is generally empowered with legislative power while states are in charge of implementing such laws to their respective region.
- The federal government doesn't need to establish its institutions in states to implement its laws and policies-states will implement it
- Such federations are featured by considerable shared or concurrent power which requires a large measure of **cooperation**, **consultations** or **coordination** between the federal government and the constituent states (**cooperative** federalism)
- This model is also sometimes called **administrative federalism** because the principal powers of the constituent units are administrative.
- Germany, Austria, South Africa, and Spain follow the integrated model.

Approaches

- ▶ Constitutions differ enormously in the level of detail and approach in assigning powers.
- ▶ the USA Constitution has only 18 headings of federal jurisdiction and most of these are actually concurrent with federal paramountcy; all other powers (residual powers) lie with the states.
- ▶ The Indian Constitution, by contrast, has **three long** lists: 97 union list , 47 concurrent list and 66 state list,.
- ▶ Ethiopia seems between USA and India: has both feature.

- ▶ In dividing powers, identify which power are

Approaches....

- Generally, there are three mechanism of assigning powers:
 - ❖ to grant a list of **exclusive** powers to the federal government, leaving the **residual** powers to the constituent states or provinces (Pakistan);
 - ❖ to identify a list of powers pertaining to the **federal and constituent units** respectively, leaving the **residual** powers to the federal government (Canada, Belgium); and
 - ❖ to draw up **federal jurisdictions** and **concurrent jurisdictions**. All residual powers are left to the states (USA, Switzerland, Australia, Germany, and Austria).

terms:

‘Concurrent’: both orders can make laws in a defined area, usually with federal paramountcy.

‘Joint’: the two orders make some concurrent decisions together.

‘Shared’: each order has some different legal powers in the broad area and decisions are made independently.

Adjudication of Disputes in Federation

- ▶ Adjudication of dispute refers to the **task of interpreting constitution** to address disputes over division of power as well as reviewing constitutionality of laws, for their compatibility with a constitution, with final and authoritative power.
- ▶ Crucially important in a federation is the presence of a body that umpires disputes **concerning the constitutionality of laws in general and the division of powers in particular.**

why conflict arises in federations?

Dispute in federation may arise in different ways:

- ✓ When both orders of govt have concurrent power
- ✓ When both level pass laws that conflict each other,
- ✓ **unforeseen and the unintended remains crucial and interpretation is one of such methods.**
- ✓ In such a case, resolving the conflict requires determining which power- internal trade or property —is the more relevant.

Why do we need a constitutional *arbitrator*?

- ▶ The constitutionally entrenched division of power is the hallmark of federations.
- ▶ However, the **division of powers between the federal government and the states *cannot be delineated in such a way as to avoid all conflicts.***
- ▶ Rufus Davis notes the ‘**division of power is artificial, imperfect and a generalized skeletal thing.**
- ▶ **Political life cannot be perfectly or permanently compartmentalized.**
- ▶ **The words can rarely be more than approximate crude and temporary guides to the ongoing or permissible political activity in any federal system”**

Models of Adjudication of Disputes in Federation

- ▶ Many federal systems have vested this important power either in their:
 - ▢ **ordinary courts** or (USA, Canada, India, BRA.....)
 - ▢ **separate constitutional courts**(Germany, RSA)
- ▶ these courts have the power to **interpret the constitution**, and even more importantly entitled to **decide on the conformity of the laws with the constitution**.
- ▶ there is commitment to a *‘higher law,’ that reflects the society’s fundamental values* and a law that contravenes this higher law should cease to exist by some kind of procedure.

Models of Adjudication of Disputes in Federation

- There are generally two models(approaches): the court and none court models.

The court model in turn is divided in to the American Model (Decentralized/defused) and the European (Centralized) model.

- ✓ None court- Political institution and Referendum

decentralized

- ▶ Decentralized system also called the American- system that accords every branch of the judiciary the right to review the constitutionality of laws.
- ▶ In principle any court has the power to declare any law or decision of an executive body unconstitutional, if such a law or decision violates the constitution, final appeal being reserved to the federal Supreme Court.
- ▶ This has been the case since the famous decision in *Marbury v. Madison* in 1803.
- ▶ What characterizes the decentralized system of judicial review in the US is the requirement of the presence of '**real controversy and adverse parties**' for the Court to decide the constitutional question.
- ▶ judges will not render **an opinion** or **decide a case** unless there is an **actual dispute between litigants before the Court**.

Centralized

- ▶ The main feature of this model is that constitutional interpretation is done by a special court known as constitutional court, which is not part of the ordinary court.
- ▶ Established only to deal with interpretation of the constitution.
- ▶ Austria, Germany, RSA, Spain, and Russia are some of the federations with constitutional courts as their ultimate constitution.

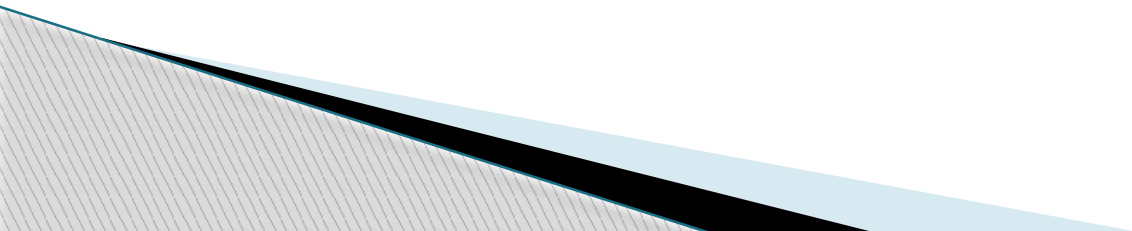
The non court model

- ▶ This is a system whereby constitutional interpretation done through bodies other than courts, usually by a body with political representation or accountability.
- ▶ USSR (1920), Ethiopia (1987) council of states and 1995 HOF.
- ▶ Switzerland follows a mixed approach: court and non court model(referendum)

Federalism and secession

- ▶ Many federations have constitutional provisions asserting the eternal
- ▶ unity of the country or precluding the possibility of secession.
- ▶ The United States (an 'indestructible union'), Mexico, Brazil, Nigeria, India, and Spain are examples. (Spain also prohibits autonomous communities from holding referendums on secession.)
- ▶ In other cases, such as Australia, Germany, and Switzerland, the constitution is silent on the issue.
- ▶ there have been a number of countries in recent decades

- ▶ Canada's **Supreme Court ruled** that, in a province, a clear majority voting on a clear question in favour of secession would give the province a right to **pursue secession through negotiations, with no conclusions predetermined by law.**
- ▶ the court found something less than a right to secede, but gave moral weight to a clear vote for secession.
- ▶ the USSR, Yugoslavia, Czechoslovakia, Pakistan, and Malaysia (actually the expulsion of Singapore).
- ▶ In 2006, Montenegro seceded from Yugoslavia, having met the threshold of a 55 per cent vote in favour, which had been agreed to in advance.
- ▶ **In France, new Caledonia province(konak community) voted to live with or without France.**



Conditions for federal success

- broad respect for the rule of law,
- culture of tolerance and accommodation between population groups, and significant elements of shared identity.
- Institutional arrangements can be important in achieving stability.
- Leader's-unifying role- Gandhi & Mandela
- independence of the court

Ethiopian federalism: past & the present

- ▶ The historic Ethiopian state was a unitarist state making the least effort to institutionalize federalism or other forms of decentralization.
- ▶ The commitment to *the ideal of a strong unitary state* had anathematized federalism as a step to the dismemberment of the country.
- ▶ Indeed, in Ethiopia the rulers obviously confused administrative plurality with disintegration and Unity was equated with uniformity.
- ▶ Centralism was reinvigorated in the guise of unity and perfected by Emperor Haileselassie I.

The Cost of the centralization project

- ▶ The centralization project depicted above was carried out at expense of ethno-lingual, cultural and religious diversity of the country.
 - ▢ gave birth to the “question of nationalities.”
 - ▢ led to civil wars whose cause fundamentally differed from earlier ones.
 - ▢ It lead the down fall of the centralist regimes (1991)

*“The key cause of the war all over the country was the **issue of nationalities**. Any solution that did not address them **did not address the issue of peace and war**. [...] people were **fighting for the right to use their language, to use their culture, to administer themselves**. So, without guaranteeing these rights it was not possible to stop the war or prevent another one coming up” Meles Z.*

- ▶ Addressing the 'nationality question' **as its principal goal**, the Charter's Art 2 recognized group rights and installed de facto federalism by organizing the country into fourteen regions for the former to exercise their group rights.
 - ▶ It aimed at rebuilding the country and restructuring the state democratically.
 - It also sought to mark **a break with the past and usher in a new chapter** :
 - self-determination,
 - the preservation of national identities of each group and
 - the right of each nationality to govern its own.
- ❖ This is in sharp contrast to the two earlier

The Federal Compact: Negotiating the Federal Idea

- ▶ Federalism was formally ushered in by the 1995 Constitution.
- ▶ The Constitution constituted the federation and continues to be its **compact**.
- ▶ The Commission engaged in teaching the public about **constitutions, democracy, human rights**, civic participation, etc with a view to raising the constitutional consciousness of the public.
- ▶ After preparing a **preliminary draft** which it submitted to the Legislature of the TG (the Council of Representatives), they also organized several events at several levels all over the country on which the draft text of the Constitution was discussed.

Normative framework of the federation

- ▶ The FDRE Constitution which is drafted in the above spirit, is meant to address questions of nationality and issues addressed by instrumentalist – ‘ended’ ethno-cultural injustice,
- ▶ the right to self-determination ,
- ▶ Sovereignty of NNPs VS theory of popular sovereignty.
- ▶ Equality of language,
- ▶ Ethno-linguistic criteria as the basis of organizing the states,
- ▶ ownership of land and natural resources ,
- ▶ HOF as representative of ethnic groups and umpire of constitutional dispute, and
- ▶ No federal supremacy clause but federal comity.

The States and the Federal Government

- ▶ The Ethiopian federation is composed of nine constituent units carved on the basis of “settlement patterns, language, identity, and consent of the people concerned.” Art 46/2
- ▶ Most of these states are ethnically heterogeneous although in most of them there are dominant ethnic groups after whom the states are often named.

The States and the Federal Government

- ▶ The power of the states is provided for in Art 52 of the FDRE Constitution as the “reserved” or ‘residual’ power that is “not given expressly to the Federal Government alone, or concurrently to the Federal Government and the States.”
- ▶ While the Constitution reserves the “plenary” powers to the states, it also makes it clear that states, among other things, have the power to set up their own administration “that best advances self-government, a democratic order based on the rule of law; to protect and defend the federal constitution”,

- ▶ Obviously one can have a fuller picture of the 'residual' powers **only after considering the list of federal powers under Art 51 and 55** which includes those powers traditionally known as **federal powers** (such as foreign affairs, defense, interstate commerce, interstate relations, currency, foreign trade, national security, transportation, postal services, and telecommunication, some natural resources including land, etc).
- ▶ Because the **list** of federal powers seems **to be long**, people often reasonably doubt if the residual powers reserved to the states in Ethiopia are really significant.

- ▶ some of the state powers “enumerated” (by way of example) in Art 52(2) (a-b) tend to **impose an obligation on states**.
- ▶ a **state constitution** that does not recognize the preeminence of the principles of self-government, democracy, and rule of law, and is not poised toward protecting and defending the federal constitution **cannot be accepted as valid**. It stands to reason, then, that all state constitutions, **minimally, need to abide by these principles**.

- ▶ In the Ethiopian federation, **symmetry** is the norm.
- ▶ the Ethiopian federation contain the **principle of federal comity**: “The states shall respect the powers of the Federal Government and the Federal Government shall likewise respect the powers of the States.” Art 50/8
- ▶ This provision is indicative, at least in theory, of the **dual nature** of the Ethiopian federation.
- ▶ this provision, Art 8, 39 give the impression that the Ethiopian federal system **guarantees state sovereignty**.
- ▶ There seems sufficient room for the state constitutions to articulate, elaborate, and give institutional expression to this state sovereignty.

Division of power under the Federation-Division of Legislative Power

- ▶ **distribution** of legislative power refers to the ways in which powers are constitutionally allocated between the federal government and the states.
- ▶ While the **scope of legislative** powers refers to the areas and amount of jurisdiction assigned to each order of government.
- ▶ with the **scope of legislative** powers refers to the substance of power allocated while with the **distribution** of legislative power refer to the technique of allocation of power.

- ▶ The constitutional allocation of legislative power is defined on the basis of **three** categories, namely exclusive powers (of the federal government and/or of the states), concurrent powers and reserve powers.
- ▶ According to Article 50(2) 'the federal government and the states shall have legislative, executive and judicial powers.'
- ▶ the federal government appears to be one with **enumerated and limited powers** and the states hold residual powers.
- ▶ The Constitution also comprises a brief account of some state powers in addition to the reserve power.

- ▶ It might appear that by virtue of the reserve clause, any power not mentioned under Article 51 belongs to the states.
- ▶ **But** other provisions of the Constitution also indicate additional powers entrusted to the federal government.
- ▶ So the reserve power of the states **only applies** after **discounting all power of the federal government distributed throughout the Constitution** including the power to enact a labor code, commercial code, penal code, approval of federal appointments submitted by the

executive,
institutions.

Shared Legislative Power

- ▶ There are deliberate and some unintentional overlaps in the division of power.
- ▶ Shared powers represent the meeting point of the two levels of governments, otherwise considered exercising exclusive shares of federal and state powers.
- ▶ Experience so far indicates that one can distinguish at least two types of shared powers: **concurrent** powers and **framework** powers.
- ▶ When framework legislation grants the federal government the competence to issue general legislation in a specific policy field and **leave substantial room for the states to issue their own legislation within the limits set by the federation.**

- ▶ By virtue of Article 55(6) the HoPR is empowered to enact *civil laws*, which the HoF deems 'necessary to establish and sustain one economic community'.
- ▶ In principle by virtue of Article 52, civil law is a matter reserved to the states.
- ▶ However, as a matter of exception HPR may enact civil laws to establish and sustain one economic community.
- ▶ This is a clear departure from the general clause under Article 52 sub 1. The last clause states that whatever is not expressly given to the federal government alone or concurrently with states remains with the states.

- ▶ this clause is potentially a key provision for **guaranteeing uniformity in some fields of civil law.**
- ▶ The above view has been expressly expounded by the Justice and Legal System Research Institute in its bid to convince the HoF to direct HoPR to enact a nationwide Notaries Act which among others aimed at regulating agency, authentication, registration of contracts concerning immovables,
- ▶ some movables, sale of share certificates, registration of contracts of marriage, lease

contracts, registration of Memoranda of Association and authentication of documents

- ▶ The institute argued that these are vital instruments that may affect freedom of trade and commerce if states are allowed to issue different laws.
- ▶ Consequently the federal government issued the law.

- ▶ Another area of relevance in the field of framework legislation refers to land law. Articles 52(2) d, 55(2) a, and 51(5) stipulate in theory parallel powers between the federal government and the states-different aspects of the same subject matter.
- ▶ Federal government is empowered to enact laws for the utilization and conservation of land(Article 51(5)) while the states are empowered to administer land and other natural resources in accordance with federal laws (52(2)).
- ▶ In theory, it appears legislation is a federal matter while the administration of land and natural resources belongs to the states-an aspect of administrative federalism

Concurrent Powers

- ▶ As one category of shared powers, concurrent powers refer to powers attributed to both entities.
- ▶ However, often the states, are allowed to exercise this power until the federal government steps in to legislate on such powers.
- ▶ Concurrent powers provide an element of flexibility in the distribution of power enabling the federal government to **postpone** the exercise of potential authority in a particular field until it becomes a matter of **federal importance**.
- ▶ They enable both governments to exercise their respective powers depending on whether the **matter remains of regional or of national importance**.

- ▶ examples of concurrent powers.
- ▶ The **states may**, enact penal laws too **on matters that are not specifically covered** by the federal penal legislation.
- ▶ It appears that this is more of a **concurrent** than **parallel** or **framework** one.
- ▶ Potentially, by virtue of Article 55(5), states may include **specific offences not covered by the federal penal code** in every piece of legislation.
- ▶ Art 98 taxation powers.

- ▶ Residual powers represent those powers not listed or partly listed by the constitution and assigned to either unit of government.
- ▶ The US, Switzerland, Germany, and Ethiopia have preferred to leave residual powers with the states while in India such powers belong to the center.
- ▶ As noted earlier one has to look into those powers given **expressly** or **impliedly** to the federal government in several sections of the Constitution **and any other power not mentioned, by default belongs to the states.**

Division of Executive.....IGR

- ▶ The Constitution states: 'The federal government and the states shall have legislative, *executive* and judicial powers.'
- ▶ It hints that there will be **parallel federal and state executive** organs in charge of **enforcing federal and state laws** respectively.
- ▶ The Federal Council of Ministers is also empowered to ensure the implementation of laws and decisions adopted by the HoPR.
- ▶ The number of ministries has been increased to more than 20. This also **seems to back the duality** in the organization of the executive hinted at by Article 50(2) of the Constitution.

Adjudication of Dispute under Ethiopian Federation

- ▶ In Ethiopia, HOF is empowered with **final authority** to address disputes that arise between federal government or states or between states or even between different organs of the federal government (Legislature, executive and judiciary) related to disputes on division of power as well as enforcement of fundamental rights and freedoms enshrined under the Constitution.
- ▶ Ethiopia opt to have a **political** body, HOF to umpire disputes.
- ▶ The HOF, as the representative of nations, nationalities and people of Ethiopia, mandated to promote and protect their interest.
- ▶ Hence, the two largest ethnic groups in Ethiopia, Oromo and Amhara, respectively, constitute a majority which makes it **majoritarian house**..... Like HPR?

- ▶ The Constitution under its Art 61 has dealt with the organization, composition and function of HoF.
- ▶ The House thus comprised one representative of each NNPs and one additional representative for every extra one million population of a nation.
- ▶ Hence, after representing every NNPs by one representative, the Constitution has left the remaining seat to be filled by nations according to the number of their million populations.
- ▶ a nation with large number of population will have more seats in the house.
- ▶ Hence, the two largest ethnic groups in Ethiopia, Oromo and Amhara, respectively, constitute a majority which makes it majoritarian house..... Like HPR?

- ▶ HOF supported by experts: Art 82 of the Constitution stated that it shall have eleven members.
 - ❖ The Chief and Vice-Chief Justice of the Federal Supreme Court
 - ❖ Six persons of legal expertise
 - ❖ three members are from HoF.
- ▶ From such composition it is possible to notice the participation of the judiciary (Chief and Vice-Chief Justice), HoPRs, HoF and perhaps the President of the Republic.... Resemble like the USSR Model!

- ▶ The Constitution, under Art 83(3) A and B, uses “there is a need for constitutional interpretation” and “there is no need for constitutional interpretation” phrases to describe how CCI exercise its function.
- ▶ When CCI rejected a case submitted to it for constitutional interpretation on the ground there is no need for constitutional interpretation, it sounds like the former reach into the latter decision without passing through constitutional interpretation.
- ▶ CCI has the mandate to assert for the need of constitutional interpretation, to reject a case on the no need of constitutional interpretation.

Conclusion

- ✓ The federation that was born out of the concern for ethno-nationalist groups' right to self-determination (which in turn was a result of an age-old quest for ethno-cultural justice) manifested a number of *unique features*.
- ✓ The recognition of the right of secession,
- ✓ the use of ethno-linguistic criteria as a basis of state formation,
- ✓ the unconventional constitutional interpretation through the upper house of the federal legislature,
- ✓ the fact that states are not directly represented in the upper house,
- ✓ the fact that the upper house has little, if any, legislative role, etc, can be mentioned as evidence of its unique features.)