

Bicameralism for Pluralism in a Multiethnic Society and Its Perspectives in Georgia

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[Doi:10.19044/esj.2026.v22n39p1](https://doi.org/10.19044/esj.2026.v22n39p1)

Submitted: 14 April 2026

Accepted: 28 May 2026

Published: 15 July 2026

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Cite As:

Jibgashvili, Z., & Marinashvili, M. (2026). *Bicameralism for Pluralism in a Multiethnic Society and Its Perspectives in Georgia*. European Scientific Journal, ESJ, 22 (39), 1.

<https://doi.org/10.19044/esj.2026.v22n39p1>

Abstract

This article examines the constitutional role and institutional formation of bicameralism in multiethnic societies, with particular focus on the composition and the constitutional competence of the upper chamber. It argues that bicameralism constitutes a fundamental mechanism for strengthening democratic legitimacy, balancing state power, and ensuring the effective representation of diverse social groups. Contrary to claims that it fragments popular sovereignty, the study demonstrates that bicameralism reinforces it through internal checks and balances and enhanced inclusivity. Drawing on comparative analysis of European and post-socialist states, the article evaluates different models of upper chamber formation: direct, indirect, appointed, and mixed, and their implications for legitimacy, representation and institutional effectiveness. Particular attention is given to the relationship between the method of formation and the functional identity of the upper chamber, emphasizing the advantages of asymmetrical bicameralism and territorial representation in multiethnic contexts. The study highlights both the integrative potential and the risks of mechanisms such as ethnic quotas and veto powers. The research further analyzes the constitutional framework of Georgia, exploring the conditional provision for bicameralism and its linkage

to the restoration of territorial jurisdiction. It argues for a more flexible, teleological interpretation of the constitutional text/norm, that would allow earlier institutional development. The findings suggest that a territorially representative and functionally distinct upper chamber could enhance political pluralism, reduce excessive centralization and strengthen democratic consolidation in Georgia.

Keywords: Bicameralism; Upper Chamber; Multiethnic Society; Territorial Representation; Minority Rights; Consociational Democracy

Introduction

In contemporary multiethnic states, the organization of the legislative branch is particularly important for ensuring constitutional stability. Ethnic, cultural, and territorial diversity necessitate the development of mechanisms for the distribution of power and representation that are consistent with the requirements of democratic legitimacy and broad political participation. In this context, the upper chamber of parliament functions as a representative body for diverse groups, ensuring their participation in the formation of a unified sovereign policy.

The institutional function of the upper chamber is particularly evident in multiethnic societies, where it serves as a mechanism of political and legal balance. Its involvement in the legislative process often leads to extended deliberation and compromise-based solutions, thereby facilitating democratic consolidation and the maintenance of stability within a multiethnic society. This function is manifested through mechanisms characteristic of bicameral systems, including the exercise of “mutual veto” powers and participation in domestic and foreign policymaking. Accordingly, the determination of the method of the upper chamber formation is not only an organizational matter, but it is derived from its functional essence.

Bicameralism was historically established as an institutional mechanism for balancing the interests of different social groups within the legislative branch. Its classical model emerged from a compromise between aristocratic representation and popular sovereignty, while its subsequent development became closely associated with the strengthening of the principle of territorial representation. In the presence of a lower chamber elected through universal suffrage, the upper chamber ensured the operation of checks and balances within the legislative and policymaking process.

The coexistence of aristocratic and democratic elements within bicameralism, through its moderating and restrictive functions, significantly influences the effectiveness and stability of the political system. Furthermore, since parliamentarism historically developed within bicameral frameworks, bicameralism may be regarded as its classical form, whereas unicameralism

represents a simplified institutional model intended to facilitate governance, though one that may, in certain contexts, weaken political balance and institutional resilience.

The evolution of bicameralism has resulted in increased functional diversity and the emergence of various institutional models. The objective of this research is to analyze the purposes and functions of bicameralism, taking into account its distinctive characteristics in multiethnic societies. Furthermore, based on the constitutional framework of Georgia, the study examines the potential prospects for the development of bicameralism. The research primarily relies on an analysis of bicameral models in post-socialist states, enabling an assessment of the functional role and methods of formation of the upper chamber in the context of minority participation in governance and the protection of their rights. In addition, bicameralism is examined through a comparative analysis of both the original and current versions of the Constitution of Georgia. The analysis of doctrinal sources employed in the study, together with subjective and objective (dynamic) methods of normative interpretation, ensures that the conclusions concerning the prospects of bicameralism in Georgia are systematic and well-reasoned.

Methodology

The present study is grounded in doctrinal, comparative legal, and normative interpretation methods. It employs both classical and contemporary constitutional theories regarding bicameralism, consociational democracy, and the governance of multiethnic societies. The theoretical framework of the study is based on a doctrinal analysis of parliamentarism and the separation of powers doctrine.

The primary method of this research is comparative legal analysis, which examines institutional models of bicameralism across various jurisdictions, with particular emphasis on post-socialist and multiethnic countries. The analysis addresses both the procedures for constituting the upper chamber and its constitutional competences, as well as its broader functional role in structuring ethnic and territorial representation, balancing political power, and contributing to conflict prevention.

By employing the method of normative interpretation, this study analyzes both the original and current versions of the Constitution of Georgia, including the constitutional foundations of parliamentary bicameralism and territorial representation.

The sources used for this research include international and domestic legal acts, reports of international organizations (including the Venice Commission), doctrinal works, and studies in comparative constitutional law.

The research is qualitative and aims to evaluate the functional and institutional significance of bicameralism in a multiethnic society, as well as to determine its potential constitutional perspectives for Georgia.

1. The Role of Bicameralism in the Exercise of Popular Sovereignty

Bicameralism, as a multifaceted constitutional principle within modern constitutional systems, does not fragment popular sovereignty (see Kotliarevsky, 1907, p. 151); on the contrary, through the restraining function exercised between the chambers, it may reinforce and effectively multiply it. This approach is grounded in classical constitutional theory, according to which the effective exercise of popular sovereignty requires not the concentration of power, but rather its structural balance. In his doctrine of the separation of powers, Charles-Louis de Montesquieu maintained that political liberty is possible only when power checks power (*le pouvoir arrête le pouvoir*). Bicameralism emerges as a legislative expression of this underlying logic. More specifically, the existence of each chamber serves as a mechanism of restraint and balance in relation to the other. Consequently, a bicameral system does not diminish popular sovereignty; rather, it establishes institutional guarantees for its effective exercise.

American constitutional doctrine emphasizes that bicameralism mitigates the risk of concentrating power within a single legislative body and ensures internal self-restraint within the legislative branch itself. Rather than fragmenting popular sovereignty, bicameralism is associated with strengthening representative government (Madison, J. 2008: 352). Representative authority cannot be regarded as legitimate unless it adequately reflects the diversity of interests existing within society. The challenge of ensuring adequate representation of a diverse society within a single chamber is an objective reality. However, this difficulty can be alleviated precisely by the second chamber through a more accurate representation based on “territorial, communal or other minorities”. (Bulmer, E. 2017: 4). From this perspective, the upper chamber serves, on the one hand, as the center for the representation of territorial units, and on the other, through this very mechanism, acts as an instrument for balancing overall state policy. The upper chamber, acting as a ‘second sober thought’ (Benz, A. 2018: E-38) a space for “deliberation and analysis” (Macharadze, Z. 2017: 18), “wisdom”, “balance”, and “expertise” (Gelard, P. 2006: 11), through its “checking” and “cooling” functions, helps ensure a more balanced operation of the separation of powers. The upper chamber also acts as a kind of arbitrator during political conflicts. In favor of state interests, it acts as a counterbalance to the lower chamber (which “poses an excessive threat” (Qurashvili K., Chokoraia K., & Buchukuri, A. 2011: 63-64) to party interests). The upper chamber acts as an institutional link between territorial units and the state, providing a check on

the lower chamber and serving as a forum for reaching broad political consensus. The inclusion of territorial units in the legislative process does not weaken the unity of the state, instead, it reinforces it through the mechanism of political legitimacy (Daniel J. Elazar, 1987: 12-15). In this respect, the upper chamber may be regarded as an institutional bridge between territorial units and the central government. Furthermore, the existence of an upper chamber may safeguard the continuity of legislative authority, particularly in situations involving the dissolution of the lower chamber. Typically, being immune to the risk of dissolution, the upper chamber “enjoys a freedom to think and act the way that is not always possible for lower houses, which are permanently under pressure from public opinion and media”. (Gelard, P. 2006: 11). Nevertheless, bicameralism may fail to consolidate its position. For instance, in several states, including Croatia, Denmark, Kyrgyzstan, and Senegal, upper chambers have been abolished altogether. The rise of disciplined political parties and the consolidation of party-based parliamentary governance have significantly reduced many of the traditional factors that historically justified bicameral legislative structures. Consequently, these developments have rendered the Senate redundant (Massicotte, L. 2001: 155-156). According to some views, the decision to abolish the upper chamber was driven by the fact that it excessively delays the proceedings of the lower chamber and involves significant maintenance costs (Gelard, P. 2006: 2). In Belgium, only “federalism rescued the upper house from abolishment”. (Popelier, P. 2018: E-219). Despite the aforementioned socio-political pressure, a bicameral system is more capable of effectively “creating separation between the executive and legislature,” (Stephenson, S. 2017: 852) while in unicameral systems, on the contrary, parliament and government coexist in a “strange intertwining,” (Sajo, A. 2003: 221) which may expose the parliamentary system to executive dominance. In this regard, the existence of a second chamber becomes particularly important, when the legislative branch lacks internal mechanisms of control, and the executive branch assumes a dominant position. (Madison, J. 2008: 355). Bicameralism creates a legislative space that is less dependent on the influence of the executive branch and more capable of exercising effective control over its activities. The responsibility for preserving unified state sovereignty is transferred to the upper chamber of territorial representation. Taken together, the aforementioned factors mitigate the risk of fragmenting popular sovereignty and “a second, or upper chamber creates a space within the legislative government that does not necessarily have to be under the control of the executive” (Stephenson, S. 2017: 852), particularly within the framework of asymmetric bicameralism. Accordingly, the upper chamber is “better suited and better capable to evaluate rigorously the executive’s legislative proposals and hold the executive accountable for its actions as the head of the

government”. (Stephenson, S. 2017: 852) This component is important in multiethnic societies.

Thus, the analysis of constitutional theory reveals that bicameralism does not fragment popular sovereignty. Rather, it constitutes an institutional mechanism that ensures broader and more balanced representation, contributes to the distribution and restraint of political power, facilitates the participation and protection of minorities, and ultimately strengthens state sovereignty within the framework of a democratic constitutional order.

2. Multiethnic Society and Bicameralism

Societies characterized by ethnic, linguistic, religious, and cultural diversity have become a particular focus of constitutionalism in the XX-XXI centuries. In this context, the bicameral system is often regarded not merely as a mechanism for effective democratic governance, but also as an instrument that facilitates the integration of minority groups and the protection of their interests.

2.1. Multiethnic Society as a Prerequisite for the Establishment of Bicameralism

In multiethnic societies, policies aimed at integration must be grounded in the broadest possible consensus among diverse groups, while maintaining a reasonable balance with the requirements of effective governance. Preserving this balance is neither simple nor invariably flexible. A multiethnic society involves the coexistence of different ethnic, religious, linguistic or cultural groups within a single political entity. Although, precise normative definition of the concept of a minority remains difficult, it is commonly defined as “a non-dominant group numerically inferior to the rest of the population of a state, whose members — being nationals of the state — possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed toward preserving their culture, traditions, religion, or language”. (OHCHR, 2010: 2). Thus, in a diverse multiethnic society, the legitimacy of state institutions largely depends on the extent to which they ensure political representation and equal participation of different groups.

The concept of consensual democracy pays special attention to power-sharing mechanisms in a diverse society (Lijphart, A. 1999: 197-201). In these societies, bicameralism assumes broader functions: the upper chamber becomes a space for representing territorial and ethnic units and contributes to political stability and conflict prevention. In a multiethnic society, a unicameral system may be unable to adequately reflect the diversity of social interests, whereas bicameralism creates an additional institutional framework for representation. In a diverse society, the achievement of a broader

consensus is facilitated by chambers exercising distinct functions, where the second chamber serves as the optimal platform for territorial representation and, among them, the representation of minorities.

Unicameralism, especially in terms of a possible monolithic majority in the lower chamber, is an unbalanced and destructive parliamentarism that creates risks of power monopolization. Societal polarization tends to intensify proportionally, particularly in multiethnic societies, and especially where institutional mechanisms ensuring the participation of ethnically smaller groups in state governance are weak. This is illustrated, for example, by the cases of Serb participation in Bosnia and Herzegovina, Kosovo Albanians in Serbia, and the inclusion of Ossetians and Abkhazians in Georgia. Conversely, bicameralism, regardless of the system of government, allows minorities to participate in governance. Therefore, in the consociational concept, it is the primary institutional form of power sharing, “that ensures that the voice of the minority in the process of governing will be heard” (Minority Rights: Problems, Parameters, and Patterns in the CSCE, 1991: 26). In the United States, the introduction of bicameralism was a “protective device to protect the minority (i.e., the less populous states) from the tyranny of the majority”. At the same time, the components of consociationalism, in line with their objectives, should serve the integration of society. Therefore, these mechanisms should be applied in such a form and to such extent as to eliminate the underlying conditions that facilitate societal division, while preventing the deepening and continuation of such processes. In this regard, the full realization of the “representative” and “responsive” (see: Norton, Ph. 2007: 3-18) functions of the upper chamber is given special importance precisely in multiethnic states.

Monoethnic societies are rare in the modern world. Regardless of the specific form of territorial organization, decentralization relies on the diversity of society. In many European countries (Albania, Azerbaijan, Bulgaria, Denmark, Estonia, Turkey, Ireland, Cyprus, Latvia, Lithuania, Malta, Portugal, Georgia, Serbia, Slovakia, Armenia, Finland, Croatia, Sweden, North Macedonia, etc.), unicameral parliaments operate. However, due to various factors, bicameralism has been established in some countries, specifically Austria, Belarus, Belgium, Bosnia and Herzegovina, Great Britain, Germany, Spain, Ireland, Italy, the Netherlands, Poland, Romania, Russia, France, Slovenia, Switzerland, and the Czech Republic. The vast majority of these countries are unitary, with only five (Belgium, Bosnia and Herzegovina, Germany, Russia, and Switzerland) being federal, while Spain and Italy are regional.

Accordingly, modern bicameralism functions as a mechanism for territorial and minority representation, as well as a safeguard against the monopolization of power (non-pluralistic democracy). In decentralized and

multiethnic states, the upper chamber serves as a body responsible for representing constituent units at the level of central government; for facilitating political dialogue between these units and the central authority; and for ensuring balance, oversight, and participation in the formation of state policy.

The existence of a multiethnic society leads to the territorial decentralization of the state. whereas bicameralism ensures the participation of territorial units in the highest decision-making process of the state. For example, in Canada, ethnic and linguistic diversity plays an important role in the functioning of federal institutions. Although the Canadian Senate does not fully reflect the ethnic principle, it represents regional interests (Constitution Act of Canada, 1867, par. 22, 37). Switzerland is a classic example of consociational democracy, where the equal representation of the cantons in the upper chamber ensures the political integration of ethno-linguistic diversity (Federal Constitution of the Swiss Confederation, art. 150). Nevertheless, the attitude toward bicameralism is not uniform. In post-totalitarian European countries, bicameralism has been less widespread (e.g., Belarus, Bosnia and Herzegovina, the Czech Republic, Romania, Poland, Slovenia, and the Russian Federation).

It is noteworthy that the functions of both the parliament in general and the upper chamber in particular, as well as their respective methods of formation and electoral systems, exert a substantial influence on the given system of government (Jibgashvili, Z. 2022: 116). The nature of parliamentary government tends toward concentration, rather than the separation of powers. Unicameralism, particularly when characterized by a monolithic majority in the lower chamber, results in a destructive form of parliamentarism, distorted by a lack of equilibrium. This, in turn, gives rise to significant risks of the monopolization of power. Proportionately, social polarization also intensifies, especially in multiethnic societies and when minority participation in state power is weak.¹ Converse effect is observed in bicameral systems, where the upper chamber maintains a balance between the branches of government through oversight powers.

Bicameralism was an essential prerequisite for federal and regional states, where “the second chamber plays an essential balancing role between the center and the state’s geographical components”. (Gelard, P. 2006: 2)

¹ This is evidenced by the cases of co-participation involving Serbs in Bosnia and Herzegovina, Kosovo Albanians in Serbia, and Ossetians and Abkhazians in Georgia. At this juncture, it must be emphasized that this discussion regarding Kosovo Albanians, Abkhazians, and Ossetians implies no other comparison. This does not constitute a comparison between the specific cases of Abkhazia and Kosovo.

specifically in Austria, Germany, Spain, and formally in Russia.² However, in multiethnic regional states, we sometimes find equal (symmetrical [sometimes called “perfect bicameralism” (see: Passaglia, P. 2018: E1-29; Delledonne, G. 2018: E-71-95) or relatively equal-power chambers (Belgium, Bosnia and Herzegovina, Italy, Switzerland). In these cases, ethnic and territorial checks are not necessarily weakened. Generally, the upper chamber is endowed with special veto powers. In particular, certain laws cannot take effect without its consent or may require a qualified majority in the corresponding lower chamber (Gelard, P. 2006: 8). This is clearly illustrated by the consensus-oriented functions of the Belgian Senate.

The upper chamber veto certainly affects the efficiency of government. However, it is a negative restraining (not interventional) measure, it can only have a restraining effect on policymaking and cannot itself determine the direction of policy. Through rejection, the veto safeguards politics (like a negative legislator) from the risks of delegitimization. Under the Belgian Constitution, for instance, any legislation concerning the cultural and educational interests of linguistic groups must be adopted by a 2/3 majority of those voting, provided that such a majority includes a concurrent majority of both French-speaking and Flemish-speaking representatives (The Belgian Constitution, art. 3). This means granting both linguistic groups official veto power (Lijphart, A. 1997: 30). However, so far, no such law has been adopted (Scholsem, J.-C. 2006: 8).

The role of the upper chamber as a protector of ethnic groups is also clearly illustrated in the case of Bosnia and Herzegovina. Specifically, any decision passed by the Parliamentary Assembly may be declared prejudicial to the vital interests of the Bosniak, Croat, or Serb peoples, provided such a declaration is supported by a majority of the respective ethnic delegates present and voting (Constitution of the Federation of Bosnia and Herzegovina). If the majority of the Bosniak, Croat or Serb delegates of the upper chamber oppose the security of the vital interests of the constituent peoples, the chairman of the (upper) chamber of peoples shall convene a joint commission of three delegates to resolve the issue. Each of them shall be selected from among the Bosniak, Croat and Serb delegates. If the commission fails to resolve the issue within 5 days, the issue shall be referred to the Constitutional Court, which shall consider it in an expedited manner (Constitution of the Federation of Bosnia and Herzegovina). Tight deadline review of the issue by the “People’s” Commission of the Upper chamber and the Constitutional Court is a reaction to the destructive risks of this ambiguous procedure.

² In the Russian Federation, the centralized monolithic nature of government, both at the horizontal and vertical levels, no longer allows for its objective rational consideration.

The “ethnic veto” can be a useful, but not always effective, mechanism for preventing conflict. The absence of such legislation within the Belgian legal framework suggests that this protective mechanism has successfully performed a “Scarecrow” (deterrent) function, and that political incentives to restrict rights have not materialized. In Bosnia and Herzegovina, despite a detailed and compromise-oriented decision-making procedure, the lack of clarity regarding the scope of issues classified as “vital interests” of ethnic groups has meant that this variation of the “ethnic veto” has become an effective instrument of obstruction and conflict. “Even the mere threat of using the veto has been sufficient to block controversial issue, however, it did not lead to balance and compromise... on the contrary, it led to political paralysis” (Boldt, H. 2012: 505) and “it was used for the purposes of weakening the political and central government”. The “ethnic veto” undoubtedly has a potential to counteract disintegration. Therefore, its material scope and application must be precisely defined and oriented toward the aim of compromise rather than rigid isolationism. Such consociational measures of power-sharing can only be used correctly for their intended purpose to uprooting the risks of disintegration, rather than deepening them.

Some argue that the participation of ethnic minorities within executive structures(which the upper chamber cannot provide) better corresponds to their subnational involvement in decision-making process, as what they require is participation rather than mere representation. (Boldt, H. 2012: 505). Consequently, the upper chamber should ensure sufficient opportunities for minority participation. At the constitutional level, the self-government of territorial units should be synchronized with “shared rule” within the broader system of governance. (Benz, A. 2018: E-30). The status of the upper chamber must be defined in a manner that prevents the concentration of power, thereby safeguarding minority interests against the “tyranny of the majority”. The burden of safeguarding unified state sovereignty shifts to the upper chamber of territorial representation. They “should represent the institutional compromise according to which subnational units participate in the national decision-making (mostly in legislation, but not only) in exchange for the dilution of sovereignty” (Palermo F., 2018, p. E-51). The permanence of the upper chamber (i.e., its immunity from dissolution, subject to rare exceptions [Austria, Belgium, Italy, and Poland]) is essential for the functional divergence between the two chambers.

Consequently, within multiethnic societies bicameralism is utilized to achieve the following objectives:

- To ensure the security of ethnic groups;
- To consolidate society through the legitimization of unified decision-making;
- To strengthen the legal foundations for territorial autonomy;

- To facilitate conflict de-escalation.

Based on the above mentioned, bicameralism in a multiethnic society performs four key functions:

1. **Political inclusivity** refers to the representation of diverse ethnic, linguistic, religious, and regional groups. The existence of two chambers ensures broader representation: one chamber is based on majority popular support, while the other is grounded in the interaction of diverse groups. This *mechanism of inclusivity* becomes particularly important in societies where historically entrenched tensions exist between groups.;
2. **Conflict prevention** - the requirement for broad consensus within the legislative process mitigates the risk of social discord. The upper chamber frequently serves as a facilitator of compromise, specifically, decisions related to ethnic or cultural differentiation undergo additional procedure in which minority interests may be assessed more comprehensively than under decisions taken by absolute majority alone;
3. **Enhanced legitimacy** - decision-making through the concurrence of two chambers increases the authority of adopted legislation. Such decisions are not merely expressions of majority will. Their legitimacy is strengthened by the participation of all distinct groups within society in the decision-making process.;
4. **Limiting centralization** ensures a balanced distribution of power between the center and the regions.

However, bicameralism alone is not a universal solution for integration in multiethnic societies. If the upper chamber does not actually ensure effective representation of diverse interests, it may turn into a formal institution that simply increases the bureaucratic burden.

2.2. Institutional Foundations for the Formation of the Upper Chamber

Societal diversity necessitates the pursuit of consensual democracy, which objectively creates the requirement for bicameralism. A bicameral parliament ensures the improvement of the quality of legislative process and facilitates the integration of a pluralistic society into decision-making through broader participation.

It is obvious, the mere existence of an institutional form is not sufficient; its substantive functioning and the corresponding political culture are also necessary. The effectiveness of bicameralism depends on its real competencies and representative nature. It is widely argued that most upper

chambers are weak (Macharadze, Z. 2017: 55-56, 59-62). Such weakness is commonly associated with the asymmetry between the chambers, whereby the upper chamber (and its members) lacks direct powers of legislative initiative and political responsibility for the government. Instead, the upper chamber primarily exercises veto powers in relation to decisions adopted by the lower chamber, which remains the principal source of policy determination. This functional balance stems from the institutional nature of the upper chamber - that it should be an inclusive and controlling voice of the people of the territorial units in the formation of general state policy. In classical theory, “two chambers, however similar, should be independent from one another. The membership of the one should not be subject to the leadership of the other, nor should both of them be subject to a single political leadership” (Stephenson, S. 2017: 852.). Conversely, in regional states where second chambers do not genuinely embody the representation of territorial units, they are often subjected to severe criticism either because of their weakness and ineffectiveness or because of their capacity to obstruct and delay the legislative process. (Gamper, A. 2018: Ed- IV). The method of electing any political body derives from its institutional nature. Accordingly, the objectives and functions of the upper chamber must be proportionally legitimized through its method of formation. Despite the diversity of models for constituting upper chambers, the essential principle is that second chambers fundamentally represent the interests of communities or territorial units. (Russell, M. 2001: 105-118). Where the method of formation of the upper chamber differs from that of the lower chamber, this “may result in very different outcomes” (Gamper, A. 2018: Ed- III) with regard to the development of democratic competition. “Different parties may hold the majority in each chamber - with the opposition in one having the majority in the other” (Nussberger, A., & Ozbudun, E., & Sjersted, F. 2010: 9) thereby producing an inherently asymmetrical - “counter-majoritarian upper house” (Passaglia, P. 2018: E-10). In terms of control over the chambers (we also share this position), an asymmetric ratio is considered more effective (Passaglia, P. 2018: E-10.) Based on the research issue, our attention is primarily drawn to the “most common” (Passaglia, P. 2018: E-13) models of “territorial” representation of the upper chamber. However, the restraining functions that the upper chamber should perform in multiethnic societies can also be read in the “counter-majoritarian” variation and sometimes in the symmetrical system. An upper chamber of territorial representation operates in many decentralized countries: Austria, Belgium, Bosnia and Herzegovina, Germany, Spain, the Netherlands, Russia, Switzerland. However, not all of them are strictly subject to this classification. One type of upper chamber may also include elements of another of these classifications. For example, the “territorial” chamber of Slovenia is a mixture of corporate components, while the symmetrical chambers of Belgium, Bosnia

and Herzegovina, Italy, and Switzerland are derived from territorial representation.

In regional states, where second chambers do not genuinely embody territorial representation, “they are subject to severe criticism for their weakness and ineffectiveness, or for their strength and potential for obstruction” (Gamper, A. 2018: Ed- IV). But the asymmetry of regional upper chambers is easily explained by the different origins of the legitimacy of the chambers: aristocratic, corporate, and indirectly elected second chambers, in terms of the strength of their legitimacy, cannot compete with assemblies that are directly elected by the people (Passaglia, P. 2018: E-18).

Equal direct legitimacy of members of the chambers equalizes ambitions and makes the upper chamber inclined to participate equally with the lower in determining policy. The functional similarity with the lower chamber transforms the upper chamber not into a restraint on the policy determined by the lower chamber, but rather an equal participant in its determination. This constitutes a distortion of the classical nature of the upper chamber. Accordingly, the correspondence between the territorial representative function of the upper chamber and its method of formation—distinct and separate from the electoral rules governing the lower chamber—significantly reduces the risk of institutional duplication between the two chambers. Symmetry of the chambers seems useless in multiethnic societies, where a coherent policy in the upper chamber should be the best tool for reacting to monolithic policies in the lower chamber due to possible natural ethnic imbalances. The equal direct election of members of the lower and upper chambers “either necessitates equality between the two or, if the second chamber has fewer powers than the first, infringes the principle of popular sovereignty” (Gelard, P. 2006: 10). However, in certain cases, a method of forming the upper chamber that differs from that of the lower chamber does not necessarily lead to functional differentiation between the two and may merely reflect the federal structure of the state (Switzerland) (Gelard, P. 2006: 6). A different method of formation alone is insufficient to determine the appropriate status of the upper chamber.

In accordance with the method of election, defining the upper chamber as a body representing territorial units rather than directly elected voters is one of the key factors determining the scope of its legitimacy. Its institutional and functional conception gives rise to the principle of its formation, while also reflecting the diversity of the state itself. When the upper chamber represents territorial units both functionally and through its mode of formation, it becomes an effective mechanism for regions to participate in the unified governance of the state. Conversely, it may be argued that the objective of bicameralism as a constitutional principle is precisely to establish the requisite conditions for the coexistence of regions within a single state. The upper

chamber serves as a venue for balancing and reconciling diverse local positions with the central political will. More precisely, the upper chamber becomes a forum in which regional political interests are transformed into a unified national political will. Therefore, in multiethnic societies, for the effectiveness of the consociational (see: Wolff, S. 2011: 166; Lijphart, A. 1997: 21) system and for the dialogue of ethnic groups, bicameralism with territorial representation of the upper chamber is necessary.

Ensuring institutional asymmetry through divergent methods of chamber formation distances the upper chamber from rigid party discipline, owing to the primacy of territorial interests. It also clarifies the political separation between the two chambers, “reflecting a form of separation of powers that operates more as a system of checks and balances than as a dichotomy between government and opposition”. (Nussberger, A., Ozbudun, E., & Sjersted, F. 2010: 9). The upper chamber, through its oversight function, protects the system of government from the fusion of the legislative and executive branches. In parliamentary systems where the separation of powers is only weakly institutionalized, such safeguards are more effectively ensured through asymmetrical bicameralism. In cases of symmetrical bicameralism, the election of both chambers through equally direct suffrage and synchronized electoral cycles, coupled with their operation under unified party leadership, transforms them into politically homogeneous institutions (Tsotsoria, N.1999: 37) Such a political balance leads to a lack of control over the ruling political power. To ensure the distinctiveness of the two chambers, it is imperative that their operations are “not “subject to a single political leadership” (Stephenson, S. 2017: 852). Therefore, the advantage of bicameralism is realized only if the second chamber is not under the control of the first... both chambers, regardless of their similarities, must remain independent from one another. In addition, the diversity of the chambers requires that their activities not be “subject to a single political leadership” (Stephenson, S. 2017: 852). It is precisely the asymmetrical relationship between the chambers, with a “weak” upper chamber, that is more effective in terms of control (see: Passaglia, P. 2018; Stephenson, S. 2017; Benz, A. 2018). An upper chamber with “weak” constitutional status monitors not only the formulation of policy but also the effectiveness of its implementation. In this manner, the presence of two chambers reinforces the separation of powers, addressing what may be described as the Achilles’ heel of so-called “lazy” unicameralism.

Indirect election of the upper chamber, which differs from the method of selecting the lower chamber, is primarily characteristic of decentralized states, where upper chambers are conceived as bodies representing territorial units as such. The different rules of its formation also derives from the different functional concepts of the chambers. Therefore, it is essential that the upper

chamber, by its functional definition, corresponds to the implementation of the function of territorial representation and does not duplicate the functions of the lower chamber. This reasoning has also been developed regarding the French Senate, that “the special rules for the formation of the Senate should give it a political character distinct from that of the National Assembly” (Kverenchkhiladze, G., & Melkadze, O., 1997: 95). Therefore, it is important that the rules for electing the upper chamber are not similar to those of the lower chamber, and that the rules of election correspond to its status - to be a representative body of territorial units, not parties.

2.3. Models of Upper Chamber Formation

Three dominant models of upper chamber formation are distinguished, featuring various structural variations and hybrid configurations: directly elected, indirectly elected, appointed, and mixed. Each of these will be examined in turn.

2.3.1. Direct Election

Direct election of the upper chamber is used in both federal and unitary states. Classic example of this model is the United States, where members of the Senate are directly elected. Similar practice is shared in Switzerland, Poland, the Czech Republic, Italy, and Romania. The direct election model uses both majoritarian and proportional systems. Direct elections strengthen the democratic legitimacy of the upper chamber but increase the risk of political competition with the lower chamber. In such cases, the necessity for a clear delimitation of powers often arises. In Romania, for instance, the senatorial mandate is distributed through a proportional representation system based on regional constituencies. Each constituency elects between 2 and 13 senators. In Poland, between 2 and 4 senators are elected from each of the 40 voivodeships (regions) using a majoritarian system based on a relative majority in a single round, in proportion to the population size. Although the formation process of Italy's 200-member Senate incorporates several components, 75% of its composition is elected through direct suffrage via a majoritarian system. A portion is elected from the regions through proportional representation. Each region elects seven senators, except for Valle d'Aosta, which elects one, and Molise, which elects two. In addition to these elective components, five former Presidents may join the Senate at their own discretion. The Senate of the Czech Republic consists of 81 members elected for six-year terms, subject to a one-third rotation every two years; this mechanism ensures its institutional continuity. One-half of the Senate is elected through direct suffrage by an absolute majority. In Switzerland, elections for the Council of States are regulated by the cantons themselves; consequently, voting procedures exhibit variations across cantons. In practice,

however, nearly all cantons have adopted a direct majoritarian system, with the exceptions of the cantons of Jura and Neuchâtel, which opted for proportional representation (Marcelli, F., &Tutinelli R., 2013, p. 166).

2.3.2. Indirect Election

In the case of indirect election, members of the upper chamber are elected by regional representative bodies. For instance, in Austria and France, regional and local representatives participate in the formation of the upper chamber. A similar model operates in the Netherlands and Bosnia and Herzegovina. This system better reflects territorial interests and reduces direct political competition with the lower chamber, although it is often criticised for being less democratic. While such criticism may be exaggerated, the complex nature of voting procedures makes it difficult to assess the extent to which members are truly representative. Indirect elections are not undemocratic per se, provided they are grounded in clear and transparent rules (Gelard, P. 2006: 10). Direct democracy, however, does not always serve as a guarantee of fairness. It is also considered wrong to form a second chamber with different powers at the same time. The election procedure should answer the question of what purpose the second chamber and the specific rules for its selection serve (Gelard, P. 2006: 10).

Bosnia and Herzegovina is a complex union whose constituent subjects comprise three “constituent peoples”: Bosniaks and Croats (united within a federation of ten cantons) and Serbs (represented by the Republika Srpska). In the 15-member House of Peoples, five Croats and five Bosniaks are elected by the Federation’s legislative body (each “people” electing its representatives separately), while five Serbs are elected by the Parliament of the Republika Srpska. The House of Peoples is elected exclusively from the representatives of the so-called “constituent peoples” - Serbs, Croats, and Bosniaks. This institutional arrangement effectively excludes the election of representatives from all other ethnic groups. (see: Sadikovic, C. 2006: 15)

The Belgian Senate, consisting of 60 senators, is formed mainly through indirect two-tier elections, with an emphasis on the representation of linguistic communities (The Belgian Constitution, art. 67).

2.3.3. Appointment. Representation by Virtue of Office (Ex Officio)

In the appointment model, members of the upper chamber are appointed by the executive branch or other state institutions, or their membership is linked to the holding of public office. In Germany, the Bundesrat represents a classic “council-type” model, where its members are representatives of the Land governments (state governments). Similar elements can also be observed in the Russian Federation. In this model, the

upper chamber more distinctly reflects the positions of the executive branch, which creates a challenge for the balance of the separation of powers.

2.3.4. Selection Through Mixed (Combined) Systems

Mixed systems combine elements of both direct and indirect elections. For instance, the upper chambers of Belgium and Spain are formed through a combination of direct popular vote and the participation of regional bodies. This model creates an institutional hybrid that seeks to reconcile democratic legitimacy with territorial representation. The Spanish Senate serves as the upper chamber of territorial representation, where four senators elected from each province via a majoritarian system are supplemented by the differentiated representation of the islands, elected by their respective legislatures (in accordance with their status, which must in all cases ensure adequate proportional representation). Furthermore, the institutional continuity of the Senate's activities is not maintained, as its entire composition is renewed every four years (The Spanish Constitution, art. 69). In the Spanish Senate, 208 members are elected by universal, free, equal, direct, and secret suffrage. Each province elects four senators, the major islands (Gran Canaria, Mallorca, and Tenerife) elect three senators each, while the smaller islands (Ibiza-Formentera, Menorca, Fuerteventura, La Gomera, El Hierro, Lanzarote, and La Palma) elect one senator each, finally, the African enclaves of Ceuta and Melilla elect two senators each. In addition, the parliaments of the Autonomous Communities appoint one senator each, plus an additional senator for every million inhabitants in their respective regions. Under this system, the number of appointed senators is adjusted according to population dynamics and, consequently, varies for each election cycle.

The procedure for forming the upper chamber is not a technical issue, it determines the democratic legitimacy of the chamber, its role, and the specifics of its relationship with the lower chamber. Direct election strengthens the political autonomy and mandate of the upper chamber. In such systems, the upper chamber often possesses extensive legislative competence, leading to the formation of symmetrical bicameralism. However, strong legitimacy also increases the risk of political competition and institutional confrontation.

In such systems, the upper chamber often possesses broad legislative competence, leading to the formation of symmetrical bicameralism. However, strong legitimacy also increases the risk of political competition and institutional confrontation. Although such systems are often criticized for being "less democratic," (Pactet, P., & Melin-Soucramanien, F. 2012: 674) their legitimacy derives from the democratic origins of regional bodies and aims to ensure multi-level representation.

Appointment or ex officio models strictly link the upper chamber to the executive branch. In this framework, the upper chamber does not function as a body based on individual mandates, but rather as the institutional representation of subnational governments. As a result, it is less politicized, yet more effectively reflects the interests of the federal units.

The mixed model aims to balance democratic legitimacy with territorial and ethnic representation. Particularly in multiethnic societies, the method of forming the upper chamber often serves the purpose of institutional conflict management through mechanisms such as quota systems, partial rotation, and veto powers.

Ultimately, the method of forming the upper chamber determines its functional identity: whether it serves as a powerful, equal co-legislator, a protector of territorial interests, or a revisory and restraining body. Accordingly, the logic of asymmetrical bicameralism is more consistent with indirect, appointive, or mixed models, whereas an upper chamber elected through direct suffrage inherently gravitates toward a symmetrical system.

2.4. The Relationship Between the Institutional Nature and Formation Methods of the Upper Chamber: Trends and Consequences

The mosaic of multiethnic societies, combined with their respective territorial arrangements, directly influences and dictates the determination of the chamber formation method. In Belgium and Bosnia and Herzegovina, this component is not based solely on territorial representation but is significantly reinforced by an ethnic component. This form of communal representation closely resembles territorial and functional representation, yet it is based on linguistic, ethnic, cultural, or religious group affiliations. This form of composition is usually “associated with consociational arrangements, intended to distribute power among communal groups. This may be necessary as part of a peace agreement following inter-ethnic violence or to prevent a state with deep cultural or linguistic divisions from falling apart” (Bulmer, E. 2017: 17). Ethnic-based quotas allow for a proportional reflection of the social structure, thereby ensuring power-sharing with minorities. However, in Bosnia and Herzegovina, the discriminatory allocation of mandates solely to the “constituent peoples” (Bosniaks, Croats, and Serbs) excludes other ethnic groups from the exercise of power. Therefore, it is essential to maintain a balance so that quoting becomes a unifying link rather than a factor that deepens divisions or creates new sources of fragmentation.

While the Spanish Senate does not employ a quota system, the principle of constraining representation through population proportionality may serve as a mechanism for maintaining and reflecting ethnic balance. However, universal, non-quota-based representation leaves majority ethnic groups in the majority of provinces and islands in a dominant position, thereby

rendering regional representation non-pluralistic. In decisions requiring joint action by both chambers, congressmen and senators participate in joint sessions and voting not on a territorial basis, but according to party affiliation (Tsotsoria, N., 1999: 33). Such a construction reinforces the party consolidation of representation and leads to an improper reflection of the Senate status as the upper house (Tsotsoria, N., 1999: 33).

German and Russian ex-officio representation clearly reflects the interests of the regions, however, it substantially contradicts the principle of popular representation, making it less compatible with the nature of parliamentarism as a form of representative democracy. Nevertheless, among various forms of “territorial” representation, some scholars grant preference precisely to the German “Council model”. Its effectiveness is explained by “the strict connection, it establishes between local government and the central/federal decision-making process” (Passaglia, P. 2018: E-14). Thus, the nature of the territorial representation of the upper chamber is more effectively conveyed through indirect election. By employing this method alongside ethnic balance, the representation of subnational authorities through their oversight of the lower chamber and the executive more effectively presents these units as constituent subjects participating in the formation of a unified popular sovereignty.

Multi-level elections do not fully eliminate the partisan component (nor should this be the goal), however, since members are elected by pluralistic local representative bodies, they more effectively embody political compromise. The prohibition of forming parliamentary factions within the Senate also serves as a tool to reduce partisan influence. Clearly, the indirect election of the upper chamber and even more so, appointment or ex-officio representation does not constitute the ultimate expression of popular representation, (Sajo, A. 2003: 185) however, it clearly reflects territorial representation. In this case, a senator is bound not so much by partisan affiliation as by the interest of participation of the respective territorial unit within a unified state.

From the perspective of independence of representation, the issue of the term of the upper chamber is also essential. The Belgian Senate is elected as a whole every four years in parallel with the Chamber of Representatives, and the dissolution of the lower chamber results in the dissolution of the Senate as well (The Belgian Constitution, art. 46). This weakens its role and, similar to the Spanish Senate, leads to a lack of autonomy and a renunciation of the specific influence of the Senate within the legislative power. In contrast, the Senates of the United States, Poland, and the Czech Republic are subject to rotation. On the one hand, a longer term compared to the lower chamber, and on the other, periodic rotation, determine the stability of the upper chamber and, consequently, the continuity of the government cycle. Rotation makes the

second chamber more dynamic, which is essential for exercising influence over the lower chamber through deliberation and analysis.

When the second chamber represents territories, there is usually a mismatch in the terms of office between the two chambers, particularly where the second chamber is subject to partial rotation. Such divergence in terms of office of the chambers strengthens the separation of powers and enhances mechanisms of oversight, while also protecting the political system from one-party monopolization. At the subnational level, elections that differ from those at the higher level often constitute a reaction to dissatisfaction with its policies. This not only strengthens oversight of the activities of the lower chamber but has also functioned as a political pulse indicator for the government, as in Germany, where it has at times contributed to votes of no confidence and even the calling of early Bundestag elections, most recently in 2005. The temporal separation of elections prevents the two chambers from consistently having identical compositions, which would otherwise weaken the upper chamber's capacity for effective control. From this perspective, an efficient mechanism is not the determination of a fixed general term for the upper chamber, but rather its periodic partial rotation.

As noted above, similarity of the method of election generally leads to symmetry between the chambers. In such cases, "it is then somewhat anomalous to grant fewer powers to the second chamber, since they have the same democratic legitimacy" (Gelard, P. 2006: 5; *see also*: Passaglia, P. 2018: E-22). Conversely states, "the powers of second chambers are limited (first and foremost in fiscal policy) if they lack democratic legitimacy compared to the popularly elected chamber of parliament" (Benz, A. 2018: E-35). However, direct election in itself is not a guarantee of symmetry. At the same time, the direct election of the Senates of the Czech Republic, Italy, Poland, Romania, and Switzerland, like the lower chambers, grants them the same sense of democratic legitimacy as that possessed by the first chamber. According to one view, the direct election of both chambers "necessitates equality between the two or, if the second chamber has fewer powers than the first, infringes the principle of popular sovereignty" (Gelard, P. 2006: 10). Despite direct election, due to the diversity of the electoral system, the chambers may still maintain distinct political characters, "in Poland and in the Czech Republic, the Senate does not seem to be on an equal footing with the first chamber (Passaglia, P. 2018: E-22), unlike Italy and Romania. The equal direct election of both chambers undoubtedly intensifies the perception of parity between them. Conversely, in some cases, a different method of formation of the upper chamber does not necessarily result in a functional difference and merely reflects the federal structure of the state (as seen in Bosnia and Herzegovina, as well as Switzerland) (Gelard, P. 2006: 6).

In general, the election of the upper chamber entirely through a direct method is less common. Most upper chambers are formed through indirect or mixed systems. Direct elections (to varying degrees depending on the electoral system, but ultimately nevertheless) ultimately strengthen the representative's connection to political parties and the electorate. Therefore, when voting on matters within the interest of the represented unit, these factors influence the representative. Consequently, the component of indirect election does not indicate a lack of democracy. Election by the representative bodies of a territorial unit frees the representative from partisan constraints and makes the representation of the unit more effective.

A review of the methods of formation of the upper chamber reveals that the electoral system does not always respond to the constitutional intent of the functional definition of the chamber, as a result of which they have become "political-democratic chambers" (Palermo, F. 2018: E-52). In the struggle for the functional relationship between the chambers and the formation of the final balance, a large share is attributed to political factors, but the method of their formation is of particular importance. The effectiveness of the upper chamber "can be achieved when the territorial and the political elements coincide and intersect" (Palermo, F. 2018: E-54). In certain regional states (Spain, Italy), its territorial representative nature is formally recognized. Nevertheless, these chambers have failed to evolve into a center of territorial representation (Palermo, F. 2018: E-60). Therefore, the upper chamber, as a form of consociational mechanism, must be correctly selected so that it effectively responds to its objective and does not serve fragmented corporate interests, as is the case in Belgium, for example. The communal component, considering the peculiarities of Belgian federalism, has strengthened the role of the Senate as a chamber of linguistic groups (communal representation) (Palermo, F. 2018: E-60) and protects them, but it fails to serve the participation of territorial units in the formulation and adoption of federal decisions.

A rational institutional solution will be provided precisely through the alignment of electoral and political factors. Experience reveals that for the second chamber to become an effective body of territorial representation, it is essential to conduct a correct analysis of political influences and accurately align them with the method of forming the upper chamber. Within the framework of general classification, such determining political factors may include: the type of territorial arrangement and individual peculiarities, the ethnic composition of society, the electoral rules and the party system, the voting rules in the second chamber (block or territorial [rarely individual]), and other related institutional features.

In multiethnic societies, however, genuine consolidation and the prevention of new divisions require that, when determining the rules for

electing representatives from minority-populated territorial units, due consideration be given to internal ethnic balances. Positive discrimination designed to ensure minority representation should not result in a sharply disproportionate restriction of the representation rights of others.

3. Perspectives on Bicameralism In Georgia

One of the significant issues of Georgian parliamentarism is the possible transformation of the parliament into a bicameral system. The Constitution of Georgia provides for the possibility of establishing a bicameral parliament, although its implementation is directly linked to the full restoration of the jurisdiction of Georgia over its entire territory (Constitution of Georgia, art. 37. p.1). In the theory of constitutional law, such norms are considered conditional constitutional clauses, the implementation of which depends on the occurrence of specific political or legal circumstances (Tushnet, M. 2014: 105). This approach aims to ensure the stability of the constitution and, at the same time, to define the perspective of the structural development of state bodies. The constitutional idea of a bicameral parliament model in Georgia is specifically based on the principle that the upper chamber - the Senate - is elected by territorial units. Consequently, in conditions where the State cannot exercise jurisdiction over its entire territory, the full realization of the representative principle of the Senate is impossible.

To understand Article 37, p. 1 of the Constitution of Georgia, we must clearly define the legal meaning of the concept of the “full restoration of jurisdiction”. State jurisdiction implies the ability of public authorities to exercise legislative, executive, and judicial power over the entire territory of the country (Shaw, M. 2017, p. 480). Thus, the full restoration of jurisdiction means not only the formal ownership of the territory, but also the existence of effective control by the state. In this context, several approaches should be distinguished.

The first - the strictest interpretation is based on the principle of effective control, according to which the constitutional requirement will be considered fulfilled only when the state of Georgia actually exercises authority over the entire territory of the country. This approach is also consistent with the widespread understanding in the international law practice, according to which state jurisdiction is linked to factual governance (Crawford, J. 2019: 447-450). Under this interpretation, the creation of a bicameral parliament becomes possible only after the full restoration of jurisdiction over the entire territory of Georgia, including Abkhazia and the territory of the former South Ossetian Autonomous Region.

The second approach is based on a normative-legal interpretation, according to which the constitutional provision may be understood as a declaration of state sovereignty rather than a strict requirement for factual

control. According to this view, the constitutional order of Georgia already extends over the entire territory of the country *de jure*, regardless of its implementation, that is temporarily restricted. Consequently, the argument, according to which constitutional jurisdiction formally already exists, may be considered valid. However, this interpretation is less consistent with the purposive understanding of the constitutional text, as the words “after the full restoration” point to a future factual event related to the actual exercise of governance.

The third approach is based on a teleological interpretation, which focuses on the purpose of the norm. The purpose of the constitutional norm may be interpreted as the creation of such an institutional system that ensures the representation of the regions. From this perspective, a transitional model may be considered, according to which representatives of the autonomous republics, including those from the displaced community or relevant legitimate authorities, would be represented in the Senate. However, such a model requires a flexible interpretation of the constitutional text or a corresponding constitutional amendment.

The version of the Constitution of Georgia in force until 2017 provided for the establishment of a bicameral system “after the creation of appropriate conditions throughout the entire territory of Georgia and the formation of local self-government bodies” (Constitution of Georgia, art. 4. P. 1.). By historical interpretation, this provision specifically implied the restoration of territorial integrity, originating from the post-conflict genesis of the Constitution. The second condition of this provision - the formation of local self-government bodies has been fulfilled. It is noteworthy that the condition regarding the “creation of appropriate conditions” was narrowed by the 2017 constitutional amendments to “after the full restoration of Georgia’s jurisdiction throughout the entire territory of Georgia,” (Constitution of Georgia, art. 37. P. 1.) aligning it with the theory of effective control.³

Today, bicameralism is no longer exclusively linked to federalism and regionalism. In multiethnic societies, the need to ensure and encourage minority representation and their participation in governance has become a driving motive for its establishment. At the same time, when a constitutional promise exists regarding this form of involvement for an secessionist region, that region must perceive a corresponding readiness. Considering these and other factors, we believe that to increase the effectiveness of the separation of powers, Georgia can already move closer to classical parliamentarism. This

³ We believe, by failing to provide an opportunity for the involvement of the estranged part of society prior to unification, this edition exacerbated the weakness of the Constitution’s democratic legitimacy. This weakness originates from the lack of participation of the population residing in the territories of Abkhazia and the former South Ossetian Autonomous Region in the adoption of the original version of the Constitution.

decision will serve as a measure to escape the tradition of power concentration that has been established in Georgia under the conditions of a unicameral system, regardless of the specific model of governance. Therefore, through a dynamic interpretation of Article 4(1) of the Constitution of Georgia, appropriate conditions could have been considered established upon a certain stabilization of the socio-political system, even regardless of the restoration of territorial integrity.

Thus, Article 37. P. 1. of the Constitution of Georgia is a significant constitutional mechanism that links the implementation of the bicameral model of parliament to the restoration of the territorial integrity of the state. Its interpretation is possible within the framework of both strict and relatively flexible legal approaches. However, a systemic and teleological analysis of the constitutional text indicates that the primary goal of the norm is to ensure regional representation only under conditions where the state fully exercises jurisdiction over the entire territory of the country.

As we already mentioned, a bicameral system enables the distribution of powers between the central government and the regions. The lower chamber serves the representation of the population, while the upper chamber ensures that the interests of territorial units are considered. According to Article 37 of the Constitution of Georgia, the Senate is formed through a mixed procedure - consisting of members elected in autonomous and territorial units and five members appointed by the President of Georgia.

Thus, the mixed model of the Senate formation combines elements of territorial representation and the participation of the central government. The principle of regional representation ensures the direct participation of regions in legislative and other high-level political processes, the protection of the interests of territorial units, and the political balance between the center and the region.

At present, the jurisdiction of Georgia does not extend over the territories of the Autonomous Republic of Abkhazia and the former South Ossetian Autonomous Region. However, with regard to the future bicameralism of the parliament, the Constitution of Georgia does not specifically distinguish the representation of the former South Ossetian Autonomous Region. Considering the representation of the Autonomous Republic of Abkhazia in the Senate is particularly important, as it reinforces the principle of the territorial integrity of Georgia and creates a legal and political basis for the peaceful resolution of the conflict. However, given the specific political reality of Georgia, it is desirable that equal attention be paid to the other occupied territory (the Tskhinvali region) during the formation of the Senate. This would strengthen the support for the peaceful conflict resolution policy and promote an equal perception of the country's regions.

As observed, within the framework of this institutional model, all regions are involved through direct representation. However, the involvement of the central government in the formation of the upper chamber undermines the potential for decentralization. Regions may perceive this as a limitation of their political role in relation to the central government, which creates legal and political problems regarding balance, efficiency, and fairness within the bicameral system.

Generally, bicameralism is a constitutionally regulated tool through which it is possible to balance the decisions of the central government by perceiving and integrating regional interests. In Georgia, considering the multiethnic context, bicameralism should be viewed both as an instrument for the decentralization of governance and as a mechanism for political balance, ensuring a balance between the interests of all territorial units and national legislation. Ultimately, the implementation of such a Senate model in Georgia will contribute to a more effective vertical distribution of power, efficient control of the lower chamber, and the enhanced representation of regional (multiethnic) interests. All of this will contribute to the integration of a diverse society. Therefore, we believe that the upper chamber should fully reflect only regional representation, and the central government should not be interventionist in the nature of its regional representation.

The introduction of a bicameral system in Georgia is linked to increasing the efficiency of state governance and strengthening democratic institutions. This model implies a functional differentiation of legislative power between the lower and upper chambers, which ensures a balance of power and a multi-stage review of decisions.

Within a bicameral system, legislative initiatives primarily originate from the lower chamber, which represents the institution of direct representation of the population. The upper chamber – the Senate - performs the function of reviewing and refining the legislative process. In the Georgian context, the Senate may deliberate upon and edit draft laws, exercise control over improving the legislative acts, and, in certain cases, suspend or return draft laws for reconsideration. The upper chambers perform a similar role in Germany and the USA.

Furthermore, the Senate may become an institutional representative of regional interests in relation to the executive branch. For Georgia, characterized by a high level of centralization, this function is particularly significant. Specifically, the Senate should review government programs through the perspective of regional development and protect regional interests. A similar role is held by the Senates in France, Austria, Slovenia, and others, which actively represent the interests of territorial units. The Senate should also participate both in the formation of the judiciary and in the process of electing high-ranking officials.

Under a bicameral system, it is possible to establish a new balance between the President and the legislative body. The Senate will evaluate the bills adopted by the lower chamber and, finally, deliberate upon the President's potential remarks during the voting on the objections submitted by the President. The involvement of the Senate and regional representatives in the presidential elections will provide a rational character to the complex multi-level procedure of electing the President. Electing the President through the qualified consent of the two primary actors of parliamentary governance - political parties and regions, will enhance the quality of the President's representation and, proportionally, the effectiveness of their arbitral function, serving the vital goal of integrating a diverse society. By being elected through a compromise-based, multi-stage procedure, a President closely linked to these two fundamental subjects of parliamentarianism will, through their capacities, serve as a unifying figure (Sisk, T. 2013: 86-88). A compromise between the center and the regions in the election of the President grants them a "neutral character and allows them to exercise the powers granted to them from an impartial standpoint" (Pegoraro, L. 2016: 85).

The Senate will also contribute to legislative refinement and political control, which will naturally reduce the unipolar influence of the central ruling political parties. Through minority participation in Parliament, the Senate will facilitate the consolidation of political pluralism within a diverse society and mitigate the risk of power concentration within the central government. In this regard, the existence of the Senate can be viewed as a positive instrument for supporting political balance and democratic processes. Thus, the institutional existence of the Senate can be evaluated as a strategic tool for ensuring political equilibrium and strengthening democratic processes, maintaining a balance between the interests of both the central government and regional units.

Conclusion

Based on the present study, it can be stated that in modern constitutional systems, bicameralism is not merely a technical form of organizing legislative power, but a significant institutional mechanism that serves to strengthen democratic legitimacy, balance power, and adequately reflect the diverse interests of society in governance. Particularly in multiethnic societies, a bicameral parliament performs an integrative political function and creates space for the democratic consolidation of society.

The study has shown that bicameralism does not weaken popular sovereignty; on the contrary, it ensures its deeper and more multifaceted realization. The existence of two chambers creates internal institutional control, reduces the risk of power concentration, and strengthens the quality of representation. In this context, the upper house emerges as a checks and

balances mechanism, which is particularly effective when it genuinely reflects the interests of territorial units and minorities. It is indisputable that the importance of bicameralism increases further in multiethnic societies. In such cases, it facilitates the political participation of ethnic groups, reduces the risk of the escalation of conflicts, enhances the legitimacy of adopted decisions, and decreases the scale of centralization. However, the mere existence of a two-chamber structure is not sufficient, its effectiveness depends significantly on the method of the formation of the upper house and the functional relationship between the chambers.

It is undeniable that there is no universal method for the election of parliamentary chambers that is optimal for all states. Each model must derive from the historical, social, and political context of a specific country, as well as from the architectonics of society. At the same time, in multiethnic and decentralized states, a model that ensures the principle of territorial representation and creates asymmetric bicameralism is considered more effective, where the lower house determines the unified state policy, while the upper house performs its revisionary and restrictive functions.

In the context of Georgia, the prospect of bicameralism is closely linked to the territorial arrangement of the country, the degree of decentralization, the challenges of the integration of the multi-ethnic society, and ultimately, the goal of consolidated democracy. The Constitution of Georgia links the formation of the upper house to the full restoration of the jurisdiction of the state over the entire territory of Georgia, thereby emphasizing the fundamental importance of the territorial representation of the upper house (the Senate). This conditional model combines both legal and political objectives: on the one hand, it ensures stability of constitutional order, while on the other hand, it defines the direction of the development of the state arrangement.

The mixed model of the formation of the Senate proposed for Georgia, which combines territorial representation with members appointed by the President, creates an institutional balance. However, at the same time, it gives rise to a discussion regarding the relationship between centralization and regional autonomy. We believe that it is appropriate to base the upper house entirely on territorial representation, which will strengthen the political role of the regions and reduce the influence of the central government over them.

The implementation of a bicameral system in Georgia will significantly contribute to the improvement of the quality of the legislative process. The Senate, as a revisory and restraining body, will ensure a more thorough consideration of draft laws, while its participation in the formation of the executive and judicial branches and in government oversight will create additional mechanisms of balance. At the same time, the involvement of the

Senate in the protection of regional interests and in control over the central government is particularly important to neutralize high centralization.

Since 1995, Georgia has operated under a unicameral system characterized by a highly centralized and overly stable executive branch. In a unicameral system, particularly under conditions of a polarized and weakly competitive party system, executive power tends to become strongly concentrated, which creates risks of disintegration and democratic distortion. Bicameralism, as a classical variation of parliamentarism, is recognized even by the Constitution of Georgia as a preferred model and option (and not only because of the Autonomous Republic of Abkhazia). Severing the link between the perspective of bicameralism and the full restoration of the jurisdiction of Georgia over its entire territory, and its timely establishment, can also be used as a constructive mechanism for conflict resolution.

Ultimately, the introduction of bicameralism in Georgia should be regarded as a strategic institutional reform that serves not only to increase the efficiency of state governance but also to strengthen democratic pluralism, reduce the concentration of power, and ensure the integration of the multiethnic society. The formation of the Senate, as a body of regional representation, will create an opportunity for the interests of various territorial and ethnic groups to be fully reflected in the sovereign policy of the unified state. In this manner, a bicameral parliament can become a constitutional instrument for the deepening of democratic consolidation, strengthening state unity, and enhancing the prospects for the peaceful resolution of conflicts.

Conflict of Interest: The authors reported no conflict of interest.

Data Availability: All data are included in the content of the paper.

Funding Statement: The authors did not obtain any funding for this research.

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