

# Distribution of Parliamentary Positions between the Majority and the Opposition



**GEORGIAN  
YOUNG  
LAWYERS'  
ASSOCIATION**

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Parliament

**Georgian Young Lawyers' Association**

**DISTRIBUTION OF PARLIAMENTARY  
POSITIONS BETWEEN THE MAJORITY AND  
THE OPPOSITION**

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## INTRODUCTION

The present study aims to examine the 15 state systems of the world and to identify general trends based on them on the following 4 topics: the election of Parliament and Committee Chairpersons, as well as their deputies and their political affiliation.

The comparative part examines, on the one hand, both the Westminster and continental parliamentary systems and, on the other hand, the presidential, semi-presidential and parliamentary systems. The experience of both unicameral and bicameral legislatures is used. Finally, the list of countries looks like this: from the presidential model of government - the US; From semi-presidential - Lithuania, France, Slovakia, Slovenia; From the Parliamentary Westminster System - England; From Scandinavia - Sweden; And from the continental system - Greece, Estonia, Latvia, Hungary, Germany, Austria, Spain, and Italy.

## ELECTION THE CHAIRPERSON OF PARLIAMENT

An analysis of international practice revealed two different models of the political affiliation of the Chairperson of Parliament. **According to the first**, a member of the majority will be elected as the chairperson. This rule has been established from the presidential system countries in the US,<sup>1</sup> from the semi-presidential states in Lithuania,<sup>2</sup> France,<sup>3</sup> Slovakia<sup>4</sup>, and Slovenia,<sup>5</sup> from the Scandinavian parliamentary system in Sweden,<sup>6</sup>

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<sup>1</sup> Nancy Pelosi, Speaker's website, accessible at <https://www.speaker.gov/>, updated: 05.02.21.

<sup>2</sup> Viktorija Čmilytė-Nielsen, Sejm website, accessible at [https://www.lrs.lt/sip/portal.show?p\\_r=35302&p\\_k=2](https://www.lrs.lt/sip/portal.show?p_r=35302&p_k=2), updated: 05.02.21.

<sup>3</sup> La Présidence de l'Assemblée nationale, website of the French National Assembly, accessible at <https://presidence.assemblee-nationale.fr/president/biographie>, updated: 05.02.21.

<sup>4</sup> Speaker, website of the Slovak National Council, accessible at <https://www.nrsr.sk/web/?sid=predseda/informacie>, updated: 05.02.21.

<sup>5</sup> The President, website of the Slovenian National Assembly, accessible at <https://tinyurl.com/1pcwevjw>, updated: 02.02.21.

<sup>6</sup> The tasks of the Speaker, Riksdag website, accessible at <https://www.riksdagen.se/en/how-the-riksdagen-works/the-speaker/the-tasks-of-the-speaker/>, updated: 02.02.21.

and from the continental system in Austria,<sup>7</sup> Germany,<sup>8</sup> Spain,<sup>9</sup> Estonia,<sup>10</sup> Latvia,<sup>11</sup> Greece,<sup>12</sup> and Hungary.<sup>13</sup> **According to the second model**, the chairperson of Parliament leaves the party as soon as they are elected, and they are impartial during their tenure. Such a practice has been introduced from the parliamentary Westminster system - in England,<sup>14</sup> and from the continental - in Italy.<sup>15</sup>

In 13 of the states surveyed, the chairman is elected from the majority, and in 2, they are not members of a political party.

## THE FIRST VICE-SPEAKER

5 trends were identified from the practice of the studied states. **First**, according to established tradition, the first deputy chairperson is appointed from the opposition. Such is the approach in Austria,<sup>16</sup> which

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<sup>7</sup> The Presidents and the President's Conference, website of the Austrian Parliament, accessible at <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/NR/PRAESNR/index.shtml>, updated: 02.02.21.

<sup>8</sup> Election of the Presidium, German Bundestag website, accessible at <https://www.bundestag.de/en/parliament/presidium/election>, updated: 02.02.21.

<sup>9</sup> Batet Lamaña, Meritxell, website of the Congress of Deputies of Spain, accessible at <https://tinyurl.com/eqgpfsj>, updated: 05.02.21.

<sup>10</sup> In Estonia, historically, a majority member has been the chairperson of Riigikogu, although in the current convocation they represent the opposition. History of the Riigikogu, Riigikogu website, accessible at <https://tinyurl.com/uwsftkrk>, updated: 15.03.21, also: Henn Põlluaas, Riigikogu website, accessible at <https://tinyurl.com/4rrc5azc>, updated: 15.03.21.

<sup>11</sup> In Latvia, the speaker is sometimes the representative of the majority and sometimes - the opposition under different terms. Presidium, Latvian Seimas website, accessible at <https://tinyurl.com/y33cqt6l>, updated: 15.03.21. They are currently a member of the majority. Speaker Ināra Mūrniece, Latvian Seimas website, accessible at <https://www.saeima.lv/en/about-saeima/work-of-the-saeima/speaker>, updated: 15.03.21.

<sup>12</sup> The President of the Hellenic Parliament, Website of the Greek Parliament, accessible at <https://www.hellenicparliament.gr/en/Organosi-kai-Leitourgia/Proedreio/Proedros/>, updated: 01.03.21.

<sup>13</sup> Website of the Speaker of the Hungarian Parliament, accessible at <https://www.parlament.hu/hu/nyitolap>, updated: 05.02.21.

<sup>14</sup> Office and Role of Speaker, The House of Commons website, accessible at <https://tinyurl.com/42ckx6p6>, updated: 05.02.21.

<sup>15</sup> The President, website of the Italian Chamber of Deputies, accessible at [https://en.camera.it/4?scheda\\_informazioni=4](https://en.camera.it/4?scheda_informazioni=4), updated: 01.03.21.

<sup>16</sup> Who is who, website of the Austrian Parliament, accessible at <https://tinyurl.com/y29q8z32>, updated: 28.01.21.

has a parliamentary, continental system of government. **According to the second approach**, this portfolio is held by a majority member. From semi-presidential countries, it is used in Lithuania<sup>17</sup> and Slovakia,<sup>18</sup> from Scandinavian countries with parliamentary governmental sub-system - in Sweden,<sup>19</sup> and from the continental - Spain,<sup>20</sup> Greece,<sup>21</sup> and Latvia.<sup>22</sup> **The third trend** shows that the post of First Deputy is held by the majority member established by the Rules of Procedure. From the countries with semi-presidential government, it operates in Slovenia,<sup>23</sup> and from the continental system with parliamentary government - in Hungary.<sup>24</sup> In some states, the chairperson does not have a deputy chairperson but appoints a replacement if necessary. This rule applies from the model of presidential government- in the US.<sup>25</sup> **According to the fourth type**, seats are distributed between the opposition and the majority by the Rules of Procedure. In particular, the Chairperson of Parliament and their First Deputy represent different political camps. Such is the practice in parliamentary government - Westminster-type England,<sup>26</sup> and

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<sup>17</sup> Board of the Seimas, website of the Lithuanian Seimas, accessible at [https://www.lrs.lt/sip/portal.show?p\\_r=35300&p\\_k=2](https://www.lrs.lt/sip/portal.show?p_r=35300&p_k=2), updated: 04.03.21.

<sup>18</sup> Deputy Speaker, website of the Slovak National Council, accessible at <https://www.nrsr.sk/web/Default.aspx?sid=podpredseda/informacie&PoslaneclD=847>, updated: 04.03.21.

<sup>19</sup> Deputy Speakers, official website of the Swedish Riksdag, accessible at <https://www.riksdagen.se/en/how-the-riksdag-works/the-speaker/deputy-speakers/>, updated: 04.03.21.

<sup>20</sup> Composición Actual de la Mesa del Congreso, website of the Spanish Congress of Deputies, accessible at <https://www.congreso.es/web/guest/mesa>, updated: 04.03.21.

<sup>21</sup> The vice-presidents, website of the Greek Parliament, accessible at <https://tinyurl.com/ycwn2ybf>, updated: 28.01.21.

<sup>22</sup> Presidium, Latvian Seimas website, accessible at <https://tinyurl.com/y33cqt6l>, updated: 28.01.21.

<sup>23</sup> Rules of Procedure of the National Assembly of Slovenia, art. 20, cl. 1. website of the Slovenian National Assembly, accessible at <https://tinyurl.com/y6wk3ut8>, updated: 12.03.21.

<sup>24</sup> Act XXXVI of 2012 on the National Assembly of Hungary, sec. 3, subsection 1. website of the Hungarian National Assembly, accessible at <https://tinyurl.com/ybhybc48>, updated: 12.03.21.

<sup>25</sup> The Rules of the House of Representatives for the 116<sup>th</sup> Congress, RULE I, clause 8, Speaker pro tempore, website of the House of Representatives, accessible at <https://tinyurl.com/y67cnwsp>, updated: 28.01.21.

<sup>26</sup> In England, the Chair is indeed non-partisan, although the first deputy should not be from the same political group from which the chair was elected. Deputy Speakers elected, website of the House of Commons, accessible at <https://tinyurl.com/yabao4cp>, updated: 28.01.21.

continental-type - Estonia.<sup>27</sup> **According to the fifth approach**, the order of deputies is not defined by the Rules of Procedure. Therefore, all of them are equal. However, in the absence of the chairperson, they shall be replaced by a deputy appointed from the second-largest faction. This rule applies to Germany,<sup>28</sup> one of the continental states with a parliamentary government. Currently, the deputy is a member of the majority.<sup>29</sup> Under a similar arrangement, another **sixth trend** has emerged, according to which the regulations do not specify which deputy will hold the post of speaker. Such an arrangement is from the semi-presidential states - in France<sup>30</sup> and from the continental system with the parliamentary government - in Italy.<sup>31</sup>

Opposition member is appointed as the first vice-speaker of the studied states in 1 of them and representative of the majority in 7 of them. The Rules of Procedure gave this position to the majority in 2 countries, yet in other 2 to the opposition. The order of deputies in 3 of them is not officially defined. However, in 1 of them, preference is given to the deputy appointed from the second-largest faction. In 2, the order of replacement of the chairperson is not determined by the Rules of Procedure.

## CHAIRPERSON OF THE COMMITTEE

4 main approaches were identified from the studied practice. **According to the first**, based on the established tradition, the chairperson of the committee is a member of the majority. From the presidential republics, this model is used in the USA,<sup>32</sup> and from the parliamentary government, with the continental system - in Greece.<sup>33</sup> **The second approach** involves

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<sup>27</sup> Board of the Riigikogu, Riigikogu, Riigikogu website, accessible at <https://tinyurl.com/ycxs3876>, updated: 28.01.21.

<sup>28</sup> Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee, rule 7, sec. 6, German Bundestag website, accessible at <https://www.btg-bestellservice.de/pdf/80060000.pdf>, updated: 12.03.21.

<sup>29</sup> The Presidium of German Bundestag, German Bundestag website, accessible at <https://tinyurl.com/6ys5jkn4>, updated: 12.03.21.

<sup>30</sup> Rules of Procedure of National Assembly of France, art. 11, sec. 1. website of the French National Assembly, accessible at <https://tinyurl.com/y623ezxp>, updated: 12.03.21.

<sup>31</sup> Rules of Procedure Chamber of Deputies of Italy, rule 9, website of the Italian Chamber of Deputies, accessible at <https://tinyurl.com/3jm82pqn>, updated: 15.03.21.

<sup>32</sup> House Committees, website of the House of Representatives, accessible at <https://tinyurl.com/1rcuj048>, updated: 04.02.21.

<sup>33</sup> Parliamentary Committees, website of the Greek Parliament, accessible at <https://www.hellenicparliament.gr/en/Koinovouleftikes-Epitropes/Katigories>, updated: 04.02.21.



the distribution of positions between the opposition and the majority based on the principle of proportional representation of factions. In this way, the chairpersons are elected from the semi-presidential states in Lithuania<sup>34</sup> and France,<sup>35</sup> from the parliamentary, Westminster system - in England,<sup>36</sup> and from the continental system in Hungary.<sup>37</sup> **The third clear trend** is the tradition of giving quotas to the opposition. This rule is employed by Slovakia<sup>38</sup> - from the semi-presidential states, Sweden<sup>39</sup> - from the Scandinavian parliamentary system, and Estonia,<sup>40</sup> Germany,<sup>41</sup> Latvia<sup>42</sup>, Italy,<sup>43</sup> Spain<sup>44</sup>, and Austria<sup>45</sup> - from the continental system. **The**

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<sup>34</sup> Seimas of the Republic of Lithuania Statute, 2020, art. 46, sec. 3. Sejm website, accessible at <https://tinyurl.com/yxl7chsf>, updated: 04.02.21.

<sup>35</sup> Rules of Procedure of National Assembly of France, art. 39, sec. 2.

<sup>36</sup> Election of House of Commons Select Committee Chairs, website of the House of Commons, accessible at <https://tinyurl.com/2ybshkmz>, updated: 04.02.21.

<sup>37</sup> About Parliamentary Committees, website of the Hungarian National Assembly, accessible at <https://tinyurl.com/4yh68cea>, updated: 11.03.21.

<sup>38</sup> The opposition has chaired committees on incompatibility of functions, foreign affairs, national security oversight, intelligence oversight, and national security oversight. Parliamentary Committees, website of the Slovak National Council, accessible at <https://www.nrsr.sk/web/?sid=vybory/zoznam>, updated: 04.02.21.

<sup>39</sup> The opposition has a chairperson on the Committees of Defense, Constitutional Affairs, Business, Social Security, Social Affairs and Transport. Utskotten & EU-nämnden, Swedish Riksdag website, accessible at <https://www.riksdagen.se/sv/utskotten-eu-namnden/>, updated: 11.03.21.

<sup>40</sup> Only the Finance Committee has an opposition chairperson. Committees, Riigikogu official website, accessible at <https://www.riigikogu.ee/en/parliament-of-estonia/committees-riigikogu/>, updated: 04.02.21.

<sup>41</sup> The budget; Digital issues; Environment, nature protection and nuclear safety; Economy and Energy; Family Affairs, Veterans, Women and Youth; Financial Affairs Committees have opposition chairpersons, official website of the Bundestag, accessible at <https://www.bundestag.de/en/committees>, updated: 04.02.21.

<sup>42</sup> The opposition has a chairperson at the public administration and local self-government, as well as national security committees. Committees, Latvian Seimas website, accessible at <https://tinyurl.com/294peteg>, updated: 04.02.21.

<sup>43</sup> The opposition has a chairperson at: the Finance, as well as the Transport, Post and Telecommunications Committees. Commissioni, Website of the Italian Chamber of Deputies, accessible at <https://www.camera.it/leg18/48>, updated: 05.02.21.

<sup>44</sup> The opposition chairpersons at the Defense; Housing; Economics and Transformation; Health Committees. Comisiones, Website of the Spanish Congress of Deputies, accessible at <https://www.congreso.es/web/guest/comisiones>, updated: 05.02.21.

<sup>45</sup> The Labor and Social Affairs; Foreign Affairs; Accommodation; Research, innovation and digitalization; Health; Equality; Immunity; Consumer protection; National Defense; Human

**fourth approach** involves the quota method established by the Rules of Procedure and it operates in Slovenia.<sup>46</sup>

The experience of the studied countries has shown that the chairperson of the committee, according to the existing practice, is elected from the ranks of the majority in 2 of them. The opposition has certain quotas in 8 states, and in 1, the quota is set by the Rules of Procedure. By law, the principle of proportional representation of factions is applied in 4 of them.

## FIRST DEPUTY CHAIRPERSON OF THE COMMITTEE

From the studied international practice, there are 6 general tendencies regarding the appointment of the First Deputy Chairperson of the Committee. **According to the first approach**, the Rules of Procedure do not specify which political group the deputy belongs to, although in some committees, they are traditionally elected from the opposition. Such countries include Lithuania,<sup>47</sup> also semi-presidential states with parliamentary government, such as Sweden,<sup>48</sup> and from the continental system - Estonia,<sup>49</sup> Spain,<sup>50</sup> Latvia,<sup>51</sup> and Germany.<sup>52</sup> **According to the**

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rights; Petition and Citizens' Initiative; Court of Audit; Tourism, constitutional issues; Transport; Science Committees have chairpersons from the opposition. Ausschüsse, website of the Austrian National Council, accessible at <https://www.parlament.gv.at/PAKT/AUS/>, updated: 05.02.21.

<sup>46</sup> Rules of Procedure of the National Assembly of Slovenia, art. 33, cl. 2.

<sup>47</sup> The Committees on Future, Audit, Budget and Finance, Culture, Economy, Education and Science, Human Rights, Health, Environment, Social Affairs and Labor, Agriculture, Defense, Legal Affairs, and State Administration and Local Affairs have deputy chairpersons from the opposition. Committees and Commissions, website of the Lithuanian Seimas, accessible at [https://www.lrs.lt/sip/portal.show?p\\_r=35733&p\\_k=2](https://www.lrs.lt/sip/portal.show?p_r=35733&p_k=2), updated: 11.03.21.

<sup>48</sup> The following committees: Defense, Constitutional Affairs, Industry, Social Security, Social Affairs and Transport have deputy chairpersons from the opposition. Utskotten & EU-nämnden, Swedish Riksdag website.

<sup>49</sup> The European Union, Constitutional and Social Affairs Committees have deputy chairpersons from the opposition. Committees, Riigikogu official website.

<sup>50</sup> The opposition has a deputy chairperson of the Interior Committee. Comisiones, Website of the Spanish Congress of Deputies.

<sup>51</sup> Committees on Human Rights and Public Affairs, as well as Mandate, Ethics and Consent. Committees have deputy chairpersons from the opposition, Website of the Latvian Seimas.

<sup>52</sup> Committees on Economy, Family, Finance, Agriculture, Internal Affairs, Labor, Health, Human Rights, Transport and Procedural Affairs have deputy chairpersons from the opposition. Committees, Official website of the Bundestag.

**second approach**, deputies are members of the majority. It's followed in Greece.<sup>53</sup> **The third obvious tendency** is to appoint the majority member as the first deputy by the Standing Orders. This practice has been established in the United States<sup>54</sup> with a presidential government and in Slovakia<sup>55</sup> with a semi-presidential government. **The fourth approach** represents set quotas by the Rules of Procedure and it is used in semi-presidential Slovenia.<sup>56</sup> **According to the fifth type**, there is no first deputy among the deputy chairpersons of the committee. It exist from semi-presidential states in France<sup>57</sup> and from parliamentary, continental systems in Austria,<sup>58</sup> Italy<sup>59</sup>, and Hungary.<sup>60</sup> Also, there is the **sixth approach**, too, when the position of deputy is not defined. The chairpersons of the parliamentary committees of the United Kingdom (both chambers)<sup>61</sup> have no deputies.

The studied examples show that according to the established tradition, quotas are given to the opposition for the post of the first deputy chairperson of the committee in 6 states. At the same time, in 1, it is fully composed of the majority. According to the Rules of Procedure, this position is held by the representatives of the majority in 2 countries, while the quotas are set in 1. The order of deputies is not defined in 4 states, and in 1, the chairperson has no deputies.

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<sup>53</sup> Parliamentary Committees, website of the Greek Parliament.

<sup>54</sup> The Rules of the House of Representatives for the 116th Congress, RULE XI, clause 1, Temporary absence of chair.

<sup>55</sup> Act of the National Council of the Slovak Republic No. 350/1996 on Rules of Procedure as Amended, art. 49, sec. 4 Website of the Slovak National Council, accessible at <https://tinyurl.com/wtb66nm7>, updated: 15.03.21.

<sup>56</sup> Rules of Procedure of the National Assembly of Slovenia, art. 33, cl. 2.

<sup>57</sup> Rules of procedure of the National Assembly of France, art. 39, sec. 6.

<sup>58</sup> Federal Law on the Rules of Procedure of the National Council, para. 34, sec. 2. Website of the Austrian National Council, accessible at <https://tinyurl.com/4stzjnuc>, updated: 15.03.21.

<sup>59</sup> Rules of Procedure Chamber of Deputies of Italy, rule 21, sec. 2.

<sup>60</sup> Act XXXVI of 2012 on the National Assembly of Hungary, sec. 20.

<sup>61</sup> Committees of the House of Commons, Official Website of the United Kingdom, accessible at <https://tinyurl.com/y2rzyjr6>, updated: 28.01.21; Special Committees of the House of Lords, accessible at <https://tinyurl.com/ybaq4724>, updated: 28.01.21.