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**“BICAMERAL SYSTEMS AND REPRESENTATION OF REGIONS  
AND LOCAL AUTHORITIES:  
THE ROLE OF SECOND CHAMBERS IN EUROPE”**

**Paris, 21 February 2008**

**REPORT**

**Improving the representation of regions and local authorities  
in Europe in a Second Chamber of Parliament –  
the Polish experience**

by  
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## I. General remarks

Poland's political tradition of a bicameral parliament comprising the Sejm, (or Chamber of Deputies), and a Senate, was terminated after the Second World War, following the Communist take-over. In order to gain credibility for their political conception that did not envisage a reputedly conservative second chamber of parliament, in 1946 the Communist authorities asked people in a popular referendum whether they favoured eliminating the Senate. Its outcome was falsified to make the will of the people correspond with the Communist Party's political line.<sup>1</sup> By the same token, the polity model known as a 'people's democracy', corresponding to that existing in all the countries of Central and Eastern Europe, was imposed upon Poland's political system. That model regarded a bicameral parliament as unnecessary in a unitary state. A bicameral parliament was permissible only in federal states, in which the second chamber was to represent the federation's component parts. Such was the case in the USSR, the Federal Republic of Yugoslavia and in the Federal Republic of Czechoslovakia after 1968. But even that form of representation was flawed. The second chamber of parliament, like all institutions under those conditions, was centrally steered in accordance with the Communist Party's leading role. By comparison, the principle of federal division and the rights of component parts were of secondary importance. Territorial representation at the parliamentary level could therefore not promote the interests of the federation's component parts beyond what was concordant with the official party line.

The issue of a unicameral or bicameral parliament as well as the nature of a second chamber did not really come to the fore until after 1989, when the post-Soviet states began autonomously shaping their polity and reverting to their own national traditions. Some of them believed the restoration of the second chamber would reinforce the democratic nature of their transition, whilst others felt a second chamber was not an indispensable attribute of a democratic state. It appears, however, that the decisions taken in individual states stemmed largely from the political convictions of individual parties and current political considerations, especially the prevalence of advocates and opponents of bicameralism. To a far lesser extent, it arose from a reliable scholarly analysis of any legal-constitutional need of restoring the second chamber and precisely defining its role. Different arguments prevailed, among which of particular importance was that of a symbol. Also in Poland's case, bicameralism symbolised of reversion to the state's tradition of independence. Sometimes the decisive thing was an unexpected twist in the political debate such as that which occurred in spring 1989 during Poland's Round Table discussions.

## II. Evolution of Poland's concept of bicameralism in the 1980s

In 1980, in connection with the rise of "Solidarność", self-government tendencies began emerging. That is when discussions began on the restoration of authentic professional self-management, particularly of workers' self-management. Already in its full title the "Solidarność" trade union described itself as the solidarity independent self-governing trade union. It strongly promoted the concept of self-rule in which it saw an instrument for weakening the highly centralised state and transferring some of its power to various decentralised structures described as self-governing.

In the quest for more institutionalised ways of including various forms of self-rule in the country's official structures, the possibility of creating a central self-government chamber to function alongside the Sejm, the political chamber, was raised. But such a chamber was not intended as a representation of territorial structures, hence it was not to be a regional chamber, but one representing professional and workers' self-government bodies. That was more of a general notion than a cohesive and well-elaborated concept, and it was never put into practice.

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<sup>1</sup> Cf. ia L. Garlicki: *Polskie prawo konstytucyjne (Polish Constitutional Law)*, Liber, Warsaw 2007, p. 191.

Not conducive to such a development was the period following the introduction of a state of emergency (marshal law) in 1981, which effectively obliterated the idea of genuine self-rule. In that situation, the concept of a second chamber of parliament as a self-government chamber remained a dead letter for quite some time.

The situation underwent a major change in 1989. In February of that year, a Round Table began its deliberations. Their results included an agreement containing concrete proposals for political changes which required amending the 1952 Constitution of the Polish People's Republic. The Round Table was a dynamic phenomenon. Some of its proposals arose on the spur of the moment as an effect or counteraction to some other proposal. Time was the most important factor. The point was not to prolong the talks so as to conclude an agreement leading to constitutional change, the introduction of new political institutions and elections in which the hitherto absent opposition could take part.

During the Round Table debates, territorial problems were also discussed. They included the possibility of transforming the nature of local government in future, but that task was left to the future parliament. Under those circumstances, the creation of a second chamber representing regional interests was not considered.

Amongst the proposals put forward by the opposition was the restoration of parliament's second chamber, the Senate. It was tabled in a most unexpected manner. The proposal to restore it was submitted in connection with a debate on the scope of power of the president, the country's chief of state. A discussion had been under way on creating a strong presidency which, according to the agreements reached, was to have been held by a representative of the Communist Party.

During the Round Table deliberations, the government side had agreed to partially democratic parliamentary elections which meant that a portion of the mandates (35 percent) would be a priori assigned to the opposition. The remaining seats in parliament were to be guaranteed to the ruling coalition. However, one of the conditions of that concession, ie permitting partially free elections to the Sejm, was the government's concept of equipping the president with far-reaching powers to discipline the Sejm, including the right to dissolve it. The latter would be possible, among others, in the event 'the Sejm adopted a law or passed a resolution disabling the president from exercising his constitutional functions as set forth in Article 32, Passage 2 of the Constitution, namely overseeing adherence to the Constitution and standings guard over the state's sovereignty, security, inviolability and territorial integrity as well as the enforcement of its international political and military alliances.'

In view of such sweeping presidential powers, the opposition quite unexpectedly tabled a motion to restore the second chamber of parliament, the Senate, which would be elected in fully free elections. The Senate would serve as a tool blocking decisions taken by the Sejm in which representatives of the Communist Party held a majority. The Senate was proposed as a classic political chamber. But other than the vague notion of blocking Sejm decisions, no-one had a clear concept of the Senate, its role and scope of authority within the Polish political system.

The initiators of the motion to restore the Senate seemed to believe it would be fairly easy to invoke Poland's pre-war tradition to dispel all doubts that might arise in practice. No-one clarified, however, to which tradition of the pre-war Senate it was to allude. After all, during Poland's inter-war period there had been two different constitutions, each of which differently defined the Senate's role. It should nevertheless be emphasised that in both cases it was a political chamber without the character of a regional representation. Invoking Poland's pre-war tradition therefore could not lead to any models equating the second chamber with a territorial one.

According to the advocates of restoring the Senate in 1989, it was to be neither a self-government chamber nor a territorial representation. No-one any longer reverted to the suggestions of the early 1980s calling for the creation of a self-rule chamber as a representation of professional, workers' and economic self-governing bodies. Under the conditions existing in 1989, the notion of a second chamber as the self-rule chamber proposed at the start of the decade was regarded as a kind of half-measure. It might have been proposed under different circumstances, when, for example, the idea of creating a Senate as a political chamber had been unthinkable.

The notion of the Senate as a chamber representing territorial interests did not arise at that time, nor could it. There simply did not exist in Poland any authentic regional government. The local administration was uniform and fully subordinated to the central state administration. The restoration of true regional governance would have to be a matter of time. On the other hand, the manner of electing the Senate proposed in 1989 alluded to solutions known in federal states and was not fully consistent with the planned function of the newly created Senate.

The Senate election law of 7<sup>th</sup> April 1989<sup>2</sup> did not envisage adherence to the principle of material equality. The electoral district was to be the voivodship (province). At that time, Poland had 49 voivodships. The election law adopted the principle of a 100-seat Senate with two senators from each of the voivodships. The populous voivodships of Warsaw and Katowice were to be exceptions, each of them being represented by three senators, thereby achieving the planned quota of a hundred-strong Senate.<sup>3</sup> That manner of election was clearly patterned on the US Senate's election system which was rather mechanically, if not altogether artificially, transplanted to Poland. That model appeared to be the easiest to emulate and was deemed as fulfilling democratic criteria, patterned as it was on a democratic state. In view of a thus constructed election law, it may have seemed justifiable for constitutional literature to raise the question as to whether the lawmakers had not really intended to set up the Senate as a regional representation. The reply to that query had to be altogether negative. Under the Polish conditions of that period, especially in view of the existing territorial structure, it would have been impossible even to a modest extent for the Senate to play the role of a territorial representation. What is more, such a political will did not even exist. There existed a clear will to set it up as a political chamber. In anticipation of the course of events, it should be noted that even at a later date, in 1990 when local government had been restored in Poland at the commune level, no-one proposed changing the nature of the Senate.

The amendment to the constitution, known as the April Amendment of 1989, was very general in nature.<sup>4</sup>

Practice was to show how many misunderstandings and disputes would arise between the two chambers of parliament as a result of such general formulations.

I believe it was that "original sin", the hasty restoration of the second chamber to Poland's political system without the benefit of deeper constitutional analysis, which stretched the dispute on the nature of the Senate over the entire constitutional debate which in Poland lasted quite

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<sup>2</sup> Journal of Laws 1989 No. 19.

<sup>3</sup> The Senate election law was changed in 2001. In connection with changes in the country's territorial division and a decrease in the number of voivodships, the principle of two senators per voivodship was dispensed with, but the total number of senators has remained at 100. According to the Law on Sejm and Senate Elections in the Republic of Poland, adopted on 12<sup>th</sup> April 2001, a voting district encompasses the area of a voivodship or its part. From two to four senators are elected in a given voting district to a four-year term. The remaining principles regulating the election of senators have remained unchanged.

<sup>4</sup> Cf. elaborations by: R. Chruściak, W. Osiatyński, *Tworzenie konstytucji w Polsce w latach 1989-1997* (The Creation of Poland's Constitution in 1989-1997), Instytut Spraw Publicznych, Warsaw 2001, p.25.

some time — from 1989 to 1997. Successive parliaments elected in 1991 and 1993 grappled with preparations for a new Constitution. Amid certain tensions and shortcomings of the bicameral system in 1989 and the years that followed, questions concerning the political position and role of the Senate would surface with varying intensity time and again during the sessions of all the constitutional committees.

### **III. A self-government chamber as an alternative to the Senate introduced in 1989**

Critical observations of election results as well the Senate's practical functioning were largely responsible for the re-emergence of discussions on the Senate's shape following the parliamentary elections of 1991 and 1993. Unlike the Sejm, Solidarity representatives and members of the opposition, accounted for 99 percent of the Senate elected in fully democratic elections in 1989. On the basis of the contract concluded (as a result of the Round Table agreement), the Sejm was dominated by representatives of the then Communist-led ruling coalition. The difference in the political composition of the two chambers was therefore quite evident. But the situation changed following the next election. After the principle of fully free elections to both houses of parliament was adopted, the political composition of both chambers became more similar, even though principles regulating elections to the Sejm and Senate differed.<sup>5</sup> That party that was victorious in the Sejm usually held a majority of Senate seats, prompting charges that the Senate had become equally party-minded, although it was to have been more of a chamber of prudent reflection. It was pointed out that that the Senate's representation was all but a carbon copy of the Sejm and its members did not essentially differ, meaning that they were in effect representing identical interests. Efforts were soon launched to set up joint party caucuses for both houses. The argument that different political representation in the two chambers would serve as a system of checks and balances in the legislative process had fallen by the wayside.

In view of the Senate's limited right to block legislation passed by the Sejm, questions as to the sense of such bicameralism arose. Under those circumstances, voices calling for a change in the nature of the second chamber were raised. Various proposals were put forward both by the academic community, particularly by representatives of constitutional law, and appeared in new constitutional drafts prepared by political parties.

The proposals varied but essentially boiled down to the following: 1) the second chamber as a representation of all diversified self-governing bodies; 2) the second chamber as a representation of self-governing economic and labour entities; 3) the second chamber as a territorial representation.

One of the main themes underlying such proposals was the quest for ways to make the second chamber less party-oriented and less politicised than the Sejm.

An analysis of the proposals to modify the Senate's character leads to the conclusion that the notion of creating a common self-government chamber for all self-governing entities was stronger than the idea of a chamber for territorial representation. Individual proposals pointed out the possibility of linking the bicameral parliament to professional, economic and territorial self-government, even to university self-governing bodies.<sup>6</sup> It was held that the new chamber

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<sup>5</sup> The Senate was elected in 1991 and 1993 as it had been in 1989 (the principle of equality was waived and the voivodship continued to serve as the Senate's electoral district).

<sup>6</sup> Vid. M. Konarski, *Izba samorządowa jako alternatywa drugiej izby parlamentu* (A self-government chamber as an alternative to the second chamber of parliament); Jacek Czajowski, M. Grzybowski, *Druga izba – izba samorządowa* (A second chamber — a self-governing one), in: *materiały Biura Studiów i Analiz Senatu z grudnia 1994 r.* (materials of the Senate Bureau of Study and Analysis, December 1994), the Senate — the upper self-governing chamber. Also: Z. Jarosz: *Problem dwuizbowości parlamentu w przyszłej Konstytucji RP*, w: *Przegląd Sejmowy* 1995, nr. 1 ss. 19-22 (The problem of parliament's bicameralism in the future Constitution of the Republic of Poland, in: *Przegląd Sejmowy* [Sejm Review] 1995, No. 1 pp 19-22).

should be so constructed as to ensure the representation of the interests of local communities, communes as well as professional and economic self-governing entities. The argument went that, since lawmakers decided to create self-governments, membership of which is mandatory (and such was the case of territorial self-government as well as the then emerging autonomous professional and economic bodies), then they should be recognised as particularly important to the state's interests. Hence the sense of setting up a second chamber as their representation was seen as arising from points of contact between the interests of local and regional government and those of the state. But since that was not to be a chamber reflecting direct delegation by local-government representatives, it was felt that it should be elected in general election. Representatives of local and regional governments should not become the institutional representatives of those governments and end up in the second chamber of parliament on the basis of delegation. In the view of the authors of that conception, its basic goal was to ensure the protection of self-governing bodies.

The second chamber of parliament should be equipped with powers that would not diminish the tasks of the Sejm but would enable parliament to exert new influence on public affairs, especially those of local communities.

But there existed a built-in flaw in a concept envisaging equal representation of regional government as well as of autonomous professional and economic bodies. Those were essentially different types of self-ruling entities and it would be difficult to assume that such a second chamber could harmoniously combine the interests of such diverse constituencies. There always existed the danger that a thus constructed chamber would become a form of pressure group of worker self-managements in which the broadly conceived public interests as represented by territorial government would get sidetracked. The concept of such a chamber did not seem all that convincing and was never precisely developed to its conclusion. It basically revolved round certain slogans and was fuelled by the negative experiences and criticism of the second chamber's existing model. Efforts concentrated more on formal issues — the second chamber's manner of election, term in office and internal structure — rather than on any real and convincing presentation of its powers, so as not to turn it into a direct transmission of the often conflicting interests of different self-governing entities.

Proposals to fundamentally change the Senate's structure were put forward in the constitutional drafts submitted by certain parties but failed to win broader support in parliament. For instance in 1993, the (post-Communist) Democratic Left Alliance (SLD) submitted a constitutional draft envisaging the creation of a national Chamber of Economy and Labour. That draft forewent the creation of a common chamber for all self-ruling bodies, particularly as regards combining regional and local government with business circles and workers self-management. But that construction was also defective, since it was based on a leftist ideology attempting to combine employers and employees in a single chamber. Such a chamber by its very nature would have had to be of a negotiating character. But the eventuality of its domination by employees was not ruled out, hence it would have had a clearly demand-pressing nature.

I believe that such proposals put forward at that time to some extent still alluded to conceptions rooted in former Yugoslavia and the creation of 'skupštiny' (assemblies) representing various social groups. That draft did not meet with parliament's support.

Without a doubt, the issue of the Senate's future and its political vision was among the problems that divided members of the constitutional committee and the authors of various constitutional drafts.<sup>7</sup> It should be noted moreover that the discussion on the Senate's character

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<sup>7</sup> Cf. the extremely critical voice of M. Granat: *Przeciwko samorządowemu charakterowi drugiej izby parlamentu* (Against the self-governing nature of the second chamber of parliament), *Państwo i Prawo*, 1991, No. 10; similarly: Z. Witkowski: *Problematyka samorządowa w projektach przyszłej konstytucji*, w: *Dyskusja nad rolą drugiej izby parlamentu* (Self-government issues in drafts of the future constitution, in: Discussion on the role of

in a sense took place at two different levels. As a rule, the voices of authors representing the academic community were not able to make a significant impact on the work of parliament. In spite of numerous constitutional drafts proposing different solutions with respect to the Senate, in the work of the constitutional committee in 1993-1997, the dominant view was that the Senate's existing political nature should be retained, and only a certain modification of its powers should be introduced. One should not forget that at one stage the position and role of the Senate became a bone of contention between representatives of former opposition groupings linked to Solidarity and representatives of parties rooted in the former Communist system. Hence all concepts changing the nature of the Senate, reintroduced in 1989, were regarded as a throwback to the previous era and an attack on the Senate which symbolised the reversion to the traditional institutions of the former independent state.

#### **IV. The political or territorial nature of the second chamber**

As regional and local governments developed in Poland, somewhat timidly notions calling for setting up a second chamber as a territorial representation began emerging. The Polish Peasant Party (PSL) submitted (in 1993) a draft proposal to transform the Senate into a Self-Government Chamber as a kind of coronation to the country's territorial-government structure. It should be remembered, however, that the draft was submitted at a time when the marshal (speaker) of the Senate representing the PSL had been elected to head the National Territorial Self-Government Assembly (KSST). The KSST played an important role in shaping the self-government movement. It arose as an independent organisation representing local communes and cooperating with government organs on a basis of independence as well as equality. The KSST was an institution functioning outside the state organs. The moment the Marshal of the Senate was elected the KSST chairman, a kind of personal, albeit not functional, union came about. The PSL nevertheless concluded that the KSST should replace the Senate and become a self-government chamber. That proposal was not fully elaborated, however. It was largely of a political nature and reflected the fact that the PSL had scored a major success in local-government elections, but could not count on similar support in elections to the Senate. Hence, the proposal to simply transform the National Territorial Self-Government Assembly into a Self-Government Chamber. Under such circumstances, the proposal could not find support in parliament.

But it was really the constantly evolving concept of what local government was all about that led to the rejection of the concept of a self-government chamber. After the commune was introduced as a level of local government in 1990, the discussion on the shape of Poland's territorial self-government continued into the 1990s. A proposal emerged to create a second stage of territorial government in the form of a county-like district known in Polish as the "powiat" (district). That proposal did not achieve much support particularly from representatives of peasant parties whose power base were the communes and who feared the creation of "powiat", where their position was not as strong, would diminish their influence. At times, proposals were submitted in a most surprising manner. Such was the case with the proposal to create a third stage of self-government above the "powiat" — the voivodship (province), which would radically change the cohesive concept of two-stage local government. Under those circumstances, amid a lack of consensus on local government and the division of powers between its individual levels, the idea of a self-government chamber seemed premature. It was simply impossible to propose a finalised and cohesive concept of a territorial chamber.

Aside from the above-mentioned difficulties, the concept of a territorial chamber had its declared foes amongst representatives of the legal sciences, especially local-government specialists. Whilst appreciating the basic role of local government within existing self-government structures, they argued that basing a second chamber solely upon local government ran the risk of transforming the supreme legislative organ (parliament) into a

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the second chamber of parliament), Senate Bureau of Study and Analysis, November 1993).

structure dominated by local interests and vulnerable to political pressure. In view of such reservations, the authors concluded that, rather than setting up a territorial representation, it would be more advisable to create a self-government chamber ensuring the representation of other self-governing structures as well.<sup>8</sup>

A characteristic feature of that discussion on the role of the second chamber was also a significant evolution in the views of various authors. One of the co-authors of a critical assessment of a territorial self-government chamber, for instance, was no longer such a declared critic in an article of his own authorship. On the contrary, he now argued that basing a self-government chamber on territorial self-government would be the optimum solution. Territorial self-government is the basic form within the system of self-government organisations. Within the area encompassed by territorial self-government other self-governing organisations function and fulfil their tasks.<sup>9</sup> He argued that creating a self-government chamber based on territorial self-government in a bicameral parliament would be a measure consolidating and strengthening territorial self-government. That, however, would not be tantamount to discriminating other forms of self-rule, since strong territorial self-government, for which a self-government chamber would be the logical base of support, would also serve to promote other forms of self-government.<sup>10</sup> That concept, however, remained undeveloped and in a certain sense was blurred by the author himself as regards the possibility of such a chamber also representing other self-government entities.

The concept of a second chamber as a territorial chamber was thoroughly criticised by T. Rabska and J. Regulski, ranked amongst Poland's most eminent self-government experts. Rabska strongly opposed the concept of creating a second chamber by transforming the National Territorial Self-Government Assembly into a parliamentary self-government chamber (see PSL draft above). She regarded such a transformation as harmful to self-government itself. It would entail a change of not only national representation but of the entire self-government structure. It would mean its inclusion in the structure of organs representing the state, not the communes as separate legal subjects.

She regarded the very notion of including a territorial self-government representation within legislative organs as a methodological error violating the constitutional separation of powers. Such a construction of the second chamber would shift self-government from the executive to the legislative sphere of authority. Self-government would thereby be deprived of its uniqueness and subjectivity.<sup>11</sup>

In effect, no-one polemicised with so critical an evaluation.

Extremely critical remarks were also made by J. Regulski. He expressed the view that the creation of yet another body representing the interests of groups or regions should not be set up. Involved in various negotiations, it would become a platform seeking compromise between conflicting interests rather than focusing on the state's development goals and strategies as a whole. He therefore concluded that the Senate should not be a self-government chamber.<sup>12</sup>

The concept of the Senate as a chamber linked to territorial self-government never dominated the constitutional debate carried on in parliament. It did not receive broader support, hence in

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<sup>8</sup> Cf. J. Czajowski, M. Grzybowski, op. cit. It appears that so critical an evaluation of a territorial chamber represented only the view of M. Grzybowski. In a separate article, J. Czajowski expressed a highly favourable view of a self-government chamber based on territorial self-government.

<sup>9</sup> J. Czajowski, *Druga izba – izba samorządowa*, w: „Senat a samorząd”, (The Second Chamber a Self-Government Chamber, in: 'The Senate and Self-Government'), Senate Bureau of Study and Analysis, November 1994 r. p. 15.

<sup>10</sup> *ibid.*

<sup>11</sup> T. Rabska: *Możliwości zmian ustawy samorządowej*, w „Senat a samorząd” (Possibilities of Changing the Self-Government Law, in: 'The Senate and Self-Government'), Senate Bureau of Study and Analysis, November 1994, p. 8.

<sup>12</sup> J. Regulski: *Samorządna Polska (Self-Governing Poland)*, Warsaw 2005, p.188.



the Constitution, confirmed by a referendum in 1997, the Senate was retained in the 1989 political version it had been restored in.

Although throughout its existence the Senate had never formally transformed itself into a self-government chamber, it has always attached particular importance to the development of self-government. To a large extent, it already developed a self-government strategy in its first years of existence. It was upon the initiative of senators that an entire legislative packet on territorial self-government was adopted. The Senate Resolution of 20<sup>th</sup> March 2006 clearly backed up that statement:

*'This month marks the 16<sup>th</sup> anniversary of the Territorial Self-Government Act, adopted on 8<sup>th</sup> March 1990. It was the reborn Senate that initiated efforts to create the nucleus of reborn self-government. Already at its third sitting on 29<sup>th</sup> July 1989, the First Term Senate passed a resolution on territorial self-government and launched a legislative initiative, adopting a draft law on 19<sup>th</sup> January 1990.*

*At the outset, the first communal level of self-government arose, and subsequently, in 1998, — its successive levels: the district and voivodship. Local and regional government have become an integral part of contemporary Poland's polity, ensuring citizens of participation in the self-organisation of collective life, teaching efforts for the common good and transferring responsibility for public affairs to organs of authority that are closest to people.*

*There are many reasons for satisfaction at the self-government reforms and achievements of local and regional governments over the past 16 years. Thanks to its efforts, Poland has undergone civilisational reconstruction, and the shape of the "little homelands", in which the life of each of us unfolds, has changed, often beyond recognition.*

*But many things in the way territorial self-government functions need to be repaired and improved. This concerns the quest for and creation of ever-better institutional solutions, thanks to which local and regional communities could take full advantage of opportunities for civilisational and economic development.*

*In reference to the beautiful traditions of the First Term senate, the Sixth Term Senate deems its duty to exercise patronage over territorial self-government and hereby declares its will to constantly cooperate with self-government organs and organisations and to actively contribute to the continued development and strengthening of Polish territorial self-government.'*

In its declaration, the Senate has upheld its resolve to serve as a kind of patron of territorial self-government, ready to cooperate with self-government organs and strengthening its role, whilst retaining a concept of the Senate in its present form and specially its role in legislative process. According to Article 10, Passage 2, and Article 95 of the Constitution of the Republic of Poland of 1997, legislative authority in the Republic of Poland is vested in the Sejm and Senate.

Over the past 19 years of Poland's transformation, in spite of major efforts to develop territorial self-government which was effectively built from the ground up, an atmosphere conducive to transforming the Senate into a self-government chamber did not exist. Such was the case under various circumstances, including the changing political composition of the Senate itself. In its current version, the Polish Constitution from 1997 provides no basis for changing the character of the second chamber. That conclusion stems from an analysis of both regulations pertaining to the Senate as well as those governing territorial self-government.

Discussion on the need to change the shape of the Senate keeps recurring. Will the notion of transforming the second chamber into a territorial representation resurface once again? In view of the discussion presented above, that seems rather doubtful.