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CONSTITUTIONAL ASPECTS OF THE LIMITATION OF MANDATES

Abstract

The issues such as political representation of the citizens, limitation of mandates, incompatibility of political functions, loss of eligibility, etc. have become increasingly visible and important within contemporary democratic theory. It is generally noted that modern democracy can only function with or through limitations that it had set itself as legitimate and reasonable. Of course, the limitation of mandate and the right to (re)-election of the holders of political functions, as well as the issue of political and economic incompatibility, and the issue of non-electoral status are the key principles that "limit" democracy, but at the same time make it possible. In the context of the relations between democracy and the limitation of the mandate, it is important to take into consideration many variables such as: geography, history, tradition, political culture, development of the country, the way in which democracy has come about, etc. They influence the political behaviour, for example, whether the holders of political offices in that country are more or less prepared to resign under the pressure from the public, due to the incompatibility of their functions, i.e. due to the non-ethical dimension deriving from the several offices that one person holds. Limiting the mandate is a key issue for the holder of power with respect to his or her political responsibility. The aim of this paper is to explain the most important aspects of the questions mentioned above.

Key words: representation, mandate, limitation, re-election, incompatibility, eligibility, democracy, political function, responsibility

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1. Theoretical reference to the limitation of the mandate and the right to re-election of the holders of political functions

The mandate and the issue of its (non)limitation was, and still is a challenge not only for the theory of representation, but also for the contemporary democratic practice. There is no single answer having in mind the different political and ideological trends of the different models of representation (model of fostering, delegate model, model based on mandate, model of similarity), the different democratic tradition and the model of governing, in whole the different political culture.[1]

The theory of representation, as one of the most influential theories in the contemporary political thought and the representation itself, still cause strong polemics. Of course, the issue of who should be represented, which was popular during the expansion of the democracy in the 19th and 20th century, along with the broadly accepted principle of political equality through formally guaranteed common right to vote and the principle of "one person, one vote" can be considered as absolved.

However, reducing of the representation in the elections and in the voting is a simplified approach, which makes the politicians be "representatives" only because they were elected. Some questions still remain: what the elected one represents and when can we really say that those who were elected truly represent those who elected them?

However, even though the debate on the nature of the representation still goes on, everyone agrees that the representation is undeniably connected with the elections. It is undeniable that elections are a necessary precondition, but the question is whether they are a sufficient precondition for political activity?

For some analysts, like Joseph Schumpeter, "The democracy suggests that people have a possibility to accept or reject those who govern them.[2] In this context, democracy, as an "institutional engagement", means that the public functions are fulfilled through competition for votes of the people who elect and dismiss their representatives in the government institutions led by specific political and other interests.

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[1] In this context, the paper will not go into details about the theoretical aspects of the free and imperative mandate. However, we will focus on the so-called corrections to the free mandate that are present in the contemporary constitutional states. There are, namely, certain opinions that are more and more vocal about the new "flexible" character of the parliamentary mandate, as well as considerations that the constitutional rules in the systems with traditional constitutions cannot cover or foresee all legal situations that occur in practice. Hence, the issue of perspective, i.e. acceptable level of contradictoriness between the constitutional law on one hand and the constitutional practice on the other arises. The mandate is still strongly linked to the principle of political pluralism. The position of the MP (Member of Parliament) cannot be taken independently from the reality that exists in the party scene and vice-versa. On the other hand, the essence of the free mandate is in the guarantees that ought to be given to the MPs about their independent position vis-à-vis the party that nominated them. See: Turpin, C. (2002), *British Government and the Constitution,* (London: Butterworths LexisNexis).

[2] See: Joseph Schumpeter. (1991) *Capitalism, Socialism and Democracy* (London: Harvester Wheatsheaf).

Although it sounds logical that elections are a reflection of the public interests, or of what "the people said", it is hard to determine what "the people really said" and especially why people voted like they voted, i.e. what was their motive when they voted, which is the interest of a scientific study of the voters' behaviour.

Having in mind the different types of elections and election systems, it is hard to generalise election functions. Still, elections on national level have three most important functions:

1. To serve as a constituting tool or mechanism of the government institutions;
2. To determine the main directions of the public policies, and
3. To serve as a "bridge" that connects those who govern and the citizens.

In each democratic system, there are contemporary and competitive political parties among which the voters decide on elections, based on the political programmes they offer. [3] This is a key democratic rule. However, there must be democracy also in the period between the two election processes in the state, which demands appropriate mechanisms that will voice the people in that period.

When laws and other important political decisions are passed in the country, the holders of the government must above all take into consideration the public opinion and the interest of the citizens, which directly means that every government institution must be open to the public, transparent in its work and accountable in front of the people.

The issue of limiting the mandate is a key issue for the political responsibility of the holders of power, same as the right to re-election for a certain function.

2. Limitation of the mandate: from history to contemporary norm and practice

The historical dimension of the limiting of the mandate says that this is not a matter of a brand new category in the democratic theory, but on the contrary, it points out that the historical roots of the limitation can be found in the time of Athens democracy.[4]

Namely, even in the 4th and 5th century BC, the five hundred members who sat in the Athens Assembly or the Bule, had a mandate of two years, while the rotating principle was considered an important

[3]See: Angelo Panebianco (1988) *Political Parties: Organization and Power* (Cambridge: Cambridge University Press); Pippa Norris (1997) *Passages to Power: Legislative Recruitment in Advanced Democracies* (Cambridge: Cambridge University Press); Richard S. Katz (2001), 'The Problem of Candidate Selection and Models of Party Democracy', *Party Politics* 7, May, p. 293.

[4]See: A.H.M. Jones (1986) *Athenian Democracy* (Baltimore: John Hopkins University Press), p. 105 in the paper of: Steven Millman, 'Term Limitations: Throwing Out the Burns-Or the Baby with the Bathwater?', http://web.mit/edu/millman/www/WPSA.html; Adam Przeworski, Susan C. Stokes, Bernard Manin (1999) *Democracy, Accountability, and Representation,* Cambridge University Press, p. 259-277.

mechanism for representing of different citizens' interests and a prevention from misuse of position for private purposes.[5]

The system of elected magistrates was also applied in the Roman republic, who had a mandate of one year without the possibility for re-election in the next ten years.

The modern political systems are based on these foundations, such as:

1. Government that is elected by the citizens at general, free, direct, democratic and fair elections, which means of the holders of political power and limitation of their mandate;

2. Active participation of the citizens in the political and in the social life, or civic participation;

3. Protection of the human rights and freedoms for all citizens without exception, and

4. Rule of the law with equal application of the law on all citizens.

The debate on and about the limitation of the mandate in the academic literature is mainly focused on two aspects:

- The first aspect refers to the favouring of the need of rotations in the service and the elimination of the phenomenon of "obligatory advantage" in the service, while

- the second phenomenon directly defends the idea of elimination of the obligation for one person to have to spend in service a long time in order to be able to gain certain rights or privileges in the service.[6]

Today, the practice of limitation of the mandate and the possibility for re-election is mainly bonded with the election of the President of state, but quite rarely with the re-election of the holders of other public (political) functions (MPs, local or regional advisers, prime ministers, government ministers, mayors, etc).

Among the rare constitutions in the world that do not foresee possibility for consecutive parliamentary mandate is the Constitution of Mexico.[7]

In similar connotation, the constitution of Algiers foresees that the mandate of the deputies and of the members of the National Council cannot be renewed, nor in competition with another mandate or function.[8]

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[5]See: Benjamin, Gerald and Michael Malbin (1992) 'Limiting Legislative Terms', *Congressional Quarterly Press,* Washington D.C.

[6]See: Abramowitz, Alan (1991) 'Incumbency, Campaign Spending and the Decline of Competition in U.S. Elections', *Journal of Politics,* 53 (1), p. 34-56; Ansolabehere, Stephen, Marc Hansen, Shigeo Hirano and James M. Snyder Jr. (2007) 'The Incumbency Advantage in U.S. Primary Elections', *Electoral Studies,* 26(3), p. 660-668; Lott, John R. Jr. (1986) 'Brand Names and Barriers to Entry in Political Markets', *Public Choice,* 51, p. 87-92.

[7]**Article 59 of the Constitution of Mexico** – Senators and deputies in the Congress of the Union cannot be re-elected.

[8]**Article 105 of the Constitution of Algiers.**

The Constitution of Portugal contains a provision that prohibits lifetime execution of any political function at national, regional or local level.[9]

The Constitution of Lichtenstein is one of the few constitutions in the world that directly foresees possibility for re-election of members of Parliament.[10]

In the 1994 U.S. Congressional elections, Republican candidates for the House of Representatives committed themselves as part of their campaign platform, the Contract with America, to seek a constitutional amendment limiting the number of terms anyone could serve in Congress. They argued that the Congress as an institution of professional politicians with eroded accountability and responsiveness had strayed from the founder's vision of Congress as a "citizen legislature", opening the door for political scandals, enormous national debt and deficit spending. For them, politics should not be a lifetime job. American public has supported the term limits, as the most popular provisions of the Contract for America. Republicans had won the elections becoming the majority in the House. But, most of the Democrats, as well as some House Republicans and Republican senators opposed the term limits, explaining that they would substitute inexperienced legislators for experienced ones, giving more power to unelected government officials who serve without limits and that the people could not vote for whomever they wanted. Even the supporters disagreed over the scope and length of limits: three two years terms (six year), four terms (eight years) or six terms (twelve years)? More then twelve bills were introduced, but failed to secure the necessary two-thirds. In 1995 the U.S Supreme Court voted to strike down Arkansas Law banning incumbents who had served six years in the House or twelve years in the Senate from appearing on the state ballot. The Court stated in its opinion that the state –imposed restriction is contrary to the fundamental principle of representativeness. In democracy, embodied in the Constitution "the people should choose whom they please to govern them". It meant that term limits could be imposed only through a constitutional amendment.

3. Constitutional and legal aspect of the limitation of mandate and the right to re-election of the president of the state

In most cases, the constitutions of the Council of Europe Member States, as well as of those countries that are not CoE members, contain provisions for time-defined limitation of the mandate of the president of the country **with right to one re-election.**

That is the case in the constitutions of Albania[11], Andorra[12], Armenia[13], Austria[14], Azerbaijan[15], Bosnia and Herzegovina[16], Brazil[17],

[9]**Article 118 of the Constitution of Portugal** – No one can perform a political function at national, local or regional level for lifetime.

[10]**Article 47 of the Constitution of Lichtenstein**.

[11]**Article 88 of the Constitution of Albania** – The president of the Republic is elected with a mandate to serve for five years, with the right to one re-election.

[12]**Article 78 of the Constitution of Andorra** – The President cannot perform this duty for more than two consecutive mandates.

[13]**Article 78 of the Constitution of Armenia** – The same person cannot be elected president of the country for more than two consecutive mandates.

Bulgaria[18], Croatia[19], The Czech Republic[20], Estonia[21], Finland[22], France[23], Georgia[24], Germany[25], Greece[26], Hungary[27], Ireland[28], Kirgizstan[29], Latvia[30], Lithuania[31], Moldavia[32], Montenegro[33], Poland[34],

[14]**Article 60 of the Constitution of Austria** – The federal president has a mandate of six years, with the right to only one re-election.
[15]**Article 101 of the Constitution of the Republic of Azerbaijan** – The same person cannot be elected president of the Republic of Azerbaijan for more than two times.
[16]**Article 5 of the Constitution of Bosnia and Herzegovina** – the mandate of the presidency members elected at the first elections is two years, while the mandate of the members elected later is four years. The presidency members can perform this function for only one more mandate, following which they cannot be candidates for a period of four years.
[17]**Article 14 of the Constitution of Brazil** – the president of the Republic, the state governor and the governors of the federal units, the mayors and their deputies can be re-elected for only one consecutive mandate.
[18]**Article 95 of the Constitution of Bulgaria** – The president and the vice-president can be re-elected at this position for only one more mandate.
[19]**Article 95 of the Constitution of Croatia** – no one can be elected President of the Republic for more than two mandates. There is also a decision of the Constitutional Court of the Republic of Croatia (CRO-1997-2-027, 11.06.1997, U-VII-700/1997) regarding this constitutional provision, which more precisely limits the number of consecutive mandates for the president of the Republic.
[20]**Article 57 of the Constitution of the Czech Republic** – No one can be elected President for more than two consecutive mandates.
[21]**Article 80 of the Constitution of Estonia** – The President of the Republic is elected with a mandate of five years. No one can be elected president of the Republic for more than two consecutive mandates.
[22]**Section 54 of the Constitution of Finland** – Election of the president of the Republic – the President of the Republic is elected at direct elections with mandate of six years. The President must be citizen of Finland by birth. The same person shall not be elected president for more than two consecutive mandates.
[23]**Article 6 of the Constitution of France** – The President of the Republic is elected with mandate of five years at general and direct elections. No one can perform this duty for more than two consecutive mandates. The manner of application of this article is determined with a separate act.
[24]**Article 70 of the Constitution of Georgia** – the President of Georgia is elected at common, equal and direct elections with secret voting and with mandate of five years. The same person can be elected president for only two consecutive mandates.
[25]**Article 54, paragraph 2 of the Constitution of Germany** – The mandate of the federal president is five years. Re-election is possible for only one more mandate.
[26]**Article 30 of the Constitution of Greece** – Re-election of the same person for President is possible for only one additional mandate.
[27]**Article 10 of the Constitution of Hungary** – The President of the Republic cannot be re-elected for more than once.
[28]**Article 12 of the Constitution of Ireland** – The President of the Republic performs this duty with mandate of seven years from the day he steps in the office. The person that performs this duty, or who has performed this duty in the past, has the right to re-election for only one more mandate.
[29]**Article 61 of the Constitution of Kirgizstan** – The same person cannot be elected President twice.

Romania[35], the Russian Federation[36], Serbia[37], Slovakia[38], Slovenia[39], Republic of Macedonia[40], Turkey[41], and Ukraine[42].

The Constitution of Israel contains a somewhat modified formulation when it comes to the possibility for re-election of the same person for president of the state for more than two mandates.

Namely, this provision stipulates that the person who was elected president of the state for two consecutive mandates cannot be candidate for president at the next first elections, which does not exclude the possibility for that person to be nominated at some future elections.

On the other hand, there are constitutions that stipulate impossibility for re-election of the same person for president after his constitutionally foreseen mandate had expired (the case with the Article 70 in the Constitution of South Korea, which says that the term of the president is five years and the president does not have the right to re-election).

There is a similar provision in the Constitution of Mexico,[43] which says that the person who was elected President of the country with mandate of six years will not be able, under any circumstances, to perform this function again.

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[30]**Article 39 of the Constitution of Latvia** – The same person cannot perform the duty of President for more than eight years, which is equivalent to two consecutive mandates.

[31]**Article 78 of the Constitution of Lithuania** – the same person cannot be elected President of the Republic of Lithuania for more than two consecutive mandates.

[32]**Article 80, paragraph 4 of the Constitution of Moldavia** – No one can serve as president of the Republic of Moldavia for more than two consecutive mandates.

[33]**Article 97 of the Constitution of Montenegro** – The same person can be elected president of Montenegro for maximum of two mandates.

[34]**Article 127 of the Constitution of Poland** – The President of the Republic is elected with mandate of five years and can be re-elected for only one more mandate.

[35]**Article 81 of the Constitution of Romania** – No one can perform the duty of President of Romania for more than two consecutive mandates.

[36]**Article 81 of the Constitution of the Russian Federation** – The same person cannot perform the duty of President for more than two consecutive mandates.

[37]**Article 116 of the Constitution of Serbia** – No one can be elected President of the Republic for more than two mandates.

[38]**Article 103 of the Constitution of Slovakia** – the same person can be elected President of Slovakia for not more than two consecutive mandates.

[39]**Article 103 of the Constitution of Slovenia** – The President of the Republic is elected with mandate of five years and can be elected for maximum of two consecutive mandates.

[40]**Article 80 of the Constitution of the Republic of Macedonia** – The President of the Republic of Macedonia is elected at general and direct elections, with secret voting, with mandate of five years. The same person can be elected President of the Republic of Macedonia maximum twice.

[41]**Article 101 of the Constitution of the Republic of Turkey** – The mandate of the President of Turkey is five years. The President of the Republic can be elected maximum twice.

[42]**Article 103 of the Constitution of Ukraine** – the same person cannot be elected President of Ukraine for more than two consecutive mandates.

[43]**Article 83 of the Constitution of Mexico**.

An interesting case is the Constitution of Switzerland,[44] which says that the Federal Parliament elects the President and the Vice-president of the Confederation from within the members of the government (The Council) of the Confederation, with mandate of one year. These mandates cannot be renewed in the following year, which means that the same people cannot be elected for President and Vice-president of the Confederation. The next paragraph of the Constitutional Declaration reads that the President of the Confederation also cannot be elected vice-president in the following year.

In the U.S. the limitation of the mandate is present since the colonial period,[45] when William Penn in his Pennsylvania Charter of Liberties first foresaw the limitation of the mandate up to three consecutive elections for the upper house of the colonial Congress.

The mandate limitation is usually put in context with the "rotating system" or the principle of "rotating service".[46]

This system, or better said principle, was contained in seven out of ten constitutions of the new United States, which contain explicit provision for the need of rotating of the public servants and for limitation of the duration of their public functions.

The Articles of the Confederation, adopted by the Continental Congress in 1777, also contain provisions for servants' rotations, as well as for limiting of the mandate of the Congressmen to maximum three years.

Although the U.S. Constitution from 1787 does not foresee limiting of the President's mandate, it seems that George Washington's voluntarily leaving the function of President after his second term in office had established a rule that grew into a constitutional custom. In addition, no other President ran for third time after that; except for Franklin Roosevelt, who during the WWII (before the U.S. joined the war) ran for third, and in 1944 for the fourth mandate. After the war, however, the practice initiated by George Washington was constitutionally covered with the amendment 22 to the U.S. Constitution, adopted on 27 February, 1951. This amendment was supplemented with a reference that foresees that in the case of death or resignation of the President, the Vice-president will take over the function. In addition, if that person serves as President for more than two years, he can be re-elected only once, i.e. the person who served as President for more than six years cannot be re-elected in the next four years.[47]

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[44]**Article 176 of the Constitution of Switzerland**.

[45]See: Alan Grant (1995), 'The Term Limitation Movement in the United States', *Parliamentary Affairs* 48, p. 515-530.

[46] T. H. Benton (1854), *Thirty Years' View,* Volume 1, (New York: Appleton).

[47]In 2007, professor Larry J. Sabato from the Virginia University reopened the debate about the limitation of mandate in his paper "More perfect Constitution" in which, according to him, the extraordinarily great success and popularity of the limited mandate at state level in the 1990es gave him the right to propose this model also for the Federal Congress. In that context, the professor suggests that a new amendment to the US Constitution is prepared by a special Constitutional Convention, because he believed that the members of the Congress will never willingly suggest or adopt any amendment that will limit their power. Even the US Supreme Court in 1995 clearly said that the mandate of the members of the Congress must be limited, in context of the possibility for

It is interesting to note that the limitation to two mandates does not also refer to the Vice-president or to the members of the Congress or the Senate.

In France today it is impossible that an elected representative is both a member of the *Assemblée Nationale* and of the *Sénat*. MPs and Senators may not be MEPs, either. They may not hold more than one of the following mandates – regional councillor, county councillor, councillor in the Corsican Assembly, councillor of a town of more than 3,500 inhabitants or councillor in Paris. However, an MP can still have local executive functions and be a regional or county assembly president, the president of the Corsican Assembly, or a mayor.

In theory, he or she may also combine mandates as MP, county council president and mayor of a town of less than 3,500 inhabitants, although, in reality, this configuration does not exist today. Nevertheless, certain individuals such as **Augustin Bonrepaux** are presidents of a *conseil général* (Ariège as it happens) and *adjoint au maire* (deputy mayor) (Ax-les-Thermes). Others, like Françoise de Panafieu or Jean Tiberi are mayors (17th and 5th *arrondissements* of Paris respectively) and members of the *Conseil Général*.

Some specialists contend that weak political parties and a highly centralized state are the two main factors that may explain why elective offices are so often combined in France. From an institutional point of view, France is indeed one of the most centralized countries in the EU. Political parties, with their lack of resources and organizational autonomy, tend to be weak in the sense that they have a limited influence on the choices of individual politicians.

The combination of the two factors thus offers politicians opportunities to multiply electoral mandates at a sustainable political cost. Before developing the two hypotheses – a highly centralized state and weak party organizations – it is necessary to briefly present the reasons that may explain why MPs engagement in a *cumul des mandats*.

According to A. François, *cumul* may reduce risks stemming from the precariousness of political careers; it can increase politicians' income and power, and provide the necessary financial resources for future electoral campaigns. It may also help incumbents be re-elected. Nevertheless, there are at least two major constraints.

First, responsibilities are higher and the work load significantly heavier. *Cumul des mandats* is time consuming. It is certainly not an easy task to hold several elective offices at the same time. Secondly, political parties are theoretically opposed to *cumul des mandats*, for two reasons. Multiple office-holders have less time to devote to parliamentary activities (questions to the government, amendments) and they ask more from Parliament (state subsidies for the towns or regions they represent, special attention to local issues).

Moreover, the general public does not approve of *cumul des mandats*. In all logic, there is a definite risk that parties could thus lose votes if they endorsed "*cumul* candidates". We therefore make the assumption that, *ceteris paribus*, even if a politician decides to run for

their re-election for this position. In support of this idea a number of non-governmental initiatives and public opinion polls also appeared, supporting this idea as a safeguard against political tyranny and corruption.

several elections concurrently, he will meet strong resistance and opposition from his or her own party. However, the constraints and political cost attached to holding several elective offices simultaneously are weaker in France than in any other country.

Highly centralized institutions imply less work and responsibilities at the local level. As local authorities largely depend on decisions made by central institutions, a representative will have more room for manoeuvre in his daily political activities in a *département* or municipality if he or she seats in Parliament and thus has access to the higher decision-making body. Besides, the generally weak internal organization of parties means that individual parliamentarians can more easily influence the choice of their party's candidate in a given constituency. French parties can be qualified as weak insofar as they do not possess true organisational autonomy, which is however, one of the fundamental characteristics of any political party.[48]

3. "Pro" or "against" the limitation of mandate of the holders of political functions

The theory of limitation of mandate has its followers as well as opponents.

The critics say that the frequent replacing of the holders of public (political) functions in the country can have negative impact on the quality and on the continuity of the public policies in the country and it brings along major political uncertainty. The followers of the limited mandate believe that it is a positive characteristic of the system seen through the prism of influx of fresh ideas, pluralism in the political thought, avoiding of political domination and, most importantly, avoiding of the concept of irreplaceability in the political establishment.

Unlimited mandate opens space for factual strengthening of the position of the head of the state in the parliamentary systems, and even more in the semi-presidential systems. In the presidential systems, it brings along the danger of having a "republican monarch".

One must not forget that in countries without democratic tradition and without developed civil society, the unlimited mandate of the Head of state could introduce a new "Caesar" or a new "Bonaparte", regardless the model of the rule of law or democracy.

The limitation to second mandate gives a possibility for verification of how much has one political figure, like the president or the government, consolidated political power in the system.

The arguments against the limited mandate are most often concentrated around the idea that the citizens have the right to say who will govern them, and that they are the only ones who have the right to

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[48]See: Julien Dewoghélaëre, Raul Magni Berton and Julien Navarro: *The Cumul des Mandats in Contemporary French Politics: An Empirical Study of the XII^e^Législature of the Assemblée Nationale, http://www.palgrave-journals.com/fp/journal/v4/n3/abs/8200104a.html.*

free and absolute choice of their politicians. In addition, when the people want one person to lead them for a longer period of time, they should be allowed to have that right.[49]

In this context, the critics say that the public support usually favours those with greater political experience, which can be decisive for winning the electoral will of voters.

4. The question of incompatibility

The question of incompatibility or the limitation of the possibility for the simultaneous performance of several mandates of different political functions is a very common topic in constitutional theory[50] and in parliamentary law.[51]

M. Ameller defined incompatibility as "the rule that prohibits members of parliament from engaging in certain occupations during their term of office…Its object is to prevent members from becoming dependent upon either public authorities or private interests. But the rule operates in a less direct way: it does not prevent a member from being a candidate, nor can the validity of an election be questioned on that account. But a member must choose within a predetermined period, which is generally short, between membership and the occupation that is held to be incompatible with it".[52] This definition has remained valid over the years.

In general, no one should be a member of both houses simultaneously in a bicameral system. This is a logical rule in the light of the theory underlying bicameralism.[53] The primary purpose of incompatibility has been to ensure that members' public or private occupations do not influence their role as representatives of the nation. Thus, the principle of separation of powers is the source of the "traditional" incompatibilities in most countries between the parliamentary mandate and ministerial or judicial offices and certain public functions.

It can be found in such diverse countries such as Andorra,[54] Brazil,[55] Bulgaria,[56] Portugal,[57] Switzerland,[58] Turkey,[59] Ukraine,[60] Spain,[61] Republic of Macedonia"[62] etc.

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[49]lexander Tabarrok (1994), 'A Survey, Critique, and New Defense of Term Limits', *The Cato Journal,* Vol. 14, No. 2, Fall.
http://www.cato.org/pubs/journal/cjv14n2-9.html

[50]Particularly interesting observations in the work of: Carl Schmitt (2008), *Constitutional Theory*, (Duke University Press).

[51]See: Avril, P./Gicquel, J. (1988), *Droit parlementaire,* Paris.

[52]See: Ameller, M., (1966), *Parliaments,* Cassell, London, p. 66.

[53]Incompatibility exists in Italy and Spain between the membership of the national parliament and a regional assembly. The same rule have been applied in Belgium since the direct election of regional and community assemblies (1995), with the exception of the 21 appointed senators.

[54]Article 16.3 of the "qualified law" on the electoral regime and the referendum of September 3, 1993: *« Les membres du Conseil Général (députés) et les membres du Gouvernement sont inéligibles aux élections communales, et les membres des communes (conseillers municipaux) sont inéligibles aux élections du Conseil Général (Parlement) si au préalable ils n'ont pas démissionné de leur mandat ».* Furthermore, according to Article 18, nobody can be

simultaneously a candidate to the *Conseil Général* (Parliament) and to the *Comúne* (municipality) in case the elections take place on the same day.

[55]See: **Constitution of Brazil, Article 14, paragraphs 5 and 6.**

(5)The President of the Republic, the State and Federal District Governors, the Mayors and those that have succeeded them or replaced them during the six months preceding the election, are not eligible to the same offices in the subsequent term.

(6)In order to run for other offices, the President of the Republic, the State and Federal District Governors, and the Mayors shall resign from their respective offices at least six months before the election.

Article 54 [Forbidden Actions]

Representatives and Senators shall not:

I. as from the date of issue of the certificates:

a) execute or maintain a contract with a public entity, an autonomous government entity, a state owned company, a mixed capital company or a public utility company, unless the contract complies with uniform clauses;

b) accept or hold a remunerated office, function or job, including those which may be terminated "ad nutum", in the entities listed in the preceding item;

II. as from taking of office:

a) be the owners, controllers, or directors of a company which enjoys a privilege as a result of a contract with a public entity or perform a remunerated function therein;

b) hold an office or a function subject to termination "ad nutum" in the entities referred to in Item I a);

c) advocate a cause in which any of the entities referred to in Item I a), have an interest;

d) be the holder of more than one public elective position or office.

Article 55 [Cassation of Mandate]

(0) A Representative or Senator loses his or her office:

I. if he or she infringes upon any of the prohibitions established in the preceding article;

II. if his or her conduct is declared to be incompatible with parliamentary decorum.

[56]See: **Constitution of Bulgaria, Article 68 [Incompatibility, Sleeping Mandate]**

(1)A Member of the National Assembly shall not occupy another state post, nor shall engage in any other activity which the law defines as incompatible with the status of a Member of the National Assembly.

(2)A Member of the National Assembly elected as a minister shall cease to serve as a Member during his term of office as a minister. During that period, he shall be substituted in the National Assembly in a manner established by law.

Article 95 [Re-election, Incompatibility]

(1)The President and the Vice President shall be eligible for only one re-election to the same office.

(2)The President and the Vice President shall not serve as Members of the National Assembly or engage in any other state, public or economic activity, nor shall they participate in the leadership of any political party.

Article 113 [Incompatibility]

(1)A member of the Council of Ministers shall not hold a post or engage in any activity incompatible with the status of a Member of the National Assembly.

(2) The National Assembly is free to determine any other post or activity which a member of the Council of Ministers shall not hold or engage in.

[57]See: **Constitution of Portugal, Article 157 Cases of Incompatibility**

(1) A member of the Assembly who is appointed a member of the Government may not exercise his mandate while the said appointment is in force. His place is temporarily filled as provided in the foregoing article.

(2) The law determines other cases of incompatibility.
Article 163. Forfeiture and Renunciation of Mandates
(1) A member of the Assembly forfeits his mandate if he:
a) Becomes subject to any of the disabilities or incompatibilities provided by law.

[58]See: **Constitution of Switzerland, Article 144 Incompatibilities**
(1) Members of the House of Representatives, of the Senate, of the Federal Government as well as judges of the Federal Court may not at the same time be members of another of these authorities.
(2) Members of the Federal Government and full-time judges of the Federal Court may not hold another office of the Federation or a Canton, nor may they exercise another gainful activity.
(3) The Law may provide for other incompatibilities.

[59]See: **Constitution of Turkey, Article 82** Activities Incompatible with Membership
(1) Members of the Turkish Grand National Assembly shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises affiliated with the state and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the state and public corporate bodies, in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the state; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be party to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions.
(2) Members of the Turkish Grand National Assembly shall not be entrusted with any official or private duties involving recommendation, appointment, or approval by the executive organ. Acceptance by a deputy of a temporary assignment given by the Council of Ministers on a specific matter, and not exceeding a period of six months, is subject to the approval of the Assembly.
(3) Other functions and activities incompatible with membership in the Turkish Grand National Assembly shall be regulated by law.

[60]See: **Constitution of Ukraine, Article 78**. The people's deputies of Ukraine shall exercise their powers on a permanent basis. The people's deputies of Ukraine shall not have another representative mandate or be involved in the civil service or hold another office of profit or undertake other paid or entrepreneurial activity (other than teaching, research or creative activities) or be a member of a management body or a supervisory board of an enterprise or a profit making organisation. Requirements concerning the incompatibility of the mandate of the deputy with other types of activities shall be established by law.
Article 103, paragraph 4. The President of Ukraine shall not have another representative mandate, hold office in State power bodies or associations of citizens, perform any other paid or entrepreneurial activity, and shall not be a member of an administrative body or board of supervisors of an enterprise aimed at making profit.
Article 120. Members of the Cabinet of Ministers of Ukraine and heads of central and local executive power bodies shall have no right to combine their office with other work (except for teaching, research, and creative activities outside of working hours), or to be members of an administrative body or board of supervisors of an enterprise aimed at making profit.

[61]See: **Constitution of Spain, Article 67 [Incompatibility, Free Mandate]**

On the other hand, the incompatibility rule is basically at odds with the concept of a parliamentary regime, which is based on close collaboration between the legislature and the executive.[63] With the exception of Belgium,[64] France,[65] the Netherlands,[66] Norway[67] and

(1) No one may be a member of the two Chambers simultaneously nor be a member of an Autonomous Community Assembly and a Deputy to the House of Representatives at the same time.
(2) The members of the Parliament are not bound by an imperative mandate.
(3) The meetings of parliamentarians, which are held without the regulatory convocation, shall not be binding on the Chambers and they may not exercise their functions nor exercise their privileges.
Article 70 [Ineligibility, Incompatibility]
(1) The electoral law shall determine the reasons for ineligibility and incompatibility of Deputies and Senators, which shall include in any case:
a) the members of the Constitutional Court;
b) the high officers of the State Administration, as determined by law, with the exception of the members of the Government;
c) the Defender of the People;
d) the Magistrates, Judges, and Prosecutors on active duty;
e) the professional military and members of the Armed Forces, Corps of Security, and Police on active duty; and
f) the members of the Electoral Commissions.
(2) The validity of the records and credentials of the members of both Chambers shall be subject to judicial control under the terms to be established by the electoral law.
Article 98 [Composition, President, Incompatibilities]
(1) The Government is composed of the President, Vice Presidents, and in some cases the ministers and other members the law may establish.
(2) The President directs the actions of the Government and coordinates the functions of the other members of it without prejudice to their competence and direct responsibility in their activity.
(3) The members of the Government may not exercise representative functions other than those of the parliamentary mandate itself, nor any other public function which does not derive from their office, nor any professional or mercantile activity whatsoever.
(4) A law shall regulate the Statute and the incompatibilities of the members of the Government.

[62]See: **Constitution, Article 63, paragraph (5)** Cases where a citizen cannot be elected a Representative, owing to the incompatibility and ineligibility of this office with other public offices or professions already held, are defined by law.
Article 67, paragraph (3) The office of the President of the Assembly is incompatible with the performance of other public offices, professions or appointment in a political party.
Article 83, paragraph (1) The duty of the President of the Republic is incompatible with the performance of any other public office, profession or appointment in a political party.
Article 89, paragraph (2) The Prime Minister and the Ministers cannot be Representatives in the Assembly, and paragraph (5) The office of Prime Minister or Minister is incompatible with any other public office or profession.

[63]Ameller, M. (1966), p. 69.

[64]The ministers in Belgium, since the 1995 general elections, have their seats restored on resigning from the cabinet.

[65]**In France**, the minister who leaves the cabinet finds back his/her parliamentary seat after one month.

[66]**In the Netherlands**, parliamentarians who become ministers also lose their seats to the candidate who received the next largest number of votes on the same

Sweden,[68] in most parliamentary regimes the combination of ministerial and parliamentary duties is not only authorised, but actively encouraged in order to strengthen the ties between legislature (assemblies) and the Executive.[69]

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electoral list. Ministers who resign and are elected to one of the houses before their resignation takes effect may carry out both functions until the resignation is accepted. In the Constitution of Netherlands, Article 57, it is stipulated that "No one may be a member of both Chambers. A member of the Parliament may not be a Minister, State Secretary, member of the Council of State, member of the General Chamber of Audit, member of the Supreme Court, or Procurator General or Advocate General at the Supreme Court. Notwithstanding the above, a Minister or State Secretary who has offered to tender his resignation may combine the said office with membership of the Parliament until such time as a decision is taken on such resignation. Other public functions which may not be held simultaneously by a person who is a member of the Parliament or of one of the Chambers may be designated by Act of Parliament.''

[67]**In the Constitution of Norway, Article 62**, it is stipulated that "Officials who are employed in government ministries, except however State Secretaries and political advisers, may not be elected as representatives. The same applies to Members of the Supreme Court and officials employed in the diplomatic or consular services.
Members of the Council of State may not attend meetings of the Storting as representatives while holding a seat in the Council of State. Nor may State Secretaries attend as representatives while holding their appointments, and political advisers in government ministries may not attend meetings of the Storting as long as they hold their positions.".

[68]**Constitution of Sweden, Chapter 5,** The Head of State, Article 2, No person who is not a Swedish citizen or who has not attained the age of eighteen may serve as Head of State. The Head of State may not at the same time be a member of the Government or hold a mandate as Speaker or as a member of the Riksdag.
Chapter 4. The work of the Riksdag.
Article 6
A member of the Riksdag or an alternate for such a member may exercise his mandate as a member notwithstanding any official duty or other similar obligation incumbent upon him.
Chapter 6. The Government.
Article 9
A minister may not have any other public or private employment. Neither may he hold any appointment or carry on any activity likely to impair public confidence in him.

[69]In the United Kingdom, for instance, MPs who were appointed ministers were long required to run immediately for re-election in order to have their mandate confirmed. The purpose of this rule was to have the parliamentarian's accession to ministerial office ratified by the electorate. The principle of plurality was thus officially endorsed. The rule was abolished in 1926 but echoes survive in some parliamentary regimes based on the British tradition. For example, in Fiji and Malta, ministers must be members of parliament, and in Australia and India they must either be a member of parliament or become a member within a certain period following their appointment. In Kuwait and Mali, ministers who have not been elected to parliament are deemed to be ex officio members. These rules remain the exception, but there are still many parliamentary regimes in which custom requires that ministers be members of parliament (e.g. Canada and United Kingdom) despite the absence of a legal provision to that effect. See: Marc Van der Hulst (2000), *The Parliamentary Mandate, A Global Comparative Study*, Inter-Parliamentary Union, Geneva, p. 47-48:

On the other hand, private occupations are in principle compatible with parliamentary mandates. They are viewed as a means of preventing the exercise of a parliamentary mandate from becoming a fully-fledged profession and of enabling professional groups to be represented in parliament. However, this principle has been undermined by a series of scandals based on collusion between politics and finance and certain private occupations have, as a result, been declared incompatible with political office.[70] Many countries, largely but not exclusively those influenced by French tradition, have introduced regulations governing plurality of mandates in addition to those governing incompatibilities in the strict sense. These restrictions are motivated largely by "the desire to ensure that parliamentarians have sufficient time at their disposal to exercise their mandates properly…".[71]

5. Incompatibility vs. ineligibility

Incompatibility is different form the ineligibility principle, although the basis of both these legal principles lies in the principle of separation of powers. Incompatibility is a much broader concept than ineligibility - while the first is viewed as part of parliamentary law, the second is viewed as part of electoral law. Ineligibility is a part of the requirement for the holders of certain public or private functions **not to be able to run at the parliamentary elections or at the elections for representative bodies at other levels of government** (federal units, regions or provinces, the local self-government etc). The effects of the ineligibility principle are much more restrictive than the consequences of parliamentary incompatibility, because they prevent certain persons from running for or participate in parliamentary elections.

The main goal of the ineligibility principle is to provide equality among the candidates in the elections. The consequences that arise from the violation of the ineligibility principle cannot be removed during the parliamentary mandate, since they represent an absolute obstacle to the mandate and to participation in the elections. Namely, in order for these persons to be able to participate in elections, they must first resign from the public function they occupy.[72]

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http://www.ipu.org/PDF/publications/mandate_e.pdf

[70]Ibid, p. *44-45.*

[71]See: Burdeau, G., Hamon, F., and Troper, M. (1995), *Droit constitutionnel,* Paris, LGDJ, p. 569.

[72]In the British electoral system, there are cases of so-called disqualification of certain persons who are holders of certain public functions or services and who cannot run as candidates for MPs at the parliamentary elections. There are three main reasons that serve as grounds for disqualification: a) physical inability for simultaneous performing of several services or duties; b) risk of influence of other services or functions; c) conflict between the constitutional duties. Having in mind the British regulations, the disqualification refers to the holders of judicial functions, employees in the services of the Crown, professional soldiers and members of the police force, members of the legislative bodies of any country or territory outside the Commonwealth, as well as a number of services that cover participation in committees, bodies, administrative courts, public authorities etc.

In the United Kingdom, the "Representation of the People Act" provides that the commitment of acts of corruption can imply either ineligibility or, ex post, loss of the mandate for members of the House of Commons. Apart from the so-called "disqualification" concerning public office holders and employees of nationalised industries, the clergies of all churches, except for the Church of Wales and the non-conformist churches are also "disqualified" from taking up a parliamentary mandate. The same also applies in Ireland, the Netherlands and Luxembourg.[73]

In Greece for example, paid state officials, state officials working in the municipal and city companies or institutions, working in a sector of public interest, cannot be nominated or elected in any district in which they have worked for at least three months in the past three years prior to the elections. The same limitation of the ineligibility principle also applies to the secretary generals in the ministries who have been in this position for at least four months during their four-year term. The principle of non-eligibility also refers to professional soldiers and members of the police force.[74]

[73]We could distinguish four categories of countries with different regulations for registration and publication of Member's private interests.

1. At the lowest level, there are countries like Austria and Luxembourg, where registration is not public and either limited to specific categories or voluntary, or where registration is public, but on a merely voluntary basis (Belgium, Denmark);
2. A second category of relatively stricter regulations comprises the cases of France, the Netherlands, Norway and the UK, where registration of MP's interests is customary and public. In Portugal and Spain, on the contrary, registration is obligatory, but in practice public access to this information is limited. In Spain, for instance, MPs are obliged by electoral law to make a statement on their professional and economic activities and on their patrimonies.
3. The third category is composed of the cases of Germany, Italy, Greece, Switzerland and the European Parliament. Here, registration of professional interests-provided deputies earn an income therefrom is more detailed, obligatory and public. In Italy, the register requires that MPs not only make their own incomes public but also their marital partner's and children's properties as well as all expenses and obligations incurred during the election campaign.
4. Stricter rules apply in Sweden, Finland and Iceland. In Finland, parliamentary standing orders give representatives the right to participate in a debate on a matter in which they have a personal interest, but stipulate that they must abstain from voting on these matters. The Swedish provision goes even further in requiring that a deputy with personal interests in a given matter not only abstains from deliberations in plenary but also from the respective committee meetings. In the Icelandic Althingi, no Member may vote in favour of an appropriation of funds from which he could personally benefit, but possible interests with regard to external groups are left free.

See a more detailed account in: Ulrike Liebert, *Parliamentary Lobby Regimes,* Chapter 13, p. 417-41:
http://www.uni-potsdam.de/db/vergleich/.../Parliaments/Chapter13.pdf.

[74]Article 56 of the Greek Constitution regulates the possibility for re-election of a public servant and his return to the parliament one year after he has left his position.

The legal consequences of the ineligibility principle are the cancellation of the election of a given person who is covered by the prerequisites for ineligibility. Unlike the ineligibility principle, incompatibility does not prevent the election of a given person, nor does it influence the legal quality of the election result.

The legal consequences that arise from the incompatibility surface after a given person is elected MP. In case the circumstances of incompatibility of two functions arise, the official, i.e. the person concerned by the preconditions of incompatibility can state which function he/she will keep and from which one he/she will resign.[75]

The French parliamentary law, for example, gives a period of 15 days for the MP to decide which function he/she will maintain. If he/she fails to do so within a foreseen timeframe, his/her MP mandate stops by default. Therefore, in this case, the law assumes that the MP took the new function for which he/she was elected, appointed or nominated.[76]

In Belgium, it is up to the Members themselves to verify whether they comply with these rules and if not, to determine which office they will abandon. Certain offices end automatically when taking the oath as Member of Parliament. Article 233 of the Electoral Code provides, for instance, that Members of a Regional Parliament who become Senator or Representative automatically lose their office in the Regional Parliament (with the exception of Community Senators). The same rule applies the other way around. One of the most important incompatibilities is based on the separation of powers. Article 50 of the Constitution provides that a Member of Parliament who becomes a federal Minister ceases to sit in Parliament. If that individual resigns as

[75] See: Constitution of Slovakia, Article 77
(1) The post of deputy is incompatible with the posts of president, judge, prosecutor, member of the Police Corps, member of the Prison Guard Corps, and professional soldier.
(2) If a deputy is appointed member of the Government of the Slovak Republic, his mandate as a deputy does not cease while he is a member of the government, but is just not being exercised.
Article 103, paragraphs 4 and 5
(4) Should a deputy of the National Council of the Slovak Republic, member of the Government of the Slovak Republic, judge, prosecutor, member of the armed forces of another armed corps, or member of the Supreme Control Office of the Slovak Republic be elected president, he will cease executing his previous function from the day of his election.
(5) The president must not perform any other paid function, profession, or entrepreneurial activity and must not be a member of the body of a juridical person engaged in entrepreneurial activity.
Article 109
(1) The Government consists of the prime minister, deputy prime ministers, and ministers.
(2) A Government member must not exercise the mandate of a deputy or be a judge.
(3) A Government member must not perform any other paid office, profession, or entrepreneurial activity and must not be a member of the body of a juridical person engaged in entrepreneurial activity.

[76] See, also, Constitution of France, Article 23: "Membership of the Government shall be incompatible with the holding of any Parliamentary office, any position of professional representation at national level, any public employment or any professional activity".

Minister, however, he or she will get his or her parliamentary seat back. A Member of the federal Parliament cannot be a civil servant and cannot hold judicial office. A civil servant elected to the federal Parliament is, however, entitled to political leave and he is not obliged to resign as a civil servant. Federal parliamentarians may not sit in Regional or Community assemblies, except for the 21 Community Senators, who are appointed by and from the Community Parliaments. They may also not be members of a Regional or Community Government. There is also an incompatibility between the office of Member of the federal Parliament and of Member of the European Parliament.[77]

In the Czech Republic, the MPs' mandate is considered to have stopped from the day he/she took over the new position, such as the position of President of the State or a judge, for which the Czech Constitution foresees incompatibility with the MP function.[78]

According to Article 68 of the Romanian Constitution, no one can, at the same time, be Deputy and Senator, and the quality of Deputy or Senator is incompatible with the exercise of any public function of authority, except that of member of Government. The Constitution also provides that other incompatibilities are established by organic law.[79]

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[77]See: Introduction in Belgian Parliamentary History:
http://www.senate.be/english/federal_parliament_en.html#T.4.1

[78]See: Constitution of the Czech Republic
Article 21 [Chamber Incompatibility]
No one may simultaneously be a member of both Chambers of Parliament.
Article 22 [Incompatibilities]
(1) The exercise of the office of the President of the Republic, the office of judges, and other functions, set forth by law, are incompatible with the post of Deputy or Senator.
(2) A Deputy's or a Senator's mandate expires the day he or she enters upon the office of the President of the Republic, or the day he or she assumes a judgeship or another post incompatible with the post of Deputy or Senator.
Article 32 [Governmental Incompatibility]
A Deputy or a Senator who is a member of the Government may not be the Chairman or Vice Chairman of the Chamber of Deputies or the Senate, or a member of Parliamentary committees, an investigatory commission, or commissions.

[79]The Member of Parliament who finds himself or herself in one of the cases of incompatibility is bound to resign - the Deputy within 10 days, and the Senator within 30 days. The term of 10 days flows after the day when the case of incompatibility was found, and that of 30 days, after the day of the validation of the mandate, or after the day of appearance of the incompatibility. After expiry of these terms, the parliamentarian who is in one of these cases of incompatibility is declared or considered as having resigned, as the case may be. The vacant seat will be taken by the immediately following candidate on the list of the party or political formation for which he or she stood. According to the Senate's Standing Orders, people who no longer belong to the respective party or political formation are excluded from the list. The Standing Orders of the Chamber of Deputies provide in this sense that up to the validation of the substitute's mandate, the party or political formation for which he or she stood must acknowledge in writing his or her affiliation to the respective party or political formation. Changes occurring in a parliamentarian's activity during the exercise of his or her mandate are notified to the Standing Bureau within 10 days after the day of their appearance. See: How Parliament of Romania Works:

Should any political reasons for parliamentary incompatibility arise, the sanction by default is clear and legally formulated. The MPs' mandate stops due to the reasons that derive from the basic requirement related to the constitutional principle of separation of powers.

6. Conclusions

The effects of the principles of limitation of mandate and incompatibility of the political functions in a given country widely depend not only on their constitutional and legal dimension and practical realisation, but mainly on the model of separation of powers in that country. The separation of powers has also been endangered by technocratic powers claimed by governments over parliaments. Government policy is shaped more by practical requirements, lobbying and pressure groups than by electoral considerations. Seen through the constitutional prism of most of the Council of Europe member countries, the limitation of the mandate of the president of state is closely linked to the right to only two consecutive mandates. There are countries that deviate from this general rule (*e.g.* Azerbaijan with no limitation, Israel with only one mandate). When it comes to the function of members of parliament, however, the situation is very different, since there are in general no constitutional limitations - neither in the Council of Europe states, nor beyond - with regard to the right to (re)election, like there are for the presidential function. This is a result of three main factors. The first factor concerns the need for an experienced legislature that has to be in a position to control the executive branch of power; the second refers to the work of the opposition parties in parliament, and the third to the increased openness and publicity in the work of the parliaments. When it comes to the incompatibility of functions, the constitutional practice is quite diverse.

In most countries with a parliamentary organisation of government, the combination of ministers' and MPs' mandates is not only allowed, but it is supported, with the goal of strengthening the bonds between the legislative and the executive government. Incompatibility is different from ineligibility. While ineligibility is defined as a principle that prevents the holders of certain public or private functions from running at parliamentary elections or elections for other levels of government, incompatibility is a much broader principle and refers to the holders of political functions who are already elected. Unlike ineligibility, incompatibility does not prevent the election of the same person, nor does it influence the legal quality of the election results. The limitation of mandates aims to strength democracy, as does the incompatibility principle between political functions. Democracy and representation were at the centre of the European public debate for several years. The ongoing crisis of democracy and representation requires measures to extend and enlarge the participatory rights of the citizens, establish new participatory and deliberative structures, and strengthen independent supervisory institutions in order to enhance political accountability and responsibility.

http://www.cdep.ro/pls/dic/site.page?id=119

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CONSTITUTIONS:

1. Constitution of Albania
2. Constitution of Andorra
3. Constitution of Armenia
4. Constitution of Austria
5. Constitution of the Republic of Azerbaijan
6. Constitution of Bosnia and Herzegovina
7. Constitution of Brazil
8. Constitution of Bulgaria
9. Constitution of Croatia
10. Constitution of the Czech Republic
11. Constitution of Estonia
12. Constitution of Finland
13. Constitution of France
14. Constitution of Georgia
15. Constitution of Germany
16. Constitution of Greece
17. Constitution of Hungary
18. Constitution of Ireland
19. Constitution of Kirgizstan
20. Constitution of Latvia
21. Constitution of Lithuania
22. Constitution of Mexico.
23. Constitution of Moldavia
24. Constitution of Montenegro
25. Constitution of Poland
26. Constitution of Romania
27. Constitution of the Russian Federation
28. Constitution of Serbia
29. Constitution of Slovakia
30. Constitution of Slovenia
31. Constitution of Switzerland.
32. Constitution of the Republic of Macedonia
33. Constitution of the Republic of Turkey
34. Constitution of Ukraine