

Some Current Parliamentary Matters in Germany

R.L. Cope*

One of the fruits of reunification of the two German states in 1990 has been the transfer from Bonn to Berlin of Federal government administration and of the Federal Parliament (Bundestag). This has been a gradual process since many buildings had either to be refurbished or newly built to accommodate a large bureaucracy. The former Reichstag building had to be largely rebuilt to house the now enlarged Bundestag. The finished building was handed over on 19 April 1999 and received much publicity for its splendid glass dome which has now become something of a Berlin landmark. The Parliamentary (Bundestag) complex in Berlin consists of three large buildings close to the Brandenburg Gate, partly on land in what was East Berlin. On 10 December 2003 the final building of the Parliamentary complex, the Marie-Elisabeth-Lüders House, was declared open by Speaker Thierse of the Bundestag. Completion was three years overdue and the cost of the new building was 221m. Euros. The Upper House, the Bundesrat, has its own large building, a former palace, not far distant from the Reichstag building and its two annexes.

The Marie-Elisabeth-Lüders House is a visually striking structure with its extensive transparent glass walls and its location on the banks of the River Spree. Its modern style of architecture complements Lord Norman Foster's glass dome crowning the Reichstag. The newly completed building will house the service organs of the Bundestag (archives, parliamentary debates and indexing, media documentation services, and the separate and extensive research and information library facilities). The Bundestag Library, the bulk of whose collections of some 1.3m volumes had to remain in Bonn, will now be transferred to Berlin. The Library's split identity must have been a considerable drawback for the operation of the Bundestag from its move back to Berlin in 1991.

* Parliamentary Librarian, Parliament of New South Wales, 1962–1991.

The large blocks of ground required to build the two new multi-storey parliamentary annexes have a long history, which has come back to confront the German Federal Government. Considerable parcels of land in central Berlin were owned in the 1930s by the Jewish Wertheim department store chain. Wertheim heirs, mostly living in the United States, are reviving their claims to compensation. One member of this family, Barbara Principe from South Jersey, has received publicity in this regard. She and other Wertheim heirs were invited by Thierse to the opening of the new Library building. This seems a recognition that there is a basis to the claims of the Wertheim heirs. A long account of the background of this dispute is found in the *Philadelphia Inquirer* of 11 December 2003.¹ The legal ramifications of the compensation claims seem likely to drag on and present yet another example of the past coming back to confront the present. Berlin is especially rich in cases of this kind.

The considerable costs incurred in transferring federal legislative and administrative functions back to Berlin as the new capital of Germany has been estimated to be in the order of 10,000m. Euros.² It is fortunate that the German state was able to meet those costs in the 1990s because the present very grave economic turndown would make it impossible to finance such undertakings now. This sad fact finds a reflection in the now precarious financing of many scholarly institutions subsidised from the public purse. Students of parliamentary institutions will be alarmed to learn that one potential victim of this development is the body (formed in 1951) known as The Commission for the History of Parliamentary Systems and Political Parties (Kommission für die Geschichte des Parlamentarismus und der Politischen Parteien) (KPG) with its headquarters in Bonn.

KPG is jointly financed by the regional government of the State of North Rhine-Westphalia and by the Federal Government. Recently KPG received the unwelcome news that the State of North Rhine-Westphalia will not continue its subsidy. This is part of a severe package of cutbacks this State has announced, affecting a number of scholarly research institutions. The viability of KPG seems under serious threat by this development which comes out of the blue just after ceremonies in Berlin in 2002 celebrating its fiftieth anniversary. The research and publishing programs of KPG are of European significance and represent major contributions to German efforts to create a sound basis for the understanding of parliamentary institutions and to revitalise the nascent democratic traditions destroyed during the Third Reich. This can scarcely be said to be only of local importance to Germany as the history of the last century amply demonstrates.

An article in the weekly *Das Parlament* appeared in September 2003 written by KGP's Director, Dr Martin Schumacher, in which he sets out the options facing his organisation if the Federal Government or the Bundestag itself will take over its full

¹ See jshiffman@phillynews.com for full details.

² See article 'Band des Bundes ist komplett', in the weekly *Das Parlament*, 15 December 2003, p. 24.

financial support.³ Possibly this might entail transferring its seat to Berlin which will throw up new problems. Dr Schumacher makes an eloquent case for the survival of KGP whose work will be known to readers of this journal through reviews it has published of some impressive parliamentary biographical reference works produced by KPG.⁴ German public finance at both state and federal level is now seriously troubled and extra commitments are not encouraged by treasurers. However, KPG is not a vast and costly operation and is in fact very economically run, so the reported strong interest of Speaker Thierse in KPG's survival may have a positive outcome. Historians and students of parliamentary institutions will fervently hope this is so.

The final note here deals with an important development in the European Parliament which has stirred controversy in Germany and elsewhere because of a searching publication in late 2003 by Professor Hans Herbert von Arnim. His publication, a 53-page Discussion Paper, entitled *The Statute for Members of the European Parliament*,⁵ deals with the effects of this proposed Statute on parliamentary salaries and allowances. Because members of the European Parliament are elected and paid under legislation in force in their various countries of origin, there are variations in what MEPs are paid. The Statute aims to introduce uniformity covering all MEPs, but in doing so sets rates at a very high level. This in turn has the effect of making a seat in the European Parliament a very lucrative asset. Duties of MEPs are not onerous and seats in the European Parliament are sometimes a reward to retired party activists.

Under the European proposals, salary relativities with state parliamentarians will in turn be seriously affected. With the accession in July 2004 of ten new members to the European Union, mostly from poor East European states, the disparities between local MPs' and European members' salaries will be huge. The European Council has shown an unwillingness to agree to the legislation already passed by the European Parliament. The *Statute for Members of the European Parliament* has until now largely escaped public attention, but the wide availability of the von Arnim Discussion Paper has unleashed much media and public criticism of the salary proposals. His analysis is very detailed and very disturbing. The author underlines what a negative effect on the reputation of the European Parliament the very self-interested and greedy proposals will have. The talk about the 'European idea' sounds fine if you are a MEP! This Discussion Paper is an important document for those researching parliamentary salaries and related benefits, transparency in politics and the ethics in public life. Professor von Arnim, who has been active over recent decades in his scrutiny of German parliamentary salaries and other benefits, is obviously unafraid of incurring the displeasure of the European parliamentary class. ▲

³ See article 'Historiker in schwerer See' in *Das Parlament*, 8 September, 2003, p. 18.

⁴ See reviews in *Legislative Studies* 13(1): 105, and *Australasian Parliamentary Review* 16(2): 198.

⁵ Available as a PDF document at <http://www.foev-speyer.de>