

BRENNER, JÁNOS PROF. DR.

*janos.brenner@bmvi.bund.de*

Baudirektor (Bundesministerium für Verkehr und Digitale Infrastruktur, Berlin)

# The Face of German Democracy

## Parliament and Government Buildings in Berlin



DOI 10.14232/belv.2017.4.13      <https://doi.org/10.14232/belv.2017.4.13>

Cikkre való hivatkozás / How to cite this article: Brenner, János (2017): The Face of German Democracy. Parliament and Government Buildings in Berlin. *Belvedere Meridionale* vol. 29. no. 4. 194–199. pp.

ISSN 1419-0222 (print)

ISSN 2064-5929 (online, pdf)

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### CONSTITUTIONAL FUNCTIONS AND THEIR SPATIAL REPRESENTATION

Since the German re-unification 1990, there arose the question, where to locate the main parliament and government functions of the Federal Republic of Germany? Before coming to more details, we should have a glance to the constitutional system of Germany, giving the basis for the planning and construction needs of the constitutional bodies.

First of all, as the main body of the legislative branch of public powers there is the Bundestag (the House of Representatives, Chapter III of the Basic Law [in German: Grundgesetz]). “*Sittings of the Bundestag shall be public*” (Article 42 paragraph 1 of the Basic Law), consequently a representative assembly hall including seats for the public – separated from the Members of Parliament – is needed. Furthermore, the Bundestag needs a lot of committee rooms. The committees are mirroring the federal ministries, e.g. the Committees on Foreign Affairs and Defence (Article 45a), which are denominated explicitly in the Basic Law. They also perform additional duties, e.g. Committees of inquiry (Article 44), the Committee on the European Union (Article 45), the Petitions Committee (Article 45c), and the Parliamentary Control Panel “*to scrutinise the intelligence activities of the Federation*” (Article 45d).

Second, there is the Bundesrat (Chapter IV of the Basic Law). The Bundesrat is the representation of the Länder governments in the federal legislative and not-comparable neither with the U.S. Senate, nor with the House of Lords in the United Kingdom. *“The Länder shall participate through the Bundesrat in the legislation and administration of the Federation and in matters concerning the European Union”* (Article 50). *“The Bundesrat shall consist of members of the Land governments, which appoint and recall them. Other members of those governments may serve as alternates. Each Land shall have at least three votes; Länder with more than two million inhabitants shall have four; Länder with more than six million inhabitants five, and Länder with more than seven million inhabitants six votes. Each Land may appoint as many members as it has votes. The votes of each Land may be cast only as a unit and only by Members present or their alternates”* (Article 51). Lawyers call those constitutional provisions as a *“modified one chamber system”* according to the fact that the members of Bundesrat are not elected directly (but execute their powers on the basis of powers vested to them by Länder parliaments) in contrary to the members of Bundestag elected in direct and general elections, but in fact there is a dual chamber system.

Third, there is the executive branch of public powers. The head of state is the the Federal President (in German: Bundespräsident, Chapter V of the Basic Law). His duties are chiefly – except specific cases of dissolution of Bundestag – of representative nature. The head of the Federal Government (in German: Bundesregierung, Chapter VI of the Basic Law) is the Federal Chancellor (in German: Bundeskanzler), who *“shall determine and be responsible for the general guidelines of policy”* (Article 65). As a junction point of all federal ministries, the Federal Chancellor’s Office is obviously the most important site of the executive powers.

In 1991, the Bundestag took the basic political decision to move from Bonn to Berlin. The Bundesrat and the Federal Government followed. However, parts of the ministries still have their offices in Bonn, the provisional (West) German capital since 1949. The first presidential elections after the reunification were held in 1994 in the former Reichstag building, which became the new seat of the Bundestag.

**FIGURE 1** *The Reichstag building* (Source: Photo made by the author)



## ACTION TAKEN AFTER THE BUNDESTAG DECISION 1991

Subsequently, a large-scale development program for the premises of the constitutional bodies and the ministries started. To implement the program, the Parliament passed a specific legislation.

Section 247 of the Federal Building Code provides for “*Special Provisions for Berlin as the Capital of the Federal Republic of Germany*”. For better understanding, I will quote here the full text:

*“(1) In the process of preparing and adopting urban land-use plans and other statutes under the provisions of this Code, special attention shall be given to giving due consideration to matters arising from the development of Berlin as the capital of the Federal Republic of Germany and of the requirements of the Federation’s constitutional bodies for the proper discharge of their duties.*

*(2) The matters and requirements referred to in para. 1 shall be explored in a Joint Committee with representation from the Federation and from Berlin.*

*(3) In the event of the Joint Committee failing to reach agreement, the Federation’s constitutional bodies may determine their requirements independently; in doing so they shall have regard for the orderly urban development of Berlin. Urban land-use plans and other statutes adopted under the provisions of this Code shall be adjusted accordingly to make allowance for the requirements as determined.*

*(4) Where the Federation’s constitutional organs have determined their requirements pursuant to para. 3 sentence 1 and implementation of these requirements calls for the preparation and adoption of an urban land-use plan or other statute provided in this Code, the urban land-use plan or statute shall be prepared and adopted.*

*(5) Development of the parliamentary and governmental precincts of Berlin shall satisfy the aims and purposes of an urban development measure as stated in Section 165 para. 2.*

*(6) Where decisions within permission, consent or other procedures relating to the development projects of the Federation’s constitutional organs call for the exercise of discretion, or where personal assessments or the weighing of interests are involved, the requirements determined by the Federation’s constitutional organs pursuant to para. 3 shall be considered with the due weight allotted to them under the Basic Law. Para. 2 shall apply mutatis mutandis.”*

On this basis, an international urban design competition was organised. One of the main issues of the competition, held after the basic political decisions, was that parliament and government buildings should perform in a symbolic manner the values of the German democracy and of the German reunification. The Bundestag and the Bundeskanzleramt (the Federal Chancellor’s Office) should be located close together, to symbolise the co-operation between two main branches of public power, the legislative and the executive power. Another main issue was the character of Bundestag as a “*working parliament*”, needing a lot of adequate rooms for fractions, committees, and the staff of the MP’s, too.

**FIGURE 2** *The Federal Chancellor’s Office* (Source: Photo made by the author)





### THE “TIE OF THE FEDERATION”

The winners of the urban design competition 1992/1993 were the architects Axel Schultes and Charlotte Frank. Their main idea was the “*tie of the federation*” (“*Band des Bundes*”), symbolising the reunification by locating the Federal Chancellor’s Office (the building as such also designed by Axel Schultes and Charlotte Frank) and the Bundestag functional buildings in a broad band on both sides of the Spree river (the “*Paul-Löbe-Haus*” in former West Berlin and the “*Marie-Elisabeth-Lüders-Haus*” in former East Berlin, both designed by Stephan Braunfels), connected by pedestrian bridges (EYINK – KLUY – SIEGEL 2000).

**FIGURE 3** Pedestrian bridges on Spree River between “*Paul-Löbe-Haus*” and “*Marie-Elisabeth-Lüders-Haus*” (Source: Photo made by the author)

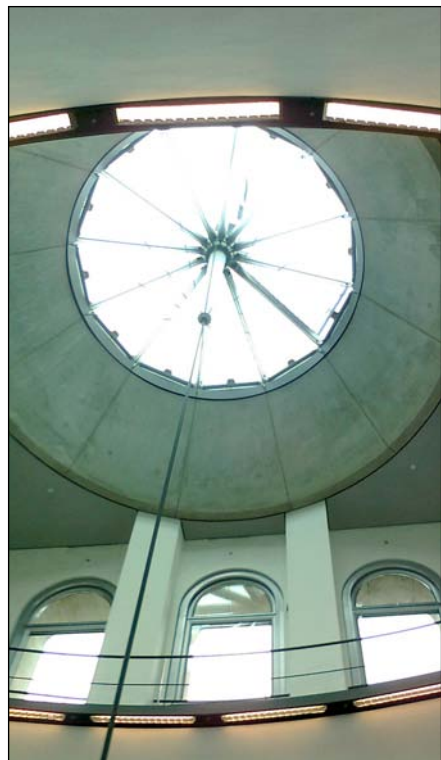
Of course, the Parliament and government area should not be isolated. The area is located within the context of main traffic lines, especially the north-to-south street tunnel and the new Central Station, providing for local, regional and international railway connections as a main railway cross.

### THE REICHSTAG BUILDING AS THE IDEAL AND ARCHITECTURAL CENTRE OF THE ENSEMBLE

#### A look back to history

The Reichstag building was designed by Paul Wallot and erected between 1884 and 1894. In anecdotic terms, it is remarkable that the dome was subject to disputes with the emperor, who didn’t want to see such a dominant symbol of parliamentary powers. However, it should be taken into account, that the parliament of the Second Empire (1870/71–1918) was elected on the basis of a general right to vote of all adult male citizens, which was not common at that time in Europe. In 1933, probably by Nazi criminal actions, it was heavily damaged by fire, and also in 1945 during the Berlin battle (CULLEN 2014).

After World War II, in the 1960s the building has been reconstructed in a simplified manner and without the spectacular dome. The architect was Paul Baumgarten (CULLEN 2014).



**FIGURE 4** Reichstag Building, interior of one of the side domes (Source: Photo made by the author)

## The reconstruction of the Reichstag building as the seat of the Bundestag

In 1993, an architectural competition with three winners took place. Subsequently, in 1995 the design proposals had been revised and Sir Norman Foster was the final winner. The construction works started in 1996 and had been finished in 1999 (CULLEN 2014).

The plenary sessions' hall is the core of German democracy. The eagle at the front wall shows the same proportions as the "predecessor" in the former Bundeshaus building in Bonn.

## The surrounding of the Reichstag

The City of Berlin provided for a good quality public space around the Reichstag, and for good public transport connections. In a wider context, the urban space around Reichstag, additional parliamentary buildings and the Main Station is still under development. As a highlight of former railway infrastructure, the former "Hamburger Bahnhof" (Hamburg Railway Station), is now used as museum of contemporary art.

## Outside the "tie of the federation"

The seat of the Federal President is Bellevue Castle, not forming a part of the "tie of the federation". The administrative tasks of the Federal President's Office are being performed in an additional building close to the Castle, having an oval ground plan – if you like, the German Oval Office.

The Bundesrat is located in the building of the former Prussian "Herrenhaus" at the Leipziger Strasse, the "House of Lords" of the Prussian legislation. The second chamber of legislative is in so far in a historic tradition of the formerly predominating German Land.

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**FIGURE 5** *The Reichstag, seen from the entrance of the underground station* (Source: Photo made by the author)



**FIGURE 6** *The former “Hamburger Bahnhof” (Hamburg Railway Station), now museum of contemporary art* (Source: Photo made by the author)