

CHECK AGAINST DELIVERY

**Speech at the Extraordinary Meeting of the Association of European Senates
organized at the occasion of the 10th anniversary
of the renewal of the Czech Senate - Prague, September 28 - 29, 2006 by
Mrs. Yvonne Timmerman-Buck, President of the First Chamber of the States-General
of the Kingdom of the Netherlands**

Dear Mr. President, Dear Colleague Sobotka,

It is an honour to congratulate you today on the tenth anniversary of the foundation of the Czech Senate. I therefore accepted your invitation to celebrate this momentum with an extraordinary meeting of our Association of European Senates, with great pleasure. I would also like to thank you for your warm welcome in this beautiful Waldstein Palace. Mr President, you do however have to show me the Dutch influence in this palace, as I understood the main wing of your palace has Dutch dormer-windows.

Mr Sobotka, besides the architectural observation – I have learned that the Czech Senate has taken several initiatives to celebrate your tenth anniversary. I would like to commemorate you with two of those projects. In March of this year, you have opened the information centre to offer visitors a chance to monitor a session and learn about the Senate's history and activities. Second, you organise competitions for the pupils of primary and secondary schools on Senate related topics. The involvement of our youth in the work of parliament is of the utmost importance. I do sincerely hope that both initiatives will turn out to be a huge success. Like the Czech say “we should protect ourselves not by a fence, but by our friends”. So let us open our Chambers for our citizens and especially our youth.

Dear Mr. President and Dear Colleagues,

Let me now turn to the subject of this conference: the role of upper chambers in the 21st century. The Kingdom of the Netherlands is, as you all know, not a federal state, but we do have a bi-cameral system since 1815. In this system the Dutch Senate safeguards and fosters the stability and quality of our parliamentary democracy. The core of our parliamentary democracy is the system of “checks and balances”. If we carry out these checks and balances in a proper way, we ensure the stability of our democracy and with that, we preserve the confidence of our citizens. The quality of our democracy can be found in the way we perform our tasks and if needed, adjust to the checks and balances. Do we truly solve the original problem by adopting a specific piece of legislation?

I believe this principle of safeguarding and fostering the stability and quality should remain our guiding principle in the 21st century. I would like to take today's opportunity to stress the need for this principle. Furthermore, I would like to elaborate on the way the Dutch Senate carries out his tasks guided by this principle. Hopefully this will contribute to a valuable exchange of best practices.

Dear Colleagues, bearing in mind that stability and quality of parliamentary democracies are somewhat interdependent and mutually reinforcing, I would like to start with the matter of stability which will allow me then to substantiate that in the Dutch Senate, we use quality as a means for stability.

A parliamentary democracy is a dynamic model. The stability of this model will sometimes get dented, in order to allow government and parliament to undo damage again. Looking at the position of the Senate in our Dutch constitutional, political and civil context, I would like to mention three challenges that influence our democracy. After that, I will try to explain how the

Senate uses quality to face these challenges, and in conclusion safeguards and fosters both stability and quality.

The first challenge that can influence the stability of a parliamentary democracy is also the most fundamental and most difficult challenge: namely to have the confidence and trust of our electorate, of our citizens. After the referendum in the Netherlands on the European constitutional treaty the discussion was mainly focussed on the lack of Dutch citizen's interest in the EU and the methods of communication used by the authorities on EU issues. At that time I pointed at another aspect. I stated that we were also experiencing a re-emergence of the gap between voters and elected members of parliament. As elected representatives we had and we still have to win back the confidence of our voters and regain their trust in our parliamentary system. Of course, this is not an easy task and we are still working towards this goal. The elections that will be held in the Netherlands on the 22nd of November might of course contribute.

What should be the main answer of the Dutch Senate when facing this citizen's challenge? Quality. Safeguard and foster the quality of our work. Do not focus too much on procedures and structures, but find the Senate's added value within the existing institutional and constitutional framework. Quite honestly, I do have to admit, when facing the citizen's challenge, the members of the Dutch Senate have a slight advantage. Our senators are what we call part-time politicians and elected indirectly. Most of them also fulfil an active role in Dutch society. So when tensions in our society occur or when the relationship between voters and politicians is under pressure, the Senate is pre-eminently the place where the society is deeply rooted and combined with sound reflection. As President of the Dutch Senate I cherish this formula of representation.

The second challenge that might influence the stability of a parliamentary democracy is, what I like to call, indirect external effects. I will mention two of them. First, in the Netherlands there is a continuous debate on the way in which our parliament carries out its legislative and controlling tasks. For the most part political developments and incidents reinvigorate these discussions. Unfortunately, the Dutch way of brainstorming on increasing the effectiveness of our system is perhaps too often characterized by debating the procedures and instruments. This results perhaps too often in the introduction of new instruments and the renewal of old instruments.

Of course, the Senate is willing to look at new ideas to improve our work, but first we always try to see if we can achieve the same goal with our already existing instruments. So again, the answer of the Dutch Senate is: Quality. Safeguard and foster the quality of our work.

Another external effect that influences our democracies is the fast developing world with the supranational and intergovernmental organisations. International and European issues are increasingly becoming more important for the parliaments and should not remain the working field of just a small group of senators. We therefore have to strengthen the link between the international and national level. Our members who are representatives in international organisations play a crucial role in forging this link. It is essential that we send our most competent and knowledgeable people to act as national representatives in these organisations. Again, we should strive after a better quality. We, the Dutch Senators, strive after improving our existing ways of operating on the European and international field.

In my introduction I mentioned you three challenges. The last challenge is the most political one, namely, the balance and interaction in a bi-cameral system. In the Netherlands, the current trend is that politics is more and more about the issues of the day. Especially in a bi-cameral system this influences the work of both chambers as well as the balance between the chambers. This trend will hopefully not reach solid ground. And although I am aware that my Dutch colleague of the House of Representatives is not here today to respond, I have to

express some concern about the fact that, as several Senators feel it, the quality of some laws, passed by the lower chamber, is questionable.

Even with this last political challenge that touches upon our core business and our main responsibility, the answer of the Senate is quality.

Dear Colleagues, you have heard me say at the beginning that the Dutch Senate uses quality to safeguard and foster stability in a parliamentary democracy. You have even heard me repeat our focus on quality three times. I have however kept you in the dark on the instruments of quality of the Dutch Senate. I did reveal that we do not believe in creating new systems, new methods or structures, but try to find the Senate's added value within the existing institutional and constitutional framework. Therefore, I would like to ask your attention for some examples of how we create and use our added value.

First, if we look at the constitutional set of instruments of the Dutch Senate, for example the right of written consultation, the right of interpellation, the right to reject a bill, I must say that we actually rarely use them. This might come as a surprise, because if you have these powers, why not use them as much as you can? Well, the guiding principle in the Senate is: weighing the pros and cons, the prevailing opinion is, that the quality of interventions should prevail over their quantity. We use our instruments only if it is truly effective. Deriving from this, I may conclude that we use our instruments as instruments of quality. This does indeed strengthen the Senate's position, the function we fulfil in a bicameral system and more importantly it improves our relationship with the voters. It creates confidence.

Although the Dutch Senate does not have the right to amend a bill, our most far-reaching instrument is the right to reject a bill. As I understand most Senates can reject a bill, which in practice often means sending it back to the lower house. If the Dutch Senate however rejects a bill, it will not be sent back to the lower house. The bill is completely taken off the parliamentary agenda. We very rarely make use of this instrument. It might even sound paradoxical, but the Senate enjoys thereof a privileged position. The threat that radiates from the veto right alone, provides the Senate with a powerful instrument to influence the implementation of policy as well as the policy itself. With in addition a well set up registration of the pledges made by the cabinet members during debates in the Senate, we effectively succeed in keeping a finger on the pulse. Ministers regularly have to report back on what they did with their promises to the Senate

Another instrument of the Senate to face the different challenges in a parliamentary democracy and to create an added value is our new approach to deal with the annual Budgets of the Ministries. As you might know, the separate Budgets need the approval of both chambers of parliament. The House of Representatives discusses these budget proposals separately and in order of receipt. The Senate however, has begun to cluster several of these budget proposals and, consequently, debates them with more than just one member of government. The clustering is based on an overarching topic that the Senate considers relevant for the citizens. The added value of this kind of debate is that members of the government are forced to look beyond their own portfolio and are not guided only by the departmental policy views. In the future, this should make it easier to establish essential connections that exist between different policies and policy areas. Something that has until now been hampered because of the invisible yet very real walls and barriers between the ministries. This new approach is part of our search for added value with regard to our political role and political identity in comparison with the Dutch House of Representatives.

Since we are gathered here in a European setting, I can of course not pass by the instruments the Dutch Senate uses to improve the quality of our national work on a European level. When elaborating on the challenge of internationalisation and Europeanization, I talked about the need to delegate competent and knowledgeable people to meetings across our

national borders. I am very proud as President of the Dutch Senate, to be able to say that the members of the Senate do an excellent job on the national political level, but especially also on the European and international level. Our delegates are well informed, well equipped and bring home results.

Over the last years, the Senate has been a true think tank for ideas on strengthening and improving the European integration process and the European policies, both on the national and the European level. I would like to finish my exposition on the Senate's set of quality instruments with two examples. Both of these underscore the fact we can explore options to add value within the existing institutional and constitutional framework.

My first example shows that we can find added value on the national level to influence the European agenda. The Dutch Senate has – according to our Constitution – no direct right to ask the Dutch Council of State, which is the main advisory body of the lower chamber and government, for an opinion. Last year however, we decided to work around this and asked for an opinion of the Council of State through our government. Although, it stirred a little confusion on whether it was constitutionally possible, the government accepted our request. This new use of an existing instrument was not the only unique aspect in this issue. The opinion we asked was about a European matter. According to our constitution, the Council of State advises on strictly national laws. Our request was on the parliamentary control and institutional embedding of European Agencies. I am pleased to inform you that we not only have received the opinion, but we also succeeded –with this opinion- to place the topic on the European agenda in 2007 within the context of COSAC. The Council of State provided us with the right arguments to start a discussion on the European agencies that are shooting up like mushrooms with not enough democratic control and too much institutionalisation.

My second example integrates national, EU and European fora. Two members of the Dutch Senate took the initiative to table a motion in the Parliamentary Assembly of the Council of Europe on the accession of the EU/EC to the European Convention of Human Rights. This motion was accepted by all leaders of the political groups. To increase the use of our instrument, to create an added value, this initiative has been followed up on the national level as well as the EU level. Generating attention in as many ways as possible and integrating different playing fields is probably the most simple, but also most effective use of an instrument.

I would like to take this opportunity to also bring to your attention this motion on the need for the EU/EC to accede to the European Convention of Human Rights. We are aware that the legal obstacles can not be overlooked, but our plea is to at least open the accession negotiations while the political momentum remains. Accession is of the utmost importance to our citizens and will increase our European standards on human rights. I proposed an amendment to include a paragraph in the final declaration of our conference, but after consultations with colleagues I realized that not all delegations can make a statement on this issue, simply because it concerns an EU-matter. So I would like to withdraw my amendment, but I do ask your kind attention to this important subject.

Dear Mr. President, Dear Colleagues,

I have tried to sketch to you –in a nutshell – what I believe should be the role of upper chambers in the 21st century. We have to invest in safeguarding and fostering the stability and quality of our parliamentary democracies. The Dutch Senate is well aware of this task and we do our utmost to fulfil it accordingly. Parliaments will face many challenges in the 21st century. I just mentioned three possible challenges: the citizen's challenge, the political challenge and the challenge of external effects.

Dear Colleagues, I have tried to underline that quality of our work in combination with searching for and finding the added value of our chambers is our best instrument.

The topic of today's conference provided me with the perfect opportunity to do so. I truly hope that the exchange of best practices during meetings like today will provide us with ideas that we can use to improve our ways at home. Like our host of today said: "Democracy must operate so that people are not embittered by politics and need not worry too much about laws, because good laws lead them without troubling them".

Thank you.