

Statement by Fred de Graaf, President of the Senate of the Netherlands, at the 15th Meeting of the Association of European Senates, Session Relationships between Upper and Lower Chambers", London June 14, 2013

Lord Speaker,
Dear colleagues,

It is a great pleasure to be here today and to meet all of you in this unique setting of the Palace of Westminster. I would like to take this opportunity to thank the Lord Speaker, Baroness D'Souza, for the wonderful organization and the warm welcome received. If anyone personalizes the Mother of All Parliaments today, it is without doubt the Baroness.

The topic of this morning session is the relationship between Upper and Lower Chambers. We are all well aware that, while we represent the "Senates of Europe", our respective Senates vary greatly both in their history and in their present role. Different positions in the national parliamentary systems have created diverse relationships between Upper and Lower Houses.

When it comes to different histories, I could for example point out that I actually owe my position to the Belgians. Except for the Belgians themselves, I don't think any of you could claim the same. In 1815, when our Kingdom was established, the Dutch and Belgian territories were initially merged. The Flemish desired the establishment of a Senate in the parliamentary system. Previously, the Dutch had never really seen the added value of such an Upper House.

Then, after a mere 15 years, the Belgians opted for independence and created their own parliamentary institutions. The Dutch, however, decided to *maintain* the Senate.

Was this because of a general rule that institutions, after being created, hardly ever decide to dissolve themselves? Or were the Dutch actually convinced of the added value of having an Upper House?

As you can understand, I tend to believe the latter to be the case. That we, as Senators, do add value. Certainly, in what has almost been 200 years, ideas have been floated about reforming the parliamentary system. Some opinion makers believe the Senate to be a redundant body. But so far, not one

discussion about abolishing the Senate has ever taken on serious forms. And in my opinion, as long as we as Senators keep living up to what society expects us to do, these discussions will always remain marginal.

What then is that added value? What does society expect from us, Senators? This, in my opinion is implicit in the role that we have appropriated over the decades. The Dutch bicameral system is not as perfectly bicameral as it is for example in Italy. In our Constitution, the Dutch Lower House and the Dutch Senate have been granted different positions and have been endowed with different instruments. For good reasons.

Broadly speaking, the Senate is less equipped for "doing politics". Of course, we *do* politics, but I tend to say that while the Lower House does politics with a capital P, we do politics with a lower case p. What do I mean? The members of our Senate are part time politicians, we only gather once a week. The majority of the Senators has a full time job elsewhere, at university, in the world of business, as a mayor or in the medical world. --- As a side note, we do, of course, have several explicit and implicit rules of conduct to prevent conflicts of interests.

Currently, if we have to believe the media headlines, the Dutch Senate is politicizing. Some distinguish a shift from the lower case p to the capital P in our politics. Certainly, in the current political situation, such a tendency could indeed be expected. The current coalition of liberals and social-democrats holds a comfortable majority in the Lower House, but not in the Senate. In my House, the ruling coalition holds only 30 out of 75 seats. We can all imagine the debating, persuading, consulting and sometimes deal-making that is going on.

Still, that should not withhold us from doing what we always have been doing. In the Netherlands, bills only reach the Senate after the Lower House has passed them. The assumption is that the Lower House has debated the political desirability of a bill in detail and in depth. Often, they have modified the initial proposals with amendments. A right that we, as Senators, do not have. What is left for us, is to look at the final bill. We can't amend it any more, we can only adopt or reject it. However this means that we have a vetoright, which marks the strong position of our Senate. We scrutinize the bill for practicality, legality and enforceability. We reflect on the bigger picture, the relationships to international treaties and to other laws and the overall social context.

Given the part time character of the Upper House and the background of its members, this is what we are good at. This is what we should do and should keep on doing. Nowhere in the Constitution it has been written that we should behave in a less politically opportunistic way than our colleagues at the Lower House. Nonetheless, this has been the historical practice and to my opinion, this is the source of our legitimacy. Our legitimacy lies in having a marked, obvious identity, a political identity different from the Lower House. Especially in the Netherlands, where the Senate is an indirectly elected body, legitimacy can only come from clear added value and obvious societal relevance.