



Toespraak

datum 10 april 2019

Bijdrage van Remco Nehmelman, Griffier van de Eerste Kamer, aan het debat met het thema 'How do we make better legislation' tijdens de conferentie van de Association of Secretaries General of Parliaments (ASGP) op 10 april 2019.

Ladies and Gentlemen, Dear colleagues,

First of all, I would like to emphasize that it is a great pleasure for me to be here. As I have been the Secretary General of the Senate of the Netherlands for six months now, this meeting in Doha marks my first participation in an ASGP Conference. I can already say that it has been a wonderful and inspiring experience to meet so many of my colleagues from all over the world. Also, I would like to extend my gratitude to our Qatari hosts and the ASGP secretariat for organizing this conference in an excellent way.

Dear colleagues,

I would like to say some words about the phenomenon of State Commissions. State Commissions have a long tradition in the Netherlands and are instigated by the Dutch government if there is a possible need for changes in legal and often constitutional affairs.

In December 2018, the Dutch State Commission on the parliamentary system in the Netherlands presented its final report. This State Commission was assigned two years earlier to advise our government and especially the two Chambers of Dutch parliament on whether the parliamentary system of the Netherlands is 'future-proof'. Because just like anything else, also our parliamentary democracy needs periodical maintenance.

The State Commission has come to the conclusion that although our parliamentary democratic system is quite successful and can count on great popular support, some adaptations might be necessary.

Therefore, the State Commission drafted some interesting recommendations with regard to our parliamentary system. For example, it recommended to give the Senate the right to send bills, under certain conditions, back to the Lower House to enhance the correlation between the work of both our parliamentary houses. We do not have a rule of conflict between both Chambers of parliament. The State Commission furthermore recommended to introduce a binding corrective referendum in our country, to give voters an ultimate opportunity to reverse legislation that does not correspond with the views of the majority of the people. And it recommended to establish a Constitutional Court in the Netherlands to strengthen the rule of law.



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The Commission also concluded that a reinforcement of the position of history, political science and social studies in our educational system is necessary, as well as a separate Political Parties Act to establish national rules on transparency, financing, maximising gifts and the use of digital instruments in the campaigns of political parties. Also, the Commission found that our system of proportional representation needs review and advocated a bigger role for voter preference for individual candidates to increase the regional factor in our democracy.

Dear colleagues,

These and other recommendations should, according to the State Commission, make our democracy 'future proof' and improve the process of lawmaking. However, at this moment the big question is: will these recommendations become reality? Will our government and our parliament act and change our parliamentary system according to the final report of the State Commission?

It is very hard to adopt the major recommendations due to the strong procedure to amend our constitution. In the Netherlands, the Constitution is amended in two parliamentary readings, from which the second reading requires a two-third majority in both Houses. It goes without saying that many of the recommendations of the State Commission require huge changes in our current legislation and often even a change of our Constitution.

Dear colleagues,

Looking at the history, we see that State Commissions have been installed by Dutch governments since 1814 to provide expert advice, research and mediation on numerous topics of public interest. State Commission have, as such, contributed greatly to the formation of government and public service in the Netherlands over the past 200 years.

We have to see in the coming years if our government and our parliament will be able and willing to adopt the conclusions of the recent State Commission on the parliamentary system. If important changes take place with regard to the functioning of our parliamentary system as a result of the report of this State Commission, I will be happy to update you in one of our future meetings.

Dear colleagues,

I wanted to share this information with you on this topic that is very current in the Netherlands and would be happy to hear your thoughts and experience with regard to this topic.