

Meeting of the Association of European Senates
Ljubljana, 28 June 2002

Bicameralism, Democracy and the Role of the Civic Society

The speech of Mr. W. van Eekelen, Vice-President of the Eerste Kamer of Dutch Parliament



Mr. Chairman, ladies and gentlemen,

From our discussion so far I got two impressions. First, we senators may be an endangered species in danger of extinction. President Poncelet reassured me somewhat. There is more bicameralism in the world, but that may not help us much in Europe. Secondly, democracy takes many forms. In any case it is very useful to study the ways other parliaments perform their legislative and other functions. We live in a period of "best practices", peer pressure and bench-marking, and the synopsis prepared by our Slovenian hosts is most valuable for all of us.

One big distinction is of course the question whether members of the Government also sit in Parliament, or the Trias Politica is fully observed. In smaller countries people wonder whether a bicameral system is still needed and some countries have reached a negative conclusion, especially the Scandinavian countries.

In my view there are two reasons why a Senate is useful: Firstly, if there is a difference in composition with the House of Representatives. And secondly, if there is a difference in competence. In composition: especially in federal states, which provides legitimacy, but also raises questions of how finally decisions are reached. In competence: this issue arises everywhere. My view is that competences should not be identical. In this respect I am in favour of "incomplete bicameralism" as described in the excellent paper by Marija Drofenik.

What does this mean for the Netherlands? The main function of our Senate is a Chamber of Reflection without the right of amendment or initiative, and a last test of the legislative product as amended and approved by the House of Representatives. In other words: can we burden the citizens with the final text of a bill? Is it consistent with other legislation; is it sufficiently clear and of sufficient quality? If not, we have a right to say no, and no means no. It is final and the government has to start all over again. Very clear. No consultation procedure, only the possibility for the government to take it back and ask the House of Representatives to change a particular article which was unacceptable to the Senate. But that is possible only if the objection focused on a specific provision and not on the entire structure and content of the bill.

Does it happen very often that we reject a bill? No, but it does happen. It means that the Senate should not go into detail, maintain an overview and concentrate on the quality of legislation. It is interesting to see that whenever we reject a bill the majority of the vote often is considerable. In that respect our Senate is less political and ultimately its judgement is respected.

The only area where there is no difference between our two Houses is the third pillar of the EU – justice and home affairs -. There both houses have to give a green light to the government before it is allowed to agree in the decision making process in Brussels. This is an important aspect of the role of national parliaments in the EU. We don't see a role for a Second Chamber in the EU next to the European Parliament , but we are convinced that at the national level parliaments should devote more attention to European legislation in the various phases of its consultation. Such as a debate on the work programme of the Commission to form an opinion whether certain problems should be dealt with at European Union level or are better left to the national or regional level.

Finally, Mr. Chairman, I should like to congratulate Slovenia with the election of Mr. Peterle as a member of the presidium of the European Convention, representing the thirteen candidate countries. It is a tribute to him personally, but also to Slovenia for the serious way in which it approaches membership of the European Union.