

Second chambers facing the challenges of time

Contribution by Mrs. Ankie Broekers-Knol, President of the Senate of the Netherlands, AES, Ljubljana, June 2, 2017.

Yesterday we discussed the question whether it is desirable to create a European Senate within the the European Union to bridge the gap between Europe and its citizens. I expressed the opinion that creating another political institution at European level next to the institutions already in existence would make the decisionmaking processes more complicated than they already are and would not contribute to restoring trust of the citizens in the democratic functioning of the European Union. I told you that in my view the core of the problem lies in what the European Union does, in making the right choices on the basis of needs and desires citizens have and on what they expect from the EU and their national governments. I think we can all be very glad that the European Union yesterday demonstrated unanimity in reaction to President Trump's withdrawal from the Paris climate agreement.

What we share as members of the Association of European Senate is a constitutional framework in our countries characterized by a bicameral system. As sceptical as I am about creating a Senate at EU level, as passionately I am convinced that within the democratic system of my country, the Netherlands, .the Senate, the 'Eerste Kamer der Staten-Generaal' , has a substantial role to play on its own, a role distinct from the other House in Parliament, de 'Tweede Kamer der Staten-Generaal'.

The principal function of the Senate in the Netherlands is to give an overall opinion on a bill at the end of the legislative process. The Senate does not have the power to amend a bill. It may, however, reject a bill and to this extent it therefore has the last word. The particular strenght of the Dutch Senate lies in its full veto right over each and every legislative proposal.

What has made the work in the Senate particularly challenging in recent years, is the fact that the government coalition (the second Rutte Cabinet), based on the Liberal Party VVD and the social democrat party PvdA, after the elections for the Senate of 2015 only disposed of 21 out of the 75 seats the Senate counts. Although coalition parties in the Senate never automatically give their support to government proposals, they of course are more inclined to look favorably at those proposals than opposition parties. The government in the last two years had to work very hard to reach a majority for each and every legislative proposal that was put before the Senate. That has made the debate in the Senate very lively and dualism between the Government and the Senate has flourished more than it ever did before. With different majorities the Government succeeded in finishing off most of its legislative agenda, and important new laws have been passed, for instance in the domain of social affairs, pensions, taxes, environment, education, media, justice and security.

A topical issue in the Senate has been the ratification of the Association Agreement between the European Union and Ukraine. You may have heard that The Netherlands was the only EU-Member State that had not yet approved the Agreement. In 2015 both houses of the Dutch parliament passed legislation in order to ratify the Association Agreement. In April 2016 this ratification was subject to a national advisory referendum, an instrument that had never been applied before. Although only 32% of the voters participated in the referendum, the majority of voters voted against the Association Agreement. The Dutch government then proceeded to procure a political statement from the members of the European Council that gave a further explanation of the Association Agreement. Through that statement the government hoped to address the concerns that were voiced by the Dutch public in the advisory referendum.

On the 23rd of May 2017 the Senate held a plenary debate with Prime Minister Rutte and Minister of Foreign Affairs Koenders on the Association Agreement between the European Union and Ukraine. The debate in the Senate focused on the question whether the political statement made by the government leaders in the European Council is an adequate response to the negative outcome of the referendum and what the legal status is of this political

statement. The speakers in the debate also discussed the consequences of the Association Agreement for Ukraine and its relations with the EU and Russia.

Last Tuesday the Senate of the Netherlands approved the Association Agreement between the European Union and Ukraine. What was particularly interesting was that the government succeeded in convincing a large majority of the Christian Democratic Party (CDA) which in the House of Representatives unanimously had rejected the approval, to vote in favour of the bill. This example demonstrates that with sound arguments the government can receive the backing of the Senate, in spite of the very small basis of the coalition in the Senate.

In March we had elections for the House of Representatives. The outcome was a very diversified political panorama. Twelve political groups are represented in the House. My party, the liberal party, lost some seats but - with about 22% of the votes - remained by far the biggest party. The greatest loss was for the Social Democrats: they lost 29 seats; they went from 38 seats to 9. At this moment the negotiations for a new government coalition are in full swing. To obtain a majority in the House a new coalition will require at least the support of four political groups. Negotiators certainly will also look at the division of party seats in the Senate so as to avoid the situation that a new coalition again will not have a majority in the Senate.

We live exciting times in Dutch politics. The Senate in the Netherlands with 75 part time Senators, a modest staff and a modest budget, has maintained its relatively powerful position, related to the full veto right it has over each and every legislative proposal. By always focusing on the quality, feasibility and enforceability of draft laws the Senate has kept its distinct role in our parliamentary system and I trust this role to be continued for many years to come.