



Eerste Kamer *der Staten-Generaal*

11th Conference of the Association of European Senates

Mrs **Timmerman-Buck**: Honourable Presidents, dear Colleagues, dear guests. It is my great pleasure to welcome you to the eleventh Conference of the Association of the European Senates. At the creation of the Association of European Senates in November 2000 in Paris, the well-respected founder of our organisation, former President of the Senate of the French Republic, Mr. Poncelet, stated two reasons for his initiative. Firstly, his strong belief that bicameralism is of great importance. Secondly, that parliamentary assemblies have a fundamental role to play in European construction.

These principles are today still as relevant as they were almost a decade ago. Arising from these principles, we have chosen the topic of today's conference: the role of the Senates on the European Continent, that is to say in Europe. Over the last years we have seen many positive but also worrying developments in the world and in Europe. We are faced with a financial and economic crisis. The experts are not sure about the depth of the crisis, the duration nor the remedy. We are faced with problems of climate change, energy sufficiency and social exclusion. Many different challenges that all need our attention.

On a positive note, we celebrated the 50th anniversary of the European treaties of Rome. This year we celebrate the 60th anniversary of the pan-European organisation, the Council of Europe. These anniversaries illustrate to what extent Europe has become united over the last decades. In our shared European history we should look for the answers to face our joint challenges. In Europe, nation states are no longer just competitors. We have become allies, too.

Today we will share our views on how Senates can actually make a difference in Europe. I really hope that we all renew our friendship and go back home filled with new inspirations.

Thank you.

(Applause)

I would now like to invite Mr. Reisenberger, President of the Federal Council of Austria to come forward and take the floor for the first contribution today. In the mean time, on a logistical note I have to inform you that I have decided to preside over our conference in Eng-



lish instead of Dutch due to efficiency reasons. The time for each speaker is limited to ten minutes.

Let us begin our conference. Mr. Reisenberger, you have the floor!



ADDRESS BY HARALD REISENBERGER, PRESIDENT OF THE AUSTRIAN FEDERAL COUNCIL

The Role of the Senates on the European Continent

Mr Reisenberger: Dear Madam President, ladies and gentlemen! Let me begin by expressing my sincere thanks to the President of the First Chamber of the States General of the Dutch Kingdom, Mrs Yvonne Timmermann-Buck, for the gracious hospitality which has been extended to us and for organising this meeting in such an excellent manner.

To be able to adequately address the topic of our meeting, I will start out with some introductory remarks. If we want to discuss the role of the Senates on the European continent today, we should first ask ourselves what exactly we mean by 'European continent'. Do we want to understand the term 'continent' in its Anglo-Saxon meaning, i.e. continental Europe excluding the British Isles? Or do we mean 'continental Europe' in the sense of German geographical terminology, which includes neither the British Isles nor the Scandinavian Peninsula?

Or does our understanding stretch even further? Is our usage of the term based on a well-founded understanding of intellectual and cultural history which perceives the 'European continent' not as a geographical, but as a political concept? And if so, how do we want to capture this notion in institutional terms? In the structures of the European Union? In the further reaching structures of the Council of Europe?

I believe that the development and current composition of the Association of European Senates reflects a comprehensive and inclusive understanding of the notion of 'European continent'. As a case in point, let me remind you of the most recent extraordinary meeting of this Association, which was held in St. Petersburg at the invitation of the Federation Council of the Russian Federation, a parliamentary body which represents the regions of the Russian Federation from Kaliningrad to Vladivostok. What makes up our conception of a 'European continent'? In recent years, Europe has ever so often been defined as a 'community of values'. And indeed, we can derive values or concepts from documents elaborated and adopted by the Council of Europe, including the European Convention on Human Rights, which we



consider as being rooted in the tradition of European political and legal thinking as well as an expression of a common European understanding of the human being and of human dignity.

But then, to what extent can values, be they embedded in international law instruments or not, create identity? To what extent can the existence of e.g. a common European set of values be corroborated by public opinion polling? Do tools like the Eurobarometer not actually show a broad spectrum of attitudes and values within Europe? And finally, should values not invariably be open to discourse? Should we not always be prepared to put them to a critical debate? Should we not from time to time review these values to ascertain whether they are used to lace given ideas with ideology? And should we not be ready to modify them if this becomes necessary on account of how the discourse develops?

Is it not the development of a distinct culture of discourse, a distinct culture of conflict resolution, which would be suggestive of a common European culture? Europe has in fact developed such a culture, a culture of national decision-making in collegiate bodies that draw their legitimacy from representative democracy, i.e. parliaments. Rooted in Europe, the concept of democratic parliamentarianism has meanwhile spread all over the world as a common political good. Its understanding as well as its form are based on European traditions, just as the bicameralist model is.

Today, 13 out of 27 member states of the European Union - or almost half of its members - have bicameral parliaments. The bicameral principle is still an integral notion of political theory and political practice in Europe: on the one hand, it attributes to the Second Chamber the function of improving the quality of legislation as the product of the parliamentary process; on the other, it ascribes it the function of representing distinct interests, with the latter function being the older one.

Exercising this interest the representation function is based on the theoretical notion that a political system requires checks and balances, in other words that not even the principle of popular sovereignty implies that the majority of the moment can rule without control. The theoretical notion of federalism, equally part of traditional European political thinking, complements this model of a horizontal separation of powers by a concept of vertical separation. A balance of political powers should be sought not only across one level, but several levels of power should be subject to mutual checks and balances to ensure further fragmentation of



political power and thus prevent its abuse. The federal principle such rests on the assumption that common decisions that are made closer to the citizen ensure greater transparency and wider opportunity for democratic control.

It is especially this type of Second Chamber which has gained acceptance in the theoretical debate and in political practice in the 20th century that makes visible how the constitutional precepts of separation of powers and of federalism are interlinked, i.e. in a regional chamber which, in a federalist system, is called upon to ensure the regional freedom of the constituent states vis-à-vis the abstract majority at central level.

In a number of countries which, by their constitution, do not even have a federalist structure, such as Italy, France or Spain, the Second Chamber is strongly endowed with the function of representing the regions today. A Second Chamber to which a central function is ascribed in a system of checks and balances must of necessity enjoy a procedurally equal or near-equal position as the First Chamber, especially in the legislative process. This does not automatically apply to the other function of Second Chambers which I mentioned, namely improving the quality of the legislative process. This notion is based on the assumption that the separate deliberation of a matter in two chambers, regardless of their political composition, will lead to a more profound study of a matter in question, and that the involvement of a Second Chamber will further downstream in the legislative process as a 'review chamber' allows for the rectification of rash or ill-considered decisions before they take legal effect. As a chamber of reflection, the Second Chamber is moreover attributed the function of raising matters of a general nature, for the deliberation of which the First Chamber, being intricately involved in day-to-day politics, cannot afford the time, and such assures the quality of the political process in the long run.

To be able carry out the quality assurance function, it suffices that the Second Chamber be endowed with lesser competences than the First Chamber. In the legislative process this regularly means a suspensive veto right. The functional shift towards quality assurance in the 20th century has given rise to a constitutional set-up in which the Second Chamber tends to enjoy lesser rights than the First Chamber.

Ladies and gentlemen! To summarise: with both its functions, representing distinct -- notably regional -- interests and assuring quality in the legislative process, the Second Chamber re-



mains a valuable, if not indispensable element of the representative democracy model in national decision-making.

Let me elaborate further and refer to another, additional function of the Second Chambers, which they will have to fulfil in the process of European integration. In the political Europe of 'concentric circles', the innermost circle, the European Union, is characterised by a growing shift of law-making from the national to the supranational level. According to relevant protocols in the Reform Treaty, national parliaments will be given a major role in this European law-making process, namely that of reviewing legislative projects. Now that the Second Chambers have developed a legislative reflection competency at the national level, they will be able to make a substantive contribution to the European legislative process. And they will be able to use their reflective competency at an early stage to perform future formal subsidiary reviews to help enforce the new requirement of the legislative process being responsive to the citizens!

Ladies and gentlemen! As a regional chamber, the Austrian Federal Council which I have the honour to represent is called upon to contribute regional perspectives to national and, beyond that, European legislation. The Austrian Parliament has already been intensely considering how it can make an effective contribution to the future subsidiarity reviews in unison with the other European parliaments. As a result, Second Chambers such as the Austrian Federal Council will be integrated even stronger in existing communication networks. For one, Second Chambers engage in communicative interaction with the citizens in an effort to ensure that political decision making really takes their interests into account. Second, they closely interact with other state bodies at different levels. Third, interaction with European bodies has become essential ever since Austria's accession to the European Union. And finally, close cooperation with other national parliaments has gained a new quality and new weight as a precondition for improving the European legislative process in a joint effort, in particular to ensure that it remains responsive to citizens' needs.

Therefore, ladies and gentlemen, organisations such as the Association of European Senates are more warranted and more important than ever. Let us give some thought to how, as part of the community of democratic European states, we can help -- both within and outside of the structures of the European Union -- to create laws that meet the citizens' needs, needs



which are common to all, and needs which epitomise Europe's regional diversity. Let us work together for a European legislative process that is appropriate to human needs.

Thank you for your attention.

(Applause)



Mrs **Timmerman-Buck**: Thank you for your stimulating contribution. Let me also this opportunity to congratulate you on your presidency of the Bundesrat!

Since the orders of speakers is alphabetical I would now like to invite the Vice-President of the Senate of Belgium, Mr. Vandenberghe to address the conference.



ADDRESS BY HUGO VANDENBERGHE, VICE-PRESIDENT OF THE BELGIAN SENATE

Mr **Vandenberghe**: Madam chair, thank you very much! Dear colleagues, ladies and gentlemen! You will allow me to speak in Dutch for a few moments.

Mevrouw de voorzitter. Hartelijk dank voor de heel mooie ontvangst gisteravond in een zaal die gedurende vijftien jaar ook ons parlement was!

Ladies and gentlemen! The founders of the Belgian state have set up a structure to have checks and balances. The Belgian constitution in 1831 was the most liberal of the European continent at that time. The Senate was an assembly of noblemen and landowners that was set up mainly to bring together the ambitions of a young king and to deal with the powers of the Chamber of Representatives.

At the eve of the third millennium the bicameral system is still intact but there has been major changes at the same time. Today, its role of checks and balances is exercised by the Senate at three levels. The Senate is within the federal parliament. It is parliamentary court of appeal, so to say. The bicameral system at an institutional level allows to have a double system of checks and balances and to guarantee a better protection of the citizens between the risk of arbitrary decisions from the government but also against legislative improvisations. The single cameral system sometimes provide the possibility of a second reading of a bill but as professor Schmidt, working at the university in Oslo, has showed such a guarantee is not sufficient. A second reading makes sense only if there is a second reader. But also, the development of the political system where the majority party and the government tend to be the same means that a Second Chamber is really relevant and that it will be less submitted to political relevance and to the pressure of the time. It is therefore necessary to have a assembly where the majority of the seats do not have the first role of supporting the government. The parliament can only exercise its role fully towards the executive branch only if next to the Chamber it also exercises a distinct role as an assembly which is free in terms of priorities and in terms of actions that are taken with a more long term view.

What is very typical of a federal or confederal system is that the Senate makes sure that the federal government has a citizen-based approach. The current concept of democracy is far



from the one that inspired the constituent system of 1831. At that time, the elected officials were representing the nation, a nation that was a homogeneous social body. Today, the management of political affairs and public affairs is exercised in a rather consensus-based approach or, at least, that is the objective. This is what we call deliberative democracy. The law is the expression of a pluralistic approach and it is also deriving from a balance between various interests. The participation of citizens to the decision-making process has become a fundamental right.

The Senate, more than any other institution, has started to listen to civil society and has allowed other stakeholders to take part in societal discourse. In a single-cameral system such a guarantee does not exist. The government, which has a wide-ranging majority, can have a bill passed before the citizen or the various stakeholders learn about its existence. This is why the single-cameral system has a very major weakness. The parliamentary approach means that you can have an adversarial system, you can have time for bills to mature and you can also allow to have various points of view being expressed.

Lastly, the Senate is within the Belgian government a place where federative political collectivities can meet. The diversity of a country has to translate in its institutional structures. In a federal state it is therefore necessary for federative entities to be represented as such within the federal parliament. Those entities have to be fully part of the decision making body at the federal level. This is valid for basic rules of the federation but it is also valid for law-making of an ordinary nature. A lot of social issues, such as mobility, tend to ignore the breakdown of competences between the various bodies of the states such as communities and regions. It is only at the Senate that they can be analysed in all their intricacies and it is only there that consistent solutions can be found without having to be limited to specific skills. Therefore, the Senate is not an institutional gadget in a confederal or federal system. Because it has this role of checks and balances it played a central role in balancing powers and in contributing to a culture of tolerance in our country.

When we look at the future of a Senate we feel that we should make sure that we have to bear in mind the role that has been played by the Senate in the past. Such a discourse has to be based both on the composition and on the skills of such an institution. Of course, we realize that the composition in federal or confederal states is different. The Bundesrat is made up of a different manner and the Executive is different from the French Senate, which repre-



sents the local authorities. It is also different from what we see in Switzerland in the Second Chambers. This means that federal states have to be included in the discourse. Every type of Senate has to be included and especially-- and this is all the more relevant today-- in this economic and financial crisis. Again, the Senate has a role to play in terms of trying to reduce the tensions that could arise between various communities.

The first speaker has also mentioned it and others will probably do so: in our modern or post-modern societies we are faced with what I could call a legislative inflation, which is due to the quality of the legislative process. When we read the text of the Civil Code of 1904 and when we look at the current European legislative bodies we see that we have to accept in our countries that there is a huge difference. In fact, we are evolving in a virtual world in terms of legislation. The financial crisis was caused because the financial world was living in a virtual world. There was no more link with reality. Sometimes I have the feeling that the legislative framework within which we operate has become a world that does not really have more contact with the reality on the ground.

On this issue I am really pleased that in the Lisbon Treaty the subsidiarity principle is going to be activated, which means that national Chambers can have a preventive role in drafting European legislation, which I feel is a lot more hands-on and concrete. We have to stick to general principles and we should leave to the national states the possibility to point out items that are relevant in terms of subsidiarity. Subsidiarity should not only be a concept; it should be a legal principle but we have to strengthen this principle. I believe that of course we can talk a lot about principles and values that we share but if we look at the difficulties that we face at the European level to have a new treaty accepted or voted, it is obvious that it is better to work step by step and to see how we can work in a new concept of subsidiarity, of a preventive role of national parliaments in order to give a yellow or red card to the supranational bodies if they want to impose any role, as citizens will not have any confidence in a democratic state if they do not believe in democracy or if they do not understand it. Laws are not only for administering the citizens; laws are there for citizens to be guided through those laws. If you vote for laws that cannot be understood and that cannot be read by a democratic society, this is something that the Second Chamber will have to bring forward. Why? Because the law making task is actually not a very pleasant one indeed. In politics it is not very sexy to talk about that. Television does not portray any law making process, but it is



essential to make sure in the law making process to not make long speeches but good speeches with principles to convince our citizens that they can trust their senate and their parliaments.

Thank you very much!

(Applause)



Mrs. **Timmerman-Buck**: Mr. VandenBerghe, thank you for your contribution. I would also like to thank you for your participation today, too. Please, give our best to president Armand de Decker who is, as I understood, is campaigning for upcoming local elections!

Dear colleagues, it is now my pleasure to give the floor to our colleague from the Republic of Bosnia and Herzegovina. Mr. Filipovic, may I invite you for your contribution?



ADDRESS BY ILIJA FILIPOVIC, SPEAKER OF THE HOUSE OF PEOPLES PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA

Mr. **Filipovic**: Mrs. President, ladies and gentlemen, dear colleagues. It is a great pleasure and an honour for me to speak today at the 11th session of our Association. At the very beginning of this speech, I would like to thank the Senate of the friendly Kingdom of the Netherlands for the excellent organisation of this gathering. I honestly thank you, Mrs. President, for your engagement, hospitality and received invitation.

When we talk today on the role of the Senates on the European continent, we should especially have in mind the various challenges our countries, the European Continent and the modern world as a whole, face in these times of global economic crisis. Our responsibility is even higher because we should not allow the economic crisis to develop into a political crisis and get out of our control. We will accomplish this task the best if we follow what is going on and timely undertake necessary measures to react. If we establish mutual cooperation at a bilateral and at the international level nobody should feel left to its own resources without adequate understanding and support of others. If we want to achieve this goal successfully, our Senates should have the appropriate constitutional competences and other preconditions for successful work like an adequate number of delegates, which enables an active engagement and resolving of all issues in commonly complex parliament procedures.

It is natural that the roles and competencies of upper houses are different in different political systems. It reflects the specific development of the bicameral system but also the structural differences in different countries, especially emphasized in ethnically complex countries like Bosnia and Herzegovina.

Our House of Peoples -- the upper house -- has a specific role as well. To a certain degree it is similar to some Senates in other countries, since it equally participates in the whole legislative process with a full right on legislative initiative, amendments and final decision making. On the other side, our upper house permanently promotes and takes care of vital national interests of constitutive nations. It is also competent for full control of executive authorities and providing opinion of Constitutional Court as the highest judicial institution, especially in the cases when the House of Peoples cannot reach the consensus if a decision or law is de-



structive for the vital interest of any of three constitutive nations in our country. In these disputable situations, when decision regarding the protection of the vital interest cannot be made within the House of Peoples, it in fact loses its legislative competence and the Constitutional Court of Bosnia and Herzegovina becomes competent for making the final decision.

Today, Bosnia and Herzegovina is in the process of finding new constitutional solutions, guided by the fact that it must improve democratic relations in the country and establish European standards. At the same time, our Constitution must be finally adopted by the Parliamentary Assembly; it must be equitable and fair, democratic and generally acceptable. Its primary effects should be efficient and systematic political system which provides peace, stability and prosperity for the future of all our nations, ethnic minorities and all BIH citizens.

You are familiar with the constitutional situation in Bosnia and Herzegovina. Its constitution is actually the Annex IV of the Dayton Peace Agreement and was primarily made to stop the war and establish peace in the country. Of course, these are valuable, but unfortunately, these are also its maximum achievement. However, in today's conditions, nobody is really satisfied with the BIH Constitution since it has produced an inefficient, asymmetric and non-functional political system. In my opinion, the Constitution has been based on an unfair partition of territory and an unequal position of the three constitutive nations and citizens of Bosnia and Herzegovina. Ethnic minorities are brought into inferior positions with respect to the majority nation. That is why the interest and political will for constitution changes are in the reverse proportion with the satisfaction, i.e. the dissatisfaction of the BIH citizens. The more they are dissatisfied with their position, the stronger their interest and will for constitutional changes and vice versa.

In these efforts to re-establish relations and eliminate deficiencies, however, we adopted the first amendment to Dayton Peace Agreement which stipulates the status of Brcko District last month. Our European friends welcomed this decision. Our House of Peoples has recently adopted a decision on initializing the process of constitutional reform as well, following the agreement reached by the leaders of three major political parties of our three nations. When and if the same decision is adopted by the House of Representatives, the space for wide democratic initiatives will be open, not only through the institutions of the political system, but also through many non-government organisations of civil society.



The process is not easy or simple and according to our previous experience, we can envisage some difficulties. Even more, it is possible to expect certain obstructions, even resistance. For that reason, with full right, sincere hope and realistic expectations, I see the need for the active involvement of the international community in the form of professional assistance, but even more, in the capacity of political mediator on our path toward reformed a BIH Constitution.

Considering the irreplaceable role of the House of Peoples in our conditions, it will be very useful to extend its specific competences by maximally using the practice, experiences and standards of other European bicameral parliaments. Constitutional solutions and the experience of some European countries are extremely interesting and practical. In that sense, in our forthcoming constitutional reform, we should pay special attention to the experiences and legal solutions of your Senates. Relevant issues are as follows:

- Election of the President of the State (experience from Switzerland, Italy and Czech Republic);
- Instituting responsibility and recall procedure of the president, primarily in case of eventual breach of Constitution and illegal work (experience from Germany, Austria and Italy);
- Organisation of referendum on a decision or law, as a democratic form of direct decision making by the citizens (experience from France, Ireland and Poland);
- Appointment of judges, including judges of Constitutional Court and the Court of BIH, and possibly the Supreme Court of BIH which we currently do not have at the state level (experiences of many European countries, especially Belgium, France, Germany, Romania, Russian Federation, Spain, Great Britain and others);
- Maintaining of relations, change of borders and solving conflicts between entities, cantons, i.e. federal units (experience from Switzerland, Belgium, Spain);
- Adoption of decisions and a book of rules of Council of Ministers (Government) (experience from Germany);



- Monitoring the process of the European integration as well as the relations with the European Union, the Council of Europe and other international associations (experience from Austria, France, Romania, and Great Britain). Having in mind the BIH participation in the EU stabilisation and association process, it would be useful to take necessary actions for fulfilment of our commitments undertaken so far, including stronger competences of the House of Peoples regarding implementation and monitoring the progress of integration process.

Within the context of constitutional reform, the question of the number of representatives arises. As you know, the House of Peoples of the BIH Parliamentary Assembly has only 15 delegates, while the European average is more than 70. Our House of Representatives has 42 representatives; it means that the Parliamentary Assembly of Bosnia and Herzegovina totally has 57 representatives and delegates. It is the reason why, apart from their regular activities, our delegates must work in five six parliamentary committees at the same time.

The issue of senate's role and function in local self-government is also very interesting. The current BIH constitution does not contain provisions to enable the House of People to be involved in defining relations, work and functioning of the authorities at the local level. We do not have a law on local government and self-government at the state level, but it is under entities jurisdiction, i.e. at the mid level of authorities.

Dear Colleagues, I am deeply convinced that stronger and deeper inter-parliamentary cooperation and mutual assistance, experience gained from developed democracies as well as strengthened role of the House of Peoples in the above manner, would contribute to the efficiency of the Parliamentary Assembly of Bosnia and Herzegovina as a whole. At the same time, it would contribute the sustainability of our country. Moreover, it would be a small, but very important contribution to further affirmation of the whole European parliament system. In my opinion, it is of big importance for the role of upper house. That would also influence and strengthen the role of our upper house, the one I wish my country had, as future member of European democratic peoples and states family.

Thank you for your attention!

(Applause)



Mrs **Timmerman-Buck**: I would like to thank you for your contribution. It is always good to learn about the different constitutional challenges in our countries.

I now have the pleasure to call on our fourth speaker, the president of the Senate of the Czech Republic, Mr. Sobotka.



ADDRESS BY PREMYSL SOBOTKA, PRESIDENT OF THE SENATE OF THE CZECH REPUBLIC

Mr **Sobotka**: Ladies and gentlemen, dear colleagues. Let me cordially greet you on the occasion of the 11th Conference of the Association of European Senates. I am delighted to be in your company.

The main topic of today's meeting is the debating about the role of Senates in Europe. I am a great supporter of parliamentary diplomacy and I have very good experience with this type of diplomacy, just like with the bicameral system, which acts as the real safety catch of democracy in our countries. I would like to take this opportunity to draw your attention to the idea of founding the European Senate again.

But first, the role of national parliaments. We do have different powers in various countries though, but I am convinced that none of the countries is experiencing growing tendencies aimed at abolition of the Upper Chambers at the time being. We closely cooperate with the government as well with the European Union to resolve the impact of the financial and economic crisis. Therefore, I believe we will reach an agreement on joint advancement since we all know that protectionism is the worst possible path to follow. The EU economies are interconnected and that is why we need to complement the actions taken in the course of the Czech presidency of the EU. It has been proven again that there are no large, medium or small countries; we know that there are only reasonable and less reasonable countries with the minimum number of the latter ones. The crisis rather indicated which countries considered the possibilities of worst times and which countries have not done so in the course of their economic boom. I firmly believe we will succeed in resolving this issue in a close cooperation with the other economies.

Let me go back to the idea of founding the European Senate. At this year's conference of presidents of parliaments of EU member countries, which took place in February in Paris, I said let us speak about the possibility of establishing two houses of European Parliament. Let us approach it as an idea that would help create genuine democratic balance in European space, without speaking specifically about the role such a European upper house could play about its structure and powers. Let us not shy away from a tough debate about the risks faced by European democracy. Instead of catching the attention of the media by booing let



us get to work and think these issues through. If there were a European Senate then it would certainly help to have EU member states represented equally. That would guarantee equality of all countries and enhance democracy in Europe while eliminating feelings of being discriminated.

I am convinced this would reinforce the fundamental role of national parliaments that are always much closer to the issues of individual European countries and that defend their citizens from bureaucratic erosion of basic ideas and ideals of European integration. When things go the other way around we will soon face risk of Europe being grey, boring, economically weak and hardly coping with the tasks. The ideas of subsidiarity and proportion are part of the valuable instigations of the European way and it would be fatal to get rid of them.

The European Senate founded on the principle of equal representation of member countries would be a great impetus for democratisation of the European integration process and a real test of genuine relationships between the large and the small and the old and new member states. I am an optimist by nature and I believe we would be able to reach an agreement on purely technical and complicated election issues, competencies or even on the fact that the European Senate could not be dissolved just like it is the case in the Czech Republic. Let us discuss this and give our direction and work a new charge.

Just a piece of information for you, representatives of the EU member states. The Czech Senate will discuss the Lisbon Treaty on May 6 and 7. I can tell you that I am unable to predict the result but I will do everything I possibly can to make it a positive result. This was the very last message I wanted to communicate to you.

Thank you very much for your attention!

(Applause)



Mrs. **Timmerman-Buck**: Our second last speaking in the morning session of our conference is the president of the Senate of the French Republic. Monsieur Larcher, this is also your first time to participate in the Association and I hope you feel most welcome.

Monsieur Larcher, you have the floor.



ADDRESS BY GÉRARD LARCHER, PRESIDENT OF THE SENATE OF THE FRENCH REPUBLIC

Mr. **Larcher**: Madam Chair, dear colleagues. First of all, I would like to thank you to have welcomed us here and for this excellent organisation of this 11th meeting of our Association. With my colleagues Messrs Gaudin, Del Picchia and Bizet I am now for the first time here taking part in the work of this Association. I would like to underline the fact that the Senate of the French Republic is really committed to this Association, created more or less ten years ago in Paris under my predecessor Mr. Christian Poncelet, whom I know very well. We need to thank him but unfortunately he could not be part of our delegation today.

As we know, our Association has a vocation to promote bicameralism. More and more countries nowadays have a second chamber and I would like to take a recent example. The vice-president of the Republic of Iraq came to see us two days ago. He had the idea of creating a second chamber to allow the community democracy of Iraq to find this idea of revision and proposal. The French Senate will cooperate through the international cooperation, through dimensions which could have maybe differences in the past. Certainly the approach of peace, democracy and representation of territories is very substantial for the Upper Chambers, be it that we have functioned in term of law makers or control of the government or even in the work of respective reflection or bicameral parliaments and-- I am deeply convinced of that -- more efficient and have better resources to be able to move forward with the democratic debate and public management for our citizens. This means that we need to work with our different specific aspects. We need to complement each other with of course the other assembly, which is the parliament. This is an introduction and this is the conviction we have. The fact that bicameralism is an asset for a country, an asset for democracy and an asset for good governance.

Madam Chair, in your letter you were inviting us to think of the role of the Senates on the European continent. I would like to think about three different pillar, which I think are fundamental aspects of our Upper Chambers and their added value in terms of democracy. The specificity of legitimacy, the fact that we listen to citizens, even if some of us are not necessarily elected through direct universal.



I would like to think about three different pillars, which I think are fundamental aspects of our Upper Chambers and their added value in terms of democracy. The specificity of our legitimacy, the fact that we listen to citizens, and the fact that we are innovative and looking forward to the future. This Second chamber is interesting only if it is based on the institutional characteristics, which are different from the First Chamber. In France we are representing the territories but also French people living abroad. This is a way of representing people differently from the National Assembly. The Belgian president was talking about the role of federalism and representation of linguistic communities, which is different, and our friends from Bosnia Herzegovina were also talking about the constitution and the representation of communities, which is also different. The factor of reconstruction of international unity. So, all these different factors put together according to a specific way of electing this body of course and also a specific electoral candour, which again is different from the general election and the legislative election, which means we have a type of autonomy which for me is also the deep legitimacy and also the interest of a Second Chamber.

But how can we listen to our citizens? Our citizens in France elect us indirectly through elected representatives of territorial authorities. Naturally, we are a body which they do not know that well but through our work, our initiatives we have to show our essential role.

Today, just like we did in Paris in February, to listen to our citizens means listening to their worries of course, in this financial crisis. We need to be the opposite of virtuality of speeches, dear Belgian colleague, to go into the reality of our citizens' life. I would also like to note here dear colleague of the Czech Senate that Senates in the countries of the EU are the best controllers of the way we apply subsidiarity. So, the idea of a European Senate is not something that is not realistic. It is something that we need to deepen.

The crisis certainly means that we are facing a national European crisis that we need to challenge, that we need to face because this goes beyond the European Union. There are people from Federal Russia, we have friends from Switzerland and also friends from Bosnia Herzegovina, because we beyond the EU. In the financial crisis we are facing today and all the questions people have, the fact that they are not present in the G20 and the fact that they do not participate, actively to be Washington, London and tomorrow New York's discussions and debate we need to take some initiative at the level of our Upper Chambers to react to the crisis. People said we could not be protectionists in this time of crisis. Well, in France we



took an initiative and a big newspaper that is published in the afternoon -- Le Monde -- published that twelve senators in France were working together since autumn and will continue to work together to send a few proposals to the president of the republic. In this crisis he was extremely active. We would like to coordinate these proposals through the role of the Senates. We did this with our German colleagues and friends, because of course we had to meet in London. It was an urgent meeting but concretely on the idea of bicameralism in these difficult times we would like to exchange our opinions, because we know that nothing would be worse than protectionism and looking inwards. The EU are working on things we talked about in London, harmonisation on different directives, on equities, directives on hedge funds, recommendations on the different way market operators are being paid. I think we would like to tell our friends in Switzerland and the Russian Federation that we need to understand each other on this and share on this, because coming out of the crisis means that we need to have concrete and positive answers.

Of course there are other issues. We need not forget the fact of sustainable development, which cannot be pushed forward in another time. We need to work on this in our Second Chambers, because this is not really in the daily work, my dear Belgian colleague. They are not really connected to the immediacy that usually means that in political life we just look at something else because we have duration. We cannot be dissolved. This gives us some innovation and some freedom. Of course, a lot of our Upper Chambers or Second Chambers -- or First Chambers, depending on what you call them and depending on history -- face some very fundamental, collective and individual responsibilities. The fact that we need to fight against terrorism and the fact that it is necessary to also regulate immigration -- a debate we have in a lot of our societies -- mean that the Upper Chambers have a very specific responsibility in all these definitions.

Madam Chair, this was not the speech that was prepared for me. I am very sorry, dear colleagues. However, I would like to tell you that I am very convinced that our assemblies and in their diversity represent the collective authorities and the different communities, the territorial authorities. I think that our assemblies an amazing role, a very modern role to play.

Clemenceau, a very important man, was saying 'in a democracy people need to be able to reflect and reflection happens in the Senate'. I think this is also what Second Chambers represent.



Thank you very much for your attention.

(Applause)



Mrs. **Timmerman-Buck**: Monsieur Larcher, having heard your contribution today to this conference I would like to say that you truly a very honourable successor of Monsieur Poncelet! Thank you very much.

Signor Chiti, Vice -President of the Italian Senate, may I ask you to give your contribution? Before I give you the floor I would like to express my condolences to the Italian citizens because of the earthquake that hit your country only ten days ago.

Mr. Chiti, you have the floor!



ADDRESS BY VANNINO CHITI, VICE PRESIDENT OF THE SENATE OF ITALY

Mr. **Chiti**: Thank you, Madam Chair and thank you very much for your words of solidarity for this dramatic fact, the earthquake that struck our country and that caused the life of 295 people, including children. We are beginning to overcome the first emergency but we have a long path before us, because there are over 55,000 outplaced people. We will need a very strong commitment. I am sure we will make it because in difficult moments the Italian people know how to find the answers. We can count on solidarity among citizens and we can count on political unity. Thank you very much, also for the great organisation, the great hospitality provided for this meeting. I also would like to thank you for the efficiency and also friendly and warm hospitality.

Honourable colleagues, it is a great honour for me to take part in this 11th meeting of the Association of the Senates of Europe. Parliamentary diplomacy and cooperation have gained increasing relevance over the last few years and they account for a crucial tool to tackle the international challenges we are faced with. Topical issues like the economic and employment crisis, international security and the fight against terrorism, the energy and climate challenge, call for effective and coordinated measures that our governments, our parliaments cannot fail to take.

The link between the national and supranational dimension is a defining aspect of today's world. National laws are increasingly linked to European and international legislation. Especially in Europe, our representative assemblies are called to perform a dual function: take part in the development of a European body of laws and ensure the transposition of this corpus into the domestic legislation. National parliaments act as a bridge between the various institutional levels and their task is to support the implementation of the subsidiarity principle internationally -- by participating ever more actively and intensely in the work of the European Union and international organisations. For example, we are all members of the Council of Europe and I think the Council of Europe plays a very important role as regards the construction of a democracy and the protection of human rights. For those who are members of the European Union let us recall the great commitment at the European level.



I do not fully agree with the considerations that have been made about the creation of a European Senate. I believe that in Europe we already have a bicameral and almost a three-cameral system. The first is the European Parliament and in a few months' time there will be elections. The second level is the European Council, which is more and more the Bundesrat of some member states. Then there is the committee of regions. I think that our role is to create a bridge between these institutions because representatives of democracy must be efficient. So, this is one of the challenges we have to face.

As regards parliaments and in particular Senates we also have another task and that is to be open as regards the interests of territories and regions. In bicameral systems this is one of the tasks of the upper houses. Beyond the different situations existing in the various countries this is a link, a common feature. In the European Union we have before us the great challenge of European construction. This is an irreversible process, although there have been difficulties the ratification of the Lisbon Treaty. In this meeting it is very important that we keep in this mind. The president of the Senate of the Czech Republic said that we have to proceed rapidly to the approval and ratification of the Lisbon Treaty, otherwise there will be an imbalance between the various institutions at the European level. The current economic and social crisis makes it necessary for us to act in a united way. We cannot act as a single country. The upper houses can make an important contribution in this direction. Today there is a strong need for Europe to be based not just on certain local executive institutions; it is important to involve all citizens of our territories by transposing European legislation into countries but also by a creative contribution. We have to contribute to the bottom-up formation of European legislation and this is where upper houses can play an effective role. At the same time it is very important to develop a relationship of confidence and here our Association is very important. So, this confidence relationship is very important with all European countries who are not members of the EU. First of all, the Russian Federation because of the importance of this country in the world.

Italy is one of the rare cases of equal distribution of powers between the two houses. Our parallel bicameralism is a product of Italian history and has ensured the vitality of our democracy for a long time. Many feel, however, that this arrangement is no more relevant. A constitutional reform has been under consideration for some years, whereby asymmetric bicameralism -- similar to that of other major European countries -- should be introduced



also in Italy. In searching for a new balance between stability and representativeness, the Italian Parliament feels the need to envisage different roles for the two chambers, whereby the Senate would act as a link with different institutional levels-- namely the EU, central government, regions, local government -- while the Chamber would keep its present strong link with the Government. The present trend towards a federal system of State may further enhance the role of the Senate, in that a federal country needs a unifying body to ensure national unity, which guarantees cohesion in the country. I believe and hope, that also a new Italian Senate will be elected by universal direct suffrage, also in view of the stark differences existing among the various regions, which call for a strong tool of political compensation of regional imbalances. This would be more adequate to this role of institutional and political guarantor.

Enhancing the role of Senates in this direction would also be a way to combat the ever returning reductive notion of democracy, which might undermine the effectiveness and legitimacy of representation and the principle of the separation of powers. As the great political philosopher Jurgen Habermas has explained, a transformation of the balance of constitutional powers is under way in parliamentary democracies which, contrary to what their constitutions establish, leads to an increasing prominence of governments over legislative assemblies. Bold decisionmakers have a tendency to impose the government's agenda on parliaments. This may bolster the idea that parliaments are marginal bodies and feed a dangerous wave of contempt of parliamentarianism that Europe has already experienced in the past and that was at the root of grave democratic decline. My conviction is that democracy in the 21st century is faced with two challenges: populism within individual countries and ideological and religious fundamentalism, which feeds terrorism, at international level.

We surely should not shy away from the fact that Parliaments are in dire straits in many countries and that they should undergo a process of reform in order to regain pride of place in a democracy. The estrangement and the sheer distance of individual citizens from their institutional representatives should lead politicians to some self-criticism. Holders of public offices cannot see themselves as members of a social class or category, because in a democratic society politics as a profession or as a calling should be at the service of the community and always under voters' scrutiny. The often lamented rift between civil society and political decision-makers, which has generated the rejection of politics altogether by some, may be



overcome by opening up our assemblies to new forms of public information, openness and communication. Information technology developments might help Parliaments to be more modern and efficient. This means that Parliaments should be able to renew themselves constantly and create a new relationship with citizens developing the rift between the citizens and politics. This is one of our primary tasks in my opinion and this is the contribution that we can give to the construction of the European Union.

Thank you!

(Applause)



Mrs **Timmerman-Buck**: Thank you, Mr. Chiti, for sharing your views with us today.

Dear Colleagues, the speeches of Mr. Chiti was the last contribution for the morning session of our conference. We will reconvene for the afternoon session at 14.45 hrs.

Our schedule for the upcoming hours however is rather strict. Let me take this opportunity to discuss some logistics.

The heads of delegation are invited for the meeting with Her Majesty, Queen of the Netherlands. May I ask the Heads of delegation to be ready for departure at 11.15 hours downstairs at the lobby of the Senate. The bus that will bring us to the Hague Residence of our Queen will depart no later than 11.20 hrs in front of the Senate. Please, let the liaison officer of your delegation accompany you to the bus.

After our meeting with her Majesty the Queen the Heads of Delegation will enjoy a lunch in the beautiful ambiance of Hotel Des Indes. All other members of the delegations are invited to bring a visit to the beautiful museum 'Mauritshuis' and after that enjoy their lunch in the building of the Senate.

I would like to ask all members of the delegations that will not go to the meeting with Her Majesty the Queen to convene at 11.30 hrs downstairs in the lobby of the Senate where groups according to language will be formed for the guided tour through the museum. Members of delegation who will not visit the museum are asked to reconvene in the Senate for lunch no later than 13.00 hrs.

However, firstly, a group photo of only the Heads of Delegation will be taken in this plenary hall. May I therefore ask the Heads of Delegations to remain in the hall, and invite the rest of the participants for a coffee in the upstairs hall of the Senate.

Thank you. And in case of any questions or uncertainties, please ask your liaison officer or anyone from the staff.

The meeting is adjourned until 14.45 Hrs.

Mrs. **Timmerman-Buck**: Dear Colleagues, dear guests, welcome back in the assembly hall of the Senate. I hope you all enjoyed your lunch, the visit to the museum and of course the meeting with our Majesty the Queen.



I would like to continue with our conference. There are still eight speakers left on our agenda. The alphabetical order means I would now like to give the contribution on behalf of the Senate of the Netherlands.



ADDRESS BY MRS YVONNE TIMMERMAN-BUCK, PRESIDENT OF THE SENATE OF THE NETHERLANDS

Mrs **Timmerman-Buck**: Dear Presidents, dear colleagues. Two approaches may be pointed at for the explaining and understanding of international relations. Firstly, the international system is simply the sum of the behaviour of nation states. This is called the theory of individualism. Secondly, the starting point is not the nation state, but the international system. In this approach the interests of nation states are understood and explained in terms of the international system. This is called the theory of holism.

I would like to state today that for the future of Europe we need a better appreciation of the holistic approach. Of course, I am not stating that we should give up the concept of sovereign states. After all, the concept of subsidiarity remains of the utmost importance. But if the subsidiarity check leads to the opinion that European measures are desired, it would be advisable to apply the holistic approach. That is to say, that a proposal or policy should be judged on its European instead of just its national merits. Then Europe has indeed become more than the sum of our nation states.

At the moment, however, we are facing developments that actually cause worries. Due to the economic and financial crisis, the siren songs in favour of nationalism and protectionism become louder all over the continent. The G20 and the European leaders in Berlin issued a declaration stating that protectionism is not the way forward. In spite of that, we observe agendas to restrict the reaps of financial and economic interventions just to the own population. Perhaps understandable, but not desirable.

In addition to this crisis, contemporary challenges of climate change, energy security, terrorism and social exclusion demand more instead of less cooperation. It is exactly the overarching phenomenon of globalisation that urges us to find a suitable European answer. This of course is a political choice. The question is whether we, the European Senates, are willing and able to make that choice.

The process of globalisation is vulnerable. The process of European cooperation is just as vulnerable. Cooperation within the European Union, within the Council of Europe and



amongst each other. In my opinion, a better appreciation of the holistic approach, is necessary to build a strong Europe. A Europe that is able to face her challenges.

In the Senate of the Netherlands, every now and then, the starting question is Europe, the relevance of Europe. The overarching perspective is not just the protection of our national interests. It is the acknowledgment that national interests most often equal the European ones.

Over the last two years, the Dutch Senate pro-actively organised public hearings on the future of Europe and on data retention. Not too long ago, the Senate organised such a hearing on the future of the relationship between the EU and Russia. In the Dutch Senate, this relationship is regarded to be of great importance. We also persistently lobbied for the EU accession to the European Convention for human rights. As you would have probably noted in our draft joint statement, we did it again today.

Dear Colleagues, our future equals the future of Europe. There are in my belief two misconceptions. One, the stronger Europe, the weaker the nation states. Two, the stronger the nation states, the weaker Europe is. In my view, a strong Europe requires strong nations. Therefore, strong parliaments, strong Senates, simply for the wellbeing of all men, women and children we represent.

Thank you.



I would now like to invite the President of the Senate of Poland, mr. Borusewicz to give his views on our topic today.

Mr. Borusewicz, you have the floor.



ADDRESS BY MR BOGDAN BORUSEWICZ, PRESIDENT OF THE SENATE OF THE REPUBLIC OF POLAND

Mr **Borusewicz**: Madam President, ladies and Gentlemen. The eleventh meeting of our Association devoted to the role of the Senates in Europe takes place in a country which is one of the cradles of European democracy and the free market economy. Many historians consider that the Netherlands are the very birthplace of capitalism. At the same time we are in the home country of such European thinkers and humanists as Erasmus of Rotterdam and Johan Huizinga.

The Hague is also the centre and symbol of global justice, where the European Court of Justice and the International Criminal Court have their official seats. The Netherlands is a pioneer country from the point of view of European integration. Already in May 1944 it was a co-founder of the Benelux Union. In 1951 and 1957 it was establishing the European Communities.

Madam President, ladies and Gentlemen. A year ago in Vienna Mr Christian Poncelet, the initiator of the establishment of the Association, summed up the activities of the Association to date. He indicated that bicameralism was an attempt to respond to the painful experience related to the modern era in Europe.

Political authority requires democratic control as well as checks and balances. In this context it is important that societies are most fully represented in their parliaments. The civilisational success of Europe was born of the phenomenon of separation of powers. The presence of an Upper parliamentary Chamber is in fact a systemic security feature. One may say that bicameralism has as many advantages as the principle of instance of courts in the judicial system. In many European countries upper parliamentary Chambers not only enrich the parliamentary representation and provide for a mutual balance between state authorities, but also legitimise such authorities by means of conferring historical continuity on the state institutions. The Polish Senate, reinstated in 1989, cherishes the many centuries of Polish traditions of democracy and statehood, disrupted in the nineteenth century by the absolutist neighbours and impugned by Nazism and communism in the twentieth century. Similarly, in many European countries Senates bridge tradition with modernity. This, of course, does not



mean that the historic forms of upper parliamentary chambers should remain frozen. After the period of wars, nationalisms and communism we should remember about the significance of the continuity of social institutions and social harmony.

Talking about the role of upper parliamentary chambers one should not forget that their systemic positions vary and that there are different ways of electing their members. In some countries upper parliamentary chambers are facing reforms. In principle, lower parliamentary chambers do not have such problems.

Madam President, ladies and Gentlemen. One may confidently say that the *raison d'être* of an Upper parliamentary chamber is to be distinctly different from a chamber of deputies. This may be due to the scope of competencies, term of office, way of electing their members, or electoral system. The Polish Senate was revived twenty years ago as an inherent element of a certain political project. In 1989-1991 the Senate held a monopoly as the political representation of the nation. At that time the Sejm [lower house] was tainted by compromise with the former system and did not even aspire to be called the Sejm of the first term of office. After the elections to the Sejm of the first term of office, the Senate lost a part of its significance. Moreover, its resemblance to the chamber of deputies was plain awkward.

Currently there also are discussions in Poland about a possible systemic reform of the state. One of its elements would be the introduction of single-member constituencies for elections to the Senate alongside proportional elections to the Sejm, which are stipulated in the Constitution. Irrespective of the above, there are voices in favour of reducing the number of Members of Parliament and Senators alike. There are farther reaching postulates that the Senate should be not only a chamber of 'reflection and prudence' close to the citizens, but also a mainstay of stability and policy continuity, for instance following the example of the Czech Senate.

Personally, I believe that the representation of local communities is a way to reinforce the systemic position of the Senate. Such representation will have to be based on single-member constituencies to the Senate. I am proud to say that the function of the Polish Senate today is that of a reliable legislative fuse. Another opportunity to reinforce the position of the Senate would be to focus on an advance analysis of new legislative initiatives of the European



Commission. I mean here Annual Policy Strategies and Green Papers. For these documents escape the attention of the lower chamber. Its body specialising in the EU issues focuses on keeping up with controlling the documents already being processed under the co-decision procedures.

Madam President, ladies and Gentlemen. According to the Statutes of the Association our aim is 'the development of relationships between members, promotion of bicameralism in the framework of parliamentary democracy, and strengthening of European identity and awareness' (Article 2). This is an aim which resembles the one set forth in the Statute of the Council of Europe, which speaks of achieving a greater unity between the members of the Council 'for the purpose of safeguarding and realising the ideals and principles which are their common heritage'. As Mr Christian Poncelet remarked in Vienna, Upper parliamentary Chambers of European countries had inherited the same civilisational legacy, referred to in the Treaty of Lisbon as the 'cultural, religious and humanist inheritance of Europe'. However, Europeans are already divided over answering the questions concerning what this inheritance includes, how it is to be assessed and the role of this inheritance for the future of Europe.

At our previous meeting in St. Petersburg in November last year we spoke about the role of our chambers in cultural and intercivilisational dialogue. To have such a dialogue we should first clarify, in the aftermath of communism and Nazism, what the civilisational and cultural identity of Europe is. And a fundamental question: do we want to defend this identity regardless of what from this identity we consider to be worth enduring.

For me there is an open question about specific activities that can be undertaken by our Association in order to reinforce European awareness and identity. In this regard, is it possible and legitimate to initiate cooperation between committees of culture within the framework of the Association? We are not the representation of Europe, but we can try to be its conscience.

Dear Ladies and Gentlemen. Our Statutes speak of reinforcing internal links between the members of the Association, also at the level of parliamentary administrations as well as promoting the idea of bicameralism. I think we are realising these aims. We meet more than once a year, exchange information, hold debates and look for best practices. The Senates of



Italy and Poland have recently established long-term cooperation, in particular at the level of parliamentary administrations but also with the Federal Assembly of the Russian Federation we have developed a very good cooperation. I think though that our Association lacks personal presence in Europe and in the world. From the meeting in Vienna I remember particularly well the statement by Madam President Timmerman-Buck who proposed that the website of the Association of European Senates would become its central communication centre. I understand this refers to enlivening and attaching greater significance to the already existing web-site of the Association run by the French Senate.

I fully support the proposal of Madam President and I would like to complement it with a postulate that our meetings be recapitulated in the form of positions or final statements and that stenographic records be made of the deliberations held. It is important to leave a lasting output after the meetings which could inspire our further common activities as well as may become a form of dialogue with the external world.

Thank you for your attention.

(Applause)



Mrs **Timmerman-Buck**: Dear President, thank you very much for your interesting contribution and of course your ideas on our Association. For our conference today we launched a special website where all the information can be found and on which all speeches today will appear soon. Mr. President, we will hear from you again later this afternoon.

Our fourth speaker this afternoon will be Mr. Peres, Vice -President of the Romanian Senate. May I invite you, Mr. Peres?



ADDRESS BY MR. ALEXANDRU PERES, VICE-PRESIDENT OF THE SENATE OF ROMANIA

Mr. **Peres**: Mr. Presidents and Vice-Presidents of the Senates, Senators, Secretaries General, distinguished members of the Diplomatic Corps, ladies and Gentlemen. It is a great pleasure for me to be here with you, in such a distinguished audience and beautiful venue, The Hague, the symbol of the old royal tradition of Netherlands and, at the same time, the city who is hosting the International Court of Justice, the highest guarantor of treaties and customary international law's observance.

The fall of the Berlin Wall, 20 years ago was equivalent to a new beginning for those countries which were isolated from Western Europe, behind the Iron Curtain, and meant a gradual re-integration into a Europe of democratic values. The Romanian constitutional traditions dating back from the second half of the 19th Century and that of the period between the two World Wars, were once renewed with the adoption in 1991 of a democratic constitutional framework, and then amended in 2003, when the realities changed, with a view to attaining the Euro-Atlantic objectives.

In their capacity of Upper Chambers, the European Senates are to be involved, as well as other institutional stakeholders, in identifying answers to the global challenges, such as terrorism, climate change, and the non-proliferation of weapons of mass destruction, and, recently to the economic-financial crisis. In this context, the Senates' responsibility, as vectors of institutional and social stability, is becoming essential. Although different, the European Senates share the same *raison d'être*: maintaining and enhancing democracy, through a responsible exercise, in transparent conditions of the legislative and oversight powers, the development of a dialogue between citizens and civil society, the promotion of some policies based upon the observance of sustainable development, good governance, human rights and fundamental freedoms principles.

The steady concern regarding the consolidation of the senators' relationship with citizens, especially with young men and civil society, was recently transposed in a reform program of the activity of our institution. This initiative pursues the achievement of three key objectives: the continuous effectiveness of the legislative process, the increasing transparency of the entire activity of the Senate; the conclusion of partnerships, at national and local level with



state bodies and with NGOs. These partnerships will allow, on the one hand, concerted actions of democratic values promotion and, on the other hand, an easier access of the citizens to the information concerning the activity of the Senate of Romania.

The Senate's openness was once again ascertained by the adoption last year of the Law on uninominal voting system for the parliamentary elections. The reform of the electoral system had as main goals a higher degree of representativeness within the legislative body, and closer ties between citizens and their representative within Parliament.

On the eve of the Lisbon Treaty adoption - it is worth mentioning that Romania was one of the first countries who ratified the Lisbon Treaty, the ratification procedure being completed by the Romanian Parliament on 4 February 2008 -, it is possible that changes in the functioning of the Romanian parliamentary system are to be considered. For example, in the Romanian Parliament, there is a single Committee for European Affairs, acting as a joint standing committee of both Chambers. This committee is entitled to take part in the debates on the future of the European

construction and to express the Romanian Parliament's point of view on European affairs, thus contributing to the achievement of the national position, which will be taken into consideration in the making-decision process by the European Union Council. In the near future, we are envisaging taking over the model applicable in nine out of twelve bicameral parliaments of ED Member States, respectively two separate committees, one belonging to the Senate, and other one to the Chamber of Deputies. We strongly believe that such a choice would allow a more substantial parliamentary involvement in the European Affairs field, it would facilitate the cooperation with other standing committees and it would strengthen the role incumbent upon the Senate in underpinning the Romanian interests at the European level, in the context of the significant increase of the place given to the national parliaments, in accordance with the Lisbon Treaty provisions. The achievement of a United Europe must rely on an open co-operation, with a view to coordinating policies at the European level, and it cannot be fulfilled only by means of powerful, responsible, and legitimate bodies for all the European citizens.

Dear Colleagues. Although the Government is not at the same level of legitimacy as the Parliament, as a result of the vote of confidence given by a consistent parliamentary majority,



the Executive becomes in fact, as the French constitutional law Professor Pierre Pactet underlined, the propelling force and the dynamic element of the political system as a whole. The obvious predisposition of the Executive to replace Parliament is illustrated by statistics, which show that 90% of the legislative initiatives are originating from government, the right of the legislative bodies to pass laws being transformed in a rather formal competence. The legal institution of the legislative delegation, through the empowerment of Government to edict acts having legal value, often goes beyond the constitutional limits by the issue of legal acts, which should be the sole competence of the legislative power. There are issues upon which we should reflect - even in the framework of our Association - and if we want that the Parliament will continue to represent a milestone of a fully democratic institutional architecture.

Thank you for your kind attention!

(Applause)



Mrs. **Timmeran-Buck**: Dear Mr. Peres, I would like to thank you for your elaboration this afternoon on the role of parliaments and especially Senates in Europe. It is interesting to learn that the Romanian parliament is discussing institutional reforms in order to improve the legitimacy of European policies.

After hearing from the Senate of Romania, I would like to pass the microphone to the President of Federation Council of the Federal Assembly of the Russian Federation. Mr. Mironov, may I ask you to take the floor?



ADDRESS BY MR SERGEY MIRONOV, CHAIRMAN OF THE COUNCIL OF THE FEDERATION OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION

Mr. **Mironov**: Dear colleagues, ladies and Gentlemen. First of all, I would like to thank our Dutch colleagues for the hospitality here in The Hague on Dutch soil. Today, we are discussing topic that are very urgent, especially considering the complex controversial processes underway in modern Europe. I would like to touch upon two problems in my statement, namely the financial and economic crisis, as well as security.

I am sure that in the current difficult times, when the world is facing new challenges capable of undermining stability and well-being of many nations, the need to consolidate efforts is growing drastically at all levels of inter-state relations.

Last year's events have proved most definitely that in a globalized world, one-side dependence is fraught with dangerous consequences for the world community. We have all witnessed the process of rapid transformation of local financial failures into a world crisis fraught with grave economic and political consequences. Searching ways to overcome it has become a global imperative rather than just a private matter of individual states. National governments and international organisations suggest a variety of anti-crisis policies, including on a global scale. The G20 Summit in London is the most recent example of such actions. The Final Document of the Summit contains a set of specific decisions in this regard. They concern financial support and market stabilisation, protectionism and responsibility of states for their macro-economic policies, as well as financial institutions' development prospects.

The current difficult period vests parliamentarians with a special responsibility. Fortunately, there is a growing recognition of a special role that Senates could play in that area. There are quite a few reasons for it. Firstly, today the Senates are the least politically engaged institutions. Secondly, in an overwhelming majority of European countries they, to this or that extent, represent the territorial diversity of lands, provinces, cantons, states or, as in Russia, constituent entities. In my view, this provides a unique opportunity to objectively assess economic problems in their regional aspects, which means to find more efficient ways to solve them, taking into account specific features and the development of needs of territories.



In Russia, the anti-crisis has become one of the most urgent subjects discussed in the council of legislators that was created and comprised with the heads of the regional legislative assemblies and it acts within the Federal Council. Last month, the President of Russia participated in the meeting of the Council in the Kremlin, which provided an opportunity for the representatives of the constituent entities to express their views and proposals concerning the governmental anti-crisis programme. An important direction of our work is a direct and open dialogue with people during our visits to regions. It enables us to better understand the real situation and to identify the advantages and disadvantages of current policies in the anti-crisis area.

In general, I am sure that an anti-crisis programme should be aimed at providing opportunities for further development. Crises arise and crises disappear but we should think about tomorrow. It is in itself a signal to the economy and society that renovation is needed. This is important than ever not only for Russia but also for other countries of the European continent. Today, it is necessary and the countries are not able to overcome the crisis separately. That is why it is of the utmost importance not to miss the opportunity for modernisation and to prevent the backsliding to a protracted stagnation and chaos.

I would like also to emphasize my firm conviction that all anti-crisis measures should be aimed primarily at solving social problems, i.e. support for people. Transformation of an economic crisis into a social one is the most serious potential risk. After all, economic and financial systems exist not for their own sake but to provide a favourable social environment for people to live a decent life and feel confident about their future.

Dear colleagues. The current financial and economic crisis, which is unprecedented in its nature. This crisis in the era of globalisation offers new formidable challenges to the international community. Those challenges are not restricted to financial and economic spheres; rather, they also affect the area of security. This is due to the fact that the crisis may lead to escalation of a number of long-standing conflicts and give rise to new threats and challenges in the political and military field. In this context I would like to cite a Dutch lawyer that was considered to be the founder of the new international law, Grotius. In his book he wrote 'in all Christianity I observed a lack in limiting the elements of war and I observed the people taking weapons without any reason at all or having few reasons and when they took those weapons they forgot about law and they forgot about human beings'. It was written in the



17th century but they are of priority now. We run the risk of such a situation. President Medvedev on June 28 talked about the risks and the need of the legally binding treaty on European security and the launch of negotiations in the Pan-European summit.

I would like to stress in particular that this initiative of Russia does not imply the destruction of any existing institution or renunciation of existing agreements or achievements in this area. However, we think that in the face of new geopolitical factors, challenges and threats to international security, the existing security arrangements within the Euro-Atlantic space did not prove to be adequate enough. We have many examples, that I am not going to repeat. We also have new examples, for instance fighting terrorism, piracy and drug trafficking. Russia believes that we should provide respect for the sovereignty, territorial integrity and political independence of states; inadmissibility of the use of force; safeguards of equal security, as well as precise mechanisms for control of armaments and reasonable military sufficiency.

This document should reflect basic principles of collective European security. This concerns inadmissibility of ensuring one's own security at the expense of any other State or of the use of rigid bloc schemes. We should also consider the development of common approaches to the prevention and peaceful settlement of conflicts.

In general, speaking about this initiative of the president of Russia I would like to emphasize again we do not imply to destroy or not take into account the existing arrangements and existing agreements and the facts of the Helsinki agreement of 1995 speaking about the activities of the OSC. We will take into account new challenges and new challenges to take a step of half a step to the future. That is why we speak about this initiative of Russia as Helsinki+. In this context let us think about the reasons that we should take into account to strengthen collective security. I think that meetings between the Presidents in London, including the agreement to start developing a new Strategic Arms Reduction Treaty and resume cooperation within the Russia-NATO council format have provided a solid basis for specific action and stronger European security.

Politicians think about the next elections but the state person thinks about future generations. Here, I see real state official and they think about the future of our families, our generation and the future of our children. We agree to take all efforts to provide a solid basis for



European security. I am convinced that parliamentarians should take part in renovating the European security system and try to eliminate the gaps in its legal framework. The fact is that many treaties in the field of security have not been ratified and implemented yet. We, as parliamentarians need to use all available tools to promote the establishment of an international legal framework in the field of security in close cooperation with the executive authorities. It is for a good reason that today the whole world makes active use of parliamentary diplomacy. Sometimes informal discussions make it possible to consider fresh ideas and new approaches.

Dear colleagues. Russian senators regard promotion of the idea to adopt a treaty on European security as a national project in an international sphere. We would like it to become out joint project. Therefore, I suggest that we should consider possible holding of a Parliamentary Summit on a future European security architecture.

Thank you for your attention and special thanks to the interpreters.

(Applause)



Mrs **Timmerman-Buck**: Thank you very much for sharing your views with us, especially your interesting ideas about collective security.

I would now like to invite the president of the National Council of Slovenia.



ADDRESS BY MR KAVCIC, PRESIDENT OF THE NATIONAL COUNCIL OF THE REPUBLIC OF SLOVENIA

Mr. **Kavcic**: Distinguished Mrs. President, distinguished colleagues, ladies and gentlemen, dear friends. Allow me, please, to greet you cordially and to thank you, distinguished Mrs. President, for the excellent organisation of the conference and the very good sense of the theme choice.

I would like to elaborate a few ideas about Second Chambers and environmental erosion, Second Chambers and social erosion, Second Chambers and the global crisis and the new socio-economic paradigm. We have touched briefly on this subject already in Paris and I do not want to repeat any of those ideas. But when we speak about the organisation I think it is worthwhile to see what the Second Chambers are all about.

Similar to our French colleagues we also have a National Council of Slovenia centered to our governments and ministers our views on causes of the global crisis and proposals of general and specific counter measures over last year. You are very well acquainted with the development and the situation of bicameralism in Europe, so, I would like to limit myself in this short contribution only to some interesting comparative findings.

Slovenia is one of the eleven European Union member states, having the so-called asymmetrical bicameral parliamentary system in which the complete and final legislative power is entrusted by the Constitution only to one of the two chambers, in the case of Slovenia this is the First Chamber - the National Assembly. The second chamber of the Slovene parliamentary system - the National Council of the Republic of Slovenia - is one of those rare second chambers in Europe that is constituted according to the non-party principle. So, political parties are not directly represented nor have a direct influence on the elections and voting of the councillors. It does not consist of the candidates or councillors of political parties but of the representatives of social structures. The Constitution from the very beginning determines five typical segments of society, having their representatives in the National Council.



These segments are: local self-government entities and/or regions, non-economic fields, employers, employees, farmers, craftsmen and independent professions. The structure of these segments has not changed from the adoption of the first Constitution adopted in the independent Slovenia in 1991, or even earlier, from the so called 'Writers' Constitution' from 1989, a document of the Slovene intellectuals, scientists and cultural workers in the period of the first concrete steps in the formation of the independent Slovene state.

The above mentioned nonparty principle is in a way a creative answer to the question of how to ensure greater control of the legislative branch of power over the executive one. This issue or this principle and criterion is very familiar among the parliamentarians in the European Union. If we ask ourselves a rather provocative question of how rigorous control over the executive branch of power can be expected from the parliamentary chamber that nominated the concrete government, the answer is in a certain part quite clear: not too rigorous. The role of the opposition is not to be forgotten but still the question remains to what extent the control and the criticism of the party opposition are motivated by predominantly party motives. From the perspective of the situation analysis in Slovenia one could conclude that alongside the established fundamental role of the deputy chamber, constituted on the basis of the parties and lists, it is useful to have a non-party chamber as a mechanism of check and balances. We thus contribute to the reduction of democratic deficit.

The issue of the relation corporativism versus liberalism is closely connected with the above mentioned non-party concept of the second chamber. If we, in a rather simplified way, extrapolate in the time and substance sense the two cited notions into the 'enlightened modern' corporativism versus neoliberalism and take a quick look at the ways in which the contemporary leaderships of states face the global crisis we shall perhaps get an additional argument for the consideration on the neo-corporativistic conception of the second chamber of the parliamentary system.

In the Slovene constitutional order there is a substantial difference between the constituting of the first and the second chamber of the legislative body. For the National



Assembly, the First Chamber, the principle of general direct elections is valid and the representatives are elected by all adults according to the principle of the equal suffrage: one person one vote. On the other hand the National Council is constituted on the basis of indirect elections in the interest organisations or respectively in the local communities through electors. Thus the principle of equal suffrage can be respected in the elections to the National Council only in the framework of an individual interest group.

The role of the national councillor is closely connected with the so far described conception. The National Council consists of 40 councillors, of which the majority represent local interests - 22 - a rather minor part - 18 - represent the so called functional interests, i.e. the remaining four interest groups. After the election the national councillors continue with their professional work and exercise their task of councillors non-professionally and receive modest financial compensation for their work in the National Council. The Constitutional Court has envisaged the professional leading of the function of a national councillor solely for the president of the Council. The non-professional work of the councillors, as a rule, is very important in its substance as national councillors thus bring in the field of the legislative branch of power fresh and up-to-date knowledge, initiatives and problems.

The competences of the National Council are in accordance with its substantial conception and are the following: legislative initiative, veto, request for a call of a referendum, opinion, request for the introduction of a parliamentary inquiry and request for assessment of constitutionality and legality of acts. Alongside the suspensive veto, the request for a call of a referendum is a very important competence of the National Council. This competence represents a threat to the National Assembly and the Government in the sense that if they do not observe the National Council the latter can demand that the final decision be taken by the electoral body. For the reason of the already mentioned method of indirect elections, the National Council has not such legitimacy as the directly elected National Assembly but it can, if the citizens in a referendum do not confirm the law, be opposed by the National Council to acquire that legitimacy. So far, the National Council applied this competence only in two cases: the



latest in 2007 when it opposed the Ownership Transformation of Insurance Companies and less than 30% of voters voted in favour of the law which meant a vote of non-confidence to the Government and a vote of confidence to the National Council.

From the point of view of contents a very important role of the National Council can be determined in the sphere of its active relation with the civil society in the consultations on the most important social problems, phenomena and dilemmas. The National Council organizes at least two great consultations a month with the participation of professional civil society, non-government organisations as well as the government organisations and institutions. Competent organs of the National Council form conclusions of the consultations and publish them. The National Council starts to more efficiently carry out an active role in the framework of the legislative procedure, most expressively after the concluded legislative procedure in the first chamber, when in case of a disagreement applies the instrument of veto, a request for a call of a referendum or request for the assessment of the constitutionality.

Ladies and gentlemen. Let me conclude and mention the opinion connected with the idea of the second chamber on the level of the European Union - this vision could be an interesting way of the improvement of the communication between national parliaments and the European parliament. It does not need any complicated and costly institutionalisation and would bring the European Union closer to the citizens of Europe. We would be happy to see this idea also registered in the conclusions of this conference, provided it is not objected by any other second chamber.

Thank you for your attention.

(Applause)



Mrs **Timmerman-Buck**: Dear President, thank you very much for your contribution, especially the example that your Council organises two great consultations a month with civil society to discuss important issues and with that increase the communication with your society is impressive.

Now I would like to give the floor to the president of the Senate of Spain, Mr. Rojo Garcia.



ADDRESS BY MR JAVIER ROJO GARCIA, PRESIDENT OF THE SENATE OF SPAIN

Mr **Rojo Garcia**: Madam Chair, Honourable Presidents, valued colleagues. I wish to express to you my satisfaction in participating in this meeting and in being able to discuss with all of you the problems and aspirations of the Houses over which we preside.

My aim is to inform you about the situation and future outlook of the Spanish Senate, particularly in its condition as the Territorial Chamber of a State which is highly decentralised into its regional authorities. Our current Constitution identifies the Senate in its two-fold role as Upper Parliamentary House and as Territorial Chamber. As the upper house, the Spanish Senate carries out the functions that correspond to this type of institution. In this respect, it should be underlined that some 50% of the Bills, forwarded to it from the Chamber of Deputies for their final approval, undergo certain modifications in the House over which I preside, both in terms of technical improvement and in terms of their substantive aspects. The balance in this area is a very positive one.

It also participates in the parliamentary ratification of the legal instruments of international relations such as treaties and agreements. At the same time, at all its plenary sessions, the Senate is actively involved in controlling the Government's activities, including those of the Ministers and the Prime Minister, a task that it has been performing successfully since the last term of office.

I would like to mention a fact which is little known, at least outside my country, about the Spanish Senate. This concerns the analysis and proposal, through special Committees, of issues of high social impact, as a step prior to adoption of policies in certain fields. These Committees summon institutions and experts in the problems to be considered and, by working together, certain conclusions are reached, which quite often have given rise to the drawing up of legal instruments or administrative measures for tackling those problems. As I already said, Spain is a particularly decentralised country in political and administrative terms. Our regional authorities, the self-governing Autonomous Communities, have broad



legislative, regulatory and management powers in many areas including a large part of the public services demanded by a modern society in a complex system of clearly federal characteristics. For that reason, our Constitution also defines the Senate as a Territorial Chamber. Since the very beginning of our country's autonomous process, efforts have been made to adapt our operations in our endeavour to meet that constitutional condition.

The Senate itself has taken a series of initiatives to reinforce its territorial function. In due course, the General Commission of the Autonomous Communities was set up, formed by twice as many Senators as the usual Commissions, its main new element is that it can be attended - and often is attended regularly - by representatives of the Autonomous Governments and, of course, by those of the Central Government, who are also able to participate in the debates. Discussed by that Commission are those matters of a high self-government content, for which the responsibilities are shared by the two levels of Government. As examples of this I would mention the water management policy, which is a major problem in my country, public health and education. There are also agreements between the various Autonomous Communities there.

During the last term of office, an agreement was reached on the use in the Senate itself of the languages that, together with Spanish, are co-official in certain Autonomous Communities and are deeply rooted in their citizens, for instance in Catalonia and Valencia. This is the fruit of great regional diversity, of history, which has gradually formed a single unit from within that diversity. Along these same lines, it is foreseen that each year a debate will take place in the Senate regarding the State of autonomous communities, which will be attended by the prime ministers of the central government of the nation and of the Autonomous Communities. Similarly, the Senate hosts the regular meetings of the coordinating body of the different executive authorities known as the Conference of Presidents.

The actions described summarise the basic activity of the Spanish Senate. However, as you are probably well aware, a debate arose in our country some time ago regarding the partial reform of the Constitution and I would like to pass on to you, briefly, a few comments on that. Important among the issues to be approached in said reform was that of the Senate



itself, with the object of reinforcing its condition as a Territorial Chamber. Despite everything that has been carried out in practice, the conclusion was reached that the functions attributed to the Senate in the Constitution are clearly insufficient to cope with the needs evident today in our State made up of Autonomous Communities. Specifically, the envisaged reform of the Senate aims to cover a clear insufficiency of the system: the participation of the Autonomous Communities in state policies when these should be approved by the parliamentary legislative powers. And, specifically, those many others which form part of the chapter of shared competencies, in other words those which, although decided upon in their basic terms by the State, have to be developed and applied by the Autonomous Communities. The Senate should play a relevant and decisive role in these issues, because these policies will be more efficient when greater the participation of the regional bodies in drawing up and approving them. Moreover, the Senate should be the place for meeting, debating and proposing to the State the initiatives, action programmes and policies that the Autonomous Communities themselves deem necessary and convenient, those which affect the whole and those where the intervention of the State itself is considered appropriate. The reform should involve the functions, composition, election of the Senators and the internal organisation of the Senate. With that in mind, the known Territorial Chamber models have been studied and from many of them experiences useful for our needs have been drawn. But we are trying to develop a model that responds exactly to the type of problems and needs of our Autonomous system - a model which, in addition, should be the object of broad political consensus, as required in the modification of the constitution.

In any case, the current Senate is likely to undergo a deep transformation, at least in terms of responsibility and in the functions it currently has as Territorial Chamber, without forgetting its role as the upper house of Parliament. In this sense, it will become the basic institution in the parliamentary field for the articulation and territorial cohesion of the reality of Spain's Autonomous Community system and for the participation of the regional institutions in State policies.



At the same time its functions, with regard to its role in State Parliaments and in the policies of the European Union, will be strengthened. It is for that reason that we await with great interest the implementation of certain control mechanisms of the European Parliament and early warning in applying the principle of subsidiarity.

While we wait for more favourable political conditions than the present ones for approaching this reform, we are attempting to improve the current instruments to make the territorial function of our Senate more competent. During coming meetings, I shall be pleased to keep you up to date regarding progress in the reform of the House over which I preside in my country.

Thank you.

(Applause)



Mrs **Timmerman-Buck**: Thank you Mr. President and please do keep us informed!

I have still two speakers left on my programme, the Speaker of the Council of States of Switzerland and the Lord Speaker from the UK.



ADDRESS BY MR ALAIN BERSET, PRESIDENT OF THE COUNCIL OF STATES OF THE SWISS CONFEDERATION

Mr **Berset**: Dear Madam President, ladies and gentlemen. I would like to thank Mrs. Timmerman-Buck for the very good preparation of this conference. As far as the Netherlands are concerned the role of the Senate seems to have been obvious from the start. First of all, it was set up first but it was also called the Eerste Kamer, the First Chamber. We also know that other states have attempted to underscore the institutional primacy of their senate by calling it 'chambre haute', 'chambre de réflexion' or upper house. Others have set some election criteria. In some countries a senator cannot be elected before the age of forty, which would be a token of maturity and serenity required for this task. I have to say that if I was a citizen of a country like that I would not have the privilege to take the floor today.

Ladies and gentlemen. It is not by chance that states, be there European democracies that have been recently established or other countries around the world, opt more and more often for bicameralism. This is the system that has proved very effectively over the centuries and it has also evolved as time went by. I would actually argue that the bicameralism systems corresponds more to the spirit of the European continent than monocameralism. In fact, we see in Europe that we give a lot more role to regions. Several nations that had a more centralized organisation tend to progressively give up to the benefit of the regions. They are helping those regions to gain more autonomy. The Europe of the regions, as it is called, is high in terms of expectations. We are expecting more skills, we are expecting better management and new institutions to be closer to the populations and we are hoping for those regions to promote competitiveness.

As a representative of a state that has been very much influenced for quite a number of centuries by federalism I must say this contributes greatly to the stability of my country. As far as the EU is concerned - I will speak as an outsider - I sometimes wonder why the EU has not followed the trend to decentralisation which is displayed by its members and why it does not set up a second chamber. This is an idea that was voiced this morning, a discussion started by our Czech colleague. We could argue that it is the role of the European Council to defend the interests of the various. But at the same time the members of the national governments



perform this task in a different way than what senators would do if they were sent by the people to Brussels.

To come back to Switzerland: moving to modern Switzerland was not only a setting up a national assembly, which we call the national council. We had a senate that was not only made of representatives of the states that had been given a vote but they were representatives that were appointed and elected. It was not linked to any instruction they would receive. Perhaps we can hope that the EU will take a leaf of its members' book and inject some form of federalism in its structures.

Ladies and gentlemen. Switzerland is a typical federative state. We have four national languages, we have a multi-conventional state. These are two examples of a very heterogeneous population. This is why I can say that in Switzerland, but in other federal states as well, the Upper Chamber plays such a great role. I am not saying here that representatives of the Upper Chamber defend the specific interests of their constituencies in the same way as a pressure group would do but the deputies of the council of states -- this is what we call the senators in Switzerland representing their cantons -- are elected directly by the people, the inhabitants of the cantons. At the same time, they are part of the federal state at national level. They are not linked by any instruction given by any one or any structure and they do not have to be accountable to the parliament of their region. Even if the councillors of state have very close links with their original region they are also trying to find solutions, which would actually be more in line with the federative nature of Switzerland.

Since Switzerland was set up in 1848 the role and image of the Council of State has evolved in many instances. At the beginning, the members of the Council of State were appointed by the canton parliaments whereas today they are all directly elected by the people. Both chambers of the Swiss parliament have the same competences and powers, so we can talk about a symmetrical bicameralism but in fact, those two chambers are very different in terms of working methods and in terms of the role of dialogue and the working process. This is why the Upper Chamber in Switzerland has been considered as a very conservative institutional structure that was not bold enough. I am happy to say that things have really changed and perhaps because we have celebrated the bicentenary it would be a classical type of evolution according to Darwin. We could argue as well that the Council of State is approving proposals that serve the federal interests a lot more than when it is a national council. That



is a seize first. Since the council of states -- the Senate -- is more often the first port of call its potential to influence a legislation is actually a much greater. I would like to give you an example here, an example from last year. We were reviewing the agreement on the free movement of people within the EU. The council of states had decided to extend or to link this review of the bill with the extension of the free movement of people to citizens of Bulgaria and Romania. It is the council of states, against the will of the government and against the national council, who has decided to link those reviews and has made its point of view heard. The referendum was organised and the people actually voted in favour of this review. The arguments that were voiced to promote this decision was the fact that Switzerland could not actually apply a different treatment to Bulgaria and Romania compared to the other 25 members of the European Union. I think this is very important because the council of states have really made a very important gesture. They have reminded Switzerland of a major principle: member states have to be treated in the same way, whatever their size, their economic power and whatever the language of their inhabitants. This is one of the reasons why I pay great attention to the council of states, because I believe that this council of states is a guardian of this principle of equality.

Ladies and gentlemen. In the same line as I have mentioned my colleagues of the council of states I feel that exchanges are very important. This is why the council of states that I represent today has tried to intensify its exchanges in the framework of institutionalised meetings. This is why the next meetings will take place with the council of the Federation of Russia upon the invitation of our colleague Sergey Mironov. I believe that those types of meetings, such as the one we attend today, only display advantages. First of all, they allow participants to have direct access to information and first-time experiences but it also strengthens the mutual trust by getting to know each other. At the end of the day they can only greatly contribute to an increased cooperation between the various states at all levels and in all areas.

Thank you very much!

(Applause)



Mrs **Timmerman-Buck**: Thank you for your interesting contribution linking the regional, the national and the European level.

Dear colleagues, our last speaker today is Baroness Hayman on behalf of the Lords of the United Kingdom. Baroness Hayman, may I present you the honour of addressing our conference.



ADDRESS BY RT. HON. BARONESS HELENE HAYMAN, LORD SPEAKER OF THE UNITED KINGDOM

Baroness **Hayman**: Madam President. Thank you for the invitation and for your hospitality. Speaking last on an occasion like this is a challenge. It reminds me of a debate we had in the House of Lords recently, a very long debate with very many speaker. At the end, the last speaker stood up and said 'everything that could have possibly been said about this subject has already been said, but not by me!' I will try not to do what he did and repeat everything.

For me, one of the most interesting things these meeting always have-- and our discussions formal and informal today - has been the differences that there are between second chambers. Leo Tolstoy had famous opening words 'All happy families are alike, all unhappy families are different, unhappy in their own way'. It is a difficult analogy because I think sometimes second chambers are happier places than lower houses, but lower houses have more in common. We have heard that this afternoon. It is a simpler model: direct representation by population. The models of second chambers are very, very different. They are different in terms of size. I was so conscious that on paper the size of our second chamber in the United Kingdom is ten times the size of yours in the Netherlands. Whether we add ten times the value of the Netherlands' senate is a question we all have to ask ourselves.

Perhaps I could be a little challenging at the end of today's debate. We all think second chambers are a wonderful thing. That is not surprising. We make our livings, our reputations, our commitments to politics all through second chambers. But there are good democrats and good democracies that manage with unicameral systems. If we went to our populations I am not so certain of some of the answers. We sometimes say in the United Kingdom 'if the answer is more politicians you are asking the wrong question'. I think we have to be, all the time, looking for ways in which those things that we have in common, that commitment to adding value to the democratic process, that commitment to providing an extra check and balance, that commitment to the quality of the scrutiny of our legislation, both domestic and European. In those ways we are constantly being innovative about how we make that contribution. Reference has been made to Darwin's 200th anniversary; I think we do constantly have to adapt and evolve and see whether there are new ways in which we can bring those



values to bear. We do have certain flexibilities. I think around this room: the issue about representation of minorities, of different viewpoints, different cultures and different regions is something that second chambers have adapted to particularly well. I think there is a real contribution that second chambers can make in that difficult balance. If we are frank, we all talk about reflecting public opinion, being in touch with it. There are some issues on which we are uncomfortable about being in touch with public opinion. We want to be leaders. That balance between leadership and responsiveness is one that is very accrued, particularly in lower houses and sometimes where that little bit of distance in a senate - that little bit of distance the longer the electoral process. In the UK I know our electoral process is without limit. That gives that little bit of distance that allows some of the leadership. It is certainly a phenomenon that we see in the United Kingdom. I will not use the example of Europe and the Lisbon Treaty but certainly, on issues like civil liberties at a time when we have a threat of terrorism the importance of a second chamber in representing minorities as well making sure that the majority voice is heard, is one that I think is tremendously important. I think, too, we can look at ways in which we can rise to the challenge. Many second chambers already have risen to the challenge of scrutiny of European legislation and have a particular focus on that. Personally, I feel that the role for post-legislative scrutiny, looking at the quality of legislation and the effectiveness of legislation is a role that needs to be carried out in democracies in order to pull back some of that distance that electorates have with their elected politicians at the moment. So, perhaps that is one of the innovations that second chambers could take on board, that role in post-legislative scrutiny.

The other thing we could do - our colleague from Switzerland is young; most of us come from houses where we are if not old, we are experienced. Sometimes that can be of advantage but sometimes it can be of advantage when we find ourselves in an economic situation that many of the people with responsibilities in the financial, economical and political world have not experienced before. When we were in the height of concern about the financial and banking crisis I held a seminar in the House of Lords, where we had three previous chancellors of the exchequer speaking from different parties, financial secretaries to the treasury, civil servants who had been the head of the treasury function, four professor of economics, the biographer of John Maynard Keynes, a member of the court of the Bank of England; that range of expertise that you could bring together. What was very interesting to me was that we never get our debates reported in the newspapers, although all those people speak in



debate. We invited six or eight economic journalists, the editor of the newspapers who follow economics seriously and they participated in the debate. The discussion was very different from how the discussion would be on the floor of the house. The journalists, because they contributed, took it much more seriously and were much more positive about it. I give that as an example. We have to be very careful, because we all respect the work that goes on on the floor of the House but just as we all learn how to use new media, to use the internet, to have consultations in different ways, I think we have to look at different formulae for getting the expertise and the experience that we have amongst our membership in front of the public if we are to convince them that there is value.

The last way in which you can adapt, which is perhaps a phenomenon more specialized to the United Kingdom than to many parliaments represented here where the executives are very separate and ministers cannot be members of parliament. The House of Lords, which for 100 years people have been trying to reform radically and has evolved radically, is a very useful way of when you need a particular expertise in government, in the executive and when a minister has to be a member of one house or other, of parliament, for it to happen. Not only have we seen Peter Mendelson come back from Europe and reincarnate as a senior minister and now a member of the House of Lords, we have three senior figures from banking, from the City, from industry who had never had political careers now as leading ministers in economic departments. To me it brings it back to why and how are we different from the first or the second chambers, the lower houses. How are we different? One of the ways in which perhaps most simply and straight forwardly we can add value is to bring in people who have not only been party politicians but to bring in a range of expertise and experience. That is one of the ways in which we can both reconnect with different interest groups in our own countries but also prove the value of our institutions.

Thank you very much!

(Applause)



Mrs **Timmerman-Buck**: Baroness Haymen, as always the contribution of the Lords is of added value. Thank you for that!

ADOPTING JOINT STATEMENT

Dear Colleagues, may I first of all thank all of you for delivering such interesting and inspiring contributions. A wide range of topics has been touched upon. I would like to conclude this part of our 11th conference of the association with adopting a joint statement.

I hope that all delegations can and will support the joint statement as it has been circulated this afternoon. We will publish the statement on the website of the Senate as well as on our special website for today's conference. Can we all agree on the statement?

Yes. thank you. I believe we have been able to find some important common views as Senates on the European continent.

(Applause)

INVENTORY OF FUTURE MEETING

Dear colleagues, we have only one matter left to deal with. I would like to give the floor to the President of the Polish Senate, Mr. Borusewicz.

Mr **Borusewicz**: Madam president. I would like to thank wholeheartedly for the organisation of this conference, a very interesting and inspiring one. Many times we come and think in the beginning of the functioning of this decision of the senates of Europe whether it is worth coming, but today's conference proves it is worth meeting and talking and having discussions. Each and every time this discussion is very profound and very interesting. First, madam president, I would like to thank you very much for that.

I could possibly finish by that but still, I would like to invite cordially to take part in an extraordinary meeting of our association to celebrate together the revival of democracy in Central and Eastern Europe. The first step in this direction was the holding of the first genuinely free parliamentary election in that part of the world, the election to the senate of the Republic of Poland of 4th June, 1989. That election was hard won by the society during a



struggle that lasted more than forty years. Workers' strikes in Gdansk in December 1970 and August 1980 were milestones in that struggle. It is in Gdansk that we are going to commemorate the anniversary of the outbreak of World War 2. World War 2 started in that place. It was in Gdansk that in August 1980 the dismantling of communism started. In fact, it ended a whole époque and that is why twenty years ago we could go and take for the first time part in free elections. I should say this was the first instance for me to vote. For me, that day is a personal anniversary of my first participation in elections. In Gdansk, we would like to hold a debate on a broader of the condition of European democracy, twenty years after the end of the cold war.

Today, democracy is at its turning point. It is threatened by the dominated by the logic of the world of finance and by the global financial crisis of the world over the ordinary citizen. We do not know how the situation shall unfold but it is possible that for democracy this crisis could be for the good, would in fact heal democracy although crisis mean threats. Crisis may mean radicalisation and undoubtedly radicalisation would be to the detriment of our societies.

We are going to hold this meeting in Gdansk on 22nd and 24th October this year. Apart from offering an opportunity for an open political debate I would also like to show you Gdansk, European history and its prominent place in the history of the free world.

Madam president, I am saying that purposefully because Gdansk is very similar to the Dutch cities. It is very similar to Amsterdam. In fact, Gdansk has a similar architecture. If we look at the influence of the Dutch cities on Gdansk undoubtedly the Dutch cities have exerted a huge influence on our cities. So, you are most welcome and see you in Gdansk!

Mrs **Timmerman-Buck**: Thank you Mr. President. I am convinced we all look much forward to celebrate the 20th anniversary of the senate in Poland.

I would like to invite Mr. Chiti, from the Senate of Italy.

Mr. **Chiti**: Thank you, madam Chair, may I congratulate you and the staff of your Chamber for the organisation of this conference! On behalf of the Italian senate I have the honour of inviting you to hold the 12th meeting of the Association of European Senates in Rome on 16th April, 2010, a year from now.



I would like to say a few words on the topics to be addressed. Today's discussion demonstrates that foreign relations are very important for our senates. They are a reality today. These relations between senates can be very fruitful, can create a climate of mutual confidence and can help strengthen the action of governments. They can enrich the policies of the EU and bring citizens closer to parliaments. It can bring other non-EU members closer.

We, as European senates, as parliaments, are already part of many international delegations and we also have bilateral relations. So, we think it would be useful to discuss and compare our parliamentary rules and practices in order to enrich our cooperation and our participation in international organisations. Because our parliamentary lives are closely linked to the European and international activities it is very important that resolutions, for example from the Council of Europe, can be translated into the practices of our countries.

Another consideration. We have different functions. Throughout Europe our senates have different electoral systems and practices but we have something in common. The role of upper house is a guarantee, it is a role that takes into account that minorities exist in our societies. We also have a very important role as regards the relations with local communities and local autonomies. These local authorities can differ widely throughout Europe but they exist nonetheless. We think that this is another topic that might be developed during the debate in Rome.

In order to prepare our conference it would be useful over the next few months to exchange information, maybe through questionnaires. New technologies allow us to have a better exchange of ideas or we might have bilateral meetings in order to prepare the next meeting. The organisation of any conference should not only be the sole task of the organising senate. It could be the result of a wider cooperation. We might meet or exchange ideas during the next few months in order to prepare our next meeting in the best possible way, so that we can really strengthen the roles of our upper houses in our European countries.

The document that we have just approved is very important. It holds the possibility of having other meetings. In 2010 we will have the 40th anniversary of the creation of regions. In 1970 we established the regional authorities, which have legislative competencies and sometimes primary legislative competencies as regards public health and agriculture. So, this will be an opportunity to discuss together this and the other topics.



So, on behalf of the president of the Italian Senate I would like to invite you to come to Rome on 16th April, next year.

Mrs **Timmerman-Buck**: Mr. Chiti, let me thank you for your hospitality to host our annual conference next year. I do also have the honour to officially announce that the Senate of Spain has put forward its candidacy to host the annual conference in 2011. Mr. Rojo Garcia, thank you for welcoming us in Spain in two years.

Mr **Garcia**: Thank you, Madam President. First of all, I wish to thank and to congratulate the organisation and especially you, of course, for this excellent meeting. Everyone must acknowledge that it has been perfect.

As president of the Senate of Spain I am delighted to think that we may meet in Madrid in 2011. We hope to be able to rise to the level of the countries that have organised these conferences before. Before I finish there is one thing I would like to say. Today, the presidents or leaders of the senates or upper houses have met here. This is an important moment in Europe because Europe is going through a financial and economic crisis and the political institutions play a key role here. We, as politicians, have to provide the answers and we also have to give faith and we have to give ideas to our citizens. There will be many voices that will be blaming politicians for all this. This is not fair and it may lead to non-democratic movements or behaviours.

There is also a role that we have as teachers to let people know that it is only through a democracy and through democratic values and actions that we will find solutions to problems of the sort we are facing now. We have to give this sense to politics. This is something that will be patently clear in the upcoming European elections. This is very important, not just in terms of what people in Strasbourg or Brussels will say or do, the important thing is the involvement and participation of the citizen and their continued faith and belief in the European project. To be convinced of the value that Europe may have is also to be convinced of our own work. We have an institutional responsibility and this is why I am sure that we have hard and important work to do. There will be many voices that will be trying to apportion blame and to blame us and what we represent for much what is happening now. What we need more than ever is to be firmly resolved to work in defence of democracy. For most countries -- some more than others- these liberties, this democracy has been very hard



fought for. But we have to leave a future for our children and grand children. We have to make it possible for them to be proud of the fact that all of us have worked to consolidate the democratic system.

Thank you!

(Applause)

Mrs **Timmerman-Buck**: Is there anyone else who would like to take the floor? If not, we have to the end of the 11th conference of the Association of European Senates. After an interesting day we may now officially conclude our annual meeting of 2009. As your host, I would like to thank you all for coming to The Hague. I truly hope you have enjoyed our programme and the gathering. Those of you who have unfortunately have to leave later this evening, I wish them a very safe journey back home. Those who will stay another night I hope to see you for dinner at a beautiful museum at the sea.

Once again, I thank you for your participation.