

Bicameralism, Democracy and the Role of the Civic Society

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

Proceedings of the meeting

MR TONE HROVAT, President of the National Council of the Republic of Slovenia
MR CHRISTIAN PONCELET, President of the Senate of the French Republic

POINT 1 ON THE AGENDA - ACCEPTANCE OF NEW MEMBERS INTO THE ASSOCIATION OF EUROPEAN SENATES

MR SERGEI MIKHAILOVICH MIRONOV, President of the Federation Council of the Russian Federation
H.E. MLADEN BOSIC, Ambassador of Bosnia-Herzegovina to Slovenia

POINT 2 ON THE AGENDA - DEBATE: "BICAMERALISM - DEMOCRACY AND THE ROLE OF CIVIL SOCIETY"

DR HERBERT SCHAMBECK, Former President of the Bundesrat of the Republic of Austria
MRS ESPERANZA AGUIRRE GIL DE BIEDMA, President of the Senate of the Kingdom of Spain
MR ARMAND DE DECKER, President of the Senate of the Kingdom of Belgium, presiding body of the Association of European Senates last year
MRS UTA BARBARA PÜHRINGER, President of the Bundesrat of the Republic of Austria
MR PETR PITHART, President of the Senate of the Czech Republic
MR DOMENICO FISICHELLA, Vice President of the Senate of the Italian Republic
MR CHRISTIAN PONCELET, President of the Senate of the French Republic
MR WOLFGANG FISCHER, Deputy Secretary General of the Bundesrat of the Federal Republic of Germany
MR ARMAND DE DECKER, President of the Senate of the Kingdom of Belgium
MR LONGIN PASTUSIAK, President of the Senate of the Republic of Poland
MR WILLEM VAN EEKELEN, Vice President of the First Chamber of the Parliament of the Kingdom of the Netherlands
MR ALEXANDRU ATHANASIU, Vice President of the Senate of Romania
MR FRITZ SCHIESSER, Vice President of the Council of States of Switzerland
MR MARC BESCH, Secretary General of the State Council of the Grand Duchy of Luxembourg
MR SRĐA BOZOVIC, President of the Chamber of Republics of the Federal Assembly of the Federal Republic of Yugoslavia
PROF. IVAN KRISTAN, First President of the National Council of the Republic of Slovenia
PROF. FRANC VODOPIVEC, National Councillor of the National Council of the Republic of Slovenia
MR BORIS SUSTARSIC, National Councillor of the National Council of the Republic of Slovenia, representative of the disabled

The host and chairman of the meeting of the Association of European Senates in Ljubljana was Tone Hrovat. The debate began at 10 a.m.

MR TONE HROVAT, President of the National Council of the Republic of Slovenia

Allow me to bid you a warm welcome on behalf of the National Council and on behalf of Slovenia. It gives me great pleasure to see that all the members of the Association are here, as well as guests of the Association and of the National Council. We can all take satisfaction from the fact that the initiative of Mr Poncelet, President of the French Senate, is receiving broad support and encouragement in Europe. The opportunity for the National Council to organise this meeting is very important to us because we are a young country, a young democracy that has had a bicameral system for just ten years.

Presiding over the Association of European Senates is a very important role for the National Council and one it is honoured to accept, being the third after the French and Belgian Senates. In this role Slovenia will strengthen the cooperation of second chambers and present the idea and the role of bicameralism in Slovenia and elsewhere in Europe.

The topic chosen for the third meeting of the Association of European Senates is "Bicameralism - Democracy and the Role of Civil Society". In Slovenia a democratic movement began to gain strength even before the country gained independence. And when Slovenia became independent in 1991 it began to develop into a fully-fledged pluralist democracy. The development of democracy is also of interest for countries that have respected the quality of democracy for many years. And not least, there have also been a number of debates and discussions on the role of democracy and bicameralism in the European Parliament. We want to ensure internationally recognised criteria for a high level of democracy that can be respected right around the world.

I am a strong advocate and supporter of the idea of bicameralism, as only this form of parliamentary institution can guarantee a high degree of democracy and it is the only opportunity for giving effect to the interests of civil society. The many advantages offered by a consideration of draft laws in two houses also represent an assurance for the quality functioning of parliament. The range of opinions produced by the broad composition of second chambers ensures that draft laws contain more effective solutions. It is also valuable to have an exchange of opinions between senates, because refined experience transferred into practice is extremely important. At the time of the third meeting of the Association it is therefore right that we devote special attention to good mutual relations and that we continue to nurture the spirit of openness within the Association. Despite the differences in the constitutional definitions, roles and functioning of the senates in different countries, on the basis of an exchange of opinions we can draw a common thread which will help to build and expand the idea of bicameralism in Europe.

Bicameralism promotes democracy with the help of the relationships it forges with civil society. The National Council has already established itself in practice as the institution of cooperation with civil society. This already derives from the structure of the National Council, which, as an institutionalised form of representation of the various social interests, is the legitimate representative of social interests. The councillors maintain direct contact with their electoral base and meet with them many times during their term of office.

The National Council establishes contact with civil society by organising consultations, lectures, public debates, forums, round table discussions and adversarial debates. In the ten years it has been in existence the National Council has organised over 120 consultations and more than 50 lectures by foreign experts. The National Council invites experts to the consultations and then puts their ideas into practice via its competences in the Slovenian legal system, or presents them to the Slovenian public by issuing special publications.

All interested members of the public are invited to these National Council activities. The presence of representatives of the executive in these activities of the National Council is reflected in government proposals that contain ideas expressed in the National Council. The National Council has cooperated

with over 100 associations, professional societies, organisations, institutes and state organisations in arranging these consultations. The National Council attempts in this way to invite a wide cross-section of civil society to debates on various social issues, because the purpose of the consultations is not only to raise public awareness but also to obtain feedback and opinions from civil society.

Through its activities the National Council endeavours to embrace all generations of civil society. The "Youth and the National Council" project involves familiarising young people with the opportunities for expressing their opinions, and later they have the chance to take part in the formulation of various ideas and in decision-making. The goal of the project is to transfer young people's ideas into the legislative process and to encourage the self-confidence young people need in order to play a constructive role in society.

Another project endorsed by the National Council is "The Growing Book", which is a project that emphasises and financially supports the role of Slovenian books. It is a step in the search for Slovene culture, identity and self-assurance, which are ever more important in today's climate of globalisation and the increasing integration of Europe and the world as a whole. The Growing Book is the first project of its kind anywhere in the world.

Unfortunately in Slovenia the idea of bicameralism's contribution to greater democracy and to a more effective system of checks and balances has not been widely received, although attested in theory and demonstrated in practice for some time in modern developed states. An upper chamber that contributes to the legislative process through a different composition and with different instruments to those of the lower chamber is a guarantor of higher quality legislation. And in this regard it is extremely important that the National Council continues to maintain good relations with civil society.

MR CHRISTIAN PONCELET, President of the Senate of the French Republic

To begin with I would like to say how pleasant it is to be able to attend this meeting in Slovenia and to extend my thanks to our hosts for the warm reception. After the previous meetings in Paris and Brussels, and ahead of the gathering in Madrid, this meeting in Ljubljana is very important, especially in view of the enlargement of the Association. Both the Federal Council of the Russian Federation and the Chamber of Nationalities of Bosnia-Herzegovina have asked to join the Association of European Senates, showing that they value the vitality of this organisation. It is extremely important that the Association is open to new members who wish to embrace all the principles offered by the Council of Europe, and who respect democratic values.

We must uphold the fundamental ideas of the Association, which envisage the avoidance of dividing the Association into small and large senates. Such differentiation would be a negation of the spirit of the Association, which was conceived as a community based on solidarity in which all members are equal.

The French senate has published a website intended for all members of the Association and for interested members of the public. I would call upon everyone present to contribute actively to the website so that it can continue to be a lively forum. The exchange of opinions among senators and the various forms of education and inter-parliamentary cooperation are very important.

I will remember with fondness the opening meeting and the dinner organised by our hosts in the charming environment of Villa Bled. Not just the discussions but also the warm atmosphere are proof that the Association is, above all, a family, which will grow and progress in the future.

MR TONE HROVAT, President of the National Council of the Republic of Slovenia

I thank the President of the French Senate, Mr Poncelet, for his encouraging words. The President of the Federal Council of the Russian Federation, Mr Sergei Mikhailovich Mironov, and the President of

the Chamber of Nationalities of Bosnia-Herzegovina, Nikola Špiriæ, who have expressed an interest in working within the framework of the Association, have both been invited to the meeting. Professor William Wallace (Lord Wallace of Saltaire), a member of the British House of Lords, is present as a guest observer, and Mr Srđa Bož oviæ, President of the Chamber of Republics of the Federal Assembly of Yugoslavia, is present as a guest of the National Council. Experts who have studied in detail the question of bicameralism and have practical experience have also been invited to the meeting. These are former President of the Austrian Bundesrat, Dr Herbert Schambeck, first President of the National Council, Professor Ivan Kristan, and Slovenian National Councillor Professor Franc Vodopivec.

I propose an agenda comprising the following points:

Point 1: Acceptance of new members into the Association of European Senates,

Point 2: Debate on the subject of "Bicameralism - Democracy and the Role of Civil Society".

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| POINT 1 ON THE AGENDA: ACCEPTANCE OF NEW MEMBERS INTO THE ASSOCIATION OF EUROPEAN SENATES |
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MR TONE HROVAT, President of the National Council of the Republic of Slovenia

The Presidents of the Chamber of Nationalities of Bosnia-Herzegovina and the Federal Council of the Russian Federation made written requests to attend this meeting and to be accepted as members of the Association of European Senates. I welcome the President of the Federal Council of the Russian Federation, Mr Sergei Mikhailovich Mironov, to the meeting and I give him the floor.

MR SERGEI MIKHAILOVICH MIRONOV, President of the Federation Council of the Russian Federation

Mr President, Ladies and Gentlemen, I am grateful to the President of the National Council, Mr Tone Hrovat, for the invitation to participate and speak at this meeting of the Association of European Senates.

I consider such meetings to be very productive because they make it possible to address questions not only connected with the specific areas that senates are concerned with but also questions that European parliaments actually encounter and which need to be resolved. I am sure that our meeting will promote agreement and understanding among the senators of Europe.

In this regard I would like to express my deep appreciation to Mr Poncelet, the President of the French Senate, for his idea to found this Association. Practice has shown the wisdom of establishing this Association and the need for its activities in analysing and summarising the working experiences of upper chambers of parliaments, especially now, with globalisation in full swing.

I will focus on the bicameral structure of parliament. We believe that this structure has a strong future in a big Europe. Owing to democratic changes within their political institutions, even those countries that did not previously have bicameral parliamentary structures are now opting for them when they come to designing their national parliaments. The bicameral parliament in Russia is significantly more effective than the unicameral parliament, as it gives a stability to itself and to all the state bodies. And a multi-nation country such as Russia is in great need of such stability. Bicameralism is especially valuable for our country as it enables the federal bodies to maintain close contact with the numerous problems and interests of Russia's eighty-nine regions.

In conclusion, I would like to wish the Association every success in its work. I firmly believe that only common goals and the joint efforts of Europe's senators, founded on a strong sense of responsibility and justice, will inspire new ways to resolve the issues facing the peoples of Europe today.

H.E. MLADEN BOSIÆ, Ambassador of Bosnia-Herzegovina to Slovenia

(The President of the Chamber of Nationalities of Bosnia-Herzegovina, Mr Nikola Špiriæ, was unable to attend the meeting due to unavoidable commitments, and so the Ambassador of Bosnia-Herzegovina to Slovenia, His Excellency Mladen Bosiæ, spoke on his behalf.)

It is with pleasure that Bosnia-Herzegovina has accepted the opportunity to participate in the third international meeting of the Association of European Senates. In particular, we would like to thank the National Council of the Republic of Slovenia and its President, Tone Hrovat, for supporting our country's efforts on the road to reintegration into Europe's institutions.

Bosnia-Herzegovina wishes to be present everywhere where European democratic processes are unfolding. We are making every effort to close the chapter of our recent history and to overcome the consequences of irrational and narrow-minded policies. But we need support on this path. The biggest help to our country will be in the shape of membership of Europe's democratic institutions. Recently we became a member of the Council of Europe, and we are very pleased to be taking part in today's meeting.

We are also ready to learn from the older democracies. Bosnia-Herzegovina has a very complex parliamentary structure resulting from post-war compromises. In different countries it is formed in different ways. In accordance with the Constitution of Bosnia-Herzegovina, the second house of parliament is called the Chamber of Nationalities. It comprises representatives of the three nationalities (Bosniaks, Serbs and Croats) and two entities (the Federation of Bosnia-Herzegovina and Republika Srpska). The most important role of the second house is to ensure a culture of compromise. And a culture of compromise and dialogue is very important for the future of a nationally and culturally mixed Europe.

We are ready to learn democracy according to European standards. And this meeting has a very important role in defining those standards.

MR TONE HROVAT, President of the National Council of the Republic of Slovenia

Thank you to both representatives from the countries applying for membership of the Association of European Senates. Because I have received no written objections from the member states of the Association I propose that, with our applause, we accept the Federal Council of the Russian Federation and the Chamber of Nationalities of Bosnia-Herzegovina as full members of the Association of European Senates.

[Applause]

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| POINT 2 ON THE AGENDA - DEBATE ON THE SUBJECT OF "BICAMERALISM - DEMOCRACY AND THE ROLE OF CIVIL SOCIETY" |
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MR TONE HROVAT, President of the National Council of the Republic of Slovenia

We move on to Point 2 on the agenda, which is the debate on Bicameralism - Democracy and the Role of Civil Society. I invite Dr Herbert Schambeck, former President of the Bundesrat of the Republic of Austria, to make the opening address.

DR HERBERT SCHAMBECK, former President of the Bundesrat of the Republic of Austria

I congratulate you on the founding of the Association of European Senates. I would like to thank the President of the Slovenian National Council for the invitation to this meeting of the Association. I would also congratulate the founder of the Association, the President of the French Senate, Mr

Poncelet, for his valuable initiative which is expanding the idea of democratic representation in Europe. I am delighted to have the honour of speaking first, after the Federal Council of the Russian Federation and the Chamber of Nationalities of Bosnia-Herzegovina have been accepted as members of the Association. I am not here today in the role of representative of the Austrian Bundesrat but as an expert with legal knowledge and experience in constitutional law.

MRS ESPERANZA AGUIRRE GIL DE BIEDMA, President of the Senate of the Kingdom of Spain

I would like first of all, Mr President, to congratulate you for the convening and organising of this conference and also to pass on my thanks for the warm hospitality with which we have been received in this city.

Mr President, before addressing myself to the topic of debate proposed for this 3rd meeting of the Association of European Senates, I would like to express my acknowledgement of the personal endeavours of President Poncelet, who is the soul of our organisation, in organising the Founding Meeting of the Association of European Senates.

I would like to confirm that the next meeting will be in Madrid in February 2003 and I would call on everyone present here to make known their proposals as soon as possible as to the theme of the next meeting.

Nowadays the territorial grounds for the upper house are easily understood and in fact are acquiring new force with the new territorial organisation of some states such as Spain. The International Conference of World Senates held in Paris in March 2000 clearly expounded the contributions made by second chambers to the democratic undertaking. Allow me briefly to invoke these contributions here.

Senates without doubt contribute towards publicising the political and legislative debate. The second reading of laws obviously gives society more time and greater chances to delve into the content of what is being debated. Second chambers also reinforce the system of popular representation. This advantage of the Senate is particularly appreciable in countries like Spain, in which the election system is different for the Congress and the Senate.

Reflection is the third element I would like to stress. The Congress undoubtedly has to function in an atmosphere of much higher political tension than the Senate. The Senate is not so prone to the temptation of flaunting political disagreements and is, on the other hand, more given to consensus and dialogue. Our Senate in fact quite rightly prides itself on being a parliamentary chamber in which the legitimate and necessary confrontation of ideas and political projects is based on dialogue and takes place in an atmosphere of cordiality, courtesy and respect for the adversary. In the Spanish case the majority electoral system, where the voter has to put a cross against the name of a chosen candidate, encourages the parties to put forward fairly amenable characters as Senate candidates.

Senates, honourable speakers, achieve their full representative meaning when they translate and express the concerns of civil society and guarantee the freedoms of their citizens. For that reason I deem the chosen theme of debate, "Bicameralism - Democracy and the Role of Civil Society" to be particularly apt, as it urges us to reflect on the representative system and the guaranteeing of civil liberties.

Spain's vision is that national Senates need to contribute towards the strengthening of democracy in Europe while bringing citizens ever closer to the great debates that directly affect their hopes and freedoms.

MR ARMAND DE DECKER, President of the Senate of the Kingdom of Belgium, presiding body of the Association of European Senates last year

Once again I wish to thank Mr Poncelet for the excellent idea of founding the Association, and I thank President Hrovat for a reception that was full of friendship, warmth and sincere words. I am delighted that the 3rd meeting of the Association is taking place in Slovenia, which is striving so hard on the road to Nato and the European Union and has already made great strides. This is the first time that the heads of the senate delegations have met in an arena outside the member states of the European Union at a well-organised meeting with great potential. I feel certain that we can once again unite Europe, which has so many common values and a common culture, history, beliefs and philosophical ideas.

MRS UTA BARBARA PÜHRINGER, President of the Bundesrat of the Republic of Austria

If we ask ourselves about the role of senates then two basic patterns of answer are possible. On the one hand the senate is ascribed the role of corrector to the quality of results of the parliamentary process, in other words the legislation, while on the other hand it is given the role of representative of certain interests.

The idea that the senate can be ascribed a central role in the system of mutual supervision of all three branches of power presupposes that the senate, especially in the legislative process, has a position which in relation to the chamber of deputies is procedurally equal or at least approximately equal, but this does not necessarily apply to the performance of its other role that I mentioned, which is to improve the quality of the legislative process.

In addition, the senate is also ascribed the role of "chambre de réflexion", a chamber which raises questions of principle that a chamber of deputies caught up in day-to-day politics does not take the time to consider, and in this way ensures the long-term quality of the political process and thereby also gives it a medium-term and long-term stability that goes beyond the next elections.

For the senate to be able to perform the role of guaranteeing quality it is sufficient for it to have lesser competencies than those of the chamber of deputies. In the legislative process a suspensive veto is sufficient because the significance of the senate with regard to this model is actually in the substantive weight of its work, because the senate must make its case through weight of argument.

If in politics at the national and European level senates are to espouse the representation of regional identities in particular, then it seems to me that the development of those tasks that have traditionally been carried out in democratic parliamentary systems should be continued in a particular manner appropriate to the time. Like all public institutions, in a society in which the citizens themselves accept responsibility, senates too of course feel exposed to pressure in the face of doubts about their existence - the way in which senates take advantage of the opportunities offered to them in policy-making for citizens in their regional environment, and how in so doing they will improve decision-making quality at the national level, will therefore be decisive to the question of what sort of role senates will play in the future in European and global political systems.

Senates should also cooperate in exchanging experiences concerning the problems they encounter in their work. The Austrian Bundesrat is not sufficiently recognised among the public and is not sufficiently acknowledged by the lower chamber. The reason for this situation lies in the insufficient extent to which it exercises the constitutional powers it enjoys. The legislation gives the right of absolute veto to the Bundesrat, but too little use is made of it. Another reason for the poor recognition of the Bundesrat is the short term of office of the president, which lasts just six months. In this time the presidency can only begin to get down to work and set its objectives, and then has to hand over the role to the next administration, which faces the identical conditions all over again. Among the public the Bundesrat is not therefore identified through a specific person and has difficulties in presenting itself appropriately. There are also suggestions that the upper chamber should be abolished, but this is not a solution. Therefore we will work hard to further consolidate the position of the Bundesrat.

On behalf of our delegation I would like to thank our hosts for the warm reception we have received.

MR PETR PITHART, President of the Senate of the Czech Republic

"Democracy is discussion" was a maxim that Thomas Garrigue Masaryk, the first Czechoslovak President, was fond of using.

I believe that this characteristic of democracy - even if it is just a dictum - can constitute the starting point of our considerations on the subject matter of this meeting. Because bicameral parliaments are, after all, nothing but sophisticated institutions where, on the one hand, the adoption of the final decision on bills takes longer and is more complicated, but which, on the other hand, enable a deeper discussion enriched by additional points of view. I have in mind especially a discussion presenting a diverse spectrum of arguments, generated by political parties in two different chambers. Does the parliamentary discussion exhaust itself by making the political parties heard? Is the general will formed by political parties alone through preferences attributed to them? Is the meaning of bicameralism to provide political parties with two platforms for discussion instead of one?

My answer to the first question is negative. As for the second, I say: "Yes, of course, but it is not for political parties alone." The answer to the third question is obvious: the precondition for a meaningful bicameralism presupposes that the two chambers will not be identical, so that one of them offers a greater possibility to supplement the voices of political parties with those of civil society.

In the Czech Republic, senators are elected in eighty-one election districts of one seat under the principles of the majority system over two rounds. The districts are made up of about one hundred thousand voters. Clearly the senator is a relatively visible representative of a district that can be covered physically, that is a district in which he or she can visit every single borough over the six-year term (in the Czech Republic there are no less than six thousand independent municipalities). Since a senator is interested in re-election he will indeed make all those visits. If we look at sociological research into the activities of Czech senators and deputies we come across much relevant data. Besides meeting individual citizens, most of whom submit complaints, the majority of meetings are with organised groups of citizens (such as associations or societies). And it is precisely these associations that help to shape public opinion.

Besides those who, through their work, only meet politicians more or less by chance, there are also the classical lobbyists. In our Parliament lobbyism is concentrated more in the Chamber of Deputies, because this Chamber is constitutionally more powerful and almost always able to enforce its will, and also because to convince the leadership of a party fraction in the Chamber is more effective than to convince the leaders of a fraction in the Senate. However, experts from groups involved in matters related to the adoption of a bill increasingly also work with the Senate.

Nevertheless, the group of professional lobbyists is never very big. There are many more representatives of different associations and initiatives sending letters to senators, or participating in committee deliberations which are usually very open (including via the websites on the Internet).

In conclusion, I should like to mention the possibility of an institutional link between the upper chamber and civil society, especially since our host, the National Council, is a model of such a structure. The Czech Senate is an institution that has been the subject of quite some criticism; mostly, though, this has been very superficial. Nevertheless, now and again there are considerations about possible modifications in its status, about strengthening its powers, which is an issue that the Senate itself has been working on for quite some time, and modifying its composition and the way in which it is formed. This second reform is usually discussed prior to elections and for a short time afterwards. However, reform proposals are not concrete. One idea is to connect the Senate with the newly-established regional parliaments. Another proposal is for a more varied representation of municipalities, trade unions and other entities. But the problem is that we have no umbrella organisations that could elect all the senators or some of the senators.

Generally speaking I believe that the majority system will give civil society a stronger voice in Parliament than direct representation of individual sections of civil society, which also contains elements of an arbitrary decision: who will and who will not be represented?

MR DOMENICO FISICHELLA, Vice President of the Senate of the Italian Republic

I am very pleased that two new members, the second chambers of the Russian Federation and Bosnia-Herzegovina, have joined the Association. My remarks are intended to be a contribution to the general discussion of the outlook for the evolution of bicameralism in European countries.

In accordance with the constitution, the Italian Chamber of Deputies and Senate have the same powers, but certain differences do exist between them. However, the differences in the electorate (18 years or older for the Chamber of Deputies, 25 years for the Senate), eligible age for election (25 years for the Chamber of Deputies, 40 years for the Senate), and the number of elected members (630 in the Chamber of Deputies, 315 in the Senate - the Senate may also have non-elected members) have not produced significant disparities in the majorities in the two houses.

The statistics reveal an interesting fact about the legislative procedure: a large number of bills, especially in the longer-lived parliaments, required a series of passages through the houses before achieving enactment of an identical joint text. The second house did not simply "acquiesce" to the decision taken by the first one, but rather added amendments that it considered necessary and which were subsequently approved by the other house.

The repeated criticisms of the existing bicameral system have given rise to numerous proposals for reform, especially in the last ten years. Among these, I would draw particular attention to those that emerged in the last parliament out of the work of the Committee for the Amendment of Part II of the Constitution, established with Constitutional Law 1 of 24 January 1997. The bicameral system as a whole was endorsed but the "complete bicameral" approach was extensively modified.

As regards the differentiation of the roles of the two houses, two main proposals emerged during the committee debate. The first suggested restricting the need to obtain a vote of confidence to one of the houses, considered the "political house", and creating a "guarantee house" to define legislative policy and submit motions, questions and interpellations regarding the activities of the Government (the parliamentary scrutiny function). The second draws inspiration from federal systems, in which there is normally one house representing geographical areas or local governments, separate in composition and function from the house representing the electorate at large. In the Italian case, this would mean creating a "chamber of regions".

MR CHRISTIAN PONCELET, President of the Senate of the French Republic

Firstly I would like to welcome a fact that fills us, presidents of senates, with great optimism. Despite the criticisms that our senates experience here and there, bicameralism on our planet is doing well.

After being endorsed by history, bicameralism is today also being confirmed by geography. A bicameral parliament exists in all countries with a long-standing and solid democracy and a large population - more than twenty million inhabitants. In Europe there is only one country with a large population that persists with a unicameral parliament: Turkey, which we still cannot consider to be a fully democratic country.

Upper houses are often parliamentary institutions in which the local authorities can participate in the legislative body, express their desires and enjoy a guarantee that their rights will be respected. If we take Germany or Austria, for example, both federal states, we can see that the existence of the second house is a basic guarantee that the rights of the provinces will be respected. And it is clear that the French Senate is totally immersed in local life. I believe that sooner or later in the Senate we will have to come up with a mechanism for ensuring the rights and liberties of local communities, which will represent protection from the dangers of renewed centralisation, because the central authorities find it difficult to give up their habits.

What happens if a parliament only has one house? In this case we are taking the risk that we might get an all-powerful majority and unsatisfactory representation of certain currents. Because of this risk countries with unicameral parliaments in general opt for a mostly proportional voting system. But in this case there is a danger of fragmenting the electorate: it is then hard to achieve a solid and coherent governing majority, and sometimes extreme elements unavoidably have to be invited into the coalition. In all cases a unicameral system is therefore less balanced and less protective than a bicameral system, because with a bicameral system it is possible for the two houses to adopt different methods of voting or appointment so that diversity can be represented at the same time as a sufficiently strong majority is achieved.

Bicameralism is an instrument for achieving a balance. And finding a balance is characteristic of today's democracies: a balance between local freedoms and national cohesion, a balance between the rights of citizens and the obligation to implement common rules, a balance between respect for political differences and the need for a majority capable of making decisions, and finally a balance between the authorities within the institutions of every state. If balancing factors such as the French Senate and the Constitutional Council did not exist, our constitution would be at the mercy of whatever majority was in power.

And a few words on the upper houses in Europe. In this area, too, they can play a special role. Firstly, they can be a link between the local authorities and Europe. For some of our assemblies this role can be a very far-reaching one because where Germany and Austria are concerned, for example, delegates from the provinces attend sessions of the EU Council any time a text under consideration by the Council concerns the powers of the provinces.

I should also draw attention to the prospects for bicameralism at the level of the Union. Where this question is concerned there is often a misunderstanding; as soon as I mention this topic I often get the response that with the European Parliament and the Council the European Union already has a bicameral system for adopting European legislation. But what I want is not a third legislative chamber that would add to the two existing institutions. I want there to be at the European level an instance, call it what you will, that would enable the national parliaments to express their stances jointly, to pursue certain interests jointly, to ensure better links between public opinion in different countries and Europe, and to exercise the right to transfer matters to a higher instance in the case of draft Community texts for the purpose of checking their compliance with the principle of subsidiarity.

Colleagues, friends, I believe there is great promise for the development of bicameralism. Everything points in this direction: the aspiration for a balanced democracy that ensures representation for all elements of society, the unstoppable rise of decentralisation, which is a guarantee for harmonious development of our environments, the absolute necessity of powers to scrutinise and assess the functioning of the executive authorities, and finally the pressing obligation to close the democratic deficit in the European Union, which is our new boundary and our future.

We must not miss this historic opportunity. It is for this reason that I have great hopes for this meeting of our Association, which is simultaneously a place to exchange our experiences and a laboratory for ideas. I anticipate that it will enable us, each in our own countries, to trigger the necessary reforms with which our senates will finally put themselves on our institutional maps.

MR WOLFGANG FISCHER, Deputy Secretary General of the Bundesrat of the Federal Republic of Germany

Mr President, allow me to thank you sincerely on behalf of the President of the Bundesrat, Klaus Wowereit, for the invitation to visit your wonderful city of Ljubljana. Mr Wowereit regrets very much that because of other work commitments he is unable to attend this meeting in person. But he has asked me to pass on his heartfelt greetings. Regrettably, Minister of State Mittler, having represented the President of the Bundesrat during the last meetings, had to cancel his participation on very short notice, a circumstance, for which I would like to ask the understanding of you Mr President and all the participants. I am delighted to have the honour to explain the view of the German Bundesrat on the

questions raised. I would like once again to thank you and madam secretary of the National Council for the friendly welcome and for the excellently organised conference. In addition, I am particularly pleased that with today's meeting here in Slovenia the role of host-country for the Association of European Senates has been assumed for the first time by a country which is applying for membership of the European Union. This shows, Mr President, that your country is on the right road.

In recent years we have been moving towards a different relationship between the citizens and the state at all levels of government. This is true in Germany too: the citizens want to and can participate in decision-making. This development places new challenges before us, the representatives of European senates. And it is for this very reason that I especially welcome the fact that today's meeting addresses the topic of bicameralism and civil society.

In many countries - unitary as well as federal states - there are two houses for legislation. In other countries this type of parliamentary system is usually described as a bicameral system. For the German Bundestag (Federal Assembly) and Bundesrat (Federal Council), in which the Länder (federal states) are represented, this designation is, however, not common and those who do not recognise the "assembly nature" of the Bundesrat point to the fact that its members are not "elected" and that in their voting they are bound by "instructions".

This question has already been clarified - including by decision of the Federal Constitutional Court. While it is true that the Bundesrat is not the second house of a unified legislative body represented in the legislative procedure on an equal basis with the "first house", the decisive criterion supporting the argument that the Bundesrat be designated alongside the Bundestag if not as a second house then at least as an "additional house" is its participation in decision-making - not merely consultation - in the legislative process.

The Bundesrat is a representative organ of the Länder, the members of which are not elected to the Bundesrat but nominated by the governments of the individual Länder. As a matter of fact the voters in the Länder decide on the diet's composition and thereby they decide indirectly on the question as to who will represent them in the Bundesrat. The Bundesrat derives its democratic legitimacy from the voter's will. Its composition reflects election outcomes. The Bundesrat's state authority is based on the people's will. I do not want to bother you with the history of the Bundesrat. You can read it in the distributed manuscript.

Allow me now to move on to the second part of the title of today's topic - civil society. Unlike most other European "second chambers" or senates, the Bundesrat is not first and foremost conceived as a representative of civil society but as a representative of the interests of the Länder within the federation. Through the Bundesrat - according to the constitution - the Länder participate in legislation and in the administration of the federation as well as in matters connected with the European Union.

There are therefore no institutionalised contacts with civil society. Civil society organisations have the opportunity - through written channels - to submit their opinions concerning certain draft laws to the Bundesrat or to the Länder, but as a general rule there is no formal inclusion in the legislative process.

But in this area, too, changes can be noticed. Unlike in the Bundestag, consultations at which civil society organisations could present their positions have thus far been a rare exception in the Bundesrat. It appears that this is now changing and in recent years the Bundesrat has been including civil society in its work on two occasions: the European Affairs Committee of both the Bundesrat and the German Bundestag hosted jointly in 2000 a hearing on the topic "The European Charter of Fundamental Rights". Just two days ago another hearing took place on the subjects of the EU-Convention bringing together representatives from all sectors of the society in order to outline their opinion on topics such as "Strengthening democracy in Europe".

I firmly believe, that strengthening civil society is an important forward-looking subject for the Bundesrat, too. The Bundesrat as the second parliamentary representation can not ignore the problems and necessities of the civil society, if he wants to fulfil the duties laid upon him by the

constitution. What is true for the Bundesrat of the Federal Republic of Germany on the national level, should in my view also be true for all of Europe's parliamentary representations. Europe's Senates and second chambers, above all, should be well aware of this responsibility.

The deliberations of the Convention are focussed on one subject: strengthening the European Union's democratic legitimacy. No matter how the Convention and the subsequent Intergovernmental Conference will decide, we too, can significantly contribute: only by taking the problems and necessities seriously and by taking them into account in our parliamentary work can we really cope with this new relationship between the state and its citizens on the one hand and the people's requirements on the other.

Following this path we will succeed in strengthening our own role as Europe's second chambers and simultaneously those of all national parliaments in Europe. In doing so we will contribute to optimize the democratic legitimacy, credibility and finally the acceptance of Europe by our citizens. Thank you for your attention.

MR ARMAND DE DECKER, President of the Senate of the Kingdom of Belgium

It is often said that there is no democracy without democrats. No matter how good the laws are they remain dead letters on paper if citizens do not breathe life into them and if leaders and their voters do not act democratically.

Democracy therefore requires a capacity for self-organisation on the part of the citizens. This is precisely why freedom of association in a state based on the rule of law is so important. The status of this freedom can be compared with the queen in chess, which is most effectively protected by other figures. Associations are the guardians of other freedoms. If a political force wishes to impose a dictatorship it bans association first of all. And if in a particular state the opponents of an authoritarian regime wish to rid themselves of that regime, they often begin by associating in groups, first illegally and then openly.

The practice of public debates is undoubtedly one of the important features of the recent development of parliamentary work. When parliamentary committees study drafts of important laws they include in their work not only academics but also representatives of associations at all levels. The scope of public debates in the Belgian Senate can be illustrated by the fact that in the last three years the committees have organised public debates on over a hundred draft laws or resolutions.

As one prominent statesman has remarked, a senate is similar to a court of appeal, in other words it is the instance through which it is possible to react before a draft law is finally adopted. In a unicameral parliament a government with a large majority can vote through a draft law before the general public even knows it exists.

This is why I believe that only a bicameral system can ensure a genuine dialogue between the elected representatives of the people and civil society. A senate is more than just an institution. It makes it possible to ensure that the wording of laws fairly expresses the diversity in society, which helps to foster a culture of tolerance.

But I will conclude my contribution with a critical thought. If the participation of civil society in the legislative process is rightly seen as a democratic necessity then civil society has to be included rationally. Personally, I see two dangers in this.

The first danger, connected with the representation of interest associations, is one of corporatism, because pressure groups represent just one section of society, while an important, frequently deprived, part of the electorate is often not organised or represented in an association. Its voice will perhaps never be heard. The second danger is connected with the first. It relates to the legitimacy of interest associations. If parliament consults broadly, so much the better. But it must not abandon its duties. In truth, only the parliamentarians, whether they be from the majority or from the opposition, represent the people and enjoy a legitimacy conferred on them by general elections.

MR LONGIN PASTUSIAK, President of the Senate of the Republic of Poland

The history of the Polish Senate reflects the ties between Polish political life and Poland's history and traditions. The upper chamber dates back to the Middle Ages, when Royal Councils played an important role during assemblies of noblemen. One such assembly, convened in 1493, is generally regarded as the first parliamentary session in Poland. At the time it consisted of the King, a Chamber of Deputies and a Senate. At the time the Senate was not elected but appointed by the monarch from among state and church dignitaries. It survived in this form until Poland lost its independence in 1795.

After Poland regained statehood in 1918 the authors of its 1921 constitution reinstated the Senate as the parliament's upper chamber. A referendum after World War Two abolished the Senate until 1989, when, in round table discussions, the Polish authorities and the Solidarity Union decided that members of the Senate should be freely elected. The Polish Senate thus became Central and Eastern Europe's first democratically-elected parliamentary body, which paved the way for further democratic change and the restoration of values that were absent in Poland over 40 post-war years.

Today's Senate has retained many of its historical features: for instance my own function is not - as is common elsewhere in Europe - that of Senate speaker or "president", but "marshal", the somewhat military term frequently confusing to foreigners, who expect to see someone in uniform. In fact the term comes from times when the Senate was chaired by the King's first minister, the Grand Crown Marshal of Poland.

Both parliamentary houses, the Sejm and the Senate, are obliged to inform the public about their work. Trade unions, farmers' associations and scores of other public organisations, movements and foundations have the legal right to participate in debates on new laws and other public issues. Also very important is the right of each citizen to propose his or her own bills to parliament. However, the full public use of these rights requires local initiative, and this is something that could be overseen by the Senate.

The Senate's special claim to supporting local initiative stems from the way in which it is elected. Senators are chosen in a majority system which is also open to individuals such as local activists and independent candidates, who would have had little chance to get into the lower chamber Sejm with its 5 per cent support threshold for political parties and candidates elected from party lists. Because of this the Senate in Poland is viewed as an institution more sensitive to local needs than the Sejm. Senators are usually highly respected in their constituencies, which helps them motivate local communities to undertake social initiatives and makes them credible informers about the central government's doings.

As we can see, the Senate in Poland is very closely tied to the civil society concept, which it tries to promote and develop. A noteworthy aspect of the Senate's cooperation with local centres are the NGO conferences it has been hosting for some time now. These meetings, take place under the Senate Marshal's patronage and are frequently initiated by the Senators themselves. Also worthy of mention are the Senate-organised exhibitions of art by children and the disabled, which attract numerous NGO representatives.

Poland is currently in the middle of a debate on the purpose and benefits of the Senate, including discussion of possible changes in its profile. Supporters of abolishing the upper chamber point to the cost of maintaining additional parliamentarians and their offices. And closing down the Senate has also been proposed by the left in a bid to fulfil its election promises. Nonetheless, if the upper house's usefulness is to be measured by results and future prospects, there appears no doubt that Poland needs it.

I myself support a two-chamber parliament, which I consider more effective in legislation, building civil society and strengthening the aforementioned historical and local ties. I see an important role for the Senate after Poland's EU accession, scheduled for 2004. The Senate could also (and should) take

upon itself the task of promoting European integration at the regional level and supporting regional interests at the national level and in the European arena.

Colleagues, meetings of presidents of senates, or upper houses, are very important and I believe that our Association, too, has contributed to the development of parliamentary culture in Europe, and as proof of this I would like to invite you all to Poland, for our statute requires at least one meeting a year.

MR WILLEM VAN EEKELEN, Vice President of the First Chamber of the Parliament of the Kingdom of the Netherlands

One of the peculiarities of the Netherlands, besides the fact that Amsterdam is the capital while the seat of government is in The Hague, is the name given to the senate, which is the First Chamber (Eerste Kamer).

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

In my view there are two reasons why a senate is useful. Firstly, if there is a difference in composition with the chamber of deputies. And secondly, if there is a difference in competence. My view is that competences should not be identical. In this respect I am in favour of "incomplete bicameralism" as described in the excellent paper by Marija Drofenik.

A particular feature of the Dutch senate is that it makes the final decision on a bill, but it is rare that we reject a bill proposed by the lower house. It means that the senate should not go into detail, but maintain an overview and concentrate on the quality of legislation. It is interesting to see that whenever we reject a bill the majority of the vote is often considerable. In that respect our senate is less political and ultimately its judgement is respected.

The only area where there is no difference between our two houses is the third pillar of the EU - justice and home affairs. There both houses have to give a green light to the government before it is allowed to agree in the decision-making process in Brussels. This is an important aspect of the role of national parliaments in the EU. We do not see a role for a second chamber in the EU next to the European Parliament, but we are convinced that at the national level parliaments should devote more attention to European legislation in the various phases of its consultation.

Finally, Mr Chairman, I should like to congratulate Slovenia on the election of your former foreign minister, Mr Peterle, as a member of the presidium of the European Convention, representing the thirteen candidate countries. It is a tribute to him personally, but also to Slovenia for the serious way in which it approaches membership of the European Union. I would also congratulate Mr Tone Hrovat, President of the National Council, for the organisation of the reception and this meeting.

MR ALEXANDRU ATHANSIU, Vice President of the Senate of Romania

I would like to thank President Hrovat for the cordial welcome in Slovenia and for the excellent organisation of this third meeting, which with the enlargement of the Association has built on the efforts put in by all the member states. The spirit of enlargement and positiveness will continue to prevail in the future. I am honoured to take part in this meeting. Allow me, please, to pass on warm greetings to you on behalf of all of Romania's Senators.

I believe that the topic we will discuss today, Bicameralism - Democracy and the Role of Civil Society, is especially pertinent for the situation in Romania. I am thinking also about the need to perfect our parliamentary system given that certain objectives of the transition phase have been accomplished while others are taking shape on the horizon, in particular, those linked to the demands of European and Euro-Atlantic integration.

Several reasons gave rise to the emergence of a bicameral system in Romania. Firstly, the fact that the system ensures a double "filter" when the content and purpose of individual acts of legislation are under consideration. Secondly, a bicameral system offered parliamentary groups the possibility of reconsidering their position on a draft regulation, or to correct their initial provisions during the debate on the draft in the other chamber. Thirdly, opting for bicameralism was also dictated by the negative experience with a unicameral parliament during the communist regime, when the legislative body, having a purely decorative role, became simply an annex of the executive branch.

Various associations, federations and societies constituted support for democratic life in Romania and a framework within which to express civil initiatives, helped by their permanent ties with the legislative body. Consequently, the Standing Orders of the Romanian Senate provide that representatives of non-governmental organisations may participate in debates of the permanent committees and be consulted there as to the solutions envisaged in draft legislation. Equally, the committees may initiate consultations with trade union organisations and employers' organisations, which gives them the opportunity to support their positions and interests on questions of vital importance for society.

Citizens may address petitions to the Senators or committees, and the Romanian Senate has a permanent committee for investigating abuse, for the fight against corruption and for dealing with petitions received from citizens. At the end of the week Romania's Senators present their activities in the constituencies in which they were elected. Contacts with citizens are also maintained through an office for public relations, through publications presenting the activities of the Senate and through the Senators' participation in public debates.

The experience of a bicameral system in Romania, such as it has functioned over the past ten years, has also highlighted certain weaknesses, deriving from the constitutional provisions that do not differentiate between the competences of the two chambers. Certain experts as well as political forces and civil organisations believe that the bicameral system in the form envisaged by the constitution is not functional and creates awkward mechanisms in the Romanian political system. Representatives of the executive have strongly criticised these deficiencies and have exploited them as an argument supporting a procedure for regulation by emergency decree.

This year the parliamentary groups are engaged in a process of negotiations for the adoption of a draft revision of the constitution. The best proposals are those that envisage the retention of a bicameral system but with different legislative competences for the two chambers. This will lead to rationalisation and improved efficiency in the work of parliament. As well as a reduction in the number of parliamentarians, which is an urgent measure to ensure the European principle of proportionality between the number of voters and the number of parliamentarians, other proposals envisage that draft laws and legislative proposals, with the exception of organic laws and laws referring to the ratification of international treaties or agreements which would first be debated by the Senate, should first of all be subject to debate and adoption by the Chamber of Deputies. Also proposed is the replacement of the current mediation procedure, whereby the Chamber of Deputies, which deals first with the text of a law, would acquire the right to decide its final form if the second chamber rejected the law or adopted it with a different wording.

Taking into account the experience of Romania and other European states we believe that the bicameral system has proven its historical viability and capacity to adapt to transformations profoundly affecting the configuration of societies in the modern world. The Laeken Declaration from last December, which addresses the role national parliaments should play in the democratic legitimacy of the European project, poses the question of whether national parliaments should "be represented in a new institution, alongside the Council and the European Parliament". A solution of this type would

mean the creation of a new representative chamber in addition to the European Parliament and consequently the introduction of bicameralism at the level of European Union institutions. Some politicians believe that the establishment of a European second chamber would mean an increase in the degree of representativeness, transparency and democratic legitimacy on the part of the EU institutions.

MR FRITZ SCHIESSER, Vice President of the Council of States of Switzerland

Europe is changing. It is very important that we consider what type of structures we are creating in our countries and at the European level. Therefore I welcome our meeting today, the purpose of which is to exchange ideas about the development of bicameralism in Europe. I would like to thank you, Mr President, and Slovenia's National Council for the invitation and for the warm reception in Ljubljana.

Bicameralism is a firmly anchored element of the Swiss political system. Federalism and the independence of the cantons are very important. Both houses, the National Council and the Council of States, have reached a venerable age, having been in existence for 154 years already. The judgements on bicameralism that academics and other writers have been providing for decades have, on the whole, been positive. Among the advantages of a bicameral system they stress the higher quality of parliamentary work, and in particular the representation of the cantons, regions and minorities. The great Swiss diversity - different languages, religions and cultures and the unequal economic development - means that integration is vitally important. The bicameral system makes a major contribution to this, and is therefore one of the guarantors of the political stability and prosperity of the state.

But I do not wish to conceal the fact that there are also critical voices. Two principal weaknesses are mentioned in the literature and by certain politicians from green and left-wing parties: the slowing down of the political decision-making process and the disproportionately large representation of liberal and conservative parties and rural and small cantons.

From time to time attempts are made therefore to transform the Council of States. But these are just individual attempts that have no political possibility of success. In the complete revision of the federal constitution that was concluded in 1999 its existence was in no way called into question. All the important points of the current constitutional law were taken over.

In European association, too, there is a need to create political structures ensuring that the diverse regions, languages, minorities and cultures have the opportunity to participate. The question therefore arises as to whether a bicameral system is worth consideration as a model for European parliamentary representation. This is perhaps a bold idea. But judging by our experience it is a realistic one. In 1848 Switzerland faced a task that can certainly be compared with present-day European association. Without the establishment of the Council of States and a bicameral system this unification would not have been possible. And in terms of population and area the differences between the Swiss cantons are certainly comparable with the size differences in Europe.

I am pleased to note that among the proposals for a European constitution being debated is full parliamentarisation and a bicameral system. Advocates of Swiss entry into the EU would greatly welcome measures in this direction. It is no secret that opponents of Swiss entry to the EU have been most disturbed by its lack of democratic legitimacy and - from our point of view - the inadequate respect for minorities.

I will end with the hope that this conference produces new initiatives for the realisation of a bicameral system at the European level. A bicameral system is an effective and still very relevant element of a successful political system. This is demonstrated by the experience in Switzerland, and the papers you have presented so far have provided further confirmation.

MR MARC BESCH, Secretary-General of the Council of State of the Grand Duchy of Luxembourg

I would like to thank President Hrovat, the host of the third meeting of the Association of European Senates, for his hospitality. I am delighted to be able to speak at this meeting. Europe's senates have similar tasks and problems that must be overcome, and so these meetings are not only necessary but also beneficial.

In Luxembourg the Councillors represent the various professions, and thereby civil society. And openness to civil society is not limited merely to the structure of the Council of State but also extends to other areas of their activities. Councillors are united in six professional chambers functioning according to the model of the Austrian chambers. Members of these chambers need to be asked for their opinion on proposed laws which relate to their areas of competence. The chambers therefore play an extremely important role in the adoption of laws because their opinions take into account the needs and proposals of representatives who actually reflect the needs of civil society. Each individual member may submit a proposal to the Council of State, and these proposals are forwarded to the body or ministry responsible for a particular proposed law. The corrective function of the Council of State is thus highly important and provides for a rechecking of conformity with the constitution. Taking into account the impact of laws at the international level as well, this function is of extreme importance.

I would now like to link to the thoughts of President Christian Poncelet, who spoke about the role of a counterweight played by the second chamber. In Luxembourg's Council of State we have had positive experiences, since the first chamber accepts the opinion of the Council of State and, as a general rule, always waits for the opinion or position of the Council of State before taking a position on a draft law. Different positions, whether they be positions of the Council of State, the Government or the ministries, are important; sometimes conflicts occur between them, and the task which the Council of State carries out as a second chamber is to ensure democratic development of civil society.

The international level about which Mr Poncelet also spoke means that senates present themselves better in the public, and that they adopt positions on difficult subjects, such as euthanasia and other subjects affecting the whole of society. It is very useful therefore to address such issues on a common website. Once again I would like to express my thanks for the cordial reception we have received.

MR SRĐA BOŽOVIĆ, President of the Chamber of Republics of the Federal Assembly of the Federal Republic of Yugoslavia

I am very pleased and honoured to greet the high-ranking representatives of our host country and the participants at this meeting of the Association of European Senates myself and on behalf of the Chamber of Republics - the upper house of the Yugoslav parliament - over which I preside.

I fully understand the reasons for the existence of both political and socio-economic bicameralism of parliaments. The political role which the upper house has in some states by representing a counterweight to the lower house, slowing it down, limiting all its exaggerations and its unfounded decisions, cannot be ruled out in the choice of parliamentary structure. On the other hand, modern society is not a unified nation which differs only by political beliefs; it also represents a whole range of business groups, professions and various strata of society. And it is the deputies of the upper house, elected by the academies, universities, the church, trade, industrial and craft chambers, farmers' cooperatives and other cultural and business institutions, in other words civil society institutions, that can represent these interests in the most legitimate way.

However, in the process of adoption of the Belgrade Agreement all these reasons were not sufficient to envisage the establishment of a bicameral parliament. This not because we believe that bicameral parliaments are unfounded, without benefit or undemocratic but because it was the only objective consensus possible at the time. This is because the intentions of the Montenegrin authorities, which became apparent in their effort to weaken the form and function of the common state, resulted in a unicameral parliament being envisaged for the future union of Serbia and Montenegro, with the

ultimate aim of it becoming merely a tool of the political elites and bureaucracies of Serbia and Montenegro.

The imposition of a delegation system, in other words the appointment of deputies from the ranks of the existing republic parliaments to this parliament, is irrefutable proof of this. This "false parliament" of Serbia and Montenegro would serve as a basis for making the state merely provisional and would certainly pave the way for a speedy dissolution of the newly formed union of Serbia and Montenegro. This is why we insist that the unicameral parliament of the future union of Serbia and Montenegro, which will be established under the Belgrade Agreement, should not merely be an imitation of a parliament but an expression of full legitimacy and that it should be constituted at direct elections. Our commitment is based on the established principle that unicameral parliaments stem from the sovereignty of citizens, on the best European and world practice and on democratic standards. This is certainly the first condition for our reintegration into international institutions on our path to rejoining the family of united European states. And this is why I expect you, my colleagues from democratic European parliaments, to lend us your support in this commitment of ours. This is the only way for us to be together.

PROF. IVAN KRISTAN, First President of the National Council of the Republic of Slovenia

It is a special honour for me to address this third meeting of the Association of European Senates. As the first President of the National Council I had the opportunity to accompany the first steps in the establishing of bicameralism in Slovenia. The fact that it has fallen to the National Council of the Republic of Slovenia to preside over this meeting is proof of the successful development of bicameralism in Slovenia and elsewhere in the world. Cooperation between the National Council of the Republic of Slovenia and other senates in the new institutional form of a European Association is contributing to ongoing successful development.

I would like to congratulate Mr Christian Poncelet for the realisation of the idea for the Association, because it is a valuable acquisition which makes an important contribution to the continuing development and the establishment of bicameralism in general, not just in Europe.

PROF. FRANČ VODOPIVEC, National Councillor of the National Council of the Republic of Slovenia

I am an active proponent of civil society. The situation in civil society as I have presented it applies only to Slovenia, for I am not familiar with the situation in other countries. During the meeting I have learned that in many countries with a long democratic tradition civil society has solid foundations.

MR BORIS ŠUŠTARŠIČ, National Councillor of the National Council of the Republic of Slovenia, representative of the disabled

The European Union has adopted a resolution declaring 2003 the European Year of People with Disabilities. Therefore I propose that the member states of the Association of European Senates debate vital issues concerning the disabled in Europe at least once in 2003. The practice of the National Council in Slovenia has shown that disabled people can make a constructive contribution to the work of a representative body and represent their interests.

MR TONE HROVAT, President of the National Council of the Republic of Slovenia

In the ten years it has been in operation the National Council, as an incomplete second chamber of the Slovenian parliament, has demonstrated the usefulness of its activities, which dictates a need for continued development of the bicameral system in Slovenia. Through its role as presiding body for the

Association of European Senates in 2002 it has shown that it has rightly been accepted in the midst of established senates with a stronger tradition. Ten years of functioning in Slovenia's political arena means ten years of effort, enthusiasm and visionary ideas. The idea for a National Council, which performs a corrective function with respect to the legislative work of the National Assembly, is appropriate, sensible and internationally comparable, and so it should continue to be developed.

Based on the discussions on the subject of today's meeting the Office of the National Council has drawn up the draft wording of a declaration, which was handed out to the members of the delegations present during the meeting. Owing to other obligations some delegations had to leave the meeting before it concluded. The draft of the final document will be sent to the presidents of senates that are members of the Association so that they can submit written suggestions for amendments or additions. On the basis of the comments received we will be able to draw up a proposal for a final document.

The next meeting of the Association of European Senates will be held in February 2003 in Spain. Given the order of applications to host subsequent meetings this will be followed by meetings in the Czech Republic and then in Poland. I would like to thank all speakers and heads of delegations for their contributions and I close the third meeting of the Association of European Senates.