

**Address by Ankie Broekers-Knol,
President of the Senate of the Kingdom of the Netherlands**

Mrs. **Broekers-Knol**: Ladies and gentlemen, colleagues.

When I ran for the presidency of this senate, I stated in my declaration of candidacy that I would do everything within my power to combat the image of an increasingly politicised senate. It was July 2013 – eight months after the government had formed a coalition that did not hold a majority in the senate. During those months, the senate had expressed concerns over legislative proposals on a few occasions, which led to a public debate on the position of the senate in the Dutch bicameral system. Many argued that the senate had become increasingly politicized and even destructive. “The senate: can we get rid of it?” newspapers and twitter feeds asked. Others said “The senate is killing democracy” or reproached “Unruly senators, who are out to make the cabinet fall”.

It was a peculiar experience. I had then been in the senate for 12 years and I had experienced first-hand that the senate had not altered the way it dealt with legislation. The mind-sets of the members had not changed. The senate remained an independent entity, with a constructive outlook on legislation. In my experience, the political climate had not fundamentally changed the way the parliamentary system worked. So how does one counter an image that one knows to be untrue?

Let me start by saying that I am a firm believer in open debate, in respecting differing opinions and in weighing all arguments, both for and against. But I also firmly believe that opinions and arguments should be based on facts, rather than on assumptions and insinuations. When I was elected president of this House, I made it my priority to state the facts as often as possible and to as many people as possible. I determined that I would explain what the senate does, how the senate does it and why the senate does it. That way people would at least know the real story. And if they still disagreed, well, that is exactly what democracy is about.

Since July 2013, I have explained the work of the Dutch senate on numerous occasions. And in a nutshell, this is what it comes down to. The reigning coalition – the second Rutte cabinet – now holds 76 of the 150 seats in the House of Representatives and 30 of the 75 seats in the senate. For every bill a majority has to be found in both houses. The government has to produce really excellent arguments if it wants a bill to be passed by the senate as well. The coalition parties have to work together with opposition parties to reach a political agreement. In order to arrive at this agreement, the coalition government is forced to consult, debate, persuade and compromise.

Once a compromise has been reached and the bill is passed by the House of Representatives, it reaches the senate. In this house we test all legislation for legality, practicability and enforceability. We have a full veto right. Under the second Rutte cabinet, both coalition and opposition members of the senate have on a number of occasions expressed concerns about the quality of legislation. In a few cases this has even led to a bill being rejected. However, of the hundreds of bills submitted in that period, only four were rejected and four more were withdrawn by the government for further reconsideration and alteration.

Bear in mind that in the Netherlands the legislative power is the only power that tests the constitutionality of legislation. We do not have a constitutional court. In the heated political debate in the House of Representatives, constitutionality is not always at the forefront of everyone’s minds. Last year this led to the approval of a bill in the House of Representatives that was in violation of article 78 of our Constitution. The bill gave the National Ombudsman the power to investigate government as well as non-government related cases, whereas the Constitution only allowed for government-related cases. The senate detected this violation early on and encouraged the initiators to take the bill back for reconsideration.

However, this is an exception to the rule. In the vast majority of cases, the senate does not veto a bill. The real influence of the senate of The Netherlands is much more subtle than its veto right suggests. The members of the senate ask questions regarding the implementation of a bill and its congruity with other laws. The answers to those questions are used by, for instance, the judiciary to interpret a bill's meaning once it has been enacted into law. The questions can also lead to a minister pledging to implement a law in a certain way, for instance, to evaluate it after three years. So instead of "shooting bills down for political gain", the senate is out to ensure that those bills are "up to par" and that they are effective in society.

Another image that the senate is stuck with is that it is an "old boys' network". Someone once said that the Dutch senate was a gentlemen's club that tolerates a few female members. This is an image that no senate can ever really shake off, since the word "senate" derives from the word "senex", meaning old man. Admittedly, the average age in the Dutch senate is 58. But contrary to popular belief, the average age of senators and their position in society are not limitations, but strengths. All our senators are part-time politicians who are firmly rooted in society and come from all walks of life. Many of them are lawyers, doctors, mayors, professors or entrepreneurs. For one day a week they come to The Hague for political deliberations. They are uniquely placed to evaluate draft legislation from many different angles. They often have broad knowledge of the subject that a bill addresses and can therefore assess its likely effects on the field.

The senate is more likely to retain those who are less interested in playing an executive role and may have a greater interest in parliamentary scrutiny. Because we do not feel the heat of day-to-day politics, we can afford the luxury of being more independently minded. Another feature that encourages independence is that senators are generally in office longer than members of the Lower House.

Our senate provides an important forum for parliamentary scrutiny, strengthening parliament's overall control over government. The average age of our senators and their position in society helps rather than hinders this.

As I am sure you all know, going against an image that is presented by the media is not always an easy task. But luckily, recent polls have shown that public opinion is actually rather positive. 75 percent of the Dutch population still think that the senate forms a useful part of our parliamentary system. And 50 percent trust the way the senate performs its tasks. In that respect, the senate even ranks higher than the House of Representatives (43 percent), the City council (41 percent), the Provincial council (29 percent) and the European Parliament (15 percent). This shows that we should not always believe everything we read in the newspapers.

Senates have a responsibility to present what they do, how they do it and why they do it in an open and transparent way. The Dutch senate aims to do that:

- through its website, on which the status of a proposal is updated every minute of every hour of every day;
- through its livestream, on which debates (including this one) can be followed from any place on earth;
- and through its President, who strives to explain the work of the Dutch senate by stating the facts as often as possible and to as many people as possible, including the impressive international audience that we have here today.

I must tell you that, after I have held a speech for students or for children at school or older people, they always say: how interesting, I did not know that the senate worked that way, you have to stay there, the senate is important. That is the work I have to do and it is something we all have to do. The public should know that the checks and balances of our parliamentary system are very well-supported by a bicameral system.

Thank you very much!

(Applause)