

SPEECH BY THE PRESIDENT OF THE SENATE OF THE NETHERLANDS, P.R.H.M. (RENÉ) VAN DER LINDEN, ON THE TOPIC OF 'THE SENATE AND ITS MECHANISMS FOR WORKING WITH THE REGIONS', CONFERENCE OF THE ASSOCIATION OF EUROPEAN SENATES (AES), 17 JUNE 2011, MADRID.

Mr. Chairman,
Dear Colleagues,
Ladies en Gentleman,

Introduction

It has always been a great pleasure to meet within the framework of the Conference of the Association of European Senates. I highly value and appreciate our exchanges of views and ideas. We all enjoyed an excellent evening last night. Therefore, let me start by expressing my gratitude to our host the Spanish Senate, represented by the President Mr. Javier Rojo Garcia, for this very well organised and interesting meeting.

Today we discuss the subject of the interaction between the Senates and the regions and local entities in our countries. In the next few minutes I will elaborate on the situation in the Kingdom of the Netherlands. I will explore in brief the relations and ties of the Dutch Senate to the regions in our Kingdom, as well as the position of these regions within the broader context of European integration. What I would like to stress is the fact that within the framework of the European Union, Europe, the nation states and the regions increasingly share government and even pool sovereignty. This fact needs full recognition. At the same time this obliges us to safeguard and enhance the different layers of identity of our citizens: local/regional, national and European. In the end, I am a Limburger, a Dutchman and a European citizen.

The state polity

Ladies and gentleman,

During the XIth Conference of the Association of European Senates in the Hague in April 2009 we convened in the monumental meeting hall of the Senate of the Netherlands. In fact this meeting hall was built in the mid-seventeenth century as the hall in which the States of Holland and West-Frisia, the representative body of this province, convened. For a long time the name of my country used to reflect the autonomous and central role of the provinces in government and administration, since for more than two centuries – from 1588 to 1794/95 – our territories were known as the Republic of the Seven United Provinces (Republiek der Zeven Verenigde Provinciën). The early nineteenth century saw the birth of the Kingdom of The Netherlands and ever since the Constitution of 1814 The Netherlands can be labelled a decentralized unitary state. The name “Holland” for The Netherlands, often used by tourists nowadays, therefore refers to historical times during which the province of Holland politically and economically dominated the other provinces.

Nowadays, The Netherlands is a decentralized unitary state with three layers of government: central government, the provinces and the municipalities. The provinces and municipalities have constitutionally enshrined and statutory autonomy to regulate their own household. Moreover in the Netherlands government is shared in certain areas (“medebewind”); municipalities and provinces have the obligation to cooperate with and to implement measures of a higher administrative level. To prevent provincial and municipal governments acting contrary to the laws and policies of central government the higher levels of government are charged with administrative control on lower tiers. Over the past years there was political debate in my country on further decentralization; municipalities and provinces should carry out more tasks of central government than in the past. Today, further decentralization of government functions is the official policy of the Liberal-Christian-coalition government in the Netherlands. Thus in The Netherlands we see that, despite the historical

process of unification and centralization, municipalities and provinces always have kept some degree of autonomy and we witness further decentralization.

This decentralization is not a unique feature of my country. It can also be seen elsewhere in member states of the European Union. Certain tasks and responsibilities are increasingly outsourced from a national level to the regions. At the same time it looks as if in the ever expanding European Union our citizens have an increasing need for a well-defined identity, not least linked to the local or regional territory.

Ladies and Gentlemen,

After this brief overview of Dutch polity, let me give some insight into the relationship of the Senate of The Netherlands with local and regional entities.

The Senate of the Netherlands and the Provinces and the Caribbean parts of The Netherlands

The formal relationship between the provinces and the Senate is a fairly simple one. The Dutch Constitution stipulates that the 75 members of the Senate are elected by the members of the provincial states, the provincial representative bodies. However, that does not make the senators representatives of the provinces. The Dutch Constitution and Electoral Code are very clear about this: the results of the elections are determined at the national level, the members of the Senate represent the Dutch people as a whole and exercise their duties independently. Nevertheless, members of the provincial states have the possibility to cast preferential votes, in order to make sure that senators from all provinces are present in the Senate. To give an example, in the most recent elections for the Senate, the northern provinces succeeded in casting enough preferential votes to elevate a candidate with strong roots in these provinces to the ranks of the Senate. In other words, the provincial representatives have the power to make the Senate a faithful reflection of the provinces. The Senate recognizes its roots in the provinces, by inviting the provincial states of each

of the 12 provinces to visit the Senate during its four year term and to discuss topics of common interest.

The Constitution stipulates that new provinces are instituted by an Act of Parliament. The abolition of an existing province also requires such an Act. The Senate, as co-legislator, is therefore always fully involved in the procedure which leads to the creation of new provinces and the dissolution of existing ones. The number of provinces has been stable at twelve since 1986. It is therefore more important to note that the Senate is also fully involved in the legislative process which leads to the granting of competences to provincial bodies. Plans involving devolution of government or centralisation generally require the consent of the Senate. After the summer recess, the Senate will hold a principled debate about the future of the "House of Thorbecke", the model for the division of powers between the State, the provinces, the municipalities and other administrative entities.

[I would also like to dedicate some words to a new phenomenon in our constitutional system. Since 10 October 2010, the so-called "BES-islands" - Bonaire, Saint Eustatius and Saba - are an integral part of the European part of the Kingdom of the Netherlands, even though their geographical location is deep in the Caribbean. From a constitutional point of view, these islands are neither provinces, nor municipalities. The Constitution classifies them as "other public bodies", but that is merely a legal term which does not do them justice at all. The BES-islands can be characterised as constructions sui generis, which exercise competences and duties of both provinces and municipalities. Their relevance is demonstrated by the fact that, in due time, the members of the island councils of Bonaire, Saint Eustatius and Saba will participate in the election of the senators. I believe it is both worthwhile and appropriate for the Senate to invest in good relationships with all three of the aforementioned islands.]

Dutch local and regional entities and Europe

Ladies and gentlemen,

I once again want to underline that Senators in the Netherlands are part time politicians. We meet every Tuesday. Most Senators occupy main function elsewhere. This means that members are strongly rooted in different sectors of society. They bring to the debates practical and highly qualified experience and have strong regional ties.

As a decentralized unitary state the three levels of government in the Netherlands complement each other and correct each other to achieve the fulfillment of government tasks. This is true both for national domestic policies as well as European policies. Although central government is primarily responsible for shaping foreign and European policies, the provinces are active in this field as well. Let me highlight a few examples.

In the Netherlands we have our own 'Committee of the Regions'; the *Association of Netherlands Provinces* (the IPO). The IPO represents the common interests of the 12 provinces in the Netherlands. In that capacity it maintains relations with our government, with the House of Representatives and the Senate. On a regular basis the IPO addresses the Senate concerning national bills that touch on the tasks and responsibilities of the provinces. Apart from a joint effort through IPO, provinces do also address the Senate separately, as well as municipalities do. The IPO is also involved in European related issues. In 2000 the 12 Dutch Provinces and the IPO established the House of the Dutch Provinces in Brussels, to realize effective representation to the European institutions through this joint front office.

Dutch regions also seek out the collaboration with neighbouring regions, be it within the Netherlands or in Germany or Belgium. For example, the southern province of Limburg is probably linked more to the German Land Nordrhein-Westfalen, than to the northern province of Friesland. In the Netherlands we participate to 7 *Euregions*. In my opinion this is one of the best examples of regional cooperation in a European context and an excellent way to increase the cross-border cohesion. I actually

live in one of these Euregions; the Euregion Maas-Rijn, which comprises parts of Belgium, Germany and The Netherlands. This region, with 3.9 million inhabitants, has had close cultural ties for many centuries, but has since been divided by the creation of national borders. The existence of Euregions shows that even national boundaries cannot hold back strong regional ties and even cross-border shared identity. It underlines that we need no more dividing lines on the European continent, and have to enhance cross-border regional cooperation. The cities in the Euregio, Maastricht, Liège and Aachen, together have posed their candidacy for European cultural capital in 2018.

Dutch mayors and municipality officials, as well as the Association of Dutch Municipalities (VNG) and the Association of Netherlands Provinces (IPO) are also involved in the workings of the *Congress of Local and Regional Authorities* of the Council of Europe as well as in the *Committee of the Regions* of the European Union

Without the intervention of central government and Parliament local and regional entities in the Netherlands are thus actively involved in Europe. As national parliamentary chambers, we need to be aware of their independent contributions to the process of European integration. I like to quote the phrase "Think global, act local". But in this case the reverse is more applicable: "Think local, act global". And that is exactly what the provinces and municipalities in The Netherlands do.

Conclusion

Let me conclude. Although the core business of the Senate of The Netherlands is the control of central government and co-legislation, the Senate is in fact rooted in the provinces due to the electoral system. The Senators are fully aware of the fact that in The Kingdom of the Netherlands - as a decentralized unitary state - the different layers of government are complementary and exercise rather autonomously their constitutional enshrined and statutory tasks and responsibilities, although at the same time municipalities and provinces have the obligation to cooperate with central government and there is administrative control on lower tiers.

The Senate in The Netherlands is not the mouthpiece of the local and regional entities, although the Senators fully recognize and respect the responsibilities, tasks and achievements of municipalities and provinces at the local, regional, national and European level and have close ties to local and regional entities.

In their daily life citizens are closest to the municipality and the province they live in. Part of their identity derives from where they live, and this fact needs full recognition at the national and European level. What is done on the national and European level is only relevant to our citizens as far as it touches upon their daily lives. In scrutinizing national bills the main focus of the Senators in The Netherlands is on the implementation, the enforcement and the consequences of rules and laws for daily life, be it in the province of Friesland, Limburg, Zeeland or elsewhere in The Netherlands. European institutions should also pay full attention to the regional and national diversity that underlies European unity. At the same time Dutch municipalities and provinces directly and indirectly try to influence decision making both at the national and the European level and work with national and European institutions.

The Dutch Senate is on the other hand strongly involved in international matters. Active participation in the international parliamentary Assemblies is also part of the principle of subsidiarity.

On the 17th of May the Dutch Senate was honoured by the prestigious award of the Golden Medal of the "Fondation du Mérite Européen", presented in the Dutch Senate by its President Jacques Santer for its long lasting international and European work.

Different layers of government contribute to different layers of identity. These are not closed circuits, but they interact, as we as Senates should appreciate and promote.

Thank you very much.