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Keynote speech

**Ankie Broekers-Knol, President of the Senate of the Netherlands
'Majority and opposition – striking a balance in democracy'**

On 17th July, 298 innocent men, women and children died when Malaysian Airlines flight 17 was shot down. 196 of my compatriots died. The question I ask myself is: for what?

There is nothing we can do to reverse what happened that day. It happened. However, the one thing we can do for the victims, is to continue to speak and learn about freedom, democracy and the rule of law. By continuing this important dialogue, we reconfirm the values that we share and that the Council of Europe upholds.

Part of this dialogue is talking about striking a balance between majority and opposition, and the challenges that this brings.

For this reason it is an honour for me to speak to you on this theme today. This is the one thing I - and we - can do today.

Ladies and gentlemen, dear colleagues,

[Introduction]

Respect for minorities is a basic principle in a democratic society that is based on the rule of law. The right to speak openly, the right to ask questions, the right to criticise, the right to protest, the freedom of association: these are all prerequisites for a free democracy. Opposition in parliament means just that. It offers a countervailing power. When the opposition voices a concern, it does so not only on behalf of their electorate but also on the basis of their perception of the needs of society as a whole.

Ian Shapiro, author of the book 'The moral foundations of politics', stated the following: "Democracy is an ideology of opposition as much as it is one of government". For me, this sums up today's theme. The task of the opposition is to scrutinise government decisions and policies and to represent a credible alternative government. Opposition ensures transparent and responsible government. Without this, democracy cannot exist.

[General remarks]

This does not mean that all opposition is good opposition. In some cases, the actions of political parties in opposition may overstep the mark. Good opposition always enhances the political debate; it does not hinder it. The distinction between what *is* and *is not* allowed in a political debate is to some extent arbitrary: circumstances play a major role. But while social standards, languages and times can all change, there is always a certain basic level of respect that should be maintained.

Perhaps some of you have heard about the sharp exchange of words between Lady Nancy Astor, Member of Parliament for Plymouth Sutton and Winston Churchill, many years ago in the '40s of the last century. Lady Nancy Astor said: "Winston, if you were my husband, I would poison your tea." To which Mr Churchill replied: "Nancy, if I were your husband, I would drink it." It is clear that both MP's were ironical here. The way Churchill reposted the remark of Nancy Astor made the exchange totally acceptable.

For us, presidents and speakers of parliament, it can be hard to determine when a line has been crossed. I would say that, as a general rule, when an opposition party attacks not the actions or policies of government, but when it makes a personal attack, then the line has been crossed.

Presidents and speakers of parliament have a great responsibility in maintaining neutrality and making sure that all political parties can play an equal part in the debate. In some cases, this requires giving opposition parties a slight advantage in order to keep the balance and maintain a fair parliamentary process. However, this should never lead to a 'dictatorship of the minority'. Just as there should never be a dictatorship of the majority either.

[Dutch political landscape]

Opposition in a multi-party system with ever-changing majorities and a fragmented political landscape can be fairly complex. The Senate of the Netherlands currently has two parties in the governing coalition and ten parties making up the opposition. Our House of Representatives includes twelve opposition parties. The current political climate in the Netherlands has put the Senate in a somewhat unique position, because for the first time in decades the reigning coalition does not have a majority in the Senate. Some say that this damages the position of the Senate because it puts all the various parties – both opposition and coalition – in an increasingly political position. But one can also argue that it allows the Senate to fulfil its role as *chambre de*

réflexion even better than before, because it can never be assumed that a majority of senators will be in favour of a bill.

In my opinion, the current political climate has not fundamentally changed the way the Senate does its job. In fact, I think the current situation enhances the quality of the debate and broadens the support for a bill a great deal. Coalition partners have to produce really excellent arguments if they want a bill to be passed by the Senate as well. Last year, the coalition parties signed a political agreement with three opposition parties regarding the budget plans. The agreement involved the so-called 'constructive three' and included healthcare, pensions, education and childcare. In order to come to this agreement, the government coalition was forced to consult, debate, persuade and compromise. To me, this is an essential part of democracy.

The wide range of parties in the Dutch system is not ideal. Working with twelve or even fourteen different parties creates a heavy workload for the parliamentary administration and makes political compromises all the more complex. If all political parties wish to speak during the debate on a legislative proposal, the debate can be very lengthy and there can be an element of repetition in the arguments explored. Raising the electoral threshold and thus reducing the number of political parties in parliament could address these problems. It would force the smaller parties to join forces, reducing political fragmentation. It would take away some of the imbalance in parliament and make it easier for the opposition to find support for legislative initiatives, for instance. However, so far, there has been no proposal in the Netherlands to raise the electoral threshold.

The Senate of the Netherlands has certain guarantees for the equal treatment of political parties:

- all parliamentary parties are in principle granted an equal maximum amount of time during the first term of a debate;
- the order in which the spokesmen speak is determined mainly by the order in which they register for the debate;
- every senator can insist on a plenary debate on a legislative proposal;
- committee chairmanships are distributed between all the major political parties, including the opposition;
- and there is a free election for the president of the Senate.

This means that the speaker or president can even be a member of an opposition party. Once elected, the speaker or president of course remains aligned to his or her own party, but is thereafter considered to be above parties. He or she is the representative of the parliamentary house as a whole. Any speaker or president who sought to favour

the representatives of his or her party over those of other parties would not sit comfortably for very long.

Our rules of procedure do not include the words 'minority' or 'opposition'. This is because under the Dutch system these parties do not need special treatment because of their numerically weak position. They are considered equal and complementary partners.

[Closing statement]

To summarize, I would like to emphasise that democracy is an inclusive process that all political parties should be able to participate in meaningfully. Maintaining an open political debate boils down to a mind-set: parliamentarians need to keep an open mind to other points of view in the public debate – and maybe sometimes even be willing to change their own point of view. A parliament should never simply rubberstamp government proposals, even when the coalition has a comfortable majority.

Regulation can enhance due parliamentary processes. In a room full of people who devote their lives to creating meaningful laws and policies, I could hardly state otherwise... But regulation, even procedural rules or the constitution itself, is only an instrument. In the end it comes down to respect for free political debate. The acceptance of a legislative proposal should always be the result of a debate in which all arguments have been heard and debated. Without this, a free democracy is an empty shell.

Marcus Tullius Cicero once said that arguments should be weighed, not counted. He believed in the power of the argument. That when all arguments, both for and against, are put on the table, a debate can be enriching and new insight can be generated, leading to increased respect for the opinions of others.

However, above all arguments and debate, and above the majority and opposition, there is the rule of law, the prerequisite for any of these things to exist. My friend and colleague, Senator Willem Witteveen, who died when Malaysian Airlines flight MH17 was shot down, once said that: "The rule of law is not some place of refuge that we own, it is not a home where we can go to sleep without worry. The rule of law is something that we need to work on continuously." And for him, and all the other victims of this terrible tragedy, we will keep working on it. Let us make that promise here today.

Thank you.