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**Mr. Geert Jan HAMILTON
Clerk of the Senate of the States General of the Netherlands**

on

“Taking pride in Parliament: reflections after the 200th anniversary of the Parliament of the Netherlands“

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Taking pride in Parliament: the celebration of the 200th anniversary of the Parliament of the Netherlands, an overview and some reflections

In 2016 the Dutch celebrated 200 years of existence of the States-General as a bicameral parliament. The celebration of the bicentennial reached its peak on October 16, 2015 with a joint meeting of the Senate and the House of Representatives in the monumental Hall of Knights in The Hague.

The bicentennial of the Dutch parliament was a great opportunity to ask attention for the historical development of democracy and the rule of law in our country. Nowadays these are often taken for granted. Many people are not very much aware of the roots and development of their political institutions. So the celebration gave an important chance to freshen up collective memory.

A brief history

The bicameral parliament of the Netherlands is the oldest bicameral parliament in existence in Europe after the 'mother of all parliaments', the UK parliament of Westminster. Different from the UK parliament the Dutch bicameral parliament has always been based on a written constitution. The constitution of the Netherlands has changed over the years, but the original constitution that established the bicameral system was adopted in 1815. It reformed the constitution that was adopted on March 29, 1814 which indeed is the oldest written constitution in Europe still in place, although many times adapted.

The Dutch parliament is housed in the parliamentary complex called Binnenhof (the Inner Court). Many European parliaments are established in parliamentary palaces built in the 19th century, the "big century" of parliaments. But the creation of the complex that houses our parliament started as long ago as in 1250 with the building of the *Ridderzaal*, the Hall of Knights. It is still in place now. The *Binnenhof* has been the centre of political and administrative power in the Northern Netherlands since 1250. The peculiar thing is that The Hague has never become the capital city of the Netherlands. That is Amsterdam, formally. There is a royal palace in Amsterdam, it is true, which is mainly used for ceremonial purposes, but there are no parliamentary or government buildings there whatsoever.

The parliament of the Netherlands is called the States General. This name goes back far beyond 1815, namely to 1464, when the 17 provinces of the Netherlands were part of the larger Duchy of Burgundy. That year, de Duke of Burgundy, Philip the Good, inspired by the States of Holland, of Flanders, and of Brabant, conceived the idea of consulting with representatives from all the 17 provinces he ruled, together, particularly when he wanted to levy taxes. He had found out that it was better to involve the people before making a decision.

Later on, the Duchy of Burgundy became part of the German Empire and subsequently came under the power of the King of Spain. In 1581, the seven Northern provinces of the Netherlands abjured the King of Spain as their sovereign. In 1568, a war of independence had started that was to last 80 years, but in 1581 the then States General -- i.e. the representatives of the states provincial of the seven provinces -- declared the Dutch Republic independent. From 1581 until 1795 the States General exercised the highest authority in the country.

The Dutch Republic was followed by a period of French domination, during which the country was first called the Batavian Republic. Under the influence of the French Revolution, the National Assembly was created in the Batavian Republic. It was bicameral, but did not last very long. The Netherlands became a kingdom under the reign of a brother of Napoleon Bonaparte, and was made part of the Napoleonic Empire in 1810.

In 1813, the country regained its independence. The son of the last Stadtholder of the Dutch Republic, Prince William V of Orange Nassau, who had taken refuge in England in 1795, was invited to become sovereign of both the Northern and Southern provinces (the current states of Belgium and Luxembourg). At the Congress of Vienna the Great Powers that had defeated France, had decided to create a strong buffer state between France and Germany.

In 1815, after the final defeat of Napoleon, the United Kingdom of the Netherlands was created. The bicameral parliament of the newly created kingdom was called the States General, a name that was familiar to the public.

From the outset the newly created States General consisted of two Houses: the House of Representatives and the Senate. The members of the House were elected by the provinces, whereas the members of the Senate were appointed by the King. As early as in 1815 there was some discussion about the question whether it was necessary to create a Senate. The Belgian nobility in particular wanted to remain involved in politics. They advised their colleagues from the North to create a second chamber, apart from the House of Representatives. The Senate was a stronghold, so to say, against undesirable legislation adopted by the elected body, the House of Representatives. That was the justification for creating a bicameral system.

Although the Kingdom of the Netherlands was a constitutional monarchy, the King had much power. The ministers were his servants and they were accountable to him, not to parliament. The parliament had a say in certain decisions, but the real power was with the King. In 1830, following the Belgian revolt, the Northern and Southern Netherlands became two separate kingdoms: the Netherlands and Belgium respectively. The Netherlands maintained its bicameral parliament, which was remarkable, since the Senate had been created at the initiative of the Belgians. In 1839 King Willem I eventually recognised Belgium as an independent state. I daresay that after those incidents the Netherlands and Belgium have been good neighbours ever since.

The year 1848 saw liberal revolutions throughout Europe. The absolute monarchy lost ground. King Willem II, the son of King Willem I, converted from conservatism to liberalism overnight. He lost all his powers. From then on, the King has been inviolable; the ministers are responsible for any actions of the monarch. The monarch mainly carries out ceremonial duties, whereas the ministers are accountable to parliament.

Another important amendment of the Dutch constitution at the time implied that henceforth the members of the House of Representatives were elected directly by the people, i.e. by the affluent male citizens, because in the beginning there was a system of census suffrage granting only a limited portion of the population the right to vote.

The members of the Senate were elected indirectly by the provincial councils, instead of being appointed by the King. This is still the case today. Every four years, general elections for the provincial councils are held. The provincial councils then set up a so-called electoral college, which elects the members of Senate. So, the outcome of the provincial elections determines the composition of the Senate. This system is subject to discussion about whether it is logical and legitimate. Historically it is interesting that ever since 1464 there has been a link between the States General and the provinces. Those who oppose the current electoral system often forget this historical context. The historical relationship between the States General and the provinces is now reflected in the involvement of the provinces in the election of the Senate.

In 1917, universal suffrage was introduced for all men. In 1919 the right to vote was given to women as well. In 1956, the number of members of the House of Representatives was increased from 100 to 150 and the number of Senators from 50 to 75. The last major change to the constitution took place in 1983. Both houses now have a 4-year mandate. In principle, every four years elections are held. However, the fall of a Cabinet can lead to early elections for the House of Representatives.

Constitutional tasks and duties

The House of Representatives is the major chamber of the Dutch parliament and has the political 'primate'. Members of the House of Representatives are full-time politicians, whereas Senators are part-time politicians (one fourth of the week). The main duties of parliament are co-legislation and scrutinizing the work of the Government. The 150 members of the House each have an office in the parliamentary complex; the members of the Senate share the office of the group they belong to. The members of the House have the right to initiate and amend legislation.

The instruments that the House of Representatives uses to get information from the Government include written questions and oral questions: every Tuesday there is Question Hour in the House, which is televised. A majority of the House can decide to hold a debate, but a minority of 30 members can request a so-called 30 members debate. The Dutch are considerate of minorities. The Netherlands is a multi-party democracy. There are at the moment 16 political groups in the House of Representatives, five of which are split-offs of the eleven originally elected parties. All political parties know that they can be in power one day and end up in the opposition the next day, so it is better to have regard to the position of minorities, because tomorrow you yourself may very well be a member of the minority again.

The Senate has 75 members. Constitutionally, the Senate is equal to the House of Representatives. Senators have the same powers, with the exception of the right to initiate legislation and the right to amend bills. On the basis of unwritten constitutional law, however, the Senate exercises restraint, particularly when it comes to scrutinizing the work of the Government. The focus of the Senate is on legislation. Theoretically the Senate has the right to make inquiries into any subject, but in everyday politics this is left to the House of Representatives. Scrutinizing legislation is the main task of the Senate.

The Senate has quite a few powers, which are rather exceptional at the European level. The Senate has the right to vote on every bill and every budget proposition. It can either adopt or reject it. If the Senate rejects a bill, it is over and out for that bill, which will not be sent back to the House of Representatives. The government may, however, draft a new bill on the same subject and start the procedure all over again. So the power of the Dutch Senate is quite far-reaching.

The Senate focuses on scrutinizing on legality, practicality and enforceability of bills. The 75 members come to The Hague only once a week. As said, being a Senator is a part-time job in the Netherlands. Most parties nominate quite experienced people -- professors, doctors, entrepreneurs or trade union leaders, for instance -- who bring in a lot of knowledge and expertise from society when looking at new legislation. With the two chambers we have a system of scrutinizing all proposals for new legislation "through two pairs of eyes", so to say.

Most bills are introduced by the Government, but the members of the House of Representatives can also take the initiative to present a bill. The Council of State advises on a bill drafted by the Government. This can lead to the Government making changes to the bill. Subsequently, the bill is submitted to the House of Representatives. After a written procedure of comments and questions by the

House and answers by the Cabinet, the bill is dealt with in a plenary sitting. During this process the House can amend the bill. The Cabinet may also feel inclined to make changes to the bill, having heard the opinion of the House. After conclusion of the debate the House will vote on the bill. If the bill is adopted by the House, the final draft is submitted to the Senate.

The first question the Senate will raise is: what was the problem that made the Government introduce this bill? Is this text, as we got it, the right answer to that problem? What does society think about it? Can the bill be easily implemented and enforced? In this phase there will usually be a lobby from stakeholders (like municipalities, provinces, hospitals et cetera) who have to deal with the bill. The focus is on the question: can the bill be implemented as intended? In this phase, the Senate lends an ear to society, as it were, and scrutinizes the bill. The Senate can organize expert meetings, hearings, briefings et cetera. The Senate also asks written questions from the Government. The Senate's criteria for scrutiny are: constitutionality, conformity with international law et cetera. The Senate takes a rather legal approach, although it is a political body. For the interpretation of the law it is very important to clarify what is meant by it. Sometimes the Government is invited to make changes to the bill. The Senate does not have the right to amend the bill, but it can make clear to the Government that if the Government does not change the bill, it may not be adopted. The Government then finds itself invited to withdraw the proposal and to consider changes. If, after reconsideration, the Government decides to give in to the objections the Senate has made, it will submit a bill with adaptations (called a 'nouvelle') to the House of Representatives, in order for these changes to be adopted. The 'nouvelle', adopted by the House, is submitted to the Senate and if it meets the initial objections raised by the Senate, it can pass quite quickly, combined with the original proposal. The Senate often also incites promises about the way in which the bill will be implemented once it has been adopted.

Formation of a cabinet

Our Constitution does not lay down many rules concerning the formation of a Cabinet. According to our Constitution the King appoints the members of the Government. In the past, the King appointed a so-called informateur, who examined which parties, representing a majority in the House, were prepared to form a new Cabinet. These parties then started negotiations, leading to the formation of a new Cabinet. The King then formally appointed the members of the Cabinet.

After the last general elections (in 2012), however, the House of Representatives took the initiative to designate informateurs and formateurs itself. At first there was some hesitation about this procedure, but it worked out well. There are a lot of political parties in the Dutch parliament, but nevertheless in 2012 the two largest parties emerged with a majority: the liberal People's Party for Freedom and Democracy (VVD) and the social democrat Labour Party (PvdA). They are not natural friends all the time, but they were much bigger than all the other parties and so became dependent on each other. They knew: if we do not form a Cabinet, then the political situation will become very complicated. That is why it did not take them very long to form a Cabinet.

So, we have seen a change in the formation process of a Cabinet recently. It is unlikely that the House of Representatives will be ready to give up again the power it has taken. The role of the Senate in the formation of a Cabinet has always been modest. However, nowadays the Cabinet has a problem in the Senate as will be described in the next paragraph.

The Senate is not directly involved in the formation of a Cabinet and it is not inclined to bring down a Cabinet. If the House is no longer satisfied with the Cabinet, it can adopt a motion of no confidence. Theoretically, again, the Senate could do this as well, but it has not done so in more than 100 years. The Senate is aware of the fact that this is not its duty. The Senate concentrates on legislation, but its

full right of veto and its theoretical right to bring down the Cabinet give the Senate the "power of threat". The Senate can adopt a motion, requesting the Cabinet to implement a bill in a certain way.

Current political situation

There are at the moment 16 political groups represented in the House of Representatives and 12 political groups in the Senate. The Cabinet is based on a coalition of two parties: the liberal People's Party for Freedom and Democracy (*VVD*) and the social democrat Labour Party (*PvdA*), who have had only 21 of the 75 seats in the Senate since the general elections held in May this year. So, in the Senate the Cabinet has only a small minority.

There are many opposition parties, but they do not form a single block. There is a leftist Socialist Party, for instance, and a right-wing party (the Freedom Party). The Government has to be keen on getting a majority for each and every piece of legislation. They must be very convincing, which is not that bad for dualism between Government and parliament, and for the quality and the acceptance of draft legislation.

If the Government had a strong majority in both houses, it might be easier for the government to have a bill adopted. Majorities could be less critical to Government proposals which brings about the danger of "rubbish bills" being passed. In our system of checks and balances there is a lot of debate about legislation. The justification of the bicameral system in the Netherlands is that it brings about laws of a better quality than the majority in one House can bring about on its own. So far, we have not seen a dramatic increase in the rejection of bills in recent years. Some bills have been rejected, it is true, but one should realize that even coalition parties in the Senate can be very critical of draft proposals for new laws. The emphasis will always be on the legal approach and the quality of legislation. At the end of the day, a political decision will be made by a vote for or against the bill, but first of all the Senate has the habit of judging the quality of legislation.

Communications around the bicentennial

Communications around the bicentennial of the Dutch parliament have focused on the history and development of the parliamentary system and its functioning in our times.

A preparatory committee of civil servants of both Houses, chaired by the Secretary General of the Senate who is also the First Clerk of the Joint Session (of both Houses) of the States General, was set up in 2014 to develop a program of activities. This committee reported to the Speakers of parliament and they consulted with the presidia of the Chambers on the principal aspects of the program. Each Chamber had a project team for the aspects of the program that were concentrated in each of the Houses.

A **200 years website**¹ was developed which concentrated on the following themes:

People's work

Which people have become the representatives of the people of the country? Which developments have we seen in the electoral system and how did this affect the social composition of parliament? How has the relationship between the elected representatives and the Government on the one hand and the relationship between the elected representatives and the population on the other hand developed?

¹ <http://www.200jaarstaten-generaal.nl/#/>

What development have we seen in the tasks, functions and composition of supporting staff, both to the Chambers, and to the political groups and the individual members of the House of Representatives?

Publicity

How open and accessible are the Chambers of Parliament?

The development of parliamentary press; the accessibility of the documents; access to public galleries; the entrance of radio and television; internet; websites; social media; live stream; public involvement through petitions, demonstrations; complaints procedures; citizens initiatives.

Housing of parliament

Parliamentary buildings comprise a series of large and small structures which have seen their start in the 13th century and have been further developed ever since.

How have these buildings been used through the ages? What were the major moments of change, renovation, expansion and renewal? The website offers a virtual tour through the buildings.

Ceremonial

What ceremonial events take place in parliament?

The Speech from the Throne at the beginning of each parliamentary year for the Joint Session of the States-General.

International relations: reception of high foreign visitors.

International relations and Europe

How did the international parliamentary activities develop; participation in international parliamentary assemblies; the development of the European Parliament and the role of the national parliaments within the EU.

The program further included the following elements:

- An outdoor and an indoor exhibition on 200 years of Dutch parliament;
- Digital lessons on 200 years of parliament for all elementary schools;
- A series of lectures on parliament and democracy, and the role of parliamentarians in the public arena of democracy;
- Special facebook and twitter pages on 200 years of parliament;
- Jubileebooks of both the House of Representatives and the Senate; the book of 200 years of the Senate was written by the staff of the Senate;
- Discussions on the basis of theses on the future of the States-General; the role of the House of Representatives and the role of the Senate; the influence of citizens and the role of the European Union; how does the next generation see the future of our parliamentary system?;
- Educational 'role plays' ('rollenspellen') for students on taking political decisions;
- Open house in both chambers of parliament in the weekend of 9 and 10 October 2015; lots of manifestations in and around the parliament buildings;
- Guided tours; visits to places normally not open to the public, like the press tower and the internal TV-studio.

The pinnacle of the jubilee events was the **Special Joint Session of the Senate and House of Representatives of the States-General** on October 16, 2015, the day on which it was exactly 200

years ago that these Houses came together for the first time in The Hague. The Joint Session took place in the presence of the King of the Netherlands, the whole Government, the Council of States, judicial authorities, representatives of the provinces and municipalities, civil society, the diplomatic corps, and citizens from many segments of society. The Joint Session was broadcast on national television

Three short films had been prepared on the following aspects of 200 years of parliament:

- the constitutional aspects of the role of parliament;
- Parliament and the citizens; how did democracy develop?
- what did parliament achieve; focus on the social legislation of the country.

Each film was followed by a short speech of, in succession, the President of the Senate, the Speaker of the House of Representatives and the Prime Minister;

The three segments were interrupted by artistic performances. At the end of the ceremony the newly composed Hymn of the States General was performed.

Some reflections on the celebration of 200 years of parliament

The 200th anniversary of the Dutch parliament took place in an era that there are more concerns about the functioning and future of democracy in the Netherlands and elsewhere. These have a variety of causes. For example, European integration and other international dependencies may be perceived as a threat, as may increasing administrative complexity or shortcomings of politicians and political organisations and procedures. There appear to be signs of growing political dissatisfaction and declining democratic engagement.

The Netherlands Institute for Social Research in 2015 published a study called 'Meer democratie, minder politiek?' (More democracy, less politics?)² Questions asked are: How future-proof is Dutch democracy, and what scope is there for improving it, in the light of the views and wishes of the populace?

The report presents a picture of public opinion in the Netherlands and looks briefly at ideas for democratic renewal and the desirability of new research.

The study places the present public mood and preferences in the Netherlands in a broader perspective and considers how attitudes to democracy and politics have developed since the 1970s and how public opinion in the Netherlands compares with other European countries.

What is important is that long-term survey research provides no indications of a fundamental decline in support for the idea of democracy, nor of reducing satisfaction with democratic practice or a major reduction in political trust. The degree of satisfaction with democracy, and above all trust in politics, is however highly volatile and dependent on political and economic developments. Nevertheless there are some constants in appreciations. The Dutch regard free elections and equal treatment before the courts as important characteristics of a democracy and, when asked to assess the degree to which these characteristics are present in the Netherlands, many believe that there are free elections in the Netherlands. Opinions are more divided on equal treatment by the courts. The Dutch public take a positive view on the presence of a free media and freedom of opposition. More than 90% support democracy as an idea, and more than 70% are sufficiently satisfied with its functioning. People are less satisfied with the way in which democracy is put into practice – with politics, in other words. A good deal

² Josie den Ridder and Paul Dekker, Meer democratie, minder politiek? Een studie van de publieke opinie in Nederland, http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2015/Meer_democratie_minder_politiek

of criticism is levelled at elected politicians, and there is wide support for citizens having a greater say and for more direct democracy (such as referenda on key issues).

The Dutch associate the word 'democracy' with freedom (including freedom of expression) and of democracy as a decision-making procedure (a system in which everyone has the right to vote or to express his or her opinion). People who associate democracy with 'freedom' are more often satisfied with the functioning of democracy than people with different associations. People were asked to explain in their own words why they were satisfied or dissatisfied with the functioning of democracy in the Netherlands. Most people tended to cite reasons for dissatisfaction; despite the relatively good overall assessment of democracy, arguments for being satisfied were less common.

The main reasons put forward for dissatisfaction were that politicians do not listen and simply do what they want, that citizens have too little say and that politicians talk too much and act too little; or else they were dissatisfied with current policy at the time of the survey. People who are satisfied mainly mention the right to vote. Where people spontaneously express their concerns about politics, those concerns are often directed at politicians who do not listen or who promise much but deliver little. People who feel that things are moving in the wrong direction in a societal policy domain (e.g. care, integration of minorities) hold politicians responsible for this. They have the idea that politicians pay too little attention to what citizens want and sometimes go against public opinion by pushing through their own personal agenda.

The outcomes of the survey can be summarized as follows:

- Support for the principle of democracy is and remains high; three quarters express satisfaction with the functioning of the political system.
- The norm of representation may still be deeply rooted in the Netherlands, but traditional forms of institutional representation appear to be becoming more fragile and disputed at the start of the 21st century.
- Political dissatisfaction is focused mainly on a lack of political responsiveness. There is support for more direct democracy, mainly as an addition to representative democracy.
- The public opinion is highly diverse; there are 'rejecters' and 'contented' for very different reasons.

The survey underlines how very important it is that public opinion is constantly well informed on the functioning of the democratic system. It is up to the politicians and the political parties to present their views and policies. Parliament as an institution should inform the public constantly on the functioning of parliamentary democracy, the present tasks and duties of parliament in our democratic system and the historical perspective of these.

The celebration of 200 years of parliament was a grand occasion to attract wide attention to the rich history of parliamentary democracy in the Netherlands. In colourful pictures it was demonstrated that the States General of 1815 bears little resemblance to States General as it is today.

As the President of the Senate, Ankie Broekers-Knol, stated in her speech to the Joint Session of the Houses of Parliament on October 16, 2015³, for two centuries the Senate and House of

³ http://www.staten-generaal.nl/nieuws/20151016/200_jaar_eerste_en_tweede_kamer

Representatives of the States General have been an essential part of the system of checks and balances that constitutes the rule of law in our constitutional state. A system that has proved durable and of which we can be proud.

Under the rule of law the authorities are bound by rules and standards, and citizens trust they will be treated fairly. Under the rule of law everyone – without exception – is subject to the law. Under the rule of law fundamental human rights apply. This means that there must be sound legislation.

To achieve this, it is of the utmost importance to have an open debate on legislation in Parliament – in the Senate and the House of Representatives – in which the arguments of majorities and of minorities are heard and discussed. It is the responsibility of the members of parliament to weigh these arguments and to scrutinise draft legislation to ensure compliance with the principles of our constitutional democracy.

Over the past 200 years this task has been discharged by the two chambers of Parliament. While there have been some stumbles along the way, they have worked together in relative harmony and always in the interests of the people they represent. The two chambers are closely interwoven with each other and, as such, mutually complementary. So the Dutch Parliament is a stable, political institution that functions, under the separation of powers, alongside the executive and the judiciary.

However, the President said: "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. Parliament too cannot and must not sit back and be complacent."

"This means that we must also look forwards – certainly on such a memorable day as today. How will the States General evolve over the next 200 years? Will they still fulfil the same role as co-legislator and scrutiniser of the government? Or will 'Brussels' have overruled the national parliaments? Is our present system of representative democracy fit for purpose? And is there sufficient attention at national level for democracy at local level? These and other issues will require an answer in the future. This means that Parliament must keep its eyes and ears open for developments in society and must have the willingness to adapt and be flexible. After all, what doesn't bend will break!"

Looking back at the events around 200 years of Dutch parliament I think we succeeded in attracting attention to what it took to build a parliamentary system and a democracy. We did not reach the whole population, but particularly many schools and civil society picked up the historical importance of the anniversary. Awareness was sharpened that in view of the ups and downs in the past two centuries we should not take parliamentary democracy for granted. As a system it should be treasured and there is reason enough to take pride in what has been accomplished. The people that attended the events in The Hague expressed satisfaction on how things were organized and explained. Particularly young people expressed that they had learnt a lot from the programs that were offered.

Giving objective information on the role and functioning of the parliament is an important task of the parliamentary staff of parliament. Parliament should have a clear communications strategy. Modern ICT makes it possible to reach all interested citizens. What we have experienced is that a jubilee can give new impetus to the communications strategy. The communications instruments have been polished for the anniversary and the positive reactions from society demonstrate that a wide set of means of communication can contribute to education of citizenship. One of the goals of our communications strategy is to bring all young people of the Netherlands to the parliamentary complex in The Hague at least once in their school days. The visits to The Hague meet great enthusiasm and the jubilee has

certainly contributed to the preparedness to participate to programs on parliament, democracy and the rule of law.

People are not always pleased with politics, but in the Netherlands through the celebration of 200 years of parliament we realized the more that there is enough reason to take pride in a parliamentary system that reflects the constitutional history and development of the country and its population.