

ProDemos

Politics in the Netherlands





- 3** State characteristics
- 10** The Dutch parliament
- 18** Elections and after
- 24** The government

*The 'Little Tower':
the seat of the prime
minister.*

*Front cover: Prime
Minister Mark Rutte
locking his bike at
the King's palace.*



State characteristics

Members of both houses of parliament and other invitees listening to the Speech from the Throne in the Hall of Knights.

Constitutional monarchy

The Netherlands is a constitutional monarchy. This means the Dutch monarchy is based on a constitution, which limits the power of the monarch. The Dutch head of state is part of the government but has no political power. Article 42 of the Dutch Constitution makes this very clear: '1. The Government shall comprise the King and the Ministers. 2. The Ministers, and not the King, shall be responsible for acts of government.' This also applies to what the monarch says or does. Since 2013 the Head of State of the Kingdom of the Netherlands has been King Willem-Alexander.

The Monarch

In the Netherlands the monarch has a largely ceremonial and symbolic function. As head of state the monarch has a number of formal political roles. The monarch also has a ‘unifying, representative and supportive’ role. In practice this means the monarch performs a number of regular tasks. They give assent to legislation, which no one else can do because the monarch has no substitute. They swear in members of the government and other senior officials. Every year on Prinsjesdag the monarch delivers a speech to parliament and the monarch has a weekly meeting with the prime minister about the current political situation. The monarch also makes state and working visits and receives heads of states or representatives from foreign countries, and on King’s Day (known previously as

From republic to kingdom

Article 24 of the Constitution states that the Dutch monarchy is hereditary and is passed down to legitimate descendants of King William I, Prince of Orange-Nassau, who was made king in 1815. This was particularly noteworthy because, before 1815, the Netherlands had been a republic for several centuries.

In the first half of the 16th century Holy Roman Emperor and King of Spain Charles V became ruler of the states of the Holy Roman Empire which today comprise the modern Netherlands. In 1555 he was succeeded as ruler of the Netherlands by his son Philip II, who also became King of Spain a year later. In 1568 the Dutch began a revolt against the centralist rule of the King of Spain, leading to the Eighty Years’ War, which ended in 1648. As the Dutch provinces which renounced the rule of Philip II in 1581 were unable to find a suitable ruler, they declared

independence as a republic in 1588, giving the provinces a large amount of administrative independence. The role of stadtholder (originally a representative of the king) however remained, with the primary responsibilities of the stadtholder being foreign affairs and the military. The republic existed until 1795, when France invaded the Netherlands. The last stadtholder, William V, went into exile. After the French retreat from the Netherlands in 1813, a number of royalists brought his son William Frederick back to the Netherlands in order to “relive the old days”. He immediately began working towards achieving his dream: the creation of a monarchy, which he managed to do in 1815. In European history this has often been the other way around, with monarchies being replaced by republics rather than republics being replaced by monarchies.



The royal family.

Queen's Day), the monarch's birthday, they visit a city or region to join in with the festivities.

In some countries with a monarchy, the monarch is only succeeded after they have died, but in the Netherlands it has become customary for the monarch to voluntarily abdicate and make way for their successor. The monarch is allowed to vote but does not exercise this right because they are politically impartial. This is considered an unwritten rule in Dutch law.

One kingdom, four countries

The Kingdom of the Netherlands comprises four countries: the Netherlands, Aruba, Curaçao and Sint Maarten. These last

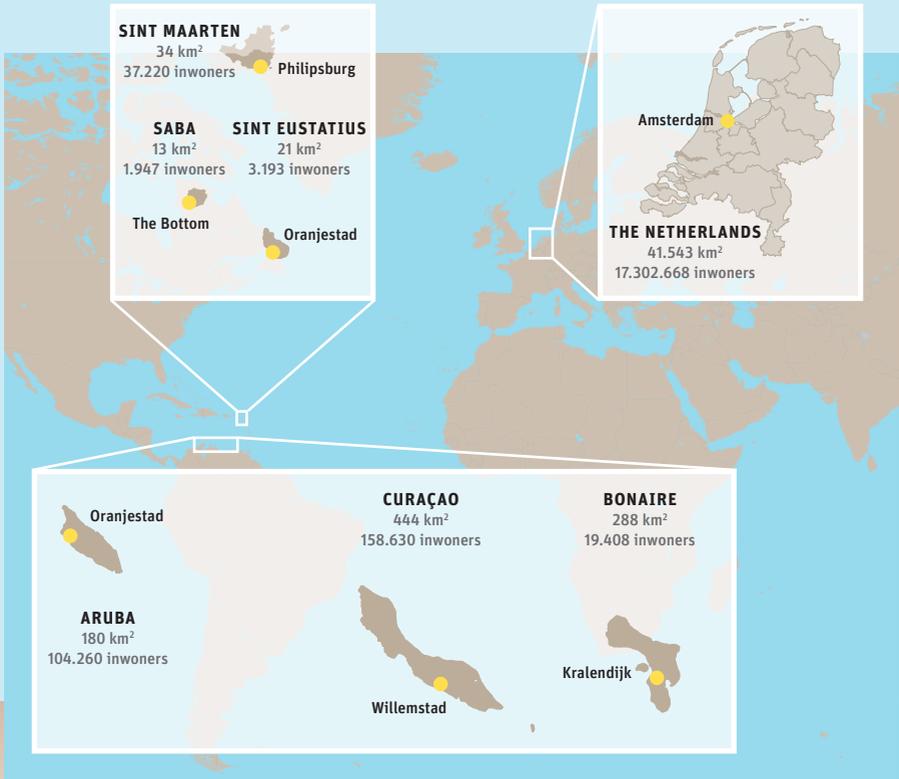
three countries are located in the Caribbean and all have a form of self-government. The political relationship between the four countries is described in the Charter for the Kingdom of the Netherlands. The Netherlands also has three special municipalities in this region – the islands of Bonaire, Sint Eustatius and Saba – which are known as the Caribbean Netherlands. This brochure will only focus on the political structure of the Netherlands.

The Kingdom of the Netherlands comprises not only The Netherlands, but also three countries and three municipalities in the Caribbean.

Parliamentary democracy

The Netherlands is a parliamentary democracy. This means a country that has a parliament with directly elected representatives. The population can influence government policies of a country via parliament, because in a parliamentary democracy a government must have a majority in parliament. In the Netherlands this majority consists of representatives from different political parties. A government can also be dismissed by the parliament if it no longer has confidence in that government.

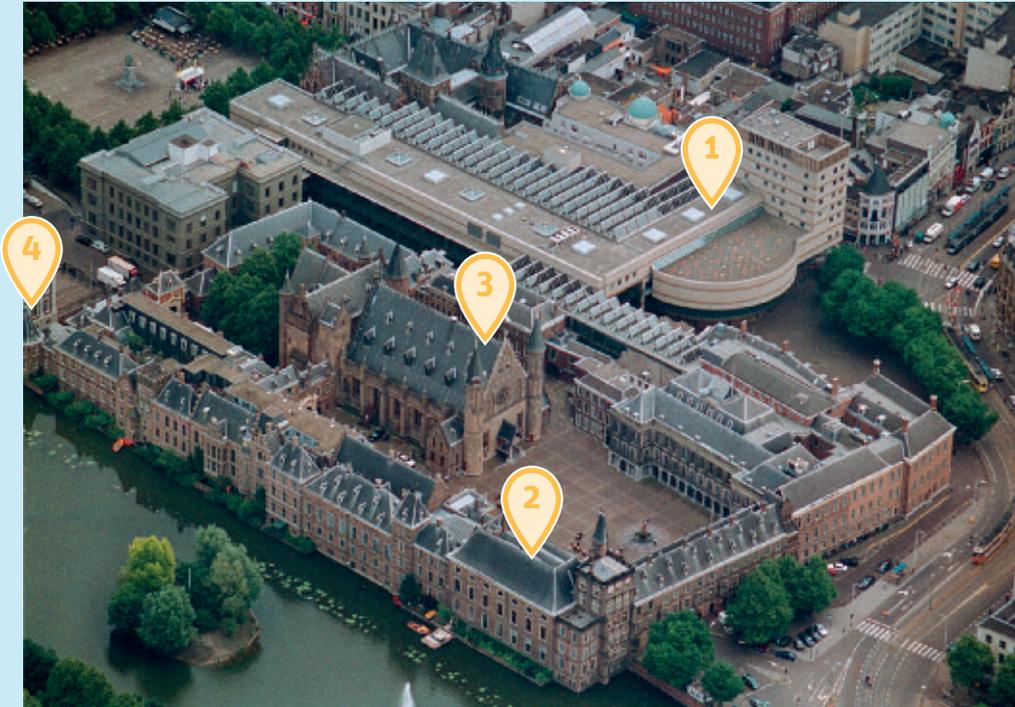




Rule of law

The political system of the Netherlands is governed by the principle of the rule of law. This means the power of government is determined by laws, legislation and customs. People living in the Netherlands have basic rights and freedoms to protect them from abuse of power by the government. The government must also uphold the law and must not limit or reduce the freedoms and rights of citizens. Basic rights and freedoms are included in the Dutch Constitution.

*1. House of Representatives;
2. Senate; 3. Hall of Knights; 4. Seat of the prime minister.*



Subdivisions

The Netherlands is subdivided into twelve provinces and around 350 municipalities. Provincial governments in the Netherlands operate at an intermediate level between the central government and municipalities. The provinces have a number of duties, ranging from environmental management to the supervision of public transport services. The provinces have their own representatives and executive bodies. Municipalities carry out a large number of duties for their inhabitants. They also have their own municipal councils and executive bodies.

Capital and seat of government

In the Netherlands you have a fairly unique situation where the national government and the parliament are not located in Amsterdam, the national capital according to the Constitution of the Netherlands, but rather in The Hague. This can be explained by looking at the history of the Netherlands. The Hague has served as the centre of political power in the Netherlands for many centuries. The city was originally the seat of the Counts of Holland, who were ultimately succeeded by stadtholders and provincial representatives during the era of the Dutch Republic (1588–1795). There was no real national capital during this period since the individual provinces were more or less self-governing. In 1795 the Netherlands was invaded by France. After the Emperor of France Napoleon Bonaparte, made his brother Louis Bonaparte King of Holland in 1806, the new

monarch chose Amsterdam as the nation's capital. In 1810 however, the Netherlands was incorporated in the French Empire. After the creation of the new Kingdom of the Netherlands in 1815, Amsterdam remained the capital, although it was not referred to as such in the Dutch Constitution. The city only acquired this status in 1983. During all this time however The Hague remained the official seat of the national government and the Dutch parliament; they are located in the Binnenhof in the centre of the city. The working and residential palaces of the Dutch monarch are also located in The Hague. However, the Constitution of the Netherlands stipulates that the swearing in and inauguration of the new Dutch monarch must take place in Amsterdam, in the presence of all members of both houses of the States General.



The Dutch parliament

The States General

The Dutch parliament is called the States General. During the Republic (1588–1795) the States General was the name given to the meetings of representatives of the different provinces. The legislature consists of two chambers: the House of Representatives (Lower House, *Tweede Kamer*) and the Senate (Upper House, *Eerste Kamer*). The House of Representatives plays a far more prominent role in the Dutch political process than the Senate.

The House of Representatives has 150 members, who are chosen directly by the Dutch electorate. The elections for the House of Representatives are held once every four years,

*A plenary session
of the House of
Representatives.*

unless a government falls before the end of its term and early elections are called. The members of the Senate are chosen by the members of the twelve provincial parliaments within no more than three months following provincial elections, which take place every four years (early elections in the provinces are impossible). The Dutch Senate has 75 members (senators).

After summer recess (the holiday period), the Dutch monarch reads the Speech from the Throne (*troonrede*), which sets out the government's plans for the coming year. This is done during a joint session of both houses of parliament. The event, which traditionally takes place on the third Tuesday of September, is called Prince's Day (*Prinsjesdag*).

Members of Parliament

The House of Representatives convenes three times a week – on Tuesdays, Wednesdays and Thursdays. Being a member of parliament is a full-time job. Dutch senators usually have another job alongside being a member of the Senate. The Senate convenes once a week, generally on Tuesdays.

The King and the Queen arriving at the Hall of Knights on Prince's Day.



Parliamentary duties

The parliament has three key responsibilities:

- To represent Dutch voters: Members of Parliament need to stay in touch with the electorate.
- To propose, review and pass laws in collaboration with the government.
- To review the cabinet's implementation of legislation and all other government actions.

Prinsjesdag – an annual celebration of democracy

Compared to royal families in other countries, the Dutch royal family does not use a lot of pomp and grandeur. The one exception to this however is on Prince's Day (*Prinsjesdag*).

This is the only day of the year when the monarch sits on a throne, and even this is very brief. On the third Tuesday in September at 13:00 the monarch travels from Noordeinde Palace to the Ridderzaal in the Binnenhof in the Golden Coach (or the Glass Coach, if the Golden Coach is undergoing repairs), preceded by other carriages and soldiers on horseback. Thousands of people line the route of the coach and schoolchildren in The Hague get the day off.

The name Prinsjesdag comes from the time of William V, stadtholder (and Prince of Orange) from 1751 to 1795. His birthday (March 8th) was a date used for public demonstrations of support for the House of Orange, which the crowds still do to this day. Prinsjesdag however is first and foremost a celebration of parliament, not the royal family.

Since 1904 the monarch has delivered the Speech from the Throne in the Ridderzaal. The audience in the Ridderzaal consists of

the members of both the Senate and House of Representatives, officially known as a "joint session". The monarch is a guest, just like ministers during meetings of the two Houses. The 225 members of the States General are joined by around 800 guests, including ministers, state secretaries, members of the Council of State, foreign ambassadors and guests of members of the two houses. There is also room for a number of "ordinary citizens". Anyone can apply to the Clerk of the Senate for a place but there is a long waiting list.

When the monarch, their family and other members of the royal house arrive at the Ridderzaal at 13:15 they are greeted by the ushers at the entrance of the Ridderzaal, who escort the royal guests inside to where the monarch will read the speech. Next to the throne there is a smaller throne for the monarch's consort.

After the throne speech the monarch leaves the Ridderzaal to take the Golden Coach back to Noordeinde Palace. The royal family then appears on the balcony of the palace to wave to the crowds. For many people this is the highlight of Prinsjesdag.



Session of the Senate.

Authorities

To enable the members of the House of Representatives and the Senate to effectively execute their legislative and supervisory tasks, they have been assigned a number of authorities or prerogatives. The members of the House of Representatives have a number of rights that are exclusive to their chamber.

Budget right

Both Chambers have the right to either approve or reject the cabinet's budget: the budget right. This is an important instrument for influencing the government's policies, since a minister is unable to implement any policy measures if their budget has not been formally approved.

Right of amendment and the right of initiative

The government needs to submit bills to the House of Representatives for approval. The House also has the right to modify the content of these bills: this is called the right of amendment. Adopted amendments subsequently become part



of the proposed legislation. In addition, the members of the House have the right to propose bills themselves: the right of initiative.

Debate in the House of Representatives.

The members of the Senate do not have these two prerogatives. The Senate subjects bills that have been adopted by the House of Representatives to a second review: it only has the right to approve or reject a bill without reservation.

Right to propose motions

Members of both Chambers have the right to propose motions during a parliamentary session. In a motion, the representative calls on the government to take action or refrain from taking action in relation to a specific matter. However, government members are free to ignore such motions. Members of Parliament also have the option of withdrawing their confidence in individual members of government or the cabinet as a whole by adopting a motion of no-confidence. In such cases, the cabinet member or team will resign.

Right of interpellation and questioning

Both Chambers have the right to call a minister or state secretary to a House session for an urgent debate. This is called the right of interpellation. If a Member of Parliament wishes to exercise this right, they must get the approval of thirty members. In such cases, the minister or state secretary in question is obliged to appear before the chamber.

In addition, all members of the House and Senate have the right to question government ministers. This can be done in writing, when the need for an answer is not particularly pressing, but this can also be done face to face. Every Tuesday, the members of the House of Representatives can pose questions to cabinet members during Question Time – an opportunity which parliamentarians make frequent use of.

Right of inquiry and investigation

One of the representatives' more far-reaching prerogatives is the right of inquiry. This amounts to the right to get to the very bottom of a specific matter. To this end, the House appoints a number of its members to a parliamentary inquiry committee. These select committees are authorised to call anyone they wish to hear in connection with their inquiry to a hearing. Those called before the parliamentary inquiry committee are legally obliged to appear and answer the committee's questions under oath. A less severe form of enquiry is the parliamentary investigation. In these enquiries, those called before the select committee are not required to answer under oath.

Procedures

Members of Parliament from different political parties are grouped into parliamentary parties (*fracties*), which are headed by a chairperson (*fractievoorzitter*). A matter can only be voted on in the House and the Senate when the session is attended by a sufficient number of members. In the House, a minimum of 76 members need to be present (half the total plus one). This minimum is called the quorum. Votes are usually held on Tuesdays.

All sessions of the House and the Senate are public, with the exception of meetings on matters of procedure. All parliamentary papers are also made available to the public. Word-by-word transcriptions are made of all parliamentary sessions: the so-called Proceedings (*Handelingen*).

Committees

Most parliamentary work is done in parliamentary committees. There are different types of committees, of which the most important are the 'standing committees' for various policy areas of the ministries. The members of these committees meet to discuss bills and consult with a cabinet minister or state secretary on how to deal with specific matters.

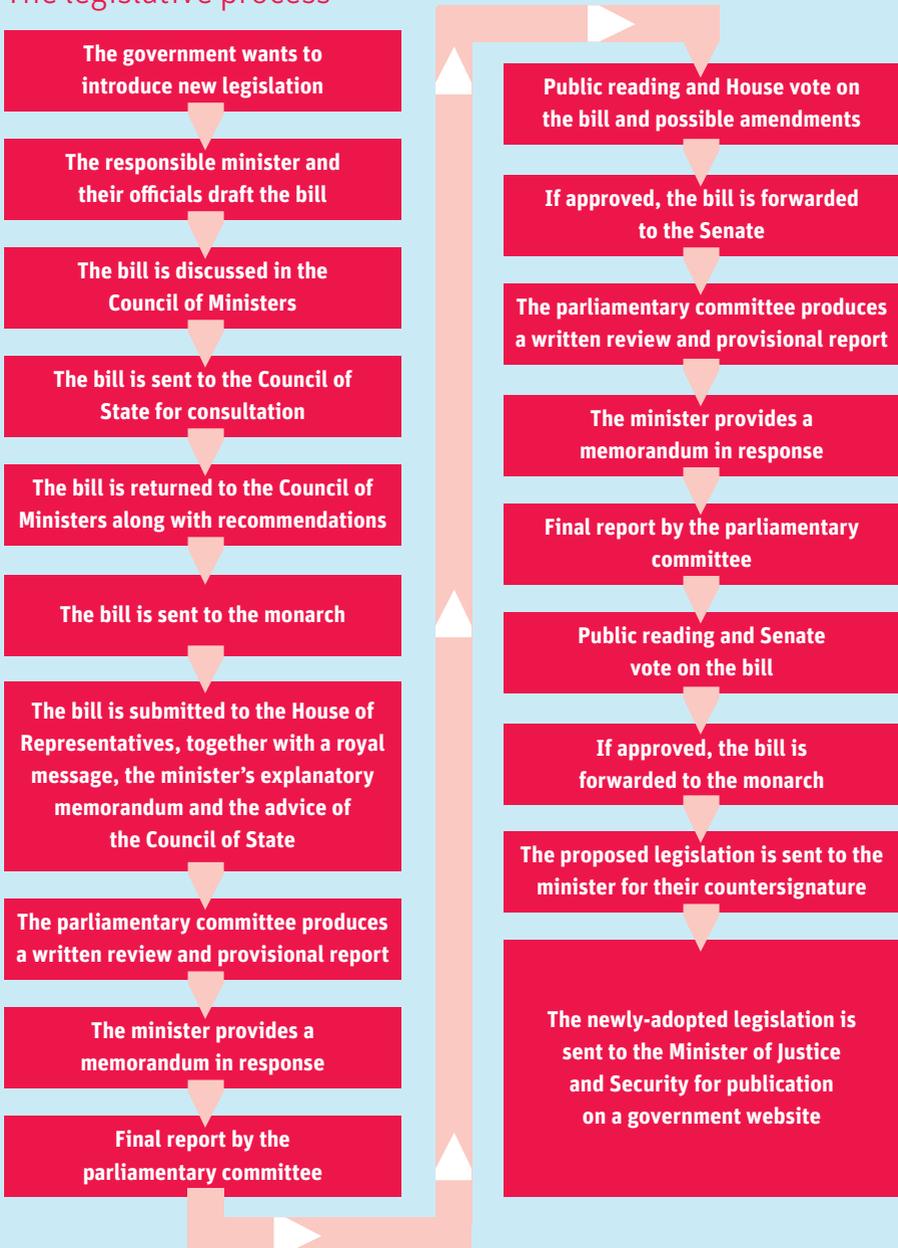
The legislative process

A bill is a proposed law. A bill does not become law until it is passed by both Chambers of parliament. Quite some time can pass between the initial drafting of a bill and its adoption as new act of parliament. A bill needs to complete a complicated series of stages before it becomes law. The following diagram shows the various stages of the legislative process.

A parliamentary committee session.



The legislative process





Elections and after

Parliamentary elections

National elections for the House of Representatives (the Second Chamber) are usually held once every four years. The Dutch Senate (the First Chamber) is not elected directly by Dutch citizens but is chosen by the members of the twelve provincial parliaments. This process is known as indirect election. All Dutch citizens aged 18 or older have the right to vote in elections. In addition to having the right to vote (suffrage), any Dutch citizen aged 18 or older has the right to put themselves forward for election (eligibility for election).

Party posters for elections of the House of Representatives.

Proportional representation

Parliamentary elections in the Netherlands are organised according to the principle of proportional representation. As opposed to many other countries, in the Netherlands this system does not make use of separate electoral districts. In the country's parliamentary elections, all the votes cast are combined into one election result – in effect, the Netherlands is treated as a single electoral district. According to some political scientists, this makes the Dutch voting system one of the most proportional systems in the world. For administrative and party-political reasons, the country has been divided into 19 constituencies (as well as one in the Caribbean Netherlands) that correspond with a province or part of a province.

Voting

Voting in the Netherlands is not compulsory. In other words, you are not obliged to cast your vote at the polling station. Before the elections, all eligible voters are sent a voting pass. Voters are free to choose which polling station they cast their

A polling station.



ballot at, as long as it is in their own municipality. They are, however, required to present proof of identity before casting their vote.

The Dutch cast their votes by means of a paper ballot and a red pencil. The names of the participating parties with the names of their candidates are pre-printed on the ballot paper. The voter casts their vote by marking the box next to their choice in red with the pencil provided. This means you can cast a preferential vote for a specific candidate within a party. In the Netherlands, elections are usually held on a Wednesday. Polling stations are open from 07:30 to 21:00 hours (some polling stations open earlier, but no stations are allowed to close earlier or later than 21:00).

The distribution of seats

Once the total number of valid votes has been determined, the central electoral committee (the *Kiesraad* in The Hague) calculates the electoral quota for the election. This quota specifies the number of votes required for a single seat. The

Ballot paper and red pencil.





*Counting the votes
after the elections.*

Dutch House of Representatives has a total of 150 seats to be divided among the various candidates. If, for example, a total of nine million valid ballots have been cast, the electoral quota will equal nine million divided by 150, i.e. 60,000. The higher the voter turnout and the more people who cast a valid ballot, the higher the electoral quota – in other words: the more votes a party needs to win to gain a seat for its representative. This process will always lead to a number of unallocated votes and seats. These so-called remainder votes are distributed according to a complicated arithmetic method.

Preference votes

Candidates who have received a total of preference votes in excess of 25% of the electoral quota are assured of a seat in any case. After this, the remaining votes are distributed among the party's candidates in the order of their inclusion on the list.



After the elections

The cabinet formation process starts as soon as the results of an election are in. The objective is to assemble a new team of ministers and state secretaries: a cabinet that can govern the country for the next four years. This is by no means a simple task: due to the nature of the version of proportional representation used in the Netherlands – without any individual electoral districts or election thresholds – the House of Representatives usually ends up with a large number of parties. It is rarely clear from election results what kind of government Dutch voters would prefer. No political party has ever gained an absolute majority in a Dutch general election – i.e. half the total number of seats plus one (= 76 seats). A government needs to enjoy the support of a majority of the members of the House of Representatives. This means that two or more parties will always need to form a coalition if they want to form a government. The parties that work together in a government are called coalition parties – or the coalition for short.

Television broadcast of parliamentary election results after the closure of the polling stations.

The negotiations

During the cabinet formation, various parties negotiate with one another in a number of stages, primarily focusing on the following questions:

- Which parties are prepared to form a coalition government with one another?
- How can the parties' different programmes be combined into a single government programme?
- Which party will be given which ministries or state secretariats?
- Which individuals will be asked to take up the various ministries and state secretariats?

Some say it is more important for a political party to win the formation process than to win the election itself. After all, strong election results do not automatically lead to inclusion in the next coalition government.

A review of the election results generally shows a wide range of possible combinations for the government coalition. Which parties end up taking office can depend on a party's willingness to give and take during the formation period. During the cabinet formation process, parties not only deliberate on who will be governing together, but also on which general direction the new government's policies should take. Agreements on such aspects are set down in the coalition agreement.

Preliminary consultation

Once candidates have been nominated for the different government posts, the prospective cabinet holds a so-called preliminary consultation (*constituerend beraad*). In this meeting, the new ministers formally endorse the final coalition agreement.

Shortly after this the members of the new council of ministers are sworn in by the monarch, after which the new ministers assemble around the monarch on the stairs of Huis ten Bosch in The Hague for the traditional photograph of the new government. Afterwards, the state secretaries are sworn in.



The government

Who rules the country?

According to the Constitution of the Netherlands, the Dutch government is made up of the King and the ministers. In addition to the ministers, the government also has state secretaries who handle specific responsibilities. State secretaries are individually accountable to the parliament for their assigned policy areas. Together, the team of ministers and state secretaries are also referred to as the cabinet, which bears the name of its prime minister. In the Netherlands, cabinet members do not have to be elected to parliament before being allowed to accept a cabinet position. In other words, it is possible to appoint ministers and state secretaries from outside parliament. Furthermore, ministers and state

The council of ministers after they have been sworn in by the King.

secretaries are not allowed to simultaneously occupy a cabinet post and sit in parliament: after their appointment to office, they are required to resign their parliamentary seat.

The Council of Ministers

The Council of Ministers takes governmental decisions on behalf of the entire cabinet. The council meets every week on Friday. As a rule, state secretaries do not attend the Council of Ministers, nor do they replace their minister if they are unable to attend the council meeting. When a minister is absent due to illness (for a longer term), on holiday or absent for some other reason, they are replaced by one of their fellow ministers. Occasionally, a state secretary is asked to attend a meeting of the Council of Ministers if the discussion relates to a subject that falls under their responsibility. The council of ministers is chaired by the prime minister, who is also known as the *premier*.

The ministerial section in the House of Representatives.



The government's tasks

According to the Dutch Constitution, the government's task is to make laws in collaboration with both Chambers of the States General. In addition, the government is responsible for concluding international treaties, determining the Netherlands' foreign policy, arranging the nation's defence and for appointing a number of state functionaries. The government executes these constitutional tasks under the scrutiny of the Dutch parliament. While the parliament is unable to actually repeal the government's decisions in these areas, it can clearly inform the government that it objects to them. If necessary, Members of Parliament can also order a vote of no-confidence in the government, which will force the cabinet to tender its resignation.

The role of ministers

Ministers stand at the head of a ministry or department. In other words, besides developing and implementing new policies, they also need to manage a team of officials, which

The national government is responsible for the construction of highways.





*Parliamentary
journalist in action.*

can number in the hundreds. In most cabinets there are some ministers who are not given a ministry of their own, but who are assigned to a specific policy area. A minister who does not head their own department is called a ‘minister without portfolio’ or a ‘programme minister’. Such posts are occasionally used to ensure that all coalition parties are represented according to their respective election results. Sometimes, these ministers are also appointed to underline the importance of a specific policy area to the new government.

Besides heading a governmental department, a minister is also a member of the cabinet. Ministers share joint responsibility for all aspects of government policy – not just for their individual policy areas. Any minister can be held accountable (by members of parliament, fellow party members

or members of the public) for how the coalition agreement is carried out. This arrangement is called collegiate governance.

The prime minister

The prime minister not only chairs the council of ministers, but they also bear responsibility for the coordination of government policy. In addition, the prime minister serves as the ‘face’ of the incumbent cabinet. They present government policy to the outside world – for example, every Friday at a press conference and in a televised feature segment after the regular cabinet meeting.

The budget

A major share of the cabinet’s policy each year relates to the determination of the national budget for the upcoming year. The influential position of the Minister of Finance is also reflected in this process. The new national budget needs to be finalised by the end of August, since it will be presented to the Dutch parliament on Prince’s Day (the third Tuesday of September).

*Prime Minister
Mark Rutte meeting
with citizens.*





The seat of the Council of State in The Hague.

Advisory bodies

The Dutch government can turn to a large number of advisory bodies. The highest advisory body in the Netherlands is the Council of State. This Council is primarily made up of former Members of Parliament, ex-ministers and legal experts. The councillors are supported by a range of officials. The government is obliged to consult the Council of State every time it submits a bill to the Dutch parliament. The Council mainly focuses on the quality of the proposed law and checks whether the bill does not conflict with existing legislation. Officially, the Council of State is presided over by the monarch, but in practice, meetings are chaired by the Council's vice-president. The Council of State is also the highest court of appeal in administrative disputes – between private citizens and a provincial executive, for example, or between two municipalities.

In matters of social and economic policy, the government can consult the Social and Economic Council of the Netherlands

(*Sociaal-Economische Raad* or SER), which includes representatives of trade unions, employer's organisations and experts appointed by the government. Another independent advisory body is the Court of Audit (*Algemene Rekenkamer*), which checks whether central government revenue is spent legitimately and efficiently. In this context, the Court of Audit also monitors whether public spending has yielded the desired results.

Citizens who believe they are the victim of improper conduct on the part of a government organisation can file a complaint with the National Ombudsman. They will subsequently investigate whether the complaint in question is justified. In addition, every year the Ombudsman draws up a report for parliament that provides an overview of all the complaints lodged against government ministries and other public bodies. This report also offers recommendations on how to possibly avoid similar mistakes in the future.

Citizens complaining about governmental policy.





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*Elections in the
Netherlands are
usually held on
Wednesdays.*

ProDemos is the 'House for Democracy and the Rule of Law'. Our job is to help explain the systems that govern democracy and the rule of law, and to show what citizens themselves can do to exert political influence – at municipal, water authority, provincial, national and European level.

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