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# Association of Secretaries General of Parliaments

**COMMUNICATION**

**from**

**Dr Remco NEHMELMAN**

**Secretary General of the Senate of the Netherlands**

**on**

**“In the News”**

**Belgrade Session**

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Ladies and Gentlemen, Dear colleagues,

First of all, I would like to emphasize that it is a great pleasure for me to be here again. The meeting in Doha in April of this year marked my first participation in an ASGP-meeting and I am very glad to join to again here in Belgrade. Also, I would like to extend my gratitude to our Serbian hosts and the ASGP secretariat for organizing this conference in an excellent way.

Dear colleagues,

In the summer of 2013, the Group of States against Corruption (GRECO) concluded that the level of public trust in the Dutch parliament is fairly high, in spite of “relatively few regulations and even less supervision to integrity issues”.

Nevertheless, GRECO concluded that the lack of formal rules on integrity issues was risky, and issued several recommendations with regard to the position of members of parliament:

1. To develop formal codes of conduct for MPs;
2. To improve the current disclosure requirements;
3. To set up a system of supervision and enforcement;
4. To appoint an integrity advisor;
5. To provide MPs with periodic training on integrity.

In October of 2013, the Dutch Senate set up a temporary committee to study GRECO’s recommendations and prepare a response for the plenary.

The temporary committee presented its report to the plenary in May 2014. The Senate adopted the report and amended its internal Rules of Procedure. It introduced a specific chapter on integrity, including provisions on conflicts of interests, gifts, trips abroad, ancillary positions and the handling of confidential information. The Senate furthermore recommended political parties to develop their own internal regulations on integrity and to publish these on the Senate’s website.

The Senate choose not set up a formal system of supervision and enforcement and opted against formal sanctions in case of violations of the Rules of Procedure.

In the years after, GRECO noted in its compliance reports that several of the 2013 recommendations had not yet been implemented satisfactorily. In general, GRECO felt that the Senate put too much trust in the willingness of parliamentary parties and individual senators to cooperate, and should adopt a more active stance itself.

Since 2010, Dutch governments have generally struggled to win a majority of seats in the Senate. Since all government bills have to be approved by both the House AND the Senate, this has led to increased media attention for the work of the Senate. This has in turn contributed to greater scrutiny by the media of senators’ ancillary positions and possible conflicts of interest. The case of a senator whose company provided a ministry with legal advice about a bill that was later discussed in the Senate was widely covered by media in 2018.

In response to this incident and GRECO’s recommendations, the Senate decided to evaluate the provisions on integrity in its Rules of Procedure and the level of compliance by senators once again. As part of this evaluation, a public round-table discussion with experts was organised in the Senate.

In February 2019, the Senate set up another temporary committee which was charged with developing a specific Code of Conduct for the Senate. The committee presented its report, including a draft Code of Conduct, on 16 April 2019. The Code of Conduct was adopted by the Senate by unanimous vote. It entered into force on 11 June 2019, the day on which the newly elected Senate was installed. The Code of Conduct comprises 12 articles with explanatory notes.

The Code of Conduct replaces the previous provisions in the Rules of Procedure. The provisions on conflicts of interests, gifts, trips abroad and ancillary positions have been tightened. For instance, senators should now even avoid the semblance of a conflict of interest. The Code of Conduct furthermore now provides senators with guidelines on contacts with third parties, including lobbyists.

But most importantly, the Code of Conduct has set up a system of supervision and enforcement. The Internal Committee, of which the President and both Vice-Presidents of the Senate are members, is tasked with monitoring whether senators act in accordance with the Code. Upon a request from one or more members, or by its own initiative, the Internal Committee can judge whether the Code of Conduct has been violated in specific cases. It can also issue recommendations. Senators who disagree with a Committee judgment can ask the plenary for a decision, after which the plenary can only confirm or reject the judgment. As soon as it has become definitive, the judgment is made public.

The Senate has deliberately chosen recommendations over sanctions. Formal sanctions such as suspensions and stripping a senator of his or her membership would violate the free mandate that members of the Senate have and that is protected by the Constitution.

The Senate furthermore intends to appoint an independent integrity advisor who can act as a sparring partner for senators. The appointment of such an advisor is mandatory under the new Code of Conduct.

Dear colleagues,

Thank you for your attention. I am happy to hear your comments or your questions on this topic now, or later in the margins of our meeting. Thank you very much.