

OSCE Office for Democratic Institutions and Human Rights
Ul. Miodowa 10
00-251 Warsaw

Amsterdam, 3 December 2015

Subject: Formal and urgent request for election observation in the Netherlands

Dear Sir, Madam,

I am writing you on behalf of "GeenPeil" to formally request an ODIHR Election Observation Mission to the Netherlands, because we as organizers not only fear, but can also demonstrate with examples that the upcoming referendum is being sabotaged by reigning parties in the Dutch government, who openly reject and obstruct voter participation in matters of national democracy.

As you may have heard, there will be a national referendum in the Netherlands on the EU Association Treaty with Ukraine. This referendum was won by the Dutch public in a legal manner, in full compliance with national law. A Dutch initiative of several organisations, joined together under the name "GeenPeil", strictly followed the rules of the Dutch Consultative Referendum Law¹, that came into effect on 1 July 2015, to collect the required number of signatures - 300,000 - that were necessary to compel the government to hold a national referendum. Our motivation for this referendum bid springs from a deeply rooted desire to regain a democratic voice for the Dutch public in a time of international turmoil, wherein national and supranational governments and leaders tend to overpace their political desires. We feel that they are over-stretching their mandates, widening the gap between voters and politicians, and between the people and political leadership. GeenPeil aims to sound the electoral alarms over this, but strictly within the lawful boundaries of our democracy.

Almost half a million Dutch nationals agreed with this stance, and "GeenPeil" achieved the required number of signatures on 28 September 2015. The referendum was confirmed by the Dutch election board on 14 October 2015, who officially registered 427,939 valid signatures² - well beyond the threshold for a referendum. The date for the referendum was subsequently set on 6 April 2016 by the newly formed referendum committee³. But now that the referendum is a fact, the initiative has been met with political obstruction.

The actual incident that sparked this letter was a voting, on 3 December, in the Dutch parliament:

An amendment to the 2016 budget of the Ministry of the Interior was voted down by the governing parties VVD (liberals) and PvdA (social-democrats). The amendment, filed by the Socialist Party (SP) and the democrats of D66, requested more funding for the upcoming national referendum. The Dutch cabinet reserves only 20 million euros for this referendum, where "regular" national elections tend to cost around 42 million euros on average. The amendment therefore asked for an additional 22 million euros to be freed up in order to, and I quote, "fully enable municipalities to organise the referendum in a good manner. The amendment sees to the closing of the financial gap between the amount of funding municipalities claim to need, and the amount the minister of the Interior is willing to provide for. The amendment seeks to prevent the need for municipalities to take economic measures and reduce the number of polling stations."⁴ Nonetheless, governing parties VVD and PvdA (amongst others) voted the amendment down⁵, resulting in an ongoing situation of financial deficits for the upcoming electoral process in our national democracy.

¹ Backgrounds on the Referendum Law (in English): <http://www.referendumplatform.nl/1432>

² <https://www.kiesraad.nl/en/news/eu-ukraine-association-agreement-referendum-gets-green-light>

³ http://www.referendum-commissie.nl/data/pdf/Press_Release_Referendum_on_EU-Ukraine_Association_Agreement_set_for_6_April_2016.pdf

⁴ <https://zoek.officielebekendmakingen.nl/kst-34300-B-9.html>

⁵ http://www.geenstijl.nl/mt/archieven/2015/12/despootjes_vvd_en_pvda_sabotereren_democratie.html

The problem with this situation is that the 393 municipalities in the Netherlands suffered significant cutbacks over the last year. Therefore, they now claim they do not have enough resources to host the referendum in a proper way. Many municipalities, when asked about it by us, confirmed that they intend to set up fewer polling stations for the referendum, compared to “regular” elections.⁶ Some municipalities plan to cut back to two thirds or fewer of the number of polling stations they normally use for elections. Spokespeople for many municipalities blame these hampering decisions on the lack of government funding. VNG, the Dutch association of municipalities, officially complained about this - but neither their complaint nor the budget amendment did anything to improve this apparent deficit in the democratic process. It should be noted, for the record, that VNG is run by a prominent member of the VVD party, a fact that fuels our suspicions of deliberate obstruction of the democratic process.

This pressing situation with the funding of the referendum is the outcome of a string of political incidents surrounding the referendum. Both PvdA and VVD politicians, former politicians and party officials have aired opinions of discontent, aversion and even disgust with the referendum, sometimes going as far as calling people behind the “GeenPeil” initiative “Putin lovers”, slandering us with false claims that we received funding from Moscow for the referendum bid. VVD and PvdA officials have also spoken out against the referendum, citing that they will ignore the outcome. Last week, Ukrainian president Petro Poroshenko was in the Netherlands. Standing next to Dutch Prime Minister Mark Rutte (VVD), he openly declared that “this referendum will not stop the association agreement.”⁷ Mr. Rutte said nothing in defence of the Dutch democratic system or process, something that deeply worries us. Even though the referendum is merely consultative, we are appalled by the fact that the Dutch Prime Minister refused to take a stand for the law of our own land when a visiting politician from another nation declares the referendum obsolete, even before it is held.

All these matters combined and considered, we fear for the legal and democratic process surrounding the referendum of 6 April 2016. For that reason, we hereby formally request an ODIHR Election Observation Mission to the Netherlands, preferably starting as soon as possible, to monitor not only the process of the referendum on 6 April, but also the course of (political) developments that lead up to that day.

We sincerely hope that the Dutch referendum is eligible for oversight by the Office for Democratic Institutions and Human Rights, because we honestly fear for the democratic integrity of the process. If there is any further information you require, or additional details you need, please feel free to contact me on the email address or phone number below.

Thank you for your consideration and kind regards,

On behalf of the “GeenPeil” initiative,

Bart Nijman

Head of Mission at GeenPeil

[*address/phone redacted*]

⁶ https://docs.google.com/spreadsheets/d/1AAIx_cUbSeu5PDcTWfapsm5Ys_yM1zfgTBbkxQgv4/edit#gid=577595227&vpid=A25

⁷ <https://www.youtube.com/watch?v=ltzPeky-h1Y>