

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

Amsterdam, 26 January 2016

Subject: Formal and urgent request to reconsider electoral observation in the Netherlands

Dear Sir, Madam,

On 5 January of this year, Foreign Minister Bert Koenders and Minister of the Interior Ronald Plasterk informed us (and the general public) that the Dutch government was going to extend an invitation towards the OSCE/ODIHR to invite an electoral mission to the Netherlands, to keep an eye on political developments, possible obstructions and other dilemmas surrounding the national referendum on the EU Association Treaty with Ukraine that is to be held on 6 April 2016.

As initiator of this referendum and on behalf of GeenPeil, I wrote to you on 3 December 2015¹ to express our concerns about electoral sabotage and political obstruction. The invitation to the OSCE, sent by ministers Koenders and Plasterk, was a direct result of our letter as it is common practice that participating States themselves extend invitations to observers. Urged to do so by several political parties, the Dutch government promised to invite OSCE/ODIHR².

Shortly after the Dutch government held up to its promise and informed both Parliament and GeenPeil about this, the OSCE confirmed to Dutch public broadcaster NOS that it would *not* send an electoral mission to the Netherlands, citing both a lack of manpower and stating, by means of a spokesperson, that ODIHR generally never observes referenda. This was on 20 January.³ GeenPeil regrets this decision, as we are of the opinion that this is not an ordinary referendum. There is a lot of pressure on the subject from Ukraine and Ukrainian officials, and also from Brussels with EC President Juncker claiming Europe will face a “continental crisis”, depending on the outcome of the Dutch referendum. Certainly not a threat one would issue lightly.

Because of this, but even more in the light of new and recent worrisome developments regarding foreign campaign financiers in the Netherlands, we strongly ask you to reconsider your decision to not send any observers, and we will ask you again to consider sending a pre-electoral mission as we are not so much worried about the actual counting of the votes on polling day, 6 April, but rather about the process of events, and actors behind it, leading up to that date. Please allow us to elaborate.

On Friday 22 January, it became publicly known, again through the NOS, that a number of political activists and lobbyists who set out to campaign for the ‘yes’ vote in the referendum, are receiving 200,000 euros in foreign funding, channeled to them through American billionaire George Soros’ Open Society Foundations.⁴ As initiators, we are deeply concerned about this foreign financial interference, as we set out to organise, and intend to hold, a *national* referendum within the boundaries of the Dutch democracy, and not turn this voting opportunity into some kind of free for all carnival, privately puppeteered by a controversial billionaire who is not a Dutch citizen, and who henceforth has no voting rights in the Netherlands.

Moreover, the Netherlands does not comply with international rulings and regulations when it comes to foreign funding of (political) campaigns. In 2003, GRECO (Group of States Against Corruption), a subsidiary of the Council of Europe (COE), published guidelines for the financing of political parties and election campaigns in which it recommended that “States should specifically limit, prohibit or otherwise strictly regulate donations from foreign donors.”⁵

¹ <http://www.geenstijl.nl/archives/images/GeenPeilurgentlettertoOHDIR.pdf>

² <http://www.geenstijl.nl/archives/images/2016D00050.doc> (in Dutch)

³ <http://nos.nl/artikel/2081573-geen-ovse-waarnemers-bij-referendum-over-oekraïne.html> (in Dutch)

⁴ <http://nos.nl/artikel/2082091-amerikaanse-miljardair-sponsort-ja-campagne-oekraïne-referendum.html>

⁵ https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/Financing_Political_Parties_en.pdf

In a follow-up report, the Compliance Report on the Netherlands (2010), GRECO finds that when it comes to “common rules against corruption in the funding of political parties and electoral campaigns”, in the Netherlands, GRECO “can only note that no concrete measures have been taken in respect of [this] recommendation; it very much regrets that such important aspects are left entirely to (hypothetical) future consideration in at least 5 years’ time”, leading them conclude that “[i]nsofar as Theme II – Transparency of party funding is concerned, the overall picture [from the Netherlands] is rather disappointing: no tangible progress has been made in respect of any of the recommendations.”⁶

In a 2011 report, the Dutch Algemene Rekenkamer (the Dutch Court of Audit) endorsed these findings as they conclude that, in the Netherlands, “there are very few restrictions, if any, on the origin or size of donations.” This leads the Court of Audit to conclude that the Netherlands “is not in compliance with some of the Council of Europe’s recommendations to which the Netherlands has committed itself as a member of the Council and its Group of States against Corruption (GRECO).”⁷ In the same report, the Court concludes that the Netherlands, together with Austria, are the main (i.e. only) exceptions to this rule among surveyed GRECO countries.

As the referendum initiator, we feel that because the Netherlands falls short in implementing the desired and internationally agreed upon regulations, neutral oversight by OSCE/ODIHR of the referendum campaigns and processes are desirable and expedient. With the foreign funding, by George Soros, of the “Stem voor Nederland” (“Voice for the Netherlands”) campaign, worries are raised about questionable funding to a campaign that does not refrain from slandering GeenPeil in their apparent goal to obstruct the democratic process: before NOS journalists uncovered the fact that Soros is sinking money into “Stem voor Nederland”, driving forces behind that campaign actively helped to spread rumours to suggest that GeenPeil is being funded by the Russian government - which, needless to say, we are most certainly not. Now, as it turns out, they themselves are the ones who receive funding from abroad, from a known activist billionaire with ties to, and interest in, Eastern Europa.

Finally, we would like to stress that although the Dutch government made some extra funding available for practical purposes on a municipal level (i.e. to erect more polling stations), we still feel that the worries we expressed in our letter of 3 December have not been addressed nor solved adequately. All these matters combined and considered, we *still* fear for the legal and democratic process surrounding the referendum of 6 April 2016. Especially now that foreign funding from private parties found its way into the Dutch democracy.

For all the reasons explained in this letter, we hereby politely ask you to reconsider your decision on sending (or rather: not sending) an ODIHR Pre-Electoral Observation Mission to the Netherlands, to review your opinion on this, and to send a pre-electoral mission to the Netherlands as soon as possible. We would very much appreciate the neutral oversight, as we value our democratic process very highly and wish not for any unwanted interference to corrupt the referendum, its outcome, nor its democratic credibility.

Thank you for your consideration and kind regards,

On behalf of the “GeenPeil” initiative,

[redacted]

⁶ [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2010\)5_Netherlands_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2010)5_Netherlands_EN.pdf)

⁷ <http://www.rekenkamer.nl/dsresource?objectid=16720&type=org>