

SGI Sustainable
Governance
Indicators

2014 Netherlands Report

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Executive Summary

The quality of Dutch democracy continues to be above average. However, its stability appears to be decreasing. Mediocracy and the continuing economic crisis have produced a pessimistic and volatile electorate. Since late 2010, governments can no longer be assured of a solid basis in the States General. The Rutte I Council of Ministers (October 2010 – April 2012) was a coalition between the People's Party for Freedom and Democracy (Volkspartij voor Vrijheid en Democratie, VVD) and the Christian Democratic Appeal (Christen-Democratisch Appèl, CDA). It was a minority government that agreed to a so-called tolerance agreement (addressing immigration and asylum issues) with the radical populist Party for Freedom (Partij voor de Vrijheid, PVV) to achieve sufficient political support to govern.

The Rutte II Council of Ministers is a coalition of the VVD and the Labor Party (Partij van de Arbeid, PvdA) and has been in power since November 2012. It has a majority in the Second Chamber, but needs additional support from opposition parties in the First Chamber for the adoption of new legislation.

One improvement is the imminent adoption of reform legislation for party financing. On the downside, in view of a number of corruption and mismanagement scandals in infrastructure construction, housing, education, food and energy, the Netherlands can no longer claim to be a corruption-free country, although it still scores positively on corruption-related indices. However, corruption prevention has so far focused mainly on petty corruption by civil servants.

Popular decision-making is weak in Dutch democracy. To date, Dutch citizens have only weak opportunities at local level for non-binding citizen initiatives. Sustainable policy performance is average but satisfactory. Economic policies, including tax, budget and pension policies, look sustainable in the short- and mid-term. R&D policies have improved considerably in recent years and raised the Dutch economy to be one of the most competitive in the European Union. The Dutch are doing well in most areas of social sustainability. The crisis in education has been acknowledged and the first steps toward improvement have been taken. The price for good national social sustainability appears to be a less

ethically and financially committed multilateral policy for tackling global social inequalities. Instead, the Dutch spend less on development aid and pursue bilateral relations that combine development, defense and economic issues. Environmental sustainability scores below average in this densely populated country. Climate change policy is on the backburner; energy policies focus on continued fossil resource use at the cost of renewable resources, and nature and forest conservation has clearly been sacrificed to traditional economic and agricultural growth policies.

The Dutch government apparatus succeeds in mustering reasonable levels of executive capacity and accountability. However, there are some weak spots. In policy implementation, monitoring and coordination are substandard – both regarding interministerial and agency monitoring. The overhasty decentralization of central government tasks with concomitant budget cuts in social issues may threaten the upholding of minimum national standards in the future. In public safety and security a contrary trend toward rapid centralization may also cause future problems. In executive accountability, intra-party democracy, citizen knowledge and competence are causes for concern.

All in all, Dutch sustainable governance appears to be in shape, but work is needed in key areas: corruption prevention and citizen involvement in policy preparation; in goals and priorities for environmental and educational policies; and in the role of local government and citizens in policy implementation.

Key Challenges

The long-term viability of the Dutch polity depends on the way the governance system deals with a number of challenges. Most pressing is the need to improve the country's economy and the state's finances in a dynamic global environment. With unemployment at 8.2% and rising, and the country's economy recently pulling out of recession, it has become clear that both financial and euro crises have deeply affected the real economy. Over and above hitting Economic and Monetary Union of the European Union (EMU) norms for budgetary deficits, it is also necessary for the Dutch government to reorder the its national financing and banking system; aspire to structural budget equilibrium; find ways to strengthen the economy; and distribute the costs of adjustment honestly. Achieving these goals is an enormous and complex undertaking. The Netherlands is a transit and export economy, so economic and technology policy can only cleverly hitch itself to new

opportunities offered by emerging economies elsewhere and to new enabling technologies for a transition to a de-carbonized, more sustainable global economy.

Unlike younger citizens in many countries in southern and eastern Europe, Dutch youth are not yet a “lost generation.” But they may face great difficulties in meaningfully inserting themselves into the country’s economic and social life without structural adjustments in education (basic intellectual skills, technical training), housing (better chances for first-time buyers), employment and the labor market (more job security for younger people), balancing family with work, and long-term care and pensions (cost reduction in view of aging population). At the same time, it is not possible to seriously curtail the older generation’s long-term expectations of a decent income and life situation.

Long-term sustainable governance also rests on the basis of a well-functioning democratic system. In spite of its apparent formal and institutional health, day-to-day democratic and governing practice in Holland needs attention from politicians and policymakers. In the indicators for sustainable governance, the Dutch polity clearly underperforms in issues related to both political parties (party financing, intra-party democracy) and citizens (opportunities for meaningful citizen involvement in decision-making, and a split in policy knowledge and citizens’ participatory competence). Although the alienated average citizen appears not to be attracted to radical populist parties like the Party for Freedom (Partij voor de Vrijheid, PVV), this party is still the third strongest organized political force in the country. Since the 1970s, an ongoing wave of government reforms has been dominated by a managerialist approach to the state as a (public) enterprise (New Public Management). There has been no political rethinking about the new types of democracy and citizenship needed in times of globalization, including the role of the nation-state in new multilevel international governance systems of shared sovereignty, like the European Union.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 8

Economic policy shows an intriguing paradox. On the one hand, the overall state of the economy is unambiguously negative: for the first time since 2009, the real economy decreased in 2012; consumption of households (furniture, cars) and business investments (especially in construction) also decreased; inflation increased to 2.9% by the end of 2012. This was partially offset by a growth of external trade. Unemployment increased more than predicted; only in the care sector was there some gain in employment. Austerity measures by the government are imitated by households that spend less and less money on consumption, but, for instance, increase the amount they pay off on mortgages and other debts.

On the other hand, the comparative international situation of the Dutch economy looks excellent. In terms of GDP per capita in 2012, the Netherlands ranks 2nd of the eurozone countries (after Luxemburg) despite the decrease in household spending. In the OECD's corrected Foreign Direct Investment Restrictiveness Index for 2010, the Netherlands ranks 2nd behind only Luxemburg. In the World Economic Forum's Global Competitiveness Report the Netherlands increased its ranking from 9th in 2009 to 5th in 2012, due to an improved innovation climate, better education and health, regulatory burden reduction for foreign business and more patents.

This ambivalent situation is generally interpreted thus: the Netherlands is caught in a temporary slump, but prospects for recovery are bright. The opposite interpretation is that, in spite of doing "all the right things" prescribed in the neoliberal economic cookbook, the time for old-fashioned economic growth and recovery is over.

Citation:

CBS (2013), Nederland in 2012 (www.cbs.nl/nl-NL/macro-economie/publicaties).

B. Kalinova, A. Palerm and S. Thomsen (2010), OECD's FDI Restrictiveness Index: 2010 Update, OECD Working Papers on International Investment, No. 2010/3.

KPMG (2012), De concurrentiekracht van BV Nederland. Het belang van Nederlands grootste bedrijven, oktober 2012 (fd.nl/events/de-nieuwe-wereld/440685/de-concurrentiekracht-van-Nederland).

Labor Markets

Labor Market Policy
Score: 8

No other European country has improved its labor market position since the 1990s more than the Netherlands. Both in terms of net labor participation and (until very recently) unemployment, the Netherlands belonged to the top three nations in Europe. The same goes for qualitative labor aspects like physical conditions, the autonomy of the worker, and co-determination of the organization of work. None of these successes are largely due to government policy: for example, participation increased due to more women working part-time; lower unemployment is probably partly due to lower and somewhat harsher eligibility for unemployment benefits, and partly because troubled businesses are supported by being allowed to keep their labor force intact by making them eligible for temporary, partial unemployment benefits. There are some weak spots: relatively low labor market participation of migrants; little transition from unemployment to new jobs; relatively few actual working hours; a growing dual labor market between insiders (with high job security) and outsiders (with low to no job security); relatively high levels of discrimination on the job; and high work pressure. In terms of labor market governance, this leads to conservative policies: no big reforms in dismissal protection (but limitation of monetary compensation rights); no reduction in minimum wages (but some shorter duration); no reform of collective labor agreements. Some measures can be taken to improve the position of labor market outsiders and job-to-job transitions.

Citation:

P. de Beer (2011), Nederland presteert uitstekend, in *Socialisme & Democratie*, 9 + 10, pp. 85-95

Regeerakkoord, XI. Arbeidsmarkt (www.rijksoverheid.nl/regering/regeerakkoord/arbeidsmarkt)

Additional reference Sociaal Akkoord between trade unions and employers of April 2013:

http://www.stvda.nl/~media/Files/Stvda/Convenanten_Verklaringen/2010_2019/2013/20130411-sociaal-akkoord.ashx

Additional reference Zorgakkoord between government and (helath) care parties (unions, employers, insurers):

<http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/04/24/kamerbrief-over-resultaten-zorgoverleg.html>

Tax Policy
Score: 8

Taxes

Taxation policy in the Netherlands addresses the trade-off between equity and competitiveness reasonably well. There is horizontal equity in that the taxes levied do not discriminate between different societal groups – especially men and women. The system is fully individualized. The Netherlands has a progressive system of income taxation which contributes to vertical equity. In general, income tax rates range between 30% and 52%. Personal income taxes are also levied on businesses that are not subject to the corporate tax system. The tax system includes only a limited set of deductibles, of which the one for interest payments on mortgages is widely considered to be overgenerous and to be contributing to enormous household debts. Furthermore, there are a number of subsidies that depend on taxable income. The most substantial are subsidies for child care, health care and renting a house. There is a separate tax for wealth.

The Rutte II Council of Ministers intends to further simplify the tax system, to decrease income taxes (the highest tax from 52% to 49%, and the next highest from 42% to 38%), and to stimulate a favorable business climate by simultaneously creating a separate profit box and eliminating a number of deductibles for entrepreneurs. Government finances and taxation are largely framed in terms of keeping the Dutch budget deficit within the 3% European Monetary Union norm, while simultaneously maintaining “sufficiency.” Some of the most important measures are a stepwise decrease of household deductibles for mortgage interest payments, a decrease of subsidies for health care and rents for housing, and an increase of the pension age to 67. Corporate income tax for foreign companies – an aspect of the trade-off between horizontal equity and competitiveness – has come under political scrutiny. An extensive treaty network of 90 tax treaties aims at protecting foreign companies from withholding taxes. . In spite of these tax measures, the slightest economic setback forces the Dutch government to initiate new cutback measures. Therefore, achievement of “sufficiency” has become vulnerable under the continuing adverse economic conditions.

Citation:

Elsevier Fiscaal, Overzicht maatregelen Regeerakkoord Rutte II, 31 oktober 2012 (www.elsevierfiscaal.nl/fiscaal-actueel/themas/regeerakkoord)

Letter Government to Tweede Kamer 17 January 2013):

<http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/kamerstukken/2013/01/17/brief-naar-tweede-kamer-over-belastingheffing-internationale-ondernemingen/brief-naar-tweede-kamer-over-belastingheffing-internationale-ondernemingen.pdf>.

Budgets

Budgetary Policy
Score: 7

Budgetary policy was sound prior to 2008. The economic crisis, however, has put severe pressures on the government budget. In 2012 the government could not cover its expenditures from current incomes. The government came €0.10 short on every €1 of expenditure. The national balance switched from a surplus in 2008 to a deficit of 4.1% of GDP in 2012 – 0.3% higher than expected. Total government debt increased to 71.2% of GDP. High debt is partially masked by the low interest rate on state obligations. Both national balance and debt figures are higher than the European Monetary Union (EMU) norms of 3% and 60% of GDP. The deficit is caused by expenditures that have increased since 2009. Income decreased due to the credit crisis, but returned to 2008 levels in 2012. The rise in expenditures is due to increasing costs for social benefits and care – comprising about half of all government expenses. The rise is arguably a result of the demographic trend of aging. The current policy to increase the age for retirement is therefore justified by the goal of improving budgetary sustainability. In spite of strong austerity measures for the near future announced in the Rutte II agreement, it looks like the Dutch government is speculating on gaining additional time to achieve the EMU and EU 3% deficit criterion, banking on its reputation for solid budgetary and socioeconomic policymaking with a view to structural budget sustainability.

Citation:

CBS, 2012. Nederland in 2012, pp. 48-49 (www.cbs.nl/NR/rdonlyres/)

Overheidsfinanciering, Begrotingsbeleid (www.rijksoverheid.nl/onderwerpen/overheidsfinancien/begroting)

D. Samsom (2012), Keuzes die de samenleving versterken, in *Socialisme & Democratie*, jrg. 69, nr. 12, pp. 8-12

Research and Innovation

R&I Policy
Score: 8

The Netherlands moved from 9th in 2009 to 5th in 2012 in the World Economic Forum's Global Competitiveness Report due to an improved innovation climate, better education and health, regulatory burden reduction for foreign business and more patents. The European Union's Innovation Union Scoreboard 2011 ranks the Netherlands as the third best "innovation follower" of a group of EU countries (Belgium, UK, Austria and France). The Netherlands scores above average in terms of open, excellent and attractive research systems (overall rank: 1st), and in scientific publication output, finances and support (overall rank: 5th), and intellectual aspects like number of patents (overall rank: 5th). Whether or not this national R&D performance is due to government policies (coordinated by the Ministry of Economic Affairs)

is unclear. Dutch policies used to focus on the reduction of coordination costs in creating public/private partnerships. In addition, there were substantial amounts of money in innovation credits for start-up companies and R&D-intensive SMEs – four to five times as much as for larger companies. Since 2011, national R&D has focused on nine “top-level” sectors of the economy (water, agrofood, high tech, life sciences, chemistry, energy, logistics, the creative industry and greenhouse agriculture) and specific R&D support will be substituted by generic burden reduction for businesses, but there remains a special innovation fund for SMEs.

Citation:

Rathenau Instituut, Innovatiebeleid (www.rathenau.nl/web-specials)

European Commission, Innovation Union Scoreboard 2011
(ec.europa.eu/enterprise/policies/innovation/files/ius-2011_en.pdf)

World Economic Forum, The Global Competitiveness Report 2012-2013
([WEF_GlobalCompetitivenessReport_2012-2013.pdf](http://www.weforum.org/pdf/globalcompetitiveness/2012-2013.pdf))

D. Lanser en H. van der Wiel (2011), Innovatiebeleid in Nederland: de (on)mogelijkheden van effectmeting, CPB Achtergronddocument (www.cpb.nl/sites/default/files/publicaties/download/cpb-achtergronddocumenten)

Global Financial System

Stabilizing Global
Financial Markets
Score: 7

The Netherlands is slowly but surely losing its position among the important bodies that together shape the global financial architecture, like the G-20, the International Monetary Fund (IMF), the World Bank and the European Union. Since November 2010, the Netherlands is no longer formally represented in the G-20. The United States allows the Netherlands to participate in G-20 on the condition of continued Dutch involvement in Afghanistan. Other G-20 members are looking for better geographical representation and for emerging economies to replace the “usual suspects” like the Netherlands. In the IMF, the Netherlands shares its position with Belgium, but in this institution as well as in the World Bank the Dutch will be sidelined in favor of countries representing more important emerging economies. In the European Union, the Netherlands is skeptical about stronger financial governance competencies for the European Union in the sphere of financial support (emergency fund) and bank oversight. On the other hand, as a small but internationally significant export economy, the Dutch have a substantial interest in a sound international financial architecture. However, given the new wave of political skepticism in international affairs, the Dutch are more reluctant followers than proactive initiators or agenda setters.

Citation:

Nederlands Instituut voor Internationale Betrekkingen Clingendael, Conferentie “Veranderingen in het multilaterale bestel voor international economisch en financieel beleid. Uitdagingen voor Nederland en België”, 22 oktober 2012, Den Haag.

II. Social Policies

Education

Education Policy
Score: 6

Quality

The average level of education for the population is rising – in 2009 it was just above average for OECD countries. School drop-out is decreasing (15.5% in 2000, 12% in 2007); entry to the labor market with completed education (“basiskwalificatie,” or “basic qualification”) is rising (71.9% in 2000, 76.2% in 2007). The student/teacher ratio is somewhat lower than the OECD average for primary education, but considerably higher for secondary education. The total amount of instruction time in secondary education has become problematic for lots of schools. Dutch schools apparently rank alongside UK schools for high autonomy. However, the number of school mergers and upscaled school governance systems masks considerable loss of autonomy for individual schools. There is also standardizing pressure from nationwide performance testing by the School Inspectorate at all school levels. PISA internationally comparative school performance scores (corrected for economic, social and cultural background) rank the Netherlands just above OECD average. For a country that determines educational level at age 12 and allocates 60% of its children to the lower categorized school types accordingly, it is not surprising that differences in performance arise from differences between (not within) schools (which are far above OECD averages). School performance in the Netherlands has not declined, but there is also no internationally measured progress. The Ministry of Education follows a policy in which individual schools publish their pupils’ performance (as measured by the School Inspectorate) so that parents may choose the best or most appropriate school for their children on the basis of comparative performance data. Quality improvement policy – CITO testing, performance monitoring, teacher professionalization programs, better transition trajectories between school types, quality management systems at school level – appears not to be very effective.

Equity/Access

Although over the years the school performance of pupils of non-Dutch origin improves (due to their parent's generally higher educational achievements), these children do far less well in science, reading and math than their fully Dutch peers. They lag behind considerably more than is average for OECD countries. For all pupils, socioeconomic/cultural background determines school performance to a degree above OECD averages; this is particularly true for secondary education, i.e., after ability selection of pupils at age 12. At university level, the system of equal access through study grants has been abolished, and every student will pay for university education through low-interest loans. All in all, equity for ethnic groups is not achieved, and is diminishing at university level.

Efficiency

The Dutch school system is performing relatively efficiently. Expenditure for education is below average for OECD countries, but the rise since 1996 (in costs per pupil and in average salaries for teachers) is above the OECD average. Average education level and school performance are supposed to positively impact on a country's competitiveness. Strongly categorized or differentiated school systems (as in the Netherlands) lead to less competitiveness, at least in the sense that a country needs more time for adaptation to changing international economic perspectives. This may explain why the Netherlands is still strong in competitiveness, but suffers from a growing lack of a technically well-trained labor force.

Citation:

J. Scheerens et al., n.d., Visies op onderwijskwaliteit. Met illustratieve gegevens over de kwaliteit van het Nederlands primair en secundair onderwijs (www.nwo.nl/binaries/contents/documents/nwo/algemeen/documentation)
 OECD, Education at a Glance, 2011 (www.oecd.org/edu/skills-beyond-school/48631582.pdf)
 Ministerie van OCW (2013), Trends in beeld 2012. Zicht op Onderwijs, Cultuur en Wetenschap (<http://www.trendsinbeeld.minocw.nl>)

Social Inclusion

Social Inclusion
 Policy
 Score: 8

Income inequality is between 0.28 and 0.29 on the Gini index and has not changed since 2007. Wealth inequality, however, has plummeted since 2008, largely because of a decrease in the value of housing stock (€256,000 in 2008, €233,000 in 2011, and falling), while mortgage debts rose (€143,000 in 2008,

€160,000 in 2011). Wealthier and more highly educated people live a more healthy life and live longer (on average seven years). The number of households with a consistently very low income has been decreasing since 1996 (approximately 2.5%, in 2011), and the number of households with an income lower than the low-income threshold was 7.7%. Single-parent families and ethnic-minority families are especially represented in this poverty-exposed income bracket. One in every nine children was at risk for poverty. Elderly people, on the other hand, are hardly exposed to poverty, with the exception of older single women. Since 2011, however, the risk for poverty has risen again (1 million people in 2010, 70,000 more in 2011). Compared to the EU-27, where risk of poverty and social exclusion decreased from 26% to 23%, the Netherlands has a percentage of approximately 15% (comparable to Sweden only). It should be realized that the poverty threshold in the Netherlands is far higher than in most other EU countries (Luxemburg excepted). Poverty policy in the Netherlands is largely an issue for municipal governments, with the national government in the role of facilitator (fewer conditions and more subsidies for youth policy, job mediation, and debt relief).

Citation:

CPB/SCP (2011), *Armoedesignalement 2011*, Den Haag

CBS (2012), *Welvaart in Nederland. Inkomens, vermogens en bestedingen van huishoudens en personen*, Den Haag

Health

Health Policy
Score: 7

The hybrid professional market system for health care provision is no longer contested. A recent report by the Social and Economic Council of the Netherlands intends to strengthen outcome steering against input and throughput steering. A considerable expenditure rise in long-term care is expected and is of great concern to policymakers, as is an anticipated deficit in human capital.

Relative satisfaction with the present health care system is based on the following evidence:

Quality

Mortality from cardiovascular diseases has continued to decrease. While deaths from cancer were slightly up, preventive breast cancer screening for women is almost exhaustive. Average life expectancy is up; there are fewer heavy smokers and drinkers, and obesity seems to have stabilized. Patient satisfaction

is high (between 7.7 and 7.9), especially among the elderly and lower-educated patients. Patient safety in hospitals, however, is a rising concern both for the general public and for the (underperforming) Health Inspectorate.

Inclusiveness

Inclusiveness is very high for the elderly in long-term health care, and drug prescriptions are much lower for high-income groups than for low-income groups. However, there is a glaring inequality that the health care system cannot repair: life expectancy for the rich is 7–8 years longer. In terms of healthy life years, the difference is actually 18 years.

Cost Efficiency

In the new System of Health Accounts, the Dutch rank second only after the United States (11.9% and 17.4% of GDP for health care), followed closely by France and Germany. This is largely due to the relative amount spent on long-term care – hence the concern among policymakers. On the plus side, it should be mentioned that care costs in 2011 were at +3.2% – much lower than in the previous decade; the number of people employed in care was up +2.9%. Labor productivity in health care rose by +0.6% annually – almost all in hospital care and none in long-term care. Private business profits for general practitioners, dentists and medical specialists in particular increased much more than general business profits.

Citation:

CPB Netherlands Bureau for Economic Policy Analysis “Health care reform in the Netherlands” Retrieved from http://www.cpb.nl/nl/org/homepages/rcmhd/reform_english.pdf (April 16th 2010)

CBS (2012) Gezondheid en zorg in cijfers 2012, Den Haag

CBS (2012), Welvarende mensen leven langer in goede gezondheid (www.cbs.nl/nl-NL/menu/themas/gezondheid-welzijn/publicaties)

SER (2012) Naar een kwalitatief goede, toegankelijke en betaalbare zorg, Advies 12/06, uitgebracht aan de Minister van Volksgezondheid, Welzijn en Sport

Families

Family Policy
Score: 9

Family policy in the Netherlands is characterized by the need to recognize a child’s best interests and to provide support for the family and the development of parenting skills. Work-family balance is less of a policy principle. All Dutch families receive child allowance depending on the number of children. Daycare centers for young children are not directly subsidized, but parents face steeply increasing transaction costs based on higher contributions for higher taxable

income. The government established an extensive system of child protection through its policy of municipally based “close to home” Youth and Family Centers (almost all of which were operating in 2012), tasked with establishing a system of digital information on every child related to parenting, education and health. In recent years there were several scandals involving the death of very young children due to undetected parental abuse missed by uncoordinated and/or belated intervention by youth care organizations. From January 2009 on, parental leave was extended from 13 to 16 weeks. In the case of divorce, parents are obliged to submit a parenting plan to the court with agreements on the division of child care tasks. According to the OECD, around two thirds of Dutch working women (also those with higher-level education attainment) choose part-time jobs, which brought down the country’s average working time to one of the lowest in the OECD. Full-time female participation is hindered mainly by a high marginal effective tax burden on second earners, reflecting the withdrawal of social benefits according to family income.

Citation:

Netherlands Youth Institute (2012), Youth Policy in the Netherlands. Family and parenting support (www.youthpolicy/yp/Youth-Policy)

Additional references:

<http://www.rijksoverheid.nl/onderwerpen/vrouwenemancipatie/arbeidsparticipatie-van-vrouwen>

<http://www.rijksoverheid.nl/nieuws/2013/03/05/arbeidsparticipatie-ouders-met-jonge-kinderen-redelijk-stabiel-in-2012.html>

<http://www.elsevier.nl/Carriere/blogs/2013/5/Minister-Bussemaker-heeft-gelijk-eigen-carriere-is-goed-voor-een-vrouw-1252837W/>

<http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/arbeidsmarkt-vogelvlucht/structuur-arbeidsmarkt/2006-arbeidsmarkt-vv-participatie-art.htm>

<http://www.cpb.nl/publicatie/ex-post-analyse-effect-kinderopvangtoeslag-op-arbeidsparticipatie>

Pensions

Pension Policy
Score: 8

Since 2007 pension age has incrementally increased from 61.0 to 63.7 in 2012, in which year 75,000 pensioners stopped working. The Dutch pension system is based on three pillars. The first pillar is the basic, state-run old-age pension (AOW) for people 65 years and older. Everyone who pays Dutch wage tax and/or income tax and who is not yet 65 pays into the AOW system. The system may be considered a “pay-as-you-go” system. In comparison to other European countries, this pillar makes up only a limited part of the total old-age pension system in the Netherlands. Because the current number of pensioners will double over the next few decades, the system is subject to considerable and increasing pressure. The second pillar consists of the occupational pension schemes which serve to supplement the AOW scheme. The employer makes a pension commitment and the pension scheme covers all employees of the

company or industry/branch. The third pillar comprises supplementary personal pension schemes which anyone can buy from insurance companies.

This system, like most European systems, is vulnerable to a rise in the aging population and disturbances in the international financial market. As of 2013, the government will stepwise increase the age of AOW retirement so that in 2018 the retirement age will be 66 and in 2021, 67. For supplementary pension schemes the retirement age will rise to 67 in 2014. As a result of the financial crisis and very low interest rates, pension fund assets have been shrinking. At the same time, however, the liquidity ratio of pension funds must be maintained at a minimum of 105%. The timeframe for the recovery was increased by the Dutch national bank from three to a maximum of five years. In spite of this, quite a few pension insurance companies had to decrease benefits from -0.5% to as much as 7% per year. Bills for strengthening the governance of pension funds (pensioners in the government board, oversight commissions, comparative monitoring) are being prepared.

Citation:

Ministerie van Sociale Zaken en Werkgelegenheid (2012), Toekomst Pensioenstelsel (www.Rijksoverheid.nl/onderwerpen/pensioen/toekomst-pensioenen)

CBS (2013), Ruim 40 procent van werknemers bij pensionering 65 jaar of ouder (www.cbs.nl/nl-NL/the,as/dossiers/vergrijzing/publicaties)

Integration

Integration Policy
Score: 8

The Netherlands ranks 5th in the Migrant Integration Policy Index, which compares 31 industrial countries. As 4% of the population is foreign-born, the Netherlands is a sizable immigration country with a considerable integration task. Integration policy was a political bone of contention until 2008, and has since become a more quiet policy field. Since 2008 – 2009 all non-EU nationals who immigrate to the Netherlands are required to learn the Dutch language and develop knowledge about Dutch society. The Civic Integration Abroad policy requires obligatory integration tests in the country of origin for family reunion applicants. However, Human Rights Watch stated that this poses some concerns because it clearly applies only to family migrants from certain nationalities, mainly from non-Western countries. The number of applications decreased and further financial restrictions (€350 for each time the test is taken) infringed upon the right to family life. After one family applicant successfully brought a case before the European Court of Justice in March 2010, family reunion policy became more clear and coherent. Compared to other countries, immigrants benefit from several measures targeting

employment security and labor market integration. In terms of political participation, the Netherlands performs very well on immigrants' political liberties in forming associations and political parties. Nonetheless, applicants for national citizenship can be rejected for not participating in the mandatory Naturalization Day ceremony. The Rutte-Asscher government intends to criminalize illegal residence in order to speed up the re-emigration process to the country of origin.

Citation:

T. Huddleston et al. , Migrant Policy Integration Index (2011) (www.mipex.eu)

Additional references:

http://www.scp.nl/Publicaties/Terugkerende_monitors_en_reeksen/Monitor_Integratie

http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2012/Jaarrapport_integratie_2011

http://www.rijksbegroting.nl/2012/voorbereiding/begroting,kst160353_33.html

Safe Living

Safe Living
Conditions
Score: 8

In 2010 the Dutch government spent €13.5 billion on public order and safety (police, fire protection, disaster protection, judicial and penitentiary system) – an amount of which has been approximately stable since 2008. The Integral Safety Monitor for 2010 reports that the 25% of the population aged 15 years and over that claims to have been the victim of frequently occurring crimes (vandalism, fraud, violence) is decreasing; however, the feeling of vulnerability among the public remains at the same level. Regarding terrorism threats, the intelligence services (Nationale Coördinator Terrorismebestrijding, established 2004) appear able to prevent attacks. The policies of the present government focus on considerable cost reduction and the centralization of the previously strictly municipality- and region-based police, judicial and penitentiary systems. Judges and other legal personnel have voiced public complaints about the “managerialization” of the judicial process and the resulting overburdening workload for judges, leading to “sloppy” trials and verdicts. Government policy attempts to shift part of the burden on the judicial system to intermediation procedures. Despite frequently occurring large fires in industrial complexes, spending on fire and disaster protection remains unaltered.

Citation:

Ministerie van Veiligheid en Justitie, Onderwerpen (www.rijksoverheid.nl/ministeries/venj/onderwerpen)

CBS (2012), Integrale Veiligheidsmonitor 2011. Landelijke rapportage, Den Haag

CBS (2012), Overheid geeft 13,4 miljard euro uit aan openbare orde en veiligheid, Den Haag

Global Inequalities

Global Social Policy
Score: 6

Widespread criticism of development aid has undermined the long-standing Dutch commitment to spend 0.8% of GDP annually on development aid. Since 2011 it has been brought back to 0.7% (€4.5 billion), and starting in 2014 the amount will be further cut to €3.5 billion. Subsidies to Oxfam Novib and Cordaid will be negatively affected by as much as 50%. Aid will no longer focus on poverty reduction and will be concentrated on fewer countries (15 at first, 10 later) in the categories of (a) too weak to achieve millennium goals independently, (b) fragile states in terms of rule of law, and (c) emerging economies. The major idea is that “economic diplomacy” can forge a coalition between Dutch business expertise (in reproductive health, water management and food security/agriculture) and business and civil society associations in developing countries. Expenditures on international conflict management (the 3Ds – development, diplomacy, defense) have been added to the diminishing state budget for development aid. There will be no cutbacks on women’s rights or emergency aid. “Good governance” aid will be focused on helping developing countries to improve taxation systems. Following OECD guidelines, there will be a reassessment of the negative side effects of Dutch corporate policies in developing countries. All of this shows less commitment by the Dutch government to global policy frameworks and a fair global trading system; the aspiration is to link development aid to Dutch national economic and international safety interests.

Citation:

NCDO, Het Nederlandse ontwikkelingsbeleid. De feiten op een rij, juni 2012 (www.ncdo.nl/sites/default/files/Factsheet%20ontwikkelingsbeleid_0pdf)

WRR (2010), Minder pretentie, meer ambitie. Ontwikkelingshulp die verschil maakt, Amsterdam University Press

Nieuwe agenda voor hulp, handel en investeringen, april 2013 (www.rijksoverheid.nl/nieuws/2013/05/04/nieuwe-agenda...)

Additional references:

<http://www.cmo.nl/andernieuws/index.php/4e-editie-ontwikkelingssamenwerking/extra-info/geen-4-miljard-bezuinigen>

<http://www.wrr.nl/actueel/nieuwsbericht/article/presentatie-wrr-rapport-minder-pretentie-meer-ambitie/>

III. Environmental Policies

Environment

Environmental
Policy
Score: 5

Environmental policy is no longer a big issue among the public in the Netherlands. According to a 2011 Eurobarometer study, only about half of the population supports a progressive environmental policy (addressing climate change, sustainable energy policy). Climate skepticism has a voice in the States General through the People's Party for Freedom and Democracy (Volkspartij voor Vrijheid en Democratie, VVD) and the Party for Freedom (Partij voor de Vrijheid, PVV). Although the Dutch government speaks the language of sustainable growth, this is largely rhetoric, because old-fashioned growth of GDP and jobs clearly have priority over the other sustainability criteria regarding environmental and social concerns.

Climate

Climate mitigation (CO₂ reduction) no longer has priority; there is a clear shift to climate adaptation which also appears manageable because any adverse developments in the Netherlands will be gradual. For example, the high upstream buffering capacity and water management governance in Germany allows the Dutch to deal effectively with peak discharges of Rhine river water. In addition, there is an early detection system for returning and emerging human diseases and agricultural/animal pests due to rapidly increasing worldwide trade and transport.

Renewable water resources

The recent Delta Program dealt with climate risks and the associated risks and uncertainties on flood safety, freshwater availability and urban development.

Forest Area and Biodiversity

These are more or less neglected aspects of climate change. Plans for expanding the National Ecological Network in order to protect and enhance biodiversity have been abandoned or toned down. Nature conservation policy has been subjected to financial cutbacks and farmers' economic interests by policies of the Rutte-Verhagen (Rutte I) government.

Citation:

EC, DG Communicatie (2011), Nationaal Rapport Eurobarometer Nederland (www.ec.europa.eu/public_opinion/archives/eb/eb76/eb76_nl_nat_nat.pdf)

PBL (2013), the effects of climate change in the Netherlands: 2012 (www.pbl.nl/publications/the-effects-of-climate-change-in-the-netherlands)

Global Environmental Protection

Global
Environmental
Policy
Score: 7

The Dutch government has traditionally been a strong supporter of EU leadership in the Kyoto process of global climate policy and advancing global environmental protection regimes like UN Environment Program, IMF World Economic Outlook, Convention on International Trade in Endangered Species and many others. It has also signed related international treaties on safety, food security, energy and international justice. The government keeps aspiring to a coherent sustainability policy or a “policy agenda for globalization.” The government sees resource and energy scarcity, transborder disease control, climate change, transborder crime and international trade agreements as the great global issues. A coherent globalization policy also means research and monitoring of the undermining impacts of one policy on another policy. In spite of this intention, Dutch reassessment of development aid appears to favor bilateral over multilateral global sustainability policy. For example, the financing of Dutch initiatives in advancing global public goods is no longer separately budgeted, but instead part of the diminishing development aid budget.

Citation:

Kabinetsreactie op het WRR-rapport: Minder pretentie, meer ambitie (2010) (www.eerstekamer.nl/id/vimdknvvtzf/document-extern/briefmp110112)

Additional reference:

http://www.aiv-advies.nl/ContentSuite/upload/aiv/file/webversie_AIV%2084_NL.pdf

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 10

Electoral law and Articles 53–56 of the constitution detail the basic procedures for free elections at European, national, provincial and municipal levels. The independence of the Election Council (Kiesraad) responsible for supervising elections is stipulated by law. All Dutch citizens residing in the Netherlands are equally entitled to run for election, although some restrictions apply in cases where the candidate suffers from a mental disorder, a court order has deprived the individual of eligibility for election, or a candidate's party name is believed to endanger public order. The Dutch electoral system is highly accessible. Anyone possessing citizenship – even minors – can initiate a political party with minimal legal and financial constraints

Media Access
Score: 9

The Media Law (Article 39g) requires that political parties with one or more seats in either chamber of the States General be allotted time on the national broadcasting stations during the parliamentary term, provided that they participate in nationwide elections. The Commission for the Media ensures that political parties are given equal media access free from government influence or interference (Article 11.3). The commission is also responsible for allotting national broadcasting time to political parties participating in European elections. Broadcasting time is only denied to parties that have been fined for breaches of Dutch anti-discrimination legislation. The individual media outlets, however, decide themselves how much attention they pay to political parties and candidates. Since 2004, state subsidies for participating in elections have only been granted to parties already represented in the States General. Whether this practice constitutes a form of unequal treatment for newcomers is currently a matter of discussion in the Netherlands.

Voting and
Registrations Rights
Score: 10

Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to citizens with Dutch nationality of 18 years and older (as of election day). For local elections, voting rights apply to all registered as legal residents for at least five years. Convicts have the right to vote by authorization only; as part of their conviction, some may be denied

voting rights for two to five years over and above their prison terms. Since the elections in 2010, each voter is obliged to show a legally approved ID in addition to a voting card. Legally approved IDs are a (non-expired) passport or drivers' license (Article J24 Kieswet and Article 1 Wet op de Identificatieplicht).

Citation:

art

J24

Kieswet:

http://wetten.overheid.nl/BWBR0004627/AfdelingII/HoofdstukJ/6/ArtikelJ24/geldigheidsdatum_24-05-2013

art 1 Wet op de Identificatieplicht:

http://wetten.overheid.nl/BWBR0006297/geldigheidsdatum_24-05-2013#HoofdstukI_Artikel1

Party Financing
Score: 4

Party finances, until about a decade ago, were not a contested issue in Dutch politics. However, newcomer parties like Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received egregious financial business support and/or foreign funding, and the Socialist Party (Socialistische Partij, SP) made its parliamentarians financially dependent on party leadership by demanding that salaries were donated in full to the party.

As government transparency becomes a new general political issue, these glaring opacities in the Dutch “non-system” of party financing were flagged by the Council of Europe and the Group of Countries against Corruption (GRECO) – resulting in increasing pressures to change the law. Political expediency caused many delays, but the present Rutte II Council of Ministers introduced a bill on the financing of political parties in 2011 (Wet Financiering Politieke Partijen). This new law eradicates many – but not all – of the earlier loopholes. Political parties are obliged to register gifts starting at €1,000, and at €4,500 they are obliged to publish the name and address of the donor. This rule is contested by the PVV as an infringement of the right to anonymously support a political party. Direct provision of services and facilities to political parties is also regulated. Non-compliance will be better monitored, and an advisory commission on party finances will counsel the minister on politically sensitive issues. The scope of the law does not yet extend to provincial and local political parties that feel disadvantaged. Also, the law's possible discrimination against newcomer political parties remains an unresolved issue. Nevertheless, if voted into law, the new situation potentially means a significant improvement, depending on its implementation.

Popular Decision-Making
Score: 3

Binding popular initiatives and referendums are unlawful both nationally and subnationally as they are considered to be incompatible with the representative system in which voters transfer their sovereignty to their elected representatives.

At municipal level many experimental referendum ordinances have been approved since the 1990s, but the national government prohibited several ordinances giving citizens too much binding influence on either the political agenda or the outcome of political decision-making.

At national level, the issue has been on the political agenda since the 1980s. Under pressure from new populist political parties, the Dutch government organized a consultative referendum on the new European Constitution in 2005, using an ad hoc temporary law. With turnout at 63.3%, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all the EU member states and institutions.

In 2012 a bill for an advisory referendum on laws and treaties was adopted by the States General (and is now on the Senate's agenda). Once a law has been adopted by parliament, signed by ministers and the monarch, a non-binding referendum should be requested if 10,000 citizens call for one within a time limit of four weeks. After the States General have adopted a law and ministers (and the monarch) have signed it, within four weeks 10,000 citizens may request a referendum. After this initial phase, another 300,000 citizens should have to support the initial request within six weeks. Binding referendums are a step too far as they require a formal amendment to the Dutch constitution, first by a normal majority in both chambers, and next after elections by a two-third majority in both chambers.

Citation:

Verhulst, J. and A. Nijeboer, 2007. *Directe Democratie. Feiten, argumenten en ervaringen omtrent het referendum*, Democracy International, Brussels, pp. 86-90

Referendum Platform, Dossier Raadplegend Referendum, www.referendum/platform.nl/index.php?action=printpage&item=1411, consulted 27 March 2013.

Additional reference:

R.B. Andeweg and G.A. Irwin (2009). *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

Access to Information

Media Freedom
Score: 9

Freedoms of the press and expression are formally guaranteed by the constitution (Article 7). The Press Freedom Index 2011 – 2012 ranks the Netherlands fourth after Finland, Norway and Estonia. Public broadcasting programs are produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These organizations are allocated TV and radio airtime that is relative to their membership numbers. In principle, broadcasting corporations are independent

organizations responsible for their own programming, program content and budgets. However, broadcasting corporations are required to comply with regulations laid down in the Media Law (Mediawet, Stb. 1987, nr. 249).

Since 1988, the Dutch Media Authority (Commissariaat voor de Media, DMA) has been charged with enforcing the Media Law. It guards the independence, quality and diversity of information provided by public and private broadcasting corporations alike. The DMA also guarantees the non-commercial character of the public broadcasting system, and a level playing field for public and private media. Public media face stiff competition from commercial stations, which mushroomed after a 1988 law lifted the ban on commercial broadcasting.

The DMA is an independent governmental authority with its own autonomous tasks and discretionary space. Although the DMA has the right to make decisions on its own, it is accountable to the minister of education, culture and science, who nominates the DMA's chairperson. The chair's political orientation appears to have become a less important issue over the years. The DMA refrains from censorship and employs post hoc methods of law enforcement. But public media outlets are especially subject to DMA rulings that may restrict their freedom – for example, the prohibition of alcohol advertising before 9 p.m.; the development of a code of conduct for “safe media provision”; and salary ceilings for public media employees.

Media Pluralism
Score: 7

The Dutch media landscape is very pluralistic but nonetheless subject to the same development as in other countries: a gradual narrowing of media ownership, which has been aggravated by the present financial economic crisis, internationalization and rapid commercialization. On the other hand, availability of (foreign and national) web-based TV and radio has increased tremendously. The Dutch media landscape is characterized by one of the world's highest readerships of newspapers. Innovations in newspaper media include the successful run of two free daily newspapers, tabloids, Sunday editions, and new media editions (online, mobile phone, etc.).

The concentration of ownership in the print media is high. Three publishers control 90% of the paid newspapers circulated and foreign ownership of print media outlets is growing. As the circulation of traditional magazines decreases, publishers are launching new titles to attract readers. There are currently at least 8,000 different magazine titles available for Dutch readers. The Finnish publisher Sanoma publishes more than half of the general interest magazines circulated. Print outlets – both newspapers and magazines – carry a high share of advertising, but this is declining. There are several public and private

television and radio stations at the national, regional and local levels. The three public channels continue to lose viewers. The Netherlands also shows one of Europe's highest rates of cable penetration ($\pm 95\%$). Finally, internet use in the Netherlands is high and diverse, and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch use the internet on a regular basis, which amounts to almost 70% of the population over six years old.

Citation:

Media Monitor:

<http://www.mediamonitor.nl/>

Access to
Government
Information
Score: 7

Article 110 of the constitution states: "In the exercise of their duties government bodies shall observe the principle of transparency in accordance with rules to be prescribed by Act of Parliament." The Government Information (Public Access) Act (WOB) entails both active and passive public accessibility of information. Under WOB, any person can demand information related to an "administrative matter" if it is contained in "documents" held by public authorities or companies carrying out work for a public authority. Information must be withheld, however, if it would endanger the unity of the Crown, damage the security of the state or, particularly, if it relates to information on companies and manufacturing processes that were provided in confidence. Information can also be withheld "if its importance does not outweigh" the imperatives of international relations and the economic or financial interest of the state. Between 2010 – 2012 access to government information became a politically contested issue. In practice, the law was used more and more to justify withholding of information to citizens and journalists in the name of "state interest," which usually referred to the right to confidentiality of intra-government consultation. The political party GreenLeft (GroenLinks, GL) proposed a new bill promoting an active government transparency policy and establishing an information commissariat for the purpose.

Civil Rights and Political Liberties

Civil Rights
Score: 7

The Netherlands guarantees and protects individual liberties, and all state institutions respect and – most of the time – effectively protect civil rights. The Netherlands will publicly expose abuses and report them to the UN Human Rights Council of the EU. It cooperates with the monitoring organizations of all international laws and treaties concerning civil liberties signed by the Dutch government. However, on a number of counts, there are developments worthy of concern. The right to privacy of every citizen tops the list of preoccupations.

Dutch citizens are more at risk than ever of having their personal data abused or improperly used. In addition, current policies regarding rightful government infringement of civil rights are shifting from legally well-delineated areas like anti-crime and terrorism measures toward less clearly defined areas involving the prevention of risky behavior (in personal health, education, child care, etc.) and travel behavior. There is an urgent need to re-think privacy rights and the broad use of policy instruments within the context of the information revolution. Human Rights Watch criticizes recent Dutch legislation restricting the rights of asylum seekers, including limiting their appeal rights and access to medical services, and the intention to treat illegal residents as criminals.

Political Liberties
Score: 10

All the usual political liberties (of assembly, association, movement, religion, speech, press, thought, unreasonable searches/seizures and suffrage) are guaranteed by the constitution. The Netherlands is a signatory to all pertinent major international treaties (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights). All relevant ranking institutions, like The Economist's Intelligence Unit Democracy Index and the Freedom House ranking of political liberties, consistently list the Netherlands as one of the leading countries in the world in this area.

Non-discrimination
Score: 9

The Netherlands is party to all the important international agreements against discrimination. A non-discrimination clause addressing religion, life philosophy, political convictions, race, sex and "any other grounds for discrimination" is contained in Article 1 of the Dutch constitution. An individual can invoke Article 1 in relation to acts carried out by the government, private institutions or another individual. The constitutional framework has been specified by several acts that also refer to the EC Directives on equal treatment. In total there is a high degree of protection even though the definition of indirect discrimination that is provided by the European Commission has not been adopted by the Dutch legislator, and many regulations avoid the term "discrimination" and prefer "distinction" (with less negative connotations in a religiously and culturally diverse society like The Netherlands).

In other respects the Dutch legislator has gone beyond what is required by EU directives. In terms of policy, the Dutch government does not pursue affirmative action to tackle inequality and facilitate non-discrimination. Generally, the government relies on "soft law" measures as a preferred policy instrument.

Citation:

R. Holtmaat, Country Report The Netherlands 2011 on measures to combat discrimination, European Network of Legal Experts in the Non-Discrimination Field.

Rule of Law

Legal Certainty
Score: 8

Dutch governments and administrative authorities internalized legality and legal certainty on all levels in their decisions and actions in civil, penal and administrative law. Even the (quasi-)autonomous administrative agencies that threatened to become exceptions to the rule of law have been brought “back on board” – that is, their decisions were brought under ministerial responsibility and parliamentary oversight. Yet a small number of glaring miscarriages of justice, and in 2013 open complaints by justices, have demonstrated that legal certainty is, in fact, traded off against, on the one hand, timeliness and efficiency in legal procedures and a desire to produce outcomes (convictions) and, on the other, the risk of incidental injustices. A heavy and growing case load and increased work pressure cultivates poor, incomplete and sometimes the erroneous argumentation of verdicts by judges. The significance of this is clear because only 3% to 4% of legal cases result in acquittals or release from prosecution. Finally, citizen fees for starting legal procedures have been raised so considerably that for many low-income citizens and smaller companies access to legal dispute resolution has become almost unaffordable. This means that for a considerable part of the citizenry legal certainty has in fact diminished.

Judicial Review
Score: 7

Judicial review for civil and criminal law in the Netherlands involves a closed system of appeals with the Supreme Court as the final authority. The Dutch Supreme Court, however, unlike the US Supreme Court, is barred from judging parliamentary laws in terms of their conformity with the constitution. A further constraint is that the Supreme Court must practice cassation justice – that is, it is mandated with ensuring the procedural quality of lower court practices. Should it find the conduct of a case (as carried out by the defense and/or prosecution but not the judge him/herself) wanting, it can only order the lower court to conduct a retrial. It ignores the substance of lower courts’ verdicts, since this would violate their judges’ independence. Public doubts over the quality of justice in the Netherlands have been raised as a result of several glaring miscarriages of justice. This has led to renewed opportunities to re-open tried cases in which questionable convictions have been delivered. Whereas the Supreme Court is part of the judiciary and highly independent of politics, administrative appeals and review are allocated to three High Councils of State (Hoge Colleges van Staat), which are subsumed under the executive, and thus not independent of politics: the Council of State (serves as an advisor to the government on all legislative affairs and is the highest court of appeal in matters of administrative law); the General Audit Chamber (reviews legality of

government spending and its policy effectiveness and efficiency); and the ombudsman for research into the conduct of administration regarding individual citizens in particular. Members are nominated by the Council of Ministers and appointed for life (excepting the ombudsman, who serves six years only) by the States General. Appointments are never politically contentious. In international comparison, the Council of State holds a rather unique position. It advises government in its legislative capacity, and it also acts as an administrative judge of last appeal involving the same laws. This situation is only partly remedied by a division of labor between an advisory chamber and a judiciary chamber.

Citation:

Andeweg, R.B. and G.A. Irwin, *Governance and Politics of the Netherlands*. Houdmills, Basingstoke: Palgrave Macmillan (pages 183-190).

Appointment of
Justices
Score: 7

Justices, both in civil/criminal and in administrative courts, are appointed by different, though primarily legal and political, bodies in formally cooperative selection processes without special majority requirements. In the case of criminal/civil courts, judges are de facto appointed through peer co-optation. This is also true for lower administrative courts, but its highest court, the Council of State, is under fairly strong political influence, mainly expressed through a considerable number of double appointments. State counselors working in the Administrative Jurisdiction Division (as opposed to the Legislative Advisory Division) are required to hold an academic degree in law. Appointments to the Supreme Court are for life (judges generally retire at 70). Appointments are in fact judicial cooptations determined by seniority and (partly) peer reputation. Formally, however, the Second Chamber of the States General selects the candidate from a shortlist presented by the Supreme Court. In selecting a candidate, the States General is said to never deviate from the number one candidate.

Citation:

Andeweg, R.B. and G.A. Irwin, *Governance and Politics of the Netherlands*. Houdmills, Basingstoke: Palgrave Macmillan (page 190).

Corruption
Prevention
Score: 7

The Netherlands is considered a corruption-free country. This may well explain why its anti-corruption policy is relatively underdeveloped. The Dutch prefer to talk about improving “integrity” and “transparency” rather than openly talking of fighting or preventing corruption, which appears to be a taboo issue.

Research on corruption is mostly focused on the public sector and much more on petty corruption by civil servants than on mega-corruption by mayors,

aldermen, top-level provincial administrators, elected representatives or ministers. The private sector and civil society associations are largely left out of the picture. Almost all public sector organizations now have an integrity code of conduct. However, the soft law approach to integrity means that “hard” rules and sanctions against fraud, corruption and inappropriate use of administrative power are underdeveloped.

There have been major corruption scandals in the public sector involving top-executives – particularly in (government-commissioned) construction of infrastructure and housing, but also in schools and health care. Transparency problems in the public sector concern job nominations, and salaries for top-level administrators and additional jobs.

In the private sector, 26% of respondents were convinced of the occurrence of corruption in the Netherlands. In dealing with foreign governments or companies, a majority considered bribes inevitable and “normal.” Van Hulten (2012) mentions that bribes and corruption by Dutch companies in foreign countries would amount to some €10 billion. The OECD urged the Dutch government to speed up rules and law enforcement against Dutch companies that violate international anti-corruption rules in their international operations.

In at least three (out of 17) areas, the Netherlands is not living up to the guidelines for effective integrity policy as identified by Transparency International. All three involve preventing corruption and taking sanctions against corruption: the Netherlands has no independent bodies for corruption monitoring, prevention and prosecution; corruption prevention in the private sector is left unattended; and there is no clear financial disclosure regulation for politicians and civil servants. In addition, there is no transparent overview of how many disciplinary or civil court cases pertaining to corruption in a given year are actually conducted.

Citation:

Transparency International Nederland (2012), Nationaal Integriteitssysteem Landenstudie Nederland.
E. Karssing and M. Zweegers (2009), Jaarboek Integriteit 2010, Bureau Integriteitsbevordering Openbare Sector (BIOS)
M. van Hulten, ‘Nederland – corruptieland’, in Tijdschrift voor Politieke Filosofie en Cultuur Civis Mundi, <http://www.civismundi.nl/index.php>, digitaal nummer 13, 2012 onder thema 26.

Additional references:

Heuvel, J.H.J. van den, L.W.J.C. Huberts & E.R. Muller (Red.) 2012. Integriteit: Integriteit en integriteitsbeleid in Nederland. Deventer: Kluwer
Heuvel, J.H.J. van den, L.W.J.C. Huberts, Z. van der Wal, & K. Steenbergen, 2010. Integriteit van het lokaal bestuur. Raadsgriffiers en gemeentesecretarissen over integriteit. Den Haag: Boom Lemma.
Huberts, Leo W.J.C., Jeroen Maesschalck & Carole L. Jurkiewicz (Eds.) 2008. Ethics and Integrity of Governance. Perspectives across Frontiers. Cheltenham UK Edward Elgar.

Huberts, Leo, Frank Anechiarico & Frédérique Six (Eds.) 2008. Local Integrity Systems. The Hague: BJu Legal Publishers.

Huberts, L.W.J.C., Montfort, A.J.G.M. van & Doig, A. (2006). Setting a good example? Rule breaking by government in the Netherlands and the United Kindom. The Hague: BJu Law Publishers.

Huberts, L.W.J.C. & J.M. Nelen 2005. Corruptie in het Nederlandse openbaar bestuur. Omvang, aard en afdoening. Utrecht: Lemma.

Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 6

The Dutch government has four strategic planning units. All of these are formally part of a ministry, but their statutes guarantee them independent watchdog and advisory functions (Aanwijzingen voor de Planbureaus, Staatscourant 3200, 21 February 2012).

The Scientific Council for Government Policy (Wetenschappelijke Raad voor het Regeringsbeleid, WRR) advises the government on intersectoral issues of great future importance and policies for the longer term and weak coordination of the work plans of the other strategic planning units. It is part of the prime minister's Department of General Affairs.

The Netherlands Bureau for Economic Policy Analysis (Centraal Planbureau, CPB) is part of the Department of Economic Affairs. It prepares standard annual economic assessments and forecasts (Centraal Economisch Plan, Macro-Economische Verkenningen), and cost-benefit analyses for large-scale infrastructural projects. It also conducts research into long-term socioeconomic issues like education, aging and pensions and globalization. In election years it assesses the macroeconomic impacts of political parties' electoral platforms.

The Netherlands Institute for Social Research (Sociaal-Cultureel Planbureau, SCP) is part of the Department of Public Health, Welfare and Sports. The SCP conducts policy-relevant scientific research on the present and future of Dutch social and cultural issues – for example, political engagement and participation of citizens, media and culture, family and youth, care, housing.

The Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving, PBL) is part of the Department of Infrastructure and

Environment. It is the national institute for strategic policy analysis for the environment, nature and spatial policies.

The directors of these institutes are said to have regular access to Council of Ministers meetings, but their actual influence (or that of their institute's reports) is not known. Yet since 2009 there has been fairly strong political pressure for instrumental advice, which may be long-term, but is therefore useful for official long-term government policy.

In addition to the major strategic planning units, there are at least two important extra-governmental bodies. Firstly, the fairly influential Health Council (Gezondheidsraad, GR), is an independent scientific advisory body that alerts and advises (whether solicited or unsolicited) government and the States General on the current level of knowledge with respect to public health issues and health services research. Secondly, the Netherlands Institute for International Relations (Clingendael) conducts background research on Europe, security and conflict issues, diplomacy and the changing geopolitical landscape. It is part of the Hague Academic Coalition of eight academic institutes (including the Institute of Social Studies, Leiden University and the Carnegie Foundation) and trains Dutch and foreign diplomats and civil servants.

The prime minister is assisted in his Council of Ministers' strategic policy coordinating role that consists of a personal advisory cabinet of 10 state counsels or raadsadviseurs, assisted in turn by a larger number of junior assistants. They advise him on departmental policy proposals and serve the strategic function of secretaries of Council of Ministers' and ministerial committees. They are top-level civil servants, not political appointees. The prime minister and his counsels only have a limited span of control and scarcely have the expertise needed to judge all policy proposals in detail.

Scholarly Advice
Score: 6

The government frequently employs commissions of scientific experts on technical topics like water management, harbor and airport expansion, gas drilling on Wadden Sea islands and pollution studies.

The function of scientific advisory services in departments has been strengthened through the establishment of "knowledge chambers" and, following US and UK practice, the appointment of chief scientific officers or chief scientists as advisory experts. These experts may – depending on the nature of policy issues – flexibly mobilize the required sciences and scientists instead of relying on fixed advisory councils with fixed memberships.

Through a top-sector innovation policy which exploits procedures for funding of scientific projects (Dutch National Science Foundation or NOW and Netherlands Foundation for Applied Scientific Research or TNO) the government tries to establish government-business-academia or “triple helix” consortiums to run research projects with possible strategic impacts on government policy. For example, TNO established – with universities and companies – some 30 knowledge or innovation centers, to develop and commercialize new developments.

Although the use of scientific expertise is quite high, its actual influence on policy cannot be estimated as scholarly advice is intended to be instrumental, and therefore is not yet welcome in the early phases of policymaking. It is certainly not transparent to a wider public. Since 2011 advice has regressed from relatively “strategic and long-term” to “technical, instrumental and mid-/short-term.”

Interministerial Coordination

GO Expertise
Score: 6

The Dutch prime minister is formally in charge of coordinating government policy as a whole, and has a concomitant range of competencies which include deciding on the composition of the Council of Ministers’ agenda and formulating its conclusions and decisions; chairing Council of Ministers meetings, committees (onderraad) and (in most cases) ministerial committees; adjudicating interministerial conflicts; serving as the first speaker to the press and in the States General, and especially in international fora and arenas (e.g., European Union and the United Nations) on behalf of the Council of Ministers and Dutch government as a whole.

The prime minister’s own Ministry of General Affairs office has some 14 advising counsels (raadadviseurs, with junior assistants) at its disposal. The advising counsels are top-level civil servants, not political appointees. In addition, the prime minister has a special relationship with the Scientific Council of Government Policy. Sometimes, deputy directors of the planning agencies play the role of secretaries for interdepartmental “front gates.” To conclude, the Prime Minister’s Office and the prime minister himself have a very limited capacity to evaluate the policy content of line ministry proposals unless they openly clash with the government platform (regerackoord).

Citation:

<http://www.rijksoverheid.nl/regering/bewindspersonen/jan-peter-balkenende/taken>

http://www.nationaalarchief.nl/selectielijsten/BSD_Coordinatie_algemeen_regeringsbeleid_stcrnt_2009_63.pdf

Additional reference:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

GO Gatekeeping
Score: 6

Given the nature of Dutch politics – a strong departmental culture and coalition governments – the Ministry of General Affairs has little more to rely upon in carrying out its gatekeeping functions than the government policy accord (regeerakkoord). Ministerial departments have considerable power in influencing the negotiations that take place during the elaborate process of preparing Council of Ministers’ decisions. Each line ministry – that is, its minister or deputy minister – has a secretariat that serves as the administrative “front gate.” By the time an issue has been brought to the Council of Ministers, it has been thoroughly debated, framed and reframed by the bureaucracy between the ministries involved. Gatekeeping in the Dutch system is one-directional; policy documents are moved from lower to higher administrative levels. In theory, the prime minister, through his representatives, could play a prominent role in coordinating this process. But given the limited scope of his monitoring capacities and staff, he can steer the course of events for only a fairly small number of issues. The euro crisis has provided the prime minister with a clear range of agenda- setting and policy coordination priorities. Furthermore, pressure from the EU on member states to improve the coordination of economic and fiscal policy has resulted in both the prime minister and minister of finance taking on a more prominent role in shaping the Netherlands’ fiscal and economic policies. The European Semester arrangement forces the government to update its economic policies every half year in the Nationaal Hervormingsprogramma in response to EU judgment. In both Rutte I and II this has become a major driver in better gatekeeping and policy coordination.

Citation:

Europa NU, Coördinatie nationale economieën (www.europa-nu.nl/id/vg9pni7o8qzu/coordinatie-nationale-economieen)

Ministerie van EZ, Nederlands Nationaal Hervormingsprogramma 2013 (ec.europa.eu/europe2020/pdf/nd/nrp2013_netherlands_nl.pdf)

Additional reference:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

Line Ministries
Score: 8

Generally, the initiative by a line ministry to start drafting new legislation or a white paper is rooted in the government policy accord, EU policy coordination and subsequent Council of Ministers decisions to allocate drafting to one or two line ministries. With complex problems, draft legislation may involve considerable jockeying for position among the various line ministries. The prime minister is always involved in the kick-off of major new policy initiatives and sometimes in the wording of the assignment itself. After that, however, it may

take between six months and an entire Council of Ministers' period before the issue reaches decision-making stages in ministerial and Council of Ministers committees, and comes under the formal review of the prime minister again. Meanwhile, the prime minister is obliged to rely on informal coordination with his fellow ministers

Citation:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

Cabinet
Committees
Score: 9

Council of Ministers committees (onderraad) involve a separate meeting chaired by the prime minister for the ministers involved. Each committee has a coordinating minister responsible for relevant input and documents. Discussion and negotiations focus on issues not resolved by prior administrative coordination and consultation. If the committee fails to reach a decision, the matter is pushed up to the Council of Ministers. Since the Balkenende IV Council of Ministers there have been six standing Council of Ministers committees: international and European affairs; economics, knowledge and innovation; social coherence; safety and legal order; and administration, government and public services. Given the elaborate process of consultations and negotiations, few issues are likely to have escaped attention and discussion before reaching the Council of Ministers.

Ministerial
Bureaucracy
Score: 6

Since the 2006 elections, politicians have demanded a reduction in the number of civil servants. Firstly, this has resulted in a loss of substantive expertise as civil servants became process managers. Secondly, it has undermined the traditional relations of loyalty and trust between (deputy) ministers and top-level officers. The former have broken the monopoly held by senior staff on advice and information by relying increasingly on outside sources – namely, consultants. Top-level officers have responded with risk-averse and defensive behavior exemplified by professionally driven organizational communication and process management. The upshot is that ministerial compartmentalization in the preparation of Council of Ministers meetings has increased.

Citation:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

H. Tjeenk Willink, Een nieuw idee van de staat, *Socialisme & Democratie*, 11/12, 2012, pp. 70-78

Informal
Coordination
Score: 7

Very little is actually known about informal coordination at (sub)Council of Ministers level regarding policy- and decision-making. The best-known informal procedure used to be the Torentjesoverleg in which the prime minister and core of the Council of Ministers consulted with the leaders of political parties that

support the coalition in the States General. Coalition Councils of Ministers cannot survive without this kind of high-level political coordination between government and the States General. Given the weak parliamentary support of the Rutte I and II Councils of Ministers (October 2010 – present), such informal coordination is no longer limited to political parties that support the Council of Ministers.

Under the present conditions in which civil servants are subject to increasing parliamentary and media scrutiny, and in which gaps in trust and loyalty between the political leadership and the bureaucracy staff are growing, informal coordination as well as personal chemistry among civil servants is what keeps things running. Regarding interministerial coordination, informal contacts between the senior staff (raadsadviseurs) in the prime minister's Council of Ministers and senior officers working for ministerial leadership are absolutely crucial. Nonetheless, such bureaucratic coordination is undermined by insufficient or absent informal political coordination.

Citation:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, 169, 181-183, 204.

Evidence-based Instruments

RIA Application
Score: 9

In the Netherlands, RIAs are broadly and effectively applied in two fields: Environmental Impact Assessments (EIMs) and Administrative Burden Reduction Assessments (ABRAs).

The development of a Standard Cost Model (CBA) method for evaluating ex ante legislation regarding compliance costs to business was entrusted, in 1998, to an ad hoc but independent advisory commission called the Advisory Board on Administrative Burden Reduction (ACTAL). ACTAL advises government and the States General how to alleviate the regulatory burdens on citizens, companies, and on professionals in care, education, public/private safety and social security. Since its establishment, ACTAL's competency has evolved beyond a think tank function systematically aiming at the reduction of administrative burdens. ACTAL serves as the government's watchdog, with two deputy ministers (of finance and economic affairs) overseeing its activities and a special interdepartmental project unit providing support. ACTAL reviews all ministerial ex ante evaluations for administrative burden reduction, assists ministerial units, and advises the Council of Ministers and the States General about the quality and effectiveness of ministerial regulatory proposals prior to

formal decision-making or policy adoption. ACTAL's findings are always reported in the explanatory memorandums attached to bills. The Council of Ministers also responds to ACTAL's annual progress reports. In 2012 ACTAL published its first Regulatory Burden Audit of nine government departments.

Citation:

Jaarverslag 2012. Minder regeldruk. Meer betrokkenheid. (www.actal.nl/wp-content/uploads/13019-Actal-Digitaal-jaarverslag-2012).

Quality of RIA
Process
Score: 9

RIAs are obliged to mention one or several alternatives to the option chosen by an initiator. According to the Advisory Board on Administrative Burden Reduction (ACTAL) guidelines, alternative options for Administrative Burden Reduction Assessments (ABRAs) are investigated. The option involving the greatest cost reduction ought to be selected, in principle. It is not known to what extent practice follows theory. Previous limitations in burden reductions for several target groups have been eliminated by involving stakeholders and decision makers in the production process of RIAs.

Citation:

Jaarverslag 2012. Minder regeldruk. Meer betrokkenheid. (www.actal.nl/wp-content/uploads/13019-Actal-Digitaal-jaarverslag-2012).

Sustainability
Check
Score: 7

In the Netherlands, RIAs are broadly and effectively applied in two fields: Environmental Impact Assessments (EIMs) and Administrative Burden Reduction Assessments (ABRAs). EIMs have been legally prescribed since 1987. Everybody who needs a government license for initiating substantial spatial or land-use projects with potentially harmful environmental impacts is obliged to show these impacts through research. Meanwhile, more than 1,000 EIM reports have been administratively and politically processed. They guarantee that environmental and sustainability considerations play a considerable role in government decision-making. Environmental impact assessments sometimes lose out to economic impact assessments. There are no systematic social – or, for example, health – impact assessments.

Societal Consultation

Negotiating Public
Support
Score: 9

International references to the “polder model” as form of consensus-building testifies to the Dutch reputation for negotiating public support for public policies, sometimes as a precondition for parliamentary approval. In this Dutch form of neo-corporatism and network governance, the government consults extensively with vested interest groups in the economy and/or civil society during policy preparation and attempts to involve them in policy

implementation. It has been a strong factor in the mode of political operation and public policymaking deployed by the Rutte I (2010 – 2012) and Rutte II (2012 – present) governments. The two Council of Ministers produced societal agreements on cutback policy, housing policy, care policy, and socioeconomic policy. In spite of its apparent revival, this mode of politics and policymaking is under stress. Trade unions suffer under the erosion of representativeness and increasing fragmentation, although employers' associations are less affected. The recent revival may owe more to the fact that Rutte I and Rutte II cannot rely on solid parliamentary support than renewed vigor of business and labor associations.

Citation:

R.B. Andeweg and G.A. Irwin (2009), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, p. 169-179, 208-228.

J. Woldendorp, (2013) De polder is nog lang niet dood, *Socialisme & Democratie*, jrg. 70, nr. 2, pp. 46-51

Policy Communication

Coherent
Communication
Score: 9

In the age of “mediacracy,” government has sought to make policy communication more coherent, relying on the existing instrument of the National Information Service (Rijksvoorlichtingsdienst, RVD), whose director general is present at Council of Ministers meetings and responsible for communicating policy and the prime minister’s affairs to print and other media. The RVD’s director general is also mandated with communicating all affairs concerning the royal family, including its relations with the media. The government also tries to streamline and coordinate its external communication at line ministry level. In 2011 there were some 600 information service staff left for all departments (795 in 2009). The 1Logo project, for example, aims to impose a single brand and editorial policy on all websites run by the national government. Another project aims to create a single pool of government communication and information officials to be used by all departments. The project also includes establishing a shared intranet (rijksportaal.nl) and joint digital news service for all officials working for the national government. Another effort toward centralized, coherent communication involves replacing departmentally run televised information campaigns with a unified, thematic approach (e.g., safety). All these efforts to have government speak with “one mouth” appear to have been fairly successful.

Citation:

4de Voortgangrapportage Programma Vernieuwing Rijksdienst, September 2009, pp. 11-12.

Communicatie Online, Nog honderd persvoorlichters bij ministeries, juni 2011 (www.communicatieonline/nieuws/bericht/nog-honderd-persvoorlichters)

Implementation

Government
Efficiency
Score: 8

Policy effectiveness and efficiency are hard for the government to measure and judge. In its overall assessment of government performance, the General Audit Chamber still finds most departmental reports inadequate in terms of policy effectiveness and efficient monetary expenditure. This is especially true for progress made in cutback policies and information and communication technology applications. Government frequently formulates broader or more far-reaching policy goals than are actually pursued in practice. National government decentralizes a lot of tasks to subnational governments, which makes government and administrative responsibilities more fuzzy, and policy performance harder to evaluate. Given the fragmented and certainly incomplete overall picture, with partial successes here and partial or outright failures there, government efficiency may still be considered mostly adequate.

Ministerial
Compliance
Score: 7

Dutch ministers' hands are tied by such devices as party discipline; government/coalition agreements (which they have to sign in person during an inaugural meeting of the new Council of Ministers); ministerial responsibility to the States General; and the dense consultation and negotiation processes taking place within their own departments and with other departments in the interdepartmental administrative "front gates" and ministerial committees. Ministers have strong incentives to represent their ministerial interests, which do not necessarily directly reflect government coalition policy. The hasty coalition agreement of the present Rutte II Council of Ministers – which was more of a mutual exchange of incompatible policy preferences than a well thought-out compromise – and its relatively weak parliamentary support have led to party-political differences frequently being voiced in the media.

Monitoring
Ministries
Score: 4

Given the Prime Minister's Office's lack of capacity to coordinate and follow up on policy proposal and bills, a systematic monitoring of line ministries' implementation activities is scarcely possible. In the event of crises, ad hoc monitoring does occur.

Parliamentary debate on ministerial monitoring should have been limited to a well-defined set of "focus subjects" in full accordance with the philosophy of Policy Program Budgeting System of the 1970s. However, political developments (election campaigns in 2010, Council of Ministers breakdown in 2012) prevented this. In 2012 yet another system of program budgeting – Responsible Budgeting – was introduced.

In addition, the application of regulatory impact assessment procedures for administrative burden reduction gives the Advisory Board on Administrative Burden Reduction (ACTAL) and the Ministry of Finance excellent opportunities for monitoring legislative initiatives by line ministries. One should bear in mind, though, that good monitoring opportunities will not always lead to faithful government policy compliance, as the nature of Dutch politics and government are more likely to lead to a new round of negotiations, bargaining and logrolling. In turn, this leads to a frequent reinterpretation of what government policy actually means.

Monitoring
Agencies,
Bureaucracies
Score: 4

The national Framework Law on Agencies/Bureaucracies has insufficient scope: too many agencies are exempted from (full) monitoring directives, while annual reports are delivered too late or are incomplete. Hence the government lacks control of the dozens of billions of euros of expenses managed by bodies distanced from central government. The Framework Law (2007) had not yet created the order in 2012, nor completed the harmonization and transparency of ministerial accountability intended. The original intention was that the Framework Law would apply fully to some 75% of the agencies; in 2012 it had less than 25% of its intended function.

Citation:

Algemene Rekenkamer, Kaderwet zbo's. Rijkswijde en implementatie, juni 2012

Task Funding
Score: 7

In 2011, revenue sharing from the national budget comprised two thirds of the combined income (€53.6 billion) of the 441 local and municipal governments; revenues raised by local governments themselves made up the remaining one third. One third of income from national revenue sharing comes from a general fund for local government (Gemeentefonds). The other third provided by the national budget comes from policy-related national subsidies (doeluitkeringen). In recent years, the financial position of local governments has been somewhat enhanced through growth of the general fund and more-than-average use of local governments' own revenues (minus local taxes).

The general fund, which is the local governments' "pocket money" (because they may spend it as they like), is allocated to allow local governments to receive more as they need it. Article 2 of the Law on Financial Relations between National and Local Governments specifies that, if and when national policy imposes new tasks on local governments, the national government should also indicate how local costs may be covered (i.e., the "pay down to the nail" principle). There are about 60 criteria for allocating money, 75% of which are related somehow to the local/municipal district size (i.e., in terms of number of

residents and dwellings, total road surface, number of waterways). Due to the economic crisis, the general fund was frozen at its 2008 level and has decreased somewhat (-0.5% to -1%) in 2011 – 2012. Budget prognoses for the general fund anticipate very modest additional growth starting in 2014 – 2016.

At present, the decentralization and integration subsidies comprise 14% of all income from the general fund (Gemeentefonds). Policy-related national subsidies have decreased in total income share (62% in 1990; 34% in 2011) and in number (from over 400 in 1985 to less than 50 at present). It is here that municipal governments fear heavy reductions to keep the Dutch national budget within the European Monetary Union norm of 3% of GDP, while national government simultaneously has far-reaching plans for decentralizing tasks (especially in youth and health care). In addition, national government has restricted the way municipal governments spend their own income.

Citation:

Gijs Oskam, Gemeentefonds voor beginners, september 2012
(Conresenstudiecentrum.nl/producten/2012raadopzaterdag/B1%20Gemeentefonds)
www.vng.nl/files/vng/brieven/2012/20121211_vng_reactie_gemeentefonds

Constitutional
Discretion
Score: 4

Dutch local governments are hybrids of “autonomy” and “co-government” forms. However, local autonomy is defined mostly negatively as pertaining to those tasks left to local discretion because they are not explicitly mentioned as national policy issues. Co-government is financially and materially constrained in quite some detail by ministerial grants. Increasingly, Dutch national government uses administrative and financial tools to steer and influence local policymaking. Some would go so far as to claim that, by violating the European Charter for Local Government, the aggregate of all these tools has created a culture of quality control and accountability that paralyzes local governments. This is due in part to popular and political opinion that local policymaking, levels of local service delivery and local taxes ought to be equal everywhere in the (small) country.

Citation:

Hans Keman and Jaap Woldendorp (2010), „The Netherlands: Centralized - more than less!”, in: Jürgen Dieringer and Roland Sturm (hrsg.), *Regional Governance in EU-Staaten*, Verlag Barbara Budrich: 269-286.

National Standards
Score: 5

There is no single institution that monitors national standards for services at local level. Monitoring is left to the various ministries allotting “doeluitkeringen” or policy-related national subsidies.

Local governments themselves also try to meet mutually agreed national standards. Several studies of local audit chambers involve comparisons and

benchmarks for particular kinds of services. Local governments have, on a voluntary basis, been organizing peer reviews of each others' executive capacities. In 2009, the Association of Dutch Local Governments established the Quality Institute of Dutch Local Governments (Kwaliteitsinstituut Nederlandse Gemeenten). Nevertheless, due to strong decentralization plans including cutbacks, there is serious concern about the future feasibility of uniform national standards in municipal service delivery to citizens.

Citation:

Raad Financiële Verhoudingen:

http://www.rob-rfv.nl/documenten/reactie_rfv_op_decentralisatiebrief.pdf

Raad voor het Openbaar Bestuur:

http://www.rob-rfv.nl/documenten/reactie_rfv_op_decentralisatiebrief.pdf

Adaptability

Domestic
Adaptability
Score: 5

Government reform has been on (and off) the agenda for at least 40 years. To date, there has been no substantial reform of the original government structure, which dates back to the mid-19th century and the 1848 constitution. Although several departments have been switched back and forth between different ministries, the system of ministries itself has not been substantially reformed either. The Council of State, which is the highest court of appeal in administrative law, is still part of the executive, not the judiciary. The Netherlands is one of the last countries in Europe in which mayors are not locally elected but instead appointed by the national government. However, it appears that Rutte II means business and will further reduce the number of local and municipal governments from just over 400 to between 100 and 150 local governments with 150,000 or more inhabitants per district, as well as merging a number of provinces (Regeerakkoord).

Citation:

Regeerakkoord:

<http://www.rijksoverheid.nl/regering/regeerakkoord/bestuur>

International
Coordination
Score: 6

Ever since the Second World War, the Netherlands has been an avid protagonist and willing partner in all forms of international cooperation. However, research has shown that since the late 1970s, 60% of EU directives have been delayed (sometimes by years) while being transposed into Dutch law. The present-day popular attitude to international affairs is marked by reluctance, indifference or rejection. This has had an impact on internal and foreign policy, as indicated by the Dutch shift toward assimilationism in integration and immigration policies; the decline in popular support for the 1%-of-government-spending-norm for

development aid; the shift in the government's attitude toward being a net contributor to EU finances; and the rejection of the EU referendum. These changes have also negatively affected government participation and influence in international coordination of policy and other reforms. Since 2003 the Dutch States General have been more involved in preparing EU-related policy, but largely through the lens of subsidiarity and proportionality – that is, in the role of guarding Dutch sovereignty. On the other hand, the Dutch States General insisted on participating in the Afghanistan effort by sending police training groups (an issue that even toppled the Rutte I government).

It is only since the beginning of the banking and financial crisis that the need for better coordination of international policymaking by the Dutch government has led to reforms in the architecture of policy formulation. The sheer number of EU top-level meetings between national leaders forces the Dutch prime minister to act as minister of general and European affairs, with heavy support from the minister of finance. Other symptoms of improving international policy coordination for global public goods are the better integration of foreign policy, economic and trade policy, defense policy and development aid policy. The department of Foreign Affairs has four directorates-general devoted to interministerial coordination of these aspects of foreign policy. The Department of Economic Affairs explicitly focuses on trade and international economic activities. Diplomats will no longer have their own educational and career paths, but will be selected from promising talents in the General Administrative Service (Algemene Bestuursdienst), and with a view to “networking” with businesses and NGOs, and not just their fellow diplomats.

Citation:

www.rijksoverheid.nl/regering/regeerakkoord/nederland-in-de-wereld

WRR, 2010. Aan het buitenland gehecht. Over verankering en strategie van Nederlands buitenlands beleid, Amsterdam University Press

Organizational Reform

Self-monitoring
Score: 5

There have only been two visible changes in the institutional practices of the Dutch government. One is that the monarch, formally the head of government, was stripped of participation in Council of Ministers formation processes; the Second Chamber now formally directs that process. The second is an adaptation to less parliamentary support for the Rutte I and II governments. The Rutte I Council of Ministers was a minority cabinet that had to accept a so-called tolerance agreement with the populist newcomer Party for Freedom (Partij voor de Vrijheid, PVV). When the PVV cancelled the tolerance agreement after talks

Institutional
Reform
Score: 6

for new, additional cutbacks, the Rutte II Council of Ministers was formed. Since this Council of Ministers has a majority in the Second Chamber but not in the First Chamber and bills have to be adopted by both houses of the bicameral States General, informal coordination processes between government ministers and members of parliaments of both coalition and non-coalition parties have become very important. These two changes have not been the result of regular and effective monitoring of institutional arrangements, but of political and electoral power shifts.

No major changes have taken place in strategic arrangements or capacities beyond what has already been mentioned about externally driven policy coordination in fiscal and economic matters. Generally, strategic capacity is on a rather good level already.

II. Executive Accountability

Citizens' Participatory Competence

Policy Knowledge
Score: 6

Dutch respondents claim to spend slightly more time than the average European respondent gathering political information via television, radio or newspapers. Nevertheless, the broader public does not seem to be well-informed on a wide range of government policies. This is due not to a lack of information, as there are abundant information sources, and thresholds to accessing information are low. As many people find political information complicated and/or uninteresting, they often do not pay attention to it. The Netherlands Institute for Social Research (Sociaal-Cultureel Planbureau, SCP) found in a 2012 survey that 28% thought politics was too complicated for themselves, while 60% thought it was too complex for most others. A recent study by Verhoeven elaborates on this issue. Four types of citizens are distinguished regarding their degree of political involvement: “wait-and-see” citizens (25%), impartial citizens (17%), dependent citizens (23%) and active citizens (35%). Active citizens show the highest motivation to become actively involved in public debate and – if possible – decision-making. Members of this groups are usually very well-informed, although their knowledge is often focused on specific areas of government policy.

Citation:

Rob-RFv, Vertrouwen op democratie, Den Haag, 2010.

Verhoeven, Burgers tegen beleid: een analyse van dynamiek in politieke betrokkenheid, dissertatie, UvA, 2009.

http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2010/COB_Kwartaalbericht_2010_1

Continu Onderzoek Burgerperspectieven, Burgerperspectieven 2012/4
(www.scp.nl/dsresource?objectid=33426&type=org)

Legislative Actors' Resources

Parliamentary
Resources
Score: 6

A comprehensive study on the information exchange between the States General and government in the Netherlands over the past 25 years concludes: “In a mature democracy the primacy of information provision to parliament ought to be in the hands of parliament itself; but in the Netherlands in 2010 *de iure* and *de facto* this is hardly the case. *De iure* the dominant interpretation of Article 68 of the Constitution boils down to the fact that, in the end, it is government that decides whether or not certain information is provided to parliament. *De facto* the information arena in which the Cabinet and the parliament operate is largely defined and controlled by the Cabinet.”

This state of affairs reflects the necessity to form coalitions so that a majority of the States General usually supports the government of the day. As an institution the States General is not necessarily a unified actor.

And as an institution, the States General's resources are modest as well. Dutch members of parliament in large parliamentary factions do have one staffer each; MPs of smaller factions have to share just a few staffers. MPs of coalition parties are usually better informed than opposition MPs. MPs do have the right to summon and interrogate ministers; the quality of the question-and-answer game is typified as: “Posing the right questions is an art; getting correct answers is grace.” Oversight and control in the Dutch States General is the prerogative of the departmentally organized permanent parliamentary committees, usually composed of MPs with close affinity to the policy issues of the department involved. Policy and program evaluations are conducted by the departments themselves, or by the National Audit Chamber (which has more information rights than the States General). Another more standardized mechanism is annual Accountability Day, when the government reports on its policy achievements over the last year. Direct day-to-day contacts with officials are fuzzy and unsatisfactory due to the nature and interpretation of guidelines, and more formal hearings between MPs and departmental officials are practically unknown. Only in the case of formal parliamentary surveys or investigations may MPs hear officials under oath – but this is considered an extraordinarily heavy instrument,

to be used only exceptionally. Formally, the States General may use the expertise of the advisory bodies, but this is closely supervised by the minister under whose departmental responsibility the advisory bodies function. Only the Rathenau Institute (for scientific and technological issues) works for the States General exclusively.

Citation:

Guido Enthoven (2011), *Hoe vertellen we het de Kamer? Een empirisch onderzoek naar de informatierelatie tussen regering en parlement*, Eburon

Obtaining
Documents
Score: 6

Government has to provide correct information to the States General (Article 68 of the constitution), but members of parliament frequently encounter defensive information provision made in order to protect “ministerial responsibility to parliament” and a “free consultative sphere” of Council of Ministers decision-making and civil service advice to ministers. Making internal memos, policy briefs (e.g., on alternative policy options), interdepartmental policy notes or counter-expertise by external consultants available to the States General would supposedly infringe on the policy “intimacy” necessary for government-wide policy coordination, as well as on the state’s interests. As political scientist Hans Daalder summarized: “In practice, it is the ministers that decide on the provision of information requested, also parliamentary requests, to the extent the government deems it desirable.”

Citation:

Guido Enthoven (2011), *Hoe vertellen we het de Kamer? Een empirisch onderzoek naar de informatierelatie tussen regering en parlement*, Eburon

Summoning
Ministers
Score: 9

Parliamentary committees may invite ministers to provide testimony or answer questions. Outright refusal to answer such a request occurs only rarely. In such instances the States General can exert moral pressure, and the relationship between the minister refusing an invitation and the States General might suffer. Ministers will usually accept invitations to avoid this. Nevertheless, ministers often do not answer the questions in a forthright manner, as parliamentarians might wish. If a minister happens to be abroad at the time he or she is invited to appear, a substitute might appear instead. Every week, parliamentarians have the opportunity to summon ministers and pose a seemingly unlimited number of questions. In the period under investigation, the government has been confronted with an increasing number of motions to appear before the States General or respond to questions. For instance, the number of motions submitted by States General members increased from 1,170 in 2006 to 3,679 in 2011. And the number of written questions increased from 1,772 in 2006 to 3,055 in 2011.

Citation:

Nederlandse Nieuwsmonitor, 2011. Regeert de waan van de dag? De interactie tussen Parlement en media (www.nieuwsmonitor.net/d/110/Parlement_en_Media_2011_2_pdf)

Tweede Kamer, Jaarcijfers 2011 (www.tweedekamer.nl/images/Jaarcijfers_2011_118-227352.pdf)

Summoning
Experts
Score: 9

Parliamentary committees can and often do invite experts to answer questions, or to facilitate the parliamentarian committee members in asking questions and interpreting the answers. Limited finances are usually the only real constraint on the number of experts summoned.

Citation:

G. Enthoven (2011), Hoe vertellen we het de Kamer, pp. 475ff

Task Area
Congruence
Score: 9

In the present government there are 11 ministries and 13 (fixed) parliamentary committees (vaste kamercommissies). Only the prime minister's department of general affairs does not have a dedicated parliamentary committee, but there are fixed committees for interdepartmental policymaking on aggregate government expenditure, European affairs and foreign trade and development aid. Parliamentary committees usually have 25 members, representing all political parties with seats in the States General; they specialize in the policy issues of their dedicated departments and inform their peers (i.e., tell them how to vote as part of the voting discipline per party). The number of public and non-public committee meetings is approximately 1,700 per year.

Citation:

Tweede Kamer, Jaarcijfers 2011, pp. 8-9

Audit Office
Score: 7

The Netherlands' Court of Audit is the independent organ that audits the legality, effectiveness and efficiency of the national government's spending. The court reports to the States General and government and its members are recommended by the States General and appointed by the Council of Ministers. Parliament frequently consults with this institution, and in many cases this leads to investigations. Investigations may also be initiated by ministers or deputy ministers. However, such requests are not formal due to the independent status of the Court of Audit. Requests by citizens are also taken into account. Every year, the Court of Audit checks the financial evaluations of the ministries. The reports by the Court of Audit are publicly accessible and can be found online and as parliamentary publications (Kamerstuk). Through unfortunate timing in view of (more) important political developments, in recent years such evaluations played only a minor role in parliamentary debates and government accountability problems.

Citation:

http://www.rekenkamer.nl/Over_de_Algemene_Rekenkamer

Ombuds Office
Score: 9

The National Ombudsman is a “high council of state” on a par with the two houses of the States General, the Council of State and the Netherlands Court of Audit. Like the judiciary, the high councils of state are formally independent of the government. The National Ombudsman’s independence from the executive is increased by his/her appointment by the States General (the Second Chamber or Tweede Kamer). The appointment is for a term of six years, and reappointment is permitted. The National Ombudsman was established to give individual citizens an opportunity to file complaints about the practices of government before an independent and expert body. Where the government is concerned, it is important to note that the National Ombudsman’s decisions are not legally enforceable. The ombudsman publishes his or her conclusions in annual reports. The government is not obliged to act upon these reports, but – owing to the public nature of the office – the ombudsman acts as an efficient mechanism for parliamentary control of the government. The present ombudsman is increasingly critical of the way government treats its citizens. The most recent report was entitled “My Unintelligible Government,” and it is stated that overbureaucratization severely disadvantages socially weaker citizens.

Citation:

De Nationale Ombudsman, Mijn onbegrijpelijke overheid. Verslag van de Nationale ombudsman over 2012.
<http://www.nationaleombudsman.nl/?gclid=CMpv8vGltrcCFclZ3godZH0AkQ>

Media

Media Reporting
Score: 7

Dutch public television and radio stations produce on a daily basis high-quality information programs analyzing government decisions. Of the 13 national public broadcasters in the Netherlands, eight may be said to consider it their task to inform the public on governmental affairs and decision-making. The main public news channel, NOS, is required to provide 15 hours of reporting on political issues every week. On the radio, the First Channel is primarily tasked with providing information. In recent years, the scope of the First Channel within society has been decreasing. This is not surprising since new media (i.e., the internet) have grown at the expense of more traditional media and are becoming more influential in the provision of news. Strikingly, parliamentary debates are no longer publicly broadcast on television. Nonetheless, NOS broadcasts Politiek 24, a digital television channel on the internet that contains live streams of public debates, analyses, background information and a daily political show.

The commercial media are much more geared to infotainment content, except most dailies and a few television and radio programs.

Due to increasing competition between all media, the Netherlands has developed the features of a mediocracy – a democracy governed by those who exercise power over the media in order to influence the populace. Journalists are said to report only on issues for which they expect to attract a large amount of public attention rather than report on politically important issues. This, in turn, influences politicians who act strategically in order to attract journalists' attention. Politicians now more than ever have to react to short-term issues in order to get attention from journalists instead of focusing on the content of political issues that attract less attention.

Citation:

Raad voor Cultuur, Advies Meerjarenbegroting 2009-2013 Nederlandse publieke omroep. Politici en journalisten willen te vaak scoren;

Media monitor: <http://www.mediamonitor.nl/> Part of Commissariaat voor de Media (www.cvdm.nl)

Parties and Interest Associations

Intra-party
Democracy
Score: 3

Intra-party democracy in the Netherlands does not exist. In all recent major political parties, political professionals dominate decision-making on lists of candidates, agendas and selection of party leaders. Briefly characterized, the list runs like this:

People's Party for Freedom and Democracy (Volkspartij voor Vrijheid en Democratie, VVD) (27%): typical professional politicians' and administrators' party; party leader not elected but self-nominated after internal elite struggle.

Labor Party (Partij van de Arbeid, PvdA) (25%): typical professional administrators' party; party leader elected through elite struggle and formally confirmed by members' vote.

Party for Freedom (Partij voor de Vrijheid, PVV) (10%): leadership or dictatorial party; charismatic party leader (Geert Wilders) self-nominated and the only formal member.

Socialist Party (Socialistische Partij, SP) (9.6%): charismatic leadership, tolerated by professional politicians and administrators.

Christian Democratic Appeal (Christen-Democratisch Appèl, CDA) (8.5%):

traditional professional politicians' and administrators' party; leaders "appear" following elite struggle.

Democrats 66 (Politieke Partij Democraten, D66) (8%): only party with formal intra-party democracy; firm charismatic leadership.

In other words, only D66 and the PvdA somewhat resemble parties with intra-party democracy; VVD, CDA and SP are "keeping up some appearances" and PVV is outright anti-democratic.

Association
Competence
(Business)
Score: 8

There is no lobbying culture in the Netherlands in the usual sense. Instead, prominent members of labor unions and business associations are regular members of high-level informal networks, also comprising high-level civil servants and politicians, on labor and other important socioeconomic policy issues. These processes have become institutionalized. For instance, there are tripartite negotiations in which employers, employees and the Crown are fixed discussion partners in the early stages of decision-making regarding labor issues. The same takes place for regular negotiations with economic interest associations. Analytic capacities of both business and labor associations are well-developed due to the institutionalized character of *poldering*.

Citation:

NRC Handelsblad 16 April 2011, *De trouwe hulp troepen van Mark Rutte*

Association
Competence
(Others)
Score: 8

Policymaking in the Netherlands has a strong neo-corporatist (*poldering*) tradition that systematically involves all kinds of interest associations – not just business and labor – in the early stages of the policymaking process. Owing to their well-established positions, e.g., the consumer association, all kinds of environmental NGOs, religious associations, municipal (*Vereniging voor Nederlandse Gemeenten*) and provincial interests (*InterProvinciaal Overleg*), medical and other professional associations (e.g. teachers, universities, legal professions) can influence policymaking through the existing consensus-seeking structures. Trade-offs are actively negotiated with ministries, other involved governments, stakeholder organizations and even NGOs. Furthermore, non-economic interest organizations react to policy proposals by ministries and have a role in amending and changing the proposals in the early stages of the policymaking process. They may also become involved later on with the implementation of policies.

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