



Netherlands Report

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Sustainable Governance Indicators 2019

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Executive Summary

The Dutch parliamentary elections in March 2017 returned a complex parliamentary composition. Consequently, the formation of a new cabinet took a record 203 days to finalize, with negotiations only concluded in November 2017. The new Rutte III cabinet consists of four political parties, with the smallest-possible parliamentary majority (76 out of 150 parliamentary seats). The four coalition partners are the center-right, conservative-liberal People's Party for Freedom and Democracy (VVD), with 33 seats and six ministers; the center-right Christian Democratic Appeal (CDA), with 19 seats and four ministers; the social-liberal Democrats 66 (D66), with 19 seats and four ministers; and the center-left Christian Union (CU), with five seats and two ministers – demonstrating the bargaining power of small swing-parties. In addition, there was some notable reshuffling of policy domains and ministerial departments. For example, the former Ministry of Economic Affairs, Agriculture and Innovation was separated into the Ministry of Agriculture, Nature and Food Quality, and the Ministry of Economic Affairs and Climate Policy (with the Ministry of Economic Affairs and Climate Policy having assumed some of the tasks of the former Ministry of Infrastructure and the Environment). Meanwhile, the scandal-plagued Ministry of Security and Justice was re-prioritized the Ministry of Justice and Security; and town and country planning and development (“ruimtelijke ordening en ontwikkeling,” which includes housing and regional development) was taken from the Ministry of Infrastructure and the Environment, and incorporated in the Ministry of the Interior and Kingdom Relations. The governing effectiveness of the Rutte III cabinet has so far been limited. From 36 legislative initiatives announced in the Government Agreement one year ago, just five have been realized – two of which involved the simple termination of existing laws (concerning non-binding referendums and fiscal discounts for home-owners). In-keeping with recent tradition, a significant proportion of legislative initiatives (e.g., concerning agriculture, climate change, health care and pension reforms) were first outsourced to societal consultative procedures (i.e., platforms or roundtables) in order to generate sufficient political acceptability (“draagvlak”) before being advanced to parliamentary debate and approval.

For some, these societal consultative procedures testify to the above-average quality of democracy in the Netherlands. For others, they demonstrate the sluggishness and veto power of societal interest groups, such as business

associations, in the Dutch political system. The stability of the system appears to be decreasing. Since the 2007/8 financial meltdown, continuing economic and global political uncertainties linked to strict austerity policies have produced a solid economic recovery. However, this has been achieved at the cost of producing an inward-looking, volatile and “angry” electorate. The Rutte III cabinet will be able to continue to implement an agenda of neoliberal legislative reforms somewhat softened by social measures. Providing grounds for persist concerns, the political parties and government bureaucracy have shown an increasing disregard for rule-of-law requirements, legislative and administrative details, and the management of an independent judicial infrastructure.

Policy performance is average, but satisfactory. Economic policies have been successful over the last two years, especially in the budgetary and accounting spheres. Recently, unemployment rates have strongly diminished, although high youth unemployment remains a particular concern. In 2015 and 2016, the government announced tax cuts intended to increase consumption spending, but net wage increases have been negligible due to policies that increased the tax burden on households and underestimated inflation rates. The Dutch continue to do well in most areas of social sustainability. Though the crisis in education has manifested in teacher strikes, with teachers demanding higher wages (to attract better quality teachers and alleviate the present shortage of qualified teachers), smaller classrooms and less work pressure. Social-inclusion policies have failed to prevent more families from falling into poverty. An excessively soft approach to anti-discrimination over recent years appears to have been an important driver in the establishment of DENK, a political party that appeals to Dutch citizens of second- and third-generation Turkish and Moroccan descent. DENK currently holds three parliamentary seats and 13 seats across local councils, and is especially strong in Rotterdam and Amsterdam. Persistent anxieties among voters concerning immigration issues have also strengthened anti-immigration parties, which now appeal to 15% of the electorate. In the realm of health care policy, excessive overall cost increases have been prevented, but prices for a large number of medicines have spiked. The hybrid public-private health care system, given the amount of political turmoil following the sudden bankruptcy of two hospitals, appears to be losing legitimacy not only among citizens, but also among left-of-center political parties. In the domain of integration, the refugee influx (although much smaller than expected) and continued above-average unemployment among immigrant young people remain key public concerns. Overall, almost all institutions related to public safety and security, and especially the judicial branches, face substantial challenges and are under increasing stress. The Netherlands, a densely populated country, also scores low with regard to environmental sustainability. After the Paris Agreement, climate change policy

is back on the political agenda. However, societal consultations in the “climate roundtable” appear to have stalled, largely due to resistance from business, and the self-proclaimed “greenest government ever” is yet to deliver on the strong climate policy initiatives it promised.

The government apparatus lacks sufficient executive capacity and accountability. There are clear and increasing implementation problems, indicating that the “lean” government approach of recent years has become overburdened by intractable problems and will remain so for the foreseeable future. Monitoring and coordination efforts are substandard with regard to interministerial and agency monitoring. There are increasing problems with the country’s public ICT systems, and large-scale rail and road infrastructure. Regarding water management, a traditionally strong area of Dutch governance, administrative reforms have been implemented smoothly. The devolution of central government functions with concomitant budget cuts may threaten the long-term decentralization of welfare policies to local governments. In the area of public safety and security, a contrary trend toward rapid centralization has led to problems in policing and, as became abundantly clear in 2017/8, the judiciary (e.g., in the court system generally, and the management of judges and access to the judiciary more specifically). In the realm of executive accountability, weak intra-party democracy and a lack of citizen policy knowledge are causes for concern. At the local level, experimentations with inclusive participatory and deliberative policymaking are increasingly common.

Overall, Dutch politics and policies remain sustainable. However, challenges are accumulating. For example, the government should seek to untangle policy deadlocks over attempts to address socioeconomic inequalities, address climate change deficits, involve citizens more in the early stages of policymaking, enhance local government and citizen participation in policy implementation, set goals and priorities in the areas of environmental and energy policy, and tackle the looming policing and judicial system crises.

Key Challenges

Three challenges affecting the sustainability of governance in the Netherlands remain insufficiently addressed: the restructuring of traditional state functions, the shift to a sustainable economy, and finding a balance between identity politics and globalization.

The first challenge involves an urgent restructuring of traditional state functions. The Dutch have eagerly reaped the peace dividend after the fall of communism. However, in view of threats from Russia and Turkey to parts of Eastern Europe, and a less certain U.S. commitment to NATO, the Dutch and other EU member states will have to increase their military capacity and spending in a relatively short time. Reforms to the police force, judiciary and public prosecution have run into implementation obstacles and serious integrity problems – without adequate political attention, these problems may become chronic. Government tasks in the domain of (public) finances require that the continuity of the tax apparatus is guaranteed and that steps are taken to tackle the country's reputation as a tax haven for large foreign (especially U.S.) corporations.

The second major task is to design and facilitate a shift toward a sustainable economy. In part, this is a matter of achieving environmental sustainability. The strong economic recovery that the Netherlands has experienced has a flipside: the Dutch can no longer fall further behind the rest of the European Union in implementing climate change (mitigation and adaptation) policies. The rapid phasing-out of natural gas production before 2030 means that a new energy policy based on a transition to renewable energy sources is imperative. Public investment in more sustainable transportation infrastructure can no longer be postponed in view of a looming congestion crisis. For all its innovation, Dutch agriculture contributes significantly to carbon dioxide and nitrogen emissions, and to the outbreak of diseases due to intensive livestock production, and must therefore be reformed.

The other part of achieving a sustainable economy is addressing increased socioeconomic inequality. Foreseeable technological innovations (involving digitalization, big data and robotification) necessitate reform of the education system and the labor market. Technological innovations require the development of a strategic approach to digitalization, which account for its effects on human rights, regulation and control, and enable mechanisms for consensus-building concerning contentious (ethical) issues around emergent and potentially disruptive new technologies. Growing segregation across levels and types of schools needs to be addressed. The relevance of existing educational qualifications in a rapidly changing labor market is increasingly questionable, and education at all levels is inadequately financed and staffed. Labor market policies face a difficult balancing act between flexibility, and job security, decent wages and work-family relations. For an aging population, a sustainable economy should include decent (health) care provision and pensions.

The third longer-term task is to strike a balance between identity politics and globalization. In the Netherlands, globalization manifests itself (among other indicators) through continuous immigration and an increasingly multiethnic population. Yet, to date, there has been no public debate about the future demographic composition and size of the population, which may grow from 17.2 million in 2017 to well over 18 million in a few decades. The “Black Pete” disorders, the housing shortage, overcrowding on trains and traffic congestion, and ecological pressure all signal the urgent need for new policies that address the interdependent issues of sustainability, ethnicity and globalization.

Popular support for nationalist, xenophobic, anti-EU and anti-Islamist political parties – like the People’s Party for Freedom and Democracy (PVV, 20 parliamentary seats), and Forum for Democracy (FvD, 2 seats) – as well as the sudden emergence of DENK (3 seats) are evidence of widespread public discontent and unease. Polarized political discussions are even visible in the heart of the cabinet. For example, Minister of Foreign Affairs Stef Blok, in an informal discussion with Dutch officials working for international organizations, warned against the excesses of globalization and stated his belief that it is in a people’s “DNA” to distrust foreigners, while Minister for Development Aid and Trade Sigrid Kaag, formerly a high-level civil servant who worked for the United Nations, has defended international cooperation, and spoken against “excluding entire groups of the population.”

For the open Dutch economy, cooperation in Europe is crucial. Economic growth and employment, defense, and controlled migration depend on it. The Dutch economy cannot prosper without a stable euro, a well-functioning banking union, and a strong and fair internal market (i.e., a market offering equal pay for equal work in the same location). Therefore, it is necessary that Dutch politicians publicly insist that the “I want to have my cake and eat it too” attitude held by a large proportion of Dutch citizens vis-à-vis the European Union is unrealistic. The departing vice-president of the Council of State, Piet Hein Donner, referred to euroskepticism as a “threat,” and claimed that problems like climate change, terrorism, social cohesion and public security can no longer be solved at the national level.

It is increasingly clear that these challenges will require new modes of constructive citizen participation and representation. The gap between government policy, and citizens’ feelings and experiences creates significant discontent, anti-establishment sentiments and feeds populist calls for more direct democracy. In view of recent negative experiences with national referendums in the Netherlands and elsewhere in Europe (e.g., the United Kingdom and Catalonia), the Rutte III cabinet, as one of its first policy actions,

abandoned the national consultative referendum. Participatory democratic practices are (again) limited to the local and municipal level. Critics, on the other hand, accuse politicians of not taking emerging forms of citizen participation seriously. They call for a change of course from “defensive” participation to opening up a “second track,” a more proactive form of participation, based on open dialogue, trust and cooperation. To what extent this will be realized, remains an open question.

The country’s new political cleavages – between citizens favoring closed and open borders; between adherents of neoliberal and neo-structural economic thought; between freedom for corporations and stricter disciplinary interventions for ordinary citizens; and between expert-led, evidence-informed governance and bottom-up citizen participation – must ultimately be overcome if the viability and sustainability of the Netherlands’ democratic society is to be ensured.

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Party Polarization

At the national level, the Dutch political party landscape is more fragmented than ever, with relatively moderate polarization on economic issues and substantial polarization on cultural issues. In particular, debates related to immigration, multiculturalism and the social integration of ethnic minorities are particularly polarized.

Following the 2017 electoral results, several existing trends combined to increase political polarization: the Rutte II coalition cabinet that comprised the conservative-liberal People’s Party for Freedom and Democracy (VVD), and the Labor Party (PvdA) lost heavily; the number of effective political parties in parliament reached an all-time high; the three main centrist political parties –

Christian Democratic Appeal (CDA), PvdA and VVD – won fewer parliamentary seats than ever; electoral volatility was only higher in 2002 when Pim Fortuyn List (LPF) entered parliament with a stunning 24 seats; and left-wing political parties won an all-time low of only 42 parliamentary seats, having lost a combined 20 seats. Volatility and fragmentation is primarily caused by voters having a greater choice of closely related political parties. For example, voters can choose between a confessional set of three parties (i.e., CDA, SGP and CU), a socioeconomically moderate right-wing set of three parties (i.e., VVD, CDA and D66) and a progressive left-wing set of five parties (i.e., PvdA, D66, GreenLeft, Socialist Party and Party for the Animals (PvdD)), in addition to a cluster of outsider parties (e.g., PvdD and PVV) and several newcomers (50PLUS, DENK and Forum for Democracy). Of the new parties, 50PLUS appeals to discontented pensioners; DENK appeals to well-educated, young voters of Turkish and Moroccan descent; and Forum for Democracy appeals to culturally conservative, younger voters with anti-elite and anti-Europe sentiments.

Ideological polarization on the economic left-right dimension is moderate. Over the last 25 years, Dutch voters have held relatively stable preferences on issues like income inequality and redistribution, taxation, and the economy. However, on the cultural dimension several issues have seen substantial shifts in public opinion. In particular, public opinions on immigration, integration and European unification have become more negative. Voters that combine left-leaning socioeconomic preferences with conservative-nationalist cultural and ethical preferences feel underrepresented by national political parties. Even in one of the most proportional representative systems in the world, with very few entry restrictions on new political parties, about a third of the electorate – disproportionately in the lower income and lower educational attainment brackets – feel there is no party they can sufficiently identify with. Competition for these voters may have resulted in more inter-group polarization among political parties (on issues like immigration, religion and education), and has manifested itself impolite, harsh and frequently insulting statements by politicians in the press, on social media and even in parliamentary debates. This has also resulted in lower levels of public trust in the major political institutions and parties, and in particular politicians.

At the national level, the record number of days required to form the Rutte III cabinet is a sign of political fragmentation making government formation and policymaking more difficult. In its latter days, the Rutte II cabinet lost its majority in the Second Chamber but remained capable of governing through the formation of ad hoc majorities in the Senate. Fragmentation and polarization appear to be much more of a policymaking problem at the level of local politics and administration. Fragmentation is worse at the municipal level

because local political parties have won well over a third of the total number of seats in local councils, with a large influx of relatively inexperienced politicians and radical political agendas. Frequent political party schisms at the local level also make the formation of working majorities more difficult to achieve and result in longer periods for local government formation. National political parties, at both extremes of the political spectrum, managed to win a considerable share of municipal council seats. At the local level, one frequently observes issue linkages of traditional issues (e.g., parking spots in cities or social housing with “preferential treatment” of refugees) and immigration/integration issues. (Score: 7)

Citation:

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Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 9

Having grown by 3.2%, the Dutch economy boomed in 2017, although the growth rate has declined somewhat since the third quarter of 2018 (with an overall estimate for 2018 at 2.8%). Such a high growth rate as in 2017/2018 had not been seen since 2006/2007. Overall, conventional indicators of the economic cycle are performing well – the highest among EU member states, according to the World Economic Forum’s Global Competitiveness Report 2017 – 2018. Trust indicators for business and consumers have declined from a peak in early 2018, but (in December 2018) are still quite optimistic.

The economy’s international standing has been steady, with the Netherlands still ranking 4th out of 138 countries, behind Switzerland, the United States and Singapore. The Netherlands scores highly for macroeconomic stability, labor market reforms and business dynamism. However, its performance has slightly declined with respect to infrastructure, labor force skills levels, product market efficiency (especially the complexity of tariffs) and innovation capability. There is still fierce political and policy debate about the success or failure of the new Work and Security Act.

In sum, although the Netherlands was caught in a long-term slump, strong economic recovery since 2013 has now led to a booming economy. Nevertheless, in terms of the euro zone, Dutch economic performance is average.

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Labor Markets

Labor Market
Policy
Score: 8

In July 2017, 4.9% of the working population was unemployed, while CBS reported that this percentage had decreased to 3.7% by October 2018. The youth unemployment rate was 8.9% in June 2017, declining to 7.2% in July 2018 – only Germany and Czechia had performed better. Yet, some consider youth unemployment a serious threat to long-term prospects. An estimated 138,000 young people are not in education or employment. A large proportion of those young people lack a basic level of literacy, computer literacy or technical craft skills. Better educational and school-to-work transitional arrangements are crucial. Other labor market weaknesses include: relatively low labor market participation rates among migrants, especially young migrants; an increasingly two-tiered labor market that separates (typically older) “insiders” with significant job security and (old and young) “outsiders,” who are often “independent workers,” lack employment protection and have little-to-no job security; and high workplace pressure. Although the proportion of fixed jobs surpassed flexible jobs in 2017, flexibilization of jobs remains a highly prominent trend. At present (2018) the ratio of flexible to fixed jobs is 40% flexible to 60% fixed, while in 2003 it was 25%/75%. The majority of 15- to 25-year-old employees work flexible jobs, with a ratio of 27:73 in 2018, compared to 45:55 in 2003. Although there is strong economic growth, decreasing unemployment and even a looming labor shortage (1.6 unemployed people to 1 job vacancy in 2018, compared to 7:1 in 2013), real wage increases are practically nonexistent. Economic research points to a complex conjunction of many causal factors: automation and digitization; global production and consumption; improved employer search methods; the large gap between a net wage increase for an employee and gross increase for the employer; low interest rates and unproductive investments; limited bargaining power for un-unionized flexible workers; employees increasingly prioritizing leisure, family time or lifelong learning arrangements over monetary income; and underestimated economic growth and inflation rates resulting in excessively low demands for wage increases.

Citation:

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NRC-Handelsblad, CBS: aantal vaste banen groeit harder dan flexbanen (15 May, 2018)

Taxes

Tax Policy
Score: 8

Taxation policy in the Netherlands addresses the trade-off between equity and competitiveness reasonably well. Looking at average income, pre-taxes in the Netherlands have a Gini coefficient of 0.563 (in 2015), after-taxes (and other

redistributive measures) it is only 0.295 (in 2015). However, including wealth, the Gini index jumps to 0.92. The Netherlands has a progressive system of income taxation which contributes to vertical equity. In general, income tax rates range between 30% for lower and 52% for higher income levels. There is a separate tax for wealth. Indirect taxes and local taxes hit lower income groups most. Yet, tax pressure for every income group, from low to high, allegedly is approximately 37%. Yet, partly as a result of ad hoc measures to alleviate crisis impacts, the tax system loses credibility because of its increasingly unequal treatment of different groups. For example, between self-employed and employed workers, between entrepreneurs operating as sole traders or private limited companies, between single-parent families and families where both parents earn a living, and between small savers and the very wealthy. There is more inequality than meets the eye. In particular, middle-income families only manage to make ends meet because women are working more; increasing the number of hours worked per household and the female labor participation rate.

Therefore, the Rutte III government has announced a general tax reform based on a “social flat tax” or a two-tier system of income taxation (a 37% lower and a 49.5% higher tax bracket). The government predicts that this would benefit over five million Dutch mid-income employees. Other measures envisage an increase (from 6% to 9%) of the lower VAT rate, and an accelerated decrease in mortgage subsidies. Corporate taxes will also be lowered to 15% for SMEs, and 21.5% for larger and multinational corporations. Tax policy debates in 2017/18 were dominated by a highly contested, presumably lobby-group induced, government proposal to completely abolish dividend taxation, generally viewed as a “present to big foreign companies.” When it became clear that this proposal was politically unacceptable, the debate refocused on whether the money involved (almost € billion) ought to be spent on wage increases and a reduction of labor shortages in the care, police and education sectors; a further reduction of state debt; or to private enterprise to improve the Dutch investment and location climate. This latter alternative proved to be the stronger one.

Corporate income tax for foreign companies – an aspect of the trade-off between horizontal equity and competitiveness – has also come under political scrutiny. An extensive treaty network that encompasses 90 tax treaties aims at protecting foreign companies from paying too much tax, effectively making the Netherlands a tax haven.

Citation:

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Budgets

Budgetary Policy
Score: 9

Although budgetary policy has considerably improved over the last few years due to strong economic growth, worries remain over its long-term sustainability. For the fourth year in a row there is a budgetary surplus of 1% of GDP, over €8 billion. Consequently, state debt has decreased to under 50% of GDP, over €400 billion. However, the sustainability index (houdbaarheidsindex), signaling whether or not the government can pay the future costs of care and education is negative (-0.4), the equivalent of €3 billion – barely within the EU-budgetary rules that allow for 0.5% of GDP. The long-term deficit may even increase now that state income from gas exports will stop (due to earthquake risks to the continued natural gas exploitation in the Province of Groningen), and special financial buffers have had to be created for security and border patrols in case of a “hard” or no-deal Brexit. Such additional outlays are being financed through ad hoc “windfalls” in social care, social benefits and low interest rates. Both the Council of State and the Center for Economic Policy Analysis have criticized the government for its expansive budgetary policy due to the of lack state income from gas sales, and because the government’s extra spending on defense, security, care and education violates the prudential budgetary rule (which states that windfalls may not be used to finance new structural policies). The government, however, views its budgetary policy as an investment in future economic growth.

Citation:

Miljoenennota 2018 (rijksoverheid.nl, accessed 24 October 2018)

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Research, Innovation and Infrastructure

R&I Policy
Score: 9

In 2018, the European Innovation Scoreboard has the Netherlands as an innovation leader, ranked fourth after Finland, Denmark and Sweden). The Netherlands ranked 6 out of 138 economics in the World Economic Forum’s Global Competitiveness Report 2017 and was the third most competitive

economy in Europe. The Netherlands scores above average in terms of open, excellent and attractive research systems, as well as in scientific-publication output, finances and support. Its weakness is in financial market development (with low scores for perceived efficiency, and confidence and trust in the financial sector), sales and intellectual assets.

It is unclear whether the Netherlands' R&D performance is due to government policies (coordinated by the Ministry of Economic Affairs and Climate). The country's policymakers aim to ensure that the Netherlands is one of the top five global knowledge economies, and to increase public and non-public R&D investments to 2.5% of GDP (€50 billion). The first of these two goals was achieved and has been sustained since 2015. However, the second goal is yet to be achieved, with total expenditure on R&D as a percentage of GDP stuck at 2%, lower than the EU ambition of 3%. The most recent figures, compiled by the Rathenau Institute, indicate that public and especially private R&D expenditure are lagging. Although government spending on public research institutes has remained at the level of 2014, financial support for free academic research is decreasing. The government also announced cuts to the Ministry of Education's budget of €83 million, sparking mass protests from academic researchers.

Dutch policies used to focus on the reduction of coordination costs in creating public/private partnerships. In addition, there are increasing 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. However, SMEs struggle with obtaining access to bank credits and navigating their way through a maze of regulatory details in obtaining state funds for innovation. Since 2011, national R&D has focused on nine economic sectors identified as a top priority. In its newly launched Mission Driven Innovation Policy, the government intends to focus more on societal challenges like sustainable food production and financially accessible health care. Innovative SMEs and startups have a special place in this new initiative.

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Topsectoren, Kabinet: innovaties en topsectorenbeleid richten op maatschappelijke uitdagingen, 13 July 2018 (rijksoverheid.nl, accessed 24 October, 2018)

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Stabilizing
Global Financial
System
Score: 7

Global Financial System

The Intervention Bill, which came into effect in June 2012, includes new powers for the Netherlands' central bank and minister of finance. The bill grants the latter the authority to intervene in the affairs of financial institutions in order to maintain systemic stability. As a result, the capital ratio of the four largest Dutch banks has gradually moved toward compliance with the new European capitalization requirements.

Following a parliamentary inquiry into the country's handling of the banking crisis, the Center for Economic Policy Analysis now annually produces a risk report on financial markets. In 2017, although the government considers increased policy uncertainties in the international political environment a threat, it also observes that it does not (yet) affect the stability of (Dutch) financial markets. In 2018, regarding the debate on a Europe-wide banking union that would introduce effective risk reduction and risk sharing, the Dutch government prioritized the reduction of existing risks before the creation of real risk-sharing instruments like a European Deposit Insurance Scheme or a Single Resolution Fund.

The Netherlands is slowly but surely losing its position in the important bodies that together shape the global financial architecture. In EU policymaking in the past, the Dutch tended to agree with the UK position in principle, but follow the German position in practice. After all, as a small but internationally significant export economy, the Dutch have a substantial interest in a sound international financial and legal architecture. However, given the new wave of political skepticism toward international affairs, as exemplified by a no-vote in the 2016 Ukraine referendum, until recently the Dutch should be regarded more as reluctant followers than as proactive initiators or agenda setters. Now Brexit is a near-certainty, advised by its Advisory Council on International Affairs, the Dutch government has attempted to take the lead in forming a new "Hanse" alliance of northern European states. Recent statements by Prime Minister Rutte regarding Macron's plans for revitalizing the EU project may also signal increased "rapprochement" with the French. Nevertheless, the government has been hesitating to deal with gross inequalities in the fiscal treatment of foreign and domestic capital. This may indicate a return to a financial policy agenda driven more by national interests than by broader concern with global financial safety. After all, the Center of Economic Policy

Analysis states that the Netherlands should do more to reduce opportunities for international tax evasion opportunities.

Citation:

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II. Social Policies

Education

Education Policy
Score: 6

In terms of quality, the average education attainment level for the population is high, somewhat exceeding the OECD average in 2017. The Ministry of Education follows a policy in which individual schools publish their pupils’ performance (as measured by the School Inspectorate), enabling parents to choose the best or most appropriate school for their children. Quality-improvement policies – including CITO testing, performance monitoring, efforts to intensify and improve teacher professionalization programs, better transition trajectories between school types, and quality-management systems at school level – do not yet appear to be effective. For the first time, the debate focused this year on substantial elements of the Dutch educational system, such as the streaming of students from age 11/12 – which is seen as excessively early and detrimental to a growing number of children.

The Netherlands continues to struggle with achieving equity in educational access. Although the school performance of pupils of non-Dutch origin has improved over time (in part due to a rise in non-native adults’ educational achievements), these children on average do far less well in science, reading and math than their Dutch-origin peers. Moreover, the gap in this regard is considerably larger than the average within OECD countries. Social background and parents’ level of educational attainment are increasingly predictive of students’ educational achievements. 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 pupils have been tracked at age 12).

Equitable access to education for minority ethnic groups has not been achieved and is worsening at the university level. There remain considerable gender gaps in education. The teaching workforce is primarily female, except in tertiary education. The proportion of women studying science, technology, engineering, mathematics, manufacturing and construction is low, while women are overrepresented in the education, health care and welfare sectors. The growing gap between higher education and secondary professional education reflects differences in socioeconomic status and ethnic backgrounds.

In 2018, because of the increased demand for technically educated professionals, secondary professional schools received extra financing, while measures to improve the image of the schools and the status of the students were introduced.

Children with minor learning disabilities often get caught in a bureaucratic back-and-forth between mainstream schools and specialized youth care services who see them as “light cases.”

At the tertiary level, the system of equal access through study grants has been abolished and every student now pays for university education, with low-interest loans available to students. Calculations suggest that university fees will result in an average lifetime income loss of 0.2% for tertiary-level students. The deterrence effect of the new student loan system has proven to be more substantial among lower-income families, particularly at the higher-professional level.

The Dutch school system stresses efficiency in terms of resource allocation. Expenditure for education is below the average for OECD countries. Among primary and secondary level school teachers, following massive strikes in 2017, salaries were significantly increased in 2018, and will be further increased in 2019 and 2020. However, this does not seem to be enough to meet the substantial shortage of teachers. The Council of Education suggested that the system of teacher certification needs to be drastically changed to address the issue. Relatively high levels of education attainment and school performance in the Netherlands should theoretically have a positive impact on the country’s competitiveness. And, although the Netherlands remains competitive in certain areas, the country’s track-based school system makes it difficult to adapt quickly to changing labor market needs. As a result, the Netherlands faces a shortage of skilled technical workers. Life-long learning is poorly supported by the government.

In January 2016, the national dialogue on a reformed “curriculum for the future” for primary and secondary education received substantial input. Teachers and school managers worked together on a new curriculum. The ambition to establish three broad knowledge domains was watered down to a collaborative development of specific teaching material in the third phase of the process in the fall of 2018.

In higher professional training and university education, inadequate government funding exacerbates existing challenges resulting from increasing student numbers (particularly international students), work pressure and quality issues.

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Social Inclusion

Social Inclusion
Policy
Score: 7

Income inequality in the Netherlands produces a score of between 0.28 and 0.29 on the Gini Index, and has not changed significantly since 2007. However, the difference between top-level incomes and lower end incomes has increased. Top salaries increased by 32% between 2010 and 2017, while lower end salaries increased by 13%. Consequently, the gap between the top and bottom incomes increased from a factor of 5.5 in 2010 to a factor of 6.2 in 2017. The gap is slightly lower when net incomes are compared, but is rising nevertheless. Interestingly, this pattern is even more visible in the incomes of women. While the incomes of the highest-earning women increased significantly, particularly for younger women, only one-quarter of all women

are in full-time employment. Since 2016, of the country's home-owning households, almost 1.4 million (32%) had mortgage debts higher than the market value of their house. This number is now rapidly declining due to a rise in house prices. The average age of first-time home buyers has increased due to precarious incomes; stricter loan regulations; increasing house prices and a shortage of new, affordable houses.

Gender-based income inequality is high. On average, personal incomes among men (€40,200) are much higher than personal incomes among women (€23,800). Women form a slight majority of people living in poverty.

With the rise of digital communication, access to care facilities is becoming increasingly problematic for a large group of citizens. While many people take advantage of electronic services, a significant proportion of people experience problems due to a lack of personal contact or timely information regarding their options and opportunities. This includes not only elderly or uneducated people, but also students and young parents.

Compared to other EU member states, the number of Dutch households at risk of social exclusion or poverty is still low. But since 2008, the beginning of the economic crisis, poverty in the Netherlands has increased by one-third. Single-parent families, ethnic-minority families, migrants, divorcees and those dependent on social benefits are overrepresented in this poverty-exposed income bracket. Since 2014, the risk of poverty is declining faster among migrants than among the general population. Of young people under 18 years old, 17% were at risk of poverty and/or social exclusion. However, in big cities, such as The Hague and Amsterdam, with large immigrant communities, this proportion increases to one in five. However, the risk of poverty and social exclusion in the Netherlands as a whole is just 15% (comparable to Sweden only), which means that around 2.5 million people face relative poverty. It should also be noted that the poverty threshold in the Netherlands is far higher than in most other EU member states (Luxembourg excepted). Responsibility for poverty policy in the Netherlands is largely held by municipal governments. Given the budgetary side effects of other decentralization policies, there are clear signs of risk for poverty policy, both in terms of quality and accessibility.

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Health

Health Policy
Score: 6

The Netherlands' hybrid health care system continues to be subject to controversy and declining consumer/patient trust. The latest decline in trust followed the sudden bankruptcy of two hospitals. The system, in which a few big health insurance companies have been tasked with cost containment on behalf of patients (and the state), is turning into a bureaucratic quagmire. Psychotherapists, family doctors and other health care workers have rebelled against overwhelming bureaucratic regulation that cuts into time available for primary tasks. With individual obligatory co-payment levels raised to €75 (including for the chronically ill), patients are demanding more transparency in hospital bills; these are currently based on average costs per treatment, thereby cross-subsidizing costlier treatments through the overpricing of standard treatments. The rate of defaults on health care premiums to insurance companies and bills to hospitals and doctors is increasing. All this means that the system's cost efficiency is coming under serious policy and political scrutiny.

In terms of cost efficiency, according to the new System of Health Accounts, the Dutch spend 15.4% of GDP on health care, or €5,535 per capita. The WHO's Europe Health Report 2015 still shows the Netherlands as the continent's highest spender on health care, spending 12.4% of GDP on health care. The costs of care, both government spending and private contributions, show a steady increase (which exceeds inflation) since 2014. The steepest increase is in specialized medical care in hospitals, with long term care showing some decrease. Moreover, the number of people employed in health care was lower than in previous years. Labor productivity in health care rose by 0.6% on an annual basis, with the gains coming almost entirely in hospital care. Profits for general practitioners, dentists and medical specialists in the private sector increased much more than general non-health business profits. A proportion of health care costs are simply transferred to individual patients by increasing obligatory co-payment health insurance clauses. A means of improving patients' cost awareness is through increased transparency within health care institutions (e.g., rankings with mortality and success rates for certain treatments per hospital).

In terms of quality and inclusiveness, the system remains satisfactory. However, Dutch care does not achieve the highest scores in any of the easily measured health indicators. Average life expectancy (79.1 years for males, 82.8 for women) and health-status self-evaluations have remained constant. Patient satisfaction is high (averaging between 7.7 and 7.9 on a 10-point scale), especially among elderly and lower-educated patients. Patient safety in hospitals, however, is a rising concern both for the general public and for the Health Inspectorate. Since 2013, waiting lists for specialist care have been a growing concern. The trend has continued into 2018, particularly for age-related conditions, and drastically for some regions in the country with aging and decreasing populations. Particularly troublesome is the situation in psychiatric care.

The level of inclusiveness is very high for the elderly in long-term health care. However, there is a glaring inequality that the health care system cannot repair. The number of drug prescriptions issued is much lower for high-income groups than for low-income groups. In terms of healthy life years, the difference between people with high and low-income levels is 18 years. Recent research has also revealed considerable regional differences with regard to rates of chronic illnesses and high-burden diseases; differences in age composition and education only partially explain these differences.

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Families

Family Policy
Score: 7

Family policy in the Netherlands is formally characterized by the need to recognize a child's best interest and to provide support for the family and the development of parenting skills. According to EU-28 data, the Dutch spend approximately 32% of GDP on social protections (health care, old age, housing, unemployment, family), but just 4% of this is spent on family costs (compared to an EU-28 average of 8%). Day care centers for young children are becoming a luxury item, as they are not directly subsidized and parents face a steep increase in costs based on higher contributions for higher taxable income. This situation was somewhat alleviated at the beginning of 2018, when community and commercial providers of child care were subjected to the same quality criteria and the same financial regime. From 2019, the child care subsidy will be significantly increased. Nevertheless, the cost and availability of day-care provisions varies substantially, depending on local municipal policies.

The government has established an extensive child protection system through its policy of municipal "close to home" youth and family centers, which are tasked with establishing a system of digital information related to parenting, education and health care. Nevertheless, parents complain of a lack of information about and access to youth and family centers. Local governments have in some cases violated decision-making privacy rules in the allocation of youth-care assistance. In recent years, there were several scandals involving the death of very young children due to parental abuse as a result of uncoordinated and/or belated interventions by youth-care organizations.

The devolution of powers in youth health care to local governments in 2016 resulted in cases where necessary psychiatric care was withheld or significantly delayed due to a lack of financing. Vulnerable children were particularly hard hit by the decentralization and fragmentation of services, which led to longer waiting times. Other issues included travel to health care facilities and coordination between services. For the first time since decentralization in 2015, the number of children and young adults in youth care declined significantly, by 11,000. Notwithstanding, the total number of children in youth care remains high, and stands at approximately one in ten children. Against the backdrop of a permanent shortage of financing at the municipal level, it is not clear whether preventive efforts are effective or parents are simply opting out of the system, choosing private providers instead.

In practice, child support for families also is an instrument designed to improve parents' labor market participation. Enabling a work-family balance is less of a guiding policy principle. The gap between professional women working longer hours and less educated women not participating in the labor market is growing. Almost two-thirds of mid-career women experience the combination of childcare tasks and work as difficult. Full-time female labor-force participation is hindered mainly by a high marginal effective tax burden on second earners, reflecting the withdrawal of social benefits according to family income. Consequently, in the World Economic Forum's Global Gender Gap Index 2017, the Netherlands ranked 32 out of 144 countries, having ranked 16 in 2016 and 9 out of 130 countries in 2008. The drop was largely due to the inclusion of top incomes in the calculations, which revealed a glaring absence of women in highly paid positions in the country. Other factors include unfavorable school times, a childcare system geared toward part-time work, and the volatility of financing for and poor access to care policies, particularly at the municipal level. Recently, the government announced plans to increase parental leave significantly, including paternal leave, in an effort to address these difficulties.

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Pensions

Pension Policy
Score: 8

The Dutch work fewer hours and retire later than people in other EU member states. The average pension age has increased from 61 years in 2007 to 64 years and 10 months in 2017. The proportion of people aged between 60 and 65 still active in the labor market has almost doubled since 2005.

The Dutch pension system is based on three pillars. The first pillar is the basic, state-run old-age pension (AOW) for people (now) 66 years old and older. Everyone under 66 who pays Dutch wage tax and/or income tax pays into the AOW system. The system may be considered a “pay-as-you-go” system. This pillar makes up only a limited part of the total old-age pension system. 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 that anyone can buy from insurance companies.

Although the system is considered the best after those in Denmark and Australia, like most European systems, it is vulnerable to demographic changes (related to an aging population) and disturbances in the international financial market. As of 2013, the government gradually increased the age AOW pension eligibility to 66 by 2018 and 67 by 2021. For supplementary pension schemes, the retirement age rose to 67 in 2014. However, it is becoming clear that for some types of jobs, mainly physical labor, a retirement age of 67 is not feasible due to health problems. Employers are reticent in hiring aged workers for fear of high health care costs. At the same time, paradoxically, higher educated people retire a year earlier on the average, because they can afford it.

As a result of very low interest rates, pension fund assets, although still enormous (€660 billion or 193% of GDP), have not grown in proportion to the number of pensioners. The liquidity ratio of pension funds must be maintained at a minimum threshold of 105%. The timeframe for recovery after not meeting this threshold 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 lower benefits. Interim framework bills for strengthening the governance of pension funds (conditions for indexation of pension benefits, pensioners in the government board, oversight commissions, comparative monitoring) were adopted by parliament in the summer of 2014.

A more definitive reform of the Dutch pension system is still pending. Debate focuses on the redistributive impacts (on the poor and rich, young and older, high and low education) and on the creation of more flexible pension schemes that give individuals more choice opportunities versus retaining collectively managed pension schemes. The government is still considering long-term retirement policies, hoping that its social partners, employers' organizations and trade unions in the Socioeconomic Council will work out a compromise. At the time of writing, negotiations on a new pension reform have stalled.

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Integration

Integration Policy
Score: 7

The Netherlands is a sizable immigration-destination country, with a considerable integration task. In 2018, 12% of the population were first-generation immigrants. In 2011, the Netherlands ranked 5 out of 37 industrial countries in the Migrant Integration Policy Index; in 2015, the country ranked 15. The country scores relatively high on measures of labor mobility and access to citizenship for migrants, but low on measures of access to family reunion and permanent residence. It attains average scores for criteria such as education, anti-discrimination policy, health outcomes and political participation. The relative success of DENK, a newly established political party that claims to promote tolerance, is a sign that ethnic minorities do not feel adequately represented by mainstream political parties.

In a 2018 representative public opinion poll on immigration and integration issues, 38% of respondents spontaneously stated that immigration, integration and racism were the second most important public concern, after health care. In view of occasional riots and disturbances at municipal council meetings on the location of refugee settlements, integration issues flared up again. At the local elections in March 2017, national and local parties with anti-immigration agendas gained seats in municipal councils across the country, often for the first time.

Since 2009, all non-EU nationals who migrate to the Netherlands are required to learn Dutch and essential facts about Dutch society. The Civic Integration

Abroad policy involves obligatory integration tests in the country of origin for family reunion applicants. Refugees are expected to “deserve” their status in the Netherlands by taking language tests, and many refugees accumulate debt paying for language courses, which are also difficult to find and are often of unreliable quality. Migrants without refugee status are allowed to take a loan of up to €10,000 to pay for their integration, to be repaid within three years.

Compared to other countries, immigrants benefit from several measures targeting employment and labor market integration. Nevertheless, unemployment rates among non-Western migrants are three times as high (16%) as among Dutch-born citizens (under 4% at the end of 2018). This difference is somewhat less pronounced within the 15 to 24 age group but remains twice as high. One in three young migrants without a formal school qualification is unemployed. Although the Dutch recognize and disapprove of discrimination more compared to other European countries, they still think that discriminated minorities are “exaggerating” and should “get used to it.” Recent research shows that ethnic discrimination in the labor market is widespread and difficult to sanction. Muslim citizens’ self-reported discrimination experiences and perceptions, and incidents of harassment and violence, are among the highest in Europe.

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Safe Living

Internal Security
Policy
Score: 6

Since 2010, opinion polling has shown that confidence in the police is consistently high and satisfaction regarding policing performance is fairly high (28% of those polled express that they are “very satisfied”). Research shows that this is independent of the actual conduct and performance of police

officers. The number of registered criminal incidents per capita has declined from 93 per 1,000 citizens in 2002 to 43 per 1,000 in 2017. The total number of years people have been sentenced to serve in Dutch prisons has declined from 12,000 in 2005 to 7,000 in 2015. At the same time, the percentage of resolved cases remains steady, at about 25%. A recent CBS report calls this “the mystery of disappearing crime.” Possible explanations are the rise of organized crime, new types of crime and a declining rate of crime reporting among the public.

Cybercrime rates (hacking, internet harassment, commercial and identity fraud, cyberbullying) remained stable since 2015. Illegal cryptographic software and phishing have become standard cybercrimes. In 2015, 11% of the population were victims of cybercrime, while three-quarters of cybercrime cases were not reported to the police. In research commissioned by McAfee, the American Center for Strategic and International Studies estimated that cybercrime costs the Dutch economy approximately €8.8 billion per year (or 1.5% of GDP). Recent studies have concluded that the Dutch police lack the technical expertise to effectively tackle cybercrime. Since 2011, the Dutch government has been implementing an EU-coordinated National Cybersecurity Strategy that prioritizes prevention over detection. Regarding terrorism threats, the intelligence services (Nationale Coördinator Terrorismebestrijding, established 2004) appear able to prevent attacks. Fighting terrorism and extremism, and anticipating political radicalization and transborder crime have increased in priority. A new 2017 law on intelligence and security services was rejected in a consultative referendum, but was nevertheless enacted with minor adjustments.

There is deep concern about the infiltration of organized crime in local politics and business, which results in the unwanted “mingling of the underworld” with the formal economy and the undermining of public administration. Recently, a number of reports drew attention to the scale of illegal drug production and distribution in the Netherlands and beyond. Synthetic drugs with an estimated street value of over €8 billion and marijuana production have become a structural part of Dutch economy, thereby creating a constant danger of spill-overs into the mainstream economy. Calls for legalization and regulation have not brought about policy changes so far, although local experiments have been implemented.

The policies of the present government focus on cost reduction, and the centralization of the previously strictly municipal and regional police, judicial and penitentiary systems. In 2015, the Dutch government spent €10 billion (a reduction of €3 billion from 2010) on public order and safety (police, fire protection, disaster protection, judicial and penitentiary system). Recent

reports indicate serious problems in implementing reforms, with police officers claiming severe loss of operational capacity. Meanwhile, there is profound discontent and unrest inside the Ministry of Justice and Safety. Judges, prosecutors, lawyers and other legal personnel have voiced public complaints about the “managerialization” of the judicial process and the resulting workload, leading to “sloppy” trials and verdicts. Efforts to digitize the judicial process, intended to reduce costs, resulted in a massive operational failure and a cost overrun of approximately €200 million. The government now intends to save €85 million in 2018 by cutting legal assistance to citizens. Government policy is attempting to relieve part of the burden on the judicial system by introducing intermediation procedures.

The overall picture from the safety and security, and judicial institutions of the Dutch government is one of increasing stress and challenge.

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Global Social
Policy
Score: 5

Global Inequalities

In the Commitment to Development Index, the Netherlands' ranking has remained relatively stable over the last few years, 7 out of the 27 richest countries in 2017. In 2017, the Netherlands commitment 0.60% of its GNI to development assistance, close to the international commitment of 0.7% GNI and above average for CDI countries. In addition, costs for climate policy will be allocated to development aid budgets. Expenditure on international conflict management has added to the diminishing state budget for development aid.

Aid is no longer focusing on poverty reduction alone, but also on global sustainable and inclusive growth, and on success for Dutch firms in foreign countries. The driving idea is that “economic and knowledge diplomacy” can forge a coalition between Dutch business-sector experts (in reproductive health, water management and food security/agriculture), and business and civil society associations in developing countries. Climate has been included as a key focus area, alongside poverty, migration and terrorism. Cutbacks in the areas of women's rights or emergency aid have been made. 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. The Netherlands Commission for Environmental Assessment is an independent advisory body of experts, which won an award in 2017 for the quality of its services. It provides advisory services and capacity development to international governments on the quality of environmental assessments with the aim of contributing to sound decision-making.

The Dutch policy response to the recent refugee crisis has mimicked Denmark's efforts, seeking to discourage refugees from coming to the Netherlands, with an additional €290 million allocated for refugee relief in local regions.

All of this shows declining commitment by the Dutch government to global policy frameworks and a fair global-trading system; the aspiration is instead to link development aid to Dutch national economic- and international-safety interests.

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De Correspondent, Nederland steekt het meeste ontwikkelingshulpgeld in...Nederland ()De Correspondent B.V., consulted 8 November 2016)

III. Environmental Policies

Environment

Environmental
Policy
Score: 5

The new government has described itself “the greenest coalition” so far and put climate change on its political agenda. However, broad consultations about specific policies have not produced politically tangible results so far. Dutch businesses are reluctant to contribute without government subsidies and there is fear that if lower incomes will have to bear a disproportionately high burden for greening the economy, they will block efforts to achieve a workable consensus. Climate policy is largely focused on medium-term targets, for example 2020 or 2030. Before the Paris Accords, the Dutch government resisted more ambitious international climate goals. While the current government has started negotiating a new climate agreement (currently in the third round of negotiations), the government’s ambitions remain neatly within the boundaries of the Paris agreement with few specific policy measures to work with. In October, “Urgenda,” an environmental association, won a court appeal: the court issued a verdict stating that the government’s failure to reduce carbon dioxide significantly contradicts its human rights obligations. It remains to be seen how this verdict will influence government policies, domestically and abroad.

There is a clear policy shift toward climate adaptation. This appears manageable today because any adverse developments in the Netherlands will be gradual. The Netherlands’ natural-gas reserves have diminished rapidly and will necessitate gas imports from 2025 onward, despite decreasing demand. Meanwhile, earthquakes and soil subsidence are damaging houses in the northern provinces where the Dutch gas reserves are located. The government has introduced compensation measures for victims (still contested as too small). This led to the decision to stop gas production in the region by 2030. Consequently, all households are to be gas-free (for cooking and central

heating) by 2050. Sustainable agriculture, particularly meat and dairy farming, is on the agenda and is gaining social support. Plastic is seen as a problem, but is dealt with largely at the municipal level, as a part of local recycling programs. A deposit paid by consumers on certain forms of packaging will eventually be introduced by 2021.

The quality of air and surface water in the Netherlands is poor, with intensive farming and traffic congestion the primary causes of concern, as well as soil salification of agricultural lands. Half of rivers, canals and lakes contain too much nitrogen and phosphates. Air pollution, especially particular matter in the region around Amsterdam, Rotterdam and the Hague, is among the highest in Europe, and the concentrations of ozone and nitrogen dioxide are linked to a very considerable amount of premature deaths.

Although the Netherlands is praised as a pioneer in the area of mapping and assessing ecosystems and their management, and on developing natural capital accounting systems, significant problems remain. The most serious problems involve habitat fragmentation and biodiversity loss, atmospheric nitrogen deposition, desiccation and acidification. Over the last 25 years, about 140 species inhabiting the North Sea have suffered a 30% decline, mainly due to recently forbidden commercial fishing techniques.

Citation:

The EU Environmental Implementation Review Country Report – THE NETHERLANDS, February 2017

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Hekkenberg, M., R. Koelemeijer, Analyse van het voorstel voor hoofdlijnen van het klimaatakkoord, PBL, Den Haag, 28-09-2018

<https://www.nrc.nl/nieuws/2017/10/30/cbs-30-procent-minder-zeedieren-in-noordzee-a1579244> (consulted 2 november 2017)

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Urgenda wint hoger beroep klimaatzaak, <http://news.smart.pr/urgenda/persbericht-urgenda-wint-hoger-beroep-klimaatzaak>, October 2018

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Ecofys, De impact van de Nationale Klimaatop 2016 in kaart, 26 October 2016

Planbureau voor de Leefomgeving, Balans van de leefomgeving 2018, <http://news.smart.pr/urgenda/persbericht-urgenda-wint-hoger-beroep-klimaatzaak>

Raad voor de leefomgeving en infrastructuur, Duurzaam en gezond. Samen naar een houdbaar

voedselsysteem. Maart 2018

<https://www.deltacommissaris.nl/deltaprogramma/gebieden-en-generieke-themas/veiligheid>

Global
Environmental
Policy
Score: 6

Global Environmental Protection

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. 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.

As an immediate response, climate change is addressed mainly as a mitigation effort, for example, through the Dutch Risk Reduction Team, offering assistance and expertise to water-related risk areas around the globe. A coherent globalization policy also means research and monitoring of the undermining impacts of one policy on other policies. 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 is instead part of the diminishing development aid budget.

Military aspects have been added to the International Safety Budget, which previously contained only diplomatic and civic activities. Defense spending in response to the revival of NATO in Europe and the threats in the Middle East will increase from €20 million to €345 million between 2016 and 2020. As mentioned under the previous indicator (P15.1, the Paris Climate Accords have triggered major new Dutch policy initiatives for global environmental protection.

Citation:

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

Additional reference:

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

Rijksbegroting 2016 Defensie (rijksoverheid.nl, consulted 8 November 2016)

<https://www.rvo.nl/subsidies-regelingen/dutch-risk-reduction-team-drr-team>

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

With a score of 80 out of 100 points the Netherlands ranked 8 out of 158 countries in the March 2018 Perceptions of Electoral Integrity Index, after Denmark (score 86), Finland, Norway, Iceland, Sweden, Germany and Costa Rica. Its highest scores are in the areas of electoral laws and electoral procedures; somewhat lower scores are in the areas of voter registration and party and candidacy registration.

The country's electoral law and articles 53 through 56 of the constitution detail the basic procedures for free elections at the 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. Anyone possessing citizenship – even minors – can start a political party with minimal legal but considerable financial constraints. Some argue that party-membership and party-caucus rules strongly diminish formal equality with regard to electoral-system accessibility. Political parties with elected members receive state money (subsidies and other benefits), while qualifying as a new party necessitates payment of a considerable entry fee.

Citation:

P. Norris et al., March 2018. *Corruption and Coercion: the Year in Elections*, 2017

Eerlijke verkiezingen (eerlijkeverkiezingen.nl, consulted 24 October 2018)

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808b322d>

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 denied only to parties that have been fined for breaches of Dutch anti-discrimination legislation. The public prosecutor is bringing discrimination charges against Geert Wilders, the leading member of parliament representing the Party for Freedom. However, individual media outlets decide themselves how much attention to pay to political parties and candidates. Since 2004, state subsidies for participating in elections have been granted only 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.

Voting and
Registration
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 and to all EU nationals residing in the Netherlands. 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.

Citation:

art J24 Kieswet:
http://wetten.overheid.nl/BWBR0004627/AfdelingII/HoofdstukJ/6/ArtikelJ24/geldigheidsdatum_24-05-2013

art 1 Wet op Identificatieplicht:

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

Party Financing
Score: 5

Until about a decade ago, political-party finances were not a contested issue in Dutch politics. Financing of political parties comes largely from membership contributions (40% – 50%), “party tax” of elected members’ salaries and acquisitions (festivities, bazaars, dinners) and government subsidies (30% – 35%, or €16.5 billion in 2016). However, newcomer parties like the Pim Fortuyn List (Lijst Pim Fortuyn, LPF), and later the Party for Freedom (Partij voor de Vrijheid, PVV) received substantial gifts from businesses and/or foreign sources, while the Socialist Party (Socialistische Partij, SP) made its parliamentarians completely financially dependent on the party leadership by demanding that their salaries be donated in full to the party.

As government transparency became a 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 Rutte I Council of Ministers introduced a bill on the financing of political parties in 2011, which was signed into law in 2013.

This 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 has been opposed 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. The scope of the law does not yet extend to provincial or local political parties. The law’s possible discrimination against newcomer political parties remains an unresolved issue.

In 2018 an ad hoc advisory commission evaluated the 2013 law. Anonymous donations (especially from foreign donors) should be prohibited, and the threshold and conditions for non-disclosure should be changed in favor of greater transparency. In order to strengthen political parties’ societal roots, state subsidization in future will privilege the number of party members over the number of parliamentary seats. Provincial and local political parties should also be brought within the scope the law.

Citation:

Wet financiering politiek partijen: einde in zicht – maar wat een gaten! (montesquieu-instituut.nl, consulted 5 november 2014)

Parlement & Politiek, Partijfinanciering, 2016 (parlement.com, consulted November 9 2016)

Ontvangen politieke partijen giften en subsidies?, 2016 (rijksoverheid.nl, consulted 9 November 2016)

NRC.nl, “Laksheid partijen met regels eigen financiering blijft zorgelijk,” 17 May 2017

Rijksoverheid, Buitenlandse financiering politieke partijen aan banden, 2 January 2018 (rijksoverheid.nl, accessed 25 October 2018)

Popular Decision-
Making
Score: 4

Binding popular initiatives and referendums are unlawful both nationally and subnationally, as they are considered to be incompatible with the representative system. At the municipal level, many experimental referendum ordinances have been approved since the 1990s, but the national government has prohibited several ordinances that gave citizens too much binding influence on either the political agenda or the outcome of political decision-making. In 2016, a large number of municipal government mayors, aldermen, councilors, scientists and businessmen initiated “Code Orange” for “civocracy,” (“citizen power”) which aims to involve citizens more in local governance through “citizen pacts” (“burgerakkoord”). The citizen pacts are intended to replace and/or complement the traditional “coalition pacts” between local political parties, which normally are the basis for policymaking. After the 2018 elections experiments in citizen pacts are being conducted.

Though all the experiments are struggling with the practical aspects of integrating citizen pacts into the legal framework and normal division of labor of local forms of representative democracy.

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 of 63.3% of the eligible electorate, this constitution was rejected by a clear majority of 61.5%, sending shockwaves through all EU member states and institutions. In September 2014, a bill for an advisory referendum on laws and treaties passed the Senate, and was implemented on 1 July 2015. This law allows for non-binding referendums on petitions that gain 10,000 signatories within a four-week period. Subsequently, another 300,000 citizens are needed to sign up in support of the initial request within a six weeks period.

Geen Peil, an ad hoc anti-EU organization, successfully mobilized enough votes for an advisory referendum on the provisional EU association treaty with Ukraine, which was signed by the Dutch government. With a mere 32.3% voter turnout, the no-vote (61%) was valid nevertheless, and the government was obliged to renegotiate the deal at EU level. In March 2018, in another consultative referendum, Dutch voters rejected a proposed Law on the Intelligence and Security Services (Wet op de Inlichtingen en Veiligheidsdiensten) by a narrow margin (49.44% against, 46.53% for and 4% undecided). This result forced the government to reconsider some parts of the law. The unpleasant referendum campaigns and their contested outcomes prompted the Rutte III government to abolish the consultative referendum as one of its first regulatory decisions. Nevertheless, the Remkes Commission for State-Legitimacy Reforms (Staatkundige Hervorming) states that Dutch democracy suffers from a “representation deficit” defined by demography, educational attainment, wealth and professional background. Among many other reforms, the Remkes Commission seriously considers putting the issue of a binding referendum on the political agenda.

Citation:

R. Hoppe (2010/11), Institutional constraints and practical problems in deliberative and participatory policymaking, in *Policy & Politics*, Vol. 39, Nr. 2, 163-183 (online 19 August 2010, DOI: 10.1332/030557310X519650)

NOS, Nee-stem in Oekraïne-referendum blijft zonder gevolgen, 2 October 2016 (nog.nl, consulted 9 November 2016)

VNG, Code Oranje voor verandering politieke democratie, 26 October 2016 (eng.nl, consulted 9 November 2016)

M. Chavannes, Wat je stem wel en niet zegt bij het referendum, *De Correspondent*, 16 March 2018

Nieuwsuur, Commissie Remkes pleit voor invoering bindend referendum
(<https://nos.nl/l/x/2237616?social=m>, accessed 25 October 2018)

Access to Information

Media Freedom
Score: 7

The freedoms of the press/media and of expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2018 ranked the Netherlands 3 out of 180 countries, only below Norway and Sweden. The somewhat higher ranking (but lower score, compared to previous years) is due to the fact that – in spite of legislative initiatives to expand the Intelligence and Security Act – journalists’ rights to protect their sources when called as witnesses in criminal cases was formally upheld. Additionally, Dutch journalists continue to practice “self-censorship” on sensitive issues such as immigration, race, Islam and “national character,” as a consequence of vicious abuse and online trolling, especially on social media.

Public-broadcast programming is produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These independent organizations get allocated TV and radio time that is relative to their membership numbers. However, broadcasting corporations are required to comply with government regulations laid down in the new Media Law. This new law abolished the monopoly of the incumbent public-broadcasting corporations and aims to boost competition by giving access to program providers from outside the official broadcasting corporations. A directing (not just coordinating) National Public Broadcasting Organization (NPO) was established, with a two-member government-nominated supervisory board, which tests and allocates broadcasting time. The new law states that public broadcasting should concern information, culture and education, while pure entertainment should be left to private broadcasters. In practice this leads to controversy around television celebrities’ salaries in public broadcasting, and blurred boundaries between “information” and “infotainment.” The bill has been criticized for its lack of budgetary considerations. Broadcasting is both privately funded through advertisements and publicly funded, with budget cuts for struggling regional broadcasters who will need to collaborate to survive. Critics have argued that younger people and non-Dutch population groups will no longer be served by the public broadcasters.

The problem in all this is that “public” media have become increasingly indistinguishable from the private media; moreover, traditional or conventional media have become increasingly less important due to market shifts and increasing internationalization. People under the age of 32 consume (paper) media at ever-shrinking rates, while their use of YouTube channels

rises quickly. International media enterprises increasingly follow multichannel strategies. Although media policy still formally distinguishes between the written press and broadcasting organizations, this distinction appears outmoded.

Citation:

“Dit verandert er door de nieuwe mediawet,” Business Insider Nederland, 15 March 2016

Boekmanstichting, “Mediawet aangenomen in Tweede Kamer” (boekman.nl, consulted 26 October 2015)

Mediawet aangenomen door Eerste Kamer, 15 March 2016 (rijksoverheid.nl, consulted 8 November 2016)

Freedom of the Press 2018, Dutch Country Report, Freedom House (rsf.org, accessed 24 October 2018)

Media Pluralism
Score: 7

The Dutch media landscape is very pluralistic but nonetheless subject to a gradual narrowing of media ownership, 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 still characterized by one of the world’s highest newspaper-readership rates. Innovations in newspaper media include tabloids, Sunday editions, and new-media editions (online, mobile phone, etc.). On a regional level, the one-paper-city model is now dominant; there are even several cities lacking local papers altogether.

The degree of ownership concentration 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. 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 TV penetration (about 95%). However, online access to news and entertainment has increased due to the prevalence of smartphones, widespread availability of wifi, and paid news and entertainment sources. Though the issue of ownership concentration also affects the social media and internet search engines. Internet usage rates in the Netherlands are high and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch residents use the internet on a regular basis, amounting to almost 95.5% of the population aged over six years old. For both print and digital media, users usually trust news reports and do not worry excessively about the issue of fake news, although a clear majority believe that technology and media companies ought to provide better information about

and more opportunities for identifying fake news. The government also has a responsibility according to many internet users.

In the European Union's Media Pluralism Monitor 2017, the Netherlands was characterized low risk in the domains of basic protection, political independence and social inclusiveness. However, the country was characterized medium risk in market plurality and high risk for concentration of cross-media ownership, as there are no legal restrictions at all and transparency of ownership is low. Consequently, a typical person's media sources are likely to be controlled by the same, one owner. This requires better regulation of media mergers.

Citation:

P. Bakker, 30 jaar kranten in Nederland: consolidatie en monopolievorming, in mediamonitor.nl, consulted 5 November 2014

Media Pluralism Monitor 2017 – Results, Netherlands, October 2017 (monitor.cmpf.eu, consulted 13 October 2017)

Mediamonitor 2018 -Reuters Institute Digital News Report Nederland 2018 (cvdm.nl, accessed 25 October 2018)

Access to
Government
Information
Score: 7

The Government Information (Public Access) Act (WOB) 1991 governs both active and passive public access to information. Under the 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 and 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 the desire to retain the confidentiality of intra-government consultation. On the other hand, local governments accused citizens of improper use of the WOB at the expense of public monies and time. Although there has been new legislation to counteract improper use, which removed the penalty local governments had to pay for not responding in time to a request, civil servants at the national level and in municipal governments continue to strongly oppose the new government transparency bill. The new bill still awaits approval from the Senate. In 2018, the High Council of State tightened its rulings by more clearly defining when privacy protection (e.g., names of civil servants) and personal policy views expressed

during governmental deliberations could be considered appropriate justifications for withholding information. The latter ruling pertains to politically salient, post-election cabinet formation negotiations.

Citation:

“Einde misbruik WOB nog niet in zicht,” Binnenlands Bestuur, 13 April 2015

VNG, Behandeling Wet open Overheid in Tweede Kamer, 11 April 2016 (vng.nl, consulted 9 November 2016)

NRC-Handelsblad, “De moeizame weg naar open overheid,” 6 October 2017

J. Keur, Raad van State scherpt rechtspraak aan over toepassing van de Wet openbaarheid van bestuur, 22 February 2018 (Dirkzwager advocaten en notarissen N.N., accessed 25 October 2018)

Volkskrant, Hoeveel helderheid geeft de Wet Openbaarheid Bestuur nu eigenlijk?, 25 April, 2018 (volkskrant.nl., accessed 25 October 2018)

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 publicly exposes abuses and reports them to the U.N. Human Rights Council or the European Union. It cooperates with the monitoring organizations of all international laws and treaties concerning civil liberties signed by the Dutch government.

However, 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 (e.g., in personal health, education and child care) and travel behavior. There is an urgent need to rethink privacy rights and the broad use of policy instruments within the context of the information revolution.

Increased monitoring and digital surveillance technologies disproportionately target those most dependent on state support, creating inequalities in policing and fraud control. Many of the monitoring and surveillance technologies – which often link various databases – are also poorly monitored legally.

Human Rights Watch has criticized recent Dutch legislation restricting the rights of asylum-seekers (especially long waits for asylum decisions and family reunion procedures), and efforts to only offer shelter, clothes and food to irregular migrants in the five largest cities (and nowhere else). Recently, the government has expanded its list of safe third countries for asylum-seekers

(including, surprisingly, Afghanistan) and the Council of State was criticized for failing to uphold the rights of asylum-seekers in appeals to government decisions. On the other hand, the Dutch government withdrew a bill that would have criminalized illegal residence, allowing authorities to put those lacking residence permits in jail. There were concerns about racial profiling by police officers and white Dutch citizens interfering in protests against the traditional “Black Pete” (“Zwarte Piet”) figure in traditional St. Nicholas festivities. However, Frisian pro-Black Pete activists – who stopped anti-racist protesters by blocking a highway – were condemned for disturbing the public order. Furthermore, the Dutch authorities’ responsibilities for protecting the human rights of Venezuelan refugees and asylum-seekers in Curaçao (a self-governing Caribbean territory of the Netherlands, bound by international treaties signed by the Dutch state) is becoming a political issue.

Citation:

Human Rights Watch. World Report|2018. Events of 2017 (hrw.org., consulted 25 October 2018)

Human Rights Watch, Latest News, Nederland moet Venezolaanse vluchtelingen bescherming bieden, 15 October 2018 (huw.org, accessed 25 October 2018)

RTL Nieuws, Taakstraffen geëist tegen snelwegblokkeerders: ‘Het draait niet om Zwarte Piet’ (rolnieuws.nl, accessed 25 October 2018)

NRC Handelsblad, Rechters bij Raad van State kiezen ‘zelden de kant van de vluchteling.’, dd. 21 October 2014 (nrc.nl., consulted 23 October 2014)

“Bestaande technologieën met totalitaire trekken,” NRC-Handelsblad, 11 March 2017

<https://www.binnenlandsbestuur.nl/bestuur-en-organisatie/nieuws/algorithmes-kunnen-grondrechten-flink-aantasten.9595151.lynkx>

Political Liberties
Score: 9

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, such as The Economist’s Intelligence Unit Democracy Index and the Freedom House ranking of political liberties, consistently list the Netherlands as one of the leading free countries in the world.

However, the protection of privacy rights is in practice increasingly subject to political attention and public debate. The Expert Body on the Protection of Privacy Data (College Bescherming Persoonsgegevens) has identified a growing number of deliberate or unintended infringements of the constitutional right to privacy. Since January 2016, its powers have been broadened and it can now impose fines. There is also an obligation for large data-processing private and public companies to immediately report any data

leaks. Nevertheless, there is a widespread perception that the big data revolution poses a considerable threat to privacy rights and the government's response has been too weak.

The adoption and enactment (as of 1 May 2018) of the Intelligence and Security Services Act provoked widespread fear of the dragnet surveillance of private citizen communications. It resulted in a successful "no" campaign in the consultative referendum on this law, which forced the government to adjust the law to accommodate public objections. Though a judge has ruled that pending the government's reconsideration and adjustment of the law, the law could remain in force.

Citation:

Freedom House, Freedom in the world 2018, Netherlands (freedom house.org, consulted 25 October 2018)

Autoriteit Persoonsgegevens, Agenda 2016 (autoriteitpersoonsgegevens.nl, consulted 9 November 2016)

De Telegraaf, Rechter: inlichtingenwet Wil blijft van kracht, 26 January, 2018 (telgraaf.nl, accessed 26 October 2018)

Non-discrimination
Score: 7

The Netherlands is party to all the important international anti-discrimination agreements. A non-discrimination clause addressing religion, worldviews, 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 provided by the European Commission has not been adopted by the Dutch legislature, and many regulations avoid the term "discrimination" in favor of "distinction" (with less negative connotations in a religiously and culturally diverse society like the Netherlands). A recent expert report criticized Dutch anti-discrimination sanctions as "ineffective," and as neither "dissuasive" nor "proportionate."

In other respects, Dutch legislation 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 to curb discrimination. There are more and more doubts about state policies' effectiveness. Depending on significant (international) events (e.g., Israeli-Palestinian conflicts, terrorist attacks and public debates about Black Pete) discriminatory actions, internet-based threats and insults targeting Jews, Muslims and Afro-Dutch citizens increase. Especially worrisome is the broad-based and well above the European average negative climate of opinion and

stereotyping of Muslims. A direct political consequence was the establishment in 2015 of a political party that appeals to second- and third-generation migrants, DENK (meaning “think!” in Dutch, but “equal” in Turkish). DENK has secured three seats in the 150-seat Dutch parliament and a total of 23 seats in 13 different municipal councils. Growing awareness of employer’s discriminating against young people with migrant backgrounds in job application processes forced new national and local government initiatives. According to recent survey research, the Dutch population is seriously worried about the intolerant and discriminatory dominant approach to diversity at present.

Citation:

I. van der Valk, *Veiligheid en discriminatie anno 2017 – waar staan we?*, *Achtergronden*, 2 October 2017 (republic.allochthonië.nl)

SCP, *Nederlanders dubbel over discriminatie*, *Burgerperspectieven 2017*|2 (sep.nl)

NRC.nl, “Moslems in Nederland ervaren discriminatie meer dan elders in Europa,” 20 september 2017

Hoofddlijnenbrief Actieplan Arbeidsdiscriminatie 2018-2021 (rijksoverheid, accessed 26 October 2018)

Movisie, *Lokaal antidiscriminatiebeleid: Het perspectief van Nederlandse gemeenten*, December 2017

SCP, *Zorgen over immigratie nemen weer toe*, 27 September 2018 (scp.nl, accessed 26 October 2018)

DENK (political party) (en.wikipedia.org)

Rule of Law

Legal Certainty
Score: 7

Dutch governments and administrative authorities have to a great extent internalized legality and legal certainty on all levels in their decisions and actions in civil, penal and administrative law. In the World Justice Project Law Index 2016 – 2017, the Netherlands again ranked 5 out of 113 countries. However, this ranking curiously disregards warnings from legal experts that the situation is rapidly deteriorating and nearing crisis levels.

In a recent “stress test” (2015) examining the state’s performance on rule-of-law issues, former ombudsman Alex Brenninkmeijer argued after a comprehensive review that particularly in legislation, but also within the administrative and judicial systems, safeguards for compliance with rule-of-law requirements are no longer sufficiently in place. In legislative politics, appeal to a national Constitutional Court is impossible and contested among experts. The trend is to bypass new legislative measures’ rule-of-law implications with an appeal to the “primacy of politics” or simply “democracy,” and instead await possible appeals to European and other international legal bodies during policy implementation.

The country's major political party, the conservative-liberal People's Party for Freedom and Democracy (VVD), has proposed to abolish the upper house of the States General, and with it the legal assessment of Dutch laws on the basis of the legal obligations assumed under international treaties. Within the state administration, the departmental bureaucracy too often prioritizes managerial feasibility over political and legal requirements. For example, fiscal and social-security agencies have become exceptionally punitive toward ordinary citizens, not just in cases of suspected fraud, but also in cases of forgetfulness or error. There is evidence that the accumulation of so-called administrative sanctions has driven people into poverty.

The Council of Jurisprudence was established in 2002 as an independent boundary advisory commission between the Ministry of Justice, parliament and the supposedly politically independent judicial branch. As a boundary spanning mechanism the council proved to be an outspoken failure in 2017 to 2018. Its chair declared that the judiciary was outdated for a modern, rapidly changing society. Citizens and businesses both state that judicial procedures are too expensive, too complex, too time consuming and too uncertain in their outcome. Meanwhile, the digitalization of routine judicial procedures has been a failure and has cost the government dearly. Political debates on the issue of judicial reform focus on the budget for the judiciary (€900 million) and how to structurally reduce the deficit, for example, by "outsourcing" judicial tasks to private mediation. Judges have demanded the right to determine their own budget, but this appears politically unacceptable. In an exceptional move, lawyers, judges and prosecutors wrote a joint letter to the government expressing their "fear for the future of the judiciary branch."

Citation:

A. Brenninkmeijer, Stresstest rechtsstaat Nederland, in Nederlands Juristenblad, 16, 24 April 2015, pp. 1046-1055

NRC-Handleblad, "Vooral de VVD zet de grootste stap achteruit," 12 March 2017

NRC-Handelsblad, de financiële tekorten bij de rechtspraak zijn nog groter dan gedacht, 23 April 2018.

NRC-Handelsblad, De rechtspraak is terrein aan het verliezen, 6 October 2018

Volkskrant, Rechters willen voortaan eigen begroting, 27 March 2018

NOS, Nieuwsuur, Brandbrief rechters: wij vrezen voor de toekomst van de rechtspraak, 8 November 2018

<https://www.binnenlandsbestuur.nl/bestuur-en-organisatie/nieuws/algorithmes-kunnen-grondrechten-flink-aantasten.9595151.lynkx>

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. Unlike the U.S. and German Supreme Court, the Dutch 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 – 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.

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 reopen tried cases in which questionable convictions have been delivered. In 2017, new concerns emerged. A deputy minister of legal affairs openly admitted that he cut back state-supported legal assistance to ordinary citizens to achieve more punitive court sentences. And in the drugs- and crime-ridden province of Brabant, police, mayors and fiscal authorities directly “harass” suspects rather than pursue legal procedures, which they perceive as a time-consuming nuisance. Judges have voiced concerns about the quality of the work of lawyers, and thus directly about professional practice and indirectly about legal education.

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 fully 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 only six years) 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 (2014), *Governance and Politics of the Netherlands*. Houdmills, Basingstoke: Palgrave Macmillan (pages 203-2011).

NRC-Handelsblad, *De rechtspraak is terrein aan het verliezen*, 6 October 2018

NRC-Handelsblad, *Waarom rechters geen ‘bak bagger’ meer willen*, 28 April 2018.

Binnenlands Bestuur, *Burgemeesters eisen rol /crimefighter’ op*, 12 January 2018 (binnenlandsbestuur.nl, accessed 28 October 2018)

Pieter Tops and Jan Tromp, 2016. *De achterkant van Nederland*. Leven onder de radar van de wet, Balans

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. According to the Council for Jurisprudence (Raad voor de Rechtspraak) "...in the Netherlands political appointments don't exist. Selection of judges is a matter for judges themselves, of the courts and the Supreme Court, on the basis of expertise alone. You cannot even raise the issue of political or confessional convictions." 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 appointing former politicians "in good standing," and through a considerable number of double appointments. Only 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 generally determined by seniority and (partly) peer reputation. Formally, however, the Second Chamber (House of Representatives) of the States General selects the candidate from a shortlist presented by the Supreme Court. In selecting a candidate, the States General is said never to deviate from the top candidate.

Citation:

Andeweg, R.B. and G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houdmills, Basingstoke: Palgrave Macmillan (page 210).

De Volkskrant, "Worden in andere EU-landen ook rechters door politici benoemd, zoals Polen beweert? Nou nee," 23 July 2017

Corruption
Prevention
Score: 7

The Netherlands is considered a relatively corruption-free country. In Transparency International's Corruption Perception Index 2017, the Netherlands ranked 8 out of 180 countries. This may well explain why its anti-corruption policy is relatively underdeveloped. The Dutch prefer to talk about "committing fraud" rather than "corrupt practices," and about improving "integrity" and "transparency" rather than 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 arguably increasing mega-corruption by mayors, aldermen, top-level provincial administrators, elected representatives or ministers. 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. In at least three

(out of 17) areas, the Netherlands does not meet the standards for effective integrity policy as identified by Transparency International, with all three areas failing to prevent and appropriately sanction corruption. Experts attribute this to a highly fragmented and operationally inconsistent network of public and semi-public organizations tasked with fighting corruption and fraud.

There have been more and more frequent prosecutions in major corruption scandals in the public sector involving top-executives – particularly in (government-commissioned) construction of infrastructure and housing, but also in education, health care and transport. Transparency problems in the public sector also involve lower ranks, job nominations, and salaries for top-level administrators. Increasingly, police and customs officers have been prosecuted for assisting criminal organizations in illegal-drug production and transportation. One high-level police officer in a lecture for the Police Academy used the term “Netherlands Narcostate” to characterize the dire state of affairs.

In July 2016, a new law for the protection of whistle-blowers entered into force. Experts consider the law to be largely symbolic, with real legal protection remaining low and administrative costs high. A “house for whistle-blowers,” intended to protect and facilitate whistle-blowers, proved to be a failure.

Citation:

Transparency International Nederland (2017), Nationaal Integriteitssysteem Landenstudie Nederland.

Juridisch Actueel, Klokkeluiderswet is een feit, 15 March 2016 (juridischactueel.nl, consulted 9 November 2016)

Volkskrant, Voltallig bestuur van het Huis voor de Klokkeluiders stapt op na kritisch rapport, 14 December 2017

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

de Koning, B., 2018. Vriendjespolitiek. Fraude and corruptie in Nederland, Amsterdam University Press, Amsterdam

Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 7

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.

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 and is the only advisory council for long-term strategic-policy issues. In 2018, WRR advice focused on shifting long-term health care policy priorities from decreasing health differences to increasing health potentials for the whole population, and massively increasing the (super)diversity of people living in the Netherlands. Linked to CBS reports on the future demographic dynamics, members of parliament have called for an ad hoc advisory commission on long-term population growth.

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. In election years, it assesses the macroeconomic impacts of political parties' electoral platforms. For more than 200 days after the March elections in 2017, while the cabinet was being formed, the CPB was an important background advisor in calculating the financial scope for new policy initiatives, for example, a major policy strategy in the Climate Agreement and a more flexible (individualized) pension system.

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. Jointly with CPB, PBL, and CBS the SCP in 2018 initiated ‘Monitor Integrated Prosperity’ (“Monitor Brede Welvaart”) to move away from narrowly economic indicators, and systematically inform policymakers about a much broader set of indicators for prosperity in the Netherlands.

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. During the 2017 cabinet formation process, the influence of the PBL and high-level civil servants was visible in the long list of energy transition policy initiatives. In 2017 – 2018, the PBL focused on issues of energy transition (given that gas exploitation is being scaled back) and the circular economy.

Long-term steering capacity has traditionally been strong in water management and is increasingly strong in climate change adaptation.

In 2016, the Dutch Association for Public Administration called for the mobilization of more strategic knowledge and steering capacity in national governance. In 2018, evidence that this call has been heeded has accumulated. Translation to cabinet decision-making, however, appears to be lagging.

Citation:

R. Hoppe, 2014. Patterns of science/policy interaction in The Netherlands, in P. Scholten & F. van Nispen, Policy Analysis in the Netherlands, Policy Press, Bristol (ISBN 9781447313335)

P. ‘t Hart, De opgave centraal. Festival Bestuurskunde, 13 September 2016 (platform overheid.nl, consulted November 8 2016)

P. Bloem et al., 2018. Designing a century ahead: climate change adaptation in the Dutch Delta, in Policy & Society <https://doi.org/10.1080/14494035.2018.1513731>

CPB, CBS, SCP, PBL, Verkenning en Monitor Brede Welvaart (<https://www.cpb.nl/sites/default/files/omnidownload/PBL-CPB-SCP-Verkenning-Brede-Welvaart-2018.pdf>)

Universiteit Leiden, Wollige troonrede reflecteert brede coalitie, (<https://www.universiteitleiden.nl>2018/09>)

Elsevier, Kamerleden willen onderzoek naar bevolkingsgroei, 20 September 2018

Expert 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 U.S. 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 scientific bodies and scientists instead of relying on fixed advisory councils with fixed memberships.

Although the use of scientific expertise is quite high, its actual influence on policymaking 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 the wider public. Since 2011, advice has regressed from relatively “strategic and long-term” to “technical, instrumental and mid-/short-term.”

In 2017 – 2018, a debate erupted about whether the government had overstressed instrumental policy advice. The debate started when a whistleblower working as an academic at the Scientific Research and Documentation Center (WODC), a supposedly independent knowledge center and research institute within the Ministry of Safety and Justice, formally complained about political interference in research into illegal-drug production and consumption; a politically hot topic in which the then-minister sought to suppress research conclusions that deviated from the position he had taken in parliament. A subsequent committee investigation judged that political interference had been substantial and “inappropriate.” The Rathenau Institute evaluated the organizational and behavioral procedures for safeguarding integrity and independence of inside-government knowledge institutes. The Royal Academy of Sciences felt it appropriate to advise universities, increasingly dependent on external financing, on issues of freedom and independence of their research.

Citation:

R. Hoppe, 2014. Patterns of science/policy interaction in The Netherlands, in P. Scholten & F. van Nispen, *Policy Analysis in the Netherlands*, Policy Press, Bristol (ISBN 9781447313335)

B. de Haan, Ministerie handelde ‘onbehoorlijk’ bij WODC-onderzoeken naar drugs, 31 October 2018 (nieuwsuur)

Diercks, G., P. Faasse, B. van der Meulen en P. Dieren (2018). *Met gepaste afstand – Onafhankelijkheid en integriteit bij onderzoek door rijkskennisinstellingen*. Den Haag: Rathenau Instituut

KNAW, *Vrijheid van wetenschapsbeoefening in Nederland*, 13 March 2018

Interministerial Coordination

The Dutch prime minister is formally in charge of coordinating government policy as a whole, and has a concomitant range of powers, 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 interdepartmental conflicts; serving as the primary press spokesperson and first speaker in the States General; and speaking in international forums and arenas (e.g., European Union and the United Nations) on behalf of the Council of Ministers and the Dutch government as a whole.

The prime minister's own Ministry of General Affairs office has some 14 advising councilors (raadadviseurs, with junior assistants) at its disposal. The advising councilors 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 rather limited capacity to evaluate the policy content of line ministry proposals unless they openly clash with the government platform (regeerakkoord). Of course, personal skills and experience make a difference, but structural capacity remains weakly developed. For example, over the entire Rutte II cabinet period, no less than seven ministers had to resign. In the Rutte III cabinet, this pattern is likely to repeat itself, with the former minister of foreign affairs having had to resign over lying about meeting Russian president, Putin, and his successor having barely survived accusations of xenophobic and other contestable statements made during informal lectures. A year after their installation, several other ministers are also in deep political trouble.

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 (2014), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

M. Rutte, De minister-president: een aanbouw aan het huis van Thorbecke, Lecture by the Prime Minister, 12 October 2016 (rijksoverheid.nl, consulted 8 November 2016)

J. Tamse, De afgetreden bewindslieden onder minister-president Mark Rutte, Fiat Justitia, (fiatjustitia.nl, accessed 31 October 2018)

Volkskrant, Tussentijds rapport Rutte III: zo staan de ministers er na het eerste jaar voor, 17 September 2018

Line Ministries
Score: 8

Generally, line-ministry legislative or white-paper initiatives are rooted in the government policy accord, EU policy coordination, and subsequent Council of Ministers decisions to allocate drafting to one or two particular ministries. In the case of 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/terms of reference itself. After that, however, it may take between six months and four years before the issue reaches the decision-making stage in ministerial and Council of Ministers committees, and again comes under the formal review of the prime minister. Meanwhile, the prime minister is obliged to rely on informal coordination with his fellow ministers. The large number of ministerial dismissals during the Rutte II cabinet, unfortunately, does not allow conclusions to be drawn about the effectiveness of such informal coordination, and information procedures and practices. High-level civil servants around the prime minister have complained about the increasing use of spin-doctors and political assistants in such processes.

Citation:

R.B. Andeweg and G.A. Irwin (2014), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan.

NRC-next, Topambtenaar vond Balkenendes optreden slechte zaak, 18 June, 2018

Cabinet
Committees
Score: 8

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 through 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.

However, since the Rutte I and II cabinets have consisted of two or more political parties of contrary ideological stripes (the conservative-liberal VVD and the PvdA or Labor Party, in the case of Rutte II), political pragmatism and opportunism has tended to transform “review and coordination” to simple logrolling, or in Dutch political jargon: “positive exchange,” meaning that each party agrees tacitly or explicitly not to veto the other’s bills. This tendency has negative consequences for the quality of policymaking, as minority views effectively win parliamentary majorities if they are budgetarily feasible, without first undergoing rigorous policy and legal analyses. In the second half of the Rutte II cabinet, the government had to garner political support for its policy initiatives through elaborate negotiations with political

Ministerial
Bureaucracy
Score: 6

parties in the Senate/First Chamber who were not formally part of the governing coalition. Introducing a wider range of perspectives and decision criteria may have increased the quality of policymaking and the democratic nature of the process, given that not only ministerial committees but also political parties were involved.

Since the 2006 elections, politicians have demanded a reduction in the number of civil servants. This has resulted in a loss of substantive expertise, with civil servants essentially becoming process managers. Moreover, it has undermined the traditional relations of loyalty and trust between (deputy) ministers and top-level officers. The former have broken the monopoly formerly held by senior staff on the provision advice and information by turning increasingly to outside sources such as consultants. Top-level officers have responded with risk-averse and defensive behavior exemplified by professionally driven organizational communication and process management. They have embraced some Dutch variation of New Public Management thinking and practices. The upshot is that ministerial compartmentalization in the preparation of Council of Ministers meetings has increased. Especially in the Ministry of Justice and Safety, the quality of bureaucratic policy and legislation preparation has become a reason for serious concern.

Citation:

R.B. Andeweg and G.A. Irwin (2014), *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

“Is justitie politiek te managen?”, in *NRC-Handelsblad*, 1 October 2015

De Correspondent, Den Haag bestuurt het land alsof het een bedrijf is. En democratie heeft het nakijken, 29 June 2018

Informal
Coordination
Score: 7

Very little is actually known about informal coordination at the (sub-)Council of Ministers level regarding policymaking and decision-making. The best-known informal procedure used to be the “Torentjesoverleg,” in which the prime minister and a core members of the Council of Ministers consulted with the leaders of the political parties supporting the coalition in the Prime Minister’s Office (“Het Torentje”). Although sometimes considered objectionable – as it appears to contradict the ideal of dualism between the executive and the legislative – coalition governments cannot survive without this kind of high-level political coordination between the government and the States General. Given the weak parliamentary support of the Rutte I and II councils of ministers (October 2010 – February 2017), such informal coordination is no longer limited to political parties providing support to the governing coalition.

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 and the personal chemistry among civil servants are what keeps things running. Regarding interministerial coordination, informal contacts between the senior staff (raadadviseurs) 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 (2014), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, 154-163, 198-203, 220-228.

S. Jilke et al., *Public Sector Reform in the Netherlands: Views and Experiences from Senior Executives*, COCOPS Research Report, 2013

RTL-Z, Rutte wacht zwaar debat: is de premier nog te vertrouwen

Digitalization for
Interministerial
Coordination
Score: 5

Digital technologies are not abundantly used in Dutch inter-ministerial coordination. Like in ICT use across government in general, different departments use different systems whose interoperability is low or absent. Although the Legis project aspires to a more integrated ICT approach in the Dutch legislative system, results have been poor. For example, it is impossible as a non-insider to trace progress in legislative work on a particular bill, let alone to have an overview of all bills in preparation. Digitalization in legislation and interministerial coordination in the Netherlands clearly lags behind that in the United Kingdom or Finland.

Citation:

W. Voermans et al., 2012. *Legislative processes in transition. Comparative study of the legislative processes in Finland, Slovenia and the UK as a source of inspiration for enhancing the efficiency of the Dutch legislative process*, Leiden University ([open access.leidenuniv.nl](http://open.access.leidenuniv.nl), accessed 31 October 2018)

Tweede Kamer, vergaderjaar 2014-5, 33 326, nr. 5, Eindrapport onderzoek naar ICT projecten bij de overheid (accessed 4 November 2018)

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).

Environmental impact assessments are legally prescribed for projects (e.g., infrastructure, water management, tourism, rural projects, garbage processing, energy and industry) with foreseeable large environmental impacts. Initiators

of such projects are obliged to produce an environmental impact report that specifies the environmental impacts of the intended project and activities and includes major alternatives. Environmental research and multi-criteria analysis are the standard methods used.

The development of a method for ex ante evaluation of intended legislation regarding compliance costs to business and citizens was entrusted in 1998 to an ad hoc, temporary, but independent advisory commission called the Advisory Board on Administrative Burden Reduction (ACTAL). In 2011, some policymakers suggested that ACTAL become a permanent rather than temporary body. The policy philosophy on administrative regulation was at that time already shifting from (always negative) “burden reduction” to (prudentially positive and strategic) “appropriate regulation.” After evaluating its impact, the government decided in 2017 that ACTAL is to be succeeded by a formal advisory body, Adviescollege Toetsing Regeldruk (ATR, Advisory Body on Assessment of Regulatory Burdens).

Meanwhile, the Dutch government has been developing an integrated impact assessment framework for policy and legislation, which ought to be applied by every Dutch civil servant preparing policy documents for ministerial decision-making.

Citation:

www.actal.nl/over-actal/taken-en-bevoegdheden/ (consulted 26 October 2014)

Milieu-effectrapportage (nl.m.wikipedia.org, consulted 26 October 2014)

Staatscourant nr. 29814, 29 Mei 2017, Besluit van 17 mei 2017, nr. 2017000809, houdende instelling van het Adviescollege toetsing regeldruk

Ministerie van Justitie en Veiligheid, Kenniscentrum Wetgeving en Juridische Zaken, Integraal afwegingskader voor beleid en regelgeving, 16 October 2018 (accessed 31 October 2018)

Quality of RIA
Process
Score: 8

RIAs are obliged to identify 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. In principle, the option involving the greatest cost reduction ought to be selected. The extent to which practice follows theory is not known. Stakeholders and decision-makers have been involved in the process of producing RIAs, making burden-reduction analyses more effective. The status of ACTAL as an independent body for evaluation has been changed to a legally established permanent advisory body.

Stakeholders and interested parties, typically including semi-public bodies and lobbyists, are mostly consulted in the intra- or interministerial preparation of bills and policy proposals. Before a draft is passed onto the Council of

Ministers, a proposal has to pass a wide-range of quality tests for, for example, budgetary effects, business effects, administrative burden effects, and societal and environmental effects. After passing the administrative burden test, ACTAL (a semi-independent watchdog) scrutinizes the proposal once more. Sometimes departments publicize a draft bill as part of an e-consultation process to solicit feedback from citizens, but this practice is exceptional.

Citation:

W. Voermans et al., 2012. Legislative processes in transition, Leiden University (open access.leideuniv.nl, accessed 31 October 2018)

www.actal.nl/over-actal/taken-en-bevoegdheden/ (consulted 26 October 2014)

Staatscourant nr. 29814, 29 Mei 2017, Besluit van 17 mei 2017, nr. 2017000809, houdende instelling van het Adviescollege toetsing regeldruk

V. Bekkers and A. Edwards, 2018. The role of social media in the policy process, in H. Colebatch and R. Hoppe (eds.), *Handbook of Policy, Process and Governing*, Cheltenham, Edward Elgar

Sustainability
Check
Score: 8

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 mandated since 1987. Anyone who needs a government license for initiating substantial spatial or land-use projects with potentially harmful environmental impacts is obliged to research and disclose potential project impacts. 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. However, environmental impact assessments are sometimes subordinated to economic impact assessments. There are no systematic social – or, for example, health – impact assessments. In 2017, the DNB (Dutch National Bank) announced checks on whether firms in the financial sector have sufficiently explored the risks of climate change in their policies. In the water sector, similar stress tests of policies by water management boards, and municipal and local water management/emergency plans are being prepared. In 2018, the results of recent climate change platform debates, and negotiations between government, business and other stakeholders were elaborately scrutinized and re-calculated by the Planning Bureau for the Living Environment.

Citation:

NRC.next, “DNB waarschuwt financiële sector voor risico’s klimaatverandering, 4 October 2017”

Kennisportaal Ruimtelijke Adaptatie, “Verplichte stresstest wateroverlast voor waterschappen en gemeenten,” consulted 12 October 2017

PBL, Analyse van het voorstel voor hoofdlijnen van het klimaatakkoord, 27 September 2018 (www.pbl.nl/publicaties, accessed 31 October 2018)

Quality of Ex
Post Evaluation
Score: 7

The General Audit Chamber (Algemene Rekenkamer) scrutinizes ex-post policy evaluations by ministerial departments. Since 2000, the chamber has reported its findings to parliament on the third Wednesday in May each year. In 2012, the government introduced the Regulation for Regular Evaluation Studies, which specifies research criteria for assessing policy efficiency, goal achievement, evidence-based policymaking and subsidy-based policies. Yet, time and again, the chamber has reported deficits in goal achievement and weaknesses in goal formulation, which undermine the quality of ex-post evaluation research. Other weaknesses in policy evaluation studies include the lack of citizen perspectives, inability to accurately calculate societal costs and benefits, overreliance on input from implementing organizations for evidence and lack of public access to many evaluations. In line with the general trend toward more instrumental advice, over the last couple of years, the General Audit Chamber has focused its attention on specific points in departmental agendas. Moreover, there are a wide range of additional non-obligatory evaluations produced by ministerial departments, parliament, government-sponsored knowledge institutes, the ombudsman, implementation bodies and quasi-independent non-governmental bodies. Since evaluation findings are just one factor in designing new or adjusting existing policies, it is not clear how much policy learning actually occurs. Dutch ex-post evaluators closely follow international trends of “evidence-informed” and “behavioral knowledge”-driven evaluation studies. There is a tendency to move away from a focus on single, case-specific ex-post evaluation studies to a focus on the construction of broader, more balanced departmental knowledge portfolios, in which ex-post evaluation studies are embedded as elements in a larger body of knowledge accessible to policymakers and other participants in policy subsystems. It is not yet clear to what extent such trends in evaluation research really inform evaluation practices.

Citation:

A. Knottnerus, Van casus-specifieke beleidsevaluatie naar systematische opbouw van kennis en ervaring, *Beleidsonderzoek Online*, May 2016

Meyken Houppermans, ‘Wat is de toegevoegde waarde van de onafhankelijk deskundige bij beleidsdoorlichtingen?’, *Beleidsonderzoek Online* juni 2018, DOI: 10.5553/BO/221335502018000005001

L. Hermans, *Adaptief beleid en beleidsevaluaties*, *Beleidsonderzoek Online*, November 2017

P. van Hoesel, *Beleidssevaluatie als ritueel*, *Beleidsonderzoek Online*, February 2017

A. Korsten, *Wat ervan terecht komt. Zicht op beleidsevaluatie*, April 2013 (arnokorsten.nl, accessed 31 October 2018)

Public
Consultation
Score: 8

Societal Consultation

International references to the “polder model” as a form of consensus-building testify to the Dutch reputation for negotiating public support for public policies, sometimes as a precondition for parliamentary approval. In this 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 – October 2017) governments. Recent examples include the public debate on pension reform, the national summit on climate policy following the Paris Accords (involving five sectoral platforms: electricity, built environment, industry, agriculture and land use, and mobility), and public health consultations (focusing on obesity, smoking and “problematic” alcohol consumption). The Rutte I and Rutte II councils of ministers produced societal agreements on austerity measures, housing policy, care policy, energy policy and socioeconomic policy.

In spite of its apparent revival, this mode of politics and policymaking is under stress. Trade unions have suffered due to an erosion of representativeness and increasing fragmentation, although employers’ associations have been less affected. Another criticism of the process is that it leads to sluggish policymaking, creating a “musical chair” process in which the responsibilities of government, business and influential civil society or non-governmental organizations remain blurred and undermine effective decision-making. The recent revival may owe more to the fact that all the Rutte cabinets have not been able to rely on solid parliamentary support than to any renewed vigor on the part of business, labor unions and civil society associations. A side-effect of the reviving “polder” tradition within a more fragmented political landscape may be the emergence of an extensive network of professional lobbyists. There are signs that business lobbies are successful. A huge money laundering scandal involving ING Bank resulted in (considerable) fines, but not in bringing the perpetrators to court. More significantly, the highly contested proposal to abandon the dividend tax proved to be linked to Unilever’s broken promise (during the cabinet formation process) to move its headquarters to the Netherlands.

Citation:

R.B. Andeweg and G.A. Irwin (2014), *Governance and politics of the Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan, p. 188-198, 230-251.

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

P.D. Culpepper, *Quiet Politics and Business Power. Corporate Control in Europe and Japan*, Cambridge University Press, Cambridge, 2011 (esp. ch. 4, The Netherlands and the myth of the corporatist coalition)

NRC-Handelsblad, *Het gebroken Nederland dat in 2017 op Den Haag afkomt*, 4 November 2016 (nrs.nl, consulted * November 2016)

NRC-Handelsblad, *Polderen voor een gezondere bevolking*, 29 October, 2018

Financieel Dagblad, *De polder is klaar*, 3 October 2018

Financieel Dagblad, *Lobby voor afschaffen dividendbelasting al sinds 2005 bezig*, 8 September 2018

Dröge en Van Drimmelen, *Tendrapport public affairs en corporate communication 2017* (dr2.nl, accessed 31 October 2018)

Policy Communication

Coherent
Communication
Score: 7

The Informatie Rijksoverheid service responds to frequently asked questions by citizens over the internet, telephone and email. In the age of “mediacracy,” the government has sought to make policy communication more coherent, relying on the National Information Service (Rijksvoorlichtingsdienst, RVD), which is formally a part of the Prime Minister’s Department for General Affairs, and whose Director General is present at Council of Ministers meetings and is responsible for communicating policies and the Prime Minister’s affairs to the media. The government has streamlined and coordinated its external communications at the line-ministry level.

Another effort to engage in centralized, coherent communication has involved replacing departmentally run televised information campaigns with a unified, thematic approach (e.g., safety). These efforts to have government speak with “one mouth” appear to have been fairly successful. For example, the information communicated by the government regarding the downing of a passenger plane with 196 Dutch passengers over Ukraine on 17 July 2014 and its aftermath was timely, adequate and demonstrated respect for the victims and the needs of their families.

The continual technological innovation in information and communication technologies has led policy communication to adapting to the new possibilities. New developments are focused on responding more directly to citizen questions, exploring new modes of behavioral change, and utilizing internet-based citizen-participation channels in policymaking and political decision-making. For example, in 2011 the Dutch government decided to participate in the global Open Government Partnership. But in 2017 the Dutch government was criticized for structurally misleading and insufficient communication on issues of animal disease and food safety due to prioritizing agricultural interests over public health. In general, government

communication occurs in an increasingly challenging media environment in which competition, polarization, trolling and “fake news” represent major challenges. The line between government communication and information, and defending government policies is becoming more and more blurred.

Citation:

Voorlichting, communicatie en participatie. Gemeenschappelijk jaarprogramma voor communicatie van de Rijksoverheid in 2014 (rijksoverheid.nl, consulted 23 September 2015)

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

Overheidscommunicatie, Kabinet maakt werk van openheid (rijksoverheid.nl, consulted 9 November 2016)

“We leren niks van de Q-koorts,” NRC.nl, 25 January 2017

“Onze gezondheid wordt bewaakt door de minister van boerenzaken,” Marc Chavannes, De Correspondent, consulted 12 October 2017.

Implementation

Government
Effectiveness
Score: 7

According to an optimistic estimate by a leading newspaper, the Rutte II government has in its four-year reign implemented 80% of its policy initiatives. Of the 271 initiatives, 158 were successful and 59 were (partial) failures. In its first year, the Rutte III cabinet realized five of its 36 officially announced legislative initiatives; two of which simply involved abolishing (consultative referendum, fiscal reduction for home-owners) existing laws. 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, according to parliamentary inquiries, for information- and communications-technology applications and large infrastructure (rail, roads) projects.

The government frequently formulates more far-reaching policy goals than are pursued in practice. Recent policy failures have involved train and rail infrastructure, job creation, flexible labor market relations, anti-discrimination, and tax and pension –policy initiatives that remain unrealized one year into the Rutte III cabinet’s term. Inspectorates in the building, education and health care sectors are considered weak. It is a similar situation for consumer and privacy protection, especially the digitalization of citizen registrations and accessibility of online-only government services. Nevertheless, the Rutte II government justifiably claimed credit for renewed economic growth, budgetary equilibrium, and important austerity measures (e.g., an increase in working hours, reduced public funding for home care, a gradual decrease in tax relief on mortgages and capping health care costs). In water management, implementation of the “Room for River” plans appear to have been successful.

The national government has devolved a significant number of tasks to subnational governments, which makes government and administrative responsibilities more fuzzy, and policy performance harder to evaluate. Provincial and local audit chambers, do what they can, but the amount and scope of decentralized tasks is simply too large for their capacity at this moment. Policy implementation in the fields of policing, youth care and care for the elderly in particular are increasingly sources of complaints by citizens and professionals, and thus becoming matters of grave concern. In academic and professional evaluation circles, a debate is emerging on how to tailor evaluation research designs to the need for more policy-oriented learning.

Eindrapport Parlementair onderzoek naar ICT projecten bij de overheid, Tweede Kamer, vergaderjaar 2014-2015, 33 326, nr. 5

Provinciale en lokale rekenkamers, Algemene Rekenkamer Verslag 2013 (rekenkamer.nl, consulted 27 October 2014)

Pierre Koning, Van toezicht naar inzicht, Beleidsonderzoek Online, July 2015 (beleidsonderzoekonline.nl, consulted 26 October 2015)

NRC-Handelsblad, "Rutte-II deed – grotendeels – wat het beloofde in 2012.," 14 January 2017

Financieel Dagblad, ACM verliest geloofwaardigheid, 6 October 2018

De Correspondent, De overheid wil dat we voor elkaar zorgen maar dezelfde overheid maakt dat onmogelijk, 28 August 2018

NRC-Handelsblad, De bouw leert te weinig van ongelukken, 19 October 2018

NRC-Handelsblad, Algoritmen. Raad van State vreest dat digitalisering van de overheid te ver wordt doorgevoerd, 7 September 2018

Ministerial
Compliance
Score: 7

Dutch ministers' hands are tied by 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, 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 record-long formation period for the Rutte III government, which consists of four coalition partners (VVD, CDA, CU, and D66), resulted in a detailed government agreement underwritten by all four parties and their ministers. However, structural cleavages (along left-right, immigration and ethical issues) between the coalition parties have led to considerable inter-cabinet tensions, and thus opportunities for individual ministers to highlight their party-political affiliation and downplay the government agreement.

Monitoring
Ministries
Score: 4

Citation:

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of The Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan: 140-163

Given the Prime Minister's Office's lack of capacity to coordinate and follow up on policy proposal and bills, 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 policy-program budgeting philosophy developed in the 1970s. However, recent political developments (the election campaigns in 2010 and a Council of Ministers breakdown in 2012) have prevented this. In 2012, yet another system of program budgeting – "responsible budgeting" – was introduced.

Since 2013 to 2014, General Audit Chamber studies have indeed focused on particular subjects, and following some political consultation, on departmental domains. In 2012, the General Audit Chamber reported that just 50% of governmental policy initiatives were evaluated, most of these evaluations incorrectly were considered effectiveness studies. Hence, parliament remains largely ill-informed about the success of governmental goals and objectives. The problem may well be that members of parliament don't really care because they are more concerned by achieving future projects than reflecting on past performance. In 2016, the government cut financing for the General Audit Chamber by €1.2 billion, meaning a personnel reduction from 273 to 233 full-time employees and outsourcing research for specific programs. In 2017, the audit chamber launched a website for monitoring ministerial compliance of audit chamber recommendations. Four out of five recommendations made by the audit chamber were complied with, according to ministerial self-reports.

Citation:

Algemene Rekenkamer, *Rapport Effectiviteitsonderzoek bij de Rijksoverheid*, 22 May 2012 (consulted 12 October 2017)

Algemene Rekenkamer, *Opvolging Aanbevelingen* (Rijksoverheid, accessed 1 November 2018)

Algemene Rekenkamer, *Een toekomstbestendige Algemene Rekenkamer*, 13 October 2016 (rekenkamer.nl, consulted 9 November 2016)

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of The Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan: 188, 198-203

Monitoring
Agencies,
Bureaucracies
Score: 4

A 2016 evaluation of the national Framework Law on Agencies/Bureaucracies has insufficient scope according to a considerable number of members of parliament: too many agencies are exempted from (full) monitoring directives, while annual reports are delivered too late or are incomplete. Hence, the

government lacks adequate oversight over the dozens of billions of euros of expenses managed by bodies at some distance from the central government. In 2014 – 2018, it became clear that several oversight agencies and inspectorates, such as the Inspectorate for Health Care and the Authority for Consumers and Markets, were not quite up to their tasks.

ICT projects for the national government too were improperly monitored, resulting in huge time- and cost-overruns. The Social Insurance Bank (Sociale Verzekeringsbank, SVB) was for far too long unable to disburse personal benefits to special-education students and senior citizens eligible for day and home care on time and in the correct amount. The Implementing Institute for Workers' Insurances (Uitvoeringsinstituut Werknemersverzekeringen, UWV) has struggled for a long time with apparently unsolvable problems, including delays in medical check-ups and increasing fraud, while the inaccessibility of its ICT-system is undermining communication with clients. Unemployment benefit fraud by immigrant employees went unpunished for years. Implementation of human resource plans for the National Revenue Service (Belastingdienst), following substantial political pressure, were put under external supervision. Some members of parliament believe the Revenue Services' organizational continuity may be at stake. In 2017, implementation problems in the reformed national police system were reported, including excessive administrative regulation, incomplete oversight of different tasks and task fields, and insufficient leadership in capacity-building and performance management. On top of this, there were financial irregularities in the national police's Central Works Council. Most of these problems remain unresolved due to personnel shortages, even though the 2018 national budget allocated more financial resources, and in some cases salaries that were considered too low were increased.

Citation:

Evaluatie Kaderwet zelfstandige bestuursorganen, Kamerstuk 33 147, nr. 5, Verslag van een schriftelijk overleg, 20 September 2018

A. Pelizza and R. Hoppe, Birth of a failure. Media debates and digital infrastructure and the organization of governance, in *Administration & Society*, 2015

Algemene Rekenkamer, UWV, balanceren tussen ambities en middelen, 31 January 2017 (Rijksoverheid, accessed 1 Over, 2018)

NRC- Handelsblad, DE vloek van overvloed ligt op de loer, 15 September 2018

Volkskrant, Nieuwsuur: 'Polen frauderen op grote schaal met WW-uitkeringen,' 3 September 2018

Volkskrant, Plannen kabinet in gevaar door problemen met computersystemen belastingdienst, 18 June, 2018

Task Funding
Score: 5

Decentralization and integration subsidies comprise 14% of all income from the general fund (Gemeentefonds). Policy-related national subsidies have

decreased as a proportion of total income (falling from 62% in 1990 to 34% in 2011) and in number (from over 400 in 1985 to less than 50 at present). As of 2015, the national government has pursued a far-reaching decentralization of policy tasks (in youth work, chronic patient care, social benefits, worker-activation employment programs). However, local-government budgets are supposed to contribute to meeting the European Monetary Union 3% government-deficit norm by accepting a decrease in their total budget. In 2014, local governments on average received €1,091 per inhabitant. In 2017, this amount has increased to €1,645. Nevertheless, in the social policy domain municipal governments ran a very considerable deficit in 2017.

Local governments will be expected to “do more with less” in the upcoming years. The Center for Economic Policy Analysis recently proposed that local governments expand their local tax base; combined with a decrease in national taxes, this would simultaneously be good for the national economy and local democracy. The Association of Dutch Local Governments (Vereniging Nederlandse Gemeenten, VNG) has installed a special advisory commission to look into the issue. The national government and VNG appear to be locked in a continuous round of negotiations over structural measures concerning the Gemeentefonds. Meanwhile, in the background, there is a political discussion concerning the future of municipal government: should municipal governments deliver services to citizens that transcend present municipal boundaries, or should municipalities remain governance hubs of low-threshold accessibility and participatory governance?

Citation:

VNG, *De wondere wereld van de gemeentefinanciën*, 2014 (eng.nl, consulted 9 November 2016)

VNG, *Aanhoudende zorgen gemeenten over financiën sociaal domein*, 17 October 2018 (eng.nl, accessed 1 November 2018)

CPB, *Waarom zijn de gemeentelijke investeringen sinds 2009 zo sterk gedaald?*, 30 October 2018 (CPB.nl)

Rijksbegroting 2018. B Gemeentefonds, TK Vergaderjaar 2017-18 34 775 B Vaststelling van de begrotingsstaat van het gemeentefonds voor het jaar 2018. Nr. 1. Voorstel van wet, 19 September 2017 (rijksoverheid, accessed 1 November 2018)

M. Allers, *Naar één gemeente?*, Symposium 25 Jaar Centrum voor Onderzoek van de Economie van Lagere Overheden, 4 October, 2018 (coelo.nl, accessed 1 November 2018)

Constitutional
Discretion
Score: 5

Dutch local governments are hybrids of “autonomous” 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 rather extensive detail by ministerial grants. Increasingly, the Dutch national government uses administrative and financial tools to steer and influence local policymaking. Some would go so far as to claim that these

tools have in sum created a culture of quality control and accountability that paralyzes local governments, violating the European Charter for Local Government. 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.

Starting in 2016, the Local Government Fund (Gemeentefonds) budget has increased in step with increases in the national government's budget. The transfer of policy competencies in many domains of care imply that local discretion has increased, sometimes resulting in different treatment for similar cases by local governments in different parts of the 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.

VNG-reactie op de Rijksbegroting 2019, Bijzondere Ledenbrief, (vng.nl., consulted 1 November 2018)

H. Bekkers, VNG waarschuwt voor tegenvallen 2019, Binnenlands Bestuur, 27 September 2018 (binnenlandsbestuur.nl, accessed 1 November 2018)

National
Standards
Score: 5

Local governments themselves also try to meet mutually agreed-upon national standards. Several studies by local audit chambers have involved comparisons and benchmarks for particular kinds of services. Local governments have been organizing voluntary peer reviews of each other's executive capacities. In 2009, the Association of Dutch Local Governments established the Quality Institute of Dutch Local Governments (Kwaliteitsinstituut Nederlandse Gemeenten, KING, renamed VNG Realisatie B.V.). Since 2016, it produces a comparative report on the status of local governments (previously *De staat van Gemeenten* and now *Gemeentelijke Monitor Social Domain*) which collects relevant policy evaluations and assists local governments in their information management-based policy perspectives. Nevertheless, due to the implementation of strong decentralization plans, including funding cutbacks, it is likely that the uniformity of national standards in the delivery of municipal services will diminish. Instead of strict output equality, official discourse now refers to “situational equality.” This development is counteracted by increasing cooperation by municipalities in transboundary tasks (e.g., garbage collection and treatment, youth care, and care for the elderly).

Citation:

A. Korsten, 2004. *Visiteren van gemeentebesturen*, Bestuurwetenschappen, 1-15, VNG Uitgeverij

P. Meurs, *Maatwerk en willekeur. Een pleidooi voor situationele gelijkheid*, Raad voor Volksgezondheid en Samenleving, 28 January, 2016

VNG, *Nieuwe Gemeentelijke Monitor Sociaal Domein aangevuld met levensweganalyse*, (vng.realisatie.nl, accessed 1 November 2018)

Effective
Regulatory
Enforcement
Score: 6

In the Netherlands, not legal prosecution by legal authorities, but effective regulatory enforcement by administrative bodies is “undermining” (“ondermijnen,” in a criminological sense) the efforts of “underworld” criminal organizations to penetrate formal and legal action channels of the “upper world.” Attention is focused on illegal drug production, transportation and trade, and human trafficking (women, refugees). Special police teams, mayors of larger cities, national and local public prosecutors, and fiscal detectives collaborate in detecting drug and human trafficking gangs – or, through the use of ordinary administrative laws, to “harass” drug and human traffickers to such an extent that they close or, more frequently, relocate. It is in connection to illegal drugs and human trafficking, that mayors of larger cities and sometimes small, rural villages become “crime fighters.” Another attention area is the integrity of political and administrative bodies. In the recent local elections, some municipalities and political parties screened aspiring new council members’ civic conduct status to a hitherto unusual extent. Integrity screening for police and customs officers, and sometimes high-level civil servants has also been strengthened. The narrowing of the criminological definition of “undermining” has been criticized by those who examine big corporations and financial institutions who abuse regulations and lax oversight, commit fraud and corruption, or do not comply with environmental regulations, especially regarding agriculture and chemistry. It is claimed that in the case of “white collar” crimes, regulations are not strictly enforced, as in class justice. However, overall, the Dutch government enforces rules effectively and fairly.

Citation:

P. Tops and J. Tromp, *De achterkant van Nederland*,

NRC-Handelsblad, *Wie nog weet wat ondermijning precies is, mag het zeggen*, 15 February 2018

Follow the Money, *Door echo undermining moet je op de Zuidas zijn*, 28 August, 2018 (ftm.nl, accessed 1 November 2018)

J. Brouwer, in NRC-Handelsblad, *“Ondermijning” is een loos begrip*, 1 October 2018

Adaptability

Domestic
Adaptability
Score: 5

Government reform has been on and off the agenda for at least 40 years. In this time there has been no substantial reform of the original government structure, which dates back to the 1848 constitution, “Thorbecke’s house.” Although several departments have been switched back and forth between different ministries, the system of ministries itself has not been substantially reformed. The Council of State, which is the highest court of appeal in

administrative law, is still part of the executive, not the judiciary. A brief experiment with consultative referendums was nipped in the bud early in the Rutte III cabinet rule. The Netherlands is one of the last countries in Europe in which mayors are appointed by the national government. In spring 2013, the Rutte II government largely withdrew its drastic plans to further reduce the number of local and municipal governments from just over 400 to between 100 and 150 with 100,000 or more inhabitants per district, as well as its intentions to merge a number of provinces.

Since 1997, the Homogenous Group International Cooperation (Homogene Groep International Samenwerking, HGIS) has coordinated the budgets and policies of government departments involved in foreign, trade and development policy. In response to EU level developments, Dutch financial and economic policymaking procedures were adapted to EU level budget norms and assessments. The oversight role of the Dutch parliament has been strengthened. Information about EU policies and decisions reach the Dutch parliament through a large number of special channels. Although the number of civil servants with legal, economic and administrative expertise at the EU level has undoubtedly increased due to their participation in EU consultative procedures, no new structural adjustments in departmental policy and legislative preparation have been implemented. At present, a political mood of “Dutch interests first” translates into a political attitude of unwillingness (beyond what has already been achieved) to adapt domestic political and policy infrastructure to international, particularly EU, trends and developments. Prime Minister Rutte and other prominent politicians have begun to realize that Brexit, the threat from Polish and Hungarian non-compliance to EU values and constitutive rules, American indifference toward the Europe Union, and the strategies of Russia and Turkey toward European border issues require a more positive stance toward Brussels and the European Union.

Citation:

Gemeentelijke en provinciale herindelingen in Nederland (home.kpn.nl/pagklein/gemhis.html, consulted 27 October 2014)

Verdrag van Lissabon vergroot rol van nationale parlementen in Europa, Parlement & Politiek, Europa (parlement.com., consulted 23 September 2015)

“Wat is HGIS?,” 2016, rijksbegroting.nl (consulted 12 October 2017)

NOS, De haat-liefde verhouding van premier Rutte met de EU, 13 June 2018

Raad voor het Openbaar Bestuur, Signalement.Referenda en andere vormen van burgerparticipatie op nationaal niveau, July 2018.

Trouw, Dat het voorlopig gedaan is met referendums is niet meer dan terecht, 28 February 2018

“Rutte zowel kritisch als positief over toekomstvisie Europa,” *Algemeen Dagblad*, 13 September 2017

International
Coordination
Score: 7

The Netherlands has been a protagonist in all forms of international cooperation since the Second World War. However, research has shown that since the late 1970s, 60% of EU directives have been delayed (sometimes by years) before 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 and subsequent lowering of 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 and the rejection of the EU treaty with Ukraine in a non-binding referendum.

The change in attitudes has 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. However, Dutch ministers do play important roles in the coordination of financial policies at the EU level. Indeed, 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. In the first months of 2016, Prime Minister Rutte has acted as chair of the European Union's Council of Ministers, where he played a leading role in the negotiations with Turkey over stopping the influx of refugees from the Middle East. Immediately after the United Kingdom's Brexit referendum, Prime Minister Rutte explicitly stressed the need for the Netherlands to be part of a well-functioning European Union that is more than just a trading zone, but one that offers protection and modernization for its citizens. The vice-president of the European Commission, Timmermans, is a former Dutch minister. He gained the "Spitzenkandidat" candidacy for the Socialists in the European Parliament, to succeed Juncker as president of the European Commission. The Dutch minister for Development Aid and Trade plays an important role in fostering better cooperation between governments, international companies and international aid organizations through transnational treaties on production and supply chains. The Netherlands will be part of the U.N. Security Council for the next year.

Citation:

R.B. Andeweg & G.A. Irwin, *Governance and Politics of The Netherlands* (2014). Houndmills,

Basingstoke: Palgrave Macmillan: 220-228 regarding coordination viz-a-viz the EU and 251-272 for Foreign Policy in general.

Adviesraad International Vraagstukken, TK Vergaderjaar 2017-18, nr. 23987 nr. 260, Coalitievorming na de Brexit. Allianties voor een Europese Unie die moderniseert en beschermt, 7 September 2018

Organizational Reform

Self-monitoring
Score: 5

There have only been two visible changes in the institutional practices of the Dutch government at the national level. One is that the monarch, formally the head of government, was stripped of participation in cabinet formation processes; the second chamber or senate now formally directs that process. The second is an informal adaptation to less parliamentary support for the Rutte I and II governments. Informal coordination processes between government ministers, and all members of the senate and second chamber have become crucial for governing at the national level. Following provincial elections in 2019, this is predicted to also apply to the present Rutte III cabinet.

Two organizational-reform crises have emerged in recent times that threaten citizens' well-being in the long run. The first is the underfunded, understaffed and ill-considered transfer of policy responsibility to municipal and local governments within important domains such as youth care, health care and senior-citizen care. Many local governments lack the expertise, budgetary powers and monitoring/evaluation capacity to implement these changes without grave difficulties. In many cases, they have joined local-government alliances or have outsourced such tasks to commercial firms without adequate democratic oversight. However, on the local level, experiments in local budgeting, and deliberative and participatory policymaking (Code Oranje, Civocracy) have gained some traction.

Second, there is a looming reform crisis in the justice and policing system, which undermines the government's task of protecting citizens' security. The reform of the policing system from regional or local bodies into a single big national organization is stagnating; police officers have mounted strikes based on wage and working-condition issues; and the top echelon of the police leadership is in disarray. The digitalization of the justice system and the reduction in the number of courts, in addition to imposed cutbacks, has wreaked havoc within the judicial branch of government. There is a crisis in the relations between the political and the bureaucratic elements, given that the Department of Justice and Security is supposed to provide political guidance to both of these reform movements.

Although institutional arrangements are monitored regularly (Scientific

Council of the Government on Citizen Self-Reliance, Council for Public Administration on Local Democracy and annual reports by the national Council of State), recommendations and plans are not followed up due to a lack of political will. It is feared that the national commission examining the necessity of reforming the Dutch parliamentary system will suffer the same fate.

Citation:

Code Oranje|Democratic Challenge, democraticchallenge.nl

Civocracy, civocracy.org

Tweede Kamer, Staatscommissie parlementair stelsel publiceert tussenstand, Tweede Kamer der Staten-Generaal, accessed 1 November 2018)

Raad van State, Jaarverslag 2017, esp. Chapter One (jaarverslag.raadvanstate.nl, accessed 1 November 2018)

Institutional
Reform
Score: 6

No major changes have taken place in strategic arrangements or capacities beyond what has already been mentioned regarding externally driven policy coordination in fiscal and economic matters. Generally, strategic capacity is rather weak. Though there are signs that government officials are aware of a need for strategic change. However, due to the long period of austerity, which is only now coming to an end, strategic capacities have not been strengthened. Experiments in participatory budgeting and local democracy may somewhat harness citizen knowledge and expertise to local government. A policy mood, which is only slowly adapting to European developments, may also result in some institutional reform over the mid-term.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 6

Dutch citizens claim to spend slightly more time than the average European citizen on collecting political information. 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, but many people find political information complicated and/or uninteresting, they often do not pay much attention to it. The Netherlands Institute for Social Research (Sociaal-Cultureel Planbureau, SCP) found in a 2012 survey that 28% of respondents thought politics was too complicated for them to understand, while 60% thought it was too complex for most others. Verhoeven distinguishes four types of citizens

regarding their degree of political involvement: “wait-and-see” citizens (25%), impartial citizens (17%), dependent citizens (23%) and active citizens (35%).

An exceptional case of active citizenship was the Manifesto Focus on Care for the Elderly (“Scherp op ouderenzorg”), which gained more than 100,000 signatures and later became a model for numerous professional stakeholder organizations that wanted to influence the cabinet formation in the second half of 2017. Another example of civic mobilization involved the mobilization in 2018 of residents in areas plagued by airplane noise associated with Schiphol Airport, and the visible impact activist and lobby groups had on the expansion plan for Schiphol Airport. Research by Bovens and Wille found that differences in education levels have become increasingly salient factors when it comes to citizens’ powers in processing policy information, political judgments about the European Union, issues of immigration and integration, and political leadership.

The SCP recently found that Dutch citizens split evenly over the issue of more or less direct influence by citizens. It is the less educated who demand more political influence, whereas higher educated citizens, especially those with tertiary qualifications, do not support the idea. A recent study into citizen attitudes to the European Union, undertaken by TNS/Kantar Nipo and commissioned by the Green Left party, found that Dutch citizens are caught in a dependence-cum-distrust situation: they instinctively distrust the European Union and would resist transferring more national powers to the EU level, but simultaneously believe that the European Union should have greater influence over most policy domains.

There have been a wide and broad range of initiatives across all levels of government in all kinds of citizen engagement projects, from interactive policymaking to citizen-budgets and citizen-juries, youth councils and local referendums, just to name a few. Participation in national elections is relatively high (over 81% in the 2017 parliamentary elections) compared to participation in the last regional and local government elections (53.8% in 2014), and European elections (37.3% in 2014). Public apathy in many participatory options and low levels of knowledge on policies co-exists with widespread discontent with politics and governance.

Citation:

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

M. Bovens, and A. Wille, 2011. Diplomademocratie. Over spanningen tussen meritocratie en democratie, Bert Bakker

NOS, Organisaties omwonenden van vliegvelden bundelen krachten, 16 May 2018

SCP, Continu Onderzoek Burgerperspectieven, Burgerperspectieven 2017|1 (scp.nl, consulted 3 November 2017)

Hugo Borst and Carin Geamers, "Manifest :Scherp op ouderenzorg," 24 October 2016 (scheropouderenzorg.nl, consulted 3 November 2017)

NRC-Handelsblad, Nederlandse kiezer wil meer en minder Europe tegelijk, 20 October 2016

Open
Government
Score: 7

The most important and high-prestige knowledge institutes (CPB, PBL, SCP) regularly publish comprehensive, timely and accurate data. Such information is used in the annual information packages that accompany parliamentary deliberation and decision-making on the national budget. Throughout the year, government provides topical information about issues pertaining to ministerial policy agendas on the government website. For politically engaged citizens, it is thus quite possible to be well-informed on government policies. In the Edelman Trust Index 2019, the Netherlands scored a relatively high and unchanged 54% for trust in government information.

In other cases (e.g., the WODC research into drugs policy, the outbreak of Q-fever in rural areas, the continued use of carcinogenic agents in military paint and sensitivity to earthquakes in areas of gas exploitation), the government interfered in the findings of government-sponsored research. Open government regulation offers public access to most routine government information. Though the law also offers decision-makers plenty of opportunities to withhold or delay information if "necessary" for political convenience. There are several blatant cases of government misinformation and/or information delays, frequently because civil servants are alleged to have belatedly or incompletely informed ministers in order to shield ministers from media scrutiny or to spin the information.

In 2018, investigative articles published in *De Correspondent* and *Follow the Money* have disclosed hidden governance issues and government facilitation of structural business lobbying arrangements.

Citation:

NRC-Handelsblad, De eenzame strijd van een klokkenluider bij Justitie, 18 June, 2018

Volkskrant, Q-koortsslachtoffers voelen zich niet serieus genomen door de overheid: 'Het is een grof schandaal,' 26 September 2018

NRC-Handelsblad, Defensie gebruik nog steeds kankerverwekkende verf, 22 October 2018

Marketing Tribune, Publiek vertrouwen herstelt niet volgens Edelman Trust Barometer 2018, 25 January 2018 (marketingtribune.nl, accessed 3 November 2018)

Legislative Actors' Resources

Parliamentary
Resources
Score: 7

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 jure* and *de facto* this is hardly the case. ... *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 of forming government coalitions supported by the majority of the States General. As an institution, the States General is not necessarily a unified actor. As basically every parliamentary vote can result in the downfall of a government, this creates mutual dependence for survival: parliamentary groups supporting the government (part of the legislature) and government ministers (the executive) become fused, which violates the democratic principle of control and accountability.

Moreover, the States General's institutional resources are modest. Dutch members of parliament in large parliamentary factions have one staffer each, while members of parliament of smaller factions share just a few staffers. Members of parliament of coalition parties are usually better informed than opposition members of parliament. Members of parliament do have the right to summon and interrogate ministers, although 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 members of parliament with close affinity to the policy issues of the department involved. The small Parliamentary Bureau for Research and Public Expenditure does not produce independent research, but provides assistance to the parliament.

Policy and program evaluations are conducted by the departments themselves, or by the General Audit Chamber (which has more information-gathering powers than the States General). Another more standardized mechanism is the 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 formal hearings between members of parliament and departmental officials are extremely rare. Members of parliament can ask officials to testify under oath only in the case of formal parliamentary surveys or investigations, but this is considered an extraordinarily time-consuming instrument and is used only in exceptional cases.

At present, members of parliament are exploring the possibility of creating a so-called light parliamentary investigation as a less time-consuming format that is somewhere between a hearing and an investigation. In 2016, a majority of parliament requested such an investigation-light procedure following the publication of the Panama Papers. Formally, the States General may use the expertise of a governmental advisory body, but this process is closely supervised by the minister under whose departmental responsibility the respective advisory body functions. Only the Rathenau Institute (for scientific and technological issues) works exclusively for the States General.

Citation:

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

<http://www.houseofrepresentatives.nl/administration/organization-chart/parliamentary-bureau-research-and-public-expenditure>

Parlementaire enquêtes (tweede kamer.nl, consulted 10 November 2016)

Wikipedia, Parlementaire enquête in Nederland (nl.m.wikipedia.org, accessed 3 November 2018)

Krouwel, A. P. M., & Koedam, J. (2015). The Netherlands: Investiture behind closed doors. In B. E. Rasch, S. Martin, & J. A. Cheibub (Eds.), *Parliaments and Government Formation: Unpacking Investiture Rules* (pp. 253-274). Oxford: Oxford University press.

Obtaining
Documents
Score: 6

The government has to provide correct information to the States General (according to Article 68 of the constitution). However, this is often done somewhat defensively, in order to protect “ministerial responsibility to parliament” and a “free consultative sphere” with regard to executive communications. Providing the States General with internal memos, policy briefs (e.g., on alternative policy options), interdepartmental policy notes or advice from external consultants is viewed as infringing on the policy “intimacy” necessary for government-wide policy coordination, as well as on the state’s interests. As political scientist Hans Daalder has noted: “In practice, it is the ministers that decide on the provision of information requested.”

Citation:

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

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 174-182.

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. Nevertheless, ministers often do not answer the questions in a forthright manner. Every week, parliamentarians have the opportunity to summon ministers and pose a seemingly unlimited number of questions. Recently, the

minister for public health canceled international commitments in favor of dealing with parliamentary issues concerning the bankruptcy of two local hospitals.

Citation:

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 174-182.

NOS, Minister Bruins wil vinger in de pap bij keuze overnamekandidaat ziekenhuis Lelystad, 2 November 2018

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:

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 163-174.

Task Area
Congruence
Score: 9

Under the present government, there are 11 ministries and 12 (fixed) parliamentary committees (vaste kamercommissies). Only the prime minister's Department of General Affairs lacks an analogous dedicated parliamentary committee. There are also 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 party voting-discipline system). There are approximately 1,700 public and non-public committee meetings per year.

Citation:

Commissies (tweedekamer.nl, consulted 6 November 2014)

Media

Media Reporting
Score: 7

In the digital sphere, viewers and consumers clearly have more choices. The past decade has seen a large expansion of digital radio and television programming. This has resulted in a richer supply of broadcasters, bundled in so-called "plus packages" for viewers, which serve their own target groups with theme-specific broadcasts.

Dutch public television and radio stations produce high-quality information programs analyzing government decisions on a daily basis. Of the 13 national

public broadcasters in the Netherlands, eight may be said to consider it their task to inform the public about governmental affairs and decision-making. The main public TV news channel, NPO, 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 outreach 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. NPO 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. As noted under the “Media Freedom” section, recent policy has pushed for a merger between public media organizations, as well as for limiting their broadcasts to issues of information and culture, leaving entertainment largely to commercial media.

In 2015 – 2018, a majority of Dutch citizens (55%) still read a newspaper or listen to the radio every day. Newspaper readers are to be found increasingly among the older and more highly educated population segment; digital subscriptions are on the rise. The number of high-quality newspapers is fairly low. Younger people actually spend more time listening, watching and communicating on online platforms than older people. Social media platforms have become sources of news, even for journalists. Regional and local newspapers in particular are experiencing severe financial troubles, leading to strong consolidation and concentration tendencies, and a significant increase in one-paper and even no-paper cities. The internet is used daily by 86% of Dutch citizens.

The Commissariat for the Media, tasked with monitoring the diversity and accuracy of media information about government and public policy issues, has expressed concern about the fragmentation of information sources and the “news snacking” habits of media audiences. This fragmentation, continuing commercialization and “infotainment” may have resulted in a situation where media-logic disregards its social and political responsibility to timely and accurately inform citizens about governmental and public affairs. However, the Mediamonitor 2018 reported that Dutch citizens, compared to citizens in other countries, have high trust in media reporting and report relatively little fake news. Nevertheless, there is a substantial decline in younger people reading quality newspapers, while politically relevant information is increasingly acquired via social media.

Citation:

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

Media monitor, Jaarverslag 2015 (mediamonitor.nl, consulted 10 November 2016)

Commissariaat voor de Media, 15 jaar Mediamonitor, 20 July, 2017 (mediamonitor.nl, consulted 3 November 2017)

Mediamonitor 2018. Media bedrijven en markten; Reuters Institute Digital News Report 2018 ((mediamonitor.nl, accessed 3 November 2018)

Parties and Interest Associations

Intra-party
Decision-Making
Score: 4

The dominant political view is that government interference in private organizations like political parties is incompatible with the role of the state in a liberal democracy. A law for internal party democracy is appropriate for countries with a history of non-democratic governance (e.g., Germany, some states in southern Europe, and in central and eastern Europe). However, in the Netherlands with its strong democratic tradition, many consider it superfluous. However, prominent political scientists believe that the culture and informal mode of operation of political parties ought to be modernized to guarantee a sustainable democracy. Several recent reports show the vulnerability of Dutch democracy to (international) manipulation through weak controls over and accountability for party finance, political campaigning and candidate selection.

Political party membership reached an all-time low of 285,851 in 2015, although this increased to 317,000 in 2018 (2.5% of the electorate), owing to an increase in young voters joining the Green Left and Forum for Democracy. Approximately 10% of party members are considered active. Frequently party activism is used as a launching pad for a political career. Across all major political parties, political activists and (semi-)professionals now dominate decision-making with regard to candidate lists and political agendas. Political parties are not bottom-up movements. Rather, they are intermediaries between political elites and their electorates, with political party members as links. Intra-party democracy (e.g., party congresses, election of party leaders and intra-party referendums) sometimes prove to be counterproductive. One former minister of defense and Labor party member commented: “Party congresses don’t buy combat planes.” Party leadership succession, even in political parties with some tradition of intra-party democracy (e.g., Labor and D66), is not democratically regulated, but is often determined by opaque, “spontaneous” selection processes managed by party elites.

The functional loss of political parties as clear representatives of social groups reverberates across the political system at all levels. Particularly the mobilization and integration into politics of lower educated citizens has declined. Paired with the decline of the centrist parties (in particular the social-democratic PvdA and Christian democratic CDA), the rise of more extremist and fringe parties, increasing electoral volatility, parliamentary fragmentation,

polarization on particularly cultural issues and strong anti-establishment sentiments create anxieties of a democracy in crisis.

Citation:

R.B. Andeweg and G.A. Irwin (2014), *Governance and Politics of The Netherlands*. Houndmills, Basingstoke: Palgrave Macmillan: 80-95

Montesquieu Instituut, Er moet in Nederland, net als in Duitsland, een ‘Parteiengesetz’ komen, december 2012 (montesquieu-instituut.nl)

Gezamenlijk ledenaantal politieke partijen naar dieptepunt, Documentatiecentrum Nederlandse Politieke Partijen, 2016

Trouw, De partijdemocratie is in een doodstrijd beland, 16 December 2016 (trouw.nl, accessed 3 November 2018)

T. van der Meer, Democratische doemdenkers hebben het mis, Sociale Vraagstukken, 18 January 2017 (socialevraagstukken.nl, accessed 3 November 2018)

<https://www.rijksoverheid.nl/documenten/rapporten/2018/02/01/rapport-het-publieke-belang-van-politieke-partijen>

<https://www.staatscommissieparlementairstelsel.nl/documenten/publicaties/2018/06/21/tussenstand>

Association
Competence
(Employers &
Unions)
Score: 8

For a long time, there was 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 that also include high-level civil servants and politicians. Members of these networks discuss labor and other important socioeconomic policy issues. These processes have become institutionalized. For instance, there are tripartite negotiations in which employers, employees and government experts are fixed discussion partners in the early stages of decision-making regarding labor issues. A similar process takes place for regular negotiations with economic interest associations. The analytic capacities of business and labor associations are well-developed.

However, this state of affairs has changed somewhat in recent years. There is now a Professional Association for Public Affairs (BVPA) that boasts 600 members (four times the number of parliamentarians) and a special public-affairs professorship at Leiden University. The professionalization of lobbying is said to be necessary in order to curb unethical practices such as the creation of foundations or crowdsourcing initiatives as a means of pursuing business interests. The “quiet politics” (Culpepper) of business lobbying through organizations such as the Commissie Tabaksblad, the Amsterdam (later Holland) Financial Center (Engelen), or Dutch Trade Investment Board (Follow the Money) has proven more than successful in influencing public policies on corporate governance, in easing regulation of the banking and financial sector, and in keeping taxes for business low. There is convincing evidence that in terms of election programs and promises, over the long run,

Dutch households have been systematically disadvantaged compared to corporations and business. For example, tax reductions and exemptions for business were systematically higher than for ordinary citizens. When CEO's publicly complained about political dissatisfaction and a lack of influence, the prime minister advised them to plead their case in the media more.

Citation:

NRC Handelsblad 16 April 2011, De trouwe hulpverleners van Mark Rutte

NRC Handelsblad, 27 september 2014, Hoe de lobbywereld zijn 'prutsers en slechterikken' ongemoeid laat

P.D. Culpepper, 2010. *Quiet Politics and Business Power. Corporate Control in Europe and Japan*, Cambridge University Press

E. Engelen, 2014. *Der schaduwelite voor en na de crisis. Niets geleerd, niets vergeten*, Amsterdam University Press

Otjes and Rasmussen, *Trade Unions and the Decline of Social Democracy*, Social Europe, 5 June 2017

T. Bolle, *Tijdens verkiezingen gepaaid en in het regeerakkoord genaaid*, 9 October 2018 (ftm.nl, accessed 3 November 2018)

NRC-Handelsblad, *Vooraf bedrijven krijgen hun zin, burgers niet*, 8 October 2018

W. Bolhuis, *Van woord tot akkoord: een analyse van verkiezingsprogramma's en regeerakkoorden, 1885-2017*, Universiteit Leiden

W. Bolhuis, *Elke formatie faalt. Verkiezingsbeloftes die nooit werden waargemaakt*, Uitgeverij Brooklyn, 2018

NRC-Handelsblad, *Catshuisberaad Premier tipt topcommissarissen: verschijn zelf vaker in de media*, 12 October 2018

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, associations such as the consumer association, all kinds of environmental NGOs, religious associations, municipal (Vereniging voor Nederlandse Gemeenten) and provincial interests (InterProvinciaal Overleg), and 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 at a later stage, as policies are implemented.

During the cabinet formation process from April to October 2017, many non-economic associations – representing the arts, education, the elderly and the care sector – inundated negotiators with policy memos and demands. For example, the citizen initiative led by Hugo Borst and Carin Geamers contained 10 policy recommendations, and was later underwritten by practically all relevant stakeholder associations and received support in parliament. Sometimes, as in a recent taxation debate between the association of social housing corporations and the government, “pondering” can veer into hard bargaining.

Citation:

F. Hendriks and Th. Toonen (eds), *Schikken plooiën. De stroperige staat bij nader inzien*, Assen, Van Gorcum, 1998

J. Woldendorp, *The Polder Model: From Disease to Miracle? Dutch Neo-Corporatism 1965-2000*, Free University Amsterdam, 2005

Woldendorp, J.J. (2014). Blijvend succes voor het poldermodel? Hoe een klein land met een kleine economie probeert te overleven op de wereldmarkt. In F.H. Becker & M. Hurenkamp (Eds.), *De gelukkige onderneming. Arbeidsverhoudingen voor de 21ste eeuw (Jaarboek voor de sociaal-democratie, 2014)* (pp. 211-227). Amsterdam: Wiardi Beckman Stichting/Uitgeverij Van Genneep.

Actiz, *Oproep Agenda voor Zorg aan het nieuwe kabinet: investeer in vernieuwende zorg?* (acts.nl, consulted 3 November 2017)

Hugo Borst and Carin Geamers, “Manifest :Scherp op ouderenzorg,” (scheropouderenzorg.nl, consulted 3 November 2017)

NOS, *Woningcorporaties: belastingmaatregel van tafel, anders huren omhoog*, 6 October 2018

Independent Supervisory Bodies

Audit Office
Score: 7

The Netherlands’ General Audit Chamber 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 General Audit Chamber. Requests by citizens are also taken into account. Every year, the chamber checks the financial evaluations of the ministries. Chamber reports 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. By selecting key issues in each departmental domain, the General Audit Chamber hopes to improve its

efficacy as instrumental advice. In addition, there is an evident trend within the chamber to shift the focus of audits and policy evaluations from “oversight” to “insight.” In other words, the chamber is shifting from ex post accountability to ongoing policy-oriented learning. Unfortunately, this has been accompanied by a substantial reduction in resources for the Audit Chamber, resulting in a loss of 40 full-time employees and the need to outsource research frequently.

Citation:

http://www.rekenkamer.nl/Over_de_Algemene_Rekenkamer

P. Koning, Van toezicht naar inzicht, Beleidsonderzoek Online, July 2015

Algemene Rekenkamer, Een toekomstbestendige Algemene Rekenkamer, 13 October 2016 (rekenkamer.nl, consulted 10 November 2016)

Algemene Rekenkamer, Ambtelijke baas Algemene Rekenkamer naar Authorities Financiële Mededinging, Nieuwbericht 28 August 2017

Ombuds Office
Score: 8

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 General Audit Chamber. 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 (specifically by the Second Chamber or Tweede Kamer). The appointment is for a term of six years, and reappointment is permitted. Recently, irked by the critical attitude of the former ombudsman, parliament made a series of stumbles, first by nominating a former interest-group leader to the post, who resigned after much public criticism; then 13 months passed before the present ombudsman, a renowned judge, formally took over. 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 ombudsman’s tasks are shifting toward providing concrete and active assistance to citizens that – due to debts and poverty, digitalization and other problems with access to government regulation – have lost their way in the bureaucratic process. The national ombudsman is assisted by deputies tasked with addressing the problems of children and veterans.

Citation:

De Nationale Ombudsman, Mijn onbegrijpelijke overheid. Verslag van de Nationale ombudsman over 2012.

De Nationale Ombudsman, Persoonlijk...of niet? Digitaal...of niet? (jaarverslag.nationaleombudsman.nl, consulted 6 November 2014)

<http://www.nationaleombudsman.nl/?gclid=CMPv8vGltrcCFclZ3godZH0AkQ>

Jaarverslag Nationale Ombudsman, 2017, Tweede Kamer, vergaderjaar 2017-18, 34 890, nr. 2

Data Protection
Authority
Score: 4

The Dutch Data Protection Agency (Autoriteit Persoonsgegevens, DPA) succeeded the “College Bescherming Persoonsgegevens” (CBP) in 2016, and simultaneously saw its formal competencies enhanced by the right to fine public and private organizations in violation of Dutch and since mid-2018 European data protection laws (the General Data Protection Regulation, GDPR).

Effective data protection is practically impossible since 2016 for a number of reasons: many capable personnel have left the DPA, even though the number of staff has increased; the new leadership is considered to be in disarray; the organization is under-financed; hardly any consequential fines have been imposed; “naming and shaming” appears to work, but oversight capacity is lacking; laws and regulations are frequently changing, and consequently monitoring and jurisprudence are constantly “in the making.” It looks like the DPA is evolving from a supervisory body to an organization that advises both public and private organizations, and individual citizens on privacy issues, and on how to deal with personal data in ways that (more or less) comply with ever changing regulations and interpretations. All in all, the DPA operates in self-contradictory ways (as both a “hard” inspectorate, and a “soft” advisory body that “names and shames,” and advises commercial and public data-users and data-providers) in a technologically turbulent environment.

Citation:

<https://www.hr-kiosk.nl/hoofdstuk/privacy/autoriteit-persoonsgegevens#on-rust>

https://nl.m.wikipedia.org/wiki/Autoriteit_Persoonsgegevens

<https://www.techzine.nl/nieuws/411568/nationale-politie-krijgt-boete-van-de-autoriteit-persoonsgegevens.html>

Volkskrant, Tweede kamer is gerommel by Autoriteit Persoonsgegevens zat, 13 July, 2018

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