



Netherlands Report

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Sustainable Governance Indicators 2022

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Executive Summary

The years 2020-2021 were the last of the Rutte III government that came to power in March 2017. This was an uneasy four-party coalition between center-right parties (the conservative-liberal People's Party for Freedom and Democracy (VVD) and the largely ideology-free Christian Democratic Appeal (CDA)) and center-left parties (pragmatist social liberals Democrats 66 (D66) and the left-leaning Christian fundamentalist Christian Union (CU) with their near-immovable principles on health ethics). It had a flimsy majority in parliament (76/150 in the Second Chamber, 38/75 in First Chamber), which it lost after new elections for the First Chamber, or Senate, in 2020.

Its policy history shows a Janus face. On the one hand, macro- and micro-economic policy success stories due to the neoliberal embrace of industry and business. On the other, an accumulation of nondecisions and half-baked compromises on a raft of urgent social and sustainability problems, like poverty and precarious temporary jobs for too many workers; a housing shortage in terms of availability, access to financing and unsustainable quality; dealing with manifestations of institutional racism; growing inequalities and decreasing quality in education; a lack of smooth compensation for earthquake damage due to decades-long gas exploitation in the province of Groningen; personnel shortages in the public sector (teaching, nursing) and the construction sector; and a skills shortage for private projects in climate change.

Then came the nitrogen crisis, called the "biggest problem" for his cabinet by the prime minister himself. Angry farmers on processions of tractors blocked roads and government buildings and occupied squares in the capital. Political anger, fanned by right-wing populist parties, was everywhere. Analysts saw events as a direct confrontation between "Twitter and the polder." The cabinet's fall seemed imminent. But beginning in 2020, all of a sudden, there was the coronavirus pandemic, which proved to be a political gamechanger. The prime minister transformed himself into a successful crisis manager, and his personal popularity and government support soared. Yet this too ebbed away after the fall of 2020, evolving into increased criticism and contestation and a flurry of sometimes violent demonstrations or riots against a night curfew and reintroduced, gradually stricter lockdown measures during the fall and winter of 2021.

Simultaneously, the final blow for the cabinet was in the making. A parliamentary commission investigating childcare benefits as implemented by the tax services, published a report entitled “Unprecedented Injustice,” showing that since 2013 tens of thousands of citizens and families had been illegally accused of fraud in requesting childcare benefits, with many forced to pay full repayments that caused the poorer families to fall into deep poverty for years – frequently with disruptive effects (stress-related illness, divorce, loss of child custody). All of this was seen as the result of overzealous fraud-chasing legislation by parliament, systematic but merciless implementation by the tax authorities, and until 2019, a complete lack of judicial review and protection at all levels. Many citizens, political observers and civil servants experienced this policy disaster as the most radical breach of political trust between citizens and the government since World War II. It also damaged trust between the coalition partners; and between them and all other political parties.

The COVID-19 crisis in 2020 put the government in an entirely different position, due to the necessary mobilization in times of crisis. Confidence in public institutions was transferred to the government, and doubts were put aside, at least at the beginning of the crisis.

In January 2021, the Rutte III cabinet collectively resigned, only to continue as a caretaker government to prepare the March 2021 elections and govern (the pandemic continued) until a new cabinet was formed. Curiously, the electorate blamed the civil servants more than the minister(s) for the childcare benefits disaster, which allowed Rutte/VVD be the winner of the elections by capitalizing on its reputation of coronavirus leadership. Members of parliament were less forgiving, and almost managed to torpedo Rutte’s political career, but finally settled on the longest ever cabinet formation process, 290 days (completing on January 10, 2022), which brought the same four political parties back into a new cabinet with slightly changed power relationships – particularly with D66 stronger than before. The coalition agreement is a shopping list of good intentions, using previously rejected policy instruments to tackle social and environmental policy problems that have been put off with huge amounts of money, financed at very considerable risk. These are given a twist of green industrial policy; and further embedded in promises to restore trust and repair rule-of-law damage by implementing policies realistically and with a “human face.”

Citation:

Montesquieu Instituut, 2021. ‘Niet zo stoffig, toch?’ Een terugblik op het kabinet Rutte III, Den Haag

NRC, 19 October 2021. Raad van Europa: ‘De Nederlandse bestuurscultuur werkt, maar kan beter’.

NOS, 29 January 2021. Peilingwijzer: kiezer rekent Rutte niet af op toeslagenaffaire en val kabinet.

NRC next, Ahaouray et al., 27 February 2021, Coronakabinet Rutte III: van crisis naar crisis

NRC, Van den Brink, 3 December 2021. 'Wat normaal is bepaal ik zelf' werkt niet meer

NOS Nieuws, 10 December 2021. 'Probleem van regeerakkoord is niet geld, maar beschikbare mensen'

Key Challenges

In 2019 we wrote that three challenges affecting the sustainability of governance in the Netherlands had as yet been insufficiently addressed: the maintenance of traditional state functions and the integrity of the separation of powers, the transition to a sustainable economy, and the need to address growing inequalities in income and living standards. Since then, two crises have confirmed and deepened these challenges. Two years of coronavirus pandemic crisis management forced a break with traditionally frugal budget policies, laid bare the disadvantages of austerity and market-inspired institutional reforms in the healthcare system and the social domain, and deepened existing social inequalities. The childcare benefits scandal reported in the “Unprecedented Justice” report showed how all three branches of government were complicit in causing a legislative and implementation disaster for tens of thousands of citizens and families, many of them of non-Dutch descent. Both crises, jointly, challenged the hubristic self-image of the “high” quality of Dutch governance for citizens, political commentators and journalists, and civil servants. The question, then, is whether or not, and to what extent, the coalition agreement for the new Rutte IV government presents a promising response.

With regard to policy-performance indicators, the government appears to have given up on neoliberalism, austerity and frugal budget policies. Relying on the ECB's reassurances that it would keep the euro alive and interest rates low, the government has implicitly embarked upon the untested waters of Modern Monetary Theory (Kelton, 2020). It is using this financial “bonanza” mainly to fund long-term projects to tackle overdue economic sustainability problems while seeking to reduce greenhouse gas emissions: nitrogen emissions from overblown export-directed livestock farming; an energy transition for consumers and, more so, the energy-intensive industry; and a spatial-planning crisis stemming from the combined impact of increased private and commercial transport and mobility, a housing shortage and increasing competition over land use (between housing, nature, farming, industry, space for renewable energy production). Considerable sums are also reserved for education (higher salaries for more teachers) and to provide compensation to

the victims of the childcare benefits and Groningen earthquake damages affairs. The generally liberal Rutte IV government devotes less money and policy effort to the issue of correcting broader social inequalities. The tax system bias in favor of wealth/assets over labor income is left untouched, and is perhaps even exacerbated, as CO2 emissions are not immediately taxed; rather, the government seeks to reduce them in the long run via hefty state subsidies offered to firms that in return promise to develop and use green technologies in industry. It remains unclear how the government intends to deal with serious implementation gaps and manpower shortages that have emerged in policy areas including education, housing, (youth, elderly and hospital) care, infrastructure construction, public transport, and policing and judicial work. These latter two areas are all the more worrisome given efforts to fight drug-related and (financial) cybercrime. Particularly education is now contributing to social inequality, instead of acting as an equalizer. Emergent and potentially disruptive technological innovation requires the development of a strategic approach to digitalization that will address its effects on human rights, while also introducing regulation and control mechanisms, and developing consensus-building mechanisms able to handle contentious (ethical) issues. This will be a task for a designated minister for digital affairs in the Rutte IV government.

Regarding the challenge of ensuring that traditional state functions are improved, more money has been made available for the military and to support citizen access to the courts, by paying for the fees of social lawyers. No serious steps are being taken to tackle the country's reputation as a tax haven for large sums of foreign (U.S. and Russian) capital. In large parts of the country, there are serious symptoms of state absence/failure with regard to protecting citizens from violence, and even a considerable number of murders, in the fight against drug-related crime. The police and judiciary have failed to stop the country from sliding toward the status of a so-called narcostate. The number of big (Antwerp, Vlissingen, Rotterdam, Amsterdam, Delfzijl) and smaller harbors along the coastline and the country's import/export economic interest in smooth and fast customs clearance of goods make the Netherlands the biggest entry and exit point for drugs to the rest of Europe; ineffective policing of sparsely populated rural areas has helped the country become the biggest exporter of synthetic drugs and a main distribution point for cocaine. It is unclear how the government intends to deal more seriously with these symptoms of state failure.

Regarding the challenge of improving the actual functioning of the checks and balances of the trias politica, so hurtfully damaged in the childcare benefits scandal, the government has mainly provided promises and an open admission of failure. Small beginnings are visible in a new Law on Open Government

(Woo) and a slight increase in the intellectual and financial resources provided to parliament. So far, there has been little effort to impose any firm regulation of the conduct and finances of political parties, even though this makes them more reliant on and vulnerable to external, sometimes foreign funding. Policy formulation, and, ironically, suggestions to improve implementation tests, are often outsourced to government-sponsored think tanks. The independence of a well-functioning judicial branch is still under pressure due to underfinancing and understaffing, although more resources have been made available from the government budget for more court personnel and digitizing court procedures.

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. Although a recent expert report offers four scenarios, there has to date been no public debate, let alone policy formulated, regarding the future demographic composition and size of the population. Curiously, the public media system, tasked by law to further national coherence, will be expanded by one broadcasting organization for “Black” and another for “white-Dutch” voices and interests. Resources for adequate immigration and asylum policies within the country remain totally inadequate. For the open Dutch economy, cooperation within the European context is crucial. And indeed, the Dutch government and the country’s political parties appear to have made a turn back toward Europe.

It is increasingly clear that tackling these challenges will require new modes of constructive citizen participation and representation beyond protests and large-scale demonstrations. The gap between government policy on the one hand, and citizens’ feelings and experiences on the other, has created significant discontent and anti-establishment sentiment, feeding populist calls for more direct democracy. Participatory democratic practices are (again) limited to policy implementation at the local and municipal level. Critics have called for a change of course away from “defensive” participation to the opening of a “second track” – that is, a more proactive form of participation in the beginning stages of policy formulation. The extent to which this will be realized remains unclear. There is a reason for optimism – Dutch society has demonstrated a great deal of resilience and flexibility during the testing times of the coronavirus crisis.

Time will tell whether the Rutte IV coalition agreement is just throwing money at a knot of intertwined problems, or will represent a tipping point in moving away from a traditional growth-based to a life- and truly prosperity-based mode of governance.

Party Polarization

At all levels (national, provincial and local), the Dutch political-party landscape is more fragmented than ever. Tellingly, the 17 March 2021 elections brought 19 political parties into the 150-seat national parliament: four single representative parties; five parties with three representatives; six parties with less than 10 representatives; and four larger parties with more than 10 representatives (CDA:14; PVV: 17; D66: 24; and VVD: 34). Although not all national political parties are represented at provincial and local levels, adding to the fragmentation at national level, a quarter to a third of the seats at these levels are filled by strictly local political parties. Fragmentation clearly hampers policymaking and coalition building. For example, the formation of a new cabinet (Rutte IV) took almost 10 months between the parliamentary election in March 2021 and the swearing-in ceremony in January 2022. As of 30 November 2021, the new cabinet (Rutte IV) was still being formed. The duration of 299 days was a new record compared to the previous record of 226 days, which had been achieved by the last government formation (Rutte III), of all things.

All modes of polarization (ideological, affective, facts-polarization) are increasing. Ideological polarization has been moderately increasing since 2010. After the depoliticizing 1990s, the Dutch started to have more diverging beliefs and attitudes on globalization, the EU and direct democracy (esp. referendums). On issues like multiculturalism, income equality and redistribution, and climate change, views follow the conventional left-right dimension and alignment with party platforms is high. But in a very short time, polarization on the climate issue has become a strong dividing line.

For a traditionally “tolerant” nation, affective polarization has grown remarkably between 2017 and 2021: most Dutch think negatively about their political opponents; in 2021, especially on issues like income redistribution and climate change. No doubt this tendency is influenced by the emergence and parliamentary visibility of radical-right political parties.

Polarization in terms of facts – that is, strong differences in the perception of factual reality, for instance deriving from belief in conspiracy theories around the coronavirus and climate, or anti-evolution theory – also has increased alarmingly. People in favor of more income redistribution overestimate scientifically validated income inequalities. People with anti-immigration or

pro-immigration stances systematically over- and underestimate the number of immigrants in the country. On average, Dutch people have much more doubt about the role of human agency in climate change than do climate scientists. Fact-polarization clearly depends on institutional trust, especially regarding the media and science. This divide became exacerbated during the coronavirus pandemic with increased conspiracy belief and institutional distrust, particularly at the extremes of the political landscape.

Affective and fact-polarization combined raise deeply worrying political concerns. The tone and civility of public discourse is losing out to harsher and outright brutal ways of expression – even in parliament. If both trends continue, they may erode the common ground for political debate. (Score: 5)

Citation:

Nationaal Kiezersonderzoek 2021, Versplinterde vertegenwoordiging

Parlement.com, 29 oktober 2021. Record aan diggelen: kabinetsformatie 2021 is nu officieel de langste ooit

SCP (P. Dekker en J. den Ridder), 2019. Burgerperspectieven

A. Krouwel en B. Geurink, Politieke fragmentatie in Nederlandse gemeenteraden, Jaarboek van de Griffier, 2016, 127-139

Toshkov, D., & Krouwel, A. (2022). Beyond the U-curve: Citizen preferences on European integration in multidimensional political space. *European Union Politics*. <https://doi.org/10.1177/14651165221080316>

an Prooijen, J-W., Cohen Rodrigues, T., Bunzel, C., Georgescu, O., Komáromy, D., & Krouwel, A. (2022). Populist Gullibility: Conspiracy Theories, News Credibility, Bullshit Receptivity, and Paranormal Belief. *Political Psychology*. <https://doi.org/10.1111/pops.12802>

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 8

According to international economic watchdogs like the World Economic Forum and IMF the Netherlands is ranked fourth among economies with regard to being well prepared for post-COVID-19 recovery. This is largely due to generous government support to firms, combined with an excellent digital infrastructure and strong digital skills among the local population, which together allows the economy to stay afloat while people work from home. GDP growth for 2021 is estimated at 3.8%. In the fourth quarter of 2021, the economy was expected to surpass its pre-coronavirus level.

Generous government support, amounting to 3.6% of GDP, has prevented an unemployment increase of between 65,000 to 188,000 unemployed persons. The government's tax agency has become a crucial lender for Dutch firms: 274,000 firms and entrepreneurs (from restaurant and shop owners to multinationals with tens of thousands of workers) owe the government a total of €19.7 billion. Terms of repayment allow firms 60 months to pay off their debts. Only by then the real cost of government support, estimated as €1.5 billion, will become clear. There are indications that too much support has found its way to firms with low productivity and a weak financial position.

The rosy image of the Dutch economy is clouded by worries about inflation, which reached a rate of 5.6% during the last quarter of 2021 (due to stagnating supply chains, raw material shortages and the steep increase in energy prices); the lasting impact of ultra-low interest rates on savings and pensions; and persistent labor shortages. At the time of writing there were 126 vacancies for every 100 unemployed people. Together, these phenomena may cast a shadow on the optimistic expectations of post-COVID-19 recovery and the transition to a post-carbon, more sustainable economy.

A final observation is that political debate on economic policy has turned strongly toward issues of inequality, and especially the widespread feeling that in spite of the country's satisfactory macroeconomic performance and well-balanced state budget in recent years, Dutch households have yet to experience serious improvements with regard to inequalities in life chances, wages and wealth, housing, health, and work-leisure balance. Perhaps one is observing a lasting shift in economic debate from conventional macroeconomic indicators to greater weight being attributed to sustainable development and quality of life ("broad prosperity") criteria.

Citation:

NRC, 29 September 2021 IMF,CPB: coronabeleid was succesvol

NRC, 25 November 2021 (Schinkel), Koopkrachtverlies in 2022 staat nu al vast

NRC, 20 July, 2021, De lage rente voedt de kater van de toekomst

NRC 26 June 2021, De vijf belangrijkste ongelijkmakers

CBS, 15 April 2021, Economische groei en het inkomen van Nederlanders

CBS, 28 May 2021, Aflevering 4: De Monitor Brede Welvaart. Over hier, nu en later

Labor Markets

Labor Market
Policy
Score: 7

In 2020, the coronavirus-triggered contraction caused economic growth to plummet from +1.8% in 2019 to -3.7%. In February 2020, the unemployment rate was at a record low of 2.9 % (277,000 unemployed); but due to the contraction, increased by the end of the year to 4.6 % (or 384,000 unemployed). Due to very generous (non-pharmaceutical) government support to firms and entrepreneurs, by November 2021 unemployment was back to its pro-coronavirus level of 2.9%.

Nothing much changed in the underlying structure of unemployment figures, though. The youth unemployment rate was at an all-time low of 6.7%, which in 2020 increased to 9.1%. Some observers consider youth unemployment to be a serious threat to the country's long-term prospects. A very considerable number of young people are not in education or employment. Youth unemployment rates are twice as high among those without official qualifications and among those with a migration background. A large proportion of those young people lack a basic level of literacy, and show deficits in computer literacy and technical craft skills. Better educational and school-to-work transitional arrangements are crucial.

Other structural labor-market weaknesses include relatively low labor market participation rates among those with a migrant background, 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 levels of workplace pressure. The OESO considers the Netherlands an outlier in Europe in terms of work flexibilization.

This “dualization” of the labor market is attributed to government policy; for firms, flexible workers are financially much more attractive (by as much as 7% in labor costs) than are workers with fixed contracts. An OECD report judges the Dutch labor market situation as being problematic in the long run, because firms invest less in the education of their flexible workers, thereby threatening the long-term labor productivity of the economy as a whole. This labor market precarity also leads to lower capacity to invest in housing, family planning and other core conditions that provide a healthy and safe work-life balance, crucial for high productivity.

In late 2018, the government established an independent expert commission (Commissie Borstlap) tasked with designing policies that would align labor law, social security and fiscal policies with a view to redesigning the labor market to benefit all workers in a sustainable national economy. In January 2020 the commission published its report, titled “In what country do we want to work?” It proposes strong remedies for differences in protection and taxation between different categories of workers with a view to continuous labor market participation of all. These proposals are very controversial; the IMF, WEF and the Dutch association of entrepreneurs (VNO/NCW) are, for example, very positive about the high degree of flexibility and consider it a major asset of the Dutch economy. For this reason, they oppose major changes in policy and regulation. Without being specific, the December 2021 coalition agreement states that, using the Borstlap commission report and advice from the Socioeconomic Council as a guideline, the government intends to decrease differential treatment between fixed and flexible work (in income, taxation and social security).

Citation:

CBS, 22 July, 2021, Werkloosheid in juni onder de 300 duizend

Elseviers Weekblad, 18 November 2021, Werkloosheid weer net zo laag als voor corona, en fors lager dan elders in de eurozone

NRC, 23 January 2021 (Pelgrim), Waar blijven de nieuwe regels rond werk. Het is oorverdovend stil.

Nederlands Jeugdinstituut, Cijfers over Jeugdwerkloosheid (nji.nl, consulted 1 December 2021)

OECD, June 2019. OECD Input for the Netherlands Commission for Regulation of Work. (pdf)

Coalitieakkoord 2021-2025, 15 December 2021. Omzien naar elkaar, vooruitzien naar de toekomst

Taxes

Tax Policy
Score: 6

Tax revenues have allowed the government to keep the deficit within manageable bounds even when long-term trends are very uncertain because of the pandemic and climate change (see also “Budgets”). Taxes in the Netherlands are complex and far from transparent. Income policy not only works through tax rates and brackets, but also through tax credits and situation-dependent benefits to households, as well as a jungle of exemptions, deductions, tax reductions and referrals. The more visible income taxation apparently respects the progressive carrying capacity principle (draagkrachtbeginsel), but the overall outcome of the system is regressive.

Pre-tax income and benefits have grown more unequal but are successfully tweaked by government tax policy toward a more equal output. The Gini index for net incomes corrected for household size is just under the European average of 0.3, and has remained steady for the last 20 years. The Central Bureau for Statistics (CBS) calculates Gini index scores based solely on data from tax declarations. This neglects data about the lower (flexible workers and workers on temporary labor contracts without insurance coverage or pensions) and higher income brackets (many types of un(der)taxed capital gains like house sales or profits from selling shares). The Gini index score for wealth has for decades fluctuated around a very high 0.8. Since 2015, it has decreased a bit due to the increasing value of homes, as home ownership represents the bulk of ordinary citizens’ wealth. But here too there is more inequality than meets the eye as evinced by, for example, the wealth hidden in possessions in foreign countries and family trusts. As many issues in daily life demand private investments – homework guidance, excess insurance risks, access to sports and culture – lower- and middle-income households increasingly lack the private wealth to participate on an equal footing. The crux of the matter is that, since the 1998-2002 Kok II cabinet introduced the “boxes” system, the tax system treats capital and labor very differently, with progressive taxes on labor income, and regressive taxes on share income and income from savings and investments.

One of the manifestations of lenient taxation of wealth and business is the Netherlands’ status as a tax haven which allows multinational corporations to siphon off considerable taxation of their profits in their countries of origin. Comparative studies by OESO and Tax Justice Network (TJN) place the country in fourth place worldwide, after the British Virgin Islands, Bermuda and the Cayman Islands, but well before Switzerland and Luxemburg. Only under considerable international pressure is the Dutch government cooperating with the EU’s anti-tax evasion guideline. So far, the government has continued to defend favorable conditions for attracting multinational

corporations to locate in the Netherlands through a combination of low corporate taxation, the use of favorable innovation incentives and generous tax deductions for R&I. Another manifestation of favoring capital over labor is the “greening” of the fiscal system. To date, green fiscal instruments (mostly high value-added taxation of end-use polluting by firms and consumption by citizens) treat sustainability gains as added benefits associated with a more stable government income. An estimated 55% of fossil fuel consumption by industry remains untaxed.

A radical and coherent reform effort is needed to make the fiscal system fairer and more sustainable. The coalition agreement of December 2021 announced an intention to simplify the tax system, beginning with abolition of the benefit system that confuses taxpayers with overcomplex rules and forces them to pay hefty recoveries (evidenced traumatically in the childcare benefits affair). Further reforms have been delayed to a distant future, partly to create a less turbulent policy environment for an overburdened tax authority.

Citation:

NRC-H, 5 March 2021, Heilbron, Het belastingstelsel is een wangedrocht

NRC-H, 21 June 2021, Beunderman en Molijn, De grote scheefgroei – 2. Inkomensongelijkheid, 3. Vermogensongelijkheid

NRC-H, Stellinga, 13 February 2021, Belastingen zo krom al seen banaan

Jacobs en Cnossen, Ontwerp voor een beter belastingstelsel (njb.nl) Ontwerp voor een beter belastingstelsel, onder redactie van Sijbren Cnossen en Bas Jacobs, een uitgave van ESB, vakblad voor economen, 298 p., 2019 op de site van ESB: <https://esb.nu>

NRC-H., Beunderman, 10 March 2021, Nederland ‘doorsluisland’ op plek vier, na Bermuda

PBL, 17 November, 2017, Huidige fiscale wetgeving ontoereikend in aanpak milieuschade.

Coalitieakkoord 2021-2025, December 15 2021. Omzien naar elkaar, vooruitzien naar de toekomst

Budgets

Budgetary Policy
Score: 7

Since the euro zone crisis, the government has steadily improved the state of its finances. Therefore, in 2020 it was relatively well prepared for the coronavirus crisis. As of the time of writing, at the end of 2021, it is still considered well positioned for a post-coronavirus restoration and investment effort. The state budget reversed from a surplus of 1.7% of GDP to a deficit of 4.3% of GDP in 2020, followed by a deficit of 5.9% of GDP in 2021. This is due, of course, to generous wage cost subsidies (estimated at €2.1 billion and counting, as when coronavirus infections were on the rise again, the policy was extended until spring 2022) and other types of financial support, as well as the decline in tax revenues due to the pandemic-triggered recession. While in

2019, public debt stood at 48.6% of GDP, it is approximately 9 percentage points higher in 2021 and 2022; it is projected to reach 60.4% of GDP in 2025. Despite all this, interest payment on public debt will be lower in 2022 (0.4% of GDP) than in 2019 (0.8% of GDP) because of very low interest rates. The deficit and the increase in public debt will stay well under average in the euro zone.

Most financial experts agree that government finances are not in danger, and there is room for government spending on urgent issues. The extra spending is kept outside normal budget rules by creating special funds. A large part of the spending will be dedicated to climate measures, as the Netherlands has missed most of its climate goals over the years, and is still among the most polluting countries in the European Union.

Meaningful project- and policy-driven spending from these funds will generally extend over periods longer than an ordinary four-year government period. This is supposed to alleviate investors' fear of long-term investments, especially in training workers to acquire the necessary new skills needed for large-scale climate change and energy transition projects. At the same time, other experts have warned against too loose of an approach, and are urging a return to conventional rules for budget discipline. They warn against overheating the economy, where in some sectors a shortage of labor (infrastructure, housing, care) and inflation (especially in the energy sector) are no longer expectations but realities.

Nevertheless, the four political parties that will build the next Rutte IV government, take the risk of a big spending spree: €35 billion for a climate change fund (for green industrial policy), €25 billion for a nitrogen fund (for the greening of farming), €7.5 billion for a housing fund (to quickly build appr. 100,000 new houses), €3 billion for infrastructure in the northern provinces (to compensate homeowners for earthquake damages and a new railway connection). Defense and education will structurally get billions of euros to help restore years of underfunding in the past. Of course, taxes will also increase, somewhat more for firms than for citizens.

The rosy financial picture on national level is not mirrored on the provincial and local levels. At these levels there is a dormant financial crisis. National budget cuts (2013-2019) have been proportionally allocated to local government budgets even though national policy, especially since 2015, burdened local governments with new tasks (e.g., youth and elderly care, and recently more tasks and responsibilities in town-and-country planning) without structural budget compensations. Nearly all local governments, irrespective of political make-up, are confronted with loss of subsidies for welfare, culture

and sports; as well as substantial cutbacks for anti-poverty and town district policies, maintenance and services. At the same time, charges for parking, garbage collection and processing, and property taxes have increased for citizens. The coalition agreement does not mention reform of the system for local finances, the Gemeentefonds, which covers approximately 70% of local government budgets. It merely promises more financial resources for local governments in order to implement national policy initiatives.

From the perspective of democratic and public accountability, the General Accountability Office (Algemene Rekenkamer) has warned since 2016 that an ever-larger share of nationally collected taxes (fully two-thirds in 2019) is actually spent without much parliamentary budgetary oversight. Provincial and local governments, independent public organizations like schools and universities, the police, the executive agency for employee insurances (UWV), the Social Insurance Bank (SVB), other social funds, and the EU all spend tax money under highly restricted or fragmented accountability arrangements. The Council of State (Raad van State) is more and more concerned about this problematic situation, which tends to erode the principle of no taxation without representation.

Citation:

CPB, Centraal Economisch Plan, 2021

NRC, 22 September 2021 Strooien met geld is nu gewoon

NRC, Stellinga en Rutten, 15 December 2021. Rutte IV wil problemen te lijf met een doorgeladen bazooka vol geld.

NRC, 26 October 2021, DNB, CPB en Financiën: veel ruimte voor incidentele investeringen, niet voor permanente verhoging uitgaven.

Algemene Rekenkamer, 30 September 2021, Coronarekening – editie Prinsjesdag 2021

NRC, 20 October 2021 Harde kritiek op nieuwe verdeling gemeentegeld

Raad van State, 15 September 2021. Septemberrapportage begrotingstoezicht 2021 en advise Miljoenenota 2022

Algemene Rekenkamer, 13 July 2016. Inzicht in publiek. geld. Uitnodiging tot bezinning op de publieke verantwoording. (rekenkamer.nl, accessed 8 November 2019)

Centraal Planbureau, January 2022. Analyse coalitieakkoord 2022-2025

Research, Innovation and Infrastructure

R&I Policy
Score: 9

Regarding knowledge infrastructure as whole – that is, pre-university education, technical and vocational education and training, higher education,

research, development and innovation (RDI), information and communications technology (ICT), and economy, in addition to the general enabling environment – Netherlands is a leading performer. It ranks fifth out of 138 countries in the Global Knowledge Index 2020 and fifth out of the 56 countries with very high human development. As strengths, the Global Knowledge Index mentions: expenditure on non-tertiary vocational education, secure internet servers, the availability of research and training services, and the impact of ICT on new services and products.

Regarding R&I in the narrow sense of the word, the 2021 EU Innovation Scoreboard mentions Sweden as a leader of innovation in the EU, followed by France, Denmark and Belgium. The Netherlands is identified as a “strong innovator” whose performance improved 10%-15% compared to 2019-20. In the 2021 World Economic Forum’s Global Competitiveness Index, the Netherlands ranks fifth, ex aequo with Singapore, after Switzerland, Sweden and Denmark.

R&D expenditures (aggregated for both public and private) in the Netherlands have increased from half a billion euros in 1964 to €17.8 billion in 2019. As a percentage of GDP, R&D expenditures over the last 50 years have moved in a band between 1.64% and 2.18%. The government has determined that 2.5% is its policy goal. Public R&D expenditure is stable at approximately 62%-64% of total expenditures. Since 2017 it has increased, but not proportionally to the growth in GDP. Private expenditures are not likely to increase either. Private business expenditure on R&D is similar to the EU-27 average, but below the OECD average. Some economic sectors are clearly R&D-intensive, like ICT/software, high-tech, automotive and particularly pharmaceuticals. But the Dutch economic structure is traditionally more dominated by R&D-extensive sectors like oil and gas, trade, hospitality and building. A number of studies demonstrates how this mix of economic activities and sectors strongly determines the level of private investment in R&D.

The leap from an R&D expenditure of 2.18% to 2.5% of GDP cannot be achieved by incremental increases of several hundreds of million euros. It means a full-scale transition to a different economic structure in which the government pursues a mission-driven innovation strategy focusing on great societal challenges: an energy transition, strong efforts to mitigate climate change, innovations in agro-food, water management, and physical and cybersecurity. Green industrial policy may offer the proper double-edged instrument that, on the one hand, stimulates industry to use technologies befitting a sustainable and circular economy, and on the other uses levies on CO2 emissions.

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Global Financial System

Stabilizing
Global Financial
System
Score: 8

The Netherlands is losing its position in the important bodies (IMF, ECB, BIS) that together shape the global financial architecture. In EU policymaking before Brexit, the Dutch tended to agree with the UK position in principle, but ultimately 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. It has been estimated that under a merely regional trade treaty, the Netherlands would have been 7.7% poorer; under the WTO regime, this would figure would rise to 9.3%. Without the EU's internal market, estimated GDP income loss would be around €65 billion (in 2018).

During the wave of political skepticism toward international affairs, as exemplified by “No” votes in the EU constitution and the 2016 Ukraine referendums, the Dutch have until recently been more reluctant followers than proactive initiators or agenda setters. After a decade or so, in its State of the EU 2021 report, the government finally seems ready to support a stronger, action-capable Europe for issues like climate change, digitalization, migration, internal security and even defense. It formulated three principles for its EU policy: resilient and secure nation states converging to the highest level of welfare; geopolitical use of EU-instruments; and an effective and transparent Union that fully respects democracy and the rule of law.

Public opinion is in line with this European orientation. However, the translation of values and principles into policy on the ground is still hesitant. In EU negotiations over the Stability and Growth Pact, Prime Minister Rutte (“Mr. No”) and especially Finance Minister Hoekstra insulted many southern states by demanding they first get their finances in order before becoming eligible for support. An expert commission on foreign policy frankly stated that in EU negotiations the Dutch were inconsistent, opportunist and

unreliable. For example, in budget negotiations, and for national consumption, the government stresses it is a long-time net payer to the EU, while neglecting to mention that, overall, contributing €1 brings in €12 to GDP. Especially richer Dutch farmers profit considerably from EU membership. Also, even during and after the coronavirus crisis, the Dutch government has stuck to the position that public health is an issue of national sovereignty. After demanding that all EU countries needed to show solid plans as a condition for access to the European Restoration Fund, the Dutch (at the time of writing) were the only laggards due to the caretaker status of the present cabinet.

Nevertheless, looking at actual voting behavior of Dutch ministers and high officials in EU policymaking and negotiations, it appears that the Dutch aversion to the EU is reversing to a more positive and realistic political attitude.

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II. Social Policies

Education

Education Policy
Score: 6

The dominant theme for Dutch education over the last two years obviously was the response to COVID-19. The crisis exacerbated some structural weaknesses of the system and accelerated other developments. In 2019, the Dutch education system was performing strongly, with attainment somewhat

exceeding the OECD average. Educational spending was below the OECD average, and was geared toward efficiency. Amidst lockdowns and other restrictions, the educational system remained resilient. The mix of autonomy and innovation in the Dutch educational system, combined with broad support for the social role of schools, resulted in a swift initial response to the coronavirus crisis. School closures were seen as a measure of last resort. Elementary schools reopened as soon as possible. For children of essential workers, schools and daycare centers never closed. At-risk children – particularly from vulnerable families or those at risk of domestic abuse – also returned to school quickly. Since the pedagogical environment in Dutch schools is not overly competitive, concerns about “missing material” were not as great as feared. Instead, quite quickly, attention shifted to “vulnerable children.”

However, this flexibility has a downside: inequality in education deepened during the COVID-19 crisis. This continued a trend seen over the last 10-15 years. Income, social status and migrant origin determine to a large extent the school outcome of children. A recent study states that PISA achievements are the worst among students whose parents have completed only lower levels of education, and/or among those who are from migrant families. Also, those children are more likely to follow lower education paths (vocational education as opposed to general or academic education).

These issues of inequity deepened during the pandemic. Schools differed substantially in the quality of online education. Families differed in their ability to offer support to children, material or otherwise (e.g., electronic devices, adequate internet access, a quiet place to study or parental assistance with homework assignments). In particular, single parents – mostly women – faced severe burdens. Here again, parents with higher levels of education and greater work autonomy, as well as two-parent households, were better able to home-school children as compared to single-parent households, parents with less education and parents with less flexible working environments. Innovations in curriculum and teaching have always been encouraged in Dutch schools, with only a few general requirements. This allowed schools to adapt quickly to the pandemic, without significant disruption. Most schools offer adequate digital-learning platforms – with smart boards being standard from the elementary to the higher education level, and many interactive elements in teaching. However, variation between schools is considerable. Some schools needed to be trained to make video recordings within a week, while others simply expanded their blended learning platforms to full-time use. Generally, the crisis accelerated the acquisition of ICT skills by teaching staff, including among older teachers who might have been more reluctant prior to the pandemic.

Still, an overall drop in the quality of teaching cannot be attributed entirely to the COVID-19 crisis. Elementary school pupils' test results in basic skills are dropping, and falling behind the ambitions formulated in 2010. The share of students reaching basic math and reading skill levels is lower than expected. It seems that teaching writing poses organizational difficulties in the context of elementary education in the Netherlands. While elementary schools returned to in-person teaching after the first wave, secondary and post-secondary institutions struggled to provide at least first year students with a minimum amount of face-to-face education, never exceeding 30% of all study hours. This resulted in a significant rise in psychological issues among adolescents, due to the disturbance of school's socialization role during the lockdowns. The quality of higher education in the Netherlands is guaranteed by mass entrance exams at age 11 and mass centralized exams for graduates. Both had to be skipped and/or adapted over extended periods of time and with more exemptions, due to the pandemic. Discussions about the pros and cons of these examinations have been fueled by this unintended experiment, particularly in the light of deepening inequality.

Vocational schools suffered the most deeply, and disadvantaged students suffered doubly. A strength of the Dutch education system – its practical orientation, with substantial workplace-learning components – turned into a liability during the COVID-19 crisis. It became increasingly difficult to arrange work-study places, as many businesses had to close and work from home became the norm for extended periods of time. This was true particularly for secondary vocational education programs, but also for higher professional education and some professionally oriented university studies. Due to the segregation of Dutch education, in which children from lower socioeconomic and migration backgrounds are overrepresented in vocational education, the disturbance of the learning-on-the-job model affected more vulnerable students to a greater extent. Combined with lower-quality housing and the loss of access to digital resources due to school closures, already vulnerable students experienced a disproportionate delay in their studies.

In the higher education sector, the general feeling is that hybrid forms of teaching will be here to stay. Many higher education institutions were already used to fewer contact hours and a relatively high share of independent project work. Small project groups were generally allowed to work together until the second lockdown. While the changes were rather minor for many students, the loss of social contact with fellow students, and the inability to undertake lab or practical work for some study programs, were significant impacts. Other programs, especially small-scale professional programs that relied on personal contact and supervision, had to make more drastic adjustments.

Many students experienced psychological issues as a result of the isolation, but also because they lost their part-time jobs and thus incomes. The extent to which this has led to study delays has yet to be estimated, and effects seem to vary widely both at the individual level and between programs and universities. The student loan system contributed to delays, stress and inequality and became unsustainable. The new government announced a plan to reverse it back to basic student financing.

Both at the higher vocational training and university levels, issues of skewed financing (favoring research in technical and natural sciences over social sciences and education in general), combined with an increased number of international students, have resulted in work pressures and quality issues. Academic staffers reportedly regularly work from one-quarter to one-third longer than their paid hours. The most overwork is in education. The demands of online education added to the strain. Structural problems that were not adequately addressed before the crisis also deepened due to the increased sick leave and higher workloads. The greatest concern before the crisis, the acute shortage of teachers, has yet to be resolved, in spite of salary increases, including designated bonuses for teachers at schools with many disadvantaged students. The gap in remuneration between elementary school teachers and high school teachers still remains, and is perceived as unfair by many. The government came up with a national plan for recovery. The plan is aimed at making up for the delays and at mitigating the inequalities. The National Education Program is aimed at turning the COVID-19-repair efforts into sustainable improvements across the education sector. The primary points of focus include the shortage of teachers and school administrators, improvements in quality and efforts to equalize opportunities, sustainable investment in knowledge structure through knowledge sharing and utilization, and local efforts to improve youths' future prospects. However, the program has been widely criticized for being oriented only to the short term, and for failing to address structural issues. For example, school buildings are 40 years old on the average, and over 80% do not meet the requirements for clean air, but the financing for renovation is lagging behind. In addition, lots of private parties take part in the recovery efforts, which contributes further to a process of hidden privatization in public education. The number of private schools in the Netherlands is still negligible; however, other channels are gaining in importance: private "homework coaching," additional payment for exclusive forms of education such as bilingual classes (English-Dutch), as well as many extracurricular activities, including language lessons, that take place at school during school time. Add to this a significant number of individual remedial teachers, coaches and mentors, many of them also privately paid, and you get an interesting landscape of inequality achieved through private means in public settings.

In the midst of COVID-19 concerns, the issue of freedom of education was prominent in 2021. Art. 23 of the constitution, which grants freedom of confessional education, came under attack, because some schools have actively promoted homophobia and have failed to create a safe environment for LGBTQ students. This was triggered by many cases of homophobia and intolerance in religious schools, both of Muslim and Christian affiliation. Advice provided by the Dutch Council of Education stressed the necessity to specify the mandatory portion of curriculum and the idea of democratic citizenship, stating that freedom of education has its limits.

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Social Inclusion

Social Inclusion
Policy
Score: 6

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. Because the Gini index assesses only taxable incomes, it is likely that the degree of inequality is underestimated. The difference between the highest and lowest incomes has increased. 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. On average, personal incomes of men are much higher than those of women, though the gap is gradually closing for younger women. Women still constitute a slight majority of people living in poverty. Half of all people living at or under the poverty level have a migrant background.

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. During the COVID-19 crisis, house prices continued to rise. Prices of existing houses have gone up 20% in the last year alone. The gap between homeowners and people renting houses is widening and even long-term certainty of housing is gradually becoming a privilege of homeowners.

Young people entered the pandemic in a precarious situation. A combination of student debt, flexible employment, irregular incomes and rising housing prices has resulted in a situation in which young people are today living with their parents for longer than in previous generations. People working as independent contractors within low-wage sectors turned out to be a particularly vulnerable group, with little or no job protection. The Dutch labor market has become one of the most flexible in western Europe (WRR 2020). Before the Netherlands was confronted with COVID-19, there were 1.9 million people with flexible employment situations and more than 1.1 million self-employed workers. Many of these flex workers are employed in sectors that were hit particularly hard by the coronavirus crisis, such as the hotel and catering industry, tourism, transport, and culture. Overlapping with these precarious groups are labor migrants from southern and eastern Europe, who often work low-wage jobs on flexible contracts while living in inadequate housing.

Compared to other EU member states, the number of Dutch households at risk of social exclusion or poverty is still low, with around 6% of households at

risk of falling below the poverty line (CBS 2019). The number of households under the poverty line remained stable in 2021, and no change is projected for 2022. The share of households at risk of poverty began decreasing in 2014, but this decline has since leveled out, and has remained stable. Energy-driven poverty, induced by the increase in gas prices, is not included in the data, and is still an issue in spite of a modest compensation package. Single-parent families, ethnic-minority families, migrants, divorcees and those dependent on social benefits are overrepresented in this poverty-exposed income bracket. Income inequalities have not only grown, but are also passed on to the younger generations. The postal address of pupils has become a strong predictor of financial success in life. Income mobility has stagnated since the previous financial crisis, and the coronavirus crisis has made it only worse. Fully 53% of children in low-income families stay in this income bracket.

Municipal governments are largely responsible for poverty policy in the Netherlands. Given the budgetary side effects of other decentralization policies, there are clear signs that poverty policy, both in terms of quality and accessibility, is at risk of deteriorating. The COVID-19 crisis has exacerbated differences between municipalities, since relief measures were taken at the national level, and municipal governments had to alleviate extreme cases and provide support to all those who did not have access to the national compensation measures. By and large, due to the decentralized structure of social services, municipalities took on the task of supporting the most vulnerable. The adequacy and effectiveness of such measures varied across different municipalities, as measures were dependent upon municipalities' capacities to identify and reach out to vulnerable groups, as well as the local economic structure, which varied widely. Naturally, some municipalities were hit harder than others, depending upon demographics and the prevalence of certain business activities. Access to social services remained problematic for groups with limited digital skills, particularly the elderly and people with mental and learning disabilities.

Since 2015, municipalities have been responsible for assisting people with disabilities in finding suitable work. The number of young people with disabilities who have a job has increased by 9%, but their incomes have on average worsened due to a combination of low earnings and benefit cuts. A study of 47 Dutch municipalities showed that few had plans for implementing the UN agreement on the rights of disabled people, let alone inclusive policies.

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Health

Health Policy
Score: 6

In 2020, the Dutch hybrid healthcare system was subjected to the stress test of the COVID-19 pandemic. Both the vulnerabilities and the strengths became highly visible and gained importance. Never before has the healthcare system received so much attention and public scrutiny. Never before was the healthcare system the central driving force of all government policymaking for two years already. The healthcare system functioned in crisis mode, with priorities gradually shifting from homes for the elderly to the availability of intensive care beds, balancing COVID-19 treatment and general care. Mass vaccination was the key concern of 2021, with an extra mobilization for a booster campaign at the end of the year. Prevention tactics and long-term strategy for living with COVID-19 are yet to be developed.

On the positive side, the Netherlands performs well on key health indicators, such as life expectancy, self-reported health status and patient satisfaction. The

system is generally inclusive: the number of citizens who forgo medical treatment due to affordability is the lowest in the OECD (5.8%). In addition, in spite of the many concerns in the sector, long-term elderly care is highly inclusive and affordable. The proportion of elderly people in long-term care centers is decreasing (115,000 people in 2019), however, due to the policy shift to extramural care, people in care today generally have relatively more serious health issues and needs. Since the increase of the copayment for nursing home care, many patients have delayed their admission to care homes. They rely longer on home care and as a result, the total cost of care has slightly decreased. The added burden of expenditure and efficiency issues, as well as the chronic shortage of staff, made elderly care homes a particularly vulnerable part of the healthcare system during the coronavirus pandemic. Many homes for the elderly were hit hard, with high numbers of deaths early in the pandemic. In addition, intramural care for the elderly relied heavily on volunteers and family members, and the burden of keeping basic operations going increased after the lockdown.

Prevention in the Netherlands is organized through general practitioners who act as gatekeepers to healthcare services. These GPs maintain a high level of trust among the Dutch population, which remained stable at around 95% during the pandemic. The general policy response to the system, however, effectively bypassed general practitioners, as the focus was on intensive-care units, hospital beds, ventilation devices and hospital staff. The shortage of general practitioners has become significant in some places, and structural solutions have not yet been found. Ongoing non-COVID-19-related care – which remained in the hands of general practitioners, but with limitations imposed by hospitals – has become problematic.

The focus on efficiency and cost containment in recent years has left the Netherlands with significant pressure on bed occupancy, a push to shorten the average hospital stay and a need to plan routine procedures tightly, with little room for contingencies. The challenges presented by the COVID-19 pandemic – an increased number of long-term intensive care and hospital stays, varying and unpredictable care outcomes, and little control over the number of patients requiring hospitalization – exposed the vulnerability of the system. Furthermore, nursing and care staff are notoriously underpaid, overworked and in high demand, which proved to be an impediment to flexibility and the expansion of care during COVID-19 without jeopardizing other necessary care. The various professional organizations (e.g., for specialists, intensive-care physicians, general practitioners, nurses and care workers) all have different and sometimes contrary stakes, both financial and organizational. Hygiene, prevention, testing and vaccination tasks are in the hands of the municipal healthcare services, which adds another dimension to the complex

task of coordination. Vaccination programs are voluntary, but the coverage rate is quite high in the Netherlands. In recent years, a decline in the vaccination rate of children has prompted debate about mandatory vaccinations as an access requirement for childcare. Nonetheless, the Netherlands vaccination campaign has been largely successful. Unvaccinated groups are most typically found within migrant enclaves, religious groups and a group that chooses not to trust the government.

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Families

Family Policy
Score: 6

By far the biggest scandal in 2021 was the childcare benefits tax scandal, which eventually led to the fall of the Rutte III government. Thousands of families fell victim to a rigid, automated tax system aimed at detecting fraud. As a result, many innocent families were forced to pay back large amounts of money to the state. This resulted in family tragedies, divorces, the loss of homes, mounting debts, children growing up in poverty and distress, and in some cases even out-of-home placement. Many victims still have not been fully compensated. The fallout of the scandal has influenced the whole Dutch welfare system, trust in government and the overall political climate.

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 (healthcare, 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 childcare were subjected to the same quality criteria and the same financial regime. The childcare subsidy was significantly increased in 2019, with an additional increase slated for 2020. Nevertheless, the cost and availability of day care varies substantially, depending on local municipal policies. During the coronavirus crisis, families received some compensation for the period when childcare facilities were closed.

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 healthcare. 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. In spite of some success in the recent years, violence has been seen to flare up again within a year and a half in 53% of the families that have received help. In response, the government is investing an additional €5 million in 2022 for regional and local efforts to tackle the problem.

The devolution of powers in youth healthcare 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 healthcare 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 10 children. Against the backdrop of a permanent shortage of funding at the municipal level, it is not clear whether preventive efforts are effective or parents are simply opting out of the system and choosing private providers instead. In 2019, a wave of care-provider bankruptcies gave further fuel to critics of the decentralization effort, particularly as it was combined with severe financial cuts. The government now instead recommends regional cooperation and some centralization. However, recent further cuts have exacerbated the situation. Short-term solutions at the municipal level cannot make up for the structural problems in the sector.

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. For the first time, the number of full-time working women exceeded 1 million. The share of working women with only lower levels of education is still very low, at about 20%. Recently, the government announced plans to increase parental leave significantly, including paternal leave for fathers, in an effort to address these difficulties. The plan will be implemented in 2022.

The coronavirus crisis affected Dutch families in a number of crucial ways. First, the government chose to support businesses, without providing direct

support to families. Alleviation efforts for families were organized at the municipal level, with varying degrees of success. Second, working families with children, particularly those with low incomes and a disadvantaged background, experienced an extra strain due to home schooling or the need to provide day care. Third, the situation with youth services worsened, leaving many families in distress, sometimes producing abuse and complex psychological issues as a result. Fourth, many students lost their part-time jobs, returned to live at home and experienced study delays, all of which added to the financial burden of families.

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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. In 2020, 94,000 people retired, 30% more than in the previous two years. Also 6.8% of employees over 55 retired, as opposed to 5.5% in 2019. It is not clear whether these trends were influenced by the coronavirus crisis. The retirement age is still gradually increasing, but slower than before. In 2020, the average statutory pension retirement age of employees was 65 years and six months, in 2021 it increased to 66 years and four months, in 2022 it will increase another three months, and will reach 67 years in 2024. Afterward, the increase will be eight months for each year of longer life expectancy.

The Dutch pension system is based on three pillars. The first pillar is the basic, state-run old-age pension (AOW) that provides benefits for people 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 obligatory occupational pension schemes that supplement the AOW scheme. Both employees and employers are obliged to contribute. In this way, the pension scheme covers all employees of a given company and industry/sector. The third pillar comprises supplementary personal pension schemes that anyone can buy from insurance companies.

Many self-employed people (who number more than 1.2 million in the Netherlands) do not opt for a pension package, as this is not yet compulsory. Previously, self-employed people often had a short history in the conventional labor market that gave them some pension; however, most newly self-employed or freelance people today do not have any pension scheme whatsoever.

Although the system is considered the world’s best after those in Denmark and Australia, it – like most European systems – is vulnerable to demographic changes related to an aging population, as well as to disturbances in international financial markets. This is because pension funds, driven by the need to meet their growing financial obligations, are large players in stock markets. As of 2013, the government gradually increased the age of AOW pension eligibility to 66 by 2018, with a further increase to 67 by 2021. For supplementary pension schemes, the retirement age rose to 67 in 2014. During the review period, further increases in the retirement age were capped, and concessions were made for people engaged in physically demanding jobs. Due to the fact that the actual average retirement age is significantly lower than the legal level of 65, the average retirement age is continuing to rise.

Due to the very low interest-rate levels, pension-fund assets, although still enormous (totaling €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 time period given for recovery after failing to meet this threshold was increased by the Dutch central bank from three to a maximum of five years. Nevertheless, quite a few pension-insurance companies are at risk of having to lower their benefits. Interim framework bills for strengthening the governance of pension funds (e.g., requirements for the indexation of pension benefits, the inclusion of

pensioners on governing boards, and the use of oversight commissions and comparative monitoring practices) were adopted by parliament in the summer of 2014. In 2022, some funds that have met the minimum threshold of 105% will be allowed to index pensions for the first time in 13 years.

A more definitive reform of the Dutch pension system was approved after a long “poldering” or stakeholder consultation process. Debate focused 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. In 2019, the long-due retirement-plan agreement was finally signed, but was immediately called into question by the trade unions due to extremely low interest rates. Eventually, the new pension law was passed, and implementation is to begin after a delay in 2023. It involves simpler, more uniform rules, including for survivors’ pensions. A mandatory pension plan for freelance workers will contribute to diminishing the gap between contracted and flexible workers.

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Integration

Integration Policy
Score: 7

The Netherlands is a sizable immigration-destination country, with a considerable integration task. In 2020, almost a quarter of Dutch population was of migrant origin, roughly half of them being second-generation migrants. The major cause of growth is asylum seeking. Three large groups of migrants can be distinguished in terms of policy issues and risk. The first group are people with a migration background, mostly of the second and third generations. The second group consists of new migrants, mostly refugees from

various regions in the world. The third group includes migrants from Eastern Europe, predominantly seasonal workers. Each of these groups has their own issues and risks. The economic position of second- and third-generation migrants is gradually improving, although they still experience disproportionate discrimination within the labor market.

The proportion of school pupils in these groups assessed as being capable of entering the higher tiers of Dutch secondary education (HAVO or VWO) and the proportion actually receiving this level of education in year three of secondary school has risen more sharply than among schoolchildren with a native Dutch background. The in-depth analyses show that this improved educational position also leads to a better employment position, although a difference remains. On average, their employment rate after graduation is lower than among graduates with a native Dutch background. However, the higher the level of education achieved, the smaller the difference. As a result, the relative representation of migrants within crime statistics is still high, but has shown a decreasing trend over the last decade. The decrease is particularly strong for second-generation migrants. Women with a migrant background are doing significantly better than their male peers, both at school and at work.

Elections in March 2021 have triggered debate on the representation of minorities in political bodies. This explains the relative success of DENK, a Turkish minority party (2.0% of the vote), and the anti-discrimination party BIJ1 (previously Artikel 1, 0.8% of the vote).

In 2020, the Migrant Integration Policy Index ranked the country in a third tier, “Temporary integration – halfway favorable,” together with Germany, Italy, France and the United Kingdom. Asylum policy has been a point of concern. Efficiency and speed have been clearly given a high priority in asylum decisions, and the use of algorithms has led to a significant number of arbitrary decisions. The system of refugee camps was not reformed after the crisis in 2015, which led to problems at the end of 2021 due to the influx of refugees from Afghanistan. People were placed in almost unacceptable accommodations. Eventually, the minister forced municipalities to accept large numbers of refugees without local consensus. A U.N. commission investigated Dutch policies and noted, *inter alia*, that detention is used much too often. Undocumented people also end up in such camps. Children, particularly girls, do not feel safe in family centers, and children still disappear under the radar.

In a 2018 representative public opinion poll on immigration and integration issues, 38% of respondents stated that immigration, integration and racism were the second-most important public concern, after healthcare. In view of occasional riots and disturbances at municipal council meetings on the location

of refugee settlements, integration issues flared up again. National and local parties with anti-immigration agendas gained seats in municipal councils across the country, but never managed to repeat their success from 2017. Apart from the occasional provocation, they have not managed to initiate a substantial debate on the issue of integration. Although the dominant concern during the review period seemed to be over growing levels of income inequality, there are still widely shared concerns over growing polarization and radicalization on both sides of the political spectrum.

Since 2009, all non-EU nationals who migrate to the Netherlands have been required to learn Dutch and essential facts about Dutch history and 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 obligatory 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. The new law addresses many of these issues, but not all. Two improvements stand out. First, municipalities have recovered their coordination role, thereby putting an end to the lucrative language courses offered by all kinds of unmonitored organizations. Second, a great amount of flexibility has been added to the system, allowing for refugees to proceed more quickly to school or to higher level paid jobs, since they will be offered language lessons at a higher level. A downside is the punitive character of the system that has been preserved. Refugees are to pay a fine if they do not complete their program on time, which means that many of them may opt out for lower, “easier” language levels, which would be detrimental to their integration in the long run.

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). The employment rate of refugees stagnated during the coronavirus crisis. In 2020, 44% of those who received refugee status in 2014 had a job. They usually work fewer hours than native Dutch persons, have flexible contracts and are overrepresented in low-end service jobs. More recent refugees seem to find work faster. Recent research shows that ethnic discrimination in the labor market is widespread and difficult to address. Muslim citizens self-report experiences with and perceptions of discrimination, as well as incidents of harassment and violence, at levels quite high by comparison with other European countries. Rampant discrimination, racism and Islamophobia in the police force were recently revealed by a series of whistleblowers in response

to inadequate responses by top police officials. In 2021, a case against the police on ethnic profiling was lost. The national Monitor Discrimination reported a record number of complaints in 2020.

Another precarious group – East European migrants – was hit particularly hard by the pandemic. First off, virtually no integration programs exist for people coming from within the EU. In addition, many are seasonal workers with temporary “all-in” contracts by agencies that provide employment, housing and transportation, under conditions resembling human trafficking in many cases. A report by a special committee came up with a number of recommendations. Implementation of these has been slow and piecemeal, so far.

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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. In the last 10 years, self-reported crime has consistently decreased. Crimes registered by police decreased by one-third, and the number of crimes as estimated by citizens decreased even more, by approximately 40%. At the

same time, the percentage of resolved cases remains steady, at about 25%. A recent CBS report called this “the mystery of the disappearing crime.” However, this decline came to a grinding halt during the review period, with a rise in sexual offenses, probably related to human trafficking particularly of underage subjects. The types of crime reported shifted in 2020 from more “traditional” crime toward organized crime and digital/cybercrime.

Cybercrime rates have increased and the types of crimes have diversified – from harassment to organized attacks on vital public systems. Recent studies have concluded that the Dutch police lack the technical expertise to effectively tackle cybercrime. A new study warned in 2019 of the dangers of “digital dependency” and the possible resulting havoc. 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. The Dutch Safety board concluded in a report from 2020 that the Netherlands’ approach to digital safety and security needs to change rapidly and fundamentally to prevent Dutch society from being disrupted by cyberattacks. The newly formed government included a cybersecurity paragraph, and for the first time has a designated minister for digitalization.

There is deep concern about the infiltration of organized crime into local politics, business and police forces, which has resulted in an unwanted seepage of the illegal economy into the formal economy, and has undermined the credibility of the 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 €18 billion and marijuana production have become a structural part of Dutch economy, thereby creating a constant danger of spillover into the mainstream economy. In an attempt to tackle the problem, a number of municipalities have begun experimenting with the legalization of soft drugs. However, the issue is increasingly hard drugs. Over the last decade, the Netherlands, as has been made clear from recent court cases involving murders among criminals, has become a crucial distribution center for cocaine and synthetic drugs in Western Europe.

In the 2022 budget, an additional €24 million is allocated to enlarging police capacity and building social resilience. The police forces have indicated that this is not sufficient to bring about structural change.

Two recent attempts (one successful) to assassinate lawyers are considered to be extremely alarming, as they expose the true reach of organized crime and

their very violent practices. The assassination of the investigative journalist Pieter R. de Vries was a shock, and revealed the alarming degree to which organized crime has infiltrated Dutch society. Other high-profile cases, such as a hostage situation in Amsterdam and violent robberies in broad daylight, have generated feelings of insecurity, even if overall levels of crime are down. The coronavirus crisis also led to the intimidation of scientists and politicians, thereby creating an overall feeling of an unsafe, more perilous and harsher society.

Members of the police rank and file are expressing decreasing confidence in their leaders, due to scandals related to racism, discrimination and bullying. Police spokespeople maintain that the citizenry's confidence in the police forces remains high. Following debates about more aggressive standard police equipment, incidents of disproportionate police violence are growing, and the government has gone to great lengths not to sanction the perpetrators. The trend is a reason for concern.

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. 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, which critics contend have led to "sloppy" trials and verdicts. Efforts to digitize the judicial process, intended to reduce costs, have resulted in a massive operational failure and a cost overrun of approximately €200 million. The coalition agreement announces more money for paying fees of social lawyers in an effort to help citizens (re)gain more access to legal procedures. But government policy is also attempting to relieve part of the burden on the judicial system by introducing intermediation procedures. The coronavirus crisis had significant influence on the way prevention, law enforcement and the court system functioned. During the lockdowns, some tasks were discontinued or significantly delayed. Particularly for prevention and youth detention centers, the delays were significant. The already overburdened courts started working online to prevent even further backlogs, inevitably impacting the quality of verdicts.

According to research for Transport & Logistiek Nederland, the police have been neglecting transportation crimes for years. Precise number of criminal activities are difficult to quantify, but it seems that organized crime uses transportation frequently and with a very low risk of being caught. The reasons are, again, shortage of personnel, insufficient funding and decentralization.

One high-level administrator has characterized the situation as “organized crime facing an unorganized state.”

Environmental crime is also growing in impact and frequency. The Dutch court of audit concluded that the whole chain of response is not functioning well. Information and data on environmental crimes are insufficient and unreliable. What is needed is risk-oriented action, instead of sporadic reactions after the fact. The Dutch court of audit recommended making all the information on environmental hazards public, to increase transparency and to increase the pressure on companies to comply.

The overall picture from the safety and security, and judicial institutions of the Dutch government is one of increasing stress and challenge, lack of enforcement capacity, and an inadequate response to organized crime in the drug sector, human trafficking, ecological crime and cybercrime.

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Global Inequalities

Global Social
Policy
Score: 6

The Netherlands ranks sixth in the Commitment to Development Index. It does best in trade (first place), development finance (seventh), and health (seventh). The components for which it has the most room for improvement are technology (rank 24), investment (18th), and security (16th). The development-aid budget was cut by the Rutte III cabinet, with the intention of adding expenditure for international conflict management and climate policy. In addition, costs for climate policy are allocated to development-aid budgets. The pattern of focusing on trade and the stimulation of Dutch business relations remains largely unchanged. 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. The focus is on unstable regions close to Europe.

Human rights are still a priority for Dutch foreign policy. The new government’s coalition agreement stresses that future trade and investment treaties should include high standards of fair production, human rights, food safety, sustainable growth and climate. The budget is expected to rise and to be explicitly tied to the Sustainable Development Goals. The budget has been expanded by €500 million, mainly to participate in the COVAX program and to aid in climate adaptation and climate mitigation. In addition, different tranches of money were put toward alleviation of the coronavirus crisis in India and other countries. An additional €25 million was spent on vaccines in poor countries. Also, Afghanistan received about €10 million for humanitarian help.

Dutch immigration policy since 2015 has mimicked Denmark’s efforts, seeking to discourage refugees from coming to the Netherlands. The

government did provide an additional €290 million for refugee relief in countries in the Middle East and Northern Africa, as a pivotal part of the Dutch refugee approach. All of this shows a pattern of declining commitment by the Dutch government to global policy frameworks and the fair global-trading system. Instead, the aspiration has been to link development aid to Dutch national economic and international security interests. Tellingly, in the new coalition government, the Department for Development Aid and International Trade has been rebaptized as the Department for International Trade and Development Aid. The international fight against terrorism has colored immigration policy for the last 20 years.

In spite of ample evidence of human trafficking and exploitation of workers, in some cases from poor regions within Europe, Dutch authorities have taken insufficient legal action against such crimes. Recent evidence about illegal pushbacks by Frontex also raises questions about Dutch support for the organization.

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III. Environmental Policies

Environment

Environmental
Policy
Score: 6

A few key facts about the Dutch economy help to understand why the Netherlands is struggling with environmental issues. The Netherlands is an agricultural superpower within an urbanized society. In terms of value, the Netherlands is the second-largest agricultural exporter in the world. Most exports are in livestock; its feed needs to be imported, what remains in the country is manure, which, processed into fertilizer, leaves a huge nitrogen

emission impact. Household electricity and gas use constitute 12% of total energy use in the Netherlands. Traffic and transport have a slightly larger share of 15%. The largest share of about 40% is from industry. The structure of the Dutch economy is energy-intensive. The share of renewable energy is small; the largest contribution is made by biomass, but the Netherlands is unable to meet its energy demand using only domestically grown biomass, as there simply is not enough land available. The Dutch have never been more mobile. Add to this that the Netherlands is a country of transport flows. Every day, goods are shipped from Dutch harbors to the European hinterland by air, ship, railroad and road transportation services that have a total annual (2021) value of €54 billion. In other words, environmental policy has immediate and severe impacts on the country's economic business model.

The Rutte III government has described itself “the greenest coalition” to date, and put climate change on its political agenda. A Climate Act was approved by parliament in December 2018. Broad consultations eventually produced a climate agreement that set the goal of a 49% reduction in CO₂ emissions by 2020. Before the Paris Accords, the Dutch government had resisted more ambitious international climate goals. At the moment, the goals are not being met, and the State Council called for immediate remedial measures instead of waiting for the new coalition government.

The new coalition agreement has more ambitious plans: a minimum of 55% CO₂ reduction in the Climate Law, binding agreements regarding pollution reduction with the top 20 industrial polluters, and, remarkably, the revival of nuclear energy as a sustainable source. The new government even has a minister of climate and energy.

There has been a clear policy shift in recent years 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 (but these are still contested as too small, unfairly distributed and inefficiently allocated).

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 plastic bottles was introduced in 2021.

The quality of air and surface water in the Netherlands remains poor, with intensive farming and traffic congestion the primary causes of concern, as well

as soil salification in agricultural lands. Half of the country's rivers, canals and lakes contain too much nitrogen and phosphates. Air pollution levels, especially of particulate matter in the region around Amsterdam, Rotterdam and The Hague, are among the highest in Europe, and the concentrations of ozone and nitrogen dioxide are linked to a very considerable amount of premature deaths.

Sustainable agriculture, particularly meat and dairy farming, is on the agenda and is gaining social support. In October 2018, the Urgenda environmental association won a major victory, with the Court of Appeal ruling that the government's failure to reduce carbon dioxide emissions significantly violated its human rights obligations. The verdict was upheld by the Supreme Court. In a separate case, courts rejected a scheme for trading future emissions in nitrogen, deeming that it failed to protect the environment sufficiently, and failed to assure air quality. The verdict effectively brought a large number of construction projects, including housing construction, to a halt. The reaction was to turn a focus on a primary culprit in this area – Dutch industrial farming, particularly livestock farming, which is the largest contributor to the country's nitrogen emissions. A call to reduce the sector by half led to mass demonstrations by farmers, and even riots in some locations. Construction workers also protested, as they too viewed their jobs as being at risk.

Eventually, even the suggestion that industrial farming should be reduced at least by half to resolve the nitrogen crisis (and the exacerbation of the housing problem due to the delay of construction projects) led to loud and intimidating protest by the newly established Farmers Defense Force (with tractors in the streets of the Hague and blocking highways), and to the election of a member of parliament from the new Farmers' Citizen Movement. Evidently, both the farming and the construction sectors will have to act to meet the Urgenda goals by 2025, according to the Dutch Environmental Assessment Agency.

All in all, the government that originally called itself “green” was forced by these verdicts to increase the pace of its climate action, in some cases through the use of emergency measures. A very visible measure has been the speed-limit reduction on highways to a maximum of 100 kilometers per hour during daylight hours. These measures have become possible due to a gradual shift in public opinion. The discussion is no longer if emissions reductions will happen, but about the distribution of costs. For example, many have expressed a fear that the weakest shoulders will carry a disproportionately high burden. Still, the new coalition is allocating €25 billion to compensate farmers and to stimulate sustainable farming, by this confirming the fears that ordinary citizens as taxpayers will continue to carry the burden of energy transition and climate adaptation.

At the same time, the Netherlands continues to invest heavily in fossil fuels. After heavy criticism, it signed the COP26 agreement in Glasgow to end investment in fossil fuel. Recently, the sustainability of biomass (an important element in the climate agreement) has been called into doubt. By denying an environmental permit to an energy producer using biomass, the Dutch court in 2021 set a precedent that could lead to shutting down businesses as well, rather than being limited to bringing construction projects to a halt. The permit was denied on the grounds that nitrogen emissions were too high. Although industry is responsible for 9% of the country's nitrogen emissions, businesses could be a target of more court orders in the coming months and years, since many of them hold old permits, sometimes exceeding the current norms by three to four times.

The airline industry is still not paying its fair share with regard to the amelioration of pollution, although the government has pledged to resolve this issue at the European level. The coronavirus crisis did not stimulate any long term measures in this respect. Instead, KLM was saved by generous support with taxpayers' money. The new coalition is allocating €2 billion to stimulate environmentally friendly practices at KLM, Tata Steel and other big industrial polluters.

In 2021, in a historic verdict, Royal Dutch Shell was ordered to reduce its CO₂ emission by 45% compared to the total 2019 level. As a response, Shell moved its headquarters to the United Kingdom.

Although the Netherlands has been praised as a pioneer in the area of mapping and assessing ecosystems and their management, and in 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.

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Algemene Rekenkamer, Focus op kosten windenergie op zee, 27-09-2018

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Global Environmental Protection

Global
Environmental
Policy
Score: 5

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. In Glasgow, the Netherlands signed the COP26 deal to end fossil fuel investments, following initially sharp criticism both within the country and abroad.

The government continues to aspire to a coherent sustainability policy or a “policy agenda for globalization.” It regards resource and energy scarcity, transborder disease control, climate change, transborder crime, and international trade agreements as the most pressing global issues. The amalgamation of trade and development work has gone further under Rutte III. The new coalition agreement has the ambition to green its trade instruments, shift toward more justice in trade practices and cut aid to fossil industries.

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 that research is conducted and monitoring is performed regarding any ways that one policy may undermine others. 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.

The Netherlands participates in efforts targeting global climate resilience that are focused on tapping technological innovation to reduce CO₂. Bilateral projects with various countries outside the EU are centered on knowledge sharing, particularly in the area of water management. Water management is also a key element of the Dutch contribution to the Global Commission on

Adaptation, of which the Netherlands is initiator, a convening country and a direct funder. Water management systems are also a key asset in Dutch trade.

However, the Dutch economy is currently one of the worst polluters in Europe, not at home but through its trade activities beyond the country's borders and their impact on people and ecosystems. The Netherlands ranks last (31st) on the EU spillover list. The list compares the effect of national policies on the life and welfare of other member states. The main reason for this abysmal score is Dutch tax policy. The Netherlands occupies fourth place in the ranking of tax-havens in the world, with a total of 12,400 mailbox companies. This means that other countries lose approximately €20 billion in tax revenue on a yearly basis.

The Netherlands Commission for Environmental Assessment is an independent advisory body composed of experts. In 2017, it won an award for the quality of its services. It provides advisory services and capacity development to international governments, focusing on the quality of environmental assessments, with the aim of contributing to sound decision-making. However, on the domestic front, its data on nitrogen deposits in protected natural areas were called into question by major political parties when court cases on the issue forced the government to take urgent measures in the agricultural and construction sectors.

Citation:

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Robust 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. In 2019, this index ranked the Netherlands at seventh place, with 61 out of 70 points, after all the Nordic countries and Germany. Based on data from Transparency International's Global Corruption Barometer – EU 2021 on perceptions of electoral integrity, the Netherlands fell at fourth place (after Finland, Sweden and Denmark).

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.

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

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<https://www.trouw.nl/politiek/de-cda-ruzie-laait-zien-dat-er-regels-voor-partijfinanciering-nodig-zijn-dit-is-toegestane-corruptie~b76f7ca7/>
<https://www.nporadio1.nl/fragmenten/de-nieuws-bv/a9b142f4-12ca-447e-98f7-9883847a5177/2021-06-18-bijna-alles-mag-bij-partijfinanciering>

Media Access
Score: 8

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 (radio, television) 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 has brought group insult and inciting to discrimination charges against Geert Wilders, the leading member of parliament representing the Party for Freedom (PVV). The charge was upheld (minus the aspect of inciting to discrimination) by the Supreme Court, but no legal punishment was ordered; nor were disadvantaged parties accorded the right of compensation. In this way, the PVV kept its free airtime on national Dutch broadcasting channels. Commercial 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.

However, media access these days also means access to social media (Twitter, blogs, YouTube), especially when competing for younger voters (18 – 35 age group). Dutch political parties have together spent more than €200,000 on Facebook advertisements in the run-up to the European Parliament elections in 2019. Public debate on topics of this nature is only beginning, inspired by issues such as the general financing of political parties, access to social media by new political parties, movements with strong but undisclosed financial support, and foreign interference in national elections. Even in the Netherlands, some parts of society are turning against media reporting, and are threatening journalists. Public media broadcasting equipment (vans, cars) have removed their logos for fear of damages through attacks by inimical individuals, bands or crowds.

Citation:

NU.nl, 3 November 2019. Politieke partijen gaven 200.000 euro uit aan Facebook-advertenties

Adformatie, 1 nNovember 2016. VVD strijdt ook 'achter Facebook' en boekt meeste succes op social media (Adformatie.nl, accessed 3 November, 2019)

de Rechtspraak, 9 December 2016 Wilders schuldig aan groepsbelediging en aanzetten tot discriminatie

Openbaar Ministerie, Strafzaak Wilders (afgesloten 6 Juli 2021)

Villamedia Website over Journalistiek, 15 October 2020. NOS verwijderd logo's vanwege bedreigingen van journalisten

De Telegraaf, 22 November 2021. Omroep Brabant verwijderd logo's van wagens: 'Knieval voor geweld'.

Voting and
Registration
Rights
Score: 10

Voter registration is passive and based on the unified population register maintained by municipalities. Voters residing abroad who wish to receive the ballot are required to actively register. Up to 1 million citizens reside outside of the Netherlands, but only some 80,000 requested to be registered for the upcoming elections.

Contrary to other civil rights, the right to vote in national, provincial or water board elections is restricted to 13 million 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 include either a (non-expired) passport or driver's license.

Characteristic of the high level of trust in election procedures in the Netherlands is the fact that the law regulates complaints and appeals regarding specific parts of the electoral process, such as voter registration, registration of party names, candidate registration and election day proceedings, but there are no specific rules or regulations permitting judicial appeals to other crucial aspects, including campaign finance, campaigning and challenges to the election results.

After the national elections held during the pandemic on 17 March 2021, which entailed special health measures such as postal voting inside the country and social distancing, several changes in the voting procedure have been considered. Proposals have included a change making voting possible over the course of several days, limiting the number of proxy vote authorizations, and adapting ballot design to the increase in the number of political parties on the ballot.

Citation:

art

J24

Kieswet:

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NRC, ten Velde, 13 October 2021 Nieuw stembiljet, extra stemdagen

Party Financing
Score: 4

The Dutch government spends less money than its counterparts in most other European countries on financing political parties, at €1 per voter (compared to €9.70 for Iceland). Based on GRECO estimates, Dutch political parties are also less reliant on government money (receiving between 35% and 50% of their funding from this source) than are most other European political parties, with the exception of those in Germany.

Until about a decade ago, political-party finances were not a contested issue in Dutch politics. Party funds come largely through membership contributions (40% – 50%), a “party tax” applied to elected members’ salaries, event revenues and donations, and government subsidies. However, relatively new parties like the Pim Fortuyn List (Lijst Pim Fortuyn, LPF) and the Party for Freedom (Partij voor de Vrijheid, PVV), as well as Forum for Democracy, have received substantial gifts from businesses and/or foreign sources, while the Socialist Party (Socialistische Partij, SP) has 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. GRECO has also addressed the procedure for monitoring party finances (particularly when the rules are improved), noting that this task should rest not with a minister or political figure, but with an independent body.

The 2013 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. It argued that anonymous donations (especially from foreign donors) should be prohibited, and that the threshold and conditions for non-disclosure should be changed in favor of greater transparency. It additionally recommended that state subsidization should in the future be based on the number of party members rather than the number of parliamentary seats, with the aim of strengthening political parties' societal roots. Furthermore, it said that provincial and local political parties should be brought within the scope of the law. The government only partially followed the commission's advice. Foreign donations were limited to within-EU donations, but the idea of privileging membership numbers more than the number of seats held was put on hold. Recently, an alleged corruption case involving aldermen in the municipal government of The Hague has placed the issue back on the political agenda, particularly given concerns about growing criminal influences within local governments.

Citation:

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I. van Biezen, 2017. De financiering van politieke partijen – een internationale vergelijking (kennisopenbaarbestuur.nl, accessed 3 November 2019)

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Nieuwsuur, 2 October, 2019. 'Nederland is het Wilde Westen van de partijfinanciering'

Follow The Money (FTM), Dossier De financiering van onze politieke partijen

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 reform proposals, the Remkes Commission has seriously considered putting the issue of a binding referendum back the political agenda. To date, only one political party (D66) has adopted this advice, using the issue as an element of the party’s 2020 election campaign.

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)

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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/1/x/2237616?social=m>, accessed 25 October 2018)

Access to Information

Media Freedom
Score: 6

The freedoms of the press/media and of expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2021 ranked the Netherlands at sixth place, one rank lower than previously. The somewhat lower ranking results from the fact that despite accepting an Open Government Law in both houses of parliament in 2021, the government, hampered by the coronavirus crisis, hasn't improved the media's access to state-held information, with the result that documents requested by journalists often arrive late and are incomplete, with entire pages or lengthy passages erased or redacted. Mass data collection by the government has sometimes violated the privacy of journalists and their right to protect their sources.

Even parliament has fallen victim to active blocking of access to government information. According to one high-profile professor of public law, over the last decade the Rutte governments have incompletely or misinformed parliament 43 times; that is, about 10 times more frequently than the governments in power during the 2001-2010 period. Paradoxically, in the follow-up to the childcare benefits scandal, where for several years the tax authorities and the government actively blocked information to the press and to parliament, SMS messages by the prime minister were made public for the very first time.

Another factor is that right-wing populist politicians attack the mainstream media and journalists as messengers of so-called fake news and as "enemies of the people," questioning the legitimacy of the traditional media and restricting targeted journalists' access to political meetings. In this way, they legitimize and encourage interference with the work of journalists. Such sometimes violent interference has become much more common, making public broadcasting organizations remove logos from their equipment. Some individual journalists from local media have been visited at their homes by these people, with attackers throwing stones through windows or inserting Molotov cocktails into their houses through mailboxes. As a consequence, Dutch journalists practice precautionary self-censorship on sensitive issues such as immigration, race, Islam and national culture and character. However, by international standards, journalists in the Netherlands are free from governmental interference. For example, their right to protect their sources is usually formally upheld even when called upon as witnesses in criminal cases.

Public-broadcast programming is produced by a variety of civil organizations, some reflecting political and/or religious denominations with roots in the era of pillarization, others representing more contemporary societal and cultural

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 government-nominated supervisory board, which tests and allocates broadcasting time. This board has never functioned well, due to internal disagreements. 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 has led to blurred boundaries between “information” and “infotainment.” Critics have argued that younger people and non-Dutch population groups are not well served by the public broadcasting system. Currently, public broadcasting is both privately funded through advertisements and publicly funded. Regional broadcasters have been subject to budget cuts, which forces them to collaborate to survive. Influenced by a new EU guideline, a new more comprehensive Media Law has sought to harmonize regulations for commercial advertising through traditional linear public and private broadcasting through radio and TV, and those for non-linear, digital platforms and streaming services like YouTube and Netflix.

Citation:
Reporters Without Borders, 2021. Netherlands

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NRC, De Koning en Hofman, 17 June 2021. Voor het eerst sms’jes van premier Rutte openbaar gemaakt.

Trouw, Julen, 5 October 2021. Wet Open Overheid eindelijk aangenomen, komt nieuwe bestuurscultuur ook een stapje dichterbij?

W. Voermans, 2021. Het land moet bestuurd worden. Machiavelli in de polder, pp. 175-6

Media Pluralism
Score: 6

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. Nevertheless, there is also an increasing sense of news fatigue among younger citizens in particular, many of whom are increasingly avoiding the news.

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 Wi-Fi, 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 2020, the Netherlands was characterized as being low risk in the domains of basic protection, political independence and social inclusiveness (especially the use of sign language for the deaf). However, the country was characterized as being medium risk in the area of market plurality, especially media viability. In 2020, even before the COVID-19 outbreak, the share of Dutch people who paid for online news increased from 11% in 2019 to 14% in 2020. The lockdown led to a temporary increase of the reach of television, radio and news media. At the same time, revenues decreased due to lower incomes from advertisements. There is also 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.

In 2020, a substantial reduction of media pluralism took place. With the acquisition of Sanoma by DPG Media – the owner of newspapers such as AD and De Volkskrant, along with a large number of regional papers – the commercial media market is now dominated by only two publishers, both Belgian. Next to DPG Media, Mediahuis, who own the newspapers De

Telegraaf and NRC also increased concentration by acquiring the NDC mediagroep. The Netherlands has thus entered a level of media ownership concentration that raises important questions with regard to media pluralism.

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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 “administrative matters” 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 to the desire to retain the confidentiality of intra-government consultation. In December 2020, the issue politically exploded when the Commission Van Dam, a parliamentary investigation commission on the childcare premium scandal, explicitly accused government of withholding information for many years. Focusing on Minister-resident Rutte as the main culprit, the government (non)information strategy was subsequently called the Rutte doctrine. Under this strategy, the information shared with parliament (and the media) was restricted to that relating to post-factum responsibility and accountability for policy decisions. Far less or no information was shared about the process of decision-making, about how decisions were reached or about how judgments were made by whom, on which scenarios and following what lobbying efforts. After the government collectively stepped down on 15 January 2021, the so-called Rutte doctrine became a major topic of discussion in a public and political debate over a new administrative culture, in which government promised to be much more

proactive and transparent in sharing information with parliament and the media.

Meanwhile, this new information regime acquired a legal basis in a new Law on Open Government (Wet open overheid, Woo) to be effective in 2022. All administrative bodies are obliged to proactively publish certain categories of information on a national Platform for Open Government Information. As under the older law, every citizen (but in practice generally journalists) may request specified items of information. Every administrative body will have a contact person tasked with helping citizens look for the information they demand. In addition, there will be a special advisory body on publicity and information to help government apply the new law and mediate in conflicts between government and the media.

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Civil Rights and Political Liberties

Civil Rights
Score: 6

The Netherlands formally guarantees and protects individual liberties, and all state institutions formally respect and – most of the time – effectively protect civil rights. The Netherlands publicly exposes abuses and reports them to the UN 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 grave concern. The right to privacy of every citizen tops the list of preoccupations. Dutch citizens are more at risk than ever of having their personal data abused or improperly used. In addition, current policies regarding rightful government infringement of

civil rights are shifting from legally well-delineated areas like anti-crime and terrorism measures toward less clearly defined areas involving the prevention of risky behavior in areas such as healthcare and travel (coronavirus demonstrations). Increased monitoring and digital surveillance technologies disproportionately target those most dependent on state support, creating inequalities in policing and fraud control. After U.N. Special Rapporteur for Human Rights Philip Alston criticized the Dutch government (and parliament) for its use of an algorithmic system (Systeem Risico Indicatie) to detect social-benefits fraud, a new law (Wet Gegevensverwerking Samenwerkingsverbanden) even aims to expand the system to link data from across all government and many private databases to generate an individual fraud-risk profile. This law awaits approval in the Senate. Most recently it was discovered that the tax authorities used a secret list (Fraude Signalerend Voorziening) of some 250,000 people suspected of possible tax fraud, without informing them that they had been listed as potential “frauds.” Being listed implied that citizens could be excluded from regular public support for debt restructuring and repayment, insurance contracts, and loans (like mortgages).

Human Rights Watch has criticized recent Dutch legislation restricting the number of locations for hosting asylum-seekers, as well as the long wait times for asylum decisions and family-reunion procedures. The Council of State was criticized for failing to sufficiently 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, with this verdict upheld in a higher appeals court. But public ambiguity around racial profiling remains after a judge decided in a case brought by Amnesty International to allow military police officers at the border (e.g., Schiphol Airport) to use racial profiling in surveilling incoming “strangers.”

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

Political Liberties
Score: 8

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 top 10 most free countries in the world.

However, as everywhere else, the coronavirus crisis triggered numerous tensions between the government's constitutional task (Article 23, Dutch Constitution) of protecting and furthering public health and political liberties such as the freedom of assembly and demonstrations, the freedom of movement (lockdown, travel within and between countries), freedom of religion (number of attendees at religious services), the right to privacy (limits on visits to institutions of care for the elderly, number of visitors per day per household), access to the judiciary (limits on the number of court cases due to social distancing rules), etc. Across the board, legal specialists and the general public have judged that the tension between public health and political liberties was managed reasonably well by the government, within the limits created by necessity and the proportionality of the measures.

However, the freedom of assembly and demonstration in particular came under considerable pressure. The number and size of demonstrations is changing over time due to the influence of social media. Such tools enable the rapid mobilization of large numbers of protesters, while the polarized and radicalized messages in social media have resulted in a so-called cancel culture that undermines the freedom of thought and speech. The number of demonstrations in the Netherlands has doubled over the last five years. As the duration of the crisis increased, and public dissatisfaction with and protest against coronavirus policies rose (especially because of announcement of the evening curfew), this trend became even stronger. Uncharacteristic for this country, demonstrations ended in mass chaos, destruction of property, and violence between protesters and police in a significant number of cases.

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Non-discrimination
Score: 6

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. Since 1994, a General Law on Equal Treatment (Algemene Wet Gelijke Behandeling) has prohibited distinctions to be drawn between people on the basis of race or nationality. The law applies to all housing, healthcare, cultural and educational institutions. Thus, in hiring and firing decisions, race and nationality may not be taken into account, for example. The Dutch penal code also contains articles that prohibit insulting minorities and engaging in hate-mongering.

In sum, there is a high degree of formal protection. A recent expert report criticized Dutch anti-discrimination sanctions as “ineffective,” and as neither “dissuasive” nor “proportionate.” There are signals that discrimination is practiced by Dutch police, in the labor and housing markets, in the medical world, in the media, and in public and political debate. PVV-leader Geert Wilders was convicted of discriminating against the group of Moroccans; but the trial took three years, and although he was deemed guilty, he was not punished.

In 2018, more than a quarter of the Dutch population reported being subject to some form of discrimination in a survey by the Social Cultural Planning Bureau (SCP). Dutch of Moroccan, Turkish, Antillean and Surinamese descent experience discrimination with particular frequency; 30% of these respondents reported being surveilled as a matter of policy, where the average for the entire population is 3%.

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 the pressures created by significant (international) events (e.g., Israeli-Palestinian conflicts, terrorist attacks and public debates about #MeToo and after the Black Lives Matter demonstrations in the United States, discussions about Dutch colonialism/slavery), an increase can be seen in visible discriminatory actions, internet-based threats and insults targeting Jews, Muslims, Afro-Dutch citizens and women. Especially worrisome is the broad-based and well above the European average negative climate of opinion

and stereotyping of Muslims. 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.

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Rule of Law

Legal Certainty
Score: 6

Dutch governments and administrative authorities have allegedly 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 Rule of Law Index 2021, the Netherlands was again ranked sixth out of 129 countries. However, the no more than slight decline in its score since 2016 curiously ignores the dominant opinion in politics, civil society and legal academic circles in the country itself.

In a “stress test” examining the state’s performance on rule-of-law issues in 2015, 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 were no longer sufficiently in place. The trend was 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. As one commentator aptly observed: rule-of-law considerations have become a mere footnote to desirable policies proposed by the government and rubberstamped by coalition political parties in parliament. Many of the recent scandals (the childcare benefits scandal; the mess around earthquake damages compensation in the former gas-producing areas of the province of Groningen; the illegal collection and linking of large data sets about citizens by the police, anti-

terrorism organizations, and the military) boil down to violations of fundamental human and citizen rights or of legal rules, and to an obstinate perseverance in implementing merciless and badly designed laws.

This mood or attitude exploded into political crisis when the childcare benefit affair came to light during the fall of 2020, eventually causing the entire Rutte III government to step down in January 2021. The childcare benefit affair is a policy catastrophe demonstrating that over the past decade, all branches of government have been complicit in negligence and indifference to rule-of-law considerations in public policy. Parliament insisted on an “all-or-nothing” fraud hunt, disregarding signals from whistleblowers in the tax services, and neglecting warnings from lawyers and a deputy minister that strict law enforcement would make many eligible and deserving families suffer because of a small number of rule-breakers. In the end it was clear that tax authorities had legally stopped tax benefits for thousands of families, and required huge recovery payments sometimes amounting to many years of benefits received for trivial errors like spelling mistakes, errors in birth dates and response deadlines that had been missed by just a few days. The large repayment sums demanded pushed poor and frequently second-generation Dutch families into debt and poverty, often leading to the loss of housing, divorce and even loss of parental custody. Because judges and the Supreme Court routinely ruled in favor of the tax authorities in the cases brought against them, a parliamentary investigation concluded that the judiciary had for too long been looking the other way. It took the foreign eyes of the Council of Europe’s international rule-of-law inspectorate, in a report on Dutch practice by the Venice Commission, to humble the Dutch parliament into admitting that it was its own insistence on hardline fraud control that had initiated and maintained a process with a catastrophic outcome.

Many other serious concerns about the state of the judiciary as a branch of government have also been raised in recent years. In an exceptional move, lawyers, judges and prosecutors recently wrote a joint letter to the government expressing their “fear for the future of the judiciary branch.” The chair of the Council of Jurisprudence, a body established in 2002 as an independent advisory commission sitting between the Ministry of Justice, parliament and the judiciary, publicly admitted that the judiciary as constituted was outdated for a modern, rapidly changing society. Citizens and businesses alike stated that judicial procedures were too expensive, too complex, too time-consuming and too uncertain in their outcome. Indeed, the penal code required a complete modernizing overhaul. Meanwhile, the digitalization of routine judicial procedures has been a failure, and has cost the government dearly.

Judging by the coalition agreement for the Rutte IV government, reform of the judiciary is finally high on the political agenda. Not for nothing does the agreement open with an entire chapter on rule-of-law issues. The new government has promised to overhaul legislation, implementation practices and case law in order to prevent another childcare benefit scandal. Improved implementation institutions will be more reliable, just and serviceable, it says. The state will not rely on impersonal algorithms alone to render mass decisions on benefits in social security policies. Respect for general principles of “decent” governance (beginselen van behoorlijk bestuur) like appropriateness and proportionality will be strengthened, and the people implementing policies will be granted more discretionary power. An inspectorate for algorithms (Algoritmatoezichthouder) and an equivalent of the U.S. Taxpayers Advocate Service will be set up. More money will be available for police forces in their combat with organized crime, especially the illegal drugs trade.

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Judicial Review
Score: 6

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 one is barred from judging parliamentary laws in terms of their conformity to the constitution. This is supposed to be a task for parliament itself, especially the Senate as a chamber of deliberation and reflection. Partially making up for this lack of a constitutional conformity review is the fact that parliament is supposed to check that new legislation conforms with EU and other international law to

which the country is signatory. However, this task is often neglected or, given the political mood over the last decade, deliberately disparaged; this has helped prompt strong criticism of the quality of parliamentary legislative work.

Offering further testimony to the fact the Dutch governmental system is not about the separation of powers, but rather about mutual checks and balances between the three branches of government, is the fact that the intensity of judicial review of executive actions has peaked since 2015. This attracted international attention when a Dutch appeals court upheld a landmark climate change ruling, confirmed in a Supreme Court verdict in 2019, instructing the Rutte government to raise its greenhouse-gas reduction goal of 17% to at least 25%. Meanwhile in 2019, another such Supreme Court ruling ordered the government to tighten its nitrogen emission rules, leading to an immediate cessation in the issuance of many new licenses for farming, road construction and housing construction activities. Even the private sector has not escaped the larger scope of judicial review: In May 2021, Shell was legally obliged to halve its CO₂ emission in the next nine years. The ensuing deep policy paralysis still awaits a political settlement even after the new coalition agreement of December 2021. These events have initiated a new debate on the proper relations between politics/policy and the judiciary/legal system; some believe that legal activism (or even dikastocracy) is infringing the primacy of politics and its sovereignty. This offers further evidence of the practice of checks and balances; the judiciary itself came under increasing political and civil society scrutiny, both with regard to the degree to which it is truly independent of politics and in its internal functioning.

In 2017, a deputy minister of legal affairs openly admitted that he had reduced the provision of state-supported legal assistance (fees for pro deo social lawyers) to ordinary citizens in order to achieve more punitive court sentences. Only the new coalition agreement of December 2021 turned this decision around, by providing more state resources to social lawyers. And in the context of anti-drugs and crime-control policy, police, mayors and fiscal authorities often “harass” suspects rather than initiating legal procedures, which are perceived as a time-consuming nuisance with zero practical impact. Judges have voiced concerns as to the quality of the work performed by lawyers, and thus directly about professional practices and indirectly about the legal-education system. The reputation of the public prosecution service (Openbaar Ministerie, OM) too has come under public scrutiny. It has been criticized striking mega-deals (such as fines) with corporations and banks, which in light of a neoliberal efficiency analysis are presumably deemed more efficient than conducting full-fledged trials responding to legally sanctionable financial or managerial misconduct. Evidence has shown that OM staffers

lacking the proper professional accreditation have rendered decisions on thousands of criminal cases with insufficient evidence. The prosecution service's degree of independence from the government has also come under public and journalistic scrutiny, and integrity problems within the organization itself have hampered its proper functioning.

Whereas the Supreme Court is part of the judiciary and is supposedly "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 have not to date been 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.

Some observers defend this structure, arguing that only an entity with detailed and intimate knowledge of the practical difficulties associated with policy implementation (uitvoering) and law enforcement (handhaving) can offer sound advice to the government. The ruling on climate goals and nitrogen emissions appear to support this evaluation. However, the child benefits scandal and other cases involving illegal data collection and sharing about citizen behavior demonstrate that the judiciary often, due to executive organizations' (like the tax authorities, or the Integration and Naturalization Service (IND)) willful or practically incomplete disclosure of information, lacks detailed information about implementation practices. Regarding the childcare benefits affair, the Administrative Court's highest judge recently apologized that the courts had stuck to a strict law enforcement "groove" far too long, attributing this state of affairs to a "political climate" of pressing for "zero tolerance" and "strict, stricter, strictest." In addition, fragmented legislation – for example, citizens had to appeal consecutive and interdependent tax decisions one by one – hampered judges' ability to gain a clear overall view of the situation, the judge added. The Supreme Court was also charged with making rulings that were too "executive friendly" when dealing with information from refugees and foreigners, for politically inspired

reasons. However, new EU directives have been able to offer more leverage to lower court judges.

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Appointment of
Justices
Score: 8

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 lower-level criminal and civil courts, indirect political influence by the executive is possible through the Council for the Judiciary (Raad voor de Rechtspraak). Its members are appointed by the minister for justice and safety; council members choose the administrators and directors (bestuursleden) of lower courts, who in turn provide (or fail to provide) opportunities for individual judges.

The Netherlands' highest court, the Council of State, is subject to relatively strong political influence, mainly expressed through the appointment of former politicians. This may explain why the council sides with government most of the time; as shown in instances such as appeals of the tax authorities' decisions in the childcare benefits scandal, or appeals of decisions made by the Immigration and Naturalization Service in immigration cases. 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). Only Geert Wilders, parliamentarian for the right-wing populist Party for

Freedom (PVV), has proposed (in 2011) a reform creating a five-year term instead. At this moment the appointment procedure for High (Supreme) Court judges combines peer- and political selection. A selection committee made up of High Court members draws up a list of six candidates that are recommended to the Parliament's Second House. The House then picks three of them in order of preference and invites the highest-ranking judge for a non-public hearing. If the candidate passes this selection hurdle, the minister of justice proposes him or her for appointment by the government.

Reforms that would limit the influence of the executive and the legislature in the appointment of Supreme Court judges and members of the Council of the Judiciary have not been formally approved. In the case of appointments for lower court judges, the new procedure lends more weight to peer selection by giving local court administrators and sitting judges a stronger voice in selecting additional and new single judges. For the Supreme Court, the selection committee will consist of one member of Parliament (appointed by all other members of parliament), one member of the Supreme Court (appointed by its president), and another legal expert appointed jointly by the parliament and the Hight Court. This tripartite committee would make a binding selection, and the candidate would then be appointed by the government. This reform will require a change of the constitution, and will take several more years to come in force.

Citation:

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Corruption
Prevention
Score: 6

The Netherlands is considered a relatively corruption-free country, both in the international rankings of perceptions of corruption and in its own self-conception. The Transparency International Corruption Perceptions Index ranks the Netherlands at fourth place in Europe and eighth globally with regard to low levels of perceived corruption. In a Eurobarometer study, 71% of

Dutch respondents believe corruption is widespread, yet, in spite of reading daily about corruption cases in the media, only 4% believe it affects their daily lives. Also, 60% have high confidence in the effectiveness of public authorities in fighting corruption. This contrasts strikingly with the opinions of professional corruption fighters, who publicly doubt the effectiveness of anti-corruption measures as being too little and too late.

Probably due to this hubristic self-image among the people and politicians, Dutch anti-corruption policy was until recently underdeveloped, if not outright naïve. It focused on petty corruption and minor integrity issues in the public sector. But this is no longer the case. Authorities have realized that the Netherlands shows tendencies of becoming a narcostate: drug use has been normalized among the population, and has created a highly profitable market. The country produces synthetic drugs and cannabis, and large amounts of cocaine enter through Dutch (Rotterdam, Vlissingen) and Belgian harbor cities (Antwerp). The illegal drug production and trafficking has led to the distribution of drugs labs all over the country, especially in less populated rural areas, as well as to more (lethal) violence in the streets due to drug organizations fighting among each other. It has also meant an increase in corruption, not only among customs officers and other harbor workers, but also in areas involving gambling, hospitality, sports/health centers and other infrastructural services, much of this a result of the massive amounts of money earned in drug trafficking. There are small local governments whose budgets are dwarfed by the amount of money earned in drugs trafficking within their borders.

The marketing of drugs is facilitated by underfunding and neglect of youth care policy in certain city quarters, where disadvantaged youths are easy to recruit as drugs runners or for other similar jobs. Organized crime thrives on conditions of pauperization and exploitation, where younger people, lacking proper education and job opportunities, choose criminal careers because they feel they have nothing to lose. It is believed that most leading criminals in the so-called micro-mafia started their careers this way. Apart from investing in sophisticated crime fighting investigation equipment, like tools to hack criminal communication channels, better youth care services in the larger cities are badly needed. The Netherlands' highly favorable business climate and its flexible financial system have also proven to be fertile ground for corruption, as they attract criminal activities in the form of front companies engaging in money laundering and other illegal activities. By linking corruption fighting to a more realistic diagnosis of its causes, Dutch anti-corruption policy is coming of age.

Several other problems also have been highlighted by national and international watchdogs, including integrity violations within police forces with respect to leaking information and having connections with organized crime. In some cases, similar problems have also been identified with respect to local politicians.

On the national level, the country has seen high profile cases of people abusing access to high level (party) officials and ministers. For example, Sywert van der Liendsen used his connections to obtain business deals relating to medical protection materials and allegedly defrauded the government of millions of euros.

Citation:

Transparency International: 2021 Corruption Perceptions Index (CPI),
January 28, 2021

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS 2020 Rule of Law Report The rule of law situation in the European Union Brussels, 30 September 2020

Het Parool, Kieft en Van Unen, 28 September 2019. Schrijver 'Gomorra': Nederland heeft dit aan zichzelf te wijten.

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Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 7

The Dutch national government is run at the cabinet level as an exercise in political risk management by a smart “fixer” (e.g., Prime Minister Rutte), who is well known for his aversion to strategic vision. The political inevitability of multiparty coalition governments with narrow parliamentary majorities almost dictates a monistic relationship between parliament and executive. Therefore, important decisions are taken during Monday morning meetings between the prime minister and his core cabinet and the leaders of (four) coalition parties. Sectoral ministers outside the core lend support in preparing decisions, but play a larger role in departmental implementation planning. In cases where political support is difficult and the problematic is societally and technically complex, the Rutte government used another typical Dutch coalition tactic: “poldering” through extensive societal consultation with numerous business and civil society associations (also see “Societal Consultation”) This “double compromise” nature of Dutch politics is hardly conducive to policymaking through well-thought-out long-term strategy.

As a kind of countervailing factor, the Dutch government has four strategic-planning units: the Scientific Council for Government Policy (Wetenschappelijke Raad voor het Regereingsbeleid, WRR), the Netherlands Bureau for Economic Policy (Centraal Plan Bureau, CPB), the Netherlands Institute for Social Research (Sociaal Cultureel Planbureau, SCP) and the Netherlands Environmental Assessment Bureau (Planbureau voor de Leefbaarheid, PBL). All of these are formally part of a ministry, but their statutes guarantee them independent advisory functions. Yet, their close ties to government departments means they are frequently used to model the short- and mid-term effects of proposed policy proposals. The CPB and PBL in particular are “obligatory passage points” in the financial-economic feasibility testing that has dominated neoliberal austerity strategies for over a decade.

Even parliament imposed upon itself the rule that every new policy proposal had to fit within given financial constraints. This resulted, on one hand, in the huge financial reserves that allowed the government to provide generous support to firms during the coronavirus pandemic; on the other hand, for a long time, it slowed down the shift away from neoliberalism and effectively choked serious policy initiatives and investment in areas such as education and the greening of the economy.

It was this political climate that in 2019-2021 led to political demonstrations by farmers, construction workers, teachers, students and healthcare workers on a scale not seen for decades. Another long-term negative impact of the neoliberal political mood has been knowledge “leakage,” if not destruction, in the departmental structure and in the civil service. In the departmental structure, the political will to reduce the cabinet to as few members as possible resulted in the abolition of the Department for Housing, Spatial Planning and Environment – policy domains where huge problems popped up during Rutte III. The recruitment and training of civil servants focused much more on procedural matters, political communication skills and damage control rather than innovative thinking in terms of the environment, climate change, the sustainability transition strategy, or the skills needed for a rapidly changing economy and society. Also hampering matters was the fact that the system for recruiting top-level civil servants is not linked to strategic government goals, but rather to implementing a carousel of interorganizational mobility with fixed term limits (the average departmental top-level civil servant occupies his/her position for only about four years before moving on to another position, mostly in another department.)

Long-term steering capacity has traditionally been strong in the areas of water management and the management of care – that is, in ensuring the maximum opportunity for good care for every eligible citizen, for an acceptable cost. Planning units jointly advocated a coordinated long-term exit strategy for the coronavirus crisis and the development of pandemic preparedness for a next public health crisis; and they have released a flurry of new policy proposals, although their data and policy recommendations, in the age of science skepticism, have been attacked by the political parties that normally rely on them for political debate and deliberation. These proposals have addressed the areas of pensions, population growth, most aspects of climate change (the Urgenda verdict, the new nitrogen-emissions rule, biodiversity in the Dutch natural environment), the future of Dutch agriculture, traffic infrastructure and mobility, (social) housing, the future of care as a social issue, the role of money and financial regulation, and labor market regulatory reforms, digitalization and the use of algorithms by government, and for the first time in many years, long-term planning on defense issues.

Many of the issues mentioned in these long-term strategic explorations and scenarios appear to have found their way into the new coalition agreement of December 2021. Yet the agreement reads more like a wish-list expressing the need to start making serious policies on long overdue problems than a coherent strategy for the future. Moreover, responding to the political mood and desire to conduct government in a more dualist way, and to have more steering flexibility and space for political debate and negotiations with opposition parties, the agreement for the first time in recent history drops the routine practice of thorough financial feasibility testing of coalition agreement proposals.

Citation:

Joop van den Berg, Schrammen maar geen wonden Premier Mark Rutte en de grenzen van de individualisering, in Montesquieu Instituut, 2021. 'Niet stoffig, toch?' Terugblik op het kabinet Rutte III. Den Haag, 13-27

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)

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>)

WRR, News, WRR and KNAW: government must anticipate different coronavirus scenarios 16-11-2021

Haagse Beek, Weggeman en Spaan, 15 June 2021. Hoe de carrousel van de ABD zorgt voor kennisvernietiging bij de overheid

Universiteit Utrecht, Nieuws, 15 January 2021. Algemene Bestuursdienst (ABD) moet zichtbaarder en strategischer worden

DRIFT en NSOB, Bode et al., October 22, 2020. Sturing in transitie. Een raamwerk voor strategiebepaling.

WRR rapport no. 105. 11 November 2021. Opgave AI. De nieuwe systeemtechnologie.

Clingendaal, Netherlands Institute of International Relations, DECEMBER 2020. Hoe moet de Nederlandse defensie er in de toekomst uitzien? Het perpetuum mobile van uitstel.

Expert Advice
Score: 6

The government frequently employs ad hoc 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 changed 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. Depending on the nature of the policy issues, these experts may flexibly mobilize the required scientific bodies and scientists instead of relying on fixed advisory councils with fixed memberships. This also allows room for political flexibility – that is, by hiring or contracting commercial, private consultancies to provide politically needed and desirable research and advice.

Although the use of scientific expertise is quite high, its actual influence on policymaking cannot be precisely ascertained, as scholarly advice is intended to be instrumental and therefore is less welcome in the early phases of policymaking. During the pandemic, the government has relied heavily on expert advice from the Outbreak Management Team. It is certainly not transparent to the wider public, although the public has become more aware of – and alarmed – about the importance of expert advice during the management of the coronavirus pandemic. Since 2011, the focus of advice has been redirected from relatively “strategic and long-term” issues to “technical, instrumental and mid-/short-term” matters.

As might be expected in times of political polarization and science skepticism, even members of parliament have expressed doubts about the integrity of the knowledge institutes and the validity of their information. The research unit of the Ministry of Justice and Safety (Wetenschappelijk Onderzoeks – en Documentatie Centrum, WODC) has been subject to political meddling, and during the debates and deliberations on the climate agreement, on flight routes to and from the newly built but not yet used Lelystad Airport, and especially on estimating the agriculture sector’s nitrogen emissions, the Environmental Planning Agency’s measurement and modeling practices came under scrutiny. Generally, politicians and the wider public have become more aware that expert advice frequently relies on plausible assumptions-based modeling rather than on evidence-based information.

Nevertheless, the cabinet still appears to rely heavily on its knowledge institutes and departmental knowledge centers for its long-term strategies and decision-making. The scrutiny by political parties, members of parliament, civil society associations and journalists has generally been beneficial with regard to the transparency of information collection and the policy support provided by the government’s knowledge institutes.

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)

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15 juni 2020

Volkskrant, Yvonne Hofs. 19 juli 2020. Boeren gaan protesteren bij ‘selectief’ rekenend RIVM: soepel voor de snelweg en streng voor het vee

P. Omtzigt, 2021. Een nieuw social contract, Deel III. Hoe modellen Nederland bepalen, Amsterdam: Prometheus

Boin, A. et al., 2020. Een analyse van de nationale crisiresponse. Leiden: The Crisis University Press

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)

Interministerial Coordination

GO Expertise
Score: 6

The Dutch prime minister is formally in charge of coordinating government policy as a whole, and has a concomitant range of 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. This figure is also responsible for all affairs concerning the Royal House.

The prime minister's own Ministry of General Affairs office has 14 advising councilors (raadadviseurs, with junior assistants) at its disposal. The advising councilors are top-level civil servants, not political appointees; they are the secretaries of the cabinet subcouncils and committees. 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 (regeer-akkoord). The current prime minister's style of running his cabinet his sectoral ministers with considerable scope for action.

Of course, personal skills and experience make a difference, and Prime Minister Rutte has a reputation for clever informal leadership and conflict management, and (until recently) a Houdini-like skill with regard to extricating himself from political affairs and scandals. He is also known for his aversion to visionary leadership, expressed in a quip ascribed to him: "If you have a vision, consult your eye doctor." In late 2020 and early 2021, Prime Minister Rutte's political career was endangered by his own political shrewdness, which included a tendency to provide parliament with meager and only piecemeal information with regard to the cabinet's decision-making practices (the so-called Rutte-doctrine), along with a routine tactic of claiming selective memory ("Sorry, but I have no active memory of X,Y,Z."). This misfired when he was caught lying to parliament. He only survived because, despite this, he was a winner in the March 2021 elections, because he could exploit his highly visible leadership role in the efforts to manage the coronavirus crisis. His party (VVD) rallied around him, and in a record-long

process of cabinet formation, he regained sufficient levels of trust from the other party leaders involved (CU and especially D66) by giving in to their demands and promising to revise his governing and leadership style.

Citation:

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

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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)

M. van Weezel and T. Broer, Max en Rhijs over de premier: het geheim van politiek trapezewerker en 'nat zeepje' Mark Rutte (Vrij Nederland, vn.nl, accessed 8 November 2019)

Wikipedia, Rutte-doctrine

Nu.nl., April 1, 2021. Rutte opperde andere functie voor CDA-kamerlid Omtzigt; 'Minister maken'.

P. de Koning, 2020. Mark Rutte, Uitgeverij Brooklyn

Line Ministries
Score: 7

Since about 2010, departmental reform in the Netherlands sought to transform the notion of line ministries itself, as the limited number of cores or building blocks in the organization of the bureaucracy. The key idea was that task allocation and coordination were no longer to be dependent on (ever-changing) policy directions, leading to repeated disappointments when abolishing certain departments, initiating a new department, or the amalgamation of several departments every time new government were installed after elections. Instead, the idea was to define organizational units around their core managerial functions (personnel, information, organization, finances, communication, facilitation and building); these would in turn flexibly support ever-changing policy formulation and implementation tasks with less organizational inertia and resistance, and lower transfer costs.

This so-called liquid governance would position ministers as managers of organizational complexes, supporting relatively easy-to-change core policy programs. Paradoxically, this resulted in ever more organizational reshuffling within a government that was increasingly seen as apolitical and managerial in nature. For example, the core Economic Affairs department was expanded so as to attend also to agricultural policies when the separate Department of Agriculture was abolished; later, the Department of Agriculture was resurrected, but climate change policy was added to a department now named Economic Affairs and Climate Change. Under the Rutte IV government there will be, next to the "old" Economic Affairs, a new Department of Climate and Energy. Policing, formerly part of Homeland Affairs, was transferred to a Justice department, now rebaptized as Justice and Safety. The Rutte IV government has made many such political adaptations and reshuffles, with 20

full ministers and nine deputy ministers attending to the major political crises of the moment. These include mining (mainly to attend to earthquake damages in the former gas-exploiting areas of the province of Groningen; fiscal affairs (Fiscaliteit) and allowances and customs (Toeslagen en Douane, which is under the Finance Department), poverty policy, participation and pensions, which is distinct from social affairs and employment, and nature and nitrogen. The make-up of the Rutte IV government represents a shift from the idea that government should have as few ministers as possible. There is a lesson to be learned from the fact that a large number of (deputy) ministers in the Rutte III government left their jobs, citing family, burnout or a new job as the motivation.

Generally, departmental legislative or white-paper initiatives are rooted in the government policy agreement, 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. It is difficult to draw conclusions regarding the effectiveness of informal coordination, information-sharing procedures and other such practices. High-level civil servants close to the prime minister have complained about the increasing use of spin doctors and political assistants in such processes. But the prime minister has a good reputation with regard to formal leadership and conflict management.

Citation:

Your citations

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NSOB, Termeer et al., 2021. *Het terugkerend verlangen naar regie*. Over de vraag hoe belangen van landbouw, natuur en vitaal platteland stevig te behartigen zijn in vele spelen met vele andere legitieme belangen.

RTL Nieuws, 17 November 2021. Clash ministeries Hoekstra en Wiebes over plan Europees noodfonds

Trouw, Van Egmond en Wijffels, 11 September 2021. *Industrieterrein Nederland heeft een ministerie van ecologische zaken nodig*

De Zeeuw en Verdaas, n.d., *Na Wild West en Science Fiction op zoek naar de juiste film*. Naar een nieuw sturingsconcept voor de inrichting van Nederland

Cabinet
Committees
Score: 7

NRC-H, Dupuy and Aharouay, December 17, 2021. Rutte na eerste formatieoverleg: een grotere ploeg, verdeling posten per partij is rond; and Nog twee nieuwe posten: ministers voor Natuur en Stikstof en Armoedebeleid, Participatie en Pensioenen

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 government, cabinets have consisted of two or more political parties of contrary and/or very divergent ideological character in the Second Chamber (the conservative-liberal VVD and the PvdA or Labor Party, in the case of Rutte II; VVD, CDA, CU and D66 in Rutte III). Political pragmatism has tended to transform “review and coordination” to, in the Dutch political jargon, “smart positive exchange,” meaning that each party agrees tacitly or explicitly not to veto the other’s bills. This tendency has contributed to the public image of a “managerial” governing style, and may have had negative consequences for the quality of policymaking, as minority views in the cabinet have effectively won parliamentary majorities if they were feasible from a budgetary perspective, without first undergoing rigorous policy and legal analyses. In the second half of the Rutte III cabinet, much to the dismay of VVD and D66, government lost majority support in the Senate and, thus, had to garner ad hoc political support for its policy initiatives through elaborate negotiations with political parties that were not part of the governing coalition. Introducing a wider range of perspectives and decision criteria though, 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.

Trouw, Lagas. 14 February 2013. Heerlijk helder ruilen lukt VVD en PvdA niet.

Nu.nl., November 2, 2017. Rutte bereikt compromis en sluit bezuiniging wijkverpleegkundige uit.

Trouw, Kieskamp, 19 July 2020. Ruttet lelijke akkefietje met de Eerste Kamer.

De Correspondent, Chavannes, 27 November 2020. De overheid werd een bedrijf dat mensen onverdiend wantrouwt. Alleen Kamer en kabinet kunnen die denkfout herstellen.

Ministerial
Bureaucracy
Score: 5

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. For example, during the beginning of the pandemic and through a good deal of the later events, the Ministry of Public Health had no medical experts among its top-level civil servants. 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 of policy-relevant information and advice by turning increasingly to outside expertise such as consultants and lobbyists. 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 (NPM) thinking and practices. One of the results is that in the 2019 International Civil Service Effectiveness Index (InCiSE), the Netherlands received a below-average score in the area of policymaking.

The upshot is that ministerial compartmentalization in the preparation of Council of Ministers meetings has increased. Another, recently severely criticized NPM-related impact has been the sharp organizational boundary between policy formulation and implementation in independent administrative organizations (Zelfstandige Bestuurs Organen, ZBO) like the Social Security Bank (Sociale VerzekeringsBank, SVB) for pensions and children's allowances; the Implementation Institute for Employee Benefits (Uitvoeringsinstituut WerknemersVerzekeringen, UWV) for a raft of different employee benefits; and even the tax authorities, which no longer just collect taxes but also manage a gamut of tax benefits/incentives for thousands of eligible families, such as the now scandal-ridden child assistance benefits. The consequence has been that policy is off-loaded to implementation institutions without thorough feasibility testing, let alone prior assessment of impacts on citizens. The neoliberal mood also meant that the monitoring and oversight bodies, the inspectorates, were overburdened and understaffed.

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NRC.next, 30 June 2021. VWS volgt altijd de Gezondheidsraad – bij gebrek aan kennis

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

Vereniging voor Bestuurskunde, van den Berg, August 31, 2017. De ongemakkelijke waarheid van Tjeenk Willink.

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

International Civil Service Effectiveness Index (InCiSE), 2019, p. 54

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,” meaning the small tower) or elsewhere, usually at the beginning of the week. 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 shaky parliamentary support such informal coordination is no longer limited to political parties providing support to the governing coalition.

Under present conditions, in which ministers and 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. Until recently, contacts between civil servant and members of parliament were prohibited (oekaze Kok); under Rutte III this rule was somewhat relaxed.

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

M. van Weezel and T. Broer, *Max en Thijs over de premier: het geheim van politiek trapezewerker en ‘nat zeepje’* Mark Rutte (Vrij Nederland, vn.nl, accessed 8 November 2019)

Digitalization for
Interministerial
Coordination
Score: 5

Although it may safely be assumed that well-known digital technologies like WhatsApp and Signal are used in Dutch interministerial coordination, digitalization designed specifically for interministerial coordination appears absent or is unknown. 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.

In 2019, two important leaders in the push for improved ICT use within governmental departments resigned, and there are severe disagreements between the political and administrative levels of the Department of Internal Affairs and the leadership of the ICT Assessment Bureau, which was established in 2015 to coordinate ICT projects and contain cost overruns.

Responding to concerns voiced by the Council of State, the Rathenau Institute and the Scientific Council for Government Policy (WRR), the December 2021 coalition agreement creates a minister for digital affairs. This figure will focus on the uses of algorithms in decision-making relating to policy designs, legislative work, jurisprudence and implementation practices.

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](https://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)

Trouw, 15 May 2019. De ICT-projecten bij de overheid zijn nog steeds een chaos. (trouw.nl, accessed 8 November 2019)

Rathenau Instituut, November 5, 2021. Deskundigen in de Eerste Kamer over AI bij overheidsbesluitvorming.

WRR, November 11, 2021. WRR-rapport nr. 105: Opgave AI. De nieuwe systeemtechnologie.

Raad van State, June 28, 2021. Publicatie Raad van State over digitalisering in wetgeving en bestuursrechtspraak.

Evidence-based Instruments

RIA Application
Score: 8

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 would be succeeded by a formal advisory body, the Advisory Body on Assessment of Regulatory Burdens (Adviescollege Toetsing Regeldruk, ATR). Parliament has called for the ATR to assess the administrative burden associated not only with new regulation, but also of existing regulation as well. At present the ATR, which is slated to retain temporary status until 2022, has no capacity to do this.

During the coronavirus crisis, the ATR was involved in the rapid assessment of all new regulations; it rejected some, and its advice was incorporated in improved bills and rules. The ATR is involved in assessing a large number of regulations concerning topics such as small and medium-sized enterprises, social care, education and EU regulations. The body has concluded that the quality of legislation is insufficient. In about 25% of new laws, the parliament’s rationale (necessity and utility) is not identified or is insufficiently argued. In about two-thirds of cases, there is inadequate or hardly any attention paid to feasibility; the laws do not fit the way firms have shaped their production processes, or how citizens organize their lives.

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. The ATR has argued that this framework does not fit policymaking officials’ expectations, and has noted that nobody is responsible for monitoring or correct use of the system.

Citation:

Milieueffectrapportage (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)

ATR, Naar betere regels. Lessen uit 17 jaar Actal (air-regeldruk.nl, accessed 8 November 2019)

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)

ATR, Naar betere regels. Lessen uit 17 jaar Actal (air-regeldruk.nl, accessed 8 November 2019)

Adviescommissie Toetsing Regeldruk, Jaarverslag 2020.

Quality of RIA
Process
Score: 8

RIAs are obliged to identify one or several alternatives to the option chosen by an initiator. According to Advisory Board on Administrative Burden Reduction (ATR) guidelines, alternative options for administrative burden reduction assessments (ABRAs) are usually investigated. In principle, the option involving the greatest cost reduction ought to be selected. The extent to which practice follows theory is not known; in several cases, the ATR has judged that the less cost-efficient solution was selected. Stakeholders and decision-makers have been involved in the process of producing RIAs, helping in the process of creating burden-reduction analyses by providing needed information.

Stakeholders and interested parties, typically including semi-public bodies and the lobbyists for commercial and/or professional associations (e.g., representing SMEs, social- and medical-care professionals, or farmers), are generally 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 example regarding budgetary effects, business effects, administrative-burden effects, and societal and environmental effects. In some cases, departments publicize a draft bill as part of an e-consultation process to solicit feedback from citizens, but this practice is exceptional. Sometimes the results of the burden-reduction assessments do not reach parliament in time to be used. In an evaluation of the ATR's performance by Berenschaot Consultants, stakeholders indicated that they were in general satisfied.

Given the continued and widespread complaints, mainly by business, about regulatory burdens (e.g., by dentists, general practitioners, youth workers, nurses, farmers and shopkeepers, to mention just a few), there is some question as to the effectiveness of regulatory-burden reduction campaigns and the efficacy of the ATR as an independent watchdog. Interestingly, the ATR claims that it warned several years ago that the complexity of tax-benefit regulation surpassed the understanding and capability of citizens.

Citation:

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

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

De Volkskrant, 30 September 2019. Drie redenen waarom regeldruk de zorg blijft teisteren. (volkskrant.nl, accessed 8 November 2019)

Adviescollege Toetsing Regeldruk, Jaarverslag 2020.

Financieel Dagblad, 1 November 2021. Als je al die peperdure regels niet snoeit dan woekeren ze voort

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, and repeatedly in later years, the DNB (Dutch National Bank) warned that there would a review of whether firms in the financial sector had 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 (PBL).

Nevertheless, as reported elsewhere (see “Environment”), the Dutch government has regularly helped economic sectors (farmers, fishermen, civil aviation) delay necessary action and downplay the urgency of sustainability problems. This continued hesitation and delay finally drove environmental activists to sue the government successfully for negligence and lack of effort (in the Urgenda and nitrogen emission cases).

Given the trend toward operationalizing the Sustainable Development Goals into measurable units, and similar efforts to broaden conventional economic indicators like GDP into an indicator system measuring welfare more broadly, it is to be expected that environmental RIA practices will be affected sooner or later.

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)

M. Chavannes, 19 July, 2019. De net-niet-politiek van Nederland: zwoegen aan het Klimaatakkoord om draagvlak te creëren voor rustig aan doen. (decorrespondent.nl, accessed 8 November 2019)

Me Judice, 2 apr 2021 Stam and van Zanden, De politieke neutraliteit van bbp ontmaskerd

Quality of Ex
Post Evaluation
Score: 6

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. In response to the coronavirus crisis, several evaluations were undertaken, including a review of impacts on different groups of citizens. The PBL did an ex ante evaluation of the sustainability impacts of proposals in the party platforms of six political parties. In response to worries about the use of algorithms in governance, and anticipating the abuse of algorithms by the tax authorities in the child benefits affair, the General Audit Chamber developed an ex ante evaluation framework for the design and use of algorithms. Since evaluation findings are just one factor in designing new or adjusting existing policies, it is not clear how much policy learning from formal and informal evaluations actually occurs. A recent study commissioned by the minister of finance assessed past evaluations and their use. The study confirmed that although “no other country evaluates so many of its policies,” policymaking civil servants and members of parliament are less sensitive to the outcomes of previous policies than to images and incidents (in the press). Moreover, obstruction and disinterestedness contribute to methodological weaknesses in many of the evaluation studies, this assessment found. For example, although the government agreement stipulates

that a new policy decriminalizing the use of hashish may be experimentally tested at the local level, interference in the study's design has already made a politically unbiased evaluation of results as good as impossible.

Dutch ex post evaluators closely follow international trends of “evidence informed” and “behavioral knowledge” evaluation studies. There has been 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

SEO Economisch Onderzoek, december 2018. *Beleidsdoorlichtingen belicht* (SEO-rapport nr. 2018-110, sep.nl, accessed 8 November 2019)

Algemene Rekenkamer, 26-01-2021. *Betere kwaliteitscontrole en meer inzicht voor burgers nodig bij algoritmes overheid*

Platform O, Klieverik and Zwetsloot, 22 March 2021, *Overheid, positioneer algoritmes als oplossing*

FD, Daan Ballegeer Jean Dohmen 16 mrt 2021. ‘Er wordt veel beleid gemaakt waarvan we niet weten of het werkt’

PBL, 01-03-2021. *Analyse leefomgevingseffecten verkiezingsprogramma's 2021-2025*

Societal Consultation

Public
Consultation
Score: 7

International references to the “polder model” as a form of consensus-building through practices of societal consultations testify to the Dutch reputation for negotiating non-parliamentary support for public policies, often on contested issues 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 all the Rutte 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 preventive public health (focusing on obesity, smoking and “problematic” alcohol consumption).

In spite of its apparent revival, this mode of politics and policymaking is contested. Trade unions have suffered due to an erosion of representativeness and increasing fragmentation, although employers’ associations have been less affected. Professional associations of teachers, nurses and others also suffer from a representation deficit; their constituencies frequently show their disaffection with policy agreements concluded by their leadership. This has resulted in many public demonstrations near government buildings in The Hague. Another criticism is that results may be politically pre-cooked depending on who is invited to sit at the negotiation table. For example, in the negotiations over the climate agreement, this criticism applied to the discussions on energy and health issues, in which the results allegedly strongly reflected the interests of the energy and pharmaceutical industries. Even the High Council of State issued a warning that agreements reached in the polder model are too often presented by the government to parliament as a *fait accompli*. They also too often lead to very broad platform legislation that specifies future goals and indicates a budget, but leaves implementation commitments and legal implications wide open. Green NGOs dissatisfied with the influence they have been able to exert through the polder model, and who have watched one delay after another in the implementation of environmental pollution policy, have successfully turned to the judiciary to force government to finally take its climate goal commitments seriously. All this means that some stakeholders venue-shop outside the mainstream polder model to increase their influence on government policy. Therefore, 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 with a dense network of contacts within political parties and with single members of parliament and cabinet ministers. Lobbyists are known to influence party platforms before elections, and even the cabinet formation process itself. There are signs that business lobbies have achieved clear successes. Another criticism of the poldering process is that it leads to sluggish policymaking, creating a “musical chairs” process in which the responsibilities of government, business and influential civil society or non-governmental organizations remain blurred, undermining effective decision-making. The recent revival may owe more to the fact that none of the Rutte cabinets have been able to rely on solid parliamentary support than to any renewed vigor on the part of business, labor unions and civil society associations.

Since 2011, national departments involved in developing new policies and legislative projects have been able to use the internet to consult with citizens, thereby avoiding some of the “usual suspects” problems associated with the

traditional “poldering” process. The extent to which this has been successful remains unclear. During the coronavirus lockdowns, a temporary law on digital consultation and decision-making (Tijdelijke wet voor digitale beraadslaging en besluitvorming) ensured continuity. New permanent legislation on the subject is in the making.

Citation:

Your citations

Internetconsultatie nieuwe wet – en regelgeving (Rijksoverheid, accessed 8 November 2019)

A.van Roessel, De Groene Amsterdammer, 13 March 2019. Polderen (groen.nl, accessed 8 November 2019)

Rathenau Instituut, Bas et al., 28 June, 2021. Digitaal democratisch, maar hoe? Discussienota over functionele Eisen aan digitale beraadslaging en besluitvorming

R. Hoppe (2022), When power hosts knowledge. A Political theory of policy formulation, in B. Guy Peters and G. Fontaine (eds.), Handbook of Research on Policy Design (to be published)

Hoge Raad der Nederlanden. 2019. 2019 Highlighted; Brief Review of 2019. The Hague.(jaarverslaghogeraad.nl)

Financieel Dagblad, Knoop’ 31 aug 2021. Haagse draaideurdiscussie ontvlamt na ‘opportunistische’ overstap Van Nieuwenhuizen

Nieuwsuur, Jonker, June 18, 2021. Hoe het kabinet meer naar de bedrijvenlobby luisterde dan naar de eigen ambtenaren.

C. Braun, Aan tafel op het Malieveld Rutte III en de omgang met het maatschappelijk middenveld, in Montesqieu Instituut, 2021. ‘Niet stoffig, toch?’ Terugblik op het kabinet Rutte III. Den Haag, 83-94

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 emotions and needs of their families. Another example is the long series of press conferences by the prime minister and the minister of public health during the coronavirus crisis, which were still being held as of the time of writing (January 2022).

The continuous technological innovation in information and communication technologies has led policy communication to adapt 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 and communication channels in policymaking. Moreover, algorithms are being used by the tax agencies, and in the delivery of public services to citizens. 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 the coronavirus crisis, priorities were turned around, with public health issues taking priority over economic, social and cultural dimensions. In general, government communication occurs in an increasingly challenging media environment in which competition, polarization, trolling and “fake news” represent major challenges. In 2019, in response to repeated criticism that the language used in official communications was unclear, the government decided to create an “Instant Clarity Brigade” (Direct Duidelijk Brigade) to assist departmental policymakers in writing more understandable proposals, rules and decrees (Jip-en-Janneke taal). Considerable criticism was voiced about the increasing and abundant use of communication experts – estimates ran as high as 800 such experts in 2020 – in government, compared to the ongoing loss of expertise in the civil service and the insufficient use of experts in (government-sponsored) think tanks. In journalistic and academic circles, the feeling was that the thin line between government communication and information and propaganda defending government policies is becoming more and more blurred.

In 2020-21, policy communication had only one focus: coronavirus crisis management. The Dutch communication experts followed a complex strategy of communication. One theme was shifting between two communicative registers: that of communicating order in the crisis through informing and instructing, based on expert knowledge; and another that focused on showing empathy with those nudged into compliance, with this taking place through listening, interpreting and narrating. A second theme was openness about the government’s “dilemma” logic – that is, sharing with the public the government’s efforts to balance often contradictory considerations and

assumptions in its policy decisions. The major contradiction here was between the public health considerations and the values of the medical profession advocates and the values predicated on economic, social, cultural and psychic well-being held by those who advocated putting a higher priority on keeping the economy and society running. After initial successes and a rally-around-the-flag effect, the strategy gradually fell apart, as it ran up against the public's tolerance for sustained uncertainty associated with "broken promises" and repeated delays of a clear exit. The clarity of policy communication also declined due to the political competition in the March 2021 election campaign; not to mention strong polarization later in the pandemic around stricter measures (evening/night curfew, strict lockdown periods) and stronger efforts to persuade people to comply with recommendations (for vaccination, use of a coronavirus pass as condition for access to hospitality sector establishments and larger cultural and sports events). The polarization went beyond the logic of crisis management itself, and became highly political when stricter measures and nudges were interpreted as anti-constitutional and as infringing on personal and civic liberties.

Citation:

G. Rijnja and M. Bakker, Reikende handen: communiceren in ongewisse tijden, in: V. Wijkheid and M. van Duin, eds., 2021. *Lessen uit de coronacrisis: het jaar 2020*, Den Haag: Boom Bestuurskunde, 217-231

Trouw, Omtzigt, October 8, 2021. Stop liever geld in doordacht beleid dan een leger aan voorlichter.

Nationale Ombudsman, 5 April 2016. Het verdwijnen van de blauwe envelop. Een onderzoek naar de digitalisering van het berichtenverkeer met de Belastingdienst. (zoek.officielebekendmakingen.nl, accessed 8 November 2019)

overheidsexpertise.nl/communicatie (overheidsexpertise.nl, accessed 8 November 2019)

NRC Next, 24 October 2019. De Direct Duidelijk Brigade moet teksten overheid weer begrijpelijk maken.

Implementation

Government
Effectiveness
Score: 5

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 second year, two of its big initiatives, a pension agreement and a climate agreement, were achieved. Then came the pandemic, which generated 19 emergency laws. All in all, out of 363 proposed original new bills (minus approvals of EU legislation, treaties and technical "repair" laws), a total of 186 (51%) had been adopted by January 2021; as of the time of writing 23 bills were awaiting approval in the First Chamber. However, in its overall assessment of government performance, including goals achievement, in 2018 – 2019, the General Audit Chamber, in an especially pessimistic annual report, found most departmental reports inadequate owing to "bad memory" and inadequate records. For the first time, it also identified illegal expenditures.

Ineffective policy shows up in virtually all policy areas and departments. In international comparisons the Netherlands scores low with regard to generating sustainable energy and building new houses, and very high with regard to the emissions of nitrogen. The education system produces inequality among students; economic inequalities are increasing; infrastructure maintenance (roads, bridges) is overdue; there is a tremendous backlog in the exams for driving licenses; substantial amounts of cocaine and synthetic drugs are imported or produced; the percentage of physically and mentally challenged workers in paid jobs is among the lowest in Europe; and the coronavirus-era track-and-trace, testing and vaccination programs all suffered from organizational barriers and personnel shortages.

No doubt the most shocking and politically impactful case of policy failure was the childcare benefits system as implemented by the tax authorities. Tens of thousands of families (often of non-Dutch descent) were considered to have acted fraudulently on flimsy evidence, illegally placed on fraud lists without being informed about it, and “lawfully” subjected to recovery regimes that pushed them into poverty for a long time. In many cases, this led psychological problems, divorce and even loss of custody of children. Any proportionality between the size and severity of violations and the degree of punishment was completely disregarded. This is no longer denied even in parliament, which is partly to blame because of over-hasty and sloppy legislative initiatives pushing for zero tolerance on social benefits fraud. Ironically, parliament’s insistence on fast and across-the-board compensation for the victims has turned into an implementation nightmare itself. (The Rutte IV cabinet has a special deputy minister to clear up the mess.) Even legal appeals fell on deaf ears for many years, as the High Court systematically followed the tax authorities’ stricter-than-strict interpretation of the law. This scandal evolved between 2009-2020 and, demonstrating poor policy feedback mechanisms, was only documented by the Van Dam Parliamentary Investigative Commission in the autumn of 2020. After publication of this report (“Unprecedented Injustice”), only two politicians (among many more) directly responsible for the tax authorities’ conduct in the recent past immediately ended their (national) political career. On 15 January 2021, the Rutte III cabinet collectively and symbolically stepped down, but in fact continued on as a caretaker government to deal with urgent coronavirus matters, prepare national elections in March 2021 and govern the country during the cabinet formation process that would last a record number of days from 17 March 2021 until 10 January 2022.

Citation:

M. Chavannes, 25 September 2019. Wij hebben een mooi klimaatakkoord. Wat niet betekent dat we het gaan uitvoeren. (decorrespondent, accessed 3 November 2019)

Algemene Rekenkamer, Verantwoordingsdag. Toespraak President van de Algemene Rekenkamer, 15 May 2019 (Rijksoverheid, accessed 3 November 2019)

De Correspondent, 26 October 2019. De CO-2 heffing die nooit werd geïnd.

B. van den Braak, 2021. Bescheiden ambities en smalle marges. De wetgevingsoogst van Rutte III, in Montesquieu Instituut, 'Niet zo stoffig, toch?' Terugblik op het kabinet Rutte III, 105-108

Bernard ter Haar, blog published 23 April, 2021. De Nederlandse overheid heeft deze eeuw nog niets substantieels tot stand gebracht.

De Correspondent, Jesse Frederik, January 15, 2021. De tragedie achter de toeslagenaffaire

RTL Nieuws, March 5, 2021 Toeslagenschandaal veel groter

NOS Nieuws, November 29, 2021. Duizenden in financiële problemen gebracht door zwarte lijst Belastingdienst.

Volkskrant, Witteman, August 20, 2021. Vermorzeld in de raderen van de Belastingdienst

NRC-H., van den Bunt, March 16 2021. Catshuisregeling betekent weer systeemfalen.

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 IV government, which nevertheless consists of the same four coalition partners (VVD, CDA, CU, and D66) as Rutte III, resulted in a government agreement that is more than 50 pages long – a "delivery by forceps" according to one spokesperson. Thus, structural cleavages (along left-right, "good" populism versus anti-populism, immigration and ethical issues) and the legacy of distrust between the coalition partners from the previous Rutte III experiences will lead to considerable intra-cabinet tensions, and thus opportunities for individual ministers to highlight their party-political affiliation and downplay the government agreement. This tendency may be stronger than usual since the new cabinet promised to change the traditional "governing culture" (bestuurscultuur) in which the coalition or cabinet agreement was politically sacrosanct.

Citation:

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

NOS Nieuws, December 13 2021, Akkoord nieuw kabinet: 'Het had soms iets van een tangverlossing.'

NRC, de Witt Wijnen, December 16, 2021. Elke partij kan eigen winstpunten noemen.

Volkskrant, Sitasing, April 22, 2021. De 'nieuwe bestuurscultuur' waar je nu zoveel over hoort, is geen modegril, maar noodzaak

Monitoring
Ministries
Score: 4

Given the Prime Minister 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. The child benefits policy catastrophe shows this clearly: Although the child benefit system was a bill designed by the Ministry of Social Affairs and Employment, its implementation was entrusted to the tax authorities (in the role of allocator of tax benefits), formally part of the Ministry of Finance. When the first alarming signs of the affair became public, neither the minister of social affairs nor the prime minister were sufficiently well-informed or felt responsible to intervene. Even legal appeals fell on deaf ears in the Supreme Court, and an alarming report by the Ombudsman was neglected. Non-intervention on other departments' turf and a hard division between policymaking/legislation and implementation practice hamper and complicate monitoring.

Since 2013 to 2014, General Audit Chamber studies have focused on salient and financially relevant policy issues 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. In 2017, the audit chamber launched a website for monitoring ministerial compliance of its recommendations. Three out of five recommendations made by the audit chamber were complied with, according to ministerial self-reports. In 2019, policy failures were signaled with regard to sustainability targets, nitrogen emissions policy for agriculture and building activities, and toxic risks policy for soil and paints. Eventually, judging by the new coalition agreement, these failures appear today to be leading to remedial action.

Citation:

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

Teller Report, November 23 2021. Weekers warned Asscher about allowance affair: "If only I had persisted"

Algemene Rekenkamer, 2021. Voortgangsmeter aanbevelingen

Monitoring
Agencies,
Bureaucracies
Score: 4

The many implementation failures and low level of policy effectiveness are generally considered to have resulted from the cuts imposed under the austerity policies of the previous Rutte governments. Inspectorates tasked with monitoring policy implementation practices by QANGOs and bureaucracies have also had their work impaired by the legacy of strict austerity measures. A 2016 evaluation study of the national Framework Law on

Agencies/Bureaucracies had insufficient scope, according to 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 and parliament lack adequate oversight over the dozens of billions of euros of expenses managed by bodies (QUANGOs) at some distance from the central government. In 2019, the Inspection Council (Inspectieraad) judged that the current legal structure and limited influence exerted by ministerial oversight result from a neglect of implementation problems and a predominantly efficiency-focused inspection approach. Inspectorates in sectors like building, education, healthcare, environment, labor conditions and even some water management regions are now considered impotent due to understaffing, underfinancing and overburdened staffs. A similar situation is evident in the consumer and privacy protection field, especially with regard to the digitalization of citizen registrations and the accessibility of online-only government services.

Citation:

Inspectieraad, 2019. Reflecties op de staat van het toezicht, Den Haag (Rijksoverheid, accessed 2 November 2019)

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

NOS Nieuws, n.d., 2021. Milieuovertredingen weinig gecontroleerd; vaak niet bestraft

De Groene Amsterdammer, Estra and Staal, 21 November 2021. Onderzoek: Omgevingsdiensten handhaven niet. 'Bel de pers'.

Groene Amsterdammer, Peek and Woutersen, 29 September 2021. Investico: Inspectie pakt uitbuiting niet aan. Voor de tweede keer slachtoffer.

Task Funding
Score: 4

Since 2010, the national government has devolved a significant number of implementation tasks to subnational governments. Subnational governments, which are positioned closer to citizens, are presumed to be more effective in delivering localized social and healthcare policy responses. However, local governments did not receive commensurate financial compensation for their additional activities, as “tailor-made” policies were intended to involve savings for the national budget. The more complicated interadministration relations and multilevel governance structures have made government and administrative responsibilities fuzzier, and policy performance harder to evaluate. According to data published by the Association of Local Governments (VNG), nearly half of such government entities are not financially resilient. 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.

Citation:

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

Financieel Dagblad, 26 February 2019. Gemeenten in zwaar weer door verplichte sociale uitgaven.

VNG, 23 November 2021. Financiële weerbaarheid bij veel gemeenten onder de maat

NRC-H, Engelaar, April 30, 2021. Stop de fictie van ‘lokaal maatwerk’

Constitutional
Discretion
Score: 5

Dutch local governments are hybrids of “autonomous” and “co-government” forms. Typically, starting in 2016, the Local Government Fund (Gemeentefonds) budget has decreased and/or increased in step with the national government’s budget. Local autonomy is defined mostly negatively as pertaining to those tasks left to local discretion because they are not explicitly designated as national policy competencies. Co-government is financially and materially constrained in rather extensive detail by the elaborate set of indicators specified in the Local Government Fund (Gemeentefonds). 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, jointly, violate the European Charter for Local Government in having created a culture of quality control and accountability that paralyzes local governments by reducing their policy flexibility to near zero. This is due in part to popular and political opinion that in a small country like the Netherlands local policymaking, levels of local-service delivery and local taxes ought to be equal everywhere. The transfer of policy competencies in many domains of care imply that local discretion has formally increased, sometimes resulting in different treatment of similar cases by local governments in different parts of the country. In 2021 the Dutch Association of Local Governments (VNG) offered a moderately positive evaluation regarding its increasing share in the national budget. But it also went so far as to publish a critical analysis of what it called an erosion of local government and democracy and, overturning the present constitutional three-level structure of inter-administrative relations (Huis van Thorbecke), advocated a radically innovative design for a Law on Decentralized Government.

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)

VNG, February, 2021. Manifest. Het roer om. Naar nieuwe verhoudingen in het openbaar en decentraal bestuur,

VNG, September 2021. VNG-reactie op de Rijksbegroting 2022. Bijzondere ledenbrief.

Ministerie van Binnenlandse Zaken en Koninkrijksaangelegenheden, Staat van het bestuur 2020: groeiende zorgen over decentrale democratie en het lokaal bestuur. (kennisopenbaarbestuur.nl)

National
Standards
Score: 5

National standards are implicit in the nationwide local-government fund model, which allocates a share of national tax revenues to the roughly 360 local governments on the basis of numerous variables. This funding today comprises 86% of local-government budgets. Local governments themselves also try to meet mutually agreed-upon 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.). As part of a knowledge platform (Waarstaatjegemeente.nl), the Association of Dutch Local Governments produces a comparative report on the status of local governments that collects relevant policy evaluations and assists local governments in their information management. Nevertheless, due to the implementation of ill-considered decentralization plans, including funding cutbacks, it is likely that the uniformity of national standards in the delivery of municipal services has somewhat diminished. 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, care for the elderly, but also regional energy and innovation policy). Cooperation agreements for such transboundary tasks escape normal democratic control by local councils, and have reached numbers and degrees of intensity that give rise to concerns about the scope and quality of local democracy.

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

Waarstaatjegemeente.nl, 2021

Raad voor het Openbaar Bestuur, Van den Berg et al., May 11 2021. Perspectief op interbestuurlijke samenwerking: Beelden van het rijk en decentrale overheden kwanitatief vergeleken.

Effective
Regulatory
Enforcement
Score: 5

The government frequently formulates policy goals that are more far-reaching than can realistically be achieved in practice. For example, virtually none of the coronavirus policies could or can be implemented with the existing contingents of nurses, care workers, police officers and their assistants. Realistically speaking, enforcement of coronavirus policies rests on moral appeals to firms and citizens and nudging them to obey the rules (regarding

social distancing, wearing masks, etcetera), paired with small-scale law-enforcement activities. The same could be argued about traffic control; enforcing anti-pollution and environmental rules for firms; and drugs, food and sustainability rules for consumers.

Paradoxically, generally weak rule enforcement leads to overreaction and harsh rule enforcement in other cases. The child benefit affairs could come about only because of a policy of zero tolerance for social benefits fraud, which was deemed necessary to guarantee citizens' solidarity and willingness to pay taxes. Another example is the use of regulatory enforcement by administrative bodies (rather than legal prosecution by legal authorities) to counter the efforts of criminal organizations to penetrate the formal economy and government administrations. Attention has been focused on illegal-drug production, traffic (notably in harbor cities, but also in the relatively empty rural areas of the country's south and east), transportation and trade, as well as on human trafficking (women, refugees). Special police teams, mayors of larger cities, national and local public prosecutors, and fiscal detectives collaborate (not very successfully) in detecting drug and human trafficking gangs. Through the use of ordinary administrative laws, authorities "harass" drug and human traffickers to such an extent that they close down their business or, more frequently, relocate. Studies trying to estimate the effectiveness of such methods have been methodologically contested and are thus inconclusive. It is in connection to illegal drugs and human trafficking that mayors of larger cities and sometimes small, rural villages become "crime fighters."

Citation:

Trouw, 31 August 2019. Niet alleen in Amsterdam zijn drugs een probleem.

De Correspondent, 26 October 2019. De CO-2 heffing die nooit werd geïnd.

NRC-H, Meeus, December 4, 2021 Minder hijgerigheid, meer tegendruk: ambtenaren en de komst van Rutte IV

Inspectie Justitie en Veiligheid, 18-05-2021. Jaarbericht 2020: Grote druk op uitvoeringsorganisaties

Tweede Kamer, 25 February, 2021. Eindrapport onderzoek uitvoeringsorganisaties overhandigd. ('Klem tussen balie en beleid'.)

Adaptability

Domestic
Adaptability
Score: 5

Government reform has been on and off the agenda for at least 40 years, but there has been no substantial reform of the original government structure, which dates back to the 1848 constitution, "Thorbecke's house." 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. Given the Dutch citizens' relatively high level of trust in national institutions, it could be argued there was no need for reforms. But in 2021, as a response to the child benefit scandal and many other signs of policy failure, the general public's levels of trust in politics and politicians suddenly dropped dramatically.

For years there had been a negative political mood, manifesting in typical expressions of unease like "I am OK, but the country is going down the drain," by "angry" or "worried" citizens who feel they are not being "listened to," are "not visible," or are "forgotten," "orphaned," no longer "at home" and "threatened in their identity." Some analysts framed this as the emergence of a psychological-populist political culture, exploited by both right-wing populist (PVV, FvD, JA91) and identitarian parties (Bij1, DENK) and human interest and lifestyle-based media. Dozens of political opinion leaders, scientists and even high-level civil servants stepped forward with analyses of how and why the political system structurally fails to be responsive, is averse to learning from failure, avoids deep political conflicts and, generally, lacks sufficient learning capacity. In these analyses two major points stand out. First, parliament has lost its capacity and interest in careful co-legislation; and in its role of holding the executive to account it lacks information about policy impacts on the life world of citizens. Second, in the executive, control over implementation has shifted to experts in process management, financial control and performance measurement. In other words, the bureaucracy's ethos is no longer anchored in the concept of "public value and service for citizens" but rather in "correct rule compliance" and "cost-efficiency in the service delivery process."

The first signs of trouble in this area came in a 2018 report by the Remkes Commission, which advocated state reforms rebalancing the demands of democracy and the rule of law. Among its 83 recommendations, the report advocated for the direct election of politicians tasked with forming new cabinets, the introduction of a binding corrective referendum process, the establishment of a Constitutional Court tasked with assessing the constitutionality of parliamentary laws, and procedures that would give voters greater influence over who is elected to parliament. The commission also called for a new political culture that would accept less detailed government coalition agreements, and would be more willing to consider the possibility of minority governments or governing through shifting majorities. In the 2021 coalition agreement, finally, in a first section entitled "strengthening of democracy and the rule of law" (*versterking van de democratische rechtsorde*),

many of these recommendations are embraced as to-be-elaborated intentions and promises by the Rutte IV cabinet.

Citation:

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

Staatscommissie parlementair stelsel (die. Remkes), December 2018. Lage drempels, hoge dijken. Democratie en rechtsstaat in balans, Amsterdam: Boom

De Groen Amsterdammer, van der Hoeven, March 10, 2021. Is de publieke zaak nog in goede handen? ‘We moeten zaken simpeler willen houden.’

R. Bekker, March 2020. Dat had niet zo moeten. Fouten en vallen van de overheid onder het vergrootglas. Boombestuurkunde

J. Bussemaker, 2021. Ministerie van verbeelding. Idealen en de politieke praktijk, Uitgeverij Balans

NRC, de Witt Wijnen, January 15, 2021. Meer transparantie, altertere ambtenaren

Montesquieu Instituut, van den Berg en Kok, August 30, 2021. Onbehagen bestrijden? Meer rechtsstaat, minder emotiecultuur.

NRC, 22 November, 2021. Wantrouwen gaat niet over samenleving maar over politiek.

Coalitieakkoord, December 15, 2021. ‘Omzien naar elkaar, en vooruitkijken naar de toekomst’

International
Coordination
Score: 7

The Netherlands has been a long-time 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. Although popular support for the EU never fell below 60% in Eurobarometer studies, 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 government’s continued message that the country is an “unfairly” treated 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. 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 to adapt domestic political and policy infrastructure to international, particularly EU, trends and developments (beyond what has already been achieved). Nevertheless, Dutch ministers do play important roles in the coordination of financial policies at the EU level. The present vice-president of the European Commission, Frans Timmermans, is a former Dutch minister. 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 some 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 a minister of general and European affairs, with heavy support from the minister of finance. In tandem, they put the brakes on the Stability and Growth pact for a coordinated European approach to economic reforms and mitigation of the economic impacts of the coronavirus crisis. At the time of writing, the Dutch were the only country to have not yet filed a national plan for reforms as a condition for gaining access to SGP funds.

But regarding the EU, there is change in the air. The December 2021 coalition agreement states that from now on, the Dutch government intends to play a leading role in making the EU more ready for decisive action, and in making it economically stronger, greener and more secure. This implies more willingness to implement EU directives swiftly and to cooperate on issues like climate, migration, security, trade and tax evasion. Tellingly, the Dutch government is considerably increasing its national defense budget, and supports EU military cooperation and a potential European security council. To date, information about EU policies and decisions have typically reached citizens not through governmental information services, but only through the media and the Dutch parliament through a large number of fragmented channels. As part of a new Europe Law, the government intends to structurally inform citizens and parliament more transparently about EU decision-making and the impacts and value-added associated with EU policies.

Globally, the Netherlands, ranking 11th out of 165 countries, is doing fairly well in achieving its own Sustainable Development Goals. The bad news is that its spillover score ranks 159th out of 165, meaning that it hardly has any positive spillover effects on other countries or parts of the world on dimensions like environmental and social impacts embodied in trade, economy, finance and security. Especially in the areas of the economy and finance, the country contributes to corporate tax evasion, financial secrecy and profit shifting; it also plays a small but substantial role in weapons exports.

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.

Instituut Clingendaal, Europa NU, 22 december 2021. Europese Commissie wil brievenbusfirma's aanpakken, Nederland onder de loep

Coalitieakkoord, December 15, 2021. 'Omzien nae elkaar, vooruitkijken naar de toekomst.

Sustainable Development Report 2021 – SDG Index

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 was stripped of participation in cabinet-formation processes in 2012; the second chamber or senate now formally directs that process; in practice it is in the hands of the largest political party after elections. The effect on government formation was mixed, with a historically rapid formation in 2012 and two coalition formation processes of record-setting length in 2017 and 2021. The second change was the informal adaptation to lower levels of parliamentary support on the part of 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 also applied to the Rutte III and will apply to the Rutte IV cabinet. However, in 2019, the Council of State warned that there was a risk of subjecting parliamentary legislation to the outcomes of poldering practices that effectively give too much power to organized and vested stakeholder interests (e.g., in the context of the big agreements on housing, pensions and climate).

Two open 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, healthcare and senior-citizen care. Strikingly, in 2020-21, many critical studies and reports signaled strong "peripheral discontents" in the northern, eastern and southern areas of the country; many citizens living in those parts of the country feel unheard, unseen and neglected. They frequently organize demonstrations in the political capital, The Hague. A task-driven (as opposed to a problem-driven) national politics and policy hampers the development of more appropriate regional and local policy responses. Regional and local governments now demand a long-overdue overhaul of interadministrative relations between national, provincial and local government and water boards. Practical problems and tensions crystallize in the now often politically contested role of mayors.

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, later renamed according to its true order of priorities, Security and Justice, is supposed to provide political guidance to both of these reform movements. The subordination and instrumentalization of law to policy and the securitization of the judiciary is evident in the fact that under the Rutte IV cabinet, the top echelon of the department no longer consists of top-level legal specialists; instead, the department is run by specialists in political science and public administration.

Citation:

NRC-Handelsblad, 11 April 2019. Raad van State: parlement maakt zichzelf machteloos door akkoorden.

NOS Nieuws, September 1, 2021. Vorige informateur (Tjeenk Eillink) voelt 'plaatsvervangende schaamte' voor impasse formatie

Raad van State, 25 November 2021, Verzoek om voorlichting over interbestuurlijke verhoudingen

Van den Berg and Kok, 14 September 2021. Regionaal Maatschappelijk Onbehagen. Naar een rechtsstatelijk antwoord op perifeer ressentiment. (in opdracht van LNV)

Boogers et al., January 2021. Teveel van het goede? De staat van het burgemeesterambt anno 2020.

Institutional
Reform
Score: 5

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. Due to the long period of austerity, which came to an end only in 2019, strategic capacities have not been strengthened. This became clear for all to see following the government's steering problems during the pandemic. Experiments in participatory budgeting and local democracy may to some extent harness citizen knowledge and expertise, and serve as a countervailing power to local government bodies. A hesitantly more pro-EU policy mood may also result in some institutional reform over the mid-term.

But this is going to take a lot of effort and, probably, time. Although institutional arrangements are monitored regularly (for instance, by the Scientific Council of the Government on citizen self-reliance, the Council for Public Administration on local democracy and administrative effectiveness,

annual reports by the national Council of State on politically salient issues, and regular reports on citizens' perceptions of well-being by the Socio-Cultural Planning Agency), recommendations and plans often receive little follow-up due to a lack of political will. It has been plausibly argued that the weak link between critical self-monitoring and political action is due to a systematically biased self-image among the country's leading politicians, civil servants and intellectuals: Every failure is disparaged as an "incident" or "accident" in a normally smoothly run, exemplary country. In the typically pragmatic and technocratic style of policymaking characteristic for the country since the 1990s, this leads to muddling through rather than reform and institutional change. Policymakers routinely ask: "How can we do things better?" instead of "Are we doing the right things?"

Citation:

VPRO, 26 December 2021. Mathieu Segers: de voorbeeldrol die Nederland zich aanmeet, is heel vaak misplaatst

De Correspondent, Chavannes, 27 December 2020. De overheid werd een bedrijf mensen onverdiend wantrouwt. Alleen Kamer en kabinet kunnen die denkfout herstellen.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 6

Political knowledge depends on levels of trust in politics and patterns of government-enabled and either invited or spontaneous participation. Voter turnout rates in national elections have been stable between 75% and 80% for some time. Turnout rates in European elections are half this level, while for local and provincial elections, they vary between 55% and 60%. Recent political science research has found that a broad majority of voters believe that the March 2021 elections – during the pandemic – were conducted honestly. But respondents expressed doubts as to the reliability of voting by proxy and mail, which were allowed on a larger scale than usual because of coronavirus measures.

Patterns of participation are stable: more than half of the adult population is non-active; 15% of people occasionally write an email to their local government; 14% are politically active on the neighborhood level; 6% are locally active and have many contacts with local government and politicians; and 7% are "all-rounders" who are both politically and societally active. Since the rise of neoliberal politics, the government has shifted participatory

opportunities from the beginning to the end of the policy cycle: from stimulating political participation as an institutionalized and legitimate opportunity for citizens to influence policymaking to regarding societal participation as individual citizens' self-determined responsibility to co-produce policy implementation and public service delivery. This shift is visible even in citizens' appreciation of the judiciary: instead of relying on courts and judges, they are increasingly turning to do-it-yourself justice through mediation procedures.

Dutch citizens claim to spend slightly more time than the average European citizen on collecting political information. But many people find political information uninteresting or too complicated; if not for themselves, then for others. Younger people (15-30 yrs.) have begun to avoid political news; if politically interested, they seek information through social media. The broader public does not seem to be well-informed on a wide range of government policies; particularly in the area of international politics, the Dutch public's knowledge is alarmingly low. This may explain why on the EU, Dutch citizens are caught in a dependence-cum-distrust paradox: 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.

In addition to disinterest and an increasing knowledge gap between educational levels, systematic (foreign- and nationally led) efforts to disseminate conspiracy theories and disinformation and create "fake news," even by members of parliament, have had a polarizing effect on knowledge levels regarding political issues and decision-making. The coronavirus crisis has increased awareness of the impact of government on citizens' daily lives. After a rally-around-the-flag surge, trust in government plummeted as the coronavirus crisis lingered on; exacerbated by public policy failures such as the child benefits scandal, delayed and unfair compensation for earthquake damages in the gas-exploiting areas of Groningen, delays and nondecisions related to the huge levels of nitrogen emissions, and increasingly visible inequality. Ironically, the fact that previous levels of trust were so high has led to disappointment, and this in turn to high levels of distrust, and even disgust and hatred of politics.

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 (through binding referendums), whereas higher educated citizens, especially those with tertiary qualifications, have turned against the idea of referendums, binding or advisory. There has been a wide and broad range of initiatives across all levels of government in all kinds of citizen engagement projects; recently, highly

regarded advisory bodies have recommended the use of citizen forums on a national scale for thorny problems like energy transition and (health) care. Thus, belief in participatory options co-exists with low levels of knowledge on policies and widespread discontent with politics and governance. A surge in street protests and large-scale demonstrations – by younger people, climate and animal activists, but also middle-class groups like teachers, nursing personnel, farmers and building-industry employees, has been evident in the years since 2019; this trend continued during the coronavirus crisis of 2020-21 when social distancing rules were frequently disobeyed in large-scale protests and demonstrations. Overall, it appears that spontaneous, citizen-initiated efforts to exert power outside and beyond institutionalized venues and government-sponsored participatory policy exercises are gaining political traction.

Citation:

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

SCP., van Houwelingen et al., March 2014. Burgermacht op eigen kracht? Een brede verkenning van ontwikkelingen in burgerparticipatie, Den Haag

Stichting KiezersOnderzoek Nederland, 2021. Versplinterde Vertegenwoordiging.

SCP, De sociale staat van Nederland, 2020

Trouw, Visser, 23 August 2020. Een pandemie is voedsel voor complottheorieën: die bloeien als noot tevoren.

Trouw, de Wit, 25 June 2021. Nederlanders lijden aan een rampzalig gebrek aan kennis over internationale betrekkingen.

SCP, Djunjeva and de Ridder, 8 October 2021. Dutch citizens' expectations and perception of the EU'.

NRC, de Koning and Valk, 24 September 2021. 'Mensen willen de politiek wel vertrouwen'

NRC.next, 20 March 2021. Klimaattransitie: 'Stel burgerforum rond klimaatbeleid in.'

NRC, 4 December 2021. Jensma. Het recht als institutie raakt stilaan uit de gratie bij de burgers.

Open
Government
Score: 6

The Dutch state shows a Janus face with regard to the issue of open government. On one hand, an avalanche of information about objective data and their official (often scientific) interpretation is made available to every citizen; on the other, the government maintains considerable secrecy about alternatives that may be on or off the table, arguments pro and con used in policy design, considerations relevant in shaping organizational matters, and which organizations and/or representatives participated in the deliberations.

The most important and high-prestige knowledge institutes regularly publish comprehensive, timely and accurate data and analyses. Such information is used in the annual information packages that accompany parliamentary

deliberation and decision-making on the national budget and other issues. 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, like in the recent past, the Netherlands scored relatively high on trust in government information, with little difference between the well-informed and the broader public. But in 2021, much like in other countries, a deep divide showed up between the well-informed and the mass public: four in 10 of the latter believe the government intentionally misleads citizens through statements it knows to be incorrect or exaggerated and biased; moreover, also four in 10 believe that journalists do the same.

Not all of this can be explained as an expected response to fears triggered by the uncertainty and consequences of the pandemic. The Dutch government in fact proved to be less than an open government for two reasons.

First, the Department of Public Health refused to comply with the law which offers public access to most routine government information (Wet Openbaar Bestuur, WOB). Compliance with WOB demands was already an issue of political concern because the law also offers decision-makers plenty of opportunities to withhold or delay information if “necessary” for political convenience. In this case, refusal was based on the argument that in the midst of crisis management, there was not enough staff to process the demands for release of information. A deal with the written media bought time for the department to comply with running requests later; but this promise was never kept. Second, and more serious for trust in government among citizens and members of parliament, in many other cases and for many years the government actively withheld information from parliament. This was possible due to the so-called Rutte doctrine, named after its alleged originator, the prime minister himself. The doctrine held that the government could not be obliged to disclose information to citizens or (against the grain of the constitution, Art. 68) to parliament about “personal policy beliefs intended for internal deliberation (only).”

This exemption ground, stretched in extremis, resulted in tens of thousands of redacted passages in documents disclosed (including those from the child benefits affair), much to the anger and frustration of members of parliament, journalists, NGOs and many citizen activists. At the same time, investigative journalism articles published in *De Correspondent* and *Follow the Money* disclosed hidden governance agendas and issues, and government facilitation of structural business lobbying arrangements.

Meanwhile, as of the time of writing, the Rutte doctrine has been rejected as unconstitutional for parliament and members of parliament. The new coalition government promised to change the rules of information disclosure fully in line with the constitution. And the old WOB is being replaced by a new Open Government Law (Wet Open Overheid, Woo), which will enter into force on 1 June 2022. The new law foresees active publication of government information on specified categories by means of a special Platform for Open Government Information. Every government body will have a contact person tasked with helping citizens find the information they are seeking; and an Advisory Body for Open Government and Information Management will advise the government and parliament on compliance with rules on active information publication, and will mediate in conflicts between governing bodies and professional information users, like journalists.

Citation:

De Correspondent, Enthoven, 12 January 2021. De Black Box van het openbaar bestuur.

Adformatie, Mulder, 18 February 2021. Dramatische val van van vertrouwen in Nederland; Edelman Trust Barometer is ongekend pessimistisch

Follow the Money, 27 July 2019. ABDUP: al bijna 75 jaar de onzichtbare lobby van Nederlandse multinationals. (ftm.nl, accessed 8 November 2019)

Rijksoverheid.nl, 5 October 2021. Eerste Kamer stemt in met Wet open overheid (Woo)

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.” The informal code governing information release to parliament has become known under the label of the Rutte doctrine (see “Access to Government Information”). This 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 political survival: parliamentary groups supporting the government (part of the legislature) and government ministers (the executive) become fused, which threatens the democratic principle of control and accountability.

Moreover, the States General's institutional resources are modest. Approximately 600 staff assist parliamentarians in developing legislation,

knowledge storage and use, and ICT issues. Dutch members of parliament in large parliamentary factions have one staffer each, while members of parliament of smaller factions share just a few staffers. Experienced members of parliament say that a political party needs 15 seats (with staffers) to adequately handle the normal workload of parliamentary business. At present, only four political parties have this size; one of which (populist PVV) has a track record of frequent absence with regard to legislative work. Smaller factions simply lack the time and the manpower to participate seriously in legislative debate, and thus have to choose their battles carefully, taking their visibility in the press and among their electorate into consideration. Since the larger parties are needed to maintain a stable coalition, in-depth legislative debate de facto is the prerogative of the larger parties that support the government.

In October 2019, the cabinet approved a modest budget enlargement for staff assistance to parliament. Legislators belonging to the coalition parties are usually better informed than are 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.” The hard, detailed work of legislation, oversight and control occurs out of the spotlight in departmentally organized permanent parliamentary committee meetings. The small Parliamentary Bureau for Research and Public Expenditure does not produce independent research, but provides assistance to members of 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 responds to the Audit Chamber’s annual report on its policy achievements over the last year. Due to restrictive contact rules (oekaze Kok) day-to-day contacts with officials are fuzzy and unsatisfactory. Formal hearings between members of parliament and departmental officials are rare. Members of parliament can ask officials to testify under oath only in the case of formal parliamentary surveys or investigations. Although this is considered an extraordinarily time-consuming instrument, parliament has voted to use it in three cases of contested issues: regarding gas exploitation and earthquakes in the province of Groningen, the child benefits affair and management of the coronavirus crisis.

Citation:

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

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

Parlement.com, van den Berg, 16 July 2021. Problemen met wetgeving, oud en nieuw

Investico, Kuipers et al., 10 March 2021. Wat geeft de wetgever om de wetten?

Kabinet akkoord met grotere financiële steun Kamerleden en partijen

NRC.next, 27 March 2021. Al die parlementaire enquêtes een gevaar voor Rutte IV? Dat is voorbarig

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 defensively, in order to protect “ministerial responsibility to parliament” and a “free consultative sphere” with regard to executive communications. According to the Rutted doctrine, 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 open deliberation, as well as the state’s interests. Documents containing such information frequently reach parliament in incomplete form with crucial passages rendered unreadable. As political scientist Hans Daalder noted a long time ago: “In practice, it is the ministers that decide on the provision of information requested.” There are recent examples of cases where the Dutch parliament has not been informed or has been informed incorrectly. These include a childcare allowance scandal and a parliamentary investigation into the legality of (covert) crime investigation techniques used by the police (see Guido Enthoven in de De Groen Amsterdammer, 2021).

Citation:

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

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

De Groen Amsterdammer, Enthoven, 12 January 2021. Het einde van de Rutte-doctrine. De Black Box van het openbaar bestuur.

Summoning
Ministers
Score: 9

Parliamentary committees may invite ministers to provide testimony or answer questions. Usually, such requests are duly obeyed. For example, in 2018 a minister for public health even canceled international commitments in favor of dealing with parliamentary issues concerning the bankruptcy of two local hospitals. Nevertheless, ministers often do not answer questions in a forthright manner. Sometimes ministers avoid public accountability and step down before being summoned to escape a censure or no-confidence motion. Every week, parliamentarians have the opportunity to summon ministers and pose questions.

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

Parlement.com, Aftredende bewindslieden

Summoning
Experts
Score: 9

Parliamentary committees may and do regularly summon experts. For example, during the coronavirus crisis, the Committee for Public Health, Welfare and Sports regularly summoned members of the Outbreak Management Teams for so-called technical briefings. In the past, parliament has summoned experts for special topics like climate change.

Citation:

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

Tweede Kamer, Debat gemist, Update coronavirus

18 augustus 2021 Vaste commissie voor Volksgezondheid, Welzijn en Sport Technische briefing

Task Area
Congruence
Score: 9

There are 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). Members of parliament in these parliamentary oversight committees usually have close contacts with (deputy) ministers and (far less) high-level civil servants in the departments they oversee. Some observers see this as having contributed to a mutual interweaving of the executive and legislative branch of the government, thereby diminishing the executive's accountability to the legislature. There are approximately 1,700 public and non-public committee meetings per year. By giving the committees the right to introduce, discuss and vote on motions (without a subsequent plenary debate and voting), the pressure on the plenary meetings is reduced, and the oversight role of the committees strengthened.

There has been a debate about the Committee on Security (Commissie Stiekem), which includes all leaders of the political parties, as some lawmakers have expressed concern about a lack of effective parliamentary oversight on crucial security issues. Very little is known about why such criticism was voiced and how members look at their role in the parliamentary

committee. Other committees have public sessions (since 1966) that are broadcast, which means that there is more information available on the activities of the various political parties. Smaller political parties, especially ones with between one and three members, simply cannot attend all committee meetings. Over time, the core of parliamentary activity has moved from the plenary sessions to the committees.

Citation:

Commissies (tweedekamer.nl, consulted 6 November 2014)

S. Otjes, 6 February 2019, Wie bepaalt de agenda van de Tweede Kamer? (stukroodvlees.nl, accessed 8 November 2019)

G. H. Hagelstein, *De parlementaire commissies* (Nederlands parlamentsrecht, Monografie VI, Dissertatie Groningen 1991; Groningen: Wolters-Noordhoff, 1991, xix + 443 blz., ISBN 90 01 36530 2.

Hijzen, Constant. 2013. "More Than a Ritual Dance. The Dutch Practice of Parliamentary Oversight and Control of the Intelligence Community." *Security and Human Rights* 24; 227-238.

Investico, Kuipers et al., 10 March 2021. Wat geeft de wetgever om de wetten?

Media

Media Reporting
Score: 6

Dutch public media are not completely state-run. Rather, they are organized along different segments of the population, each with their own distinct set of beliefs, perspectives, convictions and paying members. The system has been modernized several times, most recently by limiting the number of media organizations to six (plus two task-oriented ones). Every five years the culture branch of the Department of Education, Science and Culture, advised by relevant commissions, judges on the basis of the number of memberships and (vague) substantive criteria which organizations are representative enough to claim broadcasting time and public resources (money, equipment) in this public media system. Every five years, two "aspiring" members are admitted on a temporary basis. To the astonishment of many, in 2021, Unheard Netherlands! (ON!) and Black (Zwart) were admitted. Both broadcasting organizations are rooted in vocal protest movements, and have been visible in Dutch public debate for some time thanks to demonstrations and provocative actions. ON! has frequently criticized Dutch media and journalists as disseminating biased news and for being too left-leaning. Since the public media are by law supposed to further "societal coherence," it is feared that by coopting these two organizations, the system will be damaged from within. Other recent changes to the system provided more time for regional news on national TV/radio, and devoted less time for commercials, with this falling all the way to zero around children's programs.

Several media-use trends appear to have reached tipping points. Digitalized media consumption is becoming dominant, even though during the lockdowns the population of people aged 50 and older turned more to paper media and linear tv. This will be a structural change in media use, slowly moving from younger to older users. Streaming services have become mainstream. On-demand video- and audio-content is used by all age groups. All media organizations and enterprises are converging toward cross-media products. Consequently, they group all their content offerings under one and the same brand name. Even former paper-based media like Nieuwe Rotterdamse Courant (NRC) and Algemeen Dagblad (AD) have transformed themselves into cross-media news enterprises. The shift from analog to digital media consumption implies that the advertisement incomes of traditional media are transferring to the digitalized cross-media organizations and firms. Since advertisement income is concentrated on big tech companies like Google and Facebook, national broadcasting and publishing companies worry about their economic sustainability. In the Netherlands, this has generated upscaling and acquisition initiatives; for example, the Belgian DPG bought Sanoma, and RTL (with Bertelsmann in the background) intends to become the Dutch media champion. With only two big players, the Media Pluralism Monitor 2021 reports for the Netherlands that: “News media concentration (85%) indicates a high risk. The market is concentrated both in terms of audience share as well as market share. There is no media legislation restricting ownership of media.” Yet the report also states that as yet, this has not resulted in a lack of pluralism or an impoverishment of news sources and varieties.

Citation:

Commissariaat voor de Media, 21 November 2021. Mediamonitor 2021.

NRC, van den Brink, January 23 2021. ‘Eigen signatuur’ pakt rampzalig uit

NRC, Nieher, 4 October 2021. ‘Het is ingewikkeld om deze omroepen af te wijzen’

NRC, Takken and Smouter, 14 November 2021. Mediaminister Slob: ‘Het huis van de publieke omroep is wel erg vol’

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. 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. For example, some political parties deal with their representatives' ethical issues (especially regarding gender issues) through internal councils or executive organs, political parties report inflated numbers of formal members in order to boost state subsidies, and candidate lists and leadership-succession practices frequently lack transparency, illustrating Robert Michels' thesis that political parties act as oligarchies.

In addition, political parties are not obliged to have a membership organization or conduct internal decision-making practices democratically. One party (the anti-immigrant party PVV) has only one member – its leader – and not even its members of parliament or local councils are able to join the party they represent, and not even members of parliament have any formal say in policies, candidate selection or internal workings of this party. Several political parties have received very considerable amounts of money (up to €1 billion), sometimes from foreign countries. Entrepreneurs have sold time with ministers and other high officials from governmental parties to companies during dinner parties in order to finance campaigns, eradicating the line between partisan activities and formal duties. Some political scientists therefore advocate a separate law on political parties, including grounds for prohibiting parties that undermine democracy itself; and an independent (non-state) commission for oversight and enforcement. Such a Party Law that would acknowledge the special and crucial functions that parties perform in the country's democracy is now being prepared.

The very narrow basis of political parties is reflected in their membership figures. Political-party membership reached an all-time low of 285,851 in 2015. It increased to 316,000 in 2021 (2.4% of the electorate), owing to an increase in young voters joining D66, 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 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. The attitude to intra-party democracy (e.g., party congresses, election of party leaders and intra-party referendums) is ambivalent. 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., Christian Democrats, social democrats and D66), is not necessarily democratically regulated, but is often determined by opaque, "spontaneous" selection processes managed by party elites. In recent years, some political parties – such as the PvdA – have moved

to a primary model, but can and do return to much more closed procedures of leadership and candidate selection.

The functional loss of political parties as clear representatives of social groups reverberates across the political system at all levels (see also “Association Competence (Others)”). Lower-educated citizens’ mobilization and integration into politics has declined in particular. Paired with the decline of the centrist parties (in particular the former dominant parties, 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 have created anxieties regarding the role of politicians and political parties.

Citation:

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

NRC Handelsblad, 26 January 2019. Kabinet: verbod op partijfinanciering van buiten de EU.

NRC Handelsblad, 9 March 2019. Politieke partijen die regels ontwijken – en een ministerie dat steeds wegkijkt.

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

Gr. A'dammer, Rijkema, 8 December 2021. Onzeker gesternte.

NRC, 20 March, 2021. Wij zijn het Wilde Westen van het politieke geld.

Andre Krouwel (2012) *Leadership and Candidate Selection in Krouwel, A (2012). Party Transformations in European democracies*. SUNY Press (State University of New York Press).

Andre Krouwel (1999) *The selection of parliamentary candidates in Western Europe: The paradox of democracy*, Working Paper Vrije Universiteit
https://www.researchgate.net/publication/279848031_The_selection_of_parliamentary_candidates_in_Western_Europe_The_paradox_of_democracy

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 formal and informal networks that also include high-level civil servants and politicians. For example, the day the government announced that it was going into crisis mode due to the coronavirus pandemic, the chairs of the two major employers’ and labor unions met with the ministers of Finance, Economic Affairs and Climate, and Social Affairs and Employment. In the next months, they cobbled together the generous and fast wage-support system that would ultimately save jobs and business activities during the coronavirus lockdowns (see “Economy” and “Labor Markets”). Members of these networks discuss labor market and other important socioeconomic policy issues. These processes have become

institutionalized. For instance, there are tripartite negotiations, especially organized in and through the Socioeconomic Council (Sociaal-Economische Raad, SER), in which employers, employees and government experts are fixed discussion partners in government 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. For example, the strongest labor union, FNV, has claimed success in influencing government policy on stricter hiring and firing rules, the pension agreement, and stricter regulation of a flexible labor market. However, membership in trade unions has shown a continuous decline, particularly among younger people. In addition, members and supporters of trade unions and professional and commercial associations frequently have more radical opinions than their representatives. In recent demonstrations, especially by farmers, teachers and hospital workers, association representatives in negotiations with the government were called back by their followers.

Since the mid-1970s, employers' associations have consistently been in favor of the liberalization of labor market institutions. They have supported efforts to decentralize, deregulate, individualize and more recently also to decollectivize wages, working-time arrangements and collective bargaining. In the early 2010s, however, even while employers organizations maintained that labor-cost moderation was necessary, they started to acknowledge that the purchasing power of large groups of (middle-class) employees was lagging behind and that in some sectors, labor shortages had reached dangerous levels. Moderation among unions and the presence of center-right (dominated) governments reduced the urgency of dismantling the Dutch corporatist framework throughout most of the post-1970s period. Most demands made by employers thus ended up in the general agreements; however, this posture has changed, and employers organizations have several times questioned the need for collective bargaining and corporatist decision-making. The weakness of the unions has clearly emboldened employers, which could signal more labor market unrest in the (near) future.

This institutionalized “poldering” model has seen the rise of a parallel venue of strong business lobbying. 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. However, the “quiet politics” (Culpepper) of business lobbying through organizations

such as the Commissie Tabaksblat, 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, easing regulation of the banking and financial sector, keeping taxes for business low, and influencing the Dutch stance on Russian gas imports. 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 are systematically higher than for ordinary citizens (see also “Taxes”).

Citation:

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

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, Marée, 3 November 2021. Dit jaar opnieuw sterke daling vakbondsleden

NTC, Pelgrim and Sterk, 8 March 2021. Han Busker: ‘De flexibele arneidsmarkt werd gezien als natuurkracht’

NRC, Heck, 5 April 2021. De ceo kan de minister altijd bellen

Follow the Money, Keyzer and Geurts, 11 September 2021. Shell fluisterde Nederlands standpunt in over gas uit Rusland

Boumans, S. (2021). Neoliberalisation of industrial relations: The ideational development of Dutch employers' organisations between 1976 and 2019. *Economic and Industrial Democracy*, 1-22. <https://doi.org/10.1177/0143831X211020086>

Association
Competence
(Others)
Score: 7

Policymaking in the Netherlands has a strong neo-corporatist (“poldering”) tradition that systematically involves all kinds of interest associations in the policymaking process – not just with regard to business and labor issues, but also in the education, care, culture, sports and health sectors. Owing to their well-established positions, associations such as the consumer association; the associations for home-owners, for car owners or for bikers and cyclists; 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. Tradeoffs are actively negotiated with ministries, other involved governments, stakeholder organizations and even NGOs. Furthermore, noneconomic interest organizations react to policy proposals by ministries and have a role in amending and changing the

proposals in the early stages of the cabinet formation and regular policymaking process. During the 2021 cabinet-formation process, many noneconomic associations – representing, for example, the arts, education, the elderly and the care sector – inundated negotiators with policy memos and demands. Of course, they are also involved again at a later stage, during implementation processes. Sometimes, as in the Lelystad airport noise case, truly spontaneous citizen activist groups may be successful in penetrating official policymaking.

Recent research by investigative journalists has unearthed serious evidence that there are systematic links between political parties and more informal sources of influence through jobs and positions in noneconomic and non-political associations. For example, the American tactic of shadow-lobbying – big corporations hiring ostensibly neutral research bodies as indirect sources, above suspicion, that then criticize government policy initiatives – is also practiced in the Netherlands. More important, political parties, especially VVD, D66, PvdA and CDA, are successfully pushing party members that leave formal political positions into high-level leadership and administrative positions in the non-political and noneconomic associations that make up the third sector or civil society – like chairperson positions in the Dutch Association of Local Governments (VNG), the Dutch Organization of Scientific Research (NWO), the Dutch Organization for Applied Scientific Research (TNO), health insurance companies, the National Railway system (NS), etc. Of course, a considerable number of politicians also leave political jobs to go to more lucrative lobbying jobs in business or to prominent civil society organizations. The most recent case is that of the minister of infrastructure and water management leaving her position in the Rutte III caretaker government for a position as chair of Energie Nederland, the umbrella organization for energy companies.

Citation:

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.

NRC Next, 25 juni 2019. 'Maatschappelijke kosten Lelystad Airport onderschat.' NRC,

Meeus, 20 November 2021 Heeft de Amerikaanse methode van 'schaduwlobbyen' Den Haag bereikt?

Groene Amsterdammer, 22 February, 2021. Keken and Wittman, Baantjes in de polder. Hoe Nederland liberaal-blauw kleurde.

Montesquieu Instituut, 2 September 2021. Democratie op Donderdag: afkoelingsperiode bewinsdpersonen

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. During the coronavirus crisis, the Audit Chamber periodically calculated total costs and reported on them. 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. The childcare benefits affair caused the Audit Chamber chair to admit that, obviously, the Chamber and other oversight bodies had been unable to present their criticism in an effective and persuasive way.

Citation:

NRC, 1 October 2021, Aharouay and Valke, Naar de drie toezichhouders wordt vaak niet geluisterd: 'Het is teveel waan van de dag'

Algemene Rekenkamer, Coronarekening, Editie Prinsjesdag 202

http://www.rekenkamer.nl/Over_de_Algemene_Rekenkamer

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

Ombuds Office
Score: 7

The National Ombudsman is a "high council of state" on a par 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 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.

The National Ombudsman office was established to give individual citizens an opportunity to file complaints about the practices of government before an independent and expert body. The national ombudsman is assisted by deputies tasked with addressing problems facing children and veterans.

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 who – due to debt and poverty, digitalization and other problems with access to government regulation – have lost their way in the bureaucratic process. On such issues, the ombudsman's reports have in recent years become harsher in their judgments, as was the case for his forerunner. The childcare benefits affair illustrated the ombudsman's repeated judgment that policy implementation practices offer too few opportunities for citizens to call for the redress of injustices and mistakes; but also showed the institution's inability to make a difference. The affair also showed that too few citizens use the ombudsman function for complaints.

Citation:

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

Tweede Kamer, vergaderjaar 2020-2021, 35 743, nr. 2, JAARVERSLAG VAN DE NATIONALE OMBUDSMAN, DE KINDEROMBUDSMAN EN DE VETERANENOMBUDSMAN OVER 2020

NRC, Ahaouray and Valk, 1 October 2021. *Naar de drie toezichhouders wordt vaak niet geluisterd: 'Het is teveel waan van de dag'*

NRC, Valk, 11 May 2021. *Nationale Ombudsman: 'Laat Rutte maar een club oprichten die onze rapporten leest'*

Data Protection
Authority
Score: 4

The Dutch Data Protection Agency (Autoriteit Persoonsgegevens, APG) succeeded the “College Bescherming Persoonsgegevens” (CBP) in 2016, and simultaneously saw its formal competencies somewhat enhanced by the right to fine public and private organizations in violation of Dutch and since mid-2018 European data protections 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 organization is underfinanced; hardly any consequential fines have been imposed; “naming and shaming” appears to work, but comprehensive 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. In 2019, the DPA found that most data leaks are caused through sloppiness in addressing documents and emails; that this occurs more in institutions of care than anywhere else; and that victims are usually individuals rather than entire categories of people. In 2019, the DPA received an additional €3.4 million in funding for enforcement of the General Decree for Data Protection (Algemene Verordening Gegevensbescherming, AVG) and EU privacy rules. During the coronavirus crisis, the APG appeared to play a more prominent role as an advisor on coronavirus-related privacy issues. Yet, it is calculated that only 0.15% of cases are investigated. The organization’s leader admits its inefficacy and asserts that it is underfinanced (€6 billion is needed instead of €45 billion at present), and still grossly understaffed (400 full-time employees are needed, rather than the organization’s current 180).

Citation:

VPNGids.nl, Onderzoek Autoriteit Persoonsgegevens: Meeste datalekken vinden plaats vanwege fouten in adressering (vpngids.nl, accessed 4 November 2019)

Tweakers, 12 June 2019. Authorities Persoonsgegevens krijgt extra geld voor handhaving AVG. (tweakers.net, accessed 4 November 2019)

Volkskrant, Verhagen, 16 July 2020. Hoe effectief is de corona app? En hoe zit het met de privacy.

NOS Nieuws, Damen and Bouma, 25 March 2021 De Privacywet wordt tamper gehandhaafd, is meer geld de oplossing?

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Hoppe R., Jeliaskova M., Krouwel A. & N. Bandelow (2022).
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Bertelsmann Stiftung: Gütersloh.
<https://doi.org/10.11586/2022109>

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