

2 Integrity in public administration

Responsibilities of the Minister of the Interior and Kingdom Relations

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Introduction

In the Netherlands, integrity is regarded as one of the most important conditions for good governance. It is strongly related to public trust in the government and thus to the legitimacy of government actions in general. A breach of integrity by the government may have major consequences for the image of and trust in public administration. Strengthening the integrity of the public administration has therefore been an important goal of successive Dutch cabinets for quite some time.

The subject was placed prominently on the political agenda in 1992 by former Minister of the Interior Ien Dales. In this period, growing concern arose over possible infiltration of public administration by organised crime, combined with several scandals within various municipalities in the Netherlands relating to corruption in public procurement and leaking of confidential political information. In response to these developments, minister Dales delivered a speech at a congress for municipal authorities, in which she spoke the famous words ‘*A little bit of integrity is not possible*’.¹ The speech is often seen in the Netherlands as the starting point for integrity policy as we know it today. The policy has undergone many changes, but Dales’s words still resonate in the lively dialogues among politicians, journalists and specialists about what ‘integrity’ and ‘acting with integrity’ means in practice. Over the years, this theme has developed further and a stronger connection has been made with good governance. In 2009 this resulted in the Dutch Code for Good Public Governance² which includes integrity as one of the seven leading principles.

In this chapter we describe the tasks and responsibilities of the Minister of the Interior and Kingdom Relations in this field. First the context in which the minister operates, as this largely determines the reach of his responsi-

bilities. We then briefly describe changes and developments in the integrity policy. Finally, a number of new developments in the integrity policy and some current challenges are discussed.

Why is the Minister of the Interior and Kingdom Relations responsible for the integrity of the Dutch public administration?

As already mentioned, the government has attached considerable value to securing the integrity of the government for many years. A special role is assigned to the Minister of the Interior and Kingdom Relations here. Among other things, he is responsible for the provision for good and effective public administration and a government on which the public can rely. With this, the minister also has overall responsibility for the professionalism, integrity and quality of civil servants, administrators and elected representatives.

Constitutional relationships

The responsibilities of the ministry for integrity policy within the public administration are confined by the constitutional relationships. The Netherlands is a 'decentralised unitary state'. This means that central government is responsible for the national laws and regulations which often describe in more general terms the obligations with which the subnational levels of government (provincial and municipal authorities and the water authorities) must comply. These levels of government have a considerable degree of freedom as they have their tasks, responsibilities and powers which they can realise as they see fit, within the general frameworks set by central government. This concerns matters such as local taxes, licences and permits, economy and tourism, care and welfare, housing construction and spatial planning. The subnational authorities are responsible for the quality of the execution of their tasks. Supervision and control take place by the accountability of administrators to the people's representatives at the local or provincial level.

Outline of the national integrity policy

The national integrity policy is aimed at preventing unethical behaviour and misconduct and at promoting an ethical (working) environment. The Minister of the Interior and Kingdom Relations acts as the coordinating minister. This means that, within the Dutch system of the decentralised unitary state, individual government organisations are responsible for setting up, implementing and enforcing the integrity policies of their organi-

sations, within the central frameworks set by the minister. The system has also proven that individual organisations are best able to develop their specific integrity policies in a way that is most appropriate and relates best to their organisations (*'couleur locale'*). The Minister of the Interior and Kingdom Relations has primary responsibility for the legal and institutional system that forms the framework for authorities within the public administration to develop their integrity policies. In addition, he provides, supports and facilitates the different tiers of government (Parliamentary Session, 2005-2006).

We refer to this responsibility as a system responsibility, as the minister is not (directly) responsible for the results to be achieved but for creating the right conditions. This responsibility with regard to integrity is reflected primarily in the following functions:

- **standardisation:** via laws and regulations, including the Civil Servants Act, the General Administrative Law Act, the Municipalities Act, the Provinces Act and the Water Authorities Act;
- **monitoring:** conducting research and monitoring in order to evaluate the quality and effectiveness of the system. Individual organisations are not evaluated;
- **support:** entails activities focused on agenda-setting and facilitating institutions that provide support such as guidelines, handbooks and training courses; for example, the ministry subsidises the Dutch National Integrity Office (BIOS) and various professional organisations for activities in the field of integrity;
- **intervention in case of serious incidents,** the minister can formally request information of the relevant administrative body on the nature of the incident, its settlement, and how the administrative body intends to prevent such cases in the future. In severe cases of financial mismanagement, or continuous administrative disorder, formal measures can be invoked by the King's commissioner or the Minister of the Interior and Kingdom Relations in order to restore good administration within a given administrative body.³

The ministry works closely with various partners and stakeholders, including other ministries, associations of municipal, provincial and water authorities,⁴ professional associations of mayors, aldermen, council members et cetera, as well as the Netherlands Court of Audit, the National Ombudsman, universities and individual (government) organisations. Because

the Netherlands has an open, transparent and egalitarian culture, the responsible policy officers of the ministry may maintain this broad informal network of representatives of the different organisations. This network is regarded as a necessary condition for effective and efficient development of the national integrity policy established by the ministry. Information and expertise are exchanged, relevant issues are identified, instruments such as model codes of conduct are developed through co-creation and support is sought for new national policies. Associations and professional organisations in public administration also encourage their members to invest in activities and measures that promote integrity.

Differences in the approach for civil servants and holders of political office

The ministry pursues integrity policy for both civil servants and for holders of political office.⁵ The general roles of the minister are the same and provisions within laws, policies and codes of conduct for civil servants and for political office holders are largely similar. Nonetheless, there are some important differences between the policies for civil servants, administrators and elected officials as a result of differences in the nature of the position, the appointment methods and the context in which the groups operate. These differences are also reflected in the laws and regulations, which are therefore also raised in this section.

References to civil servants concern employees in the public sector. A generally accepted principle in the policy is that, in the first instance, the integrity of civil servants relates to the relationship between the employer and the employee. As a result, primary responsibility for integrity policy rests with the employer. This is also made clear in the Civil Servants Act, which states that ‘good civil service practice’ must be made possible and must be supported by ‘good employment practice’. In this context, good employment practice means, among other things, that the employer must reduce potential temptations and risks as far as possible, for example by setting up an integrity policy, promoting integrity awareness among civil servants and by taking disciplinary action if the situation requires it.

Both elected officials (representatives) and appointed officials (administrators) are not subject to a competent authority and, therefore, have no employer/employee relationship. This means that disciplinary measures that exist for civil servants, such as the possibility of dismissal, cannot be applied to holders of political office. With the exception of criminal law,

measures concerning holders of political office are far more often of a political nature. There is also a distinction between elected representatives and appointed administrators. For example, an elected body such as Parliament can adopt a motion of no confidence in a minister, and a municipal council may do the same with regard to an alderman. This can lead to the resignation of the administrator. People's representatives are elected by the population and have the mandate of the voters. Whether a people's representative resigns for reasons of integrity is up to the elected representative, and, ultimately, to the electorate. After all, elected representatives answer for their performance to the electorate, via elections. The political parties play an important role in securing the integrity of elected representatives. They are responsible for recruiting suitable candidates and also for training and disciplinary enforcement, such as deprivation and suspension if necessary. For Crown-appointed administrators such as mayors and King's commissioners,⁶ breaches of integrity may, in the final instance, form grounds for dismissal by the Crown.

Design of the national integrity policy

Since the 1990s important steps have been taken in public administration in the design of the integrity policy. The development of this policy was not without its ups and downs. Over the years, scandals and new insights have resulted in changes in laws and policies contributing to the comprehensive integrity policy that we know today. The realisation of the different roles that the Minister of the Interior and Kingdom Relations plays, standardisation, monitoring and support, are discussed below.

Standardisation via laws and regulations, basic standards and codes of conduct

A number of requirements concerning integrity and integrity policy have been laid down in law and in various regulations on labour conditions. But legislation is not the only means of standardisation. In addition, in 2005 an administrative agreement between the ministry and the professional associations of the subnational governments has been reached on additional requirements for good integrity policy. This agreement outlines basic standards for the integrity policies of administrative bodies and organisations. The 'Model Approach for Basic Integrity Standards for Public Administration and the Police Force' (Basic Standards)⁷ established an integrated approach in the field of integrity for the entire public administration. In 2006, this integral approach was strengthened through some amendments to the Civil Service Act.

Civil servants

The Basic Standards overlap with provisions of the Civil Service Act (see Table 1). However, the Basic Standards are more detailed and as such provide more practical guidelines for implementation. In addition, they address vulnerable gaps in the integrity policy which are not covered by law.

Table 1 Framework of integrity standards for civil servants

| Standards | Regulations |
|---|-------------------------------------|
| Pursuit of an integrity policy | Civil Servants Act, Basic Standards |
| Annual report on integrity policies (to the elected body) | Civil Servants Act |
| Relevant information in centralised internal registers (including the total number of breaches of integrity, reported conflicts of interest, etc) | Basic Standards |
| Code of conduct | Civil Servants Act, Basic Standards |
| Taking an oath or making a pledge | Civil Servants Act, Basic Standards |
| Integrity as part of human resource management | Civil Servants Act, Basic Standards |
| Attention to integrity in recruitment and selection | Basic Standards |
| Security and antecedent investigations and Certificates of Good Conduct (VOG) | Basic Standards |
| Attention to integrity in assessments, work meetings, training and education | Civil Servants Act, Basic Standards |
| Overview of vulnerable positions and measures to prevent breaches of integrity | Basic Standards |
| Regular analysis of integrity risks relating to vulnerable actions, positions and processes | Basic Standards |
| Reporting, registration and disclosure (for high risk officials) of side-activities | Civil Servants Act, Basic Standards |
| Reporting and registration of financial interests (for high risk officials) | Civil Servants Act, Basic Standards |
| Regulation and reporting obligation for gifts | Civil Servants Act, Basic Standards |
| Taking measures aimed at protection of confidential information | Civil Servants Act, Basic Standards |
| Procurement and contracting procedures | Basic Standards |
| Procedure for reporting suspected misconduct | Civil Servants Act, Basic Standards |
| Confidence officer for integrity | Basic Standards |
| Procedure for investigating and sanctioning (alleged) violations of integrity | Basic Standards |

Source: Policy review on Integrity (Policy), Ministry of the Interior and Kingdom Relations, May 2014

Appointed and elected officials

Statutory rules for integrity for appointed and elected officials in sub-national levels of government are laid down in the Municipalities Act, the Provinces Act and the Water Authorities Act. These rules are largely similar to those laid down for civil servants:

- For example, codes of conduct must be drawn up for holders of political office, they must take the oath or make a pledge, and they are bound by rules relating to the handling of confidential information;
- These laws also contain a prohibition on certain official positions that are incompatible with the political office (the so-called incompatibilities). For example, a council member cannot simultaneously serve as a minister or work at the same time as a civil servant in the municipal authority in which he is a council member;
- In addition certain (economic) activities by holders of political office are also prohibited to prevent conflict of interests. This concerns, for example, activities as an attorney or consultant and representing the municipal, provincial or water authorities, or their opponents.

There are also provisions that regulate the participation of local elected representatives and administrators in voting and decision-making in cases in which a holder of political office has a personal interest at stake.

There are also rules concerning ancillary jobs:

- Administrators may not hold ancillary positions which may undermine the authority or performance of the political office;
- Administrators have a legal obligation to report to the representative bodies if they intend to accept an ancillary position;
- Ancillary positions of administrators must be publicly disclosed;⁸
- Administrators must publicly disclose their income from ancillary positions. The income from ancillary positions is deducted from their remuneration. The disclosure of ancillary positions and the related income intends to provide public insight into any other personal (financial) interests which could play a role in the decisions of the administrator. It can also make an important contribution to the prevention of (the appearance of) conflicts of interest.

The regulation of compensation and benefits (beside the statutory remuneration) is mainly arranged for in the decentralised regulations per authority (for example municipal bye-laws). An adequate and clear package

of benefits and provisions (for example to declare official expenses) can reduce the temptation for holders of political office to act without integrity (Ministry of the Interior and Kingdom Relations, 2015: 70).⁹ All compensations and benefits for holders of political office are identifiable and verifiable as they must be based upon formal provisions in laws and regulations. Any benefit or provision not explicitly mentioned in laws and regulations, is not permitted.

For ministers and state secretaries the integrity rules form part of the confidential 'Handbook for new Ministers and State Secretaries'. This includes clear rules concerning the acceptance of gifts and actions relating to financial businesses. Ministers and state secretaries may not hold any ancillary positions. The rules applying for the assessment of candidate ministers and state secretaries contained in the letter from the prime minister to the House of Representatives are also relevant. These are not legal rules, but they form a resilient behavioural line.

For members of the House of Representatives and the Senate, the *Act on the Swearing In of Ministers and Members of Parliament* contains a number of provisions relating to the taking of the oath or making the pledge and the requirement to act in compliance with the obligations of the office. There are also statutory provisions concerning certain incompatible positions and disclosure of their ancillary positions. The Rules of Procedure of both Houses of Parliament require members of Parliament to report gifts and trips offered and also contain provisions relating to conduct in meetings. In 2014 the two Houses of Parliament supplemented these Regulations in response to an evaluation of the parliamentary prevention of corruption measures by the Group of States against Corruption (GRECO) of the Council of Europe. The rules for conflicts of interest, accepting gifts, foreign trips and ancillary activities have become clearer and more precise and cover more situations. Awareness is also strengthened through the introduction of a confidential integrity counsellor (for the House of Representatives) and, for example, an integrity training course for new MPs joining the Houses of Parliament (the Senate and the House of Representatives).

Model integrity code(s) of conduct

Codes of conduct can offer an effective form of standardisation complementary to laws and regulations. Codes concern a set of agreements on

what is desirable behaviour. In addition to rights and obligations, it often also mentions core values which should be upheld in the performance of their duty. The law therefore requires government bodies to establish such codes of conduct for both civil servants and for the political bodies (such as the municipal council) and administrators of the subnational levels of government. However, the ministry does not prescribe the content of these codes of conduct. Their concrete details are left to the administrative bodies which can take into account the local context and specific tasks and risks of the organisation. Furthermore, it is consistent with the principle that government organisations and subnational levels of government are responsible for the integrity of their organisations. As part of the supportive task of the ministry, model codes of conduct have been established which government authorities can use as a guide for their codes of conduct. Examples are the Central Government Model Code of Conduct for the civil service organisation, and model codes of conduct for local administrators and elected representatives, which were drawn up by the ministry in close cooperation with the associations of municipal, provincial and water authorities.

In general the codes of conduct contain rules on the reporting/disclosure of ancillary jobs, dealing with confidential and classified information, gifts and invitations to excursions, events, foreign trips et cetera, and the use of facilities of the organisation. In addition they often contain provisions on procedural agreements relating to reporting and handling of ethical dilemmas and misconduct. The codes also contain rules on the acceptance of jobs within a year of resignation or termination of the official term of office (known as the ‘revolving door’ construction).

In 2015 the model codes of conduct were revised in order to relate them more closely to current day-to-day practice. The revised model code for civil servants of the central government devotes special attention to new developments, such as the use of social media. For the holders of political office the model codes have been fully revised, both for members of the day-to-day administration and one for the elected representatives.

In the revision process of the model code of conduct for holders of political office, special attention is devoted to the formal position of codes of conduct. It is explicitly stated that codes are internal rules of

conduct that holders of political office formally establish through debates within their administration. Failure to comply with the code of conduct has no legal consequences as disciplinary consequences are not available for holders of political office. Compliance to a code of conduct is a matter of self-commitment. This being said, holders of political office can be called publicly to account for their compliance with the code. Failure to comply with the code of conduct can become part of the political debate and have political consequences.

The discussions concerning the details of the model codes of conduct with practitioners and experts are illustrative of the debate on what constitutes an effective integrity policy. These show the many different opinions that exist regarding the ways in which ethical behaviour can be promoted. There are just as many different views on the usefulness of codes. For some, a code of conduct is a tool for initiating an internal dialogue on moral values. For others, the emphasis lies on (further development of) rules against which people must be held accountable. Others emphasise the limitations of regulations through ‘soft law’. They argue that the debate requires hard rules and that a law in that regard is the appropriate means for this. Other questions raised were whether codes of conduct should contain concrete or abstract standards, only material standards or also procedural ones? These are some of the questions at issue here and it is important that we understand how codes of conduct are actually put into practice.

Evaluation and monitoring

An important part of a policy cycle concerns evaluation and monitoring. This is no different for the general integrity policy pursued by the ministry. Chapter 7 will discuss the use of periodic monitoring in more detail. In this section we discuss the outcomes of a recent evaluation of the national integrity policy (Ministry of the Interior and Kingdom Relations, 2014), which aimed to examine the results and developments of the past 20 years.

Monitoring and evaluation of the effectiveness of integrity policies is complicated and the ministry is well aware of the challenges:

- It is difficult to determine the actual effectiveness of the integrity policies. After all, the effect of measures and instruments on the moral awareness of public officials cannot be viewed in isolation from other individual, organisational and societal influences and developments;

- There is but little insight into the actual scale of integrity problems. After all, like all other forms of misconduct, breaches often take place in secret;
- Measurements of effects require a more clear definition of the concept of integrity, integrity awareness or breaches of integrity.

Nevertheless, based on various policy documents and data from the different monitors, it is possible to draw some conclusions about the development of the Dutch integrity policy. Over the years, the ministry has aimed for a broad integrity policy for public administration. The policy contains various elements that in combination form a comprehensive and coherent integrity policy that is consistent with international (academic) standards and insights. It can also be concluded from various studies that, over the years, considerable steps have been taken with the implementation of integrity policy in organisations. The continuing care for and intensification of policy by the ministry has led to a growing degree of attention, awareness and structural embedding of (parts of) integrity policy in government organisations.

It is also notable that the integrity policy has some distinctive characteristics:

- The policy has a fair degree of abstraction: central government prescribes what organisations must do, but not how they must implement it. This gives organisations the scope, within certain (statutory) frameworks, to develop the policy in a way most appropriate for their organisation and context;
- The policy takes a positive approach, with the focus on prevention. Efforts are therefore made to create and stimulate awareness among administrators, civil servants and people's representatives that integrity is of vital importance to the government;
- The objectives of the policy have remained fairly abstract. In essence, it can be said that the Ministry of the Interior and Kingdom Relations has aimed for a situation in which all government organisations have a clear integrity policy that contributes towards the embedding of ethical awareness in the day-to-day work.

The evaluation of the policy also showed some possibilities for further strengthening the integrity policy. Perception studies show that familiarity with measures such as codes of conduct, whistleblower regulations et

cetera, as well as confidence in the integrity of respondents' own organisations and in the moral leadership of management sometimes still fall short. The effectiveness of the policy could also be further improved by creating more consistency in the content of the integrity policy as part of good governance and by further strengthening cooperation with various relevant partners such as whistleblower organisations, audit institutions, the National Ombudsman et cetera.

Support

In addition to standardisation and monitoring, the ministry has an important role in supporting public administration. For although government organisations in the Netherlands are responsible for the integrity of their organisations, they do not have to deal with this entirely alone. This supporting role is realised primarily via the Dutch National Integrity Office (BIOS), which is discussed in more detail in Chapter 3.

In addition, the Minister of the Interior and Kingdom Relations plays an important role in promoting integrity in public administration, and each minister has done so since 1992. The present Minister of the Interior and Kingdom Relations, Ronald Plasterk, on taking office at the end of 2012, made integrity one of the priorities of his term in office. The minister himself emphasizes actively the importance of a government with integrity. For example, he brings forward the issue in public speeches several times a year. Integrity is also a fixed topic in the meetings that the minister conducts in the appointment of new mayors and King's commissioners.

The Ministry of the Interior and Kingdom Relations also identifies wider trends and developments that may have an impact on the integrity of the public administration. After all, the world around us constantly changes. This means that public administration continually faces new issues and challenges that can affect integrity. For example, technological developments are changing how we work, while the financial crisis influenced the way in which we regard certain social issues. The integrity policy will therefore have to keep pace. This calls for a clear view on possible risks. To provide more insight into possible risks, the ministry has commissioned a risk analysis (AEF, 2014). This has shown that, for the Netherlands, a number of trends and developments will be of particular importance in the coming years. Table 2 provides an overview.

Table 2 Trends and developments in Dutch public administration

| Trend/development | Potential vulnerability of public administration |
|--|---|
| The modern civil servant and labour market flexibilisation | Civil servants work increasingly independently, in a dynamic and changing environment. They increasingly work at different locations and thus more often beyond the supervision of managers. Furthermore, job mobility and the number of temporary contracts are increasing. As with contract employment, this can form a risk for the loyalty to the organisation and the embedding of a shared pattern of standards and values. |
| Conflicts of interest | Administrators and politicians have substantial decision-making powers. They also need this scope. At the same time, we expect them to work at the heart of society, which also means that many administrators hold ancillary positions. In certain cases, this could also result in conflicts of interest. Furthermore, it is possible that civil servants, through loyalty or fear, will not act against administrators when there are suspicions of a breach of integrity. It is therefore important that administrators are able to organise feedback and that they provide for a safe environment for employees to speak their minds if they do not agree with management. |
| Integrityism | In the Netherlands we witness a growing tendency to condemn behaviour of public officials as lacking in integrity. For example, in some cases doubts are cast on the integrity of decision-making, while in fact, it is the quality of the decision (in terms of content, or consultation process etc.) that is being called into question, not the integrity of the individual public officials. Integrity is also used increasingly as a political weapon to harm opponents. In addition individual cases are presented (in media or politics) in an oversimplified way, where the appearance of a conflict of interest is equated with an actual conflict of interest. These tendencies can create a culture of fear, potentially resulting in administrative paralysis and reluctance to take action in cases of alleged misconduct. Administrative fears make it also tempting to over-regulate integrity risks. These developments undermine the necessary discussions about moral dilemmas within organisations. |
| Cut-backs and financial setback | In recent years, there have been cut-backs at every administrative level due to the economic crisis. This could lead to increased pressure of work, with attention focusing on the primary process. However, the importance of and attention to integrity could come under pressure as a result. |
| Decentralisations | The recent large-scale decentralisations of social services to the local government mean that local authorities are facing a substantial expansion of their responsibilities and budget. These bring along the allocation of resources, complex tasks, outsourcing, more intensive contacts with the public and social organisations, a discretionary powers and a focus on providing customized services to citizens, may enlarge the vulnerabilities and integrity risks for the local authorities. These could include matters such as improper attempts at influencing public officials (bribery, intimidation), fraud, abuse of power, etc. |

Integrity (policy) in development

The general view among experts and academics in the Netherlands is that a great deal has been regulated in the field of integrity in terms of regulations and instruments. The present challenge therefore lies more in their application in practice.

For administrators and elected representatives, the challenges often lie in the field of avoiding (the appearance of) conflicts of interest (Integrity Yearbook 2011; letter from the government, 29 October 2012⁷. Civil servants are more concerned about misconduct by colleagues in terms of (sexual) harassment, abuse of power by managers, wastage and default (De Graaf & Strüwer, 2014). However, according to many experts and managers in the Netherlands, the approach to such problems should not be sought in imposing more or new rules and regulations. The focus should rather lie on offering guides to the application of the rules in practice. It is considered important to continue to invest in a preventive approach at the institutional level, within organisations, and in an active approach in the event of concrete breaches of integrity. Of course in close cooperation with the associations and professional organisations within the public administration. It is important that sufficient attention is also devoted to organising a safe environment for employees to speak their minds and to provide critical feedback to management and the authorities as part of their professional independence. This includes being able to report safely on suspicions of abuses and possibly breaches of integrity, as well as being able to discuss personal dilemmas. After all, views on what integrity entails are not formed only in rules, but primarily through good and open discussions. It is therefore important to ensure that the organisational climate is safe and provides opportunities to do so.

Attention to the role of administrators

It is important that managers and administrators take a leading role in strengthening the integrity of the public administration. In 2016 the Netherlands will formalise this in law for the subnational levels of government. This law will make mayors responsible for promoting integrity within the administrative and political bodies. The same has been regulated for King's commissioners with regard to administrative integrity at the provincial level.

This statutory embedding of the responsibility for integrity gives these administrators a title to:

- place integrity on the agenda for (annual) discussions in the municipal councils or provincial parliaments;
- take preventive measures through the use of education and training possibilities;
- set up enforcement practices with due care, and in cases of (alleged) misconduct to take appropriate action;
- to act as a point of contact for public officials of their organisation.

In order to assist mayors (and King's commissioners) in these often sensitive and precarious tasks, a Support Centre for Integrity Investigations of Holders of Political Office has been made available at the National Integrity Office (BIOS) since 1 January 2015. Mayors and King's commissioners can contact this Centre for advice and assistance with practical issues concerning the investigation and handling of integrity matters involving holders of political office.

Screening/integrity assessment on the designation of candidates for political/administrative positions

In the past decade, attention to the assessment of the integrity of candidates for elected or appointed offices' has grown. Of course, several requirements for the appointment of administrators in municipal, provincial and water authorities which are aimed at preventing potential conflicts of interest are laid down by law. An additional instrument for including integrity aspects in the appointment of administrators is the Certificate of Good Conduct (VOG). A VOG investigation involves consulting legal systems for any criminal records of the person concerned. Although the local authorities are free to decide whether to use this instrument, the VOG was already a frequently-used practice in the recent municipal and provincial elections.

Another common new practice is the use of risk assessments for candidate aldermen and members of provincial executives. These determine which risks could form a potential limitation for the ability of the administrator to function well and with integrity. Possible financial and business interests of the person concerned, and/or certain ancillary jobs could be raised in that regard. The outcomes of the risk analyses then form the basis for conducting personal interviews with the relevant candidates. These are

often less about whether the person concerned should be appointed given the possible risks than about the ways in which risks can be managed or eliminated, - for example by relinquishing control over certain private financial interests, resigning from certain ancillary positions or taking account of the allocation of portfolios. The municipal council holds the authority to appoint aldermen. It is therefore also the municipal council that decides which requirements and measures, in addition to the statutory ones, will be imposed for the eligibility of candidates for appointment as administrators.

Specific procedures apply for the assessment of the integrity of mayors and King's commissioners. The integrity of candidate mayors is assessed at the start of the application procedure by the King's commissioner. The Minister of the Interior and Kingdom Relations makes this assessment for King's commissioners. To this end, information on any judicial data is requested from the Justice Department Information Service. Since 2011, inquiries have also been conducted in the form of searches of the records of the General Intelligence and Security Service of the Netherlands (AIVD) and the fiscal records of the Tax and Customs Administration. This takes place at the end of the selection procedure for the proposed candidate for the appointed position.

The assessment framework for candidate ministers and state secretaries has been laid down in policy rules. It has also been laid down in the 'Blue Book' for upcoming ministers and state secretaries. During the formation of the government, the possibility of any past or present restrictions on the candidate's acceptance of the position in question is discussed in the talks between the so-called 'formateur' of the proposed cabinet and the candidate minister or state secretary. If this is the case, the question of whether and, if so, how that restriction can be eliminated is discussed. In the case of relevant financial and commercial interests, the relevant candidate minister or state secretary must either relinquish these interests in full or provide for a regulation under which he or she will not or cannot exercise rights of control during his or her term of office. During these talks, the need to end all paid and unpaid positions and ancillary positions and other ancillary activities before the inauguration of the cabinet is also discussed. After the formation, the prime minister reports to the House of Representatives on any regulations made in relation to incompatible financial and commercial interests.

International assistance and development

Corruption has a strong undermining effect: it not only harms trust in the government, but also has a negative impact on the quality of public service, economic development and the business climate. It may also influence international security and stability. Political instability in certain countries or regions is quite often related to public dissatisfaction with corrupt political elites. These are all matters that are of major direct or indirect importance for the Netherlands. The Netherlands will therefore continue to work to keep anti-corruption and promotion of integrity high on the international agenda and to make a meaningful contribution towards this end. The Netherlands is active in various international anti-corruption fora of organisations, such as the Organisations for Economic Cooperation and Development (OECD), GRECO, the EU and the United Nations.

The Ministry of the Interior and Kingdom Relations also works to stimulate evidence-based integrity policy, for example by conducting research and by promoting integrity monitoring. It also works to raise public awareness of corruption issues and to improve integrity in the public sector through support for social organisations such as Transparency International (TI).

The road to integrity

The present Dutch integrity policy was not developed overnight. Quite the contrary: it is the result of a step-by-step process which began some decades ago and is still in development. While the emphasis once primarily lay on compliance-based policy, it is clear that, over the years, there has been progress towards a balanced policy in which there is attention to both compliance and values-based policy.

The current integrity policy is therefore marked by the diversity of types of instruments. The compliance-oriented rules ('hard controls') are aimed primarily at preventing integrity problems through rules and mandatory procedures. Examples of such rules include obligations to report ancillary positions and financial interests. But a strict compliance-based approach has the limitation that it steers for behaviour aimed at avoiding punishment rather than behaviour aimed at positive self-steering. Against this background, the aim since 2005 has been a more value-oriented approach. This approach is distinguished by the stimulation of positive behaviour,

based on ethical considerations, through attention to awareness and exemplary behaviour ('soft controls'). Education and training help, as does the use of risk analyses. It is the mix of the two approaches that makes the policy successful in the Netherlands. The rules and procedures provide a guide, training promotes awareness, and the protection of whistleblowers promotes abuse being revealed.

Notes

- 1 *Om de integriteit van het Openbaar Bestuur (About the integrity of Public Administration)*. Address by the Minister of the Interior, C.I. Dales, at the congress of the Association of Netherlands Municipalities, in Apeldoorn in June 1992: 'The Netherlands is a democratic state under the rule of law. That term explicitly encompasses the element of integrity. A government cannot both be a state under the rule of law and not have integrity. The government either has integrity or it does not. A government without integrity cannot enforce the rule of law. A little bit of integrity is not possible. And the administration stands or falls with the integrity of the government: harm to the integrity of the government means no less than that the government loses the confidence of the public. And democracy cannot do without that public confidence. Then there is no longer any democracy. That is a deplorable picture. I share responsibility for securing the integrity of public administration with you. The person who allows harm to integrity damages public confidence in the administration and, thereby, the roots of democracy.'
- 2 www.rijksoverheid.nl
- 3 These are financial supervision in cases of a serious financial deficit. In cases of serious and continuous administrative disorder, the King's commissioner may use his legal power to appoint a mayor, by appointing an acting mayor with the task of exploring the possibilities for restoring order and strengthening the administrative capacities.
- 4 The Association of Netherlands Municipalities; Association of the Provinces of the Netherlands; and Dutch Water Authorities.
- 5 Holders of political office constitute elected officials (representatives) and appointed officials (administrators such as mayors).
- 6 Crown-appointed head of a Dutch province, much like a governor.
- 7 Model Approach for Basic Integrity Standards for Public Administration and the Police Force, 26 September 2005.
- 8 This also applies for senior civil servants.
- 9 Ministry of the Interior and Kingdom Relations (2015). *Bijzondere ambten, een toegesneden rechtspositie. Integrale visie (rechts)positie politieke ambtsdragers*, p. 70 (Special offices, a tailor-made legal position. Integrated view of (legal) status of holders of political office)

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