Ministry of the Interior and Kingdom Relations

Netherlands Code for Good Public Governance

Principles of proper public administration

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Foreword by the Minister of the Interior and Kingdom Relations

The principles of a democratic society under the rule of law provide the framework for how we in the Netherlands act. Individuals and the authorities must fill in that framework together: the authorities cannot do so without the individual, and vice versa. That reciprocity requires a proper balance between the rights and obligations of the individual on the one hand and the authorities on the other.

The rights and obligations of the individual are laid down in formal laws and rules. The Responsible Citizenship Charter also makes an informal moral appeal to people to take an active and responsible part in society.

There are also many formal laws and rules that determine how public administration functions, but whose formal character means that they do not necessarily invite self-examination. As a result, we could loose sight of the fact that the reason we have laws and rules is to meet society's needs within the context of the democratic rule of law.

This Code for Good Public Governance sets out the basic principles of good public governance in our democratic society. It is an informal instrument that calls on executive bodies to adopt a conscientious approach to their duties and responsibilities in public administration. It promotes self-examination and practical implementation.

I would like to refer especially to integrity. We can set out as much as we like in formal laws and rules and informal codes, but ultimately individual and collective integrity are essential on the part of both executives and those who monitor them. Unfortunately, there are sometimes examples in public administration of a lack of integrity and the negative consequences of that lack.

It is precisely those with individual and collective duties and responsibilities in public administration – people who serve the interests of us all – who must set a good example. That is how the authorities can gain the trust of the public. That is how we can encourage active and responsible citizenship. That is how the authorities and individuals jointly can enable our democratic society to function.

THE MINISTER OF THE INTERIOR AND KINGDOM RELATIONS

Guusje ter Horst

Foreword by the State Secretary for the Interior and Kingdom Relations

DA great deal of work has been done in recent years to improve the quality of public administration. Each government organisation has its own responsibility in that regard, but the public will judge them as a whole. What the public think of the services provided therefore also depends on collaboration between the various government bodies.

This booklet contains the Netherlands Code for Good Public Governance. The Code sets out the principles according to which municipalities, water boards, provinces, and national government should act. These bodies have already made good progress in this respect. An initial survey of public satisfaction with the services provided by the authorities in 2008 showed that people are reasonably satisfied with the service provision of individual organisations. However, the service provided by the authorities as a whole was seen in a less positive light. The National Ombudsman came to similar conclusions in his annual report for 2008.

This means that we must constantly take a critical look at ourselves, realising that things can always be improved and that providing high-quality services for the public requires professional cooperation between all government bodies.

There is good reason why "appropriate contact with the public" is one of the basic principles of the Code. Providing a good service in fact begins with politeness and a service-oriented attitude to those one is dealing with. Putting that principle further into practice could involve application of the e-Citizen Charter. Key elements of that code can contribute to the right kind of contact between the authorities and the citizen: a free choice in how to contact the authorities (telephone, Internet, or at the information desk), the principle of once-only provision of information, and the active involvement and participation of the citizen.

Other methods are also conceivable to allow the principles of good governance to be put into practice within every public administration body. This might include using the "InternetSpiegel" (Internet Mirror) surveying tool, and benchmarking for the capacity for learning and self-improvement of an organisation. I am also thinking, of course, of a reduction in the number of rules and regulations to which the public are subject.

I would like to invite the executive bodies of public administration organisations to act in the spirit of the Code and in doing so to make use of the existing tools and initiatives. After all, people are entitled to expect the authorities to be helpful and professional.

THE STATE SECRETARY FOR THE INTERIOR AND KINGDOM RELATIONS

Ank Bijleveld-Schouten

Introduction

Good public governance is essential for the functioning of our democratic society. Without it, there can be no healthy exchange between the authorities and the public, and the authorities cannot meet society's needs.

This code describes what good public governance means for the executive bodies of individual public administration organisations in the Netherlands, at both central and local level.

Good public governance can by no means be taken for granted, even in a prosperous and developed country like the Netherlands. The fact that political and public interests are weighed up against a background of democratic legitimacy still does not provide any absolute guarantee. This code emphasises to the executive bodies of public administration organisations that they must ensure that the principles of good governance are actually applied and maintained in day-to-day practice; it also provides a frame of reference for others to hold them accountable.

The Code does not comprise standards that are legally enforceable. There is already a large body of legislation and regulations that regulate the actions of the authorities, including the general principles of good governance. The values on which that legislation and those regulations are based are made explicit in the Code. They are the shared values that form the foundation on which public administration operates. The Code calls on those concerned to apply those values to their own situation and to take action: to actively promote those values within and beyond their organisation, to set a good example, and to be willingly accountable for good governance. In doing so, they can align themselves with existing initiatives.

The principles need to be viewed as they relate to one another. In actual practice, they will sometimes need to be weighed up against one another: a legitimate decision is not always the most expedient decision. What is important is that executive bodies are consciously aware of their various considerations and are transparent about them. The public interest must always be primary: public administration exists for and on behalf of the public.

Good public governance demands to be maintained and to be the object of continuous attention. For the Code to be relevant, it will need to be applied conscientiously, with regular reporting vis-à-vis the public.

The Hague, January 2009

Principles

1. Openness and integrity
The executive body is open and honest, and makes clear what it takes those qualities to mean. The executive body conducts itself in such a way as to set a good example, both within the organisation and beyond it.

2. Participation
The executive body knows the public's concerns and interests, and makes clear how it is responding

3. Appropriate contact with the public
The executive body ensures that it and the rest of the organisation act in an appropriate manner in their contacts with the public.

4. Effectiveness and efficiency
The executive body announces the objectives of the organisation and takes the decisions and measures necessary to achieve those objectives.

5. Legitimacy
The executive body takes the decisions and measures that it is empowered to take and that are in accordance with the applicable legislation and regulations. Those decisions can be accounted for.

6. Capacity for learning and self-improvement
The executive body improves its performance and that of the organisation, and structures the organisation in a way that ensures this.

7. Accountability
The executive body is prepared to render an account of itself to stakeholders, regularly and willingly.

Explanation of the principles

1. Openness and integrity

Principle: The executive body is open and honest, and makes clear what it takes those qualities to mean. The executive body conducts itself in such a way as to set a good example, both within the organisation and beyond it.

Explanation: The executive body – including and above all its individual members – sets a good example and makes the employees aware of the need for integrity. It is only in this way that the organisation and the people working for it will be credible. Openness means in any case that the executive body is open about procedures and decisions. It also makes relevant information accessible. Openness demands a receptive attitude, in other words that the executive body must be receptive to concerns raised by the public/ stakeholders, and makes clear how it responds to them. That receptive attitude is also necessary as regards concerns expressed within the organisation itself. The executive body must create a secure atmosphere within the organisation in which concerns can be raised, and it also acts as a good employer. It goes without saying that the executive body complies with the relevant legislation and regulations, precisely because it is also a co-legislator. Integrity also means acting conscientiously. Just what that actually means for the particular organisation is clarified by the executive body in an integrity policy.

2. Participation

Principle: The executive body knows the public's concerns and interests, and makes clear how it is responding.

Explanation: Participation means involving the citizen and important parties in creating or adjusting policy. It demands that the executive body interacts with the public/stakeholders, actually listens to the questions and ideas of those concerned regarding the specific matter, and can account to them for what has been done with those questions and ideas.

3. Appropriate contact with the public

Principle: The executive body ensures that it and the rest of the organisation act in an appropriate manner in their contacts with the public.

Explanation: A government body can have a variety of roles. In some cases, its task is to enforce, in others it is a partner, and in yet others it provides a service. In each role, appropriate contact with the public is primary. In all this, the executive body sets a good example. Where the organisation acts as a service provider, the executive body ensures a good quality of service. It makes clear what the citizen can expect.

4. Effectiveness and efficiency

Principle: The executive body announces the objectives of the organisation and takes the decisions and measures necessary to achieve those objectives.

Explanation: The citizen can trust that his/her taxes are properly utilised to achieve the objectives. The executive body ensures that the set objectives are achieved (and where necessary adjusted). It shoulders the responsibility assigned to it and works effectively with other government organisations.

Governance is goal-oriented, meaning that the executive body coordinates the objectives with the parties within and beyond the organisation and expresses those objectives as practicable and enforceable policy. It

makes clear who has the administrative responsibility for which objectives. The executive body structures the organisation effectively in such a way as to achieve the objectives and can be held to account for doing so.

5.   Legitimacy

Principle: The executive body takes the decisions and measures that it is empowered to take and that are in accordance with the applicable legislation and regulations. Those decisions can be accounted for.

Explanation: The executive body takes the decisions and measures that are in accordance with the applicable legislation and regulations and that it is empowered to take. It ensures that funds are procured, managed, and employed legitimately. Every decision demands to be considered. Decisions and measures can be accounted for, both as regards the actual substance and the procedure followed. This legitimises the policy pursued, even among those who disagree with it.

6.   Capacity for learning and self-improvement

Beginsel: Principle: The executive body improves its performance and that of the organisation, and structures the organisation in a way that ensures this.

Explanation: The executive body improves its performance by learning from mistakes made and experience gained. It allows its functioning to be monitored and can be held to account for that functioning. This creates the necessary focus on self-improvement within the organisation. The executive body creates an atmosphere that allows the organisation to learn from mistakes and experience, including the experience gained by other government organisations. Being receptive to concerns raised by the public/stakeholders contributes to the capacity for self-improvement and learning.

7.   Accountability

Principle: The executive body is prepared to render an account of itself to stakeholders, regularly and willingly.

Explanation: It is essential for executive bodies to be accountable if our democratic society is to function. Bearing responsibility demands that one be accountable. In order to make democratic control possible, the executive body must be ready and willing to account for how it bears and interprets its responsibilities.

Advisory report accompanying the

Netherlands Code for Good Public Governance

The Hague, January 2009

1 Reasons

Let's be honest: from an international perspective, public governance in the Netherlands is of high quality (World Bank 2007). In 2006, the majority of the Dutch population considered that the authorities functioned well (SCP 2007). For many years, public administration organisations have been working to improve their integrity and services, citizen involvement, and accountability, whether that is done though legislation and regulations or by means of policy. Nevertheless, there is still good reason for the topic of good public governance to remain on the agenda as a relevant issue.

1.1 The public interest demands critical examination/self-examination.

Carrying out a responsible task in public administration is not the same as doing so in the private sector. Wielding monopolies on taxation, force, and regulations in the public interest demands a well-developed sense of responsibility and a conscientious approach to one's duties and responsibilities. The executive bodies of public administration organisations must not only comply with the relevant legislation and regulations but also be intrinsically motivated to serve the public interest at all times and to show that they are doing so in how they function.

There are fortunately a large number of people with a political and executive position in public administration who shoulder their responsibilities conscientiously. During round-table discussions of the Code, numerous executives and senior staff indicated that they believed they already adhered to the values of good governance.[1] But good governance remains "people work". Unfortunately, one can also find examples of public administrators who are not as conscientious. This is a matter that proves difficult to discuss within the context of public administration or at the level of the particular organisation because of political or electoral interests or because the prevailing culture within the organisation is not in fact self-improving, secure, or receptive.

The effects of a lack of good governance are apparent to the public. A survey shows that people respond to the Code by saying, for example, that they think "it's too good to be true", and they refer to cases of what they consider to be a lack of good governance. An example might be someone who wishes to add an extension to his house but whose permit application is rejected even though other residents nearby have built an extension without applying for a permit but have not been checked up on, nor have the regulations been enforced. The public often have the impression that the friends and acquaintances of politicians receive preferential treatment, although they cannot really "put their finger on it". This is shown not only by the reactions of the public during the consultation process for the Code but also by letters from concerned members of the public directed to the Minister of the Interior and Kingdom Relations.

Even when – or precisely when – executives and senior staff consider that a code is unnecessary because they claim to already display the values concerned, it is still important to keep a sharp eye on one's own performance. This is because serving the public interest is such an important responsibility that it demands continuous critical examination/self-examination.

1.2 National Ombudsman sees problems

Despite many serious efforts on the part of government, people still come up against problems in their contacts with the authorities. According to a study by the National Ombudsman, the most frequent problems associated with the implementation of tasks by the authorities concern:
- the amount of time taken to deal with a matter;
- the provision of information;
- the observance of universally binding rules;
- balancing of the interests involved/reasonableness;

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1 A dominant finding during round-table discussions with executives and senior staff at public administration organisations in the context of the consultation process (see Appendix 2).

- the requirement of administrative precision;
- how people are treated.

The Ombudsman found that the amount of time taken, the provision of information, and administrative inaccuracy are problems associated with the "bulk approach to processing that is often typical of large bureaucratic organisations". The non-observance of universally binding rules, balancing of the interests involved/reasonableness, and how people are treated are problems that concern the relationship between the authorities and the public in specific individual cases.

The work of the authorities is also "people work". The basic principle, however, is that the authorities – which produce the laws and regulations – should themselves adhere to the rules. If they require the public to behave correctly – for example by applying a Responsible Citizenship Charter – they should themselves set a good example.

1.3 Good governance in a changing society

Serving the public interest demands good governance. That is not a new idea: as far back as the fourteenth century, Ambrogio Lorenzetti painted his now famous frescos in Siena's Palazzo Pubblico, with their symbolic depiction of good and bad governance. The frescos, in the "Hall of Peace", were intended to remind the city fathers of the prevailing virtues of good governance: peace, power, common sense, magnanimity, moderation, and justice. The principles of good governance are fundamental, and therefore perhaps seem to be timeless. But putting good governance into practice demands a specific approach in every period. Dutch society is undergoing a variety of changes simultaneously. Fulfilling an administrative function in the public interest demands awareness of those changes. It requires an open, learning, and therefore active attitude on the part of executive bodies so as to put the principles of good governance into practice as effectively as possible in the current context and with an eye to the future.

What is that changing society like? Many people have become more individualistic and more ready to stand up for themselves, and Dutch society has become more culturally diverse. Forty percent of Dutch people believe that there are too many people with a different nationality living in the country (SCP 2007). That is a minority, but nevertheless a large one. There is an ethnic distance not only between indigenous Dutch people and the various groups of immigrants but also between immigrant groups themselves. As the Scientific Council for Government Policy has pointed out: a modern society is faced by the challenge of combining a large measure of pluriformity with a sufficient level of unity and community (WRR 2003).

The political playing field too has been subject to change recently, with new political parties entering on the stage as elected representatives and administrators and bringing with them their own conventions as regards behaviour and language. Regardless of the discussion that has arisen – some people find trenchant language undesirable, while others believe it livens up political debate – the main thing is that all parties must share the values of good public governance. Political parties can ensure that prospective and existing executives and elected representatives know and promote the values of good governance.

At the same time, the relationship between the public and their elected representatives is changing. In our individualised, articulate, and heterogeneous society, it is increasingly unclear what connects people and the representatives whom they have elected. People are more likely to know who the Ombudsman is than their local elected representatives.[2] This means that executive bodies must listen not only to those representatives but must also be open to the public's concerns. The necessity of listening more directly to those concerns must be got across to civil servants. Although they – as members of the public themselves – relate to other people within society and to governmental institutions, really listening to public concerns when preparing and implementing policy is not yet something that goes without saying.[3]

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2   Group interviews with the public during consultation process for Code for Good Public Governance, 6 and 11 November 2008, see Appendix 2.

3   See, for example, the study by the Citizens' Council for Government Policy [Burgerlijke Raad voor het Regeringsbeleid] of responses by civil servants to citizens' initiatives. http://www.burger-raad.nl/burger

Finally, the media are not standing still either. In a democratic society, the traditional media (newspapers, radio, TV) are the most important link between the public and politics. The media let the public know what is going on in the world of politics, and they do the same for politicians in the opposite direction. Thanks to advances in ICT, information is increasingly being passed on without the involvement of the traditional media, for example by means of blogs. Public administration organisations and individuals can choose for themselves what information they wish to provide or to access. With a changing role for the independent media, public administration organisations need to ask themselves how political and public concerns are to be communicated back and forth. That is, after all, the basis on which the authorities take decisions on behalf of us all, and on which the public form their view of the authorities.

1.4 In brief...

Public administration organisations have a major responsibility in serving the public interest. Shouldering political and executive responsibility in public administration demands critical examination/self-examination if it is to be possible to solve the problems that confront people when they are in touch with the authorities and to meet people's needs within a changing society. Good governance would seem to be something that is timeless and that we can take for granted, but it needs to be constantly revitalised.

2 Guide to this publication

This advisory report accompanies the Netherlands Code for Good Public Governance. It gives the views of the working party[4] and is primarily intended for the Minister and State Secretary at the Ministry of the Interior and Kingdom Relations. Specific recommendations by the working party to the Minister and State Secretary are explicitly indicated as such in the text. The advisory report is also an accountability document for all parties involved in drawing up the Code and the advisory document itself. It is publicly accessible on the website of the Ministry of the Interior and Kingdom Relations.

This document first sets out the purpose of the Code and specifies who it is intended for. It then explains how the Code will work in practice, looking at such things as how it can be implemented and what conditions the working party considers necessary for that to be done. Finally, the working party gives an explanation of the document itself: its nature and status, and how it relates to existing rules and instruments. In the appendices, the working party describes how it carried out its assignment and the consultation process, which made a significant contribution to the Code and to this advisory report.

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4   *See Appendix 1 for more information about the working party.*

3 Why is a code of this kind necessary?

No substantive or contextual preconditions were attached to the working party's assignment (see Appendix 1). The working party therefore defined the objectives of the Code itself.

Purpose of the Code:
- increase trust in the authorities among the public and institutions;
- increase self-awareness and pride within the authorities themselves;
- increase the professionalism and esprit de coeur within the authorities;
- increase transparency regarding core duties

3.1 Trust

The working party is aware that there is no one-to-one relationship between the Code and trust in the authorities among the public and institutions. That trust is affected by a large number of factors. The Code, however, can be one of the factors that have a positive influence on trust in the authorities.

The working party is also aware of possible unintended effects that introducing the Code may have. The consultation process has shown that introducing the Code may cause people to think that something is seemingly wrong because a code is necessary. The Code may also – wrongly – create the impression that no efforts have been made up to now to ensure good governance. People also indicate that they do not need to be actively informed about a code and associated activities on the part of the authorities to ensure good governance. It is important to take account of this when introducing and implementing the Code (see Chapter 6).

There is, however, a way in which the Code can in fact contribute to increasing trust in the authorities. People say that what they mainly wish to see is the effect of efforts by the authorities as regards how the latter function. In other words, if introducing the Code has a positive effect on how the authorities function, then it will help increase trust in the authorities.

3.2 Self-awareness

In order to improve the way one functions, one first requires self-awareness. The Code serves as a basis for critical self-examination and dialogue regarding the way the executive bodies of public administration organisations function. The working party believes that if executive bodies demonstrate an ability to learn and actively improve their professionalism, there will be a positive effect on the self-awareness and professionalism of the authorities.

3.3 Professionalism

Professionalism in public administration is determined not only by executive bodies but also by civil servants. The Code is primarily intended for executive bodies.[5] The Code may also have a positive impact on the professionalism and pride of civil servants if executive bodies get down to work on the principles of good governance; this is similar to the way in which ethical leadership can have a positive impact on integrity within an organisation (Lasthuizen 2008). There is a positive basis on which to proceed: 84.3% of civil servants believe that a code of good public governance is important as a means of improving the quality and reliability of public administration. A smaller proportion – but still a majority (61.9%) – agree with the statement: "My motivation at work would be improved if the executive body of my organisation were to apply the Code."[6]

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[5]   For views on a code of professional practice for civil servants, see the advisory document on codes of professional practice produced by the Council for Government Personnel Policy (ROP 2008).

[6]   According to the results *of the Flitspanel® survey, November 2008 (see Appendix 2).*

3.4 Transparency

There are two ways of increasing transparency regarding core duties. Firstly because the principle of transparency ("openness") is part of the Code; secondly because awareness of the principles of good public governance makes one more aware of the basic motivation for executive bodies in public administration: to serve the public interest and be accountable for doing so. On that basis, one can then give critical consideration to one's duties: are we actually serving the public interest, and how?

The consultation process has shown that these objectives enjoy broad support. At the same time, the question repeatedly arose during the consultation process of what the actual added value was of the Code.

3.5 Added value of the Code

The authorities require that people behave in a responsible and respectful manner. There has been a campaign, for example, targeting aggression and violence against those working in the public sector,[7] and the Government is also developing a Responsible Citizenship Charter.[8] Initiatives of this kind are only credible if the authorities themselves set a good example. In the Queen's Speech from the Throne in 2008, the Responsible Citizenship Charter and the Code for Good Public Governance were referred to in connection with one another.[9] But quite apart from this reciprocity in the relationship between the authorities and the citizen, the citizen must be able to trust that executive bodies within public administration will be conscientious in shouldering the particular responsibility that they bear. It is for this reason that executive bodies require an instrument that encourages them to reflect on how they are themselves functioning. Legislation and regulations provide formal frameworks indicating what executive bodies are required to do, but they do not invite self-examination. The Code is specifically an informal instrument that helps in this kind of self-examination; in other words it increases awareness of one's own mission. It draws attention to the values – the motivation – that underlie serving the public interest. The fact that those values have been formulated jointly by and for the authorities as a whole gives them major added value.

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7 *www.veiligepublieketaak.nl*
8 *Policy Programme 2007–2011, basic principle 6.*
9 *www.regering.nl/Het_kabinet/Troonrede_2008*

4 What kind of document is the code?

4.1 Status
Acceptance of the Code is voluntary. Once an organisation's executive body has committed itself to the Code, however, it must adhere to it. From that point on, the monitoring bodies may require the executive body to account for the way in which it puts the Code into practice. The Code does not guarantee good governance, however; governance is, after all, "people work". Nevertheless, executive bodies that actively apply the Code show what they stand for and that they are working on their performance.

The Code does not have legal status; it is a "soft" measure. It is possible that the Code will eventually become a "hard" measure, for example if the courts use it to assess action by the authorities. In its present form, however, the Code does not set many concrete standards, and it is therefore not an obvious choice as a testing tool.

4.2 Nature of the Code
The Code comprises universal principles of good public governance in a democratic society. These principles are drawn from existing legislation and regulations, agreements, policy measures and initiatives based on a set of overarching values. Some people may therefore consider them all too "obvious". It is important, however, to be explicit about these principles and to discuss them openly. After all, to the extent permitted by the law and other regulations, people derive differing standards and codes of conduct from these principles, and they also differ as to how ambitiously they pursue them. As promoters of the public interest, it is important for the executive bodies in public administration not only to uphold the shared values but also to use them to examine their own performance.

4.3 Wording
The working party has attempted to make the wording of the Code as clear and concise as possible. The Code describes the most important principles of good public governance, and that requires succinct, transparent wording pitched to the "average" reader, so that people from a variety of backgrounds will understand it. During test runs conducted as part of the consultation process, both highly educated people and those with a low level of education were able to read and comprehend the text without difficulty. The straightforward, plain language of the Code received high marks during the consultation process.

4.4 Structure
The Code is structured as follows. It begins with an introduction that explains the need to work on good public governance. It then lists the principles on a single sheet of paper. The next section provides a more detailed version of the Code with a brief explanation. In that way, the single sheet can be used as a reference and the version with explanations for a more detailed description of how to formulate concrete measures and put the Code into practice.

Organisations may expand the Code to suit their own context. The police have done something similar with the "Blue Code" (see Chapter 7), in which they work with different "perspectives", such as "As a police officer on the beat, I...". The working party has decided not to elaborate the Code in great detail: what the Code does is set forth universal principles for the whole of public administration. For one thing, imposing a blueprint from the top down is incompatible with the nature and purpose of the Code. It is also difficult to determine at a higher level whether a principle has been properly enshrined in an executive body or organisation. Executive bodies should be given the leeway to transpose the principles to their specific situation, possibly in collaboration with the executive bodies of other organisations. Doing so is already an important exercise in self-awareness and professionalism.

5 Who is the Code intended for?

Recommendation: executive bodies are the Code's target group

Putting the Code into practice is a primary responsibility of the executive bodies of public administration organisations, and monitoring bodies should be able to call them to account for their actions in this respect. Executive bodies ensure that they themselves act in accordance with the principles. That means that they set an example for their civil servants, whether supervisory or staff. Executive bodies ensure that the principles of good governance are embedded in the organisation. The influence of the Code also extends to independent organisational units and partnerships. Ultimately, it is the public that should notice the effects of good governance. Political parties are invited to communicate the principles of good public governance to prospective and existing executives and elected representatives.

Explanation

The Code is mainly intended for executive bodies. In this particular context, that means:[10] the mayor and executive councillors at municipal level; the Provincial Executive at provincial level; the dike warden and polder board (executive board) for the water boards; and the Cabinet at national level. Analogous to this target group, the Code can also be used by the executive bodies "in the field", for example the chief of police and the regional commander of the fire service.

Good governance can only come about if the executive body has a healthy relationship with the monitoring or co-executive body. The relationships between executive bodies on the one hand and monitoring or co-executive bodies on the other differ under constitutional law. This advisory report distinguishes between executive bodies and monitoring bodies; the latter term also covers monitoring bodies that serve as co-executive bodies according to the law. The point is to look at the balance of power or the self-improvement capacity of an organisation. That capacity should also be an element of the relationship between an executive body and a co-executive body.

The following bodies are invited to hold the executive bodies of their organisations accountable for good governance: the municipal council at municipal level; the provincial council at provincial level; the governing board of the water boards; and Parliament (Senate and House of Representatives) at national level.

Executive bodies ensure that the Code has the necessary impact on their organisation. This naturally applies equally to the individual executives who are members of the executive body. Executives play an important role in setting an example for their civil servants, both supervisory and staff. They must know the organisation through and through, understand the concerns of their staff members, and be able to make good governance an inherent part of that context.

The working party would prefer the influence of the Code to extend to agencies, independent organisational units and partnerships. To begin with, the principles of good governance are not something to be applied randomly or haphazardly. The very essence of good governance lies in its being put into practice. But it is also desirable to extend the influence of the Code because the public deal directly with such agencies, units and partnerships. The public are in fact unable to distinguish between the various types of government bodies that they are dealing with,[11] because the distinction is often organisational or administrative in nature; it says nothing about the principles underpinning the way such units function. Even in partnerships, it is the executive body (or its representatives) that upholds the principles of good governance. The monitoring bodies require the executive body to account for its actions within the partnership in that regard. It is up to the parties that make up the partnership to decide whether or not they wish to apply the Code.

The Code is not essentially intended for the High Councils of State or for semi-public organisations. They are, however, invited to use the Code as a source of inspiration.

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10 Formally speaking, the municipal council, the provincial council, and the governing boards of the water boards are also empowered to govern. Day-to-day governance, however, is the responsibility of the mayor and executive councillors in the former case and the Provincial Executive in the latter.

11 Group interviews with the public during consultation process for Code for Good Public Governance, 6 and 11 November 2008, see Appendix 2.

6 How will the Code work?

6.1 Implementation

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Recommendation: top-down and bottom-up implementation

Top-down:
- Joint introduction of the Code at a meeting for umbrella organisations and sector representative associations.

Bottom-up:
- Executive bodies take responsibility for formulating concrete measures and putting the Code into practice in their own contexts

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Explanation

For the Code to actually "take hold", both top-down and bottom-up engagement is needed. Top-down engagement means committing to the Code as such; bottom-up engagement means formulating concrete measures and putting the Code into practice in the organisation's own specific context.[12]

Umbrella organisations and sector representative associations show their top-down engagement at a joint meeting at which the Code is officially introduced. The meeting is a kick-off event, after which organisations will start putting the Code into practice. The working party recommends scheduling this meeting before the end of 2009 so that organisations can get to work using the Code as quickly as possible.

Bottom-up formulation of concrete measures and practical implementation of the Code involves executive bodies in public administration making the principles meaningful in their organisation's own context. The working party recommends that the organisations – whether or not they are facilitated by umbrella organisations or sector representative associations – should draw up an implementation plan that they start working with in 2009 or no later than 1 January 2010.

6.2 Implementation plan

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Recommendation: implementation plan at organisational level

Suggested contents of the implementation plan::
- discussion within the executive body (formulation of concrete measures, practical implementation, self-evaluation)
- discussion between executive body and monitoring body
- discussion between executive body and staff
- workshops on specific topics as required
- accountability for applying the Code (form this will take)

Emulation and information-sharing between organisations:
- within sectors (reviews) and between sectors

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Explanation

Bottom-up implementation should be based on the following principles:
- Formulation of concrete measures and practical implementation of the Code is necessary in the organisation's own specific context;
- The executive bodies of public administration organisations have a responsibility to formulate concrete measures and put the Code into practice;
- The sectors (umbrella, sector representative and professional associations) can stimulate and facilitate this process;
- The process of formulating concrete measures and putting the Code into practice should be aligned as closely as possible with existing initiatives and procedures.

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12 *See also ROP 2008.*

The Code provides a basis for critical examination/self-examination. The police have gone through a similar process with their "Blue Code" (see Chapter 7). Their experience has shown that it comes down to discussing how to apply the principles in the field, for example by using examples and describing dilemmas. Such a discussion can take place at both executive body level, in relation to the monitoring body, and with the civil service organisation involved. The NVBR – the Dutch Association for Fire-fighting and Disaster Relief – emphasises the importance of formulating concrete measures and practical implementation. "It is vital to develop practical tools and engage in an intensive process of information and communication, geared to the various target groups but also focusing on what binds us together in public administration. So we are planning to formulate concrete measures and put the final code into practice in a way that specifically suits fire-fighting units. We will align our efforts with existing initiatives as much as possible." A specific implantation plan is therefore required, and can be worked out at organisational level.

When surveyed, civil servants say that they feel co responsible for good governance (81%). However, only a minority of them are prepared to tackle their executive body about the matter if it does not apply the Code (26%). For good governance to be properly embedded in an organisation, the organisational climate must be a healthy one. The working party therefore suggests that the executive body consider its relationship with its civil servants in the implementation plan.

Although some form of accountability is preferable – so that the executive body can be held accountable for its efforts in this area – the working party does not see a separate accountability structure as desirable. Instead, organisations should make use of existing accountability structures, for example their annual report.

Various members of the working party and participants in the consultation process observed that cross-sector knowledge-sharing can be particularly valuable (by sectors, we mean central, provincial, municipal government and so forth). The working party therefore recommends making cross-sector exchanges part of the implementation plan. Such an approach also meets the needs of the Association of Water Boards (UvW), which has indicated that what it requires most is to learn "good practices" from other sectors, since the water board sector has already put procedures in place for virtually every issue covered by the Code. The police are also a proponent of the inter-sector approach.

In the working party's view, the implementation plan does not need to include a separate process addressing the public. The results of the interviews with members of the public on this topic were too unmistakeable to ignore.

> ## Recommendation: make use of benchmarks and measurements of administrative effectiveness
> **Benchmarks and measures of this kind help organisations to assess their own performance.**

Explanation
After formulating concrete measures and putting the Code into practice, organisations can themselves assess the extent to which they can make use of a benchmark or a measurement of administrative effectiveness. These are tools that facilitate learning and improvement, and should not be used to hold those concerned to account. Benchmarks are used at sector level, but in close cooperation between the national, provincial and local sectors. Measurements of administrative effectiveness are used at organisational level.

Forceful Administration Programme
Two concepts are key in the Forceful Administration Programme [Programma Krachtig Bestuur], set up by the Ministry of the Interior and Kingdom Relations: doing and learning. "In the longer term, we wish to create a context in which a learning process can evolve that brings about improvements leading to even more forceful administration. Measurements of administrative effectiveness and benchmarks play an important role in these efforts – not as tools in and of themselves, but as a channel for mutual learning."

Recommendation: see to it that every sector and/or organisation designates an ambassador/pioneer

An ambassador/pioneer personally promotes the principles and drives awareness of the principles of good governance within a sector or organisation. He or she also serves in an advisory capacity. The position can be rotated between different people.

Explanation

It is conceivable that ambassadors or pioneers will exercise a positive influence when it comes to making good governance a relevant and explicit point of concern for executive bodies in public administration. One possibility is for an ambassador working at senior level within an organisation (for example a member of a polder board) to organise two workshops a year on the principles of good governance in general or on a number of specific themes. The workshops could in any event cover dilemmas and practical examples.

6.3 Monitoring

Recommendation: monitoring
The Council of State intends extending the scope of its periodical review of the Code for Inter-administration Relations with a review of the Code for Good Public Governance.

Explanation

During the consultation process, various parties have indicated the importance of ensuring that the debate about good public governance remains relevant. The outcomes of monitoring are a good pretext for doing so. It is, once again, unnecessary to set up a separate monitoring structure. The Association of Netherlands Provinces has suggested making use of the Council of State's periodic reviews of compliance with the Code for Inter administration Relations. The working party is happy to adopt this suggestion. It should be noted, however, that the Code for Inter-administration Relations only concerns mutual relations between national, provincial and municipal government, whereas the Code for Good Public Governance will be applied to a number of sectors.

Council of State:
The Council of State advises the government and parliament on legislation and governance and serves as the Netherlands' highest administrative court with general jurisdiction, in which role it helps to preserve and reinforce the democratic rule of law and safeguards the unity, legitimacy and quality of public administration in the broader sense.
www.raadvanstate.nl

6.4 No new inspection or enforcement mechanisms

Recommendation: no new inspection or enforcement mechanisms
Putting the Code in the form of legislation and regulations is pointless because it involves not "hard" standards – which we already in fact have – but a process of becoming aware of values. "Hard" monitoring and enforcement of values are impossible due to the level of abstraction; they are also undesirable because the point is to internalise values. .

Explanation

BThe principles create the impression among the public that they confer a right.[13] Questions therefore arise as to who will ensure compliance. The public spontaneously suggest the Ombudsman, but the working party has not taken that suggestion on board.

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13 *This became apparent from the group interviews with the public (see Appendix 2).*

There are already numerous monitoring and enforcement mechanisms that compel public administrators to function properly. These involve not only the law but also horizontal mechanisms and mechanisms operating between the different levels of government, for example administrative law, courts of audit, and supervision between the different levels. The working party sees no benefit in setting up new monitoring and enforcement mechanisms specifically for the Code for Good Public Governance. Doing so would also not fit in with the nature of the Code, which after all concerns what executive bodies actually are. The point of introducing the Code is to encourage the principles of good governance to be internalised. There is good reason why the process of formulating concrete measures and putting the Code into actual practice will take place from the bottom up.

At the same time, the working party wishes to point out that the executive bodies of public administration organisations could make more effective use of existing mechanisms when reflecting on how they actually function. There is a risk that monitoring and enforcement mechanisms will come to be regarded as administrative obligations (and also burdens), and then not be used as a means of improving quality.

> **Recommendation: make better use of existing mechanisms**
> Make use of existing occasions for accountability, as well as of investigations and benchmarks, in order to reflect and learn effectively.

Explanation

Good governance naturally needs to express itself in tangible results and improvements on the basis of relevant sources of information. Various different mechanisms are available for that purpose. Studies by the Organisation for Economic Co-operation and Development (OECD) and the World Bank, for example, provide details on how the Dutch public sector performs in comparison to other countries. The Council of Europe also publishes relevant reports, guidelines, and recommendations regarding public administration. At national level, the studies by the Netherlands Court of Audit [Algemene Rekenkamer] are a valuable source of information regarding how Dutch public administration functions and performs.[14] Reports by Statistics Netherlands (CBS) and the Social and Cultural Planning Office (SCP) provide useful information. From the horizontal perspective, benchmarking plays an increasingly important role (see, for example, www.waarstaatjegemeente.nl). At organisational level, stakeholder surveys and complaints procedures also generate information regarding how executive bodies function.

Better use could also be made of the work of the National Ombudsman as a kind of "mirror"; perhaps not one that an executive body can look in at any moment it wishes, but a relatively friendly mirror: the Ombudsman specifies the problems that people face in their contacts with the authorities and indicates possible solutions, without imposing sanctions.

6.5 Preconditions

In short, the working party notes that the following factors are in any case preconditions for successful implementation of the Code:
- joint introduction of the Code in public administration, beyond the boundaries of the various sectors;
- engagement from the bottom up, i.e. executive bodies wish to be bound by the Code and are prepared to engage in self-examination;
- an implementation plan and efforts to put it into practice;
- ambassadors/pioneers to put the topic of good public governance on the agenda and ensure that it remains there as a relevant issue;
- a readiness on the part of monitoring and co-executive bodies to hold executive bodies to account;
- a secure atmosphere for dialogue within the organisation;
- receptiveness on the part of the executive body to concerns raised by the public/stakeholders;
- efforts to improve the relationships between different levels of the organisations and sectors concerned.

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14 For the work of the Netherlands Court of Audit, see its current strategy (AR 2003).

The National Ombudsman, Mr Alex Brenninkmeijer, during a round-table discussion of the draft Code for Good Public Governance. Utrecht, 27 November 2008. .

National Ombudsman

"The institution of National Ombudsman is established in order to give individuals an opportunity to place complaints about the practices of government before an independent and expert body. The mechanism works alongside existing provisions, such as Parliament, the courts, and internal complaints procedures. Applying to the Ombudsman may result in steps being taken in particular cases (perhaps contrary to the authority's original intention), and, in a broader context, help to restore public confidence in government. In view of this role vis-à-vis the individual, the National Ombudsman Act deliberately elects to make a single person, the National Ombudsman, represent the institution in the eyes of the outside world, as a counterbalance to an often faceless bureaucracy. It is up to the governmental institution concerned to attach consequences to the decision of the National Ombudsman. A decision by the National Ombudsman differs in that regard from a ruling by a court of law. The National Ombudsman's decisions are not legally enforceable and respect for the authority of the National Ombudsman and his decisions is therefore of particular importance. That authority is determined in the first instance by the quality of the work itself: a brisk and thorough investigation, well-reasoned decisions, and readable reports."

www.ombudsman.nl

7 How does the Code relate to existing rules and instruments?

7.1 Relationship to existing legislation and regulations

As we have seen, the principles enshrined in the Code are drawn from existing legislation and regulations, together with other yardsticks. The Code is an ethical or moral document, not a legal one. It therefore does not replace existing legislation and regulation, nor does it constitute a new set of regulations.

7.2 Relationship to the National Ombudsman's requirements for good governance

The National Ombudsman checks whether a government body has acted appropriately. That check is carried out on the basis of a set of requirements for good governance. The third principle in the Code is a direct reference to those requirements.

7.3 Relationship to other governance codes

A number of governance codes have been developed in recent years in various sectors. The Netherlands Corporate Governance Code (the "Tabaksblat Code") has been followed by similar codes for sectors including healthcare, education, public housing, culture, pension funds, and broadcasting organisations.

Corporate governance relates to individual organisations, namely listed companies, in the private sector. The Netherlands Corporate Governance Code is primarily concerned with checks and balances within the organisation, together with a certain amount of transparency and integrity on the part of the management and supervisory body. Sector governance codes in the Netherlands are similar to the Corporate Governance Code in that they relate to individual organisations, often ones that are semi-public. Reference is sometimes made in this context to "public governance". The codes differ from one sector to another but are comparable with the Netherlands Corporate Governance Code in that they primarily arrange for a system of checks and balances.

The Code for Good Public Governance does justice to the specific nature of public administration. It does not arrange for checks and balances because the balance of power within public administration is already regulated by law through democratic legitimacy. The Code with which we are concerned here is therefore of a different nature and as such cannot be compared to the Tabaksblat Code or the various sector governance codes.

7.4 Relationship to other codes

The term "code" is not only used in relation to governance. Besides governance codes, there are also codes of conduct relating to integrity, one of the principles of good governance that is included in the Code. To that extent, the various codes of conduct can be seen as the explicit application of a principle of good governance. What is then important, however, is that the code of conduct not only exists formally as an administrative "check" but that it is consciously and conscientiously applied.

The police have introduced their "Blue Code", a code of professional practice intended for everybody working for the police in the Netherlands. It comprises values in line with the two core concepts of the mission of the police: to be "watchful" and "to serve". The Blue Code is used as a guiding framework for thought, conduct, and action. The principles are directed and put into practice by adopting various different perspectives. Those perspectives are used in order to distinguish between situations in which one principle will be more decisive than another. A distinction is made, for example, between "me as a senior officer" and "me off duty". This allows the Code to be utilised in numerous contexts and makes clear how everyone can apply a concept – for example respect – in their particular context. The experience of the police in implementing their code of professional practice is that having a guiding framework makes it possible to initiate discussion of the principles. What is relevant is not the document itself but the way people apply it.

Another example of a code is that for inter-administration relationships. This was adopted in 2004 by central government, the provinces (the Association of Netherlands Provinces), and the municipalities (the Association of Netherlands Municipalities). The philosophy regarding inter-administration relationships is

based on three principles: a problem based approach, a strict division of duties, and freedom to create policy on the part of regional and local authorities. This code concerns the relationship between central government, the provinces, and the municipalities at the overall level, but it can also provide inspiration for collaboration between individual governmental organisations. Improving inter-administration relationships, both within

7.5 Relationship to government governance

The term "governance" is also used in relation to government governance. Government governance guarantees the relationship between the way a government organisation is directed, controlled, and supervised. The Ministry of Finance brought out a publication on this matter in 2000 (Ministry of Finance 2000). Government governance involves a more businesslike approach to organisational processes at the level of central government. The Code for Good Public Governance involves a moral approach to how the executive body of a public administration organisation operates.

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Appendix 1 – Working party

Members of working party

A.C. van Es	Director-General for Administration and Kingdom Relations, Ministry of the Interior and Kingdom Relations (chair)
M.J.H. Marijnen	Mayor of Roosendaal
A.J. Meijboom	Chief of Police, Rotterdam-Rijnmond
Dr S.C. Peij	External adviser to the working party, director of Governance University
K.M.H. Peijs	Queen's Commissioner for the Province of Zeeland
M. Sarucco	Director for Public Order and Safety, City of Amsterdam
Dr P. Verlaan	Regional Commander, Public Safety Region/Central and West Brabant Fire Servicet
J.M. de Vries	Dike Warden, Hollands Noorderkwartier Polder Board[5]
R. van Zwol	Secretary-General, Ministry of General Affairs

The secretariat for the working party was made up of Dr M.H. Klijnsma and Ms J.G. Dullemond, MA (Ministry of the Interior and Kingdom Relations).[16]

Assignment

The working party will provide a joint advisory report to the Minister and State Secretary at the Ministry of the Interior and Kingdom Relations. This will take the form of the Code, together with an explanation of the structure of the Code, how it can/must be applied, and other relevant remarks. In doing so, the working party will, where possible, make use of the principles in sector-specific codes that are already applied in practice. After receiving the advisory report, the Minister and State Secretary will decide whether to accept the recommendations.

Performance of the working party's assignment

The working party met on 16 April, 2 July, and 10 September 2008, and 21 January 2009. The secretariat and the external adviser also carried out discussions with the members between the first and second meetings. There was also contact by e-mail and phone between the secretariat and the members of the working party.

Making use of the principles set out in sector-specific codes turned out to be difficult. Sector-specific governance codes are similar to the Corporate Governance Code (the "Tabaksblat Code") in that they primarily involve arranging for checks and balances within an organisation. Within public administration, however, checks and balances are already provided for in the legislation and regulations. There is a balance of power because of the democratic rule of law in our society. The Tabaksblat Code did, however, act as an inspiration as regards clarity of expression. The working party and the secretariat were also inspired by a number of other examples, including the British Standard for Good Public Governance and the Essentials of Good Public Governance [Essentialia van goed openbaar bestuur] adopted by the Netherlands Court of Audit (AR 2005).

A draft version of the Code was drawn up in September 2008. In order to know what the target group would think of the Code – as well as stakeholders such as elected representatives and monitoring bodies, civil servants, and the public – the working party had a broad-based consultation process implemented in late 2008. The responses generated by the consultation process have been incorporated into the present advisory report and into the Code. An account of the responses and findings, together with the consequences attached to them by the working party, can be found in Appendices 2 and 3.

During one of the round-table discussions that formed part of the consultation process, it was suggested that an interim stage should be introduced in the process of drawing up the Code. This would involve providing feedback to the parties consulted regarding the results of the consultation process and the

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15 *Ceased to hold that position with effect from 1 January 2009.*
16 *Ms M.J. Kalverda, MA, was involved until April 2008.*

consequences attached to those results by the working party. The working party decided against introducing such an interim stage. The point is not so much the Code itself – it became clear during the consultation process that the actual substance of the Code enjoyed broad support – but the discussion that will take place in the light of the Code. The issue of good governance cannot be kept relevant by discussing a document at abstract level but rather by discussing its significance in actual day-to-day practice. The working party hopes that the Code and the present advisory report will serve to initiate that process.

Appendix 2 – Consultation process

Stages in the process

At the request of the working party, the secretariat undertook a broad-based consultation process, some stages of which it carried out itself. The consultation process was broken down into the following stages:

Target group	Method	Party responsible	Date
Public	4 group interviews, 2 in Utrecht and 2 in 's-Hertogenbosch. Selection of interviewees by educational background (low/high level) and age (under/over 45)	*CO-efficiënt* with the assistance of the secretariat, working party adviser and department of Communication and Information, Interior Ministry	6 and 11 December 2008
Civil servants	Flitspanel® survey	Department of Public Sector Employment Affairs, Interior Ministry, assisted by the secretariat	4-18 November 2008
Executives and senior staff in public administration, National Ombudsman, Council for Public Administration	Round-table discussions	Secretariat assisted by Stadskasteel Oudaen (venue and catering), QMS (reporting) and VOOG (photography)	27 November 2008
Executive bodies in public administration (or their representatives)	Written recommendations	VNG, IPO, UvW, ministers (cabinet subcommittee), KBB-RHC, NVBR	October-December 2008

Abbreviations and acronyms

Interior	Ministry of the Interior and Kingdom Relations
IPO	Association of Netherlands Provinces
KBB	Board of Regional Police Force Managers
NVBR	Dutch Association for Fire-fighting and Disaster Relief
RHC	Board of Chief Commissioners
UvW	Association of Water Boards
VNG	Association of Netherlands Municipalities

Main points of responses
Representatives of executive bodies

Date	Who	Summary of responses
5-11-2008	VNG	Apply the 12 Principles of Good Democratic Governance at local level.
18-11-2008	IPO	A code that takes the political context and relationships between government tiers into account can be useful.
26-11-2008	KBB-RHC	Agrees with Code. Important to clarify that the principles can in fact be applied. Inter-sector approach, non-compulsory.

5-12-2008	National government	Draft Code discussed in cabinet subcommittee after consultation with secretaries general and civil servants. Criticism from these groups: it is important to discuss good governance, but the added value of the Code was questioned.
9-12-2008	NVBR	NVBR identifies with the aims and substance of the Code, and draws specific attention to its relationship with comparable codes and practical implementation.
6-1-2009	UvW	The Association recognises the importance of the Code and much of its substance; it advocates joint adoption of the Code by public administrators; it believes that the sectors should themselves take responsibility for ensuring that the Code "takes hold" and remains relevant, with Interior playing a facilitatory role; it will submit the Code to the new executive bodies of all water boards.

Interviews with the public

A total of four group interviews were held with representatives of the public on Thursday 6 November (Utrecht) and Tuesday 11 November ('s-Hertogenbosch). The interviewees were selected on the basis of age (under/over 45) and educational background (low/high level of education). All the interviews were lively and constructive in nature. They produced the following findings:

- Without having seen the Code and when asked how they would define good public governance, the public produced a list that closely matches the Code;
- Once they had read the Code, the public agreed with its content. The language used in the Code was considered clear and comprehensible. The public appreciated the fact that public administration was showing its good side;
- All of the principles set out in the Code were considered to be important, but during the interviews the emphasis was on "openness and integrity" and "participation";
- The Code does raise questions. The principles seem so patently obvious that the public questioned why they needed to be stated so explicitly or formally. It left them with the impression that things were not going very well at the moment;
- The principles created the impression that they confer a right. Questions also arose as to who would ensure compliance. Each group spontaneously suggested the National Ombudsman;
- The public said that they did not need to be actively informed about public administration's good governance efforts. They mainly wished to see the effects in actual practice (but at the same time questioned whether they would);
- Note: the public do not have a very clear idea of what constitutes public administration, believing it to include the Social Security Agency, the Tax and Customs Administration, hospitals, and housing corporations.

Questionnaires distributed among civil servants

A questionnaire about the Code was filled in between 4 and 18 November by total of 1842 civil servants who participate in the Flitspanel® survey and work at national, provincial and municipal level, the water boards and the police. That meant that the response rate was 37.8%. Some outcomes:

- the principle of "openness and integrity" is regarded as relatively the most important (98% find it important to very important);
- the principle of "participation" is seen as relatively the least important, but 84% still find it important to very important;
- 91% agree entirely with the statement that all executive bodies of all government organisations should apply the same principles of good public governance;
- 84% believe that a code is important as a means of improving the quality and reliability of public administration;
- 81% believe that as civil servants they are just as responsible for good public governance as the executive body of their organisation;

- 47% agree with the statement "It's a good thing the Code is voluntary, because the motivation to work on good public governance should come from the executive bodies themselves, and not be imposed". 37% disagree, and the remaining 16% neither agree nor disagree;
- 26% intend to tackle the executive body of their organisation about the matter if it does not apply the Code of its own accord.

Round-table discussions with executives and senior staff

On Thursday 27 November, two round-table discussions of the draft Code took place at Stadskasteel Oudaen in Utrecht. Taking part in these discussions were several executives and a large number of senior staff in public administration, as well as the National Ombudsman and the Council for Public Administration (see also the following section). The general attitude was negative and critical, although a few more constructive comments were made.

Various frequently expressed opinions:
- "You can't really be opposed to it" and "But we already do all this";
- What is the added value when compared with existing legislation, regulations and measures?
- The last thing we need is another document that just gets shoved into the drawer;
- The target group is unclear;
- Will this help us win the public's trust?
- Having a code doesn't mean that people will stick to it;
- There's nothing really new here and it isn't ambitious enough.

More positive comments:
- The Code could provide a relevant context for mutual discussion (within an executive body, between an executive body and the organisation, and between the executive body and elected representatives/monitoring body);
- The police have had positive experience working with their similar Blue Code;
- The Code can offer executive bodies – especially new ones – something to go by;
- The Code provides a guiding framework and can help raise professional standards.

Opinions are divided: some feel the Code should be assessed by an independent party (such as the National Ombudsman), whereas others believe the Code should be an internal "soft" measure that does not confer any rights on outside parties. It was also pointed out that even a "soft" measure can eventually become a "hard" one.

Recommendations for the working party:
- -Compare the Code to other codes and the Flemish deontology for democracy;
- Target group: executives and elected representatives/monitoring bodies;
- Involve political parties in this process because they select the candidates;
- Conclude an agreement as a basis for implementation;
- Make sure that implementation is linked to practical application;
- Appoint a single person in the organisation to take responsibility for the Code;
- Keep discussion going;
- Build an interim stage into the adoption process, with feedback after consultation, amendments to the Code, and advice and/or practical examples.

Council for Public Administration

The Council for Public Administration (ROB) produced an unsolicited advisory report on the Code for the Minister of the Interior and Kingdom Relations (2 December 2008). The tone of the report is constructively critical. The ROB recommends clarifying for whom the Code is intended, discussing the written and unwritten legal norms in the explanatory notes, and making a sharper distinction between the problem statement, the objective and the functions of the Code. The Council also makes suggestions for implementing the Code.

Charter Group

The chairman of the Public Accountability Charter Group, Mr E. Stoové, sent in the Charter Group's Good Governance Code. The Charter Group is made up of a number of independent administrative bodies: the Central Finance Agency (CFI), the Central Agency for the Reception of Asylum Seekers, the Health Care Insurance Board, the Centre for Work and Income (CWI), the IB Group, the Land Registry, ProRail, the Centre for Vehicle Technology and Information (RDW), the State Forest Service, the Social Insurance Bank, and the Social Security Agency (UWV). The Charter's code is a version of the Netherlands Corporate Governance Code ("Tabaksblat Code") adapted for government agencies.

Spontaneous responses

Mr R. 't Hart (director of the NAR, the Netherlands Consultancy for Risk Management), advocates risk management, referring to the Tabaksblat Code and others. Mr F. Kist (senior management consultant at Corgwell) compliments the working party on the Code and is impressed that it managed to keep it so simple. Concerned citizen Mr W. de Vos contacted the secretariat and related his negative experiences with government organisations. He believes that government organisations are incapable of self-improvement.

Acknowledgements

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Ms Y. Sinnige (Association of Netherlands Provinces)
Ms B. Steenbergen (then working for the City of The Hague)
Mr K. Vos (Royal NIVRA, the Royal Netherlands Institute of Registered Accountants)
and representatives of the ministries of the Interior and Kingdom Relations; Foreign Affairs; Finance; Transport, Public Works and Water Management; Agriculture, Nature and Food Quality; Office for Promoting Integrity in the Public Sector; ICTU; Government Information Service in the Netherlands; Contact Group.

Appendix 3 – Responses and what was done with them

This appendix comprises responses to the draft Code received during the consultation process in September 2008. The responses are listed according to the relevant section of the Code. This document shows in italics what changes the working party made to the draft Code of September 2008 based on the responses submitted during the consultation process. The boxes contain the text of the draft Code, listed principle by principle. Text that has been deleted from the final version of the Code is crossed out. Text that has been added in the final version is shown in italics.

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Netherlands Code for Good Public Governance
Principles of proper public administration

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General comments *to be added to introduction and/or advisory report*

- The Association of Netherlands Municipalities (VNG) subscribes to the aim but believes that the necessary steps are already being taken in this direction, referring to the Council of Europe's Twelve Principles of Good Democratic Governance at Local Level. *All Members States of the Council of Europe, including the Netherlands, have made a political commitment to the strategy for good local government, of which the twelve principles constitute a part. There are pilots running in five Member States, although not yet in the Netherlands. The working party considers that participating in the pilots may offer Dutch municipalities a good strategy in this respect.*

- The Association of Netherlands Provinces (IPO) would like the principles to be related more closely to the political context and draws attention to the relationship between the various tiers of government. *The introduction now refers to the political context. For the relationship between the various tiers of government, please see the Code for Inter-administration Relations. This has been taken into account in the explanation accompanying principle 4, in the passage "the executive body coordinates the objectives with the parties within and beyond the organisation". In addition, a new passage was added concerning cooperation with other government organisations.*

- The Board of Regional Police Force Managers – Board of Chief Commissioners (KBB-RHC) sees a link with their own professional code, the Blue Code. The structure and substance of this code can provide a guiding framework that will contribute to good governance in public administration. The KBB-RHC also sees a link with the advisory report by the Council for Government Personnel Policy (ROP), submitted to the Minister of the Interior and Kingdom Relations on 23 May 2008. *The working party has taken cognizance of the ROP's advice and used this as inspiration for its advisory report on the Code. The working party sees the Blue Code and associated implementation process as a possible example.*

- The Dutch Association for Fire-fighting and Disaster Relief (NVBR) recognises and identifies with the aims pursued by the Code and also identifies with its principles. What is important is to indicate the connection with existing codes. *That has been done in the accompanying advisory report.* The Code should be widely implemented. It is crucial to develop practical tools and start up a major information and communication campaign. Specifically for the fire services, efforts will be aligned with existing initiatives as much as possible. The working party's advisory report concurs with this view.

- There is some doubt about the Code in national government. There is confusion about its relationship with the general principles of good governance. One suggestion is to consider replacing the word "code" by "core values", for example. *This suggestion led the working party to consider replacing the word "principles" or even "code" by the term "core values". Ultimately, however, it decided to retain the name "code" and "principles" for three reasons. The title "core values" appears to refer to immutable, universal values. The Code does not claim to be any such thing. The word "code" will also be recognised internationally. Finally, a code is in fact a self-imposed guideline; it means "this is what we've arranged between us", which corresponds to the nature of the Code as defined by the working party. With respect to its relationship to existing legislation and regulations (including the general principles of good governance): the introduction has been tightened up in this regard, and the advisory report draws attention to this subject.*

- The Association of Water Boards (UvW) recognises the importance of the Code and subscribes to most of its substance. The Association believes the Code should be adopted jointly with other governmental umbrella organisations and the Government during a meeting that is given the necessary publicity. The sectors themselves should be responsible for ensuring that the Code "takes hold" and remains relevant as a topic; the Ministry of the Interior and Kingdom Relations can play a facilitatory role in this respect. The Association will send the Code to each water board, where the new executive bodies can use it as a

basis for discussing their organisation's performance and its management. *The advisory report concurs with the Association's recommendations.*

- Most of the executives and senior staff who took part in the round-table discussions showed little enthusiasm for the Code. It is not viewed as a solution to existing problems, but rather as an excuse to initiate a discussion with one another. *In its advisory report, the working party clarifies what it believes to be the added value of the Code. This has also been more clearly stated in the introduction.*

- The public recognise the values enshrined in the Code and spontaneously suggest similar principles. They agree with the Code's substance and can give many examples of the considerations and dilemmas that arise between principles. What the public are most concerned about, however, is how these principles are applied in actual practice. The public do not need to be kept informed of how public administrators are working on good governance. *The working party is pleased to observe that the public identifies with and supports the principles set out in the Code. In its advisory report, the working party takes into account that the public do not feel the need for detailed information.*

- Civil servants rate all the various principles as important to very important (minimum of 85%, maximum of 98%). According to 91% of them, every executive body of every organisation should apply the same principles of good public governance. 81% of them believe they bear as much responsibility in this matter as their executive body. Only 26% plan to hold their executive body to account for applying the Code, but 67% believe that having a code will help them critically assess the way their executive body performs. Only 38% believe that good governance goes without saying in the Netherlands, and only 3% indicate that their own executive body already acts entirely in accordance with the principles of good public governance. *The working party is pleased to observe that the selected principles are regarded as important by civil servants themselves, and that they feel a sense of responsibility or shared responsibility for them.*

- The experts (see Acknowledgements in Appendix 2) indicate that it would be a good idea to clarify that the Code is intended for executive bodies whose members are political appointees. It is their task to disseminate the Code among the senior civil servants and the senior management of independent government bodies and agencies. *The working party addresses this issue in its advisory report.* In addition, they indicate that the public interest involved should be made clear. Public administration is there for and on behalf of the public. *Included in the introduction and advisory report.*

- The Council for Public Administration (ROB) recommends making it clearer who the Code is intended for and highlighting the relationship between the authorities and the public more clearly. *The introduction refers to "government organisations": "public administration organisations". The advisory report provides an explanation of the target group. The introduction gives greater emphasis to the relationship with the public.* The ROB also recommends drawing attention in the explanation to the Code's relationship with the written and unwritten legal norms, such as constitutional rights and the principles of good governance. *The introduction has been tightened up in this regard, and the advisory report draws attention to this subject.* Finally, the Council also recommends making a sharper distinction between the problem statement, the objective, and the functions of the Code. *The working party addresses this issue in its advisory report.* The Council believes that the relevance of the Code will be a critical success factor. What can help make it relevant is to clarify what the Code specifically means in a particular sector, for example by giving examples and dilemmas from everyday practice. *The working party agrees that the Code must be seen as relevant and has taken the ROB's recommendation into account with respect to its implementation.*

Introduction

Good public governance is essential for the functioning of our democratic society. Without it, there can be no healthy exchange between the authorities and the public, and the authorities cannot meet society's needs.

This code ~~states~~ *describes* what good public governance ~~stands for~~ *means* for the executive bodies of individual ~~government~~ *public administration* organisations in the Netherlands, at both central and local level.

Good public governance can by no means be taken for granted, even in a prosperous and developed country like the Netherlands. ~~That is why the principles of good governance should be made crystal clear within public administration.~~[17] *The fact that political and public interests are weighed up against a background of democratic legitimacy still does not provide any absolute guarantee.* This code emphasises to the executive bodies of public administration organisations that they must ensure that the principles of good governance are actually applied and maintained in day-to-day practice; it also provides a frame of reference for others to hold them accountable.

The Code does not comprises standards that are legally enforceable. There is already a large body of legislation and regulations that regulate the actions of the authorities, including the general principles of good governance. The values on which that legislation and those regulations are based are made explicit in the Code. They are the shared values that form the foundation on which public administration operates. The Code calls on those concerned to apply those values to their own situation and to take action: to actively promote those values within and outside their organisation, to set a good example, and to be willingly accountable for good governance. In doing so, they can align themselves with existing initiatives.

The principles need to be viewed as they relate to one another. In actual practice, they will sometimes need to be weighed up against one another: a ~~fair~~ *legitimate*[18] decision is not always the most expedient decision. What is important is that executive bodies are consciously aware of their various considerations and are transparent about them. *The public interest must always be primary: public administration exists for and on behalf of the public.*

Good public governance demands to be maintained and to be the object of continuous attention. For the Code to be relevant, it will need to be applied conscientiously, with regular reporting vis-à-vis the public.

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17 *Proposal by secretariat to scrap this sentence because of new sentence.*

18 *Proposal by secretariat in connection with remarks on principle 5.*

1.   Openness and integrity

- The IPO recommends that the Code should reflect the legal basis for integrity and refer to the VNG and IPO's model codes of conduct. *The working party wishes to avoid legal terminology precisely because it does not wish to make the Code read like a legal document. Model codes of conduct can play a role in the Code's implementation.*
- The KBB-RHC finds the relationship referred to in the explanation with integrity policy to be cogent. Possible additions to the text could refer to the cyclical process of articulation, discussion, agreement and accountability. *The working party considers that the existing description is specific enough. The cyclical process may be part of the process of formulating concrete measures and putting the Code into practice at organisational level.*
- UvW: the passages referring to a receptive attitude will perhaps (or also) fit in with the principle of participation. *This is an understandable observation but it has not resulted in a change to the text; it is clear enough from the wording of the passage on participation that the subject is receptiveness.* It would be better to shift the sentence about enforcing legislation and regulations to principle 5. *This is also stated, in different words, in principle 5; enforcement of legislation and regulations is an indispensable aspect of integrity.*
- For the experts, acting as a good employer is more appropriate as part of principle 4, with being receptive as part of principle 3. *Acting as a good employer has been moved; receptiveness has not (see also the suggestion that the principle of participation should be moved to principle 2).* The explanation does not indicate that it is important for the legislator/co-legislator to adhere to the rules itself. *A passage has been added.*
- According to the public, the main purpose of this principle is for the authorities to set a good example. *The working party is pleased to observe that the principle, and in particular the element of "setting a good example", is supported by the public.*

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1. Openness and integrity

Principle: The executive body is open and honest, and makes clear what it takes those qualities to mean. The executive body conducts itself in such a way as to set a good example, both within the organisation and beyond it.

Explanation: The executive body – *including and above all its individual members* – [19] sets a good example and makes the employees aware of the need for integrity. It is only in this way that the organisation and the people working for it will be credible.
Openness means in any case that the executive body is open about procedures and decisions. It also makes relevant information accessible. Openness demands a receptive attitude, in other words that the executive body must be receptive to concerns raised by the public/stakeholders, and makes clear how it responds to them. That receptive attitude is also necessary as regards concerns expressed within the organisation itself. The executive body must create a secure atmosphere within the organisation in which concerns can be raised, *and it also acts as a good employer.* It goes without saying that the executive body complies with the relevant legislation and regulations, *precisely because it is also a co-legislator.* Integrity also means acting conscientiously. Just what that actually means for the particular organisation is clarified by the executive body in an integrity policy.

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19 *Interpolation by working party, 21 January 2009.*
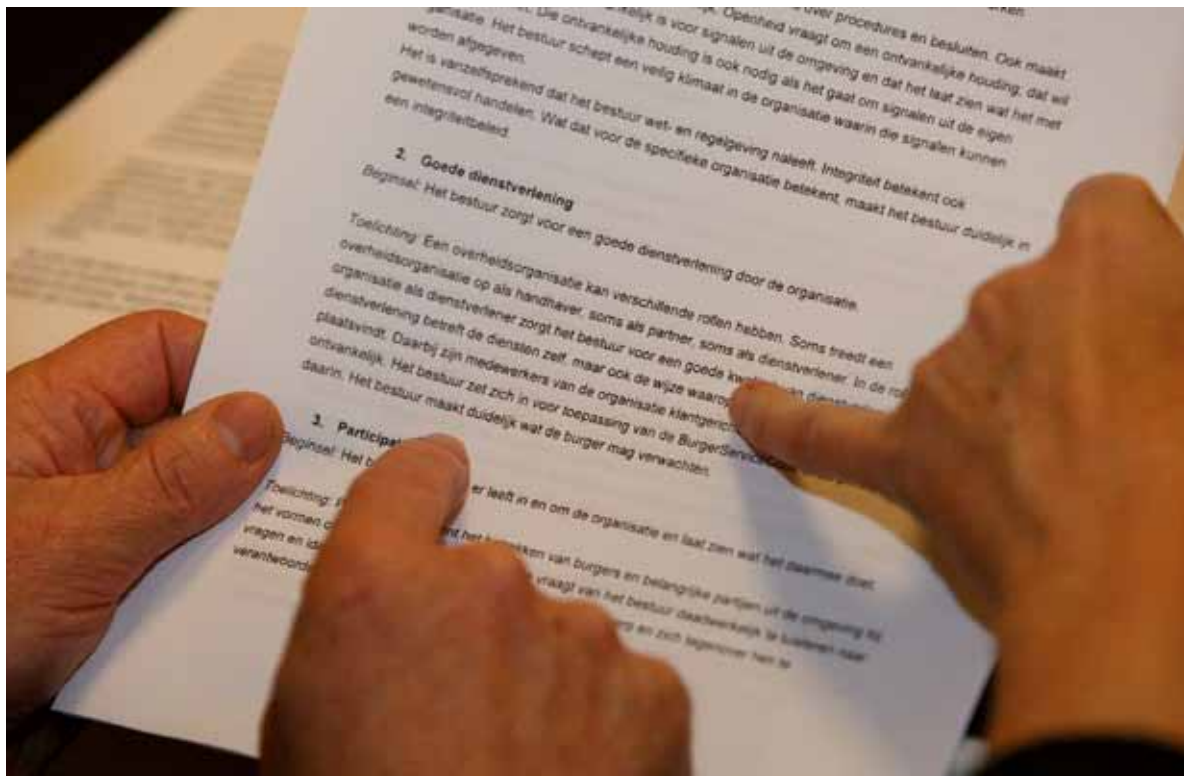
2. Participation

- The KBB-RHC believes that reference should be made to internal participation. *The first principle already refers to receptiveness to concerns raised within the organisation and creating a secure atmosphere in which such concerns can in fact be raised.*
- UvW: the final sentence refers to accountability vis-à-vis the public, but that is actually the subject of item 7 of the Code. Perhaps a reference to item 7 should be made. *The principle of accountability is indeed discussed in item 7. In this principle, accountability is discussed as an explicit part of participation because one vital component of successful and credible participation processes is to provide feedback on what has been done with the concerns that have been raised.*
- The RTG would like to see tighter wording of both principles 1 and 3 together: "The authorities interact with the public/stakeholders". *This has been added to the explanation.*
- According to the members of the public interviewed, this covers such matters as general participation by the public, but also how far removed executives are from society. It is highly important to the public that the authorities communicate their decisions properly (clear and timely explanations as to how and why they have reached their decisions). This principle and the first principle are regarded as the two most important. *Participation is now the second principle, partly because it corresponds so closely to openness.*

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2. Participation

Principle: The executive body knows *the public's* concerns and interests ~~within and beyond the organisation,~~ and makes clear how it is responding.

Explanation: Participation means involving the citizen and important parties in creating or adjusting policy. It demands that the executive body *interacts with the public/stakeholders,* actually listens to the questions and ideas of those concerned regarding the specific matter, and can account to them for what has been done with those questions and ideas.

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3. Providing good service

- IPO: the principle is not in line with what a government organisation actually does. The authorities do more than provide a service. *These roles are included in the explanation of the principle.*
- The KBB-RHC believes that the principle should refer to "respectful treatment" as a core element of service provision and would like to see greater emphasis on the actual substance of this concept and the importance of dealing respectfully with the public. *Respectful treatment has been made the core of the principle, with other wording being chosen to express this.*
- UvW: government is not only a service provider; its relationship to the public is also one of authority. We believe that the role of service provider is given full and proper expression in the Code. Explicit reference to the e-Citizen Charter will not generate support at those organisations that use a different charter or code. *There is now less emphasis on service provision.*
- The RTG would like the working party to focus on the varying roles of government, for example its harsher role of enforcement. *Proposal: see* IPO. The RTG does not see any reference to how people are treated, for example with respect to comprehensible communication. *See changes to principle and explanation.*
- The experts wish to see an explicit reference made to the public and businesses. *The working party decided not to do this, because that would then mean also making explicit reference to other external stakeholders. In any event, a general reference to the public is clear enough.* It also seems somewhat odd to refer to "where the organisation acts as a service provider", because one can always expect the authorities to treat the public correctly. *The principle now refers to appropriate contact in general.*
- The public also mention respectful treatment and comprehensible communication in reference to this principle, and cite examples of specific services and cooperation between government organisations (with a striking number of references to the UWV and the Tax and Customs Administration).

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3. ~~Providing a good service~~ *Appropriate contact with the public*

Principle: ~~The executive body ensures a good quality of service by the organisation.~~ *The executive body ensures that it and the rest of the organisation act in an appropriate manner in their contacts with the public.*

Explanation: A government body can have a variety of roles. In some cases, its task is to enforce, in others it is a partner, and in yet others it provides a service. *In each role, appropriate contact with the public is primary. In all this, the executive body sets a good example.*
Where the organisation acts as a service provider, the executive body ensures a good quality of service. ~~Good service provision concerns the services themselves, but also the manner of contact with the public. The employees of the organisation are customer-oriented, service-oriented, polite and receptive. The executive body promotes application of the e-Citizen Charter or its principles.~~ It makes clear what the citizen can expect.

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4. Effectiveness and efficiency

- IPO: in their efforts and duties, executive bodies should take the similar duties and interests of other organisations into account. *See addition to explanation.*
- With a view to transparency, the KBB-RHC would like the explanation to place more emphasis on the relationship between aims and achieving results. *The working party believes that this relationship is expressed clearly enough in the first and second sentences of the explanation.*
- UvW: the reference to acting as a good employer is rather odd in this context. At the very least, it should be explained in more detail. *The reference has been moved to the first principle.*
  Setting aims and achieving aims are referred to in one and the same breath, whereas the water boards in fact have different administrative bodies responsible for these "duties". *In view of both the UvW's and the RTG's responses, the text has been amended. When the Code is elaborated at sector/organisational level, more specific reference can be made to individual bodies.*
- The RTG indicates that it is not always the executive body that sets the aims. *See changes to principle and explanation.* The RTG feels that the image being projected is not modern and innovative enough; for example, no ambitious mission statement has been included. *The working party does not feel that it is in a position to formulate a mission statement on behalf of the authorities. A mission statement could perhaps be part of the process of formulating concrete measures and putting the Code into practice at organisational level.*
- The public feel that the explanation to this principle is too noncommittal, in particular the passage stating that the public may rest assured that its tax money is being properly utilised. How is this monitored, and by whom? *The advisory report explains which existing control mechanisms are already in place, including those concerning public spending.*

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4. Effectiveness and efficiency

Principle: The executive body ~~determines the objectives of the organisation and focuses on them in its day-to-day work~~, *announces the objectives of the organisation and takes the decisions and measures necessary to achieve those objectives.*[20]

Explanation: The citizen can trust that his/her taxes are properly utilised to achieve the objectives. The executive body ~~determines and announces the objectives of the organisation~~ ensures that the set objectives are achieved (and where necessary adjusted). It shoulders the responsibility assigned to it and ~~acts as a good employer~~[21] *works effectively with other government organisations.*
Governance is goal-oriented, meaning that the executive body coordinates the objectives with the parties within and beyond the organisation and expresses those objectives as practicable and enforceable policy. It makes clear who has the administrative responsibility for which objectives. The executive body structures the organisation effectively in such a way as to achieve the objectives and can be held to account for doing so. ~~The citizen can trust that his/her taxes are properly utilised to achieve the objectives.~~ [22]

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20 *Passage from principle 5 moved to principle 4.*

21 *Acting as a good employer is now incorporated into principle 1.*

22 *The final sentence was moved to the beginning by the working party, 21 January 2009.*

5. Lawfulness and fairness

- The IPO does not see a satisfactory definition of the term "lawfulness" and proposes avoiding the term "fairness" altogether (the law is not necessarily fair). *The term "lawfulness" has been defined implicitly by linking it to "taking decisions that an executive body is empowered to take". This can be elaborated on by adding that such decisions must be in accordance with applicable legislation and regulations. The working party acknowledges that "fairness" is a difficult term. See the proposed changes to the text.*
- The KBB-RHC would like to see a more detailed explanation of the terms used, for example "comparative assessment" and "legitimacy of action". *See above. Legitimacy of action is indeed the core of this principle; see the proposed changes to the text.*
- National government questions whether lawfulness and fairness should even be included in the Code. *See the proposed changes to the text; it now refers to legitimacy.*
- The RTG indicates that principles 4 and 5 have little appeal for the public. *That is not what the working party observed in its interviews with the public.* The RTG proposes replacing the term "fair decision" by "honest decision" and to replace "fair" by "accounted for". *Amended: "accounted for" has now been used. "Honest" is a difficult term.* The RTG indicates that internal and external matters are mixed up together, for example in principles 2 and 5. *The working party's view is that the Code should cover both the internal and the external aspects of good governance, without having to discuss them in any particular order.*
- The experts believe that the explanation merely repeats the principle. *The explanation now has less repetition and more explanation.*
- The examples cited by the public refer to equality before the law and clear compliance with the rules.

> ### 5. ~~Lawfulness and fairness~~ *Legitimacy*
>
> *Principle:* The executive body takes the decisions and measures that it is empowered to take, that are fair *and that are in accordance with the applicable legislation and regulations* ~~and that are necessary to achieve the objectives set.~~ [23] *Those decisions can be accounted for.*
>
> *Explanation:* The executive body takes the decisions and measures *that are in accordance with the applicable legislation and regulations and that it* is empowered to take. ~~The decisions and measures are fair, in other words impartial and legally certain.~~ It ensures that funds are procured, managed, and employed legitimately.
> *Every decision demands to be considered. Decisions and measures can be accounted for, both as regards the actual substance and the procedure followed. This legitimises the policy pursued, even among those who disagree with it.*

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23 *This passage has now been incorporated into principle 4.*

6.   Capacity for self-improvement and learning

- The IPO proposes adding that the various tiers of government learn from one another. *This is already covered in the explanation by the passage "including the experience gained by other government organisations".*
- The KBB-RHC recognises the principle and regards the example-setting role as crucial to government's image.
- The RTG indicates that item 6 is not actually a principle, but necessary in order to put item 7 into practice; it should therefore be listed under 7. *The working party sees enough justification for keeping the two principles separate. In its view, merging them would undermine the force of both.* The executive body "governs" the organisation: this is unclear and in some cases actually incorrect. *See amended text.*
- The experts ask for the role of the monitoring bodies to be emphasised. *The working party sees this as elaborating on the passage "allows its functioning to be monitored" and deals with the relationship with the monitoring bodies in greater detail in the advisory report.*
- The public question whether public administration bodies have the capacity to learn from their own mistakes. They therefore suggest that an external monitoring body (one also empowered to impose sanctions) be appointed to monitor the conduct of the executive bodies. *The working party deals with enforcement in greater detail in the advisory report.*

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6. ~~Capacity for self-improvement and learning~~ *Capacity for learning and self-improvement* [24]

Principle: ~~Het bestuur bestuurt de organisatie, laat zich hierop controleren en is hierop aanspreekbaar.~~ ~~Het bestuur verbetert zijn prestaties door te leren van eventuele fouten en andere ervaringen.~~ *Het bestuur verbetert zijn prestaties en die van de organisatie, en richt de organisatie hier op in.*

Explanation: ~~The executive body ensures that the organisation operates effectively, in other words, that duties, responsibilities, and powers are properly distributed.~~ *The executive body improves its performance by learning from mistakes made and experience gained.* It allows its functioning to be monitored and can be held to account for that functioning. This creates the necessary focus on self-improvement within the organisation.

The executive body creates an atmosphere that allows the organisation to learn from mistakes and experience, including the experience gained by other government organisations. Being receptive to concerns raised by the public/stakeholders contributes to the capacity for self-improvement and learning.

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24 *Reversed by working party, 21 January 2009.*

7. Accountability

- IPO: The text should refer to the specific duty of public administration to account for its actions in the sense of "democratic legitimacy". *A sentence has been added to the explanation.*
- The KBB-RHC sees an important relationship here with principle 6.
- The RTG believes that "the executive body is prepared" should be replaced by "the executive body must" and that "willingly" should be replaced by "meticulously". *The first passage has not been amended owing to the nature of the Code; the second because the word "meticulously" is vague and its added value vis-à-vis "willingly" is unclear.*
- The experts indicate that accountability should be linked to a focus on results. *The working party believes that all the principles of the Code are linked. They describe the potential considerations, dilemmas and matters for which executive bodies are held accountable. See the amended introduction.*
- The public find the word "willingly" with this principle to be far too free of obligation. As far as they are concerned, it can be replaced by "at all times". As was the case with the previous principle, the public feel that not only should executives account for their conduct, but poor results should have consequences. *"Willingly" is not the same as being without obligation. Accountability is never without obligation in the political and administrative context. Willingness in fact refers to an attitude that is beneficial to the public; the point is not to adhere to an administrative obligation to account for one's actions, but to be prepared to give an account of oneself. Whether there are consequences is primarily up to the monitoring bodies or to the public at election time.*

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7. Accountability

Principle: The executive body is prepared to render an account of itself *to*[25] stakeholders, regularly and willingly.

Explanation: It is essential for executive bodies to be accountable if our democratic society is to function. Bearing responsibility demands that one be accountable. In order to make democratic control possible, the executive body must be ready and willing to account for how *it*[26] bears and interprets its responsibilities.

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25 *Linguistic change suggested by secretariat (concerns only the Dutch text).*
26 *Linguistic change suggested by secretariat (concerns only the Dutch text).*