

15 Dutch approach to integrity of governance in context

Leo Huberts, *Professor of Public Administration, VU University Amsterdam*

Introduction

The preceding chapters offer a great deal of information on many exciting initiatives and involvement in integrity and integrity policy in the Netherlands, at the national level and in organisations that shape policy within that framework. The analyses of the Dutch system and its significance in the European context are also very interesting. All in all, this does not make it easy to (also) reflect critically on the ‘Dutch approach’ in this closing chapter and what it teaches us, for the Netherlands itself and also for the many people who work for integrity in public administration elsewhere. I shall nevertheless make an attempt at this, coloured by the research that we have conducted and still are conducting at VU University Amsterdam.

‘The Dutch approach’ plays a key role in this. I shall first take a brief step back in time. How did integrity win a place on the agenda within Dutch public administration? This is followed by a summary of developments since then, addressing the crucial question: does a Dutch approach actually exist and if so, what does it involve? I summarise this approach from an international point of view, but that outline is followed by attention to the dilemmas and reservations that can be made with regard to the present situation in this country in relation to integrity and the policy and organisation directed at this. This is based on the idea that both insight into developments so far and openness on the current dilemmas can contribute to the urgently needed reflection on the theme that concerns us: arriving step by step at a policy and organisation that do justice to the integrity of governance.

Start

The start of the Dutch integrity policy is often related to two speeches given by the former Minister of the Interior Ien Dales in 1992 (Dales, 1994). There are good reasons why Minister Dales is mentioned in various contributions in this book.

These reasons arose through a number of different circumstances. At the time there were corruption scandals, particularly in Limburg (Dohmen & Langenberg, 1994; Dohmen, 1996). The Society and Police Foundation organised the 5th International Anti-Corruption Conference in The Hague in March (Punch et al., 1993). The General Intelligence and Security Service (AIVD) named it a theme (after the Cold War) that ‘threatened the state’ and the minister herself was also well aware of the importance of this theme. Whatever the case may be, Minister Dales placed the theme of ‘integrity’ on the political and administrative agenda with a speech which attracted attention and led to a fair amount of discussion and policy development at different government levels. This took place step by step, including in a number of organisations, partly under the influence of problems and scandals and via leaders who played a pioneering role in this.

The previous chapters and descriptions provide fine typifications and overviews of this development. Regulations were introduced, units with integrity included in their primary mandates (investigative, but also preventive) were formed, and the theme captured a place on various administrative agendas. This does not mean that there was consensus on the nature and importance of the theme. Opinions that built on the consistently positive scores for Dutch government and public administration in international perception and other studies continued to conflict with the interpretation that corruption and violations of integrity happen at all times and places and that, therefore, permanent attention is desirable (Bovens, 2006; Huberts, de Graaf & Nelen, 2006).

In the meantime, attention for the theme also grew in research into politics and public administration. There were a few pioneers (Wertheim & Brasz, 1961; Hoetjes, 1982, 1991), as well as research in the period in which the theme landed on the administrative agenda, including research into scandals and corruption and fraud investigations (Huberts, 1992; Punch et al., 1993), followed by involvement in research and reflection in many disciplines. There is no space here for an adequate overview, but I shall return to some elements of this. It is clear that the work of Dutch researchers also had an influence on the international stage (Demmke gives examples of this in this book).

A review and analysis of the current situation of integrity and the growing attention for integrity are presented below, making use of scientific and applied literature, as well as my own experiences and contacts working in the field. I provide support for these insights, without claiming to provide truly ‘scientific’ evidence.

Typification of the Dutch approach

Of course it is always great if a country succeeds in taking the lead in a theme that is regarded as important everywhere. If it does succeed in this, the pride reflected in many contributions in this book from Dutch integrity practice is merited. I shall take a somewhat more critical view of this below, but to start with, some appreciation of all the activities and initiatives is appropriate. This is also consistent with the more analytical contributions of Slingerland and Demmke in this book. The former researched the Dutch National Integrity System (NIS), the outcome being reasonable to good scores for the NIS on many points. Demmke uses his long and broad experience in the European institutions to summarise what the role of the Netherlands has been in European policy development, building on and following from what can be distinguished as such in national initiatives (see also Demmke & Moilanen, 2012). Demmke is fairly complimentary, but also presents some reservations to which I will return in a moment.

I distinguish six elements of the Dutch approach. This is expressly without claiming that these are specifically ‘Dutch’ or have only been raised by Dutch officials and researchers. On the contrary. All elements are also raised in discussions and developments elsewhere. At the same time, the combination of the elements to be named does typify many of the initiatives I see in the Netherlands, including in comparison with the discussions and developments in other countries, and they are therefore logically reflected in the Dutch contribution on the international stage.

What it is about: integrity beyond corruption

Internationally, the discussion on good governance focuses strongly on corruption. This applies for public attention, for policy development and for research.¹ This was and still is the case, although it is fitting to note here that there are many definitions and interpretations of ‘corruption’. The traditional one is that of bribery, in which a stakeholder promises benefits to a decision-maker if a decision is made in favour of the briber.

The description in terms of ‘private profit from public power’ (Pope, 2000) or ‘the abuse of entrusted power for private gain’ (Transparency International,² ‘corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs’) is broader. Unfair private profit without external stakeholder(s) involved then falls outside the scope of the definition. The very broad view that is frequently reflected in common parlance equates corruption with ‘everything that is improper’. In the latter case, it concerns all types of integrity violation distinguished in Chapter 1.

All in all, therefore, there is some confusion of definitions. Nevertheless, the dominant view is that ‘corruption’ refers to the misuse of authority in order to favour external parties with an interest in past, present, or future decision-making. As a consequence, the focus on corruption ignores a number of integrity violations, for example fraud and theft, leaking information, conflicts of interest, buying influence through campaign donations, misconduct in private time, sexual intimidation, and discrimination. This has led to the use of a broader typology in the Netherlands, in research as well as in policy-making. This also seems to somewhat counter the often-heard objection to the international focus on corruption, with a cultural or Western bias on the moral values and standards for evaluation of the integrity of governance. What is relevant will vary in different social and cultural contexts, and in ‘western’ countries, often rich and democratic ones like the Netherlands, the broader spectrum appears to be necessary.

This is also confirmed via the information in this book on the content of integrity reports and investigations (see the various contributions). Corruption and fraud are not missing, but integrity violations such as conflicts of interest, undesirable forms of treatment (intimidation, discrimination) and misconduct in private life are reported and investigated far more often.

Broad attention for integrity

It is clear that since 1992, the theme of integrity has become an essential part of political, administrative and social agendas in the Netherlands. The exact situation regarding attention in other countries is less clear. At the same time, it is not illogical that the aforementioned broadening of the theme from corruption to integrity should lead to more attention. This applies to attention from the public and the media as well as to the

relevant politicians, administrators (appointed office holders) and civil servants themselves. Officials must think in broader terms about the ethical quality of their actions, also devoting attention to conflicts of interest, manners, abuses of power, and the relationship between the personal and the public.

Attention beyond the individual

Attention in the media and in the public debate is often directed at scandals relating to prominent individual politicians and administrators, involving exorbitant self-enrichment or sexual escapades. In the Netherlands, too, the media report on individual scandals every year, with juicy details and heated discussions on the consequences.

Alongside this, there is also explicit attention within public governance to the context, the structure and culture in which things can go wrong, and to the measures that can prevent repetitions of incidents. For example, in the aforementioned speeches, Minister Dales explicitly referred to themes such as leadership, culture and organisational structure (including open and critical communication). The awareness that scandals must not only lead to removal of the ‘bad apple’ but also to reflection on the organisation in a broad sense is widely shared. The outline of policy development also shows that step by step, attention and work have been devoted to rules and legislation, as well as to awareness and culture.

Attention beyond compliance

There are different views on how integrity can be fostered and how integrity violations can be controlled. This was discussed in detail in Chapter 1, with reference to the hard and soft controls and to the typification of policy as regulation-oriented/compliance versus value-oriented/integrity (see also Hoekstra, Belling & van der Heide, 2008). Ultimately, the conclusion is repeatedly drawn that both parts are important and cannot be separated.

At the same time, Demmke’s outline makes it clear that the Netherlands is distinguished in the international debate and policy-making by the attention to ‘soft’ instruments aimed at awareness, the culture and values. This is consistent with developments within the Netherlands itself, as shown by the outline of policy development.

This has been reflected somewhat more explicitly in recent years in more emphasis on integrity ‘in a positive sense’. It is not only a matter of controlling violations, but the values that matter to politicians and civil servants, the mission and significance of the work, professional ethics and professional pride are also crucial (Karssing, 2013).

Attention to the effectiveness of policy and policy instruments

It is generally assumed that the integrity of politicians and public servants is of crucial importance for the credibility and public trust in politics and the government. When scandals occur, this almost automatically leads to a reflexive need to ‘get to the bottom of the matter’ and to well-intentioned attempts to show, primarily via new rules, that everything is being done to ensure that the violations will not be repeated. In the heat of the moment, there is little scope for reflection on the effectiveness of the measures.

There is more scope for this in regular policy development and it is primarily in that area that we have seen initiatives in the past few years. This is illustrated by the fact that:

- which investigations of violations are conducted and which policy instruments are present are widely monitored within the administration;
- evaluation studies have been conducted into, for example, the NIS (Slingerland et al., 2012), the quality of integrity investigations (Zouridis & Van der Vorm, 2013), the system for reporting abuses (De Graaf, 2010; Maas et al., 2014) and specific instruments such as training courses (Van Montfort, Beck & Twijnstra, 2013);
- a risk analysis has been performed with regard to the question of where new integrity risks could arise (through changes such as globalisation, decentralisation etc; Van Veldhuisen & Snel, 2014);
- lengthy and detailed debates have been conducted in Parliament on the design of the national integrity system, entitled the ‘House of Whistleblowers’.

Interchange between research and policy

There are many examples of research supported and funded by public administrative bodies, as well as demonstrable consequences of such research for the social and public debate and the development of integrity policy. The contributions to this book show this, with an international dimension too (see Chapter 14). A community of researchers in various disciplines has

developed in the Netherlands, who have contributed and still contribute to our scientific knowledge of many different themes, which also has an influence on policy. This chapter does not do justice to that diversity, as there is not enough space to devote adequate attention to the countless books, compilations and articles from many different research units,³ devoting attention to the development of understanding, including of the significance of virtue ethics, professional ethics and ethical competencies, to reporting systems and confidential integrity counsellors, ethical leadership, violations of integrity and scandals, including corruption scandals, the operation of systems, policy and instruments such as training courses, good governance and (conflicting) public values, et cetera.

Through direct contacts during research assignments and the exchanges in many networks, this fostered a profitable and exciting interchange between research and policy which, in my experience, was more intensive than in many other countries.

Critical reflection on the Dutch approach

This book outlines how the integrity of public governance was and is addressed in the Netherlands. It contains fine factual material from the ministries and various public organisations and also, we hope, worthwhile suggestions for all those who concern themselves with the integrity of the public sector, particularly in a European context. I have summarised the exceptional Dutch approach above, with in my view nice angles and suggestions for policy and research elsewhere. This framework probably also provides leads for initiatives from the Dutch EU presidency in 2016.

At the same time, it is clear that this chapter is intended to offer ‘academic’ reflection on the great deal of information on the Dutch approach and this calls not only for an outline of the approach, but also for critical reflection on the current position in the Netherlands regarding integrity, integrity policy and research. In line with the foregoing, I shall consider the position concerning the interpretation of integrity (and corruption) and attention to this, the development of policy with special attention to the organisation/context and the policy strategies (beyond compliance), the extent to which an effective integrity policy and system have been realised and the interchange between research and policy.

The broad interpretation of the integrity of the administration (beyond corruption) is important and useful, but also leads to fundamental discussions on the question of what truly matters with regard to the integrity of politics and administration. It should be about current ethical standards and values, about what really matters and is broadly recognised and shared as the crux of the matter for the performance of politicians and administrators. At odds with this is the fact that in practice and in the heat of the political and social debate, the integrity of a person or organisation is frequently put at stake, while the issue is in fact political differences of opinion or labour or other conflicts. I have previously referred to this as ‘integritism’ (Huberts, 2005) and it is important that action is taken to counter it. Accusing someone of acting without or of being without integrity goes far and should be linked to the core of professional ethics. This should also not concern the content of the decision taken, but the way in which the decision was taken. For example, did improper interests have an influence? In the media and the public debate, a search is visible into what precisely integrity is, what still qualifies as integrity and what does not. If a politician or administrator has a say in local projects and at the same time is good friends with the main local project developer, there is a conflict of interest. But what is the position if he or she knows the developer, but at somewhat more of a distance, for example through a Rotary club, or if he or she is not personally best friends with the developer, but his or her brother or neighbour is? The awareness of the grey area is then pertinent, there are no simple black-and-white answers, but reflection and openness are important, in view of the importance of the values of incorruptibility and independence.

The discussion on the exact meaning and the particulars of ‘integrity’ also play a role in the design of the system for reporting objections, dissatisfaction or misconduct by citizens and organisations. This dissatisfaction can relate to many different things. Someone may disagree with the procedure for political or administrative decision-making, feel unfairly treated in contacts with an civil servant or higher official, or have doubts about the effectiveness of decisions. For complaints and reports of this type, we have the regular political democratic system with complaints committees, ombudsmen and audit offices. Doubts and reports on integrity go further than this, affect the core of the performance of the accused and call for other investigations, via institutions equipped for that purpose. In fact, this concerns the design of the infrastructure for the system of good

governance, within institutions that watch over important public values (such as the audit offices, which watch over effectiveness and legality) and an institution focusing on integrity fits within that infrastructure.

Some Dutch self-reflection on the position regarding policy development with special attention to the organisation/context and the policy strategies (beyond compliance) is also appropriate. The approach is clear, but the extent to which integrity awareness and integrity policy have penetrated to all levels of politics and public administration is also open to question. This applies at both the senior levels and in the ‘breadth’. There were good reasons why earlier evaluations of the integrity system raised questions about, for instance, the cabinet’s and parliament’s deployment of their own rules and codes of conduct. This indicates the importance of (ethical) leadership and of taking the lead in personal conduct, but also in policy and management. Dutch cabinets and ministers have varied quite considerably in that respect

In general the good examples of initiatives in previous chapters show how it should be done, but those efforts are still anything but standard in the rest of public governance. What actually happens is often incident-based, with little consistency. It is not the general practice of public leadership to automatically attach importance to integrity, to translate responsibility for this in terms of policy and organisation (units, officials) or for local initiatives to benefit much from an exchange of experience with others (in which BIOS plays an important role in the Netherlands).

A fair number of evaluations of Dutch policy (the Dutch approach) have been performed since 2001, with other questions also being raised about a number of policy themes. A number of these have been addressed (to a degree), such as disclosure of funding for political parties, but what still remains includes, for instance, the protection of whistleblowers and the integrity of the private sector, including banks and businesses. In the past, the regulation of this was appalling (with bribes/commission qualifying as tax-deductible), but step by step the ‘merchant’ has given way to the ‘priest’, with more support slowly being provided for initiatives to prevent tax avoidance by multinationals, efforts to address corruption by Dutch companies abroad and action under criminal law against not only civil servants who accept bribes, but also against the businesses that pay bribes.

With regard to the attention to the effectiveness of the present integrity system, the national design of that system is at least a subject of vigorous debate. That debate and policy development offer insights and lessons, but it is also important to note the recognition of the dilemmas which were already raised above. What exactly does good governance involve, which role does integrity play, and how do you translate this in terms of policy and organisation?

A critical note is also appropriate here with regard to what I have called ‘the ethics industry’. The attention to the theme of integrity, which is a good thing in itself, has led to consultancies and consultants spotting a new market which they have addressed with vigour. There are no clear shared requirements and criteria for research and assessment, so all in all, this is a situation that gives cause for a fair amount of concern with a theme that affects the core of a person’s actions. This continues to raise questions. If laws and regulations are violated, we have an administrative and criminal law system with all the accompanying care requirements. Furthermore, the system leads to reflection on the concrete application of the rules or jurisprudence. This is lacking in the assessment of codes of conduct and informal moral standards and values, and no moresprudence (ethical theory or system of ethical principles; Karssing & Spoor, 2009) is built up. Integrity research was and is a free-for-all, with many different stakeholders and interpretations which are open to question.

Finally, I turn to the interchange between research and policy. If I consider recent decades, then there is no reason for extreme optimism about the present state of affairs. The efforts of ministries and, for example, the police force and semi-public organisations, were crucial, but, to some extent, because of cut-backs and reorganisations, the picture is now a little less bright. I regret this, partly because of my own interests as a researcher, of course, but also in view of the agenda for the EU presidency, promoting the interchange with research would be an obvious step.

Conclusion

Naturally, the Netherlands would like to present itself vigorously as a standard-bearer for a ‘Dutch miracle’,⁴ with wise and successful initiatives based on the Dutch approach to serve the integrity of governance. The foregoing shows that on the one hand, I see many reasons for this, but that such an effort must be linked with openness on the dilemmas of the approach.

In the European context, the Dutch approach shows for all countries concerned, and for the EU itself, that it is vital to the credibility and legitimacy of politics and public administration that integrity is seen as crucial, and that this involves far more than corruption in a specific sense. This theme is widely relevant to the governance agendas at every level, with attention to the context and circumstances that promote and prevent violations. What can and should be done to protect integrity and to control violations therefore also relates to policy and organisation (including leadership), throughout the public sector. This calls for a combination of compliance, with adequate rules and standards and sanctions, and value-based initiatives aimed at culture and awareness. At the same time, critical consideration of the effectiveness of what is developed and applied in terms of policy and organisation always remains important. It is precisely in that regard that the interchange between research and policy is also relevant.

However, this approach, the Dutch approach, is not without its critics and it is associated with dilemmas and questions that should be put on the agenda. What exactly does integrity involve, is the relationship with other values and who supports them sufficiently clear in our minds, how do we design the system or infrastructure for good governance, and do we know enough about how it really works...? This offers a challenging agenda for discussion, reflection and policy development, also through an interchange with the researchers involved.

Notes

- 1 For the focus on corruption, see, , Transparency International's Anti-Corruption Research Network corruptionresearchnetwork.org/ and the EU-funded research at anticorrrp.eu/.
- 2 See www.transparency.org.
- 3 An idea of their number and diversity can be obtained from the series of Integrity Yearbooks published by the National Integrity Agency (BIOS) and, for example, in the overview compilation of Van den Heuvel, Huberts and Muller (2012). Unfortunately, there is less overview literature in English (for far more literature, including literature from the Netherlands, see Huberts, 2014).
- 4 Term used for typifying Dutch model regarded as successful: Visser & Hemerijck, 1999.

Literature

- anticorrrp.eu
- Bovens, M. (2006). Het ongelijk van Dales (Dales in the wrong), 15 (1): 64-74. corruptionresearchnetwork.org
- Dales, C.I. (1994). Om de integriteit van het openbaar bestuur (About the integrity of public administration). In: L.W.J.C. Huberts (ed.), , Amsterdam: VU Uitgeverij, 7-18
- Demmke, C., & Moilanen, T. (2012). . Frankfurt: Peter Lang.
- Dohmen, Joep (1996). Nijmegen: SUN.
- Dohmen, J., & Langenberg, H. (1994). Corruptie en fraude: lessen uit Limburg? (Corruption and fraud: lessons from Limburg?) In: L.W.J.C. Huberts (ed.), *Machtsbederf ter discussie* (Abuse of power under discussion). Amsterdam: VU Uitgeverij, 19-28.
- Graaf, G. de (2010). A Report on Reporting: Why Peers Report Integrity and Law Violations in Public Organizations. 70 (5): 767-779.
- Heuvel, J.H.J. van den, Huberts, L.W.J.C., & Muller, E.R. (eds) (2012). . Deventer: Kluwer.
- Hoekstra, A., Belling, A.F., & van der Heide, E. (2008). A paradigmatic shift in ethics and integrity management within the Dutch public sector. Beyond compliance. In: L.W.J.C.
- Huberts, J. Maesschalck & C.L. Jurkiewicz (eds). Cheltenham: Edward Elgar, 143-158.
- Hoekstra, A., & Kaptein, M. (2013). The Institutionalization of Integrity in Local Government. 5-27.
- Hoekstra, A., & Kaptein, M. (2014). Understanding integrity policy formation processes: A case study in the Netherlands of the conditions for change. 16 (3): 243-263.
- Hoetjes, B.J.S. (1982). . The Hague: VUGA.
- Hoetjes, B.J.S. (1991). Over de schreef. Het schemergebied tussen ambtenaar en burger ('Overstepping the mark. The grey area between civil servants and the public'). 17 (4): 8-32.
- Huberts, L.W.J.C. (ed) (1992). . Arnhem: Gouda Quint.
- Huberts, L.W.J.C. (2005) . (Speech, 23 February 2005). Amsterdam: Free University.
- Huberts, L.W.J.C. (2014). . Basingstoke: Palgrave Macmillan.
- Huberts, L.W.J.C., Graaf, G. de, & Nelen, H. (2006). Is het glas halfvol of halfleeg? Onderzoek naar corruptie in Nederland (Is the glass half full or half empty? Research into corruption in the Netherlands). 15 (1): 53-63.

- Karssing, E. (2013). Beroepstrots en integriteit. Inspireren en leren met trotse verhalen (Professional pride and integrity. Inspiring and learning with tales of honour). In: M. Zweegers & E. Karssing. The Hague: BIOS, 86-93.
- Karssing, E., & Hoekstra, A. (eds) (2014). The Hague: BIOS.
- Karssing, E., & Spoor, S. (2009). Integriteit 3.0 Naar een derde generatie integriteitsbeleid (Integrity 3.0 Towards a third generation integrity policy). In: E. Karssing & M. Zweegers (eds), The Hague: BIOS, 72-81.
- Maas, F. et al. (2014). . Utrecht: Berenschot Group.
- Montfort, A., van, Beck, L., & Twijnstra, A. (2013). Can Integrity be Taught in Public Organizations? The Effectiveness of Integrity Training Programs for Municipal Officials. 15 (2): 117–132.
- Pope, J. (2000). . Berlin: Transparency International.
- Punch, M. et.al. (eds) (1993). Proceedings of the Fifth International Anti-Corruption Conference. Deventer (etc): Kluwer Law and Taxation Publishers (etc).
- Slingerland, W. et al. (2012). The Hague: Transparency International Netherlands, April 2012. See www.transparency.nl/wp-content/uploads/2012/05/TI-NL-NIS-report.pdf
- Veldhuisen, A. van, & Snel, D. (2014) (Integrity in Development). Andersson Elffers and Felix. Utrecht: AEF.
- Visser, J., & Hemerijck, A. (1999). Amsterdam: Amsterdam University Press.
- Wertheim, W.F., & Brasz, H.J. (1961). . Assen: Van Gorcum (etc).
- www.transparency.org/whoweare/organisation/faqs_on_corruption/2/#defineCorruption, viewed on August 7, 2015.
- Zouridis, S., & Vorm, B. van der (2013). . Tilburg: Tilburg University (also www.rijksoverheid.nl/ministeries/bzk/documenten-en-publicaties/kamerstukken/2013/11/11/kamerbrief-over-de-uitvoering-van-twee-moties-op-het-terrein-van-integriteit-in-het-openbaar-bestuur.html; 15 November 2013).
- Zweegers, M., & Karssing, E. (eds) (2012). . The Hague: BIOS
- Zweegers, M., & Karssing, E. (eds) (2013). The Hague: BIOS.