

Independent Reporting Mechanism (IRM): Netherlands Transitional Results Report 2018–2020

This report was prepared in collaboration with Bart Scheffers, Independent Researcher

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Bart Scheffers to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

This report covers the implementation of Netherlands third action plan for 2018-2020. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.¹ The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

¹ For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

The Netherlands third action plan focused on a broad array of open government issues, with particular attention devoted to openness in local governance.¹ The action plan consisted of 11 commitments, of which four were fully implemented, while four were substantially implemented. Overall, this was similar to the results of the previous action plan (2016–2018), in which two out of nine commitments were fully implemented and five were substantially implemented.² The limited implementation of Commitment 3 (creating an open government network for municipalities) and Commitment 6 (open algorithms) was mostly due to issues around human resources, with involved stakeholders on prolonged leave or rotating into different functions without an immediate successor in place.

Several commitments led to noticeable improvements in open government practice in terms of access to information, and many successful commitments saw close collaboration with civil society stakeholders during their implementation. Commitment 1 resulted in the creation of an easy-to-use platform where municipalities and provinces can publish all their documents and decisions in one central location. Thus far, 150 Dutch municipalities and six provinces have joined the platform. Commitment 8 led to successful pilots regarding the proactive disclosure of government-held information, following fruitful discussions between governmental and non-governmental stakeholders. Efforts to map the central government's adherence to the Open Contracting Data Standard in its public procurement practices (Commitment 10) saw close collaboration with stakeholders and led to a successful grant to establish a platform around government procurement in the country. For Commitment 9, the Netherlands also formally joined the Extractives Industries Transparency Initiative (EITI), published its first EITI report and established an EITI multi-stakeholder group.³ Finally, under Commitment 11, the Netherlands utilized new tools in several municipalities to facilitate interaction with residents and enhance civic participation.

The Netherlands has carried forward several policy areas from the third action plan into the fourth plan (2020–2022).⁴ Commitment 4 in the fourth action plan aims to further increase the number of public institutions publishing freedom of information (open WoB) requests in open format (continued from Commitment 5 in the third action plan). Commitment 9 aims to establish a platform around government procurement data, which is the result of a successful grant application following the completion of Commitment 10 in the third action plan. Finally, the topic of government algorithms has been carried forward, with Commitment 12 seeking to develop human rights impact assessments for the government's procurement of algorithms.

2.2. COVID-19 Pandemic impact on implementation

As a result of the COVID-19 pandemic, stakeholder meetings for 2020 that were supposed to take place in person were moved online. In interviews, stakeholders expressed overall satisfaction with how the Ministry of the Interior and Kingdom Relations handled the new circumstances and mentioned that in some cases this led to enhanced efficiency. At the same time, the lack of face-to-face discussions and informal networking that often took place after stakeholder meetings was experienced as a loss. Commitment 11 on local digital democracy performed better during the pandemic. The team went beyond the initially planned work and was involved in initiatives by various local governments to set up new tools for convening the local council online, guide on possible voting procedures, etc. Other commitments used the COVID-19 situation to pilot work. Commitment 7 on 'dilemma logic', for example, helped decision makers enhance their communications to the public around crisis management. Stakeholders involved in implementing

Commitment 8 ('open by design') added COVID-19-related decision making to their inventory in 2020 and mapped various strands of government information that could be proactively released in the future. Some work for other commitments experienced slight delays due to the pandemic, such as Commitment 5 (Open Wob) and Commitment 10 (open contracting), where planned meetings and a seminar had to be postponed.

¹ Open Government Partnership, Netherlands Action Plan 2018-2020, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Netherlands_Action-Plan_2018-2020_EN.pdf

² Open Government Partnership, IRM, Netherlands End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/09/Netherlands_End-of-Term_Report_2016-2018_EN.pdf

³ See EITI, Netherlands 2017 EITI Report, <https://eiti.org/document/netherlands-2017-eiti-report>

⁴ Open Government Partnership, Netherlands Action Plan 2020-2022, https://www.opengovpartnership.org/wp-content/uploads/2021/01/Netherlands_Action-Plan_2020-2022.pdf

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year timeframe of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “**Did it Open Government?**” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Reports will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with “major” or “outstanding” changes to government practice.¹ Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM in Section 2.4.² While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 1: Open decision making at municipalities and provinces	
Aim of the commitment	This commitment aimed to release Municipal and Provincial Council information in a searchable, open-data format to the public. The draft Open Government Act (<i>Wet openbaarheid bestuur – Woo</i>) will also require local governments to disclose local government information, including documents pertaining to local council meetings by the Municipal Council and the Provincial Council. The commitment therefore also aimed to help local governments prepare for this new legal reality. The commitment aspired to involve all 380 Dutch municipalities and all 12 provinces.
Did it open government? Major	<p>By the end of the action plan period, more than 150 municipalities and six provinces joined the new platform https://openbesluitvorming.nl/, developed by the Province of South Holland and the Association of Dutch Municipalities (VNG). This is less than half of what was originally planned (380 municipalities and 12 provinces), but the government’s self-assessment report notes that more municipalities and provinces have shown interest in joining the platform in the future.³ For every municipality covered on the platform, relevant documents and decisions are searchable across nine main themes, such as governance and support, public health and environment, housing and spatial planning, and education. In March 2019, as part of this commitment, several provinces organized an app challenge on the best reuse of the available information from the platform in apps.⁴ The planned impact analysis was postponed because of a delay in finalizing the Platform for Open Government Information (PLOOI) as a result of the delay in adopting the new Woo legislation.⁵</p> <p>Although the platform has not yet reached its ambitious scale as foreseen in the action plan, it has nonetheless improved access to information at the local level in a major way. Prior to the action plan, municipal and provincial government information was often difficult to find, not searchable in a central register and usually not published in a standardized format. As a result, citizens often struggled to retrieve the relevant information underlying important local decision-making processes. This commitment has provided citizens with a single, easy-to-use database where they can search for any document or decision made by the municipalities and provinces that have joined. Although less than half of all Dutch municipalities have joined, the platform works well and involved stakeholders are satisfied with the overall results so far. According to the government’s self-assessment report, the platform receives up to 2,000 unique visitors per month.⁶</p>

	<p>The platform also has an API that feeds into a number of other useful applications, such as https://waaroverheid.nl/ and www.1848.nl. In addition, this commitment has helped create broader awareness among civil servants at the local government level on how the Woo will change their work and facilitated various knowledge-sharing initiatives.⁷ Municipal and provincial governments are more likely to successfully implement the disclosure requirements of the Woo as a result of this new platform, and the lessons learned, and could, in theory, prevent a duplication of efforts.</p> <p>While the new platform is a promising achievement, the long-term ownership is not entirely clear. The platform is currently operated by a private enterprise and finding an appropriate home for it has proven challenging (and was not resolved within the implementation period of the commitment). Similar platforms and initiatives are frequently deployed by municipalities at their own initiative, thus risking duplication. Finally, the released information itself is still mostly text documents in PDF format, which is a suboptimal solution. As a result, the need to enter information in a different way, for example to work with categories of information (as foreseen in the Woo), or to set up and make use of different data fields, will remain a challenge. In addition, linking such new approaches to the need for training civil servants to enter data and assure high-quality input has not been part of the work, although this is essential for meaningful impact.</p>
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Commitment 8: Open by Design

Aim of the commitment	<p>This commitment aimed to conduct pilots in a number of (local) government agencies that would determine whether previously undisclosed public administration information can be opened proactively ‘by design’ and to enhance the quality of proactively opened information. In addition, through such disclosure, it aimed to improve opportunities for civic participation.</p>
Did it open government? Major	<p>The commitment’s implementation exceeded initial expectations, and led to eight pilot initiatives at both the national and local level where government information was proactively released, or a systemic review was initiated to see what could be proactively released soon.⁸ More than 250 (local) government officials took part in the five meetings and workshops.⁹ The work saw fruitful collaboration between the main commitment holder, the Institute for Social Innovation (<i>Instituut Maatschappelijke Innovatie</i>), and the so-called National Programme for Sustainable Digital Information Management (<i>Rijksprogramma voor Duurzaam Digitale Informatiehuishouding – RDDI</i>). The eight pilots touched on a broad range of themes of high public interest. For example, they covered government information related to earthquakes induced by gas extraction in Groningen province, lobbying information related to the National Foreign Investment Agency, data on national nitrogen emissions and their calculation methods (which are crucial for economic development in terms of agriculture and urban planning), and information related to decisions in formal complaint proceedings. Furthermore, in late 2020, a pilot was added related to government information vis-a-vis the COVID-19 pandemic.</p> <p>As a result of these pilots, and in anticipation of the Woo, this commitment also led to the development of a support tool for national government agencies: the ‘active disclosure inventory sheet’.¹⁰ This tool helps organizations map and answer outstanding questions and optimize their work processes and systems for proactive disclosure of government information. The tool is already used, among others, by the Association of Netherlands Municipalities (VNG) and is expected to be used by many more, as soon as the Woo enters into force.</p>

	<p>There is no information on how the consultations with end-users influenced what information was disclosed, nor are there estimates on whether the proactive disclosure from this commitment has led to a reduction of the amount of FOI requests. However, the pilots have collectively changed government practices around the proactive provision of information in a major way. Interviewed stakeholders all noted greater recognition by the government around the importance of proactive information disclosure as a result of this commitment.¹¹ While one could still question why particular information has been designated as not suitable for proactive disclosure, at least interested parties now know which information is and is not suitable. Combined with the upcoming Woo legislation, which will require the governments to disclose far more information, the new support tool could be used more frequently by local governments going forward. Furthermore, the guidance and assistance of the stakeholders involved in this commitment could help scale up proactive disclosure of government information going forward. These are important steps to ensure access to information and, ultimately, boost civic participation.</p>
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Commitment 11: Local digital democracy	
Aim of the commitment	<p>This commitment aimed to pilot new open-source, digital tools for civic participation in local government decision making to enhance the responsiveness of local authorities and the quality of (local) government. It primarily called for five to 10 municipalities to carry out at least three digital participation initiatives using open-source tools and for the same number of municipalities to carry out at least three digital participation initiatives using a closed source tool.</p>
Did it open government? Major	<p>During the action plan period, the Ministry of the Interior and Kingdom Relations developed new open-source tools in several municipalities to facilitate interaction with residents and enhance civic participation. Among these tools were Consul,¹² Open Stad,¹³ and Pol.is¹⁴ (the latter was piloted in the municipalities of Amsterdam and Groningen). In addition, the ministry helped municipal governments collaborate on open-source participation tools with so-called ‘province deals’. With support from Democratie in Actie and provincial project leaders, Groningen (Consul) and South Holland (Open Stad) began utilizing its own open-source participation platform in municipalities and provincial water authorities. In total, the ministry helped at least 14 municipalities in the country to utilize the tools. The ministry is currently exploring with North Holland (Open Stad) and Friesland (Consul) if they will also enter into a similar collaboration with municipal governments.</p> <p>Several campaigns were carried out during the action plan period using the Open Stad tool. For example, in 2020, residents in the Bezuidenhout district of The Hague used Open Stad to submit plans to improve the livability of the district and to divide the allocated budget over the plans they would like to see implemented.¹⁵ In the autumn of 2019, EUR 500,000 was made available on Open Stad for plans by entrepreneurs and residents of Slotermeer Noordoost in Amsterdam to improve the social and cultural sustainability of the neighborhood. Residents used the tool to divide the neighborhood budget among the plans they preferred to see implemented.¹⁶</p> <p>The Ministry of the Interior and Kingdom Relations met its goal of having five to 10 municipalities utilize at least three open-source participation tools, as explained above. However, there is no information available to suggest that the ministry</p>

	<p>actively encouraged the use of any closed-source tools. Therefore, the IRM considers this commitment to have been substantially completed, rather than fully completed.</p> <p>By deploying tools such as ‘Consul’, and implementing online participatory budgeting solutions,¹⁷ this commitment has clearly improved transparency of local government processes, and therefore brought a major impact to open government at the local level. It has become clearer how debates proceeded and how decisions were made. In addition, the three above-mentioned tools involving participation and consultation have allowed residents not only to participate in actual decision making about policy and budget in their neighborhood, thereby gaining a certain ownership of their living environment. The latter initiative also spilled over to academia, where it has been the subject of a case study to draw up lessons learned.¹⁸ Stakeholders also developed an extensive toolkit for interested municipalities to use.¹⁹</p> <p>In addition, a guide to digital democracy was created, which offers local governments a guideline and inspiration for getting started with existing tools. Finally, against the backdrop of the COVID-19 pandemic, this work gained momentum as the demand for digital tools in local governance increased dramatically. In response to that, stakeholders launched a helpdesk to assist local governments with implementing the temporary law ‘Digital consultation and decision-making’,²⁰ and provided guidance on how to organize digital local democracy. These lessons learned will be valuable for the future and further add to the impact of the commitment.</p>
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¹ IRM Design Reports identified strong commitments as “**noteworthy commitments**” if they were assessed as verifiable, relevant and “transformative” potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with “moderate” potential impact. For the list of the Netherlands’ noteworthy commitments, see the Executive Summary of the 2018-2020 IRM Design Report: https://www.opengovpartnership.org/wp-content/uploads/2020/06/Netherlands_Design_Report_2018-2020_EN.pdf

² The following commitments assessed as noteworthy in the Netherlands’ IRM Design Report are not included in this section because their limited implementation means there is not enough progress to assess results:

- Commitment 6: Open algorithms

³ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 22, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁴ Open Staten Informatie, app challenge, <https://challenge.openstateninformatie.nl/>

⁵ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 21, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁶ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 20, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁷ Video interview with Henk Burgering, Marianne de Nooij, and Valérie Mendes de León, (Provincie Zuid-Holland), 17 May 2021.

⁸ Rijksoverheid, <https://www.informatiehuishouding.nl/Producten+%26+publicaties/rapporten/2020/09/28/pilots-actieve-openbaarmaking-en-open-by-design-2020>

⁹ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 45, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

¹⁰ Rijksoverheid, <https://www.informatiehuishouding.nl/Producten+%26+publicaties/rapporten/2020/05/rapportage-stand-van-zaken-actieve-openbaarmaking-onderzoekrapporten-2017/inventarisatiesheet-aq>

¹¹ Video interview with Marieke Schenk (Ministry of the Interior and Kingdom Relations), 14 May 2021; Video interview with Guido Enthoven (Instituut Maatschappelijke Innovatie), 21 May 2021.

¹² CONSUL, Free software for citizen participation, <https://consulproject.org/en/>

¹³ OpenStad.org, <https://openstad.org/>

¹⁴ Polis, Input Crowd, Output Meaning, <https://pol.is/home>

¹⁵ OpenStad.org, <https://openstad.org/voorbeelden/bezuidenhout-begroet>

¹⁶ OpenStad.org, <https://openstad.org/voorbeelden/buurtbudget-slotermeer-noord-oost>

¹⁷ See The Hague Online, News & Events, <https://www.thehagueonline.com/news/2019/03/05/duinoord-residents-receive-e30000-for-neighbourhood-improvements>

¹⁸ van der Does, R., & Bos, D. (2021). What Can Make Online Government Platforms Inclusive and Deliberative? A Reflection on Online Participatory Budgeting in Duinoord, The Hague. *Journal of Deliberative Democracy*, 17(1), p 48–55, <https://doi.org/10.16997/jdd.96>, <https://delibdemjournal.org/article/965/galley/4818/download/>

¹⁹ See Lokale Democratie, <https://lokale-democratie.nl/groups/view/98d890f9-3148-428d-97ce-b33ef51fed8d/digitale-participatie/wiki/view/bb907e03-8033-4932-b396-27cd83cb7c4c/inspiratiegids-digitale-participatie-met-praktijkvoorbeelden>

²⁰ See Overheid.nl, <https://wetten.overheid.nl/BWBR0043375/2020-04-09>

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion: <i>(no evidence available, not started, limited, substantial or complete)</i>
1. Open decision making at municipalities and provinces	Substantial For details regarding the implementation and early results of this commitment, see Section 2.3.
2. Local party financing	Complete The organization ProDemos received a grant from the Ministry of the Interior and Kingdom Relations to set up a support structure for decentralized/local political parties. ProDemos launched the Local Political Parties Knowledge Hub ¹ (<i>Kennispunt Lokale Politieke Partijen</i>) and conducted several trainings to collect input on the forthcoming training module. The final support tool was launched as an online course module on transparency in political party financing. ² However, to date, there is no information available on how many individuals have undergone the trainings and whether the trainings were made obligatory, making it difficult to assess the impact of this work. Moreover, upcoming legislation (the <i>Wet op de politieke partijen</i>) will set new transparency requirements related to the financing of political parties, including decentralized parties.
3. Pioneering Network for Open Government for Municipalities	Limited According to the government's self-assessment, two meetings were organized at the local government level in 2019 (one in Schiedam and one in Utrecht). ³ Participants shared their experiences around open government work, such as how to proactively disclose information while respecting privacy regulations, and experiences with a locally appointed information commissioner. Future activities were planned but did not materialize due to an insufficient number of participants. In addition, some of the staff leading this work were on leave for much of the action plan period. As the commitment lacked sufficient fallback options to ensure continuation of the activities, it saw only limited completion.
4. Open Parliament	Limited As part of this commitment, the House of Representatives selected a number of parliamentary documents that it aims to make more easily accessible online, particularly certain XML and PDF files. There is no information available, however, to determine if the objectives of meeting the specific criteria under the European guidelines for digital accessibility, the Web Content Accessibility Guidelines (WCAG), were met. According to the House of Representatives' assessment, the website currently partially complies with WCAG, ⁴ which it also did prior to the start of the action plan.
5. Developing and implementing an Open WOB standard and an Open WOB dashboard	Substantial This commitment aimed to ensure that information and documents released by FOI requests are made available online as open data in a standardized, searchable format. To this end, the province of North Holland formed a working group with the Open State Foundation, organizations such as the Association of Netherlands Municipalities

	<p>(VNG), other provinces and municipalities, and the national police, which defined a new WoB publishing standard in broad consultation with external stakeholders. The standard was subsequently tested and was found to have good interoperability, allowing three organizations to connect their system to the standard.⁵ Going beyond the planned activities, the working group also developed a guide for other organizations to easily connect to the standard in the future.</p> <p>At the same time, it has proven challenging to connect organizations to the standard due to new document-management systems being implemented or because the question of what exactly must be published remained unanswered. As of the writing of this report, the website appears limited in coverage (hosting just 24,973 documents). The search function does not always work and not all files have been uploaded in machine-readable format. In addition, there are several other websites available online for Dutch municipalities not involved in the commitment to disclose FOI data.⁶ Investigative journalists also run a website (www.wob-knop.nl) that allows users to track FOI requests and find where the obtained information online is published. Therefore, there is a risk of duplication of efforts and that the Open Wob platform under this commitment will risk losing relevance if it cannot deliver the central overview it aimed to establish.</p>
6. Open Algorithms	<p>Limited</p> <p>A taskforce on open algorithms was established and held two meetings during the action plan period.⁷ The taskforce planned to consult with a broad range of stakeholders from academia, CSOs and others. However, varying priorities and limited availability among involved staff made it difficult for the work to materialize. There is no evidence available to determine that the other planned activities under this commitment were completed, such as a draft report on frameworks and guidelines on open algorithms, draft decision tree, and opening one to three algorithms. Informal contacts are still in place and the theme of algorithms has been carried over to the fourth action plan (2020-2022).</p>
7. Dilemma logic⁸	<p>Complete</p> <p>In collaboration with the Academy for Government Communication and the Office for the Senior Civil Service (<i>Algemene Bestuursdienst</i>), the Ministry of General Affairs organized several workshops and advisory talks on the topic of dilemma logic. Based on the experiences of applying dilemma logic at various ministries and municipalities, the ministry prepared a guide and a train-the-trainer course.⁹ According to the government's self-assessment report, the notion of dilemma logic is now rooted in the minds of many (senior) civil servants.¹⁰ However, it is not clear how the government has measured the extent to which dilemma logic has been integrated into the work of civil servants.</p>
8. 'Open by Design' pilots	<p>Complete</p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
9. Joining the Extractive Industries Transparency Initiative (EITI)	<p>Substantial</p> <p>The commitment resulted in the successful implementation of the EITI Standard in the Netherlands. EITI accepted the Netherlands' candidature application in June 2018 and the country published its first EITI report in December 2019 (covering the 2017 fiscal year).¹¹ The Netherlands also published annual progress reports for 2018¹² and 2019¹³ during the action</p>

	<p>plan period. However, this commitment also included a milestone to ratify the Netherlands' membership in EITI, a process that is scheduled to begin in July 2021 (after the end of the action plan period).¹⁴ Therefore, the IRM considers this commitment substantially, rather than fully, completed.</p> <p>The EITI reports provide enhanced transparency of the Dutch extractives sector, particularly concerning payment flows between oil and gas companies and the Dutch government, ranging from tax payments to exploitation fees, and others. This is an improvement to the situation prior to joining the EITI, as such information was previously unavailable. Given that Dutch extractives companies have played an important role in various political discussions, such transparency is a positive development. Interested citizens, journalists, or other stakeholders now have a valuable report available that can help them better understand the sector and raise concerns, if necessary, based on reported facts.</p> <p>As part of the implementation of the EITI Standard, the Netherlands also established a multi-stakeholder group (MSG). The MSG is comprised of representatives from government, extractives industries, labor unions, the tax authority, and civil society.¹⁵ It has formal rules of procedures and publishes its meeting minutes online. In addition, it has published mid- and end-term reports and an annual workplan.¹⁶</p>
<p>10. Open Contracting Data Standard (OCDS) pilot</p>	<p>Complete</p> <p>To implement this commitment, a project group examined the extent to which the central government's procurement office complies with OCDS and identified possible areas for improvement and good practices where the Netherlands excels. The group prepared a report in May 2019, concluding that the Netherlands is largely compliant with OCDS. It recommended to further explore how other (European) countries deal with open procurement, to consider setting up a communication platform for Dutch open procurement data to foster broader dialogue on this data, and to consider disclosing national procurement data in <i>JavaScript Object Notation</i> (JSON) format. Following the report, the central government exchanged ideas with the Open State Foundation, the Open Contracting Partnership, and HIVOS on how to take this work further. This resulted in a grant application to the European Commission in late 2019 to establish a platform around government procurement data where interested parties (such as citizens, private companies, or journalists) can easily search for procurement information and enter into a dialogue around this data. The grant was awarded in 2020 and the Netherlands has included the future work as a commitment in its fourth OGP action plan (2020-2022).¹⁷</p> <p>Overall, this commitment had positive impact on open contracting in the Netherlands. What started as a careful investigation into open contracting practices in the country culminated in a joint project proposal where both the central government and national and international CSOs are collaborating around open government issues. Different stakeholders have indicated in interviews that both government officials and CSOs valued this collaboration and considered it mutually beneficial.¹⁸ At the same time, it is unclear to what extent the commitment has resulted in identifying what, if any, further decision making is needed to further improve open contracting. Good practices and procurement-related obligations under EU regulation could also have played a larger role in this work.¹⁹</p>

11. Local digital democracy	Substantial For details regarding the implementation and early results of this commitment, see Section 2.3.
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¹ Kennispunt Lokale Politieke Partijen, <https://www.lokalopolitiekepartijen.nl/>

² See Kennispunt Lokale Politieke Partijen, Modules, <https://www.lokalopolitiekepartijen.nl/opleiding/online-modules/organisatie/transparante-financien/>

³ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 27, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁴ Tweede Kamer, <https://www.tweedekamer.nl/over-tweedekamer/nl/toegankelijkheid>

⁵ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 36, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁶ For example, Amsterdam <https://wob.amsterdam.nl/>, Arnhem <https://wob arnhem.nl/>, Rotterdam https://www.bis.rotterdam.nl/modules/1/wob_verzoeken/view, and Groningen <https://gemeente.groningen.nl/wob-verzoek>

⁷ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 40, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁸ “Dilemma logic” refers to the communication of government decision making in an open way where dilemmas are recognized and used to enhance communication around policymaking and government interventions to strengthen legitimacy.

⁹ See also Dienst Publiek en Communicatie, <https://www.communicatierijk.nl/documenten/publicaties/2020/04/22/hulpmiddelen-dilemmalogica>

¹⁰ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 43, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

¹¹ EITI, Netherlands 2017 EITI Report, <https://eiti.org/document/netherlands-2017-eiti-report>

¹² EITI, Netherlands 2018 Annual Progress Report, <https://eiti.org/document/netherlands-2018-annual-progress-report>

¹³ EITI, Annual Progress Report 2019 Netherlands, <https://eiti.org/document/annual-progress-report-2019-netherlands>

¹⁴ EITI, Netherlands Overview, <https://eiti.org/netherlands>

¹⁵ Overheid.nl, <https://wetten.overheid.nl/BVBR0040115/2019-07-10>

¹⁶ Rijksdienst voor Ondernemend Nederland <https://www.rvo.nl/onderwerpen/internationaal-ondernemen/kennis-en-informatie/eiti>

¹⁷ Open Government Partnership, Netherlands Action Plan 2020-2022, p 22, https://www.opengovpartnership.org/wp-content/uploads/2021/01/Netherlands_Action-Plan_2020-2022.pdf

¹⁸ Video interview with Marieke Schenk, Ministry of the Interior, 14 May 2021; Video interview with Conrad Zellmann, HIVOS, 17 May 2021.

¹⁹ The European Commission has scored Netherlands’ performance regarding public procurement as ‘average’ for 2019, see also https://ec.europa.eu/internal_market/scoreboard/performance_by_member_state/nl/index_en.htm#public-procurement. In addition, in 2018 it launched infringement procedures, see https://ec.europa.eu/commission/presscorner/detail/en/IP_18_357 and https://ec.europa.eu/commission/presscorner/detail/IT/IP_17_4771

III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. The Netherlands **did not act** contrary to OGP process.¹

Please see Section 3.2 for an overview of the Netherlands' performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply it to OGP.² In the spirit of OGP, most countries should aspire to "collaborate."

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓	✓
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

Overall, the high levels of collaboration between government and external stakeholders during the co-creation phase continued into the implementation period. The multi-stakeholder forum (MSF) convened roughly once every quarter during the implementation period.³ The Ministry of the Interior and Kingdom Relations also organized four additional meetings where commitment holders could present the progress of specific commitments and stakeholders could exchange feedback and ideas to the holders.⁴ The minutes of these meetings indicate that iterative and constructive dialogues took place between stakeholders and the commitment holders, and participants discussed the challenges encountered during implementation and how to overcome them in future action plans. The government's end-of-term self-assessment report indicates that some of the commitment holder meetings were used to make plans for the Netherlands' fourth action plan (2020-2022) based on lessons learned from the third plan.⁵ This led to the creation of a separate Open Government Alliance network (in December 2020) in anticipation of the fourth action plan.

Some commitments, such as Commitment 8 ('open by design') and Commitment 10 (open contracting), saw deeper collaboration between CSOs and (local) government compared to the co-creation period, leading to enhanced ownership. In the case of Commitment 10, this collaboration led to a successful joint grant application for a new contract register (which is included as a commitment in the Netherlands' fourth action plan).

All interviewed stakeholders conveyed their satisfaction with the way the Ministry of the Interior and Kingdom Relations manages the MSF, and how it solicits feedback on documents, such as the IRM Design Report or the government's end-of-term self-assessment. It is also worth noting that the ministry indicated in the end-of-term self-assessment that it values good interpersonal relations and seeks to promote stakeholder meetings that use creative engagements to consult the wider community.⁶ Such efforts can be essential to bring the different initiatives together.

¹ Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website/webpage in line with IRM guidance.

² "IAP2's Public Participation Spectrum," IAP2, 2014,

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

³ Open Overheid, Meeting minutes, <https://www.open-overheid.nl/actieplan-open-overheid-2018-2020-verslaglegging-documenten-en-nieuws/>

⁴ The minutes of these four meetings are on page 7 of the government's self-assessment report, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁵ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 6, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

⁶ See Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

3.2 Overview of Netherlands performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: The Netherlands' multi-stakeholder forum was established in 2017 and is presided over by the Ministry of the Interior and Kingdom Relations. ¹	Green	Green
1b. Regularity: The forum met at least every quarter, in person or remotely. In addition, there were four separate meetings during the implementation period where commitment holders could discuss with stakeholders the progress of specific commitments.	Green	Green
1c. Collaborative mandate development: This standard was assessed in the IRM Design Report.	Yellow	NA
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP webpage.	Green	Green
2a. Multi-stakeholder: The forum includes governmental and non-government representatives.	Green	Green
2b. Parity: The forum includes four government representatives and four nongovernmental representatives (three from civil society and one from the University of Utrecht).	Green	Green
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Yellow	Yellow
2d. High-level government representation: The forum does not include high-level government representatives with decision-making authority from government.	Red	Red
3a. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum.	Yellow	Yellow
3b. Remote participation: There were opportunities for remote participation in at least some forum meetings and events. In 2020, the second year of implementation of the action plan, the forum moved its meetings online due to the COVID-19 pandemic.	Yellow	Green
3c. Minutes: The multi-stakeholder forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders. ²	Green	Green

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)
 Red = No evidence of action

Action Plan Implementation	
4a. Process transparency: There is a national OGP webpage where information on the national OGP process is proactively published. ³	Green
4b. Communication channels: The national OGP website does not have a function that allows the public to comment on action plan progress updates.	Red
4c. Engagement with civil society: The Ministry of the Interior and Kingdom Relations organized open meetings for civil society to discuss implementation.	Green
4d. Cooperation with the IRM: The Ministry of the Interior and Kingdom Relations shared the link to earlier IRM reports with involved stakeholders and discussed its findings with both the multi-stakeholder forum and other parties. It also responded to the recommendations from the IRM Design Report in the end-of-term self-assessment.	Green
4e. MSF engagement: The multi-stakeholder forum monitored and deliberated on how to improve the implementation of the action plan in quarterly meetings and via email updates.	Green
4f. MSF engagement with self-assessment report: The Ministry of the Interior and Kingdom Relations solicited input from stakeholders for its end-of-term self-assessment report as well as shared the draft with the multi-stakeholder forum for comments and feedback.	Green
4g. Repository: The Ministry of the Interior and Kingdom Relations collects and publishes a repository on the national OGP webpage, ⁴ which is partially in line with IRM guidance. ⁵ It provides a historical record and access to most, but not all, documents related to the national OGP process. Throughout the implementation of the action plan, implementing stakeholders provided updates on the progress they had made on completing the commitments. ⁶ There were nine updates in total (uploaded approximately every quarter) but they did not always include relevant links to the information provided.	Yellow

¹ See Open Overheid, <https://www.open-overheid.nl/multi-stakeholder-forum/>

² See Open Overheid, <https://www.open-overheid.nl/actieplan-open-overheid-2018-2020-verslaglegging-documenten-en-nieuws/>

³ Open Overheid, <https://www.open-overheid.nl/>

⁴ *Ibid.*

⁵ Open Government Partnership, IRM Guidance for Online Repositories, https://www.opengovpartnership.org/wp-content/uploads/2015/11/IRM_Guidance-for-Repositories_Updated_2020.pdf

⁶ Ministry of the Interior and Kingdom Relations, End-of-Term Self-Assessment Report, p 8, https://www.opengovpartnership.org/wp-content/uploads/2020/12/Netherlands_End-of-Term_Self-Assessment_2018-2020_EN.pdf

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Franco
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹ and in Netherlands Design Report 2018-2020.

About the IRM

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



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¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the “starred commitment” (☆), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable, Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

¹ “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>