

# Country Overview Netherlands

**VOICE OR  
CHATTER?**  
**STATE OF THE ART**

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**AUTHOR**  
DELIA DUMITRICA

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## AUTHOR

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**Delia Dumitrica** is Assistant Professor of Political Communication in the Department of Media and Communication at Erasmus University. Her main interests focus on the discursive construction of social media in politics.

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## Research coordination team

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Lead Researcher: Anita Gurumurthy  
Research Associates: Deepti Bharthur & Nandini Chami  
Design: Deepti Bharthur & Swati Mehta  
Editorial Support: Swati Mehta & Dara Casey

This report is the outcome of a collaboration between IT for Change and Delia Dumitrica, Erasmus University, Rotterdam under a research project titled Voice or Chatter? Using a Structuration Framework Towards a Theory of ICT-mediated Citizen Engagement.

This research has been produced with the financial support of Making All Voices Count. Making All Voices Count is a programme working towards a world in which open, effective and participatory governance is the norm and not the exception. This Grand Challenge focuses global attention on creative and cutting-edge solutions to transform the relationship between citizens and their governments. Making All Voices Count is supported by the U.K. Department for International Development (DFID), U.S. Agency for International Development (USAID), Swedish International Development Cooperation Agency, and Omidyar Network (ON), and is implemented by a consortium consisting of Hivos, the Institute of Development Studies (IDS) and Ushahidi. The programme is inspired by and supports the goals of the Open Government Partnership.

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MAKING ALL  
VOICES COUNT

A GRAND CHALLENGE  
FOR DEVELOPMENT

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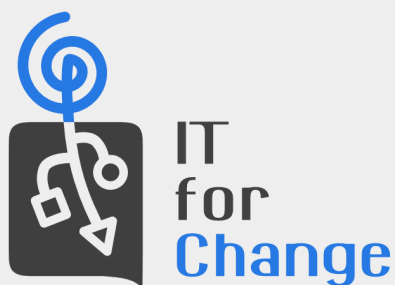
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# State of the Art: Netherlands

This report aims at providing an overview of the normative and institutional state of art of ICT-mediated citizen participation in the Netherlands. The first section provides an overview of the political and civic liberties framework in the Netherlands. In the second section the landscape of ICT mediated citizen engagement is mapped. In the third section, the report engages with the implications of technology mediations for deliberative democracy and transformative citizenship.

## 1. Overview

Citizen engagement in the Netherlands is formalized at both national and local levels. The legal avenues for citizen engagement at the national level consist primarily of agenda-setting and advisory direct voting mechanisms such as citizen petitions and referenda. At the local level, citizens have a more diverse array of opportunities to engage in policy development. Yet, the availability of these opportunities depends on local administrative arrangements and as such it varies from place to place.

This research found that these formal mechanisms for civic engagement have not been taken up by the Dutch e-government framework, which focuses primarily on developing an online presence for the government; creating an adequate legal framework for online transactions; and, overseeing the development of the technical infrastructure to meet legal requirements and foster greater use among citizens and businesses. Internet penetration and usage rates in the Netherlands are among the highest in the world, with Internet access in 95.7% of households and 93% of individuals using the Internet (ITU, 2015). Such statistics suggest Dutch citizens are well equipped for using ICTs for civic engagement purposes. Indeed, citizens increasingly make use of such technologies to access government services and to get in contact with public administration. They also organize themselves to make use of formal avenues for citizen engagement available to them in what can be characterized as bottom-up forms of participation. In some cases, ICTs may also be used to involve citizens at various stages of public decision-making. Unfortunately, such instances are almost always local—and often pilot/ experimental—initiatives. The findings of this report suggest that the Dutch e-government framework remains focused on service-provision, missing out on opportunities to foster the creation of ICT-enabled civic infrastructures that would enable citizens to engage in the governance of their lives. Furthermore, in addressing citizens mostly as consumers of digital governmental information or of online public services, this policy framework encourages the development of individual-centred information systems, ignoring the community-building potential of ICTs.

The following section provides an overview of the citizen engagement and e-government frameworks in the Netherlands. It begins with a brief historical overview of the Dutch political context, which reveals cooperation, collaboration and pragmatic/entrepreneurial solutions as core political values. It moves on to an overview of the various formal mechanisms through which citizens can influence decision-making processes at national and local levels. From here,

the section moves on to an extended overview of the e-government framework in the Netherlands.

## 1.1. Historical Overview of the Dutch Political Context

Historically, the Dutch political system has been described as a consociational democracy (Lijphart, 1969), where political and economic elites collaborated in order to avoid direct competition/confrontation and thus compensate for the fragmentation of the social body (and the ensuing competing agendas). Political power was concentrated in the hands of three pillars (or elites)—the Catholic, the Protestant and the Secular pillars—each with their own institutions (e.g. media, education, hospitals, leisure, etc.): “nearly every aspect of social life took place within these pillars. There was hardly any social interaction between the people belonging to the different pillars” (Michels 2006, p. 327). As the model legitimized the authority of political and economic elites, citizen participation in politics was not encouraged. Nevertheless, the model also valorized cooperation, consensus and a propensity towards technical arguments. Indeed, religious pluralism and tolerance, entrepreneurial culture, and consensus democracy have been important values in the Dutch collective national imaginary (Kešić & Duyvendak 2016; Van Reekum, 2012).

In the 1960s, the Netherlands embarked on a process of de-pillarization, where religious and socio-political barriers were increasingly challenged by growing individualization processes. In politics, this brought along intense public discussions on the role of citizen participation as a mechanism for legitimizing government activity, resulting in various local initiatives that attempted to incorporate citizens in the decision-making process (van Eijk, 2014). Citizen participation took the form of demonstrations and social movements, although, “participation was to a large extent still the privilege of highly educated men between 30 and 49 years of age” (Michels, 2006; p. 328).

Since the mid-1980s, political elites became increasingly concerned with the lack of turnout and the seeming lack of interest in politics. Citizen participation emerged as a possible solution to this problem, leading to various policies meant to create opportunities for citizen input in the governance process. This was accompanied by a process of decentralization, meant to give local governments and institutions more powers to design and implement their own policies. At the level of national government, transparency and accountability became important concerns (Michels, 2006).

However, these changes also took place alongside the neoliberalization of Dutch society. While the government became concerned with citizen input, the social welfare role of the state was also gradually diminished, as economic and political elites advocated for state policies based on market principles and individual self-responsibility (Lub & Uytterlinde 2012; van Apeldoorn 2009).

## 1.2. Legal Avenues for Citizen participation in the Netherlands

The Netherlands is a decentralized unitary state with 12 different administrative regions (provinces) further sub-divided into municipalities. In addition to this, the country is also divided

into water districts that are managed by a water board. This means that policy-making takes place on national (the government), regional (provinces and water districts) and local (municipalities), with each level providing different opportunities for citizen participation, making for complex yet diverse opportunities for citizens to become engaged in decision-making processes. Furthermore, these administrative arrangements also produce collaborations between different public institutions.

### 1.2.1 National Level

The Dutch parliament is bi-cameral. The Senate (De Eerste Kamer) is elected by the members of various provincial legislatures. This arrangement often leads to party appointments in the Senate. Although this chamber is not a direct representative of citizens, it does have the power to veto legislation. The House of Representatives (De Tweede Kamer) is responsible for the development of laws and the monitoring of the cabinet. In this case, its members are elected but due to the Dutch electoral system, the Members of Parliament (MP) do not have an individual mandate nor do they represent voters in their constituency (Andeweg, 2004<sup>1</sup>). Noting that citizens have high levels of trust in their parliament, Andeweg (2012) suggests this may have something to do with the various formal mechanisms for citizen participation in political decision-making available through the House: petitions, citizen initiatives (Burgerinitiatieven) and referendums.

#### *Right to petition*

In the Netherlands, the right to petition public authorities is guaranteed by the Constitution. Citizens can petition the House to express disagreement with a certain policy or regulation. The House is required to discuss the petition in the first upcoming meeting and has to respond to suggestions or complaints. Although the discussion of the petitions does not have binding power, in practice the government takes the outcomes of these discussions into account (Andeweg, 2012).

According to Andeweg (2012), two types of petitions are submitted to the House: individual grievances (verzoekschriften) and policy petitions (petities). Individual grievances go through the Parliamentary Committee for Petitions and Citizen Initiatives (CPCI). To be taken into account, they need to meet a few criteria: the grievance cannot be addressed via other legal means; it does not pertain to the Parliament itself, the Council of State, General Accounting Office, the judiciary, the ombudsman, or other levels of government (Andeweg, 2012). Upon accepting it, CPCI investigates the request, asking government ministers to give their view on the matter. CPCI then reports to the House, expecting action on the part of the government:

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<sup>1</sup> Andeweg (2004) explains that citizens vote for candidates on party lists in the 19 districts of the Netherlands. The votes for all party candidates in all districts are added together and determine the number of seats the party gets in the Parliament. The seats are then allocated to candidates in the order they appeared on the lists. Only individuals who get more than 25 per cent of the electoral quota (total number of votes divided by total number of seats) automatically get a seat, though this happens quite rarely.

If the government does not redress the grievance despite the recommendation of the House, this would be reported back to the committee. The House would then have to decide whether the government's refusal constitutes sufficient grounds to censure the minister. These petitions can therefore have a significant impact. (Andeweg 2012, p. 374).

Since 1982, individual petitions can also be submitted to the Ombudsman. The Ombudsman is appointed by the House, but remains independent from it. Complaints can be submitted by phone or digitally, and the Ombudsman has a team that responds to questions addressed via social media (Facebook and Twitter). Andeweg (2012) suggests the Ombudsman is often preferred to the House and, although her conclusions are not binding, the government usually takes them into account.

Petitions to the House aimed at policy change, are usually initiated by an organization and include a large number of signatures. The House does not have a standard procedure for dealing with them, but they tend to be addressed to the various/ specialized committees in the House. Andeweg explains that;

As these petitions usually seek to influence the committee's decision, and indirectly also parliament's decision on some policy proposal that is already on the agenda, the petition is not dealt with as such. During committee debates on the targeted policy, the petition may be referred to by MPs in support of their own position, or it may be ignored altogether (2012, p. 374).

#### *Citizen initiatives (Burgerinitiatieven)*

In 2006, the government created a new avenue that allows citizens and civic organizations to put an issue on the agenda of the House. The *Burgerinitiatief* is a form of right to petition, but unlike a petition, the House is required to discuss and respond to the issue raised by the citizens. Importantly, the *Burgerinitiatief* has to deal with the introduction, modification, or abolition of laws and policies. To be accepted by the House, the *Burgerinitiatief* has to fulfill certain criteria:

1. It needs to gather 40,000 signatures (the identity of a sample of the signatories is checked).
2. The issue must be something that was not discussed by the House over the past two years.
3. The issue must not contravene the Constitution or deal with matters of taxation or public budgets.

If the formal criteria are met and the initiative is accepted, the House needs to discuss the initiative and decide upon it. The initiative-takers are invited to present the issue, for example by giving an opening speech in which they explain their stance on the issue. Since 2009, the concerned ministers and state secretaries are also invited to take part in the debate about the initiative. The change came as a result of an evaluation of the *Burgerinitiatief* which concluded



that the government should be able to influence the House in the debate by voicing its opinions concerning the initiative before a decision is reached (Tweede Kamer, 2008).

Although there is no formal mechanism for *Burgerinitiatieven* to be submitted electronically, since January 2009, the House accepts electronic signatures, with only a small sample of signatures that the CPCI checks still being collected on paper. CPCI contacts the sample of signatories, asking them to return their signatures by post. If less than 95 per cent of the contacted citizens respond, the digital endorsements are invalidated. The CPCI also recommended that this way of checking digital signatures should stay in place until a more efficient or effective way is found to verify digital signatures without having to collect paper-based samples. While this is the only formal role of ICTs stipulated within the *Burgerinitiatief*, new media remain widely relied upon by in the process of developing a citizen initiative at the grassroots level. The case study further investigated in this project consists of a digitally-mediated citizen-led initiative presented to the House under the *Burgerinitiatief* framework (Dumitrica, 2017).

### *Referenda*

Since the establishment of the Kingdom of the Netherlands, the country has known a fair number of referenda at the municipal level, but there have only been two national referenda so far. In 2005, the Parliament organized the first national referendum, asking citizens on the rejection or approval of the Constitution of Europe. Although the government anticipated a swift approval, the results of the referendum (a rejection of the Constitution) took everyone by surprise. In spite of this, political leaders became increasingly positive towards referenda, which led to the introduction of the 2015 Law on Advisory Referenda (WRR).

The law enables Dutch citizens to apply for an advisory referendum on new laws or treaties. A valid referendum requires a turnout of 30 per cent of eligible voters. Like the *Burgerinitiatief*, the request for a referendum has to fulfil certain conditions:

1. A two-step process of gathering at least 300,000 signatures: first, 10,000 signatures have to be gathered within the four weeks of launching the initiative in order to introduce the request for a referendum. In the second step, at least 300,000 signatures have to be collected within the next six weeks.
2. The request does not concern any laws about the monarchy or the royal family, budget, amendments to the Constitutions, execution of treaties or decisions of intergovernmental organisations, decisions of past referendums, or Kingdom acts (laws effective in Aruba, Curaçao and Sint Maarten).

If the request for a referendum is deemed valid based on the criteria above, an independent commission sets the date for the referendum and gives out possible subsidies for promotional activities for the referendum. To date, only one national referendum was held under the WRR law. In April 2016, the Dutch voted on ratifying the Association Agreement between the European Union and Ukraine. Again, the voters rejected the ratification of the agreement, to the

surprise of the government, stirring new debates on the role of referenda in democratic politics. The government is yet to announce its decision on the outcome of this referendum.

### 1.2.2. Provincial and Local Levels

In addition to the formal avenues for citizens to participate in politics on the national level, citizens can engage with decision-making processes at the provincial and local levels. Petitions, citizen initiatives and referenda can be submitted on local levels. Furthermore, in some social areas such as housing (e.g. municipal councils have to legislate how citizens can be involved in housing issues) and water management (e.g. van der Heijden and ten Heuvelhof 2012), citizen participation is also mandated by law. Thus, the local levels offer more opportunities for citizens to participate in policy-making.

Local level *Burgerinitiatieven*—which are different from the national *Burgerinitiatief* overseen by the House of Representatives—were made available to citizens in 2002. One type of initiative involves citizens taking over functions, services or buildings from the local government. A much touted example in the literature is the re-development of the *Broekpolder* in the municipality of Vlaardingen (Edelenbos & van Meerkerk 2011; Meerhof, 2011), where citizens opposed plans for urban development of the region and organized, in order to become an equal partner in the (future) management of the area (Edelenbos & van Meerkerk, 2011). Citizen volunteers organized themselves as the ‘Broekpolder Federatie’ (the Federation) and developed positive relations with the Mayor and Aldermen, which eventually recognized them formally as integral to the maintenance of the area and developed a policy recognizing the Federation as a partner in the management of the *Broekpolder*. Thus, the Federation was allowed to give *qualified advice* on the daily maintenance of this area, while the municipal administration committed to taking this advice into account. The Federation was also recognized as essential to advising on the future of the area: its advice on small enhancement became binding, while in regards to large initiatives, the Federation can take initiative in generating ideas and developing plans for those projects (Edelenbos & van Meerkerk, 2011).

In other cases, citizen engagement on local level is prompted in a top-down manner, at the request of the administration. For example, the City Initiative (*Stadsinitiatief*) in Rotterdam started in 2011 by the City Council was meant to provide a formal venue for local residents to weigh in on the plans to revitalize the city. Residents were given the opportunity to both propose concrete revitalization plans and vote for the most relevant projects. In the first round (2011-2015), the winning initiative consisted of a modern, colorful bridge over the train tracks with a terrace and a garden. Citizens and businesses were also asked to share the costs, by ‘buying’ building elements (some 2,700 citizens and companies responded to this call) (Rotterdam, n.d.). New media were widely used by the project organizers in order to mobilize citizen support; after the winning project was announced, new media also became sites of civic debate on the way in which the *Stadsinitiatief* was organized, questioning its utility. In an attempt to address the criticism mounted during the *Stadsinitiatief* (particularly regarding the allocation of public funds for revitalization projects that appeared to serve aesthetic or business purposes, rather than social ones), the terms of this initiative were changed in 2015/2016. Under a new name—

CityLab010—the project has now become a competition-based, crowdsourced online platform, allowing residents to share ideas, react on proposals, and contact possible promoters to develop the revitalization projects. The City still provides some funding for the projects (AD, 2015; Janse, 2015).

However, since each province and municipality is responsible for developing their own mechanisms for citizen engagement, the picture that emerges across the Netherlands is a complex and often uneven one. Van Eijk (2014) identified considerable variation across municipalities: “some try to innovate, while others keep the level of participation measures at the lowest possible level” (p. 270). She suggests three factors influence the amount of citizen involvement: the mayor’s leadership, the re-organization of local government so that citizen input can be taken into account, and finally a change in attitudes regarding citizen participation as;

Citizen participation is often not seen as a goal in itself but as a means to reach another goal. Involvement of citizens is approached as a way to tailor policy to local needs and to reach consensus among the different actors. Citizen participation, then, is used as a way to make decisions more widely accepted and increase local politics’ legitimacy.”

(Van Eijk, 2014, p. 270)

### **1.3. E-government in the Netherlands**

As a member state of the European Union (EU), the Netherlands has closely mirrored the EU framework for the development of an information society. In the mid-1990s, following in the footsteps of the US, the EU called for the creation of a networked electronic technological infrastructure in Europe. From the beginning, this initiative positioned governments as developers of a suitable legal framework that will enable public-private partnerships to develop and deploy this infrastructure. This has resulted in an overarching framing of digital technologies as economic tools, positioning citizens as customers and laborers for the information society.

The Netherlands has quickly embraced this vision, subscribing to the idea that the electronic highway will create economic growth (e.g. Bekkers, Koops & Nouwt, 1996). Since then, the Netherlands has developed a comprehensive policy framework aimed at developing Internet infrastructure and creating the conditions for the adoption and use of these technologies by both citizens and business. E-government—the use of ICTs in the relation between governments, citizens and the business sector—was an integral part of this policy framework. Today, the Netherlands has become a world leader in e-government (United Nations, 2014). This section charts the historical development of this policy framework, starting with a general description of e-government and e-participation within the policy framework developed by the EU. It then moves on to a description of the evolution of the Dutch e-government framework from the 1990s onwards.

### 1.3.1. EU Policy Approaches to E-government and E-participation

The current administrative paradigm on e-government largely defines it in terms of efficient management of public service delivery (e.g. Partnership on Measuring ICT for Development 2011; United Nations 2014). ICTs are seen as means to improve the operations of the government, thus making the latter more transparent and enhancing its public accountability. The emphasis is placed on cost reduction: technology appears as the solution to a more 'efficient' government, by facilitating inter-departmental collaboration and cutting down their costs (e.g. printing).

In 2009-2010, the EU announced two related initiatives as part of the comprehensive *Europe 2020 Strategy* for developing a competitive European economy. The e-government action plan (*The 2009 European Commission's e-Government Action Plan 2011-2015*) and the agenda for a digital single market (*The 2010 Digital Agenda for Europe*) form a core part of this economic strategy, effectively reinforcing an economic role for ICTs. These documents form a supranational policy framework within which EU member states are required to work. The e-government action plan had three major objectives: to provide better services and access to citizens (including stakeholder involvement in the policy process), to provide better services and access to services across borders (for businesses, education, work, residence and retirement), and to reduce the administrative burden (i.e. reduce the amount of paperwork citizens and businesses need to submit in their dealings with public administration). In 2016, this e-government plan was extended for 2016-2020. It continued the focus on digitizing public service delivery and administrative burden reduction, seen as an avenue to improving the interaction between citizens, businesses and the state. The *2010 Digital Agenda for Europe* focused more on the macro economic picture: the creation of a digital single market, interoperability and standards, trust and security, fast Internet access, research and innovation, digital literacy, ICT skills and inclusion. Once again, the digitization of public services, including citizen interaction with governments and electronic forms, was positioned with a component of economic revitalization and as a means of cost-reduction for the public sector.

Chadwick & May (2003) have argued that the EU e-government framework represents an example of the managerial model of citizen/government interaction. Thus, the focus of the policy framework is on

'Efficient' delivery of government information to citizens and other groups of 'users'; the use of ICTs to improve flows of information within and around government; a recognition of the importance of 'service delivery' to 'customers'; the view that speeding up information provision is, by itself, 'opening up' government; a general absence of user resource issues, such as ability to receive and interpret information; and 'control' and presentational professionalism (often termed 'spin') as defining logics(2003, p. 272).

Indeed, notable in this policy framework is the absence, up to the mid-2000s of concerns with citizen engagement and participation in political decision-making. By 2005 (and largely in reaction to the rejection of a European Constitution—see above for the Dutch referendum on

this), the EU had become increasingly concerned with the democratic deficit surrounding its institutions and started devoting more attention to the idea of citizen participation via consultations, round-table debates, or bottom-up civic initiatives. ICTs became seen as the best tools for achieving such goals. The document entitled *Plan D for Democracy, Dialogue and Debate* (2005) outlines the need for engaging citizens on the future of the EU. The plan also promotes the idea of ‘active citizenship’, where citizens can become involved in policy-debates via citizen panels at local levels. However, this document does not have any binding power and, as such, it remains the equivalent of a mission statement. In parallel, the *2007 Communicate Europe in Partnership* document described the European Commission’s new Internet communication strategy. This strategy placed the emphasis on obtaining and taking citizen feedback into account. However, this document refers primarily to the internal mechanisms of the Commission and as such it does not have any binding power for the member states either. Overall, the mechanisms and impact of this shift towards e-participation remain, for now, unclear (e.g. Heidbreder 2015; Tambouris et. al 2012), although they do signal a possible discursive shift.

### 1.3.2. The Dutch E-government Framework

According to the Worldwide Governance Indicators (WGI) (The World Bank Group, 2017), governance perception in the Netherlands is high, indicating the citizenry is confident in the quality of state governance.

**Table 1: World Governance Indicators for the Netherlands, 2015**

Indicator	Rank
Voice and Accountability	98
Political Stability and Absence of Violence	79
Government Effectiveness	97
Regulatory Quality	96
Rule of Law	97
Control of Corruption	95

*Source: The World Bank Group, 2017*

Statistical data on Internet penetration rates (see Introduction) suggest the Netherlands is one of the world leaders in Internet use. The use of digital technologies for governance and political participation purposes appears to be high, with various e-participation and e-governance indexes ranking the Netherlands as a world leader in this field (see Table 2). The Web Index data for 2014, for example, indicates the Netherlands has a high quality internet infrastructure (ranking 5<sup>th</sup> in the world on universal access). Furthermore, in terms of Internet use, the Netherlands ranks 9<sup>th</sup> in the world in terms of freedom and openness, 11<sup>th</sup> in the world in terms of relevant content, and 8<sup>th</sup> in the world in terms of empowerment (World Wide Web Foundation, 2014).

**Table 2: The State of E-participation and E-governance in the Netherlands**

Index	Year	Rank
The Web Index (World Wide Web Foundation, 2014)	2014	9 (world)
The UN E-Government Development Index (EGDI)(United Nations, 2016)	2016	7 (world)
The UN E-Participation Index (United Nations, 2016)	2016	5 (world)
Information Society Development Index (IDI) (ITU, 2015)	2015	8 (world)
Network Readiness Index (NRI) (World Economic Forum, 2016)	2015	6 (world)
Digital Economy and Society Index (DESI) (European Commission, 2016)	2016	2 (28 EU member states)

Source: Various Indices, 2014-2016

These indexes cast the Netherlands as a well-developed democratic system, providing mechanisms for citizen participation in governance. The state has actively supported the development of an up-to-date Internet infrastructure, which has resulted in a connected population that has integrated digital technologies within their everyday routines – although digital divides are still present (van Deursen & van Dijk, 2014). Furthermore, the use of digital technologies for interaction with public authorities has become a widespread practice in the Netherlands: 90 per cent of businesses and 75 per cent of individuals has used the Internet to communicate with public authorities in 2013 and 2015 respectively (Eurostat, 2015, 2016). The Netherlands has thus been described as a mature model in the development and implementation of e-government policies (European Commission, 2015a). The following sections review the development and implementation of these policies.

### 1990s

In the mid-1990s, the Dutch government commenced its policy work on building the Information Society with the launch of the 1994 *National Action Programme on Electronic Highways: From Metaphor to Action* (*Actieprogramma Elektronische Snelwegen: Van metafoor naar actie*). The overall goal of this program was to establish the electronic infrastructure and develop a suitable legal framework. From the beginning, the program was guided by the idea of free market competition (e.g. deregulation) and sought to encourage private financing to accelerate the development of the electronic infrastructure.

This has resulted in the adoption of a customer-oriented business model in subsequent e-government programs and projects, actively promoting policy initiatives encouraging governmental organizations to make their public services available online and to provide information, communication, and transaction services. One early example was the government portal *overheid.nl* (still active to date), meant to be an entry point for all Dutch public administration institutions, including libraries, schools and health care.

The second role that the government took upon itself as part of the electronic highway policy was the development of a legal framework that could both protect the constitutional rights of

citizens online and foster a positive online commercial environment (with a focus on freedom of information and communication, protection of the personal living environment, and public order for social and commercial interactions).

The 1994 programme was followed by a working plan (*Visie op Versnellen*) focused on creating conditions for Dutch companies to build a strong market position, advocating deregulation of the telecom sector and legal reforms that would enable business on the information highway. The document outlined three strategic principles: helping Dutch companies strengthen their competitive position; public service delivery; and technological convergence. As a result of this working plan, several electronic services were created and the Dutch telecommunication market was liberalized. The legal framework on customers' rights, intellectual property, and privacy was further developed.

The end of the 1990s was marked by two important e-government policy documents: an action program for e-government and the report 'The Digital Delta' mapping the road for the Netherlands to become a top user of ICTs.

The *Electronic Government Action Programme* was developed by the Ministry of Interior and Kingdom Relations and asked for a more active role for the government in developing e-services for businesses and citizens. The program set three goals for the government: to provide access to information, to provide quality services, and to make service delivery more efficient and effective. While this led to the development of several legal initiatives (e.g. Electronic Signature Act 2003) and online platforms (e.g. DigiD in 2005, further discussed below), the government soon realized that access had to be accompanied by usage. The 1998 evaluation of the national action program (*Herijking van het Nationaal Actieprogramma Elektronische Snelwegen*) emphasized the question of access to new technologies and the need to enhance usage skills. Ironically however, access was to be enhanced by the government becoming a model user (by integrating ICTs within its infrastructure). This was seen as key to promoting ICTs in all areas of social life and stimulating demand/supply of ICTs. The report argued that virtually every Dutch citizen now has access to the Internet; the problem was that citizens and businesses may be hesitant to adopt technological solutions or may not know about them. Citizens were described as either users/ customers of online public services/ information or as skilled workforce who had a duty to develop ICT use skills. Overall, the government remained more interested in the practical development of the ICT infrastructure and the development of a skilled workforce for the Information Society, rather than the civic applications or opportunities provided by the ICTs.

The 1999 report of the Dutch cabinet, entitled 'The Digital Delta' (*De Digitale Delta: Nederland Online*) described the road to implementing the government's goals for an information society and was divided into five areas: telecommunications policy, knowledge and innovation, access and skills, regulation, and ICT in the public sector. In spite of the document's self-professed aim to describe "how the government wants to stimulate firms, citizens and itself to make better use of the opportunities offered by ITCs" (p. 2), the focus remained the same: nurture the infrastructure and develop the legal framework. While the document did not engage with the

question of digital divides, it recognized the lack of knowledge on and capability to use the newest ICT innovations, signalling the need for more education in this regard.

### 2000s

The 2000s were largely marked by policy efforts to further develop the digitization of public services in ways that responded to three overall values: accessibility, transparency, and reduction of administrative burden. Policy documents across this decade recognize the importance of addressing digital divides and fostering digital literacy skills; they also emphasize customization of online public information and services as a new policy value for e-government. These themes seem to indicate a shift from a 'build it and they will come' mentality to an active interest in fostering the use of e-government services. To foster use, the central government continued its effort to set common policy goals and standards for the development of online platforms for public services and information. Yet, given the decentralized nature of the Dutch state, such efforts can also be read as attempting to persuade the different layers of public governance (i.e. municipalities and water boards) to rally around a common vision of e-government and to adopt homogeneous standards in developing such services. Indeed, to a large extent, e-government policy efforts during this decade sought to enrol the different layers of public administration into a coherent and standardized e-government effort. In practice, this brought along a shift towards heightened attention to the development of a common infrastructure for e-government services.

In 2000, the government launched the *Contract with the Future: A Vision of Electronic Citizenship between Government and Citizens*. Although the document promised a new relationship between citizens and the government through ICTs, this relationship was still modelled after a service provision model. Thus, the government set several goals for itself in order to become more open and transparent to citizens, as well as improve accessibility and citizen participation. Citizen participation remained described mostly in terms of providing customization options for accessing and using public services and government information. Although the document recognized that an informational relationships between government and citizens is not the same as citizen participation, it stopped short of venturing into a more meaningful approach to citizen political participation. The document also recognized the presence of digital divides, emphasizing the need to create digital literacy skills to enable citizens to fully benefit from digitization processes. In countries with near universal Internet access, such digital divides are better understood as "digital differentiation" (van Dijk and Hacker, 2003), or differences in terms of Internet skills and usage. Research on digital differentiation in the Netherlands suggests that socio-economic background and formal education remain relevant factors affecting how citizens may benefit from digitization processes (Peter and Valkenburg, 2006; van Deursen and van Dijk, 2014). To address some of these goals, the government appointed a special department (ICTU) within the Ministry of the Interior and Kingdom Relations. ICTU's main goal was to function as a e-government hub, managing e-government projects, as well as fostering cooperation and collaboration across the various public administration levels.



In 2003, a new governmental action program was announced. *Andere Overheid (Modernising Government)* focused on setting targets for improving public services by means of digitization. This was seen as a means of reducing the administrative burden on citizens and businesses, and thus making the government more efficient and effective. E-government was described as enabling a transparent, interactive (responsive), and accessible government and, as such, as the means through which the government could modernize itself and improve its relationship to citizens.

To reach these goals, the government developed several initiatives and online platforms between 2003 and 2007. Programs such as *Better Governance for Citizens and Businesses* (2002), *ICT and Administrative Burden program (ICTAL)* (2003) focused on improving government performance (reduce public spending, provide public information via online portals). Indeed, by 2003, all Dutch municipalities had an online presence. Importantly, in 2006, the Ministry of the Interior and Kingdom Relations and the different layers of public administration (provinces, municipalities, and water boards) signed a joint statement in support of reducing the administrative burden via electronic means. The development of key e-government elements was central to this process: the Dutch online authentication process (DigiD) was launched in 2005. It enabled citizens to use the same username and password for accessing a variety of public services (e.g. paying local taxes or fines). DigiD has been hailed as a 'bottom-up' e-government solution, as it was developed by a group of six public agencies as a result of the Central Government's failure to produce a satisfactory authentication solution. Together with the introduction of a citizen identification number (BSN), the DigiD significantly enhanced the government's ability to offer electronic services to citizens (for example, they have enabled the widespread adoption of electronic tax filing in the Netherlands (van Veenstra & Janssen, 2012)).

The 2002 action program was replaced in 2008 by a new one entitled the *Service Provision and e-Government: Citizens and Business Central*. The new program was a continuation of the government's preoccupation with the reduction of the administrative burden, and it focused on stimulating cooperation among the different layers of public administration (i.e., the national government, the municipalities, and the water authorities). The action program also emphasized the need for customizable public platforms which would enable citizens to access the information and services that were directly relevant to them. Such measures were deemed necessary in order to increase the accessibility of the government, as well as foster citizens' use of digital technologies. The reduction of administrative burden has been described as a key component of the Dutch e-government framework (OECD, 2010). Indeed, the 2008 program follows the recommendations of the Postman and Wallace Commission, an expert body appointed by the Ministry of the Interior and Kingdom Relations to assess the state of e-government in the Netherlands. The Commission noted significant inconsistencies in the implementation of e-government across the different public administration layers and a general discontent at municipal level with the perceived lack of steering in the field of e-government from the national level. The report proposed a hierarchy of e-government priorities, where the development of a common infrastructure ranked first. It further recommended that some of the infrastructural projects were made compulsory (rather than relying upon municipalities or provinces to adopt them) and that financial resources for such projects are increased (OECD, 2007; OECD, 2010). Yet, such measures may conflict with the decentralized nature of the Dutch

state, where municipalities make their own choices in (as well as support the costs of) participating in the e-government projects promoted by the national government (van Os, 2011).

A notable example of customization, collaboration and centralization is *MyGovernment (MijnOverheid)* portal under the aegis of the Ministry of the Interior and Kingdom Relations, a one-stop customizable portal for citizen interaction with the government. Upon logging in using their DigiD information, citizens are able to get access to governmental mail (e.g. from taxation authority, from the car registry) and their own personal data stored by public agencies. Citizens are able to customize this portal to receive electronic mails from the public institutions relevant to them. To date, some 225 governmental institutions are part of this portal, including national taxation, some local governments (municipalities), water authorities, and public pension funds. By default, the system is set to send messages about taxation, although citizens still receive the information by physical mail for the time being. The platform does not provide the option for citizens to respond or to send their own messages to the government. A second functionality of this portal is provided by the current affairs section. This enables citizens to check their own request or applications for public services (however, application for requests or submission of applications has to be done through different platforms); to date, only 16 governmental institutions are part of this section of the portal. Lastly, the platform enables citizens to check the personal data that the government stores about them. This data includes date of birth, current address, taxation, employment, health, housing, transportation, and education. However, the portal does not allow citizens to amend this data. By February 2014, *MijnOverheid* had 1 million registered accounts (European Commission, 2015b).

The 2000s also mark the Dutch's government adoption of open standards and open software as part of their e-government strategy. In 2002, the House of Representatives had mandated the government to switch the online infrastructure of the public administration to open source software by 2006. To realize this goal, the government unrolled the *Open Standards and Open Source Software* program (OSOSS) which sought to promote open standards and open source software to various layers of public administration. This program was followed up by the *Netherlands in Open Connection* action plan, adopted by the Parliament in 2008. The document focuses on the benefits of open standards and open source software, as well as the implications of implementing this technical solution for the internal organization of governmental institutions. While several Dutch municipalities have expressed their commitment to open source software (Vervloesem, 2007), the adoption of open software solution remains a municipal level choice that is often dependent on existing technical know-how and expertise (Gerloff, 2007). To a large extent, this dimension of the e-government policy remains the domain of experts in the public and private sectors (in fact, the OSOSS program targets primarily governors and ICT management in the public sector (Gerloff, 2007)).

### 2010s

E-government policy in the Netherlands continues to focus on infrastructural development and improvements (e.g. Obi 2010). However, with the launch of the *Europe 2020*, the European Union-wide strategy for economic development, the Dutch e-government policy efforts are

oriented towards the creation of a digital infrastructure enabling cross-border data exchange and public service delivery.

In 2010, the European Commission launched its *Europe 2020* strategy, which included an initiative on the use of digital technologies for economic development (the Digital Agenda for Europe, DAE). By 2011, the Dutch government announced the implementation of this agenda under the Digital Dutch Agenda, a plan for harmonizing the existing e-government policy with the goals of DAE. The *2011-2015 Digitale Agenda.nl: ICT voor Innovatie en Economische Groei* (ICT for Innovation and Economic Growth) was announced as a stimulus for the further digitization of the Dutch economy in five areas: education, knowledge, and innovation; fast and open infrastructure; security and safety; entrepreneurship; and the digitization of industry, healthcare, energy and mobility. These goals were carried over in the 2016-2017 *Digitale Agenda.nl*, along with an emphasis on the need to continue the digitalization of services and data across sectors such as health and energy (an initiative bringing together the government and representatives of the business sector was tasked with developing a vision for the development of 'smart industry' in the Netherlands).

From the beginning, the use of digital technologies was cast as a means for economic growth and prosperity: "Create more opportunities for entrepreneurs to work cleverly in a swift and open infrastructure that can be used with trust and knowledge that works" (Ministerie van Economische Zaken, Landbouw and Innovatie, 2011). In addition to continuing the goals of reducing administrative burden and ensuring safe and reliable digital services, the Agenda also emphasizes the need for building digital literacy skills among the workforce. The development of digital skills had been the focus of several programs in 2006 and 2009 (e.g. *Digivaardig and Digibewust (ICT Skills and ICT Awareness)*). In late 2009, the government appointed a Task Force to investigate the state of digital skills among the workforce. The report, published in 2011, suggested that while basic skills such as using a computer and the Internet were not a problem for the Netherlands, complex digital skills for professionals in all fields (e.g. health, education, law, finance, etc.) were needed in order to foster a climate of innovation and economic growth. The emphasis on advanced digital skills was included in the Dutch Digital Agenda. It came up again in the 2011 ICT strategy for central government *Compact Central Government Implementation Programme*, which emphasized the need for increasing digital skills and competencies among management and public sector employees.

Another dimension of the harmonization of the Dutch e-government agenda with the DAE consists of attempts to harmonize public digital services across different countries. Project e-SENS (Electronic Simple European Networked Services) was launched in 2013 under the coordination of the Ministry of Justice in Germany. Part of the DAE, the project seeks to "facilitate the deployment of cross-border digital public services through generic and re-usable technical components, based on the building blocks of the Large Scale Pilots. The consolidated technical solutions, with a strong focus on e-ID, e-Documents, e-Delivery, Semantics and e-Signatures, aim to provide the foundation for a platform of "core services" for the e-government cross-border digital infrastructure foreseen in the regulation for implementing the Connecting Europe Facility (CEF)" (eSens, n.d.). As one of the 20 participating countries, the Netherlands is involved in a trial project on sharing health care data across European borders.

### *Future directions*

The Dutch e-government framework remains primarily focused on three major goals: using digitization as a means of making public information available to citizens; digitizing public services; and developing an infrastructure that can safely and reliably enable the previous two goals. This emphasis on developing the technical infrastructure was endorsed by the appointment in 2014 of a National Commissioner for Digital Government (Digi-Commissioner). The Commissioner's role is to coordinate the development and adoption of a generic digital infrastructure (GDI). The GDI consists of the technical solutions and standards that are used by the public administration to organize and deliver their public services (e.g. the system of base registries, governmental portals/ platforms, digital authentication systems, and electronic post office). Since the development of digital public services has worked so far on the basis of cooperation among the different layers of government, the Digi-Commissioner's work remains one defined by collaboration with its different stakeholders – provinces, municipalities and water boards, but also industry partners (e.g. banking, insurance, or online commerce) – in an effort to develop common solutions. Thus, the development of a common digital infrastructure across the different layers of governance in the Netherlands remains primarily an effort to foster cooperation:

Governmental institutions are accountable for managing their own budgets and tasks, and are not used to look beyond the borders of their own organisation, while in Digital Government, the benefits (and sometimes the costs) are not limited to a single organisation, but translate through society as a whole... For the Digi-Commissioner, it is a challenge to seek compromises.<sup>2</sup>

However, such cooperation-fostering and consensus-seeking activities target primarily other public bodies and industry partners. In fact, as the debates in e-government policy shift towards infrastructural issues (including adherence to open standards and use of open software), they become too difficult to follow for non-experts. Lack of expert knowledge thus becomes a major barrier in participating in e-government policy not only for citizens, but also for public administration personnel. The increasing importance of technical expertise effectively raises new barriers to the democratic accountability of public institutions. Translating the debates around technological solutions into non-expert terms and examining the social and policy implications of these solutions remain crucial for the maintenance of democratic accountability. The interviews conducted for this project suggest that lack of technical expertise is not only a barrier to citizen participation in e-government policy processes; it is also a barrier to the politicians and public servants steering the development and implementation of such policy.

The need for a different optic on e-government was also signalled by the Netherlands Scientific Council for Government Policy (WRR), an independent body advising the government on policy issues. Reviewing the social implications of digitalization, WRR (2011) distinguished between the digitization of public services (e-government) and the new form of governance that rests upon digitized information and communication networks, namely information government (or i-government). Suggesting that the Netherlands is moving towards an i-government approach,

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<sup>2</sup> Digi-Commissioner Office, personal communication, September 2, 2016

the report drew attention to the necessity of considering the implications and vulnerabilities of reliance upon digitized information. This conversation was continued in a 2016 report on Big Data (WRR, 2016), which focused on the use of digitized information in the field of security (i.e. police, secret services, fraud combating units, courts). The report requested more research and public discussion of the risks associated with Big Data – including the intrusion of privacy and the lack of transparency in how Big Data is compiled and analyzed. The report pointed out that complex algorithms used in sorting and analyzing data are particularly problematic, as they can lead to social stratification and social inequalities. Furthermore, the report argued for the need to investigate whether such use of digitized information represents instances of using citizen information for purposes other than what it was collected for, leading to possible infringements of the existing legislation. The report recommended a review of current legislation to ensure that strict requirements concerning the use of Big Data analysis are amounted in order to protect the privacy of citizens.

## 2. Exploring ICT-mediated Structures of Citizen Engagement

### 2.1. ICT & Civic Engagement Policy

In the context of the legal avenues for civic engagement reviewed in section 1.2., new media have played a rather limited role. Since the case study undertaken in this project makes use of the *Burgerinitiatief* mechanism (Dumitrica, 2017), this section will limit itself to a discussion of ICTs in the context of the House of Representatives.

On the national level, the House has developed a comprehensive website offering a wealth of information on the duties, schedules, and proceedings (including live debates) of the House. After a trial in 1996, the House developed its website in 2002 and completely redesigned it in 2006. In 2011, a study of this website found that the most popular pages were the live stream for plenary debates and committee meetings, although online viewership is considerably lower than television viewing (Andeweg 2012). The House has a Facebook page (since 2014), a Twitter account (registered in 2010) and a YouTube channel (since 2014). The Facebook page indicates that a web team answers questions about the Parliamentary process or the agenda of the House on a daily basis during office hours.

The House website also contains a section on how citizens can take advantage of petitions, civic initiatives and referenda. However, beyond the possibility of contacting the House via various channels (including email), new media are not used for interaction with citizens or to facilitate political debate (also Andeweg 2012). Furthermore, although the House currently accepts electronic signatures for the *Burgerinitiatieven*, these signatures are submitted by citizens using various commercial platforms directly to the organizers—and not to the House.

The existence of this website and the inclusion of social media in the daily communication of the House is an intrinsic part of the e-government policy framework's commitment to making public information available to citizens. A recent Netherlands Scientific Council for Government Policy (WRR) report investigating citizen participation in policy found that "over the past decades, policy makers have made many efforts to make participation more attractive, but the results have been disappointing so far" (Dohmen, 2012, p. 7). The report drew attention to the possibility of integrating digital solutions such as crowd-sourcing, web monitoring, serious gaming, and strategy games in the efforts to include citizens in policy-making. Digital technologies are occasionally relied upon to invite citizen input, such as the example of *Platform Participatie* (<http://www.platformparticipatie.nl/>), an initiative of the Ministry of Infrastructure and Environment where citizens can provide feedback and discuss various projects pertaining to development and environment submitted to the platform by various public institutions. Municipalities have also relied upon digital technologies to involve citizens in the urban development and regeneration projects (Michels & De Graaf, 2010).

Yet, the integration of digital technologies for citizen participation remains a local decision. In the context of the existing formal mechanisms for including citizens in the governance process – referenda, petitions, citizen initiatives – there is more room for making use of digital technologies. On the other hand, the interest in and ongoing debates around the formal mechanisms for including citizens into the governance process are separate from the discussion of e-government. Although such discussions often nod to the need for improving the relationship between the government and citizens, the proposed solution is one that relies upon removing barriers of access to public information and digitizing governmental services such as taxation. Thus, ideas such as 'knowledge management' and 'efficient services' become policy-goals in themselves, with digital technologies seen as the means to such ends. As the Coordinating Policy Officer for Digital Government in the Ministry of the Interior and Kingdom Relations explained, the discussion of citizen participation is an example of 'radical innovation', or creating something new; e-government, on the other hand, is about improving an existing service by means of digitization<sup>3</sup>. This results in a rather interesting paradox: while citizen engagement is a hot topic in the Netherlands, its discussion does not cross over into e-government policy debates, nor does it lead to the adoption of ICTs as an integral part of the available formal avenues for engagement.

## 2.2. E-government Policy: Shaping ICT-mediation Structures

The vision within the Dutch e-government policy shapes the development of several ICT-mediation structures. As already noted, e-government policies mostly focus on developing ICT-structures that can support the government's role as a provider of public services. An OECD report on e-government in the Netherlands argues that;

E-government development has, in the best Dutch administrative tradition, mainly been a decentralised activity with central encouragement – focusing on delivering better services to citizens and businesses and on achieving administrative burden reduction. This implies a narrowly defined emphasis on efficiency and

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<sup>3</sup> W. Welling, personal communication, August 24, 2016.

effectiveness rather than a coherent approach to the transformation of the public sector as a whole through e-government (OECD, 2007, p. 41).

Since the mid-2000s, the Dutch government has also endorsed a set of guidelines for the information systems of public administration. NORA (Nederlandse Overheid Referentie Architectuur) is described as a response to the expectations of the Dutch citizens and businesses for adequate public services. Adequacy in this context means: responsiveness to citizen and business questions, “state-of-the art services... that is available 24 hours a day, seven days a week”, reduction of administrative burden, and protection against fraud. Furthermore, online public services need to be reliable and cost-efficient (Digitale Overheid 2010). NORA’s ten principles are also indicative of the emphasis put on service-delivery: public information systems have to be proactive (i.e. notify users of important information ahead of time), make information easy to find, accessible, uniform, offer services in packages, transparent (i.e. provide information on the result, the process and the information used), eliminate redundancy, confidential, reliable, and open to feedback from users (Digital Overheid, 2010).

Public information systems, along with the development of the common authentication process (DigiD) and the citizen number (BSN) have allowed the development of a solid infrastructure for the online provision of public services (OECD, 2007). Furthermore, this infrastructure is accompanied by guidelines for providing timely responses to citizen and business enquiries. However, a 2011 hacking scandal exposed the pitfalls of reliance on online authentication solutions. DigiD – or digital identity – allows citizens to use the same username and password to access online public services. Citizens can apply for these digital credentials by using their citizen service number (BSN), as well as their name, address, date of birth and email (optional). They subsequently receive an activation code by post, and are required to use it within a given period of time to activate their digital identity (van der Meulen, 2011). Although DigiD is an authentication process for governmental services, it also relied upon third-party certification software provided by DigiNotar (a US-owned, Netherlands-based private company) to confirm the identity of the websites requiring that users identify themselves by using their DigiD credentials. These certificates had been the target of a major international hack, potentially exposing Dutch citizens to identity theft. The government quickly suspended the use of DigiD, creating serious problems for citizens and businesses. As a result of this incident, the government switched to another supplier of certificates and assigned the responsibility of daily management and periodic security checks of the DigiD to Logius, the e-government arm of the Ministry of the Interior and Kingdom Relations (Miller and van Tartwijk, 2011).

While the government is responsible for the safety and the reliability of the digital services it provides, as well as for protecting the privacy of citizens, third parties are often relied upon to provide technical solutions such as software or authentication solutions (as revealed by the DigiD hacking scandal). Information about when and how such third parties become involved in the building of the e-government infrastructure is particularly difficult to obtain<sup>4</sup>. We have not encountered any specific data or scholarly research on bringing in private actors as designers or partners in the design of the e-government infrastructure. On the one hand, under the

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<sup>4</sup> J.E.J. Prins, personal communication, September 7, 2016

leadership of the newly appointment Digi-Commissioner, the different layers of governance in the Dutch system are increasingly required to adopt the same technological solutions for online public services, known as the Generic Digital Infrastructure (GDI). In fact, the GDI is understood as a technological solution to ensuring that the legal responsibilities of the government vis-à-vis its citizens (privacy, transparency, but also ensuring law and order) are met<sup>5</sup>. The development of the GDI is coordinated by a complex governance structure that includes several ministries, representatives of municipalities, of executive agencies, of water boards, and of the industry. This seems to indicate that the design of e-government services remains under the leadership of the government and does not rely upon outsourcing or bringing in private actors in the design stage. However, given the lack of suitable data on the role of the private sector in e-government development, this should be interpreted as a tentative conclusion – in fact, this research points out to the need for more research on this issue.

On the other hand, as different types of identification data become centralized in registries (for example, citizen identification data is included in the Dutch Municipal Register of Citizens' Residential Data (Gemeentelijke Basis Administraties, GBA); other registries contain information on businesses, land, addresses, buildings and maps), the question of who has access to this data and what do they do with it becomes particularly important. Prof. J.E.J. Prins from Tilburg Law School explains that “because there are multiple actors in a network sharing and combining data [that] brings the question of who is responsible for the combined data... So one of the risks is ‘orphanism’ of data from the perspective of responsibility”<sup>6</sup>. This problem is exacerbated by the complex structure of governance in the Netherlands; for instance, in addition to national and municipal public sectors, the GBA is also accessible to pension funds, the medical system, and the education sector. While the rights of citizens to know who collects what type of information about them, as well as to remedy any erroneous data are guaranteed by law, citizens have no mechanisms for finding out how this data is used in profiling and sorting them. To the extent that big data analytics become used in the field of security or insurance, the need for the criteria used in the analysis process to be transparent becomes urgent<sup>7</sup>. For now, research on big data analytics by public institutions is largely lacking; access to when and how such analytics are integrated into public services is also a problem.

When it comes to the role of citizens in the e-governance structures, there is extensive room for feedback. However, this feedback is essentially a customer feedback; that is, feedback on the functionality of a platform from the point of view of the user. In recent years, the user has emerged as an important value for e-government policy. As described by the office of the Digi-Commissioner, “the government should put people – in their various roles as citizen, entrepreneur, professional or student – first. This also means that it always needs to provide the service, support, or information that best suits the individual or the situation”<sup>8</sup>. User-centricity is, in itself, an interesting paradox: the interest in providing services that meet the citizen's need is a bottom-up movement within the public administration. Confronted with complaints from citizens, civil servants along with privacy organizations took the complaints further up the

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<sup>5</sup> Digi-Commissioner Office, personal communication, September 2, 2016

<sup>6</sup> J.E.J. Prins, personal communication, September 7, 2016

<sup>7</sup> J.E.J. Prins, personal communication, September 7, 2016

<sup>8</sup> Digi-Commissioner Office, personal communication, September 2, 2016



management chain, coalescing in the realization that the way in which online public services are offered needs to be improved<sup>9</sup>. Thus, the Digi-Commissioner has adopted the principle of “putting people first” (another name for user-centricity) as one of the three core values of e-government policy. But the feedback provided is, in fact, one provided by customers of a service. Citizens and businesses are primarily understood as users/ customers of government services. This is also mirrored in the public platforms such as *mijnoverheid.nl* or the websites of public institutions such as the House of Representatives, which mostly mix a broadcasting role with a one-on-one communication (i.e. public institution-to-citizen/ business) role. Yet, such digital public spaces do not constitute public spheres allowing for the creation of communicative spaces among citizens oriented towards debate and deliberation aimed at achieving consensus.

Given the existence of separate mechanisms for citizen input into public decision-making, this observation is not, in and of itself, a criticism. However, we should note that when debate and deliberation among citizens does take place, it does so within the confines of commercial platforms that cannot guarantee the same level of confidentiality as public sites. Although no major breaches of confidentiality have been reported to date, the question of where citizens’ information is stored and who has access to it remains valid. As the DigiD hacking scandal points out, all platforms are vulnerable to various types of attacks.

Furthermore, each commercial platform requires a new set of digital literacy skills, which may become an important barrier in terms of citizens’ participation within these spaces. This was already echoed in the interviews we have performed: one interviewee explained that Facebook is more used among senior stakeholders as opposed to Twitter, while another felt he was too old to deal with social media. Last, but not least, the permanence of these spaces should not be taken for granted. Not only can popular social media be quickly replaced by new applications (as, for example, was the case of MySpace), but they can also be taken down altogether (although platforms like Facebook or YouTube will probably not disappear any time soon, it is not uncommon for online applications relying upon user-generated content to be taken down, much to the despair of the users who have invested time and effort in developing their accounts).

Thus, the Dutch government’s efforts to develop a suitable public information system infrastructure have not been matched by similar efforts to develop a public civic infrastructure aimed at fostering consensus-oriented deliberation and debate, or involvement in decision-making processes (Michels, 2006). Furthermore, existing policies do not appear to devote sufficient attention to the need of a concerted effort to develop comprehensive digital civic literacy skills that would allow individuals to perform their identity as citizens rather than mere consumers of public information/ services.

### **3. Observing the Shifts in Meanings, Norms and Power in State-Citizen Engagement**

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<sup>9</sup> W. Welling, personal communication, August 24, 2016

Cooperation, collaboration, and pragmatism/entrepreneurial approaches have been professed as core values of the Dutch political system. Yet, historically, cooperation and collaboration were conceptualized as the *modus operandi* of the political and economic elites running the political life of the country. Today, the legal system and the public debates on citizens' involvement in politics continue to enshrine cooperation and collaboration as important political values. Although citizens are increasingly invited to participate in political decision-making, the format that cooperation and collaboration will take in the context of government/ citizen relations is unclear, particularly when citizen participation is still a matter of local arrangements or takes the form of agenda-setting or advisory roles. For now, Michels (2006) suggests Dutch policy-makers address citizen participation primarily by revising the Constitution and developing formal procedures for citizen input. As she points out, "participation was not seen as an essential feature of democracy, but, at best, as an instrument to improve the way representative democracy currently works" (p. 336).

The very notion of citizen engagement thus remains a contested symbolic terrain. On the one hand, the need for citizens to participate in political decision-making has become central to national and supranational (i.e. the EU) discussions about the legitimacy of political decision-making. On the other hand, the actual format of this participation (i.e. the opportunities for citizens to become engaged) and its relation to policy development (i.e. when and how civic input will be taken into account) remain widely contested.

### 3.1. Debates on Citizen Engagement

The unexpected results of the two national referenda held in the Netherlands (see above) have renewed public debates on the role of this type of citizen input. While some saw the results as growing evidence of the gap between political elites and citizens, others explained them as the result of manipulation of the public opinion and/or a misinformed public. For example, Kas (2016) argued that the low threshold for a referendum (30 per cent of voters) leads people to strategize on whether they should vote or not. In an ideal democratic setting, people on all sides of the debate should participate if the referendum is to be representative of the entire society. Van Houten (2016) explains that the application for a referendum is complicated and inefficient, as organizers have to print out the signatures required by law (over 300,000) and physically bring them to the government, which subsequently scans them in order to process them digitally. Furthermore, referenda are costly and time consuming; as such, they appear to be inefficient decision-making instruments in a neoliberal context that values the reduction of costs for public administration. Others—such as the civic organization *Meer Democratie*—contend that the advisory nature of referenda undermines the value of civic engagement and advocate for a more comprehensive framework that would include popular initiatives (citizens writing their own policy proposals and getting signatures for them, then putting them to vote) and mandatory referenda (e.g. when changes to the Constitution are proposed). Furthermore, in the current format, the results of a referendum are merely advisory, which means that political elites still have the power to ignore their results.<sup>10</sup>

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<sup>10</sup> A. Nijboer, personal communication, July 19, 2016

### 3.2. Debates on the Role of Citizens in Policy-Making

The role of citizens in policy-making remains elusive, in spite of the various local projects and initiatives. To a great extent, involving citizens in policy-making remains predicated on the willingness of local administration to make room for it. But such involvement also requires resources and expertise in mobilizing and facilitating the process—and it is unclear whether local administration possesses them. To date, citizen engagement in policy-making appears to remain confined to an experimental phase, with local governments trying out different avenues of involving citizens in policy-making, without committing to a long-term partnership with their citizens.

A good example here is the 2007-2008 project, *In actie met burgers* (In action with citizens), initiated by the House of Representatives and meant to encourage municipalities to experiment with citizen engagement and share knowledge/experiences among themselves. Several municipalities received funding to initiate such projects and report on the results in order to learn from each other. The project was concluded within a year and deemed successful, with the interim report arguing that “citizens continually influence the decision-making process... Citizens want to be involved in what happens in their municipalities, and increasingly take action.” (Tweede Kamer, 2009). The project, however, did not appear to have led to the development of comprehensive and reliable mechanisms for ongoing citizen input in policy-making. Heijden et al. (2011) suggest that the inclusion of citizens in proposing or altering policy requires, on the one hand, the transformation of the municipality from a decision-maker to a facilitator, and, on the other, adjustments and changes in the way the government itself works. This was also echoed by one of our interviewees who felt local administration may welcome citizen initiatives and even enter formal agreements with them, recognizing them as a partner in the policy decision-making, yet still lack the daily mechanisms for ongoing inclusion of and consultation with citizens:

My experience is that there are a lot of possibilities for citizens to participate... but the workers of the local, provincial, and national government are not ready for it. Of course, they are developing, but they do not understand it yet, or they are defending their own profession... Citizens take initiatives, they do a lot of work, but the government is not ready<sup>11</sup>.

In addition to the administration not making room for sustained consultation with citizens on a daily basis, decision-making power may still rest in the hands of politicians (e.g. Michels, 2006; Michels & Graf 2010; van der Hijden and ten Heuvelhof, 2012). Importantly, citizen participation in policy-making may also be accompanied by a retreat of the state from its former social welfare role. Local administrations tend to favor citizen initiatives concerning the revitalization or the maintenance of the city, as for instance in the case of the *Federatie Broekpolder* or the Rotterdam *Stadsinitiatief* discussed above. The *Federatie Broekpolder* has been successful in stopping the urban redevelopment of a green area, reclaiming it as an area for recreation and

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<sup>11</sup> S. van 't Hout, personal communication, August 8, 2016

sports. However, as a result of this, it has also taken upon itself the task of further enhancement and maintenance of this area; these tasks require substantial investments that the Federatie has to fundraise for, even though the local administration is still obligated to maintain this public area. The volunteer work put in by *Federatie Broekpolder* (including their fundraising efforts) is, effectively, a means for the local administration to cut down on their costs: “for the government, it is mainly a project for saving money”<sup>12</sup>. Similarly, in the Rotterdam *Stadsinitiatief*, citizens and businesses were asked to chip in for building the urban regeneration work that they have voted for, by donating money for materials. Thus, under the guise of civic engagement, the cost of maintaining or enhancing residential or recreational areas is devolved to citizens.

However, it is important to point out that the decentralized nature of the Dutch public administration often creates various types of barriers in the integration of national-level political values and policy agendas. While the national government often develops experimental projects, it is up to the municipalities to participate and to further utilize the best practices from these pilot projects. While participation in experimental projects may come with a financial incentive, municipalities are expected to pay for their own projects which often means that the integration of citizens into the everyday decision-making process has to be budgeted for on the local level. Furthermore, local level public administration and political elites develop their own practices and routines and may be unwilling to change them.

### 3.3. Charting ICT Mediated Engagement in Netherlands

Many of the local level citizen engagement initiatives have an ICT component. In most cases, this consists of a website and social media accounts, although other formats such as digital citizen panels are also possible. A comprehensive review of the use of ICTs by both public administration and grassroots initiatives is largely missing and impossible to achieve within the context of this project.

The e-government policy has led to an increased digital mediation of the relation between citizens and the state. As all public institutions in the Netherlands are now online, Internet access and literacy skills are crucial to accessing public information and services. For now, Dutch public institutions can also be contacted by mail, by phone/ fax or in person (although in some cases this may require an appointment that can be done via the website). Alternative forms of engaging with the public administration are unlikely to disappear completely for now: a recent campaign on the possibility of receiving tax information via the portal *mijnoverheid.nl* instead of the traditional letter by mail was met with an unexpected reaction from citizens who feared they will be forced to use digital technologies for filing their taxes<sup>13</sup>.

There is a lack of reliable, centralized data on citizens' use of online public services. While some public institutions make this data available (see the case of the Ombudsman below), others do not. Van Deursen et al. (2006) have noted the discrepancy between potential and actual use of online public services, noting that fewer people actually make use of them. Yet, this study is

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<sup>12</sup> S. van 't Hout, personal communication, August 8, 2016

<sup>13</sup> W. Welling, personal communication, August 24, 2016

quite old and the findings may no longer be relevant. Yet, the results seem supported by the statistics provided by the Ombudsman: in 2015, the Ombudsman received 38,000 requests, the vast majority of them submitted by phone or in person (66 per cent), via digital technologies (electronic form) (25 per cent) and by post or fax (10 per cent) (De Nationale Ombudsman, n.d.). This is consistent with the outcry over the public campaign on receiving tax information in a digital format discussed above, pointing to the fact that, at least for now, there is resistance to a complete transition of the government/ citizen interaction to an online-only environment. Osebaard et al (2012) also raised the question of digital divides in the case of the Dutch national health portal *kiesbeter.nl* (Choose Better). The portal was created by the government in 2004 to provide citizens with a one-stop shop for information on health care and health care insurance services, as well as answer citizens' personal questions on these topics. The portal was widely used, with the number of visitors increasing each year to approximately 5 million in 2010. In spite of these numbers, only a minority of citizens actually use the Internet to compare healthcare providers, insurance policies, or prices, with most people still relying on their general practitioners for making care choices.

One notable silence in both the e-government and the civic engagement policies pertains to marginalized or disadvantaged groups. Citizens are often regarded as homogeneous in terms of their knowledge, skills, and abilities to use (online) public services/ information. Yet, various local level case studies have pointed out that engagement in policy-making often requires knowledge and expertise, as many of the problems under discussion tend to be complex (e.g. Geurtz and van de Wijdeven 2010; Lub and Uyterlinde 2012; Michels and De Graaf 2010; van der Heijden and ten Huevelhof 2012). Michel and De Graaf (2010) also found out that most citizens who did participate in two municipal level citizen engagement projects were quite homogeneous—namely, highly educated men in their 50s.

In conclusion, it is particularly difficult to assess the e-government policy in the Netherlands in terms of its effects upon democracy. It is clear that the integration of digital technologies into the daily activities of public administration is gradually affecting the very act of governance, as the exchange of information between different layers of the administration is intensified by digitization processes, but also by the development of a uniform infrastructure (the GDI). Yet, these trends are not smooth, as in practice the complexity of the Dutch governance structure can introduce a lot of variation into the process, as well as pre-dispose the governance system towards (elite) collaboration and compromise.

For now, the Dutch e-government approach remains anchored in a service-provision paradigm, focused on digitizing public information and offering online public services. Overall, this e-government policy is oriented more towards the public administration sector than citizens. On the one hand, this policy addresses technical matters such as the development of a secure digital infrastructure for online government; on the other hand, it aims at fostering willingness and interest from the many governance layers in adopting and integrating digital solutions in their everyday functioning. Transforming this policy framework into one able to encourage active citizen engagement with governance structures – an engagement that goes beyond the use of digitized government information or online public services – will require a shift in optics on the part of the government.

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