

Public Participation in Environmental Policy in The Netherlands*

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INTRODUCTION

The Netherlands is a small country, approximately the size of the provinces of Chiang Mai, Chiang Rai and Lampang together.¹ Yet it has much industry, and with a population of some 15 million people, it has one of the highest population densities in the world. Per capita GDP is among the highest in the world, however, per capita environmental pressure is also among the highest in the world, especially because of the intensive use of agricultural areas, and much heavy industry and traffic in urban areas.

The Netherlands is a constitutional monarchy with Queen Beatrix as its head of state. Legislative and executive powers are vested in the government and parliament. There are three levels of administration: national government, the provinces (12) and the municipalities (650). Water boards (around 120) occupy a special place in the Dutch system. They are the oldest democratic form of government in the Netherlands as they appeared in the Middle Ages (between 1200 and 1400) and existing communities played a major part in this. Their task concerns the water management of a given area. They mark the start of policies with environmental significance in the Netherlands. In short, Dutch environmental policy has a long tradition and so has the process of consultation. In this paper, we will start with a review of Dutch environmental policy, followed by some insight into the development of the National Environmental Policy Plan (NEPP) in which strategic environmental goals are formulated. The next section focuses on initiatives for a local Agenda 21.² It will give examples of some of the different participatory approaches used in the context of local Agenda 21. The way participation is handled in decision-making on large infrastructure projects is the subject of the next section. Finally, by way of conclusion, some recent developments are described and we contemplate on past lessons from the Dutch learning experience in environmental policy.

DEVELOPMENT OF ENVIRONMENTAL POLICY: FROM REGULATION TO CONSULTATION

The modern foundations of Dutch environmental policy coincided with the so-called environmental crisis in the beginning of the 1970s. The combination of high economic growth rates, which led to increasing pollution and, on the other hand, rising public awareness regarding the environment, paved the way for a number of laws for specific environmental problems.³ In 1971, environmental protection became institutionalized in the Netherlands by the set-up of the Directorate-General for Environmental Protection. However, legislation covering environmental issues was established in the nineteenth century. The first law which concerned the environment was the Nuisance Act of 1875, which existed with some changes until the 1950s. It was originally set up to prevent any danger, harm or nuisance from activities generated by, among others, companies. In the 1960s and 1970s companies were bound by environmental restrictions set in permits under this act. It was superseded by the Act on General Provisions for Environmental Conservation in 1979 which later turned into the Environmental Conservation Act of 1993.

The dominant strategy of the 1970s and 1980s: direct regulation

Environmental policy in this period was characterized by:⁴

- a separate approach for each environmental compartments (air, water, soil, etc.);
- a limited role for target groups in policy making;
- optimism and ambition without many qualitative goals;

- direct regulation (especially a permit system) as the dominant policy instrument.

Experiences with this strategy were rather disappointing, despite the efforts of all those involved. To sum up the results, one could say that "with direct regulation about half is achieved of what was aimed for, whereas at this moment we want to achieve at least twice as much." Research on the permit system showed that in 1979 around 40 percent of approximately a half million businesses falling under the Nuisance Act had a valid licence. Furthermore, those companies with permits were not always operating according to the rules set in the permit. Also, the controlling local authorities were not always able to detect offences or did not punish offenders. Furthermore, the different environmental acts for the different compartments also were criticized by various societal sectors. Although participation procedures were part of the environmental act, citizens claimed that the public participation and appeal procedures were biased against them. According to companies, the licensing procedures were far too time-consuming while co-ordination between the various authorities involved in permitting (provinces, municipalities and water boards) was insufficient.

In summary, direct regulation was chosen strategy of the 1970s because of several assumptions. Firstly, it was assumed that environmental problems were calculable and thus easily solvable. Secondly, it was assumed that the government could handle environmental problems, and thirdly, it was expected that environmental problems could be dealt with by legislative measures.⁵

New strategies in the 1990s: dealing with environmental problems through consultation, self-regulation and collaboration among target groups

It became clear in the 1980s that the assumptions held in the 1970s were not in conformance with reality. A new perception emerged which assumes that environmental problems cannot be sized up and new environmental problems keep on bubbling up. Furthermore, solutions in the short term are almost impossible; in policy documents, time periods of 25 years or more are now the norm. In the third place, it is recognized that the government is not the only institution which should deal with environmental problems, rather contributions are required from businesses and consumers. And finally, it is supposed that environmental laws should be complemented by economic and communicative, consensual policy instruments. As a consequence of these realizations, some changes took place in environmental policy. The compartment-wise approach was followed by an integrated approach which acknowledged the connections between different environmental problems and led to the Environmental Conservation Act of 1993. The benefit for companies is that they have to apply for only one environmental permit. Furthermore, direct regulation was complemented and sometimes replaced by a so-called target group approach under the first NEPP of 1989. The objective was to increase public support for environmental policies through intensive consultation with representatives of target groups, such as branch associations in industry. Also, it was assumed that when confronted with the environmental problems which occur through their behavior, target groups would seek ways to decrease the burden. According to the government, participation of target groups is necessary because they have the best knowledge of their behavior or production process, as is the case for companies. And with that knowledge, target groups will be able to change their behavior or production process in a more environment friendly way. As the NEPP marks the beginning of this approach, we will now examine this plan in more detail, and also consider the role participation has played in the planning process.

PARTICIPATION IN THE MAKING OF THE NATIONAL ENVIRONMENTAL POLICY PLANS

In the development of Dutch environmental policy, the first NEPP in 1989 was an important milestone. In order to realize the ambitious goals of the NEPP, popularly labeled 'to Choose or to Lose,' other actors had to become involved. These would, firstly, be the other government layers which have their own responsibility and tasks in the field of environmental policy. Secondly, there are the other policy sectors with environment-related tasks; and thirdly, the actors in society who are the actual 'target groups' for the policies in question.⁶ NEPP states that "*Everyone is supposed to be aware of his/her responsibility with respect to the environment and has to let this influence his/her actions. The large scale on which some environmental problems occur does not detract from this.*" And, further: "*Without the dedication of the target groups, environmental policy cannot be intensified, and the pursuit of sustainable development becomes a dead letter.*"⁷

The focus on target groups means in practice that after the national objectives have been formulated, target groups and their representatives are given a strong say in all further stages of the policy process. In the process of making the NEPP, some 17 evaluation reports were prepared, each reviewing progress in individual sectors. These were discussed with target groups in working conferences where the overall NEPP outline was also explained. Five round table meetings were organized separately with top representatives of industry, consumer organizations, NGOs, employers'

organizations and trade unions.⁸ The target groups distinguished within the NEPP were the following: industry, agriculture, traffic and transport, construction, gas and electricity sector, drinking water companies, consumers, refineries, and waste treatment/disposal companies. For each of these target groups specific policies and goals were formulated. These goals were based on a number of themes defined within the NEPP and reduction targets which were set for these themes. The different themes are listed together with some reduction targets in [Figure 1](#). It was expected that if these targets could be met, The Netherlands would be well on its way toward sustainability.

The NEPP was also to be implemented at lower governmental levels. In order to make this possible, provinces and municipalities also created their own environmental policy plans. Plans at the provincial and municipal level are a translation of the NEPP. As with the NEPP, each plan spans a number of years. Participation was also part of the planning process of lower levels. In general, after drawing a concept plan, citizens have the opportunity to react to the plan, either in writing, or orally in a public hearing. Governmental bodies react to the responses and after that the final version of the plan is made. [Figure 2](#) summarizes the environmental planning process in the Netherlands. It makes clear that environmental planning is seen as a continuous process at all levels of Dutch society. It also covers an annual report on the state of the environment which assesses target realization.

While the first NEPP set out the government's environmental agenda and created momentum for many other groups in society to develop their own plans and programs, the function of NEPP 2 (1993) was first and foremost designed to focus on the realization of the targets set in the plans. Also the NEPP 2 placed great emphasis on persuading target groups to participate in discussing what changes they should make and to become involved in monitoring implementation. Accordingly it was very much in line with the outcome of the United Nations Conference on Environment and Development (UNCED) conference and the ideas outlined in Agenda 21. Consequently, specific implementation of the commitments made in the RIO declaration were not necessary. In the Netherlands involvement of target groups led to the negotiation between industry and government of covenants to help meet NEPP targets and complement existing legislation. During the making of NEPP 2, a network of some 600 individuals was involved which spanned across government departments, research institutes, target groups, NGOs and local government.⁹ Involvement took place in the form of written contributions and participation in meetings, workshops, conferences and round tables.

The NEPP 3 is due to come out during 1997. Already the focus of NEPP 3 is made clear in a policy document which came out in June 1997. It is called environment and economy and seeks ways in which integration of the environment and economy can be realized with positive effects for the economy as well as the environment. Input into this policy document has been given by different layers of society. In 1996 the Council for Environmental Conservation, consisting of representatives of environmental organizations, unions, employers' associations, municipalities, provinces, water boards, consumer organizations, public utilities, agricultural organizations and experts on environmental issues, organized the conference "Environment as the engine for the economy." It was followed by a publication in which ideas were formulated on how to achieve sustainable development. These provided inputs for the mentioned policy document along with an open debate where scientists, policy makers and citizens were given the opportunity to ventilate their ideas on possible win-win solutions, and where discussions around propositions were conducted.

It is difficult to assess the effects of these kind of open participatory processes, but it accentuates the fact that many groups in society can express their ideas concerning the course of Dutch environmental policy. In the next section we will look more in detail at the development of local initiatives for environmental policy.

EXPERIENCES WITH PARTICIPATION IN LOCAL AGENDA 21 INITIATIVES

At the UNCED conference (Rio de Janeiro, 1992) Agenda 21 pointed out the importance of participation of citizens in the policy and decision-making processes. At the time, Dutch environmental policy had already embraced the concept of target groups, and involvement of those in environmental policies. In Dutch parliament, it was concluded that the goals and action points of Agenda 21 were in essence already being pursued by present policies.¹⁰ However the RIO conference also brought the idea of a local Agenda 21 out to a broader public, and it was recognized that in the Netherlands, the role of municipalities should be strengthened. Policy formulation already occurred at the local level, however, participation took different forms in different municipalities. For example, a local target group policy can be shaped by including representatives from the target group in a guidance or feedback group; by organizing an informative meeting with the target group; by explicitly consulting target groups through interviews with representatives; or by requesting a (written) response to planning drafts. Some municipalities set up more permanent 'consultation forums,' especially with local environmental NGO's. Research has shown that if we place those municipalities which actually showed involvement on a 'participation ladder,' we find that roughly 10 percent had

some form of citizen consultation group as the highest form of participation. Forty-three percent had at least hearings and informational meetings in addition to consultation, and 33 percent had some form of additional direct interviews or surveys of target-groups as the highest step on the ladder (Coenen 1997, 176).

In essence local Agenda 21 means the translation of sustainable development to the local level; and the involvement of local groups and businesses in the planning and realization of sustainable development. These concepts were in some case already part of the local policies, but in the aftermath of RIO more intensive and specific approaches were adopted. Some approaches followed already ongoing initiatives, other local Agenda 21 activities were initiated by municipalities, and in some cases local Agenda 21 started from citizen or group actions. If we look at the different initiatives it is possible to draw up some kind of stepwise approach for a local Agenda 21.

1. Initiative to draft a local Agenda 21, through individual citizens, NGO's, working groups (citizens, NGO's), platform LA21, or municipalities. Get some people together and think about a vision, for example through a slogan, like a "compact city in a green environment, keeping the water clean."
2. Analyze the local situation and publish a concept local Agenda 21. The purpose is to assess how sustainable the city or community is, how the inhabitants feel about the environmental situation, what citizens are prepared to do or offer to improve the environment. Also specific issues can be analyzed, such as traffic and air conditions.
3. Discuss goals, priorities, action points. Conditions for a successful debate are: a clear agenda and goal, a clear procedure (how do we debate and what will be done with the results), clarity about the participants in the debate (who is participating, what is expected of the participants, who is responsible for contributions). The debate can either be organized by theme or by target group. Some examples: a local platform with regular meetings, public debate with citizens and organizations, a theme workshop about environmentally friendly building, a youth council with young people thinking about local Agenda 21, ecoteams to increase environmentally friendly behavior in neighborhoods.
4. Formulation of definite local Agenda 21, an action program, activities. For example how to reduce energy consumption, produce less waste, keep the neighborhood clean, keep clean water, have less pollution from companies, how to get more people involved, how to educate people regarding the environment, how to improve water services, waste water treatment, how to reduce traffic nuisance, etc.

There are now more than one hundred ongoing local Agenda 21 initiatives in the Netherlands. Part of them are initiated by municipalities who receive national funding to undertake certain initiatives. Also a number of initiatives which were started by citizens, youth groups or NGO's is underway. Unfortunately, there is not yet much information on the successfulness of local Agenda 21 to increase sustainability at the local level. In the next section we will look at projects of a different scale, with a possible burden or environmental impact on a number of communities.

HANDLING PARTICIPATION IN DECISION-MAKING ON LARGE INFRASTRUCTURE PROJECTS

In 1956 the Ministry of Transport and Public Works started an investigation for the route options for a highway between the two cities of Utrecht and Amersfoort, a distance of 30 kilometres. The route was determined in 1963. But only in 1987 was the highway ready for use. The time-period in between was mostly used for procedural quarrels with the Municipality of Utrecht and environmental groups concerning degradation of the forest area "Amelisweerd." Based on examples like this there is currently much ongoing research about decisions on infrastructure projects, the role of participation and the fact that this role can lead to long time lapses before decisions are taken, or can lead to decisions with which many groups still are not very content. The basic question is whether participation leads to better decisions, in terms of quality, environmental impacts, but also efficiency. These questions are difficult to deal with but there are some relevant developments with regard to the making of these types of decisions. A recent report from the Scientific Council for Government Policy is based on decision-making processes for some 20 projects and points out some interesting results (WRR 1994). It is argued that when citizens, lower governmental bodies, or other interest groups who do not belong to the group who initiates the project, get the feeling in the first contact that they will not have much influence on the decision-making process, all participants will build higher and higher defence walls around their own preferences. Proponents of the project will try to push the project, whereas opponents will try to cancel the project. Such a process of polarization hides from view possible common interests between the parties, possible trade-offs, and the possibility of win-win situations which can be utilized and which are inherent in many socially profitable large projects.¹¹

The research of the Dutch Scientific Council and other, more recent, research suggest that in current projects the

possibilities of co-production are under-utilized. Through co-production, the differences in interests between interest groups and policy makers in decision-making on large infrastructure projects can more easily be handled. One of the examples in the Netherlands is interactive planning to reduce traffic congestion. A platform is created where, in interaction with citizens, new methods and ideas can be developed. Government and citizens co-operate throughout the process to develop a long-term vision in which several options for mobility and infrastructure are worked out. Experience in co-production is now being built up around the construction of highways in several provinces, with generally positive responses, especially from citizens.

Mediation can also be used in the process of integrated planning, whereby a neutral party helps the involved groups in negotiating between various interests. It has been used for the development of the Rijnmond, an area surrounding the world's biggest harbor, the port of Rotterdam. It is used to mediate between, on the one hand, the strong growth of the mainport, and the other hand, the improvement of environmental quality. Mediation can prevent psychological reactions due to irritation, emotions or insults. Furthermore, mediators can get the parties to jointly solve the problem based on scientific data. Also, mediators will look for areas of common interests, or different interests which not necessarily conflict.¹²

CONCLUSION

Consultation and participation are very much a part of Dutch environmental policy-making. They are also part of Dutch policy-making in general. The current economic success of the Netherlands, with its relatively high economic growth rates and relatively low unemployment, has led observers to point to the positive impact of the collective bargaining economy. Forgotten, however, is that the same collective bargaining economy led to the economic crisis at the end of the 1970s. But the point made here is that consultation and negotiation, be it in environmental or other policies, are part of a long political tradition of corporatism.¹³ In the so-called target group approach to Dutch environmental policy, this history of consultation and negotiation provides a fruitful basis for urging companies to use more environmentally-friendly production methods. Agreements are made between the government and branches of industry to foster developments which will lead to the realization of the goals set in the NEPP.

Above all, the strategy is to make different target groups aware of environmental problems, but also to help them realize that they themselves are able to come up with solutions to handle these environmental problems. Also at the local level, more and more initiatives are emerging, specifically in local Agenda 21 initiatives which come up with concrete actions and relate to the individual citizen. The process toward a more sustainable society is complex, but progress has been made.

However, with regard to decisions on large infrastructure projects, participation has not necessarily resulted in progress. Time delay, partly due to participatory procedures, has been a problem in the Netherlands. This has led to the conclusion that decision-making for such projects has to be improved. The bottlenecks in the decision-making process are not only due to complex regulations and varied interests among different parties; it is argued that many problems arise because of the way large projects are being handled. Specifically, the habit of considering the projects as a technical realization, which is decided upon in a small circle, and only later disclosed to the public through a mostly defensive public debate, leads to unnecessary friction and causes time delays. The management of the preparation, decision-making and implementation as a whole deserves attention at an early stage of the project, in connection with the timely involvement of local interest groups. Large infrastructure projects inhibit many different aspects and interests and therefore cannot be decided upon at one specific moment by one specific authority. Strengthening of the decision-making process can be reached by, on the one hand, a centralized decision on the main lines of the project, whereas, on the other hand, in the execution phase decision-making by local authorities should prevail.

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