

Environmental Policy in the Netherlands

I. Introduction

The two defining characteristics of Netherlands environmental policy are long-range planning and achieving consensus between government and interested stakeholders. This focus on long-range planning is consistent with other aspects of Dutch culture. From a geographical standpoint, the landscape of the Netherlands is mostly man made; since the 13th century the Dutch have worked to drain marshlands and push back the sea. Thirty percent of the Netherlands is below sea level, and the country relies a great deal on its water resources. A small and densely populated country (1,191 inhabitants per square mile; for comparison, there are approximately 73 people per square mile in the U.S.), the Netherlands is located at the mouth of the Rhine River - one of Europe's most polluted bodies of water. In addition, the Netherlands is located downwind and downstream from other highly industrialized European nations, and therefore is the victim of significant levels of trans-boundary air pollution (RRI, 2002).

The Netherlands relies heavily on industries that have a profound impact on the environment, such as chemicals, manufacturing, and agriculture (sixty-five percent of the country is devoted to agriculture). Because of the increased reliance on industry and water resources, the Netherlands founds themselves at an environmental "breaking point" by the end of the 1960s. In fact, at that time, the Netherlands was one of the most polluted countries in the world. At this point, the Netherlands followed the lead of other industrialized countries, such as the United States, and began to examine environmental issues (2002).

II. Environmental History

A. “Memorandum on Urgent Environmental Issues”

The initial actions taken in environmental policy were in regards to air and water pollution from industrial facilities. The first comprehensive statement on the environment by the Dutch government was issued in 1972. Entitled the “Memorandum on Urgent Environmental Issues”, the report cited significant environmental problems and devised a long-term strategy to address them. In the 1970s, the Netherlands developed environmental laws that dealt with specific media. In the 1980s, there was a tremendous shift in environmental policy. The government began to move away from media-specific laws and regulations geared towards command-and-control measures and shifted towards integrated policy that focused on reducing problems at the source.

B. “Concern for Tomorrow”

The first drastic measure taken in Dutch environmental policy was a result of increasing social and scientific concerns. The Dutch Minister of the Environment commissioned the National Institute for Public Health and Environmental Protection (RIVM) to conduct a thorough review of the country’s environmental conditions and project future concerns. The report of this study was called “Concern for Tomorrow”, and was published in 1988. The approach taken by RIVM on this report was based on carrying capacity; that is, the report asked the question: “At what point would the detriment to the environment from pollution and other environmental stresses prove to be critical?”. At the conclusion of RIVM’s study, it was determined that current environmental policy in the Netherlands was inadequate. “For example, in order for the Netherlands to remain within its environment’s carrying capacity, it would have to

reduce overall emissions of pollutants by 70% to 90% by the year 2010. Existing policies were predicted to result in a 30% reduction” (2002). Rather than dealing directly with environmental cleanup, the existing regulations seemed to simply move the problem from one media to another.

A major event which brought about drastic change in Netherlands environmental policy occurred in 1988 when 14,000 North Sea harbor seals were killed - evidently from an epidemic. The public suspected that the seals had died because their immune systems had been weakened by water pollution. In a Christmas Day speech by Queen Beatrix, she claimed that “The earth is slowly dying” (2002). Her statements characterized the growing concern of the public for the environment. These events, in addition to the findings of the “Concern for Tomorrow” report, set the agenda for sweeping change in the environmental policy arena.

B. National Environmental Policy Plan (NEPP)

The Netherlands Environmental Policy Plan was adopted by Dutch parliament in 1989. The intent of the NEPP was to devise a long-term strategy for addressing existing environmental problems at the source as well as develop plans which would focus on sustainable development. While the NEPP was not a law, per se, it was an authoritative document that guided all subsequent Dutch environmental policy. The NEPP focused greatly on the need for integrated and comprehensive policies.

The NEPP was developed by several different ministries under the Dutch governmental system, such as Economic Affairs, Agriculture and Fisheries, Transportation, and Public Works. When devising the plan, interested parties sought not only to make policy that would help the environment, but would also take into

account economic factors. The NEPP had several different “themes”, such as Climate Change, Acidification, Diffusion, and Disposal of Waste. In addition to focusing on different themes, the NEPP was written with target groups in mind. These target groups, such as agriculture and transportation, were given specific goals relative to the reduction of pollutants. In addition to the focus on target groups, the NEPP also established target levels. There were five target levels: local (outdoor planning and recreation); regional (landscapes and industrial practices); fluvial (rivers and seas); continental (continents and oceans); and global. In each of these target levels, specific emission reduction goals were set. In developing these targets, the ministries focused on carrying capacity, much like the “Concern for Tomorrow” report (de Jongh, 2).

Comparison to U.S. Environmental Policy and the National Environmental Policy Act

Unlike the majority of U.S. environmental policy (such as the Clean Air Act or Resource Conservation and Recovery Act), the NEPP addressed all types of media within one structure. While the overall approach to environmental policy differs between the two countries, there are also some similarities. An example of similar U.S. and Dutch policy are the National Environmental Policy Act (NEPA) of 1969, and the NEPP, respectively. As with NEPA, the NEPP sought to establish a framework for the country’s environmental policy. In addition, the NEPA and NEPP both placed heavy emphasis on the involvement of interested parties outside the government. Both the NEPA and NEPP also sought to integrate social, environmental, and economic factors.

In a 1998 Symposium at the Royal Netherlands Embassy in the U.S., former Minister of the Netherlands Ministry for Housing, Spatial Planning, and the Environment Margaretha de Boer pointed out similarities between U.S. and Dutch policy and

encouraged leaders to work together to find solutions to environmental problems. She said, "...what we share is this challenge of growing healthy economies without increasing the environmental damage associated with past and current economic development" (2). In her speech, she defined five main strategies to deal with environmental challenges: 1) science and technology; 2) customized implementation; 3) market-based incentives; 4) creation of sustainable choices in the market; and 5) investing in sustainable infrastructure. In these approaches to solving environmental problems, there is a great deal of focus on government working with industry to devise policies that not only help the environment, but stimulate the economy as well (5).

III. Environmental Principles

A. Motivating Forces

The Netherlands environment is greatly affected by its neighbors. The Dutch government realizes that due to the global nature of environmental problems, countries need to work together to find solutions. The Netherlands environmental policy is therefore highly affected by international policy. In fact, Netherlands environmental policy goals are mirrored after the conclusions of the UN World Commission on Environment and Development's 1987 report "Our Common Future" (also referred to as the Brundtland Report). The Dutch have also assisted other countries in developing their environmental plans.

In addition to the influence of international policy on Dutch policy, there are also other factors that have a strong effect on the Netherlands' environmental approach. As mentioned previously, the country's geography plays a major role. Due to its small size

and population density (second in the world only to Bangladesh), the Netherlands is vulnerable to regional and global environmental forces.

B. Policy Principles/Goals

While the NEPP established the overall focus on comprehensive strategy and sustainable development, there were several other guiding factors of Dutch environmental policy. Some of these principles are: the “precautionary principle”; the “standstill principle”; the “polluter pays” principle; prevention; use of best available technology; integrated lifecycle management; and intergenerational equity.

The precautionary principle states that decisions involving high environmental risk should not be made. The standstill principle asserts that at the very least, the existing problem should not be made worse. The polluter pays principle seeks to reclaim costs of pollution by imposing fees or taxes. The prevention principle aims to stop pollution at the source. Dutch environmental policy is also founded on the principles of using best available technology to deal with pollution, placing responsibility on manufacturers for addressing pollution in all stages of a product’s lifecycle, and preserving the environment for future generations.

IV. Policy Development

A. National Authority and Intra-Governmental Coordination

Ministry of VROM

The Ministry for Health and Environment was formed in 1971. It was later replaced by the Ministry of Housing, Spatial Planning and Environment (VROM) in 1982. VROM has main authority over environmental policy in the Netherlands, and is tasked with coordinating policy among government entities.

ii. Consultation Process

1. Target Groups

As part of the country's approach to involve all interested stakeholders in developing an integrated strategy to combat environmental problems, the Dutch government places great emphasis on consumer and industry involvement in the formation of policy. Target groups are arranged by sector, and each sector has an association that represents the interest of that particular group. In this process, the public and industry are encouraged to come up with their own environmental strategies for consideration. Businesses in the Netherlands know that becoming involved in this process is in their best interest, as it is a good opportunity to influence long-range environmental planning. In addition, the public is given a voice and the government is open to addressing the concerns of the general population.

2. Covenants

Another way that the Dutch authorities work in partnership with industry is through covenants. Covenants are civil agreements between businesses and government. This arrangement is similar to the voluntary programs in place in the U.S. In establishing a covenant, each business is empowered to devise their own strategy for reaching target goals.

3. Public Outreach

As mentioned previously, the Netherlands government makes a concerted effort to involve the public in its decision-making process. Experience through the NEPP demonstrates that cooperation with the public and other groups has been very beneficial for Dutch environmental policy. The Dutch government is very proactive in its

public outreach programs. They distribute brochures, make the full NEPP text available to those interested, incorporate environmental education in primary and secondary school curriculum, and even create MTV-style commercials. The success of this type of outreach was measured in a recent public opinion poll. The Netherlands government developed a slogan to demonstrate their environmental policy: “A better environment begins with you”. The results of the poll indicated that people were more familiar with this slogan than they were the slogan of the country’s most popular beer (RRI, 2002). In general, the Dutch people place environmental issues high on the public agenda, with great focus on global climate change, water pollution, and air pollution (Howarth, 115).

4. Non-Governmental Organizations (NGOs)

NGOs are a significant force in the Netherlands. There are said to be more than two million NGO members nation-wide (RRI, 2002). The U.S. association “Friends of the Earth” even has a Dutch affiliate: Milieudefensie. Some of the larger NGOs have frequent meetings with VROM. There are two main NGO advisory councils to the government: the Environmental Management Council and the Platform for Sustainable Development. The purpose of the Environmental Management Council is to advise the government on environmental policy from a general social perspective. The Platform for Sustainable Development engages in political campaigns (2002).

The role NGOs play in Dutch environmental policy can perhaps be best summarized by a quote from the report entitled “The Role of NGOs in the Netherland’s National Environmental Policy”. In this report, author Dagmar Timmer writes, “VROM has come to realize that the success of the NEPP will largely depend on the support and initiative of all sectors of society; VROM alone does not have the resources or

know-how to solve the country's environmental problems" (4). Obviously, the Dutch government sees the value in receiving input from NGOs; even to the point of funding those organizations' projects.

iii. Monitoring

Monitoring of environmental policy in the Netherlands is primarily the responsibility of the National Institute for Public Health and Environmental Protection (RIVM). VROM publishes an annual report that assesses progress in achieving established goals, such as sustainable development.

iv. Regional and Local Government Authority

1. Sub-National Delegation

Dutch environmental policy is mostly formulated at the national level. Regional and local authorities are then placed in charge of implementing the policy in their jurisdictions. The regional and local authorities in charge of environmental policy are comprised of provinces, municipalities, and water boards.

There are twelve provinces in the Netherlands. The Environmental Management Act (EMA), which will be discussed later, requires provinces to develop long-term strategies. Provinces are mostly responsible for supervising municipalities and water boards.

While the EMA does not require municipalities to devise environmental plans, the government will provide funding for those that are developed. Municipalities are primarily responsible for licensing of industrial plants, soil cleanup, sewage services, and refuse collection and recycling.

Water boards, which were created as far back as medieval times, were traditionally put in place for water management. In the past century, water boards have taken on increasing responsibility for dealing with water pollution. Water boards are governed by a Committee which is appointed by the crown and a council elected by property owners.

2. ROMs

ROMs are essentially dialogues set up to get interested stakeholders together to discuss policy. Among these stakeholders are government authorities, businesses, and organizations. Once the groups reach consensus on a matter, they develop a corresponding action plan.

V. Policy Implementation

A. Legislation and NEPPs

1. Legislative History

Dutch environmental law originated the way most environmental policy has in other highly industrialized nations. Initially, environmental issues were dealt with by general laws, such as the 1875 Nuisance Act and the criminal and civil codes. In the 1960s, when focus began to be placed on environmental issues, specific laws were put into place.

Some of the laws dealing with specific media were the Forestry Act of 1961; the Nature Conservation Act of 1967; the Pollution of Surface Waters Act of 1969; the Air Pollution Act of 1970; the Environmental Protection Act of 1979; the Water Management Act of 1989; and the Soil Protection Act of 1994.

The Forestry Act regulated forest production and focused on conservation and use of forests. The Nature Conservation Act established reserves on public and private lands. The Pollution of Surface Waters Act focused on water quality. The Air Pollution Act sought to prohibit air pollution damage to human health, animals, and plants. The Environmental Protection Act attempted to achieve uniformity between different media. The Water Management Act focused on integrating management of all types of water bodies. The Soil Protection Act was similar to the U.S. Superfund law, as it established standards to make polluters responsible for contamination cleanup.

2. The NEPPs

The National Environmental Policy Plans are renewed every four to six years and must be approved by parliament. As discussed earlier, the first NEPP was issued in 1989, and set the foundation for later NEPPs and environmental laws. Each time a new NEPP is developed, its purpose is to reflect on previous NEPPs to determine what measures were successful as well as to identify areas in need of improvement.

3. The Environmental Management Act

The Environmental Management Act (EMA), which was passed in 1993, was a significant step towards integration of existing environmental laws. The EMA replaced numerous pieces of legislation, including the Waste Substances Act, the Environmental Protection Act, and certain provisions of the Air Pollution Act. The purpose of the EMA was to establish uniform standards for environmental plans, address enforcement issues, and set environmental quality goals.

B. Regulatory Instruments

The regulatory scheme in the Netherlands takes a similar approach as does other facets of Dutch environmental policy; that is, there is a major focus on government and industry cooperation. The themes of uniformity and streamlining are evident in the regulatory process. As discussed earlier, the Dutch use covenants with business to assist in policy development. Municipalities are responsible for typical regulatory efforts such as licensing of facilities. The Netherlands also has what is known as a “product policy”. The product policy places the responsibility on business to control their product’s environmental impact through all stages of its lifecycle. This approach not only empowers industry to develop strategies that are both economically feasible and environmentally sound, but also encourages them to integrate environmental principles into their business operations.

C. Economic Measures

There are four main types of environmentally-related economic measures used in the Netherlands: subsidies, charges, taxation, and financial liability and incentives. Subsidies, or government grants, have not been effective for reducing pollution in the Netherlands (RRI, 2002). The benefit from subsidies, however, is that they often draw attention to a particular issue. Charges are used when the government must expand or improve a particular product or system to provide more protection to the environment. To cover the costs for these improvements, the government charges those entities responsible for releasing the related pollution into that particular stream. In order to prevent such charges in the future, companies have been given incentives to refine their business practices to prevent this type of pollution at the source. Finally, the Dutch

government uses victim compensation in an attempt to deter polluters from harming the environment. The Netherlands has a very strict liability policy, so this approach has a considerable impact on the way Dutch companies do business.

D. Enforcement

Until the first NEPP, enforcement had not been very strong in the Netherlands. In 1992, however, the National Enforcement Program (NEP) was developed. The purpose of the NEP was to find ways to address “serious environmental misdemeanors”. The entity primarily responsible for enforcement is VROM, with the Inspectorate for the Environment in charge. In addition, the National Coordinating Committee for the Enforcement of Environmental Legislation sets duties for the provinces and municipalities regarding enforcement. Over the last two decades, more government funding has been devoted to strengthening the country’s enforcement programs.

VI. Looking Ahead

The success achieved to date in Netherlands environmental policy has largely been due to the considerable effort made by the Dutch government to involve interested stakeholders in the regulatory and legislative process. The approach of long-term strategies and integrated policies has also been beneficial. In January 2001, the fourth NEPP was published. The fourth NEPP concluded that while great progress has been made in Dutch environmental policy, serious problems still exist that need to be addressed. These problems involve emissions of carbon dioxide, nitrogen oxide, and anhydrous ammonia. The report also stated that improvements must be made in the areas of soil pollution, levels of fine particulates, and the apparent decline in biodiversity

(20). The NEPP suggests that enforcement needs to be strengthened, and that the Netherlands should continue expanding its partnerships with other countries. It is apparent from the report that the Dutch government considers the environment a high priority, and seeks to use proactive measures to address pressing concerns and preserve the environment for future generations.