
THE ROLE OF COMMUNICATION FOR IMPLEMENTING ENFORCEMENT POLICY

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SUMMARY

In order to improve the quality and the effect of enforcement efforts, a lot of importance is attached in the Netherlands to adequate information on enforcement. Enforcers must have a good insight into the possibilities of communicating information to the public, they must have sufficient motivation and they must be given the opportunity to provide this information in practice. This paper deals with the way in which this takes place in the Netherlands.

1 INTRODUCTION

500 years ago Machiavelli saw two basic means to order society: by law and by violence. Later on the English said: "by law and order". Government is a ruler of society. Public administrators have always showed a strong belief in law. Disappointments, however, are obvious. *"Off with her head", the queen shouted at the top of her voice. Nobody moved.* (Lewis Carroll, *Alice in Wonderland*). A well-known verse of the Dutch poet Willem Elsschot says: "In between dreams and action are legal obstacles and practical objections". Although everyone is supposed to know the law, one cannot automatically assume this. That is why communication and information are so very important, particularly in the complex field of environmental legislation. Private citizens and companies are equally essential for the implementation of government policies. The ideal communication policy should result in environmentally-friendly behaviour at the individual level, either from habit or from conviction. However, that is as much a dream as the idea that individuals will always behave according to the law. So laws and communication depend on one another, and the same is true of law and enforcement. Part of the public will act properly by conviction, part of the public will abide by the law because it is a common thing to do so and part will refuse to behave correctly because of individual reasons (money or other motives of self-interest). Certainly for the latter part of the public enforcement is inevitable; for the middle part perhaps as well, but it is probably more effective in combination with information.

In the case of environmental issues it often concerns large, starkly different target groups which are asked to change their behaviour patterns. Think, for example, of the large numbers of car drivers in the northern countries who must obey the speed limits or who ought to make more use of the public transport system.

Environmentally-friendly behaviour is very difficult to enforce in such large and complex target groups. A combination of facilities that make environmentally-friendly behaviour possible or even reward it, and communication concerning the necessity of a change in behaviour and alternative forms of behaviour, are a good deal more effective. The use of information is absolutely essential in solving many environmental problems.

This paper explores three aspects of environmental communication:

- What functions does information have in the environmental policy?
- The role of communication in the implementation of enforcement tasks.
- The Dutch information approach in the enforcement of environmental laws.

2 THE FUNCTIONS OF INFORMATION IN THE ENVIRONMENTAL POLICY

Information can have various functions:

2.1 Make government policies public

The first and most common function is to *make government policies public*, normally by means of press releases, press conferences, interviews, lectures etc. that explain the ins and outs of environmental policies and measures.

2.2 Public service

Dutch legislation is very complicated and environmental laws are no exception. As soon as a law comes into effect the Dutch government is obliged under the Public Information Act to provide adequate information on this law. As a *public service*, the government must give proper information to the various target groups that are involved in this law by means of written information, meetings etc.

Besides these two functions aimed at providing correct information on policy developments and measures such as laws, there is a third function:

2.3 Information as a policy instrument

Information as a policy instrument. Information can increase knowledge or change the attitudes of certain target groups, or sometimes to some extent it can change behaviour patterns as well. Enforcers should correct certain forms of behaviour directly, but we must realise that changing wrong behaviour is only possible by first discovering the real causes of wrong behaviour. One of those causes can be insufficient enforcement. In that case, information will be of little help. When there is a shortage of knowledge or motivation, information can be effective.

3 THE ROLE OF COMMUNICATION IN THE IMPLEMENTATION OF ENFORCEMENT TASKS

3.1 Preventive and repressive enforcement

There are two types of enforcement: preventive enforcement and repressive enforcement. In the case of preventive enforcement there is active supervision on following up rules in order to obtain compliance with them. Here it is not a question of specific offenses against the law. Advice and information are important activities.

In the case of repressive enforcement, misbehaviour is suspected or it has taken place and will be punished. Effective preventive enforcement, including information, means less repressive enforcement. In other words, information can improve enforcement activities. The enforcement of environmental laws is not only necessary in certain target groups but it also enhances the credibility of environmental policies. Publicising the results of enforcement activities is important. It makes visible to the public at large that the government is taking the law seriously. Misconduct, or even environmental crime, is made public as a warning to others.

3.2 What is the chance of getting caught, and how can this be increased through information?

This brings me to a very interesting aspect of communication policies for enforcement: the phenomenon of *subjective chance of getting caught*. A distinction can be made between objective chance of getting caught - which is the actual chance of getting caught, e.g. for illegally dumping

chemical waste - and subjective chance of getting caught. The latter is an individual's perception of the chance of getting caught. This may differ from the actual chance.

Information can increase subjective chance of getting caught and make people more aware in general. An interesting example of this is the experiment on Dutch roads to warn people in advance via radio and television that there will be a speed trap the next day between 9 am and 9 pm on certain highways. Thus warned, drivers appear to observe maximum speed limits much better in the specified stretches of road, and that after several repetitions they behave better structurally as well. Due to the announcement of intensive speedcontrol actions, the traffic-police noticed important improvements. In about one month time the average speed went down with 7-8% and the number and length of congestions reduced with respectively 30 and 43%.

Another example is that inspections of illegal crop protection chemicals in horticulture are announced in advance. This prior warning causes many market gardeners to quickly hand in illegal chemicals. When the inspection starts several weeks later, and prohibited chemicals are found, the market gardener is served with a summons. As the saying goes: "Forewarned is forearmed".

Making enforcement activities public in advance or showing the results of these activities means increasing the subjective chance of getting caught.

3.3 The importance of providing examples

There is a choice between showing examples of good behaviour and showing examples of bad behaviour. Although law enforcement agents seem to me to be focusing more on catching offenders and showing these results, learning theories hold that showing good examples of environmentally-friendly behaviour is more effective. Strengthening the example function is an important communication objective.

In general it can be said that providing feedback of enforcement activities is important for the enforcers themselves and for the target groups such as producers of chemical waste. To give warnings by showing cases of unlawful behaviour is useful once in a while, but showing good examples and giving the results of good behaviour are more effective.

The general conclusion is that communication strategies are more effective in preventive enforcement activities than in repressive activities.

3.4 Communication must be credible

Strengthening the symbolic aspects of policies by showing the awful dangers of bad behaviour, improving the subjective chance of getting caught, communicating the positive results of enforcement activities, or even putting someone in the pillory, can be useful but they must be used with caution. For example, if an inspection is announced and people find out it is a fake, one loses credibility. The same is true when one accuses a company of environmental misconduct in public and later on in court one cannot make the case stick because of lack of evidence: again one loses credibility. In the Netherlands it happened that procedural errors even caused a judge to mitigate the sentence. Naturally, this has a negative effect on the enforcement policy.

Making enforcement activities more visible can be very useful, but beware of the vague borderline between showing symbolic actions and providing information on real and proven activities.

3.5 The importance of information according to enforcers

We asked enforcers which type of policy instrument they think contributes most to a proper environmental policy. It resulted in the following picture.

Table 1. Importance of Policy Instruments

	In Practice	Ideal Situation	Difference
Environmental care within companies	4.8	3.2	+1.6
Environmental technology	5.7	4.4	+1.3
Agreements	5.9	5.8	-0.1
Information	4.0	2.7	+1.3
Subsidies	5.4	5.9	-0.5
Regulations	4.0	3.9	+0.1
Licensing	2.3	3.3	-1.0
Enforcement	3.0	2.2	+0.8

Conclusion:

- Enforcement and licensing are considered the most important activities according to enforcers, followed by information.
- To Utilize more often environmental care and technology is useful, but also it seems ideal to enforcers to give more priority towards information and enforcement.
- Overall one can conclude that according to enforcers in the Netherlands enforcement and information are key activities within environmental policies.

4 THE DUTCH INFORMATION APPROACH TO ENFORCING ENVIRONMENTAL LAWS

Before explaining the Dutch information approach to enforcement policies, I should mention that information officers in the Netherlands have learned to think analytically and strategically. They do this in terms of information objectives, target groups, information resources and messages. When a certain problem must be solved, it often happens that someone says to the information officer: "Make me a nice brochure". Having learned from practice, the information officer will then immediately ask: "Why a brochure, for what purpose, about what subject, for whom and when?" Very often a simple brochure is not the correct action.

4.1 Three-track information strategy

In 1985 an *intensification programme* on environmental law enforcement was initiated. As part of this programme, a general enforcement information strategy was developed, since it was clear that without information a successful enforcement of environmental laws is hard to imagine. This information strategy was based on a three-track strategy:

- To inform and motivate enforcers. Provide enforcers with information on legislation and on the various branches of industry that they must monitor.
- To motivate administrators and government officials in order to achieve political priority for (local) enforcement programmes, with enough manpower and financial resources.
- To inform industry and companies that must comply with, for example, the Chemical Waste Act by providing them with very practical information such as where to dispose of chemical waste.

This strategy basically comes down to a preventive enforcement approach with the aid of information.

Example 1:

A pilot project carried out in the framework of the Chemical Waste Act showed that the three-track strategy works. First, enforcers were provided with information on the Chemical Waste Act and on the various branches of industry that were affected by the Act. Secondly, administrators and managers were asked to allocate manpower to the project. Thirdly, each separate branch of industry involved was provided with information via their own branch organisation.

The three-track policy worked because:

- enforcers could count on their administrators, managers or whoever was in charge;
- enforcers took the information material with them on their company visits, leaving it behind if necessary;
- companies that continued to violate the Act were shown little mercy since they had been well informed in advance.

Example 2:

When introducing the Act on materials that affect the ozonlayer (1st January 1993) cooperation took place between enforcement and information. This act was given priority on the national enforcement programme.

We made a brochure about the highlights of the Act. Enforcers could take these brochures with them on their company visits. On one hand this brochure was made for informing the target-groups about the government policy on this subject. On the other hand the brochure was meant to make the work of the enforcers more easy. They did not have to explain each time what the contents of the Act were. Companies could read the brochure which was an official document of the Ministry. This brochure was also distributed by various intermediary organisations. This was necessary because the target-group was large and various. For example every bakery, supermarket, farmer or restaurant is in possession of a cooling installation. Solvents and cleaners are used in the cleaning business. Insulation materials are used in the building industry.

Besides the brochure the information officers of the Ministry used active publicity. Towards enforcers we organized about 60 information meetings throughout the country.

At the moment there are no quantitative results available, but the impression is as follows:

- last year 50.000 brochures were distributed via intermediary organisations (10.000) and on request (40.000)
- the Act did not live up correctly. During 1600 company visits enforcers got the impression that companies which violated the Act were often well aware of the contents of the Act.
- the impression is also that smaller companies are hardly reached by the information. Furthermore the enforcement programme towards middle- and smaller companies has not yet started completely.
- a complicating factor is that companies are facing increasing costs due to the Act. This influences the willingness to obey the Act, especially in the case of smaller companies.

In 1994 the enforcement-programme will be continued even more intense and the information towards smaller companies gets special attention. The expectation is that compliance of the Act will improve slowly.

In addition to using the three-track policy, it is also very important for the legislature, the judiciary and the public to be well-informed. For the legislature it is important that the legislation is

enforceable. It often happens that a law is too detailed and not sufficiently oriented towards actual practice, with the result that it is difficult to enforce. A solution might be to increase and improve the exchange of information between enforcers and the legislature and between enforcers and the public or companies.

4.2 A public information strategy

Informing the public is a prerequisite for obtaining general support. Public priority for the environment in general and public interest in the enforcement of environmental laws in particular exerts a great influence on the political priorities. In the Netherlands there is a lot of effort to increase general awareness and to influence the commitment and attitudes of the general public. Research under the Dutch population learned that the personal involvement towards environmental problems increased rapidly from about 1985. At the moment environmental problems are considered most important to the public together with insecurity. Table 2 shows the 7 most important social matters amongst which quite a number of environmental problems.

Table 2. Social Problems

	Personal Involvement		Willingness To Action	
	1987	1992	1987	1992
Environmental problems	33	59	20	29
Public insecurity	43	53	14	19
Industrial pollution	31	50	20	22
Public Health Service	47	49	15	18
Acid rain	29	40	16	19
Car traffic	23	39	7	12
Greenhouse effect	—	38	—	17

In terms of communication policies it is interesting to notice that in the Netherlands the awareness and personal involvement with environmental problems in general is rather high. Further improvements are hardly possible. But research also shows that the willingness to take action on environmental issues is still lagging behind. Environmental aspects hardly influence individual behaviour and there is little knowledge about possible alternatives. In the coming years this requires a lot of communication efforts.

In October 1990 a general environmental information campaign was launched. It functions like a sort of umbrella for all information on environmental issues directed at the public. Its logo and slogan "A better environment starts with you" is very recognisable and therefore very well-known to the public. We are not going to use the logo and slogan for the information provided to enforcers or administrators because we consider them partners in monitoring compliance. It would not be correct to put them on the same level as the general public or companies.

4.3 The importance of information for enforcers

Information for enforcers should deal with environmental laws, decrees and standards because they must know what to enforce. Furthermore, they must have information on production processes (all ins and outs of the industry) and information on the instruments of enforcement because they must know how to enforce.

In the second part of 1992 we did research under enforcers on the levels of knowledge, attitudes and behaviour (KAB) towards enforcing environmental laws. The average KAB varied from

moderate (police!) to reasonably good. 61% Of the enforcers said that they have enough information. In particular the police enforcers need better information (-facilities). Enforcers prefer practical information concerning their tasks by various means. Letters and meetings are considered most effective but also written information material is needed. The Ministry of Environment is the most important source of information for enforcers.

Table 3. Levels of knowledge, attitudes and behaviour of enforcers (1992)

	Knowledge	Attitude	Behaviour
Police	0	+/-	0
Judiciary	±/+	±/+	±/+
Provinces	±	0	±/+
Municipalities	±		0/±

- = insufficient; 0 = moderate; ± = reasonable; + = good

Information on enforcement organisations and the importance of cooperation are also very important to us. That is because we have so many different organisations participating in the enforcement of environmental legislation, ministry inspectors, local inspectors, police, civil servants of the provincial authorities and the Directorate-General for Public Works and Water Management, fire brigades and customs offices.

As I mentioned before, we continuously exchange information on enforcement projects and activities. Communicating the good results of enforcement activities encourages and motivates all people involved in the enforcement of environmental legislation. Even if the results are not so good, they are worth communicating. After all, this is a learning process.

4.4 Examples of enforcement information activities in the Netherlands

We have various means of reaching the three target groups, enforcers, administrators/managers and companies:

- Administrators/managers receive *letters or circulars* from the Minister or the Inspector General of the Inspectorate for the Environment. These are used only for very important, highly topical matters. Also very important for this target group are collective and individual meetings. Meetings are usually organised at a regional level.
- *Publicity* of a more general nature is also considered extremely important. We seek publicity when an important development in legislation or in the enforcement policy takes place. Regularly there are big enforcement campaigns. A few months ago a widespread, large-scale inspection of road transport of all kinds of dangerous materials and substances took place. Police and inspectors checked the documents and contents of cargoes. Throughout the day a team of television reporters followed the campaign. This way, publicity can also be used as an instrument of enforcement by putting pressure on the management teams of companies. Although this is a visible repressive enforcement campaign, the aim is primarily to produce a repressive effect on other companies. We also give special attention to the annual report of the Inspectorate by means of a general press release and regional press releases.
- We have a bimonthly magazine called "Enforcement", which is aimed at everyone who is professionally involved in the enforcement of environmental legislation. Since 1985 it has been highly regarded by its readers, currently numbering 12,000.

A readership survey showed that the magazine meets information needs. A characteristic feature of this magazine is that it does not necessarily express the opinion or policy of the Minister but that there is space for other viewpoints, recognisable from the enforcer's position. As well as a wide variety of practical information for enforcers on policy, regulations etc., the magazine offers a platform for the exchange of experiences and for showing examples of successful information and enforcement campaigns. The magazine is free for all those who are in charge of enforcement.

- There is a range of brochures containing, for example, information concerning legislation on dangerous chemical waste aimed at various branches of industry. Some 400,000 copies have been distributed.
- We also publish brochures or reports for enforcers. These series of reports contain information on acts and decrees, branches of industry, instruments of enforcement and the results of enforcement. Up to now some 55 of these reports have been published.
- There is also a pocket book entitled *Enforcement of environmental legislation*.

I have shown you a number of examples of information in the Netherlands aimed at enforcement. We believe that information plays a very important role in this as it can contribute to the reduction of repressive enforcement. Notwithstanding, I wish to warn you not to regard information as a cure for all ills. We, too, have had our share of disappointments in this area.

5 CONCLUSION

I would like to conclude by saying that the use or provision of information by enforcers requires that they:

- Are well aware of the importance of good enforcement information.
- Are motivated to give attention and spend time to information and that they are offered the opportunity to just that.
- Are able to handle the double role of information provider and, if necessary, inspector.
- Have the knowledge, resources and skills to provide information adequately.