
EVOLUTION OF ENVIRONMENTAL ENFORCEMENT WITHIN THE NETHERLANDS—ACHIEVING A NATIONAL CONSENSUS

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Mr. Chairman, distinguished guests,

First of all, I should like to thank the Mexican environment minister for his hospitality and the effort he has put in to organizing this conference in Oaxaca. He and his staff have done a lot of work to organize this important third Enforcement Conference at such short notice. The Dutch motto is 'Je maintiendrai' which means I shall uphold or enforce. Enforcement is very important for the Netherlands and hence for the Dutch government. It is no coincidence that the cabinet has placed emphasis in its environmental policy on implementation and enforcement. There are plenty of splendid plans and policies; what it is now all about is implementing them.

The first international enforcement conference took place in May 1990 in Utrecht, the Netherlands. The second took place in September 1992 in Budapest, in Hungary. And now we are here in Oaxaca, Mexico. The first two conferences were highly successful and I am firmly convinced that the conference here in Oaxaca will continue in the same manner and will demonstrate that paying attention to enforcement alone is not enough but that you have to exchange information as well and be open to each other's experiences. Twenty years of experience have learned us that there are no frontiers to environmental pollution, and that must also apply to environmental enforcement.

International cooperation is getting underway better and better. I only need to remind you of the UNCED meeting in Rio de Janeiro in 1992, the fifth environmental action plan of the European Union and the on-going cooperation with the United Nations Environment Programme (UNEP). In organizing the enforcement conferences we try to respond to these initiatives. While the first conference confined itself above all to the longer standing cooperation between the Netherlands and the United States, the second conference in Budapest ensured that concern about enforcement was extended to Eastern Europe. Now this conference is taking place in Mexico, shortly after the concluding of the NAFTA accord between Mexico, Canada and the United States of America.

The aim of this conference is not to express as many splendid words as possible, or to present a proud account of our successes. But to exchange experiences on enforcement in practical situations at the national and at the international level. Then environmental legislation will really have the intended effect and sustainable development, the aim we all endorsed in Rio de Janeiro, will come within our grasp. Only then will environmental policy become realistic and credible and not just a paper tiger.

But for this we have to agree together on a sound enforcement infrastructure, to put this down in writing and adhere to it. Nationally and internationally. By means of enforcement workshops we can use examples from daily practice to gain new experiences and to come to agreements on implementation. These agreements are necessary to prevent inadequate or unequal enforcement resulting in economic injustice, at the national but perhaps even more so at the international level. Otherwise, infringement of environmental legislation will take place where sanctions and enforcement are weakest. Such arrangements are of additional importance where agreements have already been made to abolish frontiers. This is one of the reasons that the Netherlands is paying a lot of attention to the enforcement of environmental legislation within the European Union. If we are aiming at the same goal together, sustainable development, then we are equally responsible for achieving it, including the enforcement!

Concern for the environment does already exist in the Netherlands for some time, due to the geographical location of the Netherlands and the configuration of the Dutch economy. As a small country at the delta of three major rivers, we end up with a certain quantity of environmental pollution.

On the other hand we make such intense use of our small country, that we have an extremely high density of chemical industry, agriculture and traffic. So we have been preoccupied a little longer with the problem of how we can transform our economic development into sustainable development. It is precisely in our densely-populated and physically-vulnerable country that we need an active environmental care policy to maintain an adequate quality of the environment in which we live. But that active environmental care cannot be achieved by environmental legislation alone. For that, every individual must be bold enough to accept his own responsibility: industry, traffic, agriculture, but also the public at large.

To give shape to that individual responsibility, the environment has to become a part of all kinds of policy areas. Government concern for the environment in the Netherlands therefore is a matter which is given shape by more than one ministry. The Minister of Housing, Spatial Planning and the Environment coordinates government concern for the environment among the other ministries, but there are major interfaces with agriculture, nature conservation, traffic policy, energy policy, economic policy and also incomes policy. To really achieve sustainable development, sound cooperation between the ministries covering these policy areas is indispensable. This is the reason why the National Environmental Policy Plan is not drawn up solely by the environment minister, but also by the ministers of the other departments. The second Environmental Policy Plan was recently sent to parliament, signed by no less than five ministers.

An important point of departure of the environmental policy plan is the focus on implementation and, thus, on enforcement. In the Netherlands we are now introducing a check to see whether environmental legislation can be implemented and enforced. All the ministries in question make this check for new legislation and regulations in the Netherlands. In this way we prevent environmental policy being just a paper policy. After all, you can draft as much environmental legislation as you like, but if you cannot implement in practice, the environment will not benefit at all and may indeed sometimes even suffer from it. Checking for enforceability prevents environmental implementors having to despair at some point because the situation is so hopeless. And lastly, the enforceability of environmental legislation ensures that the ordinary man or woman in the street can see the results of environmental policy and knows what he or she is doing it all for. In short: the enforceability of environmental legislation enhances the support for a strict but clear environmental policy.

To give structured shape to the enforcement of environmental legislation, in the Netherlands a committee has been set up at the national level, headed by the inspector general of the Inspectorate for the Environment, to promote enforcement and to steer developments on this front where necessary. The National Coordinating Committee for Environmental Law Enforcement comprises not only ministries involved in environmental enforcement but also the public prosecution department, the police, the provincial authorities, the water quality managers and the local authorities. It is a task of the committee to coordinate all the enforcement activities of the participating partners at three levels: national, provincial and regional, on the basis of an annual plan.

To get this structured approach to national enforcement off the ground, the Ministry of Housing, Spatial Planning and the Environment has made a financial contribution to reinforcing the staffing levels of the police, the public prosecution department, the provincial authorities and the local authorities. This has been an integral part of the national environmental policy, and is introduced in the first National Environmental Policy Plan. With the aid of these grants, backlogs in the field of permits and enforcement can be caught up. Investigations by the Inspectorate of the Environment can help to ascertain the results achieved with regard to the creation of the enforcement structure and in terms of actual enforcement.

The Coordination and information centers, which have been set up by the regional cooperating municipalities, are an important part of the enforcement structure. These centers are the heart of the structure. They see not only to coordination of all enforcement activities in the region, they also are the first to spot bottlenecks between central government and the regions in the field of enforcement. Consequently, strengthening of these Coordination and information centers is above all important for an integrated approach to enforcement.

Fortunately the Netherlands is not the only country which is paying attention to environmental enforcement. And that is logical too, because through the growing number of international agreements in all kinds of fields, environmental agreements and their enforcement also need coordinating. This is certainly the case now that international organizations are paying a growing amount of attention to the environment, as for example the item of Trade and Environment and the Montreal Protocol. All these agreements need enforcement, and if possible: coordinated enforcement. This is why the Netherlands, during its chairmanship of the European Community, took the initiative to place the enforcement of environmental legislation high on the agenda in what is now called the European Union. It was an initiative that was well received by the member-states and has been taken up by successive chairmen. It is now on the agenda again of the Greek chairman.

In 1992 a start was made on setting up a network of enforcement agencies in the European Community. That has meanwhile resulted in a training week which took place in March 1994 in the Netherlands. Enforcers from practically all the member-states took part. Besides being given an account of Dutch environmental and enforcement policy, participants took an active part in enforcement visits to Dutch companies. The training week will be followed up in the autumn of 1994, since Denmark will be taking over the organization.

Second, the enforcement network is evolving through a joint enforcement project, carried out by the Netherlands, Belgium, Luxembourg, the United Kingdom and Germany. This project is related to the transfrontier shipment of hazardous waste, a problem with which the Netherlands is frequently confronted because of the amount of traffic passing through the country. The joint enforcement project was a success and will be followed up with the number of participating countries increasing to include Italy and Spain.

Enforcement is also one of the permanent subjects in the Memoranda of Understanding, which we have entered into with a number of other countries, and item number one in the Memorandum of Understanding which the Netherlands and the U.S. Environmental Protection Agency concluded. This conference is part of the elaboration of these agreements, and thus a good example of international cooperation in the enforcement field and the unprecedented opportunities for this. Dutch enforcement practice has learned a lot in the recent past from American experiences and, by the reverse token, EPA always says that they too have learnt from us, which I take as a great compliment.

Ladies and gentlemen,

We must be bold enough to look beyond the successful cooperation between two countries, both of which are capable of conducting a far-reaching environmental policy. We also have to deploy our cooperation and our experiences for other countries, which are just taking the initial steps on the enforcement path, to encourage and support them. And that is why we are here together today, to hear of each other's experiences and to get down to grass roots level. This conference is not intended to prescribe exactly how you should do it, how you should enforce and what instruments you should use. After all, every country is different, not only in terms of the stages of environmental policy but also in terms of bottlenecks and stages of development. This conference specifically aims at giving you ideas for an approach which may lead to good results in the field of environmental enforcement in the specific circumstances pertaining in your country.

We are all continually preoccupied with learning more and learning from each other in the enforcement field. Because we really do not all need to rediscover the wheel. People become wise from experience and the environment stands to gain most if we can avoid making the same mistakes over and over again. If we are prepared to do this we are half-way along the enforcement path. Until then we will still need meetings like these to arrive at the necessary exchange of experiences. I know that expectations of this conference are high, partly because of the successes achieved at the earlier conferences in Utrecht and Budapest. But I am convinced that you will be able to live up to expectations with each other. I am keenly interested in the follow-up to this conference, certainly because this will focus specifically on the cooperation with international organizations such as UNCED and UNEP. I wish you every success in the days ahead and I hope that the success will not only be noticeable in this hall here, but also in the environment outside!