
COMMUNICATION ON ENFORCEMENT IN THE NETHERLANDS

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SUMMARY

This article deals with developments in communication with regard to enforcement of the Netherlands' environment legislation.

Environmental issues became the focus of increased attention in the mid 1980s. Initially there were separate environment laws. In 1989 the strategic approach to environmental issues was enshrined in the first National Policy Plan. This document signaled the start of the so-called target group policy, because implementation is a responsibility of the whole society. This target group policy brought with it that the development of the environmental policy became a collaborative effort involving the target groups.

More regulations and more policy necessitate also an increase in communication. Communication is necessary in order to foster understanding and create a base of support among target groups. Since 1985 the ministry has taken a three-track approach to communication on the subject of enforcement: informing the target groups, the administrative staff and officials, and the enforcers. The Ministry makes use of various channels of communication to reach this groups: enforcement journal *HandHaving*, Inspection Series and Information Sheets, Progress Reports, Enforcement Congresses, Enforcement Pocket Book.

There are also new communication developments. Communication can be used particularly effectively as a instrument of influencing the perception of target groups. The key concept in this regard is the perceived risk of being caught. By announcing inspections in advance and publishing the results afterwards, the Inspectorate for the Environment shows that it makes serious work of its inspections. This influences the behavior of companies in terms of compliance. This basic idea is applied to a number of the Inspectorate's projects. The results are not so far that is known that this concept works for the target groups industry.

Communication of results is another new development. The communication of results can function as rewarding target groups, as stimulating and activating target groups and as demonstration that other parties are doing their share. The Inspectorate is applying results communication to its monitoring of local authority environmental policy and inspections relating to the compliance of the Cadmium Decree. In autumn 1998 there comes an evaluation of the results.

The use of publicity is important for the Inspectorate for the Environment. So the Inspectorate attracts attention to the results of its work, often in the form of a press release. Sometimes also journalists has been invited to be present during an inspection. Also the media are informed about an enforcement campaign in advance by telephone or press release. Publicity in the magazines of other organizations is often a very good supplement to ministerial publications and press releases and can make an ideal substitute. Publications in the magazines of other organizations are a very credible medium, have a wider circulation and the information they contain is targeted to the needs of the readership.

1 INTRODUCTION

This article deals with developments in communications with regard to enforcement of the Netherlands' environmental legislation. The Ministry of Housing, Spatial Planning and the Environment is responsible for a large proportion of environmental legislation. The Ministry's Inspectorate for the Environment is responsible for the enforcement of these regulations and laws, with the Minister as competent authority. In addition to these tasks, the Inspectorate also monitors the implementation of environmental policy by other government bodies.

2 TARGET GROUP POLICY

Environmental issues became the focus of increased attention in the mid 1980s. A great deal of new environmental legislation came into force, initially in the form of separate environment laws which were later integrated to form the Environmental Management Act. In 1989, the strategic approach to environmental issues was enshrined in the objectives and themes of the first National Environment Policy Plan (NMP). This document signaled the start of the so-called target group policy, which recognized that implementation of environmental policy was not only the responsibility of government, but also of society as a whole. Within this society, industry, agriculture, consumers and traffic and transport were identified as the primary target groups. This target group policy brought with it implications for the level of autonomy in the Ministry's way of working. Policy was no longer created by government alone, but became a collaborative effort involving the target groups.

3 ENFORCEMENT

Regulations and legislation only accounted for part of the story. It was also essential that these regulations were complied with and enforced, a need which accelerated developments in the enforcement of environmental legislation. The government, the local authorities and the provinces, together with other enforcement organizations such as the police, invested a great deal of time and money to make enforcement more extensive and effective.

4 DEVELOPMENT IN COMMUNICATION

More regulations, more policy and more enforcement also necessitate an increase in communication. Communication about regulations takes place by means of the government's public information channels. The Ministry has a legal obligation to publicize new and modified legislation, so that the target groups are aware of the environmental regulations with which they must comply. These information channels include publications in the Government Gazette 'Staatscourant' and announcements in the media.

Communication on policy matters is necessary in order to foster understanding and create a base of support among target groups. The government also seeks attention and support for its policies amongst the population as a whole. Television and radio announcements and advertisements in the press are the most commonly used methods.

Increased enforcement calls for greater numbers of enforcers and for transfer of knowledge. In the first instance, communication is focused on transferring knowledge to enforcement agencies such as other government bodies, police and customs, and enforcement partners. Another very important factor is the creation of a sense of solidarity among the enforcers, which is related to the realization that all these organizations are confronted with a complex task and can learn a great deal from one another. This forms the main focus of communication on the subject.

Officials from the world of politics, central government, the provinces and the local authorities are just as important as the target groups. If individuals in these positions recognize the importance of enforcement, this will have a positive effect on the approach taken. More funds, more time and more manpower will then become available. This, in turn, is important for the people doing the work, the enforcers themselves.

Since 1985, the ministry has taken a three-track approach to communication on the subject of enforcement:

- 1 informing the target groups about environmental regulations;
- 2 informing the administrative staff and officials;
- 3 informing and motivating the enforcers.

4.1 Informing the target groups

New policy often comes into being in cooperation with the target groups. Agreements between government bodies and the business community with regard to environmental regulations are not laid down in legislation and regulations but instead take the form of covenants and declarations of intent. The organization representing a particular sector ensures that affiliated companies are made aware of the content of the covenant and the measures they are expected to take. This process takes the form of information meetings or the distribution of brochures.

In addition to this, the ministry communicates details of the covenant or declaration of intent via the media by means of press releases, press conferences and articles in trade publications.

4.2 Informing administrative staff and officials

Senior administrators and officials at provincial and local authority level are an important target group for the implementation of environment policy. In recognition of this fact, regular executive and administrative consultations take place between the Ministry, the Association of Provincial Authorities (umbrella organization for the provinces) and the Association of Netherlands Local Authorities (umbrella organization for the local authorities). In addition to these measures, the journal *Milieu in Uitvoering* (Environmental Implementation) has been set up. This is a monthly publication with a circulation of 30.000 containing information on environmental legislation.

4.3 Informing and motivating the enforcers

Effective enforcement benefits from good communication. Communication with the enforcers from the various organizations has a number of different aims:

- providing information on legislation and developments with regard to enforcement;

- creating a sense of solidarity among enforcers from various organizations;
- obtaining support for new developments pertaining to enforcement;
- influencing the perceptions and expectations which the 'outside world' has of the Ministry and the Inspectorate for the Environment and their tasks and responsibilities;
- stimulating cooperation with enforcement partners and other relations.

The Ministry makes use of various channels of communication to achieve these aims.

Enforcement journal HandHaving

The enforcement journal Handhaving is a very important instrument for the transfer of knowledge, creating support and reinforcing solidarity. This publication gives information on the approach and structure of the enforcement, the regulations, examples of cooperation, new enforcement instruments and future developments. A readers' survey has shown that the journal is highly regarded. 'HandHaving' gives its readership the chance to keep up with relevant information and developments in an attractive and compact format. It is published by the Ministry of Housing, Spatial Planning and the Environment and 1998 is its 14th year. Approximately 10.000 people subscribe to the journal, the majority of whom work for other government bodies or the police. The number of readers is much larger. Enforcers and executives receive the journal free of charge. Other parties have to pay for a subscription.

Inspection Series and Information Sheets

The Inspectorate for the Environment has been authorized by the Minister to enforce a number of environment laws. In addition to this task, the Inspectorate also supervises the issuing of licenses and enforcement as carried out by the provincial and local authorities in their role as competent authorities. In performing these tasks, the Inspectorate carries out inspections and supervisory activities, the results of which appear in the form of a report in the so-called Inspection Series. These reports contain a wealth of information.

In 1996, the Ministry began to make this information more accessible by publishing it in the form of Information Sheets, which contain a summary of each national inspection together with the main conclusions. These sheets are written in a fairly informal style to ensure their readability and are sent out to the sector under inspection, the relevant authorities, the Lower House and related sectors.

Progress Reports

Every second year, a report of the enforcement activities of the various enforcement organizations is made available to the Lower House of the Dutch Parliament. These take the form of so called Progress Reports, describing the work carried out and the results achieved. The Progress Report is a collaborative project involving the various enforcement partners. In 1997, the Seventh Progress Report was issued, covering the period 1995/1996.

Enforcement Congress 'Work in Progress'

Five years ago, the Ministry decided to organize a biennial congress entitled Work in Progress (Werk in Uitvoering) especially for enforcers. The objective was to provide a stimulus to enforcement in The Netherlands and to build expertise in

this area. The idea was a huge success and October 1997 saw the Congress celebrating its third anniversary. The theme of the last Congress reflected the uncertainty among the enforcers with regard to the content of their future work and the continuation of their jobs. In keeping with this mood, much attention was devoted to future developments in enforcement. Evaluation among the visitors of the last Congress learns that the Congress was very successful and reached his goals like transfer of information.

Enforcement Pocket Book

The Enforcement Pocket Book (Zakboek Handhaving) contains all kinds of practical information on enforcement in The Netherlands, including legislation but also addresses of enforcement organizations. It is published annually, with the Ministry providing assistance in terms of content.

5 NEW COMMUNICATION DEVELOPMENTS AT THE INSPECTORATE FOR THE ENVIRONMENT

The Ministry recognized the importance of good communication. The Inspectorate for the Environment too began to devote an increasing amount of attention to communication and felt the need for a more structured approach. The question arose as to whether the Inspectorate was using its communication possibilities to the fullest. This led to the initiation of a Communication Strategy project in 1996.

The aims of the Inspectorate were:

- to present a more unified front to the outside world (more visible and recognizable);
- to apply the principles of enforcement communication to environmental enforcement in The Netherlands (influencing the perceived risk of being caught);
- to give communication a place as a natural element in the working methods of the Inspectorate as an organization and among staff.

In a framework document, the role and significance of communication for the Inspectorate was set out, together with an action plan aimed at putting this communication vision into practice in the years to come.

6 FUNCTIONS OF COMMUNICATION

Enforcement communication can be divided into three functions:

- 1 The function of perception instrument: influencing the perceptions/expectations that target groups/companies have of the Inspectorate and its tasks/activities.
- 2 The function of relations instrument: communication as facilitator in the cooperation with enforcement partners and target groups. The most important factors in the relations with other enforcement partners are positioning and stimulation/motivation.

- 3 The function of information instrument: this encompasses the provision of information in and by the Inspectorate, both internally and externally. The Inspectorate and target groups should be permanently informed. The journal *HandHaving* plays an important role in this respect.

These three functions apply to the organization as a whole and also to the Inspectorate's three areas of responsibility: Enforcement, Monitoring of Implementation and Connecting Link (between policy and practice). From 1996, the possibilities of communication as an instrument of perception formed the main area of exploration.

7 COMMUNICATION AS INSTRUMENT OF PERCEPTION

Communication can be used particularly effectively as an instrument of perception in areas where the Inspectorate has the primary responsibility for enforcement. The key concept in this regard is the perceived risk of being caught. By announcing inspections in advance and publicizing the results afterwards, the Inspectorate shows that it makes serious work of its inspections. This influences the behavior of companies in terms of compliance. It works in the Inspectorate's favor by increasing the efficiency of the enforcement actions, thereby producing more positive results.

This basic idea has been applied to a number of the Inspectorate's projects: cadmium, livestock production and coatings containing polycyclic aromatic hydrocarbons. These projects were initiated in 1997 and are not finished. In order to familiarize the project workers with the principles of enforcement communication, a workshop was held for each project, with an emphasis on practical application. At the moment the projects are still going on and so it is unknown whether the concept of the perceived risk of being caught works for the target group industry.

For a detailed description and evaluation, see Appendix 1.

8 COMMUNICATION AS INFORMATION INSTRUMENT

More extensive communication takes place about the results of the environmental policy. First of all, this is important because the Netherlands' environmental policy is currently in the implementation phase. Many target groups have made tremendous contributions and continue to do so. In this phase, it is important to make the results of this policy and commitment known in order to maintain the level of involvement and support for the environmental policy and environmental measures. However, even more can be achieved by communicating results.

The communication of results can have a number of functions:

- Reward: showing target groups that their efforts with regard to the environment have an effect and that the government values their contribution. The basic principle at work here is the positive reinforcement of good behavior.
- Stimulating and activating target groups: results are used to generate discussions, thereby encouraging certain actions. No one wants to feel left behind.
- Demonstrating that other parties are also doing their share: fair distribution of the burden and the effort involved in environmental policy is regarded as an important precondition for ensuring support for the policy.

Results can be divided into the following categories:

- General results: what is the general state of the environment?
- Government results: what has central government achieved?
- Intermediate results: what has been achieved in terms of implementation?
- Specific results: what have individual companies/organizations/households achieved?

The interest in results varies per target group. Politicians and administrators are interested in other results than the consumer. The Inspectorate is applying communication about results to its monitoring of local authority environmental policy and inspections relating compliance with the Cadmium Decree in the toys and household goods sector.

Local authority policy

Each year, the current state of knowledge on the implementation of local authority environment policy is published. This indicates that some local authorities perform better than others do. In 1997, a book was compiled containing the good examples set by a number of local authorities. This volume was then sent to all local authorities. In 1998, an evaluation will take place to see whether other local authorities have followed these examples.

Cadmium Decree

The Inspectorate and the Consumer's Association have examined the subject of compliance with the Cadmium Decree in the toys and household goods sector, with positive results:

- A considerable improvement in compliance was evident: the number of household goods and toys containing cadmium has decreased significantly.
- The retail trade took its own measures. Retailers wrote to suppliers and ordered cadmium-free products.
- The Consumer Association and the Inspectorate worked well together.

The results were communicated with various objectives in mind and at various levels:

- With the objective of rewarding the sector: the retailers received a letter and an article was published in the magazine of their organization.
- To show evidence to other target groups and to stimulate: to importers of cadmium and PVC in household goods and toys the results of the campaign were sent as encouragement and evidence.
- To stimulate other target groups: the results were presented to consumers by means of newspaper articles, the media and consumer programs. An article in the plastics trade magazine informed plastics manufacturers of the positive results.

9 USE OF PUBLICITY

The Inspectorate uses publicity to attract attention to the results of its work, often in the form of a press release. Press releases with details of investigations and enforcement campaigns are issued regularly.

Other resources employed include:

- Inviting a journalist from a regional or national newspaper to be present during an inspection.
- Informing the media about an enforcement campaign in advance by telephone or press release. The Ministry's Department of Information and External Relations makes sure that the media have the opportunity to film and talk to the enforcers, while the Minister's presence at certain actions generates added publicity. After the event, a press release detailing the results is issued.

Other enforcement organizations adopt a different approach to publicity in the press. The Rijnmond Environmental Protection Agency for example has an information center where residents can complain about odorous emissions by local companies. If more than thirty complaints from citizens are received about any one incident, a press release is issued. Each month a summary of the most notable events is published complete with the names of the companies concerned. In practice it appears that companies are now taking measures to prevent such pollution, since they regard the published summary as negative publicity, which is more damaging than having to pay a fine for a violation.

10 FREE PUBLICITY

Publicity in the magazines of other organizations is often a very good supplement to ministerial publications and press releases and can even make an ideal substitute. Publications in the magazines of other organizations are a very credible medium, have a wider circulation and the information they contain is targeted to the needs of the readership. For an example see

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- 5 Communication of Environmental Results, 1996, Publication of the Ministry of Housing, Spatial Planning and the Environment. Available in the Dutch language. Distribution number 14391/175.

Publications number 1, 2 and 4 can be ordered at the Distribution Center of the Ministry, P.O. Box 351, 2700 AJ Zoetermeer, telephone number 079 - 3449 449, fax number 079 - 3449 448. Publication number 4 is available at the Department for Information and External Relations of the Ministry of Housing, Spatial Planning and the Environment. Publication number 5 is available at the Inspectorate for the Environment and at the EPA.

APPENDIX 1: COMMUNICATION AS PERCEPTION INSTRUMENT**1 EXAMPLE PROJECT: LIVESTOCK PRODUCERS**

The local authorities have invested years of hard work in clearing their licensing backlogs. While the majority of local authorities have been reasonably successful in this, the issuing of licenses to one specific target group, livestock producers, is still lagging behind. On 1 January 1997, there were still a considerable number of livestock producers without an adequate license as required by the Environmental Management Act. In 1997, the Inspectorate spurred the local authorities on to give high priority to clearing this backlog. This project was subsequently selected as a project for the application of enforcement communication.

2 WORKING METHOD

At the start of 1997, the Inspectorate began by listing the local authorities where livestock producers without an adequate license were operating. A project group was set up with the participation of the Information Department. First, a number of basic principles were formulated:

- Commitment to the campaign from within the Inspectorate was essential. Support from the Minister was also desirable.
- Use of extreme measures was to be prevented.
- The message from the very beginning was: we are taking this very seriously. Sanctions will be imposed where necessary, with the deliberate use of publicity as a sanction.
- Before the campaign, a single spokesperson was designated to coordinate contact with the press.

An action plan was then drawn up for the entire process, with communication as an integral element.

3 COMMUNICATION

Communication measures included in the plan were:

- letter to all local authorities announcing campaign;
- letter to the local authorities at fault;
- telephone contact with the local authorities who failed to respond;
- visit at administrative level;
- visit to non-cooperative local authorities at executive level;
- letter to local city council requesting intervention;
- letter to local city council requesting exertion of administrative coercion;
- take action.

4 PUBLICITY

- announcement of campaign via press release;
- when letter is sent to the local authorities at fault, press release should also be sent to regional media;
- during interim report stage, issuing press release and map of the Netherlands showing the current licensing situation;
- press release on the subject of sanctions;
- press release on the subject of campaign results, interview in trade publications.

These activities were done through the Department of Information and External Relations together with the Inspectorate for the Environment.

A survey was carried out again at the start of 1998, showing a far more encouraging picture than one year previously. For this reason, only a report and a press release were issued. The other communication measures were deemed unnecessary.

5 EVALUATION

A number of provisional conclusions can be drawn during the course of the projects:

- The major delaying factor during the project was the reorganization of the Inspectorate.
- This approach to communication was new to the staff of the Inspectorate. Sound guidance was essential.
- The staff who took part in the workshops quickly mastered the principles of enforcement communication and were also considerably more enthusiastic after completing the workshops.
- The Inspectorate drew up a project plan in which parameters such as the number of company visits, manpower and funding were established to a great extent. Communication often called for changes in these parameters and a measure of flexibility. It proved difficult to realize this in practice.
- If the schedule of the project plans cannot be adhered to, this has a disastrous effect on communication. Timing is essential.

6 LEARNING EXPERIENCES

Accordingly, the following lessons can be learned:

- The project leader must have the freedom to make adjustments in terms of manpower, resources, number of company visits.
- Strict project management is necessary in accordance with the schedule set.
- Commitment within the Inspectorate management is necessary in order to ensure the realization of these projects.

APPENDIX 2: EXAMPLE OF FREE PUBLICITY

On 1 January 1995, the CFC Decree came into force. The abbreviation CFC is used to refer to chlorinated fluorocarbons. These substances affect the ozone layer and are used in such appliances as refrigeration and freezer systems, ice machines, cold stores, air conditioning equipment, refrigeration units and refrigerated display units. From 1-1-1995, owners and users of refrigeration units were confronted with more extensive restrictions for the application of CFCs and a ban on trading in products that contain CFCs.

They were informed about the CFC Decree and its consequences by means of an information campaign, which included a brochure. In spite of these measures, the impression remained that the target group was still not fully aware of the legislative changes and their consequences.

For this reason, a press letter was sent to the editors of trade publications in this field to once again draw their attention to the existence of the CFC Decree, the imminent changes and the fact that inspections were set to take place.

The result was a stream of publications in the magazines of the organizations and questions were even asked in the Lower House of the Dutch Parliament. These parliamentary developments prompted a ministerial reply in the form of a second letter to the trade publications, generating yet more publicity. The results of the inspections were also sent to the trade publications.

Through a targeted media effort the intended message was brought home effectively to virtually the entire target group at very low cost. The result was a huge leap forward in terms of information, encouraging the target group to take action to ensure compliance with the conditions of the CFC Decree, reinforced by the (communicated) threat of inspection and legal proceedings in the case of violations.