

ENFORCEMENT IN RURAL GRONINGEN

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SUMMARY

The Dutch province of Groningen is a prosperous region with a high degree of urban and rural development. The historic landscape and nature must be protected against degradation by unregulated development. However, enforcement of relevant laws is divided between several government agencies and levels. The project 'Enforcement in rural Groningen' aims at improving co-operation between these agencies, in order that they detect and tackle more violations. The essence of the enforcement method is setting priorities together, doing fieldwork together, and putting a higher enforcement priority on rural areas.

1 ENFORCEMENT IN RURAL GRONINGEN

This paper reports on the project 'Enforcement in rural Groningen' and the method of enforcement that was developed during this project. The aim is to preserve the quality of our living environment by joint enforcement of laws by various agencies.

2 CONTEXT OF THE PROJECT

2.1 The province of Groningen

The Province of Groningen is one of the 12 provinces in the Netherlands and lies in the north of the country. It has a size of 2400 km² and 575000 inhabitants;¹ population density is 240 inhabitants/km². The province borders the Wadden Sea, an internationally acclaimed area of mudflats and salt marshes that forms the habitat for several endangered species. The province consists of several areas with a different character. The northern part has been reclaimed from the Wadden Sea and has many characteristics of a tidal area. The inhabitants had to protect themselves from the sea through the ages. As a result of this struggle the area contains many villages built on flood mounds, old dikes and former tidal creeks. UNESCO is evaluating a part of the province in which this landscape has been preserved best as a World Heritage Site. The southeastern and western parts of the province are above sea level and consist of sandy soils and reclaimed peat bogs.

Most of the province is in agricultural use, mostly arable but also some dairy farming. There are nature reserves, such as woods and marsh; these must be managed carefully, because they are relatively small and are thus liable to negative influences from outside.

The province is getting more urbanised and developed. Around 10% of Dutch chemical production takes place in Groningen. The province is prosperous, just like the rest of the Netherlands. Income per head was around US\$10,000 in 2000.² The local and provincial governments want to encourage further economic development. At the same time, the historic landscape must be preserved and nature must be protected against degradation. For this, there are many laws and regulations that must be implemented, complied with, and enforced.

Figure 1: An ancient flood mound village and tidal creeks. *Source: province of Groningen*



2.2 The Organisation of Enforcement

Several agencies are responsible for compliance and enforcement in rural Groningen. The provincial government has tasks in the field of regional planning, large-scale soil pollution, regulating industrial pollution, quarrying, ground water extraction, nature conservation and hunting.

In the province, there are 25 local governments, and municipalities. They have tasks in the field of building regulations, regulating industrial pollution, small-scale soil pollution, and storage of manure and waste. There are also two water management boards, which are responsible for managing water quantity through the extensive drainage and irrigation system, and managing the quality of surface water through prevention and tackling of pollution. The police deal with violations of laws on hunting, wildlife, waste and manure. Furthermore, there are a number of specialist agencies, such as the agricultural inspectorate, and one NGO, in the field of nature conservation, that has its own enforcement officers. The Ministry of Housing, Spatial Planning, and the Environment inspects how municipalities and provinces fulfil their environmental and planning tasks.

At the national level, there are regular meetings between representatives of ministries, provinces and municipalities about how to tackle enforcement. Here, national priorities are set and the manner of enforcement is defined. The provinces coordinate the implementation of these decisions on the regional level. In the end, the individual agencies are autonomous in how they carry out their tasks, within the power granted them by national laws. In order to be effective, it is often necessary to co-operate. This cannot be enforced from above, but can be encouraged and facilitated. The project 'Enforcement in rural Groningen' is an example of this.

3 THE PROJECT 'ENFORCEMENT IN RURAL GRONINGEN'

3.1 Background of the Project

Because the rural parts of the province are used intensively, the environmental, natural, and historical values are under threat. This threat does not come as much from planned development, such as urbanisation, as from many small actions that, taken together, may adversely affect rural areas temporarily or permanently.

For example, valuable landscape features are often removed. Old dikes are demolished, natural watercourses are straightened or filled in, and characteristic hedgerows are cut down. In Groningen, these characteristic landscapes are protected. The province, the agricultural inspectorate and municipalities take enforcement measures against those who destroy these features without permission. Also, rural landscapes are affected by small buildings on agricultural land. These buildings have the tendency to grow into barns that are used for storing manure or hay, or for keeping animals or agricultural equipment. These activities are only allowed next to the main farmhouse, to avoid the landscape being cluttered with buildings.

There are laws that protect the present quality of the living environment. However, citizens and enterprises do not always comply with these laws properly and government agencies sometimes fail to enforce them. Rural areas are often low on the enforcement priority list. This is compounded by enforcement divided between many different institutions which each enforce certain laws.

Figure 2: Groningen still has attractive landscapes



These problems occur not just in Groningen, but in every rural part of the Netherlands. Therefore, at the national level, representatives of various government agencies decided that in 2003-2004 enforcement in rural areas is a priority and should be improved through co-operation between agencies. Government agencies in the province of Groningen implemented this policy through the project ‘Enforcement in rural Groningen’. The aim of this project is a joint approach to maintain the quality of the living environment.

3.2 Project Content

The project covers 4 categories of violations, which in the Netherlands are colour-coded for convenience (see Table 1). The project is divided into three phases: awareness building, method development and implementation.

Table 1: Categories of violations covered in the project

Red	construction and use of buildings, soil improvement, preserving traditional landscapes and archaeology
Blue	Water quality, changes to drainage systems, ground water extraction
Green	vegetation, wildlife, natural areas, negative effect of manuring
Grey	Waste dumping, building materials, noise, illegal industrial use

3.2.1 Awareness Building

The project started with a meeting with functionaries and enforcement officers to explain the proposed project. Next, field visits were conducted in various parts of the province. These were meant to gain an impression of the natural and cultural values in the

area and of the violations that threaten these values. Enforcement officers of different agencies were deliberately brought together and sent to explore the area. This way, they learned to look at the area from the perspective of another agency. The officers found the experience quite inspiring, educational and interesting.

3.2.2 Method Development

After the awareness building phase an enforcement method was developed. This is a practical set of instructions for the various agencies to improve enforcement of red, blue, green and grey laws (see above for the meaning of the colour codes) and regulations in rural areas. The aim is to improve compliance with all these laws and regulations. To ensure that the method is useful to the target group, the method developers conducted questionnaires among enforcement officers, interviewed specialists and submitted the method to a test group of enforcement officers before finalising it. A summary of the method is given below.

3.2.3 Implementation

After the method was completed, it was approved by the law enforcement agencies in the province and presented to enforcement officers in 2004. It is now up to the agencies to use it in practice. They may apply aspects of the method in their enforcement policy and programme for 2005.

4 SUMMARY OF THE ENFORCEMENT METHOD

The method follows the policy life cycle: policy – programme – implementation – monitoring – evaluation. We will now go in to a couple of aspects particular to this project.

4.1 Setting Priorities

According to enforcement expert Malcolm Sparrow,³ "one thing is essential in enforcement: knowing what your most important problems are and knowing how to solve them". In order to do this, enforcement agencies must first have an idea of what problems there are and which ones are the most important. This is something the agency must do itself – but together with others. The limited amount of detection capacity must be used mainly for cases that have a high priority. Other cases need only be tackled after complaints. Less important violations are not enforced. Instead, spontaneous compliance should be encouraged, for example through informing violators about the law. Of course, priorities must be determined periodically, based on information from the field. Priorities should be determined based on the rate of non-compliance and the risk or effect of violations.

4.2 Program

Agencies are encouraged to put joint activities in their annual plan and to act accordingly.

4.3 Structure of Cooperation

There is already some local cooperation between enforcement officers and policy makers of various agencies through local enforcement meetings. These could operate more effectively if agencies make a joint programme for enforcement in rural areas.

4.4 Detection

The aim of detection is not only to detect violations, but also to gain insight into the extent of compliance. The method encourages enforcement officers to detect and report violations on behalf of other agencies. Various means of detection can be used for this: surveillance by police and enforcement officers, joint surveillance, special investigations, aerial photography, complaints from citizens and administrative checks.

4.5 Reporting

Agencies can report violations to each other orally, in writing, or through a camera phone.

4.6 Registration

All violations should be registered by the competent authority, not just those violations that have a high priority. That way the competent authority will maintain an overview of the rate of compliance within its jurisdiction.

4.7 Dealing with violations

The method aims that every violation detected is dealt with in some way. This does not always mean strict enforcement, but could also under circumstances be legalising the situation. Immediate, irreversible violations, such as illegal logging, will be prosecuted through criminal law, with the intent of punishing the culprit. Permanent, but reversible violations, such as illegal construction, can be tackled by government agencies themselves through fines, with the intent of ending the violation.

5 RESULTS OF THE PROJECT

It is still rather early to tell what the results of the project are. It takes a while for a new ways of working to enter an enforcement agency's policy and be integrated into its next annual plan of work. However, the enforcement officers in the field have already experienced the added value of co-operation and are enthusiastic about it. In addition, a couple of municipalities have now decided to do fieldwork together with the police and the water management board in their jurisdiction. As a result of this project, the first signs of improved law enforcement in rural Groningen are already visible.

6 REFERENCES

¹ Website province of Groningen, available at www.provinciegroningen.nl

² Website province of Groningen, available at www.provinciegroningen.nl

³ Kees Versteegh, 'De handhaving is hier doorgeslagen,' NRC Handelsblad (20 December 2003) available at <http://www.identificatieplicht.nl/artnrc201203>.