Public Participation in River Basin Management in the Netherlands

(Not) Everybody’s concern

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by

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Executive Summary

Water and water management have shaped the Netherlands. Historically, water was seen as an enemy that had to be fought and conquered. The risk of flooding of the low-lying river delta area was high and for that reason waterboards were established from 1100 onwards to oversee the construction and maintenance of dikes and dams to keep the river water out.

It has been argued that the Dutch waterboards have stood at the cradle of the so-called Dutch "consensus culture" or "polder model" characterized by a strong urge to appease, reach agreement and prevent conflicts. Consequently active involvement of stakeholders in policy making is common practice in the Netherlands.

Public participation got a lot of attention from the second half of the 1960s onwards. PP is seen primarily as a means to obtain information, to improve decision-making and sometimes as a means to increase legitimacy. PP was practiced widely in spatial planning and all major national plans with spatial implications underwent PP. As traditionally most interests in Dutch society are organized, PP mostly has the character of participation of representatives of interest groups. A quite general problem is the link between PP and political decision-making. Almost without exception PP is organized as an addition to and not as an integral part of decision-making.

With respect to PP the water sector seemed to lag behind throughout this entire period. Four recent case studies were selected as an illustration of public participation in water management in the Netherlands. All cases have to do with water quantity issues, as historically and politically water quantity is a bigger issue than water quality.

As can be seen from the case studies presented, real co-production in water management is still absent; the highest form of public participation is consultation of stakeholders; the general public is informed only. Participation of the public or citizens is limited to the formally required presentation and their involvement restricted to commenting and objecting to the plans drawn out by the experts and deliberated upon by the representatives of organized stakeholder groups.

Consultation of stakeholders proved to be relatively successful. In most cases active participation led to mutual understanding and learning about the issue at stake.

The implementation of the Water Framework Directive (WFD) will not lead to any major changes in the distribution of tasks and competencies, but it is expected to make Dutch water management more complex.

Concerning the PP provisions of the WFD the picture is mixed. While people involved in the implementation are really interested in promoting "active involvement", others would like to start PP only in 2006 and limit it to consultation. According to the draft Dutch Handbook, five formal "sounding board groups" will be formed, one national and one for each river basin district, consisting of national and regional organizations that "subscribe to the objectives of the WFD and the national water policy", represent a water related interest, and "are willing to think constructively about the implementation of the WFD and recognize that this inevitably requires a broad balancing of interest".

Currently debates are going on about the classification of the various (parts of) the Dutch river basins. Although it is widely acknowledged that this classification is crucial to future river basin management requirements there is neither stakeholder involvement nor public participation in this process. When considering the intentions on ‘active involvement’ voiced in the Framework Directive it seems the Dutch track record now is quite poor.
1 Introduction

The HarmoniCOP Netherlands national report aims to explore the underlying issues with respect to public participation in river basin management, which arise from the specific administrative structure and the prominent role of waterboards in the Netherlands and the cultural background of the Dutch.

Scope
The national report is based on the analysis of the long-term tradition of stakeholder participation in spatial and infrastructure planning in the Netherlands. It depicts the growing attention for public participation and early involvement of stakeholders and public in so-called open planning processes. Although the water sector seems to lag somewhat behind in public participation, four case studies are presented, which were selected as illustration of public participation in water management in the Netherlands. All four cases describe water quantity projects, but have a clear relation to water quality. Historically and politically, however, water quantity is a bigger issue in the Netherlands than water quality, which makes examples of PP in water quality issues scarce. The case studies are located in two out of the four river basins in the Netherlands: Scheldt and Rhine, but can be considered representative examples. The cases vary in scale: the ‘Long term vision Scheldt Estuary’ is on a national/international scale; ABCDelfland is situated on a regional scale and the two smaller case studies, Dalmsholte and ‘Meer Visie’, focus on tools that have been used to improve public participation. Consequently the findings of these case studies are used as a basis for the evaluation of PP in river basin management in the Netherlands.

Methodology
Data and information for the national report was gathered through literature and internet-based research, complemented by numerous interviews with key stakeholders of the river basins.

Structure of the report
Chapter 2 sets the framework for water and river management in the Netherlands providing historical, geographical, legislative and institutional information. The history and institutional background to public participation is discussed in the light of cultural changes and recent developments in Chapter 3. This chapter also presents the development of public participation and involvement dynamics in river basin management and hosts the four case studies of which Scheldt and Delfland are quite substantial. The highlighted experiences from the case studies form the basis for analysis and lead to conclusions of PP in water management in practice. Chapter 4 summarizes the main lessons learnt and comments on the national approach to public participation in view of the Water Framework Directive (WFD) requirements.
2 Introduction to the Netherlands

2.1 Low countries

Geographical location, size, climate and physical characteristic

The Netherlands is one of the bigger small European countries and is situated in the north-western part of Europe, bordering the North Sea. The land surface is approximately 34,000 km². Some 25% of the Netherlands lies below sea level. The lowest areas are in the western part of the country where it borders the North Sea and where most of the population is living. The lowest point is close to the city of Rotterdam and lies 6.7 m below sea level. If there were no dunes or dikes, about 65% of the Netherlands would be flooded daily.

The Netherlands was shaped by the interplay between the North Sea and the rivers Rhine, Meuse, Scheldt and IJssel, but a popular saying is that the Dutchman created his country himself. The Netherlands is situated in a delta area and consequently the major soil types are clay, peat and sand. There is an extensive network of waterways, rivers, canals, and lakes, which historically were connecting the major towns and cities. The climate is moderate with rains throughout all seasons. (NHV 1998)

Population

In 2003 the population of the Netherlands is some 16 million people. The population is growing with an average of 240 persons each day; 557 children are born every day and 393 people die. The Netherlands de facto is an immigration country as 339 people immigrate to the Netherlands and 263 people depart to another country each day. In 2002 25.5% of the population was younger than 20 years and 3.3 % older than 80 years. The average life expectancies for man and woman are 75.8 and 80.7 years respectively (in 2001). The infant mortality in 2001 was as low as 5.4 out of 1000 born babies. (CBS, 10th June 2003)

Fifty percent of the population lives in the ‘Randstad’, the western low-lying part of the country. The average population density is 460 people per km², which triples in the Randstad. Over 95% of the population is Dutch; the other large population groups are Indonesian, Surinamese, Turkish or Moroccan. About 60% is Christian (Roman Catholic and Protestant) and 3% is Muslim. (NHV 1998)

The national income (bruto) amounted to €429 billion in 2001. In 2002 the working population amounted to 7.4 million (total population between 15-64 is almost 11 million) of which 302,000 (some 4%) were unemployed. (CBS, 10th June 2003)

In the 20th century there has been a large shift from the primary sector of agricultural production to other sectors of the economy. In 1900 31% worked in the agricultural sector, 34% in industry and 36% in the trade and service sectors. Nowadays over 70% of the workforce is in the trade and service sectors. At the same time employment in agriculture has dropped to 4% only and industry accounts for 25% (1993).

The economy of the Netherlands has a long history in trade and international commercial activities that are still very important for the Dutch economy (NHV 1998). The harbour of Rotterdam is the largest harbour in the world, while Amsterdam Schiphol Airport is amongst the four busiest airports in Europe.

2.2 History

General

Until the 16th century The Netherlands, Belgium and Luxembourg were known as the ‘Low Countries’. In the late 16th century seven northern provinces (with inhabitants that converted in majority to Protestantism) united to fight the Spanish King Philip II. Prince William of Orange led this revolt. After 80 years the war ended in 1648 and the united provinces of the Netherlands formed one of the first republics in the world.

1 Working population are those people working 12 hours/week or more and those registered looking for a job of 12 hours or more.
In 1795 the French invaded the Netherlands and Napoleon appointed his younger brother as King. After the French occupation came to an end the Netherlands became independent and the first King was King William I of Orange. He was crowned in 1814. To this day the House of Orange delivers the Dutch Kings and Queens. In 1830 Belgium became independent and soon afterwards Luxembourg.

In the 16th and 17th centuries the Dutch traders colonised the Cape of Good Hope (South-Africa), Dutch Indies (Indonesia), Surinam, the Antilles and New Amsterdam (New York) and had trading posts throughout Asia. This episode is called the golden age (1580-1740) when the Dutch East India Company sent ships to the Far East in search of spices and other exotic goods. The colonies stayed under Dutch rule till far in the 20th century. In 1949, under huge international pressure and despite military attempts to hold on to the Dutch Indies the former colony, now called Indonesia, became independent. Surinam became independent in a peaceful manner in 1975. The Antilles is still a colony, but is largely self-ruled.

During WWI the Netherlands stayed neutral, but the Germans in the beginning of WWII invaded the country and held it occupied. In the period of reconstruction and economic growth after the war the country developed intensive trade relations with neighbouring countries and it has been an active proponent of European cooperation since the establishment of the EGKS, which evolved into the European Union of today.

Water history
Water and water management have shaped the Netherlands. As introduced in the introduction a well-known Dutch expression says: “God shaped the world, but the Dutch shaped their own country”. When humans first started to inhabit The Netherlands, most parts were wetlands, created by geological, hydrological and ecological processes such as sedimentation, wind and water erosion, sea level changes, and the formation of peat soils. Since then, but especially from around 800 AD onwards, humans have played a crucial role in shaping the country. To increase agricultural production, bogs were drained. This resulted in land subsidence and necessitated the construction of dykes and large-scale drainage works. Activities such as salt and peat mining resulted in a loss of much land to the water. Land reclamation in turn increased the land area.

Since 1200 A.D. land has been (re)claimed from the sea. With 16th century wind-powered drainage techniques it became possible to claim land from shallow lakes, the well-known ‘droogmakerijen’ (reclaimed lake) in the provinces of Holland. From the start of the 17th century money was invested in reclaiming land for agriculture to secure the food supply of Amsterdam and other towns in Holland, which were growing fast. In total 6 billion m² land has been reclaimed.

People entering the Netherlands through Schiphol actually land on the bottom of one such reclaimed lake.

In 1916 there was a big storm surge that gave the final push to the closure of the Zuyderzee, which then became fresh water: Lake IJssel. From the 1940’s 1.700 km² of land has been reclaimed from Lake IJssel and initially the fertile soils of these IJsselmeerpolders were used for agriculture. From the 1960s large-scale urban development took place in the new lands of the IJsselmeerpolders to relieve population pressure in the western part of the country. Almere, one of these new towns and close to Amsterdam will become the fifth largest city of the country within a couple of years.

In February 1953 a storm surge caused a big flood in Zeeland (southwestern part of the Netherlands). Over 1800 people drowned. After this disaster the world famous Delta works were constructed. The large sea-arms of EasterScheldt, Grevelingen and Haringvliet were closed-off thus connecting the former Zeeland isles and safeguarding south-west Netherlands from the sea.

More recently the Dutch were reminded that the rivers can be a threat to the country too. Had the focus of attention during the last half of the 20th century, since the storm surge, been on defence against the sea, in 1995 more than 250.000 people had to be evacuated form the Betuwe in the central river area, because of high river discharges caused by a long period of heavy rainfall in Switzerland and Germany. The dikes withstood the water pressure, but the protection against high river water became a high priority issue, leading to a national reinforcement programme “deltaplan voor de rivieren”. (Huisman, e.a. 1998, Enserink 2003)
The waterboards

Until recently, water was seen as an enemy that had to be fought and conquered. The risk of flooding was very much a living reality. Particularly in the countryside, water management was very close to the people. To keep the Netherlands inhabitable, regional waterboards were established from 1100 onwards to oversee the construction and maintenance of large-scale infrastructural works by the local governments and the individual landowners within the local jurisdictions. Additionally, from around 1500 onwards local "polder boards" were established: organizations of local landowners that together financed a windmill and later on mechanical pumps to drain their land. The local scale of the polder boards implied that a large number of organisations and people actively participated in water management. In 1850 there were some 3,500 waterboards and 100 years later in 1950 there were still more than 2500 active polder boards in the Netherlands. (Sneep 1979) These local scale water management organisations developed into the currently active 48 waterboards, which are of much larger scale and employ some 10,000 people. (Van de Ven 1993, Van der Linden 1982, Mostert 1998) It is expected that the number of waterboards in The Netherlands will be reduced to some 25 in 2005. (www.waterschappen.nl) This scaling-up is driven by the need for stronger management and increased quality of the civil service in order to tackle the ever more complex water management tasks in the modern urban society. As the old polder boards and the traditional waterboards focused on water quantity only, the current waterboards have an abundance of task both in water quantity and water quality management.

Originally the waterboards and polder boards were not democratic in the modern sense of the word and there was little need for that as they dealt mainly with drainage and flood protection. The board members were not elected but appointed by the residing board members based on their interest (property) and the assets or commodities they could be expected to invest in the polder. At the same time these boards can be seen as the oldest form of Public Participation in The Netherlands, although with a predominance of the large farmers and the aristocracy as they were the major parties interested in water management and able to contribute to it. Gradually, however, the number of tasks of the waterboards increased – water quality became a new task from around 1930 onwards, ecology from 1985 onwards. Consequently, the number of interested parties grew.

Since 1992 waterboards do have elections every four years, but the representation is still based on the principle “interest – payment – right of say”. Those who have interests in the work of the waterboard pay taxes and have the right to be represented in the Board of the waterboard. Based on this principle five groups of stakeholders are distinguished:

- “owners unbuilt”: land-owners (mainly farmers)
- “owners build up”: owners of houses and other constructions
- “renters of unbuilt” (mainly farmers)
- “company build”: users of buildings for commercial purposes
- “inhabitants”: everyone living in the area.

These five stakeholder groups are represented in the policy-making bodies of the waterboard roughly in proportion to their interests in the waterboards tasks. They also have to contribute financially in proportion ("the unity of pay, say and interest"). Using complicated systems, this results in the owners unbuilt occupying 34% of the seats, the renters unbuilt 1%, the owners of buildings 25%, the users of buildings for commercial proposes 7% and the inhabitants 31%. (Katsburg 1996)

It would not be correct to qualify the waterboards, in their present form and in the present Dutch context, as water users associations. They should rather be seen as ordinary government bodies with specific tasks and a special electoral system. In practice only some 25% of the voters show up at the waterboard elections (e.g. Het Waterschap 26 June 2003, p.395) and even people that do show up often do not know exactly what the tasks of the waterboards are. There are also no parties with programmes that people can vote for, but only individual candidates (albeit often with explicit mention of interests groups that support the candidate). Consequently feedback on the performance of the elected candidates is limited. (Mostert 1998, ROB 2001, Lammers 2003)
2.3 Political structure

The Netherlands is a constitutional monarchy, which was established in 1813 after the liberation from the French occupation. The actual power of the queen is limited. The juridical system is based on French Law with separation of legislative and executive branches. (Deth 1990, Jong and Schuszler 2002) Moreover, there is a strict division between church and state.

The Netherlands is a Second Chamber of Parliamentary democracy. Elections take place every four years or after resignation of the ruling executive authority. Majority rule is uncommon, as none of the political parties has the quorum; coalitions have to be made for getting a majority in Second Chamber of Parliament.

A distinction between three constitutional functions can be made:

1. Legislative authority, the Government and the First (Senate) and Second Chamber (House of Representatives) of Second Chamber of Parliament. The House of Representatives has the right of initiative and the right to amend bills proposed by the government. The Senate can only accept or reject bills. (www.eerstekamer.nl, 16 June 2003)
2. Executive authority, the Government, now consisting of 16 members.
3. Judicial authority, which is formally independent from the former two. The First and Second Chamber of Second Chamber of Parliament also play a role in scrutinising the actions of the Government. The House of Representatives is mainly engaged in day-to-day politics (calls ministers to account, holds debates on new policy and undertakes detailed examination of bills), the Senate has a broader function. (www.eerstekamer.nl, 16 June 2003)

2.4 The present culture

It has been argued that the Dutch waterboards have stood at the cradle of the so-called Dutch "consensus culture" or "polder model". In this culture authoritative solutions and hierarchical decision-making are not very popular, instead there is a strong urge to appease, reach agreement and prevent conflicts.

Tolerance, "I will not bother you if you do not bother me", is another typical aspect of the Dutch culture. Traditionally explained from the history as a trading nation, there has always been a tolerant attitude towards strangers. In history many people in exile, like the French Huguenots were welcomed in Holland. Tolerance is connected to liberalism and internationally the Netherlands are considered a liberal country, which is expressed in for example same-sex marriage that was approved in 2001, the same year that euthanasia was legalised. The Dutch liberal policy with respect to the use of marihuana, which is unofficially tolerated in the Netherlands, is a thorn in the eye to a number of other European countries with a more repressive policy on the issue.

The Dutch consensus culture can be used to explain phenomena as diverse as the absence of revolutions in the past 200 years, the low number of working days lost to strikes and the abundance of meetings. In the late nineties the 'Poldermodel', the institutionalised deliberations between representatives of the social partners was considered the basis for the relative economical success of the Netherlands. In the current economical low tide the explanatory power of the model for the Dutch success is disputed and some hold the consensus culture responsible for the relatively low economic growth.

According to Hofstede's (1991), who compared national cultures in 53 countries using 1968 and 1972 data, The Netherlands together with the Scandinavian countries are the most "feminine" countries in the world. This means that Dutch people are not very assertive and competitive and place a high value on solidarity and caring for the weak. Power differences – the degree to which people expect and accept (or completely reject) inequalities – are below average worldwide and

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2 Queen and Ministers, the Ministers are responsible for the actions of the Queen and the Queen formally has no authority but rather an advisory position.
3 Additional explanations for the consensus culture include the constitutional structure before 1814 – a federal republic instead of an absolute monarchy. Moreover, the "pillarisation" of Dutch society has been given as an explanation. Pillarisation refers to the structure of Dutch society, which until the 1960s of the past century consisted of three to four separate and coherent groups with their own political party: the Catholic, Protestant, and neutral or socialist/liberal "pillars". Each pillar was unable to gain a majority and therefore forced to co-operate with other parties (Andeweg and Irwin 1993, Lijphart 1984, Oud 1982).
average for the EU. This suggests that the Dutch are not highly impressed by authority and resent top-down rules and regulations. Together with the high score on femininity, this could also explain the Dutch polder model. Uncertainty avoidance in the Netherlands – the degree to which people feel threatened by uncertain or unknown situations – is quite low. Within the EU only the Scandinavian countries and Great Britain show less uncertainty avoidance. Finally, the Dutch people are very individualistic. Globally they share the 4th place with Canada, just below Great Britain but higher than other EU countries.

The high score on femininity would suggest that environmental issues get a lot of attention. But this is not true. According to Eurobarometer data, the Dutch are on average the least worried of all 15 EU member states about environmental problems. Only 26% are very worried about natural disasters (Sweden 24%, but Greece 63%), 26% are very worried about groundwater (12% in Belgium and 64% in Greece) and 23% are very worried about river pollution (Greece 68%). At the same time, the Dutch feel relatively well informed about the different issues compared to the citizens of the other EU member states. Moreover, they have relatively much trust in government, especially national government. However, when it comes to environmental problems, most trust is in environmental NGOs (49%), scientists (46%) and consumer organisations (26%) (EORG 2002, European Commission 2002; Table 1)

<table>
<thead>
<tr>
<th>INSTITUTION</th>
<th>GENERAL</th>
<th>ENVIRONMENTAL PROBLEMS</th>
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<tbody>
<tr>
<td></td>
<td>The Netherlands</td>
<td>EU-average</td>
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<tr>
<td>Television</td>
<td>71</td>
<td>55</td>
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<tr>
<td>Radio</td>
<td>71</td>
<td>61</td>
</tr>
<tr>
<td>Charities</td>
<td>62</td>
<td>58</td>
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<tr>
<td>United nations</td>
<td>62</td>
<td>53</td>
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<tr>
<td>National government</td>
<td>61</td>
<td>39</td>
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<tr>
<td>Police</td>
<td>59</td>
<td>65</td>
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<tr>
<td>National Second Chamber of Parliament</td>
<td>58</td>
<td>42</td>
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<tr>
<td>Regional/ local government</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Press (newspapers)</td>
<td>57</td>
<td>44</td>
</tr>
<tr>
<td>Civil servants</td>
<td>55</td>
<td>44</td>
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<tr>
<td>Army</td>
<td>55</td>
<td>66</td>
</tr>
<tr>
<td>Legal system</td>
<td>55</td>
<td>48</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>53</td>
<td>38</td>
</tr>
<tr>
<td>(Environmental) NGOs</td>
<td>48</td>
<td>40</td>
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<tr>
<td>European Union</td>
<td>48</td>
<td>46</td>
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<tr>
<td>Big companies (companies)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Religious institutions</td>
<td>43</td>
<td>34</td>
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<tr>
<td>Political parties (standing for the environment)</td>
<td>39</td>
<td>42</td>
</tr>
<tr>
<td>Scientists</td>
<td>35</td>
<td>18</td>
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<tr>
<td>Consumer organisations</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Teachers</td>
<td>-</td>
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<tr>
<td>Family/ neighbours</td>
<td>-</td>
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</tbody>
</table>

Table 1: Trust in institutions in general (European Commission 2002) and "when it comes to environmental problems" (EORG 2002)

2.5 Organisations involved in river basin management

Typical of Dutch river basin management is a relatively high degree of decentralisation and a relatively strict division between water management, environmental management and land-use planning. (Mostert 1998) The latter can be ascribed to the idea of the decentralised unitary state that is underlying the Netherlands civil organisation. Next to the national government there are two more
territorial policy levels: the provinces and the municipalities. Next to this territorial division there is a functional division in policy making: waterboards, public bodies and autonomous policy organisations, who all are responsible for specific tasks.

**The water sector**

Water policy is formulated by national government, particularly the Ministry of Transport, Public Works and Water Management and the Ministry of Housing, Spatial Planning and the Environment. The first is also responsible for operational surface water management of the “state waters” (the big waters). The provinces (12) specify their provincial water policy in accordance to the national water policy. Operational surface water management (except for the state waters) is the responsibility of the waterboards (48; see section 3.1). Operational groundwater management is the responsibility of the provinces, but in the future they may delegate this task to the waterboards. The municipalities (489) are responsible for sewage collection, local drainage and sometimes water quantity management within the built-up area. Sewage treatment is the responsibility of the (water quality) waterboards. Finally, drinking water supply is the responsibility of 15 publicly owned private companies.

**Other sectors**

Primarily the Ministry of Housing, Spatial Planning and the Environment formulates environmental policy. Environmental management mainly is the responsibility of the municipalities (integrated environmental permitting for so-called “installations”) and the provinces (integrated environmental permitting in more complex cases).

Land-use planning is the responsibility of the Ministry of Housing, Spatial Planning and the Environment, the provinces and the municipalities. The municipalities are in this sector the most important as their land-use plans are legally binding for the citizens. The separation between water management and land-use planning does cause some problems for the new flood protection policy "space for water". Moreover in 2002 the ‘watertoets’ was introduced into Dutch spatial policy making, obliging any initiator of a project to start a process in which the consequences of his initiative for water management issues are addressed and prevention, mitigation or compensation measures are proposed if considered necessary.

In addition, two further policy fields are important for river basin management: agricultural policy and nature protection and development. Compared to the other policy sectors, agricultural policy is relatively centralized. The responsible ministry is the Ministry of Agriculture, Nature Management and Food Quality. As the name suggests, this ministry is also responsible for nature protection and development, but here the provinces play an important role too. Moreover, many nature areas are owned and managed by private (nature conservation) organizations. Other important NGO’s in river basin management include farmers organizations, environmental groups and, especially in case of point-source pollution, individual industries and associations.

**International co-operation**

Being a member of the EU and located in the delta of several international rivers, the international level is very important for Dutch water management. The Netherlands are a member of several river basin commissions. The oldest and best-known river basin commission is the International Commission for the Protection of the Rhine, in short the IRC. The IRC has prepared the Rhine Action Plan. In March 1998 commissions for the Meuse and Scheldt were officially installed and action plans for these two rivers were developed as well. These action plans are, however, far less specific than the Rhine Action Plan. In addition, commissions exist for the smaller transboundary waters, for the North Sea and for shipping on the Rhine and the Scheldt River. (Dieperink 1997, 1998, Meijerink 1999, Mostert 1999, 2001)

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4 A process obliging any initiator of a project to assess the consequences of his initiative for water management issues, which addresses prevention, mitigation or compensation measures if considered necessary.
The different commissions – except for the shipping commissions – are not independent authorities, but rather platforms where representatives from the different member states meet, exchange information, co-ordinate monitoring and research, and prepare new policy. The decisions of the commissions serve merely as advices and have to be adopted by the different countries unanimously (e.g. the Rhine Action Plan was adopted by the Rhine Ministers Conference, a conference of the water-ministers from the six IRC-countries). Implementation is in the hand of the countries; the commissions have no regulatory powers and do not execute works themselves.

<table>
<thead>
<tr>
<th><strong>GOVERNMENT LEVEL</strong></th>
<th><strong>WATER MANAGEMENT TASKS AND COMPETENCIES</strong></th>
<th><strong>INTERRELATIONS</strong></th>
</tr>
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<tbody>
<tr>
<td><strong>International</strong></td>
<td></td>
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</tr>
<tr>
<td>a) European Union</td>
<td>Makes directives, subsidises agricultural production and co-finances research.</td>
<td>– The directives are binding for member states, some elements are directly binding for others as well – The European Second Chamber of Parliament is elected by the citizens of Europe, the Council consists of ministers of the Member States.</td>
</tr>
<tr>
<td>c) River basin commissions for the Rhine, Scheldt and Meuse, smaller trans-boundary waters, the North Sea</td>
<td>– Make non-legally binding action plans – Co-ordinate research – Generally have a platform function for the participants – No or very limited competencies</td>
<td>Intergovernmental, sometimes involving lower-level governments</td>
</tr>
<tr>
<td><strong>Central government</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Legislative (Second Chamber of Parliament, Cabinet and Queen)</td>
<td>- Enacts water management acts and executive orders - Ratifies treaties</td>
<td>– Responsible for the organisation of Dutch government; enacts organic acts - Enacts national budget with budgets for the individual ministries; financial transfers to the provinces and the municipalities - Second Chamber of Parliament controls ministers - Prepares organic acts - (Dis)approves provincial decisions to establish or dissolve waterboards; can issue binding guidance concerning individual provincial water management plans and provincial regulations - Subsidises to a limited extent lower level government</td>
</tr>
<tr>
<td>b) Minister of Transport, Public Works and Water Management/ Rijkswaterstaat (part of ministry)</td>
<td>- &quot;Co-ordinating competent authority&quot; for the implementation of the WFD in Netherlands. For each river basin district co-ordinators have been appointed with a small secretariat. - Formulates and adopts national water policy (together with Minister of Spatial Planning, Housing and the Environment and Minister of Agriculture, Nature and Fisheries) - Formulates, adopts and implements operational management plan for the main rivers and the</td>
<td></td>
</tr>
</tbody>
</table>

11
North Sea
- Prepares water management acts and executive orders; enacts some executive orders
- Represents the Netherlands in international fora (IRC, etc.) (together with Minister of Spatial Planning, Housing and the Environment)

**c) Minister/ ministry of Housing, Spatial Planning and the Environment**
- Responsible for public water supply, environmental standards and many other relevant aspects of environmental management
- Prepares pertinent acts and executive orders; enacts some executive orders
- Represents the Netherlands in international fora (EU, etc.) (together with Minister of Transport, Public Works and Water Management/ Rijkswaterstaat)
- Formulates and adopts national environmental policy and national spatial policy

**d) Other ministers/ ministries**
- Different ministers/ministries are responsible for agricultural policy, industrial policy, fiscal policy, foreign policy, etc.,
- Prepares national budget related to its tasks
- Subsidises to a limited extent lower level government

**Provinces (12)**
- Formulate and adopt provincial water management policy
- Responsible for operational groundwater management
- Co-ordinate dyke reinforcement
- Draw up reorganisation plans for public water supply companies (mergers); usually are the shareholders, alone or together with the municipalities
- Formulate and adopt policies on land-use planning, environmental management and nature; issue some permits
- Establish and dissolve waterboards and issue regulations on their functioning, pursuant to the Waterboards Act
- Have to approve several decisions by waterboards and municipalities and are the body for administrative appeal against some decisions

**Local: Waterboards (48)**
- Operational surface water management (water quantity and/or quality: sewage treatment, permitting, maintenance and operation of infrastructure such as canals, pumps, sluices, dykes, etc.), make plans for this, “taking into account” the provincial water management policy
- Need to involve the waterboards when preparing their land-use plans

**Local: Municipalities (489)**
- Manage the sewers
- Usually are the shareholders of the water supply companies, alone or together with the province
- Adopt binding land-use plans, issue environmental permits

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**Table 2: The main government bodies involved in river basin management (to be read from top to bottom)**

### 2.6 Implementing the Water Framework Directive

The implementation of the Water Framework Directive (WFD) will not lead to any major changes in the distribution of tasks and competencies, but it will make Dutch water management more complex. The three most relevant national ministries, the provinces, the waterboards and the municipalities will all be designated as competent authorities according to the WFD as far as this concerns their responsibilities. The Minister of Transport, Public Works and Water Management has been designated as coordinating competent authority. In November 2002 three river basin district coordinators have been appointed: for the Scheldt and the Ems the head of the pertinent regional
directorate of the State Water Management Agency (part-time function) and for the Meuse and the Scheldt together one full time person. For the Rhine and Meuse a co-ordination bureau has been established.

Map 1: The four Dutch river basin districts (Handboek 2002)

It is planned to make international river basin management plans and co-ordinated national programmes of measures for all four river basin districts. The Dutch contribution to these plans will be incorporated in the national policy document on water management. There will be no separate document "programme of measures". The measures will be incorporated in the different water plans. To synchronise the preparation and implementation of the water plans with the river basin management plans, the planning cycles of the former will become 6 years instead of the present 4 or 8 years. (Figure 1)

Much work will have to be done by the provinces, the waterboards and the municipalities. For a long time they have been waiting for guidance from national government on issues such as the identification of water bodies and for the Dutch handbook on implementing the WFD. This handbook, which does not answer all questions, was finalised in December 2002. Furthermore because of political sensitivities it has not yet been approved officially. Most work on the WFD is up to date has been done by the freshwater research institute of the Ministry of Transport, Public Works and Water Management and a few proactive waterboards and has focused, as elsewhere in Europe, on the activities that need to be completed before 22nd December 2004: the characterisation of the river basin districts, the assessment of impact and pressures and the economic analysis of water use. (art. 5 WFD) (Tweede Kamer 2002-2003, Handboek 2002, Nederland Leeft met Water 2003, Arcadis 2002)

Concerning the PP provisions of the WFD the picture is mixed. While people involved in the implementation are really interested in promoting "active involvement", others would like to start PP only in 2006 and limit it to consultation. According to the draft Dutch Handbook, five formal "sounding board groups" will be formed, one national and one for each river basin district, consisting of national and regional organisations that "subscribe to the objectives of the WFD and the national water policy", represent a water related interest, and "are willing to think constructively about the implementation of the WFD and recognise that this inevitably requires a broad balancing
of interest". Their role is to be informed and give advice: "for interest groups there can be no question of co-decision-making". (Handboek 2002, section 2.6)

The implementation of the PP provisions of the WFD will be discussed in section 3.2.
Fig. 1 Dutch planning relevant for river basin management (excluding two national nature conservation plans and many non-statutory plans, such as municipal water plans in the sub-basins)

After any new rules of the Dutch implementation of the WFD, there will be an updated document (every 7 years) planning relevant, valid planning relevant, valid

E: Water
D: Environmental Management
P: Spatial Planning

---

E: National Policy Document on Spatial Planning and different plans concerning specific aspects
D: National Environmental Management Programme
P: (4,2)

E: National Policy Document on Water Management (4,4; 6*)
D: National Environmental Management Programme
P: (4,2)

---

E: Provincial Policy Document on Spatial Planning
D: Provincial Environmental Management Programme
P: (4,10)

---

E: Municipal Environmental Management Programme
D: Municipal Land-Use Plan
P: (4,10; detailed and binding for citizens)

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Fig. 1: Dutch planning relevant for river basin management (excluding two national nature conservation plans and many non-statutory plans, such as municipal water plans in the sub-basins)
3  Public Participation

3.1  History and institutional background

As presented in Chapter 1 the waterboards stood at the roots of a tradition of stakeholder participation in the Netherlands. Public participation (PP) became prominent from the 1960s onwards especially in the fields of spatial and urban planning. Table 3 briefly depicts the history of PP in the Netherlands.

<table>
<thead>
<tr>
<th>PHASE</th>
<th>MAIN FORMS</th>
<th>MAIN MOTIVES</th>
<th>EXPERIENCES/ EFFECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100-present</td>
<td>Originally organisations formed by the (large) landowners, the main</td>
<td>Originally practical imperative to face the huge water</td>
<td>The Netherlands have until now remained inhabitable</td>
</tr>
<tr>
<td></td>
<td>with a special electoral system.</td>
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<td></td>
</tr>
<tr>
<td>1850-present PP as</td>
<td>Some possibilities to raise objections, often in a late phase only.</td>
<td>Protection of individual legal rights</td>
<td>Presently many possibilities for administrative appeal</td>
</tr>
<tr>
<td>legal protection</td>
<td>Some possibilities for administrative appeal and access to a court of</td>
<td></td>
<td>and legal redress</td>
</tr>
<tr>
<td></td>
<td>law.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965-1980 PP in the</td>
<td>Discussion groups, working groups, large information meetings and public</td>
<td>More influence for the public</td>
<td>Public often learns a lot</td>
</tr>
<tr>
<td>welfare state</td>
<td>hearings</td>
<td>More information for government and better policy</td>
<td>Limited possibilities for dialogue with authorities</td>
</tr>
<tr>
<td></td>
<td>Limited activities in the water field</td>
<td></td>
<td>Unrepresentative response</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Problematic link with decision-making – no real impact</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Start of PP regulation</td>
</tr>
<tr>
<td>1980-1995 Stagnation</td>
<td>No funds for experiments</td>
<td>Protection of right of citizens to participate</td>
<td>PP becomes less interesting for all concerned; more</td>
</tr>
<tr>
<td>and regulation</td>
<td>Publication requirements and possibilities to comment in writing</td>
<td></td>
<td>administrative and legal appeals (NIMBY)</td>
</tr>
<tr>
<td></td>
<td>Large-scale meetings (public hearings, etc.)</td>
<td></td>
<td>Reduced legitimacy and hold-ups</td>
</tr>
<tr>
<td>1995-present The</td>
<td>Renewed attention for early participation especially at local scale.</td>
<td>Improve public acceptance and implementation of decisions</td>
<td>Improved quality and legitimacy</td>
</tr>
<tr>
<td>interactive era</td>
<td>Need and necessity discussions for large scale infrastructure planning</td>
<td></td>
<td>Cost-overruns</td>
</tr>
<tr>
<td></td>
<td>Growing stakeholder involvement in policy preparation</td>
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</tr>
</tbody>
</table>

Table 3: The development of PP in The Netherlands (to be completed)

Public participation as legal protection

In the second half of the 19th century discussions started about the protection of individuals against violations of legal rights by the state. This reflected the then prevalent liberal philosophy on the relation between the State and the individual. Possibilities for appeal to a higher administrative body and redress to an independent court of law were introduced in different laws. (Van Wijk et al. 2002) In addition, requirements were introduced, for instance in the Waterboard Bylaws Act of 1895 and the Land Reclamation Act of 1904, to put drafts on public display and allow the interested parties to raise objections. These possibilities for exerting influence by commenting and objecting usually came quite late in the policy making process and were open to a small circle of people only. Moreover, for many other important water management decisions no possibilities at all existed. (Plomp 1982)
Public participation in the welfare state

By the 1960's, Dutch government and society had changed. The scale of Dutch society had increased drastically and the liberal "nightwatch state", which had been oriented at maintaining order, had made way for the much more active "welfare state". The Dutch population had by that time grown from 3.1 million in 1851 to 12.2 million in 1965 (CBS 1904, CBS data). Meanwhile the number of municipalities had dropped from 1209 to 967 but at the same time the number of government tasks increased drastically and with it the size of the government apparatus. (Castenmiller, 2003) Elected politicians had become less influential and the executive branch of government, the sectoral government bureaucracies and sectoral advisory councils with representatives from officially recognised interests had become much more important. (Berg and Molleman, 1975) In addition, the level of education had grown rapidly. Authority from the State, the church, the political parties and the traditional pillarised social organizations (section 2.3) was no longer accepted without questioning. The direct material needs of the population were mostly satisfied and people now demanded more direct involvement.

Public participation got a lot of attention from the second half of the 1960s onwards (Kalk, 1978, Coenen et al. 2000) and its impact on policy making grew (Kalk, 1978). The growing impact of the public met with resistance from elected politicians as well as civil servants, who saw PP as conflicting with their authority and with the system of Second Chamber of Parliamentary democracy. PP would make it impossible to keep government proceedings confidential and it would cause delays, they argued. Other government agencies, like the Ministry of Housing and Spatial Planning accepted the idea of PP but emphasized that ultimately government and democratically elected politicians remained responsible for decision-making. They saw PP primarily as a means to obtain information, to improve decision-making and sometimes as a means to increase legitimacy. (e.g. RARO 1970, VNG 1983) Other government agencies still wanted to give real influence to the public – at least this was stated often as an official goal. (e.g. Berg and Rubingh 1979). These different standpoints show the government's entanglement between good intentions and the practice of PP during this transition period.

The public too showed different attitudes towards PP. Some more radical groups saw PP as a bad excuse for not giving any real power to the people, as a form of "repressive tolerance". (Kalk 1978) "Inspraak" as the peculiar combination of public displays, public hearings and objection procedures was called, according to these critics had become a ritual and was only used to legitimise and smoothen the way for decisions that had already been taken. Others participated in order to exert at least some influence or for completely different reasons, such as learning about the issue at stake or meeting the other participants. (Korsten and Kropman, 1977)

PP was practised widely in spatial planning in a broad sense. In the early 1950s extensive forms of PP were used in regional land-use planning in the provinces of Overijssel and Noord-Holland. (Bruyne, 1955 in Berg and Rubingh, 1979) In the 1960s more experiments took place, and in the 1970s PP became common. By then all major national plans with spatial implications underwent PP. (e.g. CPI 1981) On the national plans usually regional discussion meetings were organized, which were advertised in the newspapers and on television and brochures were produced summarizing the draft plans. In the provincial procedures usually many small discussion groups were organized in parallel.

Between 1974 and 1979, 78% of all Dutch municipalities and all municipalities with more than 50,000 inhabitants had organized some form of PP. (CPI 1980; see also Hoorn, 1972) All provinces were organizing PP in regional land-use planning and many also evaluated their efforts. (Berg and Rubingh, 1979) The most popular PP methods in the municipalities were central discussion evenings (69% of all PP procedures), public hearings (52%) and the possibility to comment in writing (41%), with small discussion groups coming fourth (29%) and written surveys fifth (21%).

The experiences with and evaluations of PP were mixed. Already in 1970 the shortcomings of large public hearings and discussion meetings were known. The public often did not get sufficient information in advance, there were no possibilities for a dialogue and
reactions were either emotional or dealt with details only. (Hoorn, 1972, Bouman, 1974)
Generally, in PP well-educated men between 30 and 50 were over-represented. (Hoorn, 1972,
Korsten and Kropman, 1976, 1977) When asked for learning effects, research outcomes showed that this dominant group in many cases learned more from participation than the lower educated participants, but in one case the lower educated participants reported to have learned more. (Gils 1977 in Korsten and Kropman 1977; Korsten and Kropman 1976)

A rather general problem was the link between PP and political decision-making. Almost without exception PP was organized as an addition to and not as an integral part of decision-making. As reported by civil servants, 52% of municipal PP procedures had no or only a minor effect on the decision at stake, 28% had an important effect and 1% caused a complete revision or withdrawal of the plan. (CPI 1980) In the case of the regional land-use plan for the Midden-Gelderland area, for example, it was well documented that PP had only a minor effect and that interference by national government, backed up by its formal competencies, was much more important. Nonetheless, in this case 54% of the participants reported that they had the impression that PP was useful, perhaps because they had gained more knowledge and understanding about their area (63-92%; Korsten and Kropman, 1977) However, there were also several examples where the relation between the authorities and the inhabitants deteriorated as a result of PP. (Bouman 1974).

Throughout this entire period the water sector seemed to lag behind. In most waterboards land-owners and farmers were still dominant in Board and General Assembly, and they did not need the general public to be heard on water management issues. Moreover, even today some waterboard members see the waterboard, with its system of interest group representation, as a form of PP in itself, making other forms of PP superfluous.

The State Water Management Agency, part of the Ministry of Transport, Public Works and Water Management and responsible for water management policy in general and for planning construction and maintenance of all large scale infrastructures in the Netherlands generally was perceived as technocratic and very closed. It was nicknamed "a State in the State" as it had its own seemingly infinite budget for executing large infrastructure works like the Deltawerken and the national highway infrastructure. Their technocratic behaviour proved anti-productive as they aroused fierce opposition, especially in the planning and execution of large road infrastructure projects and the improvement of the Dutch river dike system. (Enserink and Monnikhof, 2003; Enserink 2003)

Nonetheless, from 1970 onwards some limited forms of PP were organised. (cf. Bosch and van der Ham 1998)

Stagnation and regulation

Around 1980 the situation had again changed. There was an economic recession, economic priorities had changed and criticism against PP had gained momentum. PP was seen as causing delays, even when delays were caused by other reasons, and as mobilizing opposition. At the national level funds for organizing PP were reduced and interesting but resource intensive experiments such as parallel working groups were cancelled. (CPI 1988a) The "Central Point Public Participation", established in 1972 to collect and disseminate information on PP and organize PP on national land-use plans, was demolished in 1988 as part of the policy to reduce the size of government. (CPI 1988b) In a way the bad image of PP among the authorities acted as a self-fulfilling prophecy. PP was not seen as something worthwhile, therefore PP efforts were minimized and consequently PP really became not very worthwhile.

Nonetheless, PP was not cancelled completely. Efforts to regulate PP, which had been started in the 1970s, continued. (Coenen et al. 2000) Reasons for regulating PP included the establishment of a duty for the authorities to follow specific procedures and a right of the public to be informed and express concerns, and, to a lesser extent, the harmonization and coordination of PP procedures. Yet, there was also criticism against regulating PP. Regulation would cause ritualism, reduce flexibility and increase bureaucracy. Moreover, PP would have to be organized too often, also on less important topics, resulting in a participation burn-out of
the citizens. Finally, minimum legal requirements could come to function as maximum requirements making PP a ritual dance. (CPI 1988a)

The result was twofold. On some issues no PP was required at all, while on others many separate PP requirements were introduced. Moreover, PP regulations were simplified and combined, especially in spatial planning to smoothen and speed up the procedures. While before it was often possible to participate and object at least four times to a specific initiative, this was reduced to only once or perhaps twice.

One important example of a well-organised and regulated PP requirement and influential in policy making during this period can be found in the Environmental Impact Act, which states that during the preparation of the Environmental Impact Statement of any major project there will be at least two opportunities for the public to speak out and exert influence. The first opportunity is after the publication of the Inception Report by the initiator and focuses on the guidelines/requirements for the specific impact assessment research; the second opportunity is after completion of the draft report when the report is open for public inspection and often one or more public hearings are organised.

The interactive era

In recent years policy making in the western and developing world is shifting (again) towards a more participatory approach, creating room for contributions of those people and organisations affected by policy plans (Barker and Wood, 1999; Fell and Sadler, 1999; Rothman and Robinson, 1997). In policy preparation, in environmental impact assessment, and in project planning, stakeholders are invited to express their views on the problem and the proposed solutions. This participatory trend also has not left the Netherlands untouched. From 1990 onwards PP became more popular again, primarily as a means to improve public acceptance and implementation of decisions. New forms of participatory policymaking aimed at involving citizens in the early stages of policy development, where stakeholders can have input in the problem definition process and the development and appraisal of alternatives. Interactive policy development experiments include community management projects, user panels, urban conferences, tribunals, public forums, environmental conferences, scenario workshops, citizens’ panels, et cetera (Veldboer, 1996).

The reason for the renewed attention for PP was the delay of many large infrastructure projects caused by fierce resistance by those who are affected by the direct (negative) impacts (the NIMBY’s), by public interest groups, environmental organizations, and politicians. The high-speed railroads, the dedicated freight transport rail track Betuwelijn, new harbours and airfields met a lot of public resistance and skepticism. Especially in the western part of the country, which is densely populated, there are many conflicting claims on the little space that is left. Proponents of high investments in new, large-scale rail and road infrastructure argue that distribution is the motor of the Dutch economy. Others argue that the added value of logistics is relatively low, and stress the need for a new more sustainable orientation of the Dutch economy. The need and benefit of these large projects are disputed; the argument runs that the negative (environmental) effects largely outweigh the expected (economic) gains, and that often the investments are not profitable at all.

In 1994 the Dutch Scientific Council on Government Policy (WRR) published a report that stressed the need for a new way of dealing with stakeholder values in decision-making on land use. The Council concluded that "especially the habit to approach such projects as a technological realization, prepared in detail in closed circles before confronting - in a defensive way - the socio-political discussion, generates unnecessary resistance and is cause of delay" (WRR, 1995:7, translation by the author). Large projects should be considered as a radical social transformation. By integrating the social and political aspects - the process - in all stages of the problem solving and decision-making process, social discrepancies with regard to large projects would come out sooner in the process and these gaps then may be bridged. (WRR, 1995: 105) Consequently at a national scale debates on "need and necessity" were organised with respect to large-scale infrastructure projects like the extension of Schiphol airport and the proposed extension of the harbour of Rotterdam (Maasvlakte II). Promising PP initiatives at first glance, these national debates were the
positive outcome from the heavy opposition against these and other plans. These so-called "need and necessity debates" typically focus on the involvement of the more or less institutionalised stakeholder organisations, like environmental organisations, consumer organisations, labour unions and the like. As traditionally most interests in Dutch society are organised to some extent, this focus on participation of interest groups seems logical. Although the general public is addressed, their opportunity to invest sufficient time and attention is limited as there is no compensation for their effort. In practice, public participation that is open for all is organised at a later stage, after the decision to start a project has been taken, when arrangements for implementing a solution have to be made. Typically the discussion then focuses on fitting in the proposed project in the existing rural or urban fabric and on compensation and mitigation of unwanted effects.

Next to this, several Ministries experimented with new forms of PP, labelled "interactive decision-making", "open planning" and "process management." In order to distance oneself from the old "inspraak" practice. (Edelenbos, 1999; Bruijn and Heuvelhof, 2002; Enserink and Monnikhof, 2003). Especially the Ministry of Transport, Public Works and Water Management build up a new tradition of public participation in organising so-called open-planning processes where ‘sounding-boards’ representing the public were installed and served as a forum for idea generation and channelling criticism. Involving influential stakeholders generally was much more important than involving the "general public".

Critics of this new practice now argue that these new forms of participation without exception lead to gold-plating and consequently huge cost overruns, as all negative effects have to be mitigated or compensated for. Others argue that these new forms of PP generate expectations about real influence and co-production, but in practice this influence is limited (Enserink, 2000: 16-17). One reason is the significant challenges public participation presents to elected officials, as was discussed by Petts (2001) and Barnes (1999). Another reason is that often no clear link is established between the official procedures for designing, assessing and selecting alternatives and the participatory process. Wurth (1992) states that decisions are usually made on technological grounds and participation is only supplementary. Design, assessment and screening of alternatives, due to their presupposed technical character, remain the domain of experts – designers, architects and engineers – using their own expert criteria. Often only lip-service is paid to the inputs of participants (Monnikhof and Bots, 2000; Tapio, 1996; Valve, 1999). Consequently real co-production is rare.

At the local level interactive policy making has become even more prominent than at the national level. The explanation is sought in the loss of legitimacy of local authorities, as the turnout on the local elections of 1990 was dramatically low. Interactive policy making was generally seen as a means to re-connect politics and the citizen. In general, the objective is to integrate the ideas and objectives of citizens and social organisations in policy making and give them a role in the decision-making processes. In contrast to the earlier 'inspraak' at the end of the decision-making process, citizens and organisations now get involved early as it is thought they then can exert real influence. (Edelenbos and Monnikhof, 2001) In addition, several local referenda have been held, usually of an advisory nature. Still the sentiments of the "primacy of politics" (in the end, elected politicians should decide) can be heard among local politicians, who feel threatened by this new development.

Annex 1 gives an overview of the most important PP requirements concerning land-use planning and river basin management. The legal requirements concern mostly access to information and consultation at a rather late stage in the policy making process, after plans have been finalized. In water management planning legal PP requirements are almost completely absent. They only pertain to those situations where direct interests of individuals are at stake, e.g. on decisions concerning the register of maintenance obligations. However, what should also be considered is that Annex 1 does not give a complete picture of the current situation with respect to PP. Most requirements have a pedigree going back to the eighties, and moreover there is presently limited interest in The Netherlands in further regulating PP. There is more interest in the PP practice.
3.2 Cases
Four case studies were selected as illustration of public participation in water management in the Netherlands. All of the cases have some form of public participation. It is, however, easier to find water quantity projects with public participation than a water quality project, because historically and politically water quantity is a bigger issue than water quality in the Netherlands. Consequently the cases are water quantity projects, but have a clear relation to water quality.

Selection of the cases was based on the scale of policymaking. ABC Delfland is situated on a local/ regional scale and the 'Langetermijnvisie Schelde-estuarium' is on a national/ international scale. The two smaller case studies, Dalmsholte and Meer Visie, focus on tools that can be used to improve public participation.

3.2.1 Case: Long term vision Scheldt Estuary (LTV)
Scale: National/ international: the Netherlands and Belgium.

In this case study the process of formulating the LTV is the subject of study. The history of the management of the Scheldt is an important aspect of the case study, because it influenced the process design. The focus will be on the organisation of the project and the role of stakeholder participation in establishing a long-term vision. A short description is given of the actual situation with respect to international co-operation in the Scheldt Estuary and the deepening of the Scheldt and of what happened after the LTV study was finished.

Introduction

Description of the Scheld Estuary\(^5\)

The Scheldt rises in north-eastern France and flows through Belgium (Flanders) towards the southern part of the Netherlands. It is 350 km in length and has a catchment area of 21,863 km\(^2\). The mean annual run-off is 120 m\(^3\)/s, primarily rain fed. The difference in head between the source and the mouth of the Scheldt is only 100 m, so the current velocities are relatively low and it is a meandering flatland river. Downstream of the sluice of Ghent, the Scheldt is subject to the tidal influence of the North Sea, creating a situation where twice a day more than one billion cubic meters of water enters and leaves the Scheldt estuary. The Scheldt is a complex multi-channel estuary with tidal differences of up to 6 metres and a gradient of fresh through brackish to marine waters, making the Scheldt a unique estuarine ecosystem in North Western Europe. This dynamic ecosystem, supports several human uses (Meijerink, 1998):

- Navigation;
- Discharge of domestic, industrial and agricultural waste loads;
- Recreation;
- Water for agriculture, industry and drinking water production.

The Scheldt River is exploited intensively by the riparian states. The Scheldt connects the Port of Antwerp, the economic motor of Flanders, with the North Sea. Also the harbours of Ghent, Terneuzen and Vlissingen are Scheldt harbours. The last two are on Dutch territory and of relatively minor importance on a national scale in comparison with the harbours of Rotterdam and Antwerp, but they are of regional importance. The River Basin of the Scheldt is densely populated with approximately 10.5 million inhabitants. The lower reaches of the Scheldt are situated in the Netherlands and are called the Western Scheldt.

\(^5\) Based on Meijerink, 1998; Ten Thij & Zanting, IAIA, 2002; Zanting, Ten Thij, Coosen & Claessens, Developing a Bilateral Long Term Vision for the Schelde Estuary; Kuil, 2001; Karstens2003
History

In the past there have been numerous conflicts between the Netherlands and Belgium about navigation on the Scheldt.

The harbour of Antwerp was booming in the 15th century. At the time Amsterdam was much smaller. Next to Paris Antwerp was the second largest city in Europe with some 82,000 inhabitants. The Province of Zeeland took advantage of this situation by charging a toll on commodities transported to Antwerp via the Eastern and Western Scheldt. In the early 16th century, the Dutch rebelled against the king of Spain and Antwerp joined the Dutch rebellion. Spain then blocked the Scheldt in an attempt to recapture the Netherlands. In 1609 the war between Spain and the northern Netherlands ceased temporarily. Antwerp expected the Dutch to reopen the Scheldt, but that didn’t happen. The region of Zeeland supported by the province of Holland (including the competing harbour of Amsterdam) continued to block direct access to the harbour of Antwerp. The Dutch-Spanish war finally ended in 1648 with the Treaty of Münster, which stated that the Netherlands retained the right to block the Scheldt. This was the “reward” for Antwerp after it had supported the Dutch in their rebellion against Spain. The blockage of Antwerp caused the harbour of Amsterdam to prosper and marks the start of the so-called “golden age” for the Dutch merchants.


In 1795 the French invaded the Republic of the Netherlands and reopened the Scheldt and the access to Antwerp. After the 1815 fall of Napoleon at Waterloo the northern and southern part of the Netherlands (present day Belgium) were reunited, but this reunion lasted only until 1831, when France and England separated the southern and northern part after the Belgian rebellion for independence. As a reaction the Scheldt was blockaded again by the Dutch, but this issue was resolved by the French and the English. The separation of Belgium and the Netherlands was regulated in the Separation Treaty of 19 April 1839 and regulations relating to the Scheldt were included in article 9, the Statute of the Western Scheldt. In this Statute is stated that all commercial navigation is to be free and that each state is responsible for this

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accessibility. To compensate for the associated costs, the different states were allowed to levy duties on transported loads. The Belgian government decided to pay tolls for commercial navigation. A permanent commission was formed to supervise navigation on the Scheldt to ensure the free and unlimited access to the Scheldt. In 1863 the Dutch ended the restriction on navigation after the Belgians, supported by other maritime powers like England, paid a large amount of money. Several incidents in the next decades made clear that the Dutch still considered the Western Scheldt as a Dutch river and put their own interests before those of the Belgians. In 1948, the Benelux Ministers decided to install a joint Dutch-Belgian Technical Scheldt Commission (TSC), tasked with conducting research on technical problems concerning navigation.

In February 1953 a storm surge caused considerable damage in the southwest of the Netherlands (mainly the province of Zealand). Almost 2000 lives were lost and there was severe economical damage. For the inhabitants of this area this was a very traumatic event; after the inundation of Walcheren during WWII this was the second flood within a period of less than ten years and this made them extremely sensitive about protection against flooding.

In 1995 the Netherlands and Flanders (the northern part of the federal kingdom of Belgium) signed a new treaty in which the Dutch allowed the deepening of the Scheldt to provide access for ships until 48 feet. Consequently the Scheldt was deepened in 1997 to 11.60 m.

To compensate for the effects that the dredging would have on the natural environment it was agreed that the Netherlands would formulate the plans, two third of which would be financed by Belgium. The Netherlands chose a ‘land for water’ approach (permanently giving back land to water or temporarily inundating polders). This approach matched the growing conviction of (some) scientists that giving back land to water in general increases safety from flooding. Moreover it is a good way for creating new natural areas. This ‘land for water’ approach was not communicated well to the regional authorities and local people. In combination with the high sensitivity in Zealand about the safety of polders and dikes after the 1953 flood there was considerable resistance against these plans. Massive opposition by local farmers resulted in fierce opposition in the Dutch Second Chamber of Parliament against the 1995 Treaty with Belgium and withdrawal of the nature development program. Until now the negative effects and the loss of nature have not been compensated by the Netherlands. In 1998 the European Union issued a warning to the Netherlands in this regard. An additional problem is that the Supreme Court in the Netherlands decided that an Environmental Impact Assessment (EIA) on the new plans was required. The only way out of this situation, while not breaking the promise made to Belgium was to pass an emergency law to make sure that the obligatory EIA did not have to be made.

The above situation created political problems for the Dutch national government as the deepening of the Scheldt had been part of a trade-off between the Netherlands and Belgium with another issue: the new track of the High Speed Train from Antwerp to Rotterdam. As Belgium was pressing for further deepening of the Western Scheldt to 14 meters, the Netherlands Second Chamber of Parliament gave permission to do so, but only on condition that the Minister of Transport, Public Works and Watermanagement would ensure that a long-term vision on the Scheldt Estuary would be developed. The Belgians perceived this as the Dutch way of delaying the further deepening of the Scheldt. 14 Meters would allow very large ships to enter the harbour of Antwerp, which at that time could only enter the harbour of Rotterdam. (Ten Thij & Zanting, 2002)

It is clear that the history of conflict and suspicion between Belgium and the Netherlands on the Scheldt Estuary goes back a long time. Real co-operation was non-existent until the development of a long-term vision for the Scheldt Estuary.

**Interests, conflicts, attitudes and problems**

The most important economic issue for the Belgians is the accessibility of the Port of Antwerp. The Port of Antwerp is the second largest port of Europe. The Port of Antwerp generates five percent of the Gross National Product of Flanders. But safety and environmental aspects are also important for the Belgians.
The unique ecological status of the Scheldt, which does not exist anywhere else in the Netherlands, is considered important. The deepening of the Scheldt will have an impact on the eco-morphological system, but it is not certain what the effects will be. Next to ecology safety is an important issue for the Dutch because of the traumatic flooding in 1953. The Netherlands will not benefit from the deepening of the Scheldt. Furthermore the deepening will probably harm some of the interests of the Netherlands. By not looking at the deepening alone, but by including the environment and safety issues, the project team was able to come to a joint vision on the Scheldt Estuary.

**Langetermijnvisie Schelde-estuarium (Long term vision Scheldt Estuary or LTV)**

*Product*

The long-term vision of the Scheldt Estuary is a technical document and was the result of a Dutch/ Flemish civil servant project organisation. Commissioned by the Dutch Minister of Transport, Public Works and Water Management and the Flemish Minister of Public Works, Transport and Spatial Planning, the Technical Scheldt Commission (TSC) gave the instruction to start the preparation of the LTV in January 1999.

A year was needed to agree on the terms and agenda of the LTV and the awarding to an independent project management agency, because of the conflicting interests. Finally the TSC agreed that the goals of the LTV were:

- An integrated long term vision for 2030 of the conditions of the estuary in Flanders and The Netherlands;
- Specific goals for safety, nature and access to the harbours;
- Support for this long term vision from authorities and interest groups on both sides of the border;
- A realistic policy scenario for the middle long-term (2005-2010) to implement the vision.

Four steps were identified to come to the LTV:

- Development of an adequate project organisation;
- Draft of a short-term sketch of the actual situation of the Scheldt Estuary where all impacts of present policy measures are included;
- Agreement on the realistic characteristics of an integrated long-term vision for safety, nature and access to the harbours;
- Outline of realistic policy scenarios for 2005-2010.

Each step had to be finished within six months and concluded by an agreement in the TSC. The LTV had to be finished within two years. Looking at the history of conflict between Belgium and the Netherlands and the differences in culture, this was almost an impossible job. Nevertheless the project was executed within this time frame: the LTV study started in June 1998 and the LTV was finished in January 2001. (Ten Thij & Zanting, 2002)

**Projectorganisation**

![Project organisation diagram](Image)

*Fig. 2: Project organisation (based on: Toelichting bij de Langetermijnvisie Schelde-estuarium, 2001)*

There project organisation was supervised by a *steering committee* with high-level civil servants. The chairmanship of this team was shared by the Dutch and the Belgians. This team
took all the relevant decisions. Only members of different governmental departments participated, mostly from the central government, but at the Dutch side the Province of Zealand also participated. Not only water interests were represented in the steering committee, but also nature, spatial planning and economical interests.

A project team was created for the preparation of the LTV and the integration and co-ordination of the different products. The project team consisted of one Flemish and one Dutch project leader, who were members of the steering committee, the chairmen of the three working groups, the cluster morphology, representative of the scientific institutes, and a representative of the Province of Zealand. The Province of Zealand did not have to commit itself to the end result beforehand, because otherwise they did not want to be involved.

There were three working groups, namely Safety, Accessibility and Nature. Most members in the working group were from different ministries. But for example in the accessibility working-group several ad-hoc members were invited that represented the interest of the Belgian harbours. In the nature working group interest groups, the Institute for Nature Preservation and the Milieu Federation Zealand7, participated. Moreover, a “cluster Morphology” was created to answer the questions coming from the working groups. The members of this group were from research institutes. This was the only working group where there were more members from the Netherlands, because in the Netherlands there is more knowledge about morphology according to one of the interviewees. (Toelichting bij de Langetermijnvisie Schelde-estuarium, 2001)

The most important functions of the Scheldt considered in the vision are: safety (from flooding), accessibility (of the Scheldt harbours) and the natural environmental character of the Estuary (the physical and ecological system). Other important functions include recreation, fishery and agriculture. Morphology of the Estuary was recognised as an important determinant of these functions. (Langetermijnvisie Schelde-estuarium, 2001)

The selected scale of the LTV was the Scheldt Estuary from Gent to the North Sea, including the banks, excluding the tributary rivers and channels (those are the specific responsibility of local governments and it was decided not to involve them at this stage of the process). The issue of water quality was excluded from the study, because it was the responsibility of the International Scheldt Commission and did not fit in the scope of the TSC. The co-operation of the harbour of Antwerp and other minor Scheldt harbours was assured by excluding the other larger harbours such as Zeebrugge and Rotterdam. The consequence of this selection of scale is that the economic interests of Antwerpen in the deepening of the access channels to the harbour plays a more central role than would have been the case were other larger harbours involved. Consequently the potential to consider alternatives to Antwerp as major harbour were eliminated at one stroke. (Karstens, 2003; Langetermijnvisie Schelde-estuarium, 2001)

Dutch-Flamisch co-operation
Not only was the history of conflict between the Netherlands and Belgium a problem, but the existing cultural differences caused problems as well. Although the languages are quite similar, the national cultures are not. The decision-making and consultation cultures differ comprehensively in the two countries. The Dutch are accustomed to informing the public and working together with other ministries and organised stakeholder groups. The Belgians work primarily within the confines of their own ministries. Although the decision-making culture of the Dutch appears to be more participative, this is not absolutely true. In the Netherlands, for instance often it is unclear how the decision-making process is configured and so is the status of reports. This lack of transparency hinders the participation of outsiders. It is beyond the scope of this study to enumerate the other cultural differences taken into account. However, it became clear from the interviews and was confirmed in the literature that

7 Milieu Federation Zealand is also co-ordinator Estuary working group, this is a co-operation association between several Scheldt-milieu organisations
considerable effort was devoted to successfully creating a process that respected these differences and dealt effectively with them.

According to Fon ten Thij and Harm Albert Zanting, the external process managers, the process of developing the LTV was intended to be a learning process. An important requirement was that there was no primacy of one country above the other. All the teams and working groups had an equal number of Dutch and Belgian members. Moreover, no single member of one country received the chairmanship, either there was an independent chairman or a double chairmanship.

Because of the differences between the two countries, the process managers decided on an informal participation process. A formal process would have required an identical procedure for both countries and this was not seen as a very productive approach. All the members of the project organization were asked to put LTV issues on the agendas of their own organisations and share any feedback with the LTV project teams and working groups. The members of the project team were also allowed to speak to anyone that they considered a relevant stakeholder, but in practice this did not occur and according to one of the interviewees the supervision of this informal participation was lacking. The latter was a form of participation based on trust. Furthermore ad-hoc members, such as experts or interest groups could be invited to participate by the project members, based on their perceived need for information. The idea behind this open approach was that the LTV was not the right platform to discuss the different interests, because it was not yet part of a real decision-making process. Of course, in practice this did happen, as especially the harbour of Antwerp got the chance to put their interest at the heart of the process. During the process a large number of workshops were organized to discuss different issues, results, etc., but the invitations were confined to the LTV project members and some ad-hoc members.

Both countries showed some willingness to adapt. In the Netherlands the usual procedure of an open planning process was not executed and there was no sign of the typical Dutch 'poldermodel' approach. To compensate for this, some spokespersons of environmental organisations and harbour-related interest groups were invited to participate in the working groups, but no higher level of participation than consultation was used in this process. On the other hand, despite having limited experience with co-operation between different ministries and the public, Belgium did its best by giving permission for the publication of different reports produced during the process. A Scheldt Communication Centre was established, where all the reports that had been approved by the TSC were available for consultation. Flemish residents could receive the newsletter, although they had to register first and the availability of the newsletter was not well publicised.

There were active members and agenda members. According to one of the interviewees agenda members were supplied with information so they could never afterwards claim that they had not been informed, which seems to have been a strategic choice in choosing this specific form and level of participation.

The level of participation was consultation, different parties did get involved but were not part of the actual decision-making within the project. Moreover, the information on the LTV project was not very public. As mentioned, publicity was not sought, nor was publicity material produced. To get access to the project’s web site you needed a password. Depending on your position in the project you were allowed access to a specific level of information and were precluded from accessing other information.

Time pressure and PP
The time pressure in the LTV project was high and the limit of two years was stringent because the Belgians might otherwise argue that the Dutch used the long-term vision process to delay the further deepening of the Scheldt. (Kuil, 2001) According to one of the interviewees this tight time schedule is the primary reason that a more open participation process was not adopted. The LTV process management tried to limit the number of parties that they had to invite, because the more parties would be involved in the process, the more complex the process would be. So some would expect that the process would take more time.
Even the local governments were not involved in the project because that would have been too much of a hassle. Moreover, the main interest of the Belgian partners was transport and in Belgium transport is the business of the national government, not of local authorities. Furthermore, Flanders wanted to deal with the LTV on a national governmental level, on the Dutch side an exception had to be made for the province of Zeeland because of the regional sensitivities. (Leemhuis-Stout, 2001) In practice the involvement of Zeeland was rather limited, but it was evident that they need to be involved when it comes to implementing the LTV.

The selection criterion for inviting stakeholders to participate in the process was the perception of a need for additional expertise (knowledge driven). It was invitation-based, so stakeholders could not participate being invited explicitly. Leemhuis-Stout (2001) concluded that the local governments and stakeholders had only a limited involvement. Representatives of agricultural and recreational interest groups in the Netherlands did not participate at all. The Flemish regional governments, the local governments and the inhabitants were similarly excluded. The expert-bias of the project was clearly illustrated by one of the interviewees, who stated explicitly in the context of the environmental aspects that ‘knowledge about an area can only be professional’. This implies that for this “professional” inhabitants or farmers have no relevant ecological knowledge about their area.

As described before the scope of the study was very narrow. According to one of the interviewees the choice of the scope in these kinds of projects is usually made on pragmatic grounds, because the process has to be controllable. According to another interviewee anyone that had an interest outside the scope of study had no direct interest. From this point of view you can put any actor with an interest that’s too hard to deal with outside your scope. There is a danger in this pragmatic scoping as the scope chosen does not necessarily apply in reality. So once plans have to be implemented the initiators could be confronted with an unexpectedly high level of resistance. The organisation, for instance, made sure that the phrase ‘Swapping land for water’ was not used in the LTV, because of the sensitivities in Zealand. However, it is still unclear what will happen when people realise that this strategy is implied in the LTV.

Info based decision-making
To overcome possible conflicts the approach of ‘information-based decision-making’ was applied. The facts about the system and the impacts on the environment, society and the economy were placed in the centre of the process. (Ten Thij & Zanting, 2002) On both sides of the border, the members of the project and working groups had to agree on the information.

To deal with scientific uncertainties the approach of transboundary validation (joint research) was chosen above individual research projects. In this way, a common knowledge base was created to build upon. Initially the working groups having to approve research results in their fields of interest undertook this transboundary validation. Thereafter the project team and finally the TSC were concerned in testing the validity and robustness of the concepts used. Finally, international audit teams were convened and the results were tried and tested.

The morphology cluster had a supportive scientific role. They were to provide answers to the other three working groups on the issues related to morphology. There were more Dutch experts involved in this group than Flemish experts and it might even be called the “Delft group” as most members were from Delft based research institutes. There was a conflict between Belgian scientists and this research group about the interpretation of data. The Belgian scientists became involved because the municipal harbour service of Antwerp initiated a research project of their own. To resolve this conflict, it was decided to incorporate the conflict in the process. The people from Delft did not like this at all. The conflict revolved around the applicability of different morphological modelling techniques and differing opinions on the validity of the outcomes. The conflict was resolved with the intervention of the project management when both parties agreed that they did not differ on the concept of how the Scheldt Estuary functioned, but in the degree of faith they placed in the model results. Once the concept of the functioning of the Scheldt Estuary as a multi-channel system was agreed upon, the way was free to progress further in reaching consensus on the other
three functions, namely safety, accessibility and the natural environment. The result was that recommendations had more weight because both sides had agreed upon them.

**Results**

Leemhuis-Stout (2001) concludes that the process of the LTV has brought parties closer together. Not only is the LTV supported on the level of the central governmental organisations, but local governmental and societal support is available as well. After the LTV was finished, both governments decided to work together on the follow up of the LTV. There is more appreciation for the cultural differences: what had not been perceived as normal at all before developing the LTV, namely working together, has now become logical. (Zanting e.a.) Rather: not co-operating is currently considered illogical.

According to another interviewee the co-operation between the researchers did not improve substantially. Researchers may not like to work with others holding different viewpoints on the Scheldt Estuary and it should not be expected of them. In fact, enforced collaboration could reduce debate and inhibit scientific excellence and debate in the longer term.

One of the interviewees stated that it was a good thing that they did not involve more people. The only problem was that the nautical and economic objectives were too prominent in this project. These pressure groups are influential and wealthy and did use all the room in the project to make sure that their objectives were heard. Interest groups know how to get their point across (when, by whom, etc.). They are not going to tell you everything up front. That wouldn't be smart, because the decision-making process still has to start. Furthermore this interviewee pointed out that both the Dutch and the Belgians learned from the process. For the Belgians this was the first time that people outside the ministry were allowed to participate. So they learnt to involve others. The Dutch learnt to be more open about the process and to consider the context of the available knowledge.

The concept of the LTV is not widely spread. The individuals involved learnt a great deal, but their organisations did not. It was a pity that the officials involved in the LTV were not obliged to reflect upon their experience and learning in the period following the LTV. If they had undergone such a process they might then have recognised their own evolvement and been able to communicate it to others more effectively. The lack of this reflection has limited the spread of the ideas within their ministries.

**Future**

On 5 February 2001 the ministers of Belgium and The Netherlands reached an agreement to co-operate on the Scheldt Estuary based on the LTV (Morandum of Kallo). The Belgian government made this decision before the first of June 2001 (endorsed the LTV on 15 May 2001) and after this date the Dutch government had to make decisions about the LTV within six months (endorsed the LTV on 12 October 2001). During this period Ir. J.M. Leemhuis-Stout was appointed to interview different parties in the Netherlands and Flanders with the goal to find out how determinative the LTV could be in the future development of the Scheldt Estuary.

Action was undertaken to ensure that there was enough support for the LTV. Much more was done at this stage to inform different parties about the implications of the LTV. The report was sent to several local and regional governments, administrators, civil consultative bodies and interest groups.

The Internet was used to spread information and press releases and newsletters created further interest and publicity. Hearings were held in Flanders and workshops were convened in the Netherlands, during which special attention was paid to the region of Zealand. The views of the people of this region are important owing to sensitivities to possible flooding. It is likely the Zealand people will react strongly to the LTV or any other future decisions based on the LTV. However, it is not clear precisely whose interests are at

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Proses, the Flemish/Dutch project organisation, is now working on a development plan. This development plan will be much more concrete than the long-term vision. A Societal Cost Benefit Analysis and a Strategic Environmental Assessment are now being undertaken. The European Birds and Habitat Directive requires that a Cost Benefit Analysis be conducted for an activity such as the deepening of the Western-Scheldt. However, the societal nature of this analysis is new and may represent an implicit acknowledgement by the involved ministers of the omission of societal aspects in the study to date.

Conclusions
The ratification by Dutch and Flanders governments of the Memorandum of Kallo can be seen as an expression of the success of the LTV project. The two-year intensive co-operation between Dutch and Flemish experts and civil servants has generated trust, which is the basis for any future co-operation in the Scheldt basin. Both Flemish and Dutch specialist have learned about cooperating, about the intentions of the other, their knowledge and about their cultural differences.

When evaluating the LTV project from a social learning perspective we read from the literature (Leeuwis and Pyburn, 2002; Craps et al. 2003) and from WP2 that in order to start learning, people first need to realize that they are interdependent and have to organize themselves around the issue(s) at stake. This prerequisite was present in the LTV. In order to actually learn, participants should start interacting – exchange information, discuss, negotiate, etc. and in addition, these interactions should be based on reflexivity, reciprocity and respect of diversity. The participants should reflect not only on the best means to reach their goals (single-loop learning), but also on the goals themselves and on their relations (double-loop learning). The third prerequisite for social learning: respect of diversity, implies that participants need to acknowledge that the other participants may have different interests, views and information. The people participating in the LTV did learn about the means for reaching a specific goal, and also reflected on the goals themselves and on their relations. New scientific insights were shared and different objectives, for instance nature preservation and the accessibility of the harbour and their interconnectedness were debated. A diversity of opinions and different perspectives on the problem and its possible resolution were present and generated problems and misunderstandings. Discussing, and at times resolving, these problems led to respect for this diversity and acknowledgement of these differences, allowing for trust and further co-operation. In this way the LTV was a success for those involved.

Despite these positive results we have to be critical with respect to the social learning effects as these were limited to the very restricted group of experts and civil servants involved in the project. As depicted, many stakeholders such as local authorities, provinces and environmental organizations were not actively involved, but were only informed. This exclusion can be defended on account of the time constraints and the focus on building trust between the policy makers in Flanders and The Netherlands, but it prohibited real social learning as many viewpoints were excluded.

From a network management point of view the constraints placed on stakeholder selection were unfortunate. Suggested criteria for involving stakeholders in policy processes and decision-making are their ability to block decision-making; their ability to enrich the process; their stake in the decision and their moral rights with regard to participation (de Bruijn et al. 2001:70). These guidelines clearly were not considered in the selection of the participants for the process of developing the LTV.

For the implementation of the LTV, however, local and regional authorities will play a major role, while in the light of the active participation of the Port of Antwerp the harbour of Zeebrugge had a moral right to participate too. It seems clear that the choice by the responsible Dutch and Belgian ministers to delegate the development of the LTV to the Technische Schelde Commissie, and the choices of the TSC thereafter regarding the boundaries of the study, were made with a view to constraining the influence of certain stakeholders and facilitating the development of certain plans. Another good example is that
of the farmers in the Province of Zealand. They were able to get the Minister of Transport, Public Works and Water Management to promise the Dutch Second Chamber of Parliament to develop a long-term vision. But the farmers were not invited to participate in the process itself with the result that some of the identified elements in the long term vision options will involve loss of agricultural land. Furthermore, the process managers agreed to less participation than is usual in the Netherlands, so that there would be no imbalances in the vision development process between The Netherlands and Flanders.

From a public participation perspective as sketched in the Directive, the LTV strategy for public participation was rather poor. Consequently the outcomes of the project were presented in the traditional D-A-D style: decide - announce - defend, which requires a great deal of energy to get the message across. All public participation practitioners know that D-A-D traditionally causes resistance from those stakeholders excluded from the process; LTV might be the exception to this rule.

The main question is what is going to happen when the plans become more concrete. We can answer that question partially. The next phase of the long term vision process is being coordinated by a project bureau formed specifically for this purpose. Activities include undertaking a social cost-benefit analysis and a Strategic Environmental Impact Assessment. The initiation of these activities was delayed owing to the involvement of new people in the process, and the time they needed to acquire relevant knowledge. The first signs of resistance against the process and plans from colleagues and stakeholders not yet involved are present. It becomes clear that there is a strong resistance of inhabitants of Zealand to the plans for ‘ontpoldering’ (giving back land to water). This ‘ontpoldering’ is necessary for the obligatory nature compensation if the further deepening of the Scheldt will go on. (Jansen, 2003)

3.2.2 Case: ABCDelfland, Drainage and Water Storage Capacity

Scale: local / regional scale

The project ‘ABCDelfland’ is a project of the Waterboard Delfland. This is one of the 53 waterboards in the Netherlands. In general waterboards are responsible for water quality and water quantity management at a regional scale.

The object of this study is the project of ABCDelfland, which concentrates on the upgrading and extension of the Delfland Boezem, the waterboards main drainage system. The plans that were developed in the project are currently implemented. The second part of ABCDelfland, which concentrated on the polders, started right after this project but is no part of this case study.

Introduction

Description of the Delfland area

Delfland is located in the western part of the Netherlands, between Rotterdam and The Hague. It is an area of roughly 410 km² with about 1,25 million inhabitants and 40.000 companies (www.hhdelfland.nl, 20 June 2003). Half of this area is below sea-level and the Delfland boezem, the main drainage system is at −0.40 mtrs. Therefore it is important to get rid of surplus water to prevent flooding in this area. This problem still increases due to subsidence caused by the oxidation of peat layers through ages of intensive drainage, the rising sea level, and changes in precipitation patterns.
History
Due to an increase in the intensity of rainfall and an increase in urbanisation, local flooding problems started occurring in the area of the Waterboard Delfland. As a result of the severe water problems caused by heavy rainfall in September 1998 the waterboard started with the project ABCDelfland (= Drainage and Water Storage Capacity). (www.hhdelfland.nl, 20 June 2003) The quantity of rain that poured down in a few hours in the warehouse region in the north-western parts of the area forced the waterboard to inundate low-lying polders in the southern part. Heavy rains like this had not been measured in 125 years but again in October 1999 severe rainfall caused big problems in this area. These showers are now called 'cluster rains', because in a short period of time a lot of rain\(^9\) comes down very locally.

Interests, conflicts, attitudes and problems
This specific area called Westland is one of the most densely populated areas of the Netherlands. Except for the city of The Hague with many administrative and industrial activities, the region is known for the extensive flower and horticulture and its many warehouses. Consequently there is a big claim on the land and the ground prices are very high compared to, for example, the Province of Groningen (northern part of the Netherlands). In such a densely populated area there are many different and often conflicting claims for space. Different actors, such as inhabitants, companies, the recreation sector, nature interest groups, farmers et cetera, have different interests. For each of these interests the floods cause problems, and although everybody wanted a solution, but the ideas about what should be considered a good solution differ.

\(^9\) In both occasions over 100 mm rainfall was measured within 24 hrs. Annual average rainfall in the Netherlands is between 700 and 800 mms.
**ABCDelfland**

*Product*

The goal of the ABCD project is: “to achieve a construction of the water system and manage the water system of Delfland in such a way that a societal sound safety level is achieved against acceptable (societal) costs.” (Resource Analysis, 2000, p.1) For reaching this goal the Waterboard Delfland is not looking for technical solutions alone, but it is also trying to find spatial solutions for the (temporary) storage of water. (Resource Analysis, 2000) Not just looking for technical solutions should be considered a radical change in the behaviour of the Waterboard. I ABCD it also looked for possible spatial solutions and most of all combinations of spatial and technical solutions. However, for implementing spatial solutions the Waterboard is dependent on other actors, like municipalities and the Province of Zuid-Holland, especially in this specific part of the country, because there is almost no unused land. (www.hhdelfland.nl, 20 June 2003)

*Process / public participation*

The project ABCDelfland consisted of two phases. The first phase was the analysis of the problem and the search for possible solutions. Phase two was the phase of choosing a solution and making the solution and impacts of this solution as concrete as possible. The outcomes of phase 1 were used in phase 2. Moreover there was a deliberate choice to organise participation. The reasons for organising participation for the Waterboard, according to one of the interviewees, were:

1. **Knowledge.** Inhabitants have a lot of knowledge about the functioning of the system. When there is damage, they may have historical knowledge and ideas about possible solutions. Not always though, because their view of reality is often too biased, this is why the Waterboard also paid a lot of attention to educating the inhabitants about the functioning of the entire water system by informing them.

2. **Obstruction power and legitimacy.** Informing and involving third parties can attain cooperation and speed especially when it prevents lengthy appeal procedures. Not only for the plans of the Waterboard, but also the plans of the municipalities, because the latter are responsible for the spatial planning part of solutions.

3. **Waterboards traditionally only do things they can do by themselves.** Hence, they only created technical solutions. But the water surplus problems and their context became more and more complex, forcing the Waterboard to co-operate with others (like municipalities, provinces, etc.), which in itself created a new challenge.

**Phase 1:**

Because of the urgency of the problems and the acknowledgement by the Waterboard that they needed others to create a solution for the water problems in the area, Delfland chose an open approach. This implied a lot of communication with other actors and stakeholders. By involving others the Waterboard gained a lot of insight about the wishes, preferences and sensitivities of the involved municipalities and interest groups. (ABCDelfland, Water binnen veilige kades, 2000). According to one of the interviewees a solution had to be found rapidly. This was also one of the reasons to choose an 'open' approach process, because they were afraid that otherwise other actors would start an appeal procedure in court, which would waste a lot of time. And time was running out.

The process started with interviews with different stakeholders. The interviews focused on the trouble stakeholders experienced with the water surplus, their ideas about solutions, the terms for implementing these solutions and the different roles of the actors involved. Because of the anger towards the waterboard of those affected by the floods in 1998 and 1999, an independent advisor was appointed to execute the interviews.

When the list of people that were interviewed is scrutinized, it is clear that most of the interviewees were representatives of municipalities. Other actors that were interviewed were the Province of Zuid-Holland, the Waterboard Delfland, and one interest group, namely the interest group for local farmers. Also an advisory organisation for recreational and natural areas was interviewed.
The results of the interviews were presented and discussed in a workshop with almost all the interviewees, administrators, civil servants and representatives of different stakeholder groups. The only ‘new’ participant was the representative of the fire department of one of the municipalities involved.

One of the goals of the workshop was to detect mistakes in the analysis up to then. (Verslag workshop, 2000) For example in the analysis of the areas, which had problems with a surplus of water. Another goal was to create an overview of solutions that could count on the support of different actors. (Information folder about the workshop)

The group was divided in three workgroups that discussed possible solutions, their implementation and co-operation in the area. The results were discussed in a plenary discussion at the end of the workshop. According to the independent advisor, who facilitated the workshop, the participants of the workshop appreciated the new open approach of the Waterboard. (Verslag workshop, 2000)

In between the interviews and the workshop there were two meetings with people from two different communities who suffered from the water problems. These meetings were not initiated by the waterboard, but by the municipalities. By listening to the people who had suffered from the floods the waterboard felt more sense of urgency. The most important message to the waterboard was that they had to find structural solutions. The waterboard tried to do this.

Furthermore there were several bilateral discussion meetings with municipalities (7) and the neighbouring waterboards (1). The Waterboard discussed its plans in a meeting with a water management expert panel to get feedback on the technical approach. These experts were chosen and invited by the waterboard. There was one information meeting with several nature organisations.

There were three meetings with the sounding board group, which focused on the process approach, the goals and criteria of the project, the solutions and their presentation. The main purpose of this sounding board group was to test if the waterboard could expect support for their project. The actors that participated in the sounding board group were several municipalities, the Province of Zuid-Holland, the Ministry of Agriculture and Nature, the Technical University Delft, RIZA (expert organisation of the Ministry of Transport, Public Works and Water Management, the neighbouring Waterboard Schieland, and a local farmer interest group. Due to this sounding board group the Waterboard gained insight in how the external actors experienced the project. (ABCDeelnd, Water binnen veilige kades, 2000)

Phase 2:

The Waterboard developed ten alternatives. Three workshops were organised to discuss these options. One for the elected members of the Waterboard, one for the mayors and aldermen of the municipalities and the third for the civil servants of the municipalities, the sounding board group members, the local farmers interest group and the Province of Zuid-Holland together. During the workshops preferences were solicited; each participant got a total of ten points and was allowed to divide these points between the alternatives. So a participant could give one alternative 10 points or each alternative one point and everything in between. Before the preference elicitation the effects of the different alternatives were presented to the participants, also on issues like finance and impacts on agriculture by presenting and discussing scorecards. Two alternatives had a significant higher score than the other ones. One was based on the principal of storing water and the other one was based on the principal of discharging the water. These two alternatives were combined into one final solution.

After these workshops, seven public information meetings were organised in the whole area. According to one of the interviewees, the goal of these information meetings was to create support for the plans of the Waterboard and trying to win back the trust of the people. The waterboard invited all the contacts of the network that had been build up during the process. Furthermore, inhabitants and media were welcomed to come to these information meetings. Announcements were placed in all local newspapers.

The seven information meetings were well attended, it was not unusual to have over one hundred visitors at such a meeting. Maps and pictures were used to support the
information presented. One of the messages of these information meetings was that although the alternatives were 'good', the waterboard could not guarantee that there would not be any water problems in the future. Also, information on the impacts for that specific area and how the plan was developed was given. According to one of the interviewees the message to the inhabitants was a strong one, because of the involvement and support of the organised actors.

Because of the nature of this project participation in the form of public display was obligatory. The so-called 'Inspraakverordening' gives inhabitants and organised stakeholders the chance to react to the plans of the Waterboard by communicating their views and opinions. The Waterboard, however, is obliged to consider any objections but not obliged to change their plans because of these views. The objections and the responses are written down in a report that together with the plan is given to the province. The province decided whether the objections were handled correctly. The information meetings were at the same time as this obligatory ‘Inspraakverordening’, because the general public could use the information that was given to them in the information meetings to react to the technical plans of the waterboard.

Results

Surprisingly, there were only two appeals. For an area as big as Delfland this is an unbelievable low number according to one of the interviewees.

The process of implementation of the chosen solution is going on, but there probably will not be an evaluation of the participation in the process. At Delfland public participation has to be simple and pragmatic. Evaluation costs time and money and is thus more of an academic issue. But because of the good experience with participation in ABCDelfland Boezem (main drainage system) they used more local or public knowledge rather than technical specialised knowledge than would otherwise have been the case.

The implementation of the solutions is sometimes difficult because of NIMBY problems. But aside from these NIMBY effects there are no problems with the general and wide support for the plans. Due to this project, for example, the inhabitants are confronted with a sizable tax increase. But according to one of the interviewees, there were no complaints about this increase.

Conclusions

For the involved stakeholders the level of participation was consultation. The level of participation of the general public was no more than that of information. According to a spokesperson of the waterboard it is not wise to involve stakeholders in the actual design process, because that is the sole responsibility of the Waterboard, and it has the knowledge to do so effectively. It seems like the Waterboard used the comments of the different involved stakeholders. Their preferences were taken into account. To make one combined alternative based on the two alternatives preferred by the stakeholders is probably the most explicit example of this. On the other hand it seems at though the Waterboard used stakeholder involvement and support to make sure the general public didn't have to participate. One of the interviewees said that the inhabitants, if they had significant problems with project, would be alone in their comment. A power gap was created between the involved organised stakeholders together with the Waterboard and the inhabitants and non-involved stakeholders.

In essence both stakeholder consultation and public information were very traditional in the use of tools and models. Maps and scorecards were extensively used to show the spatial reservations and their impacts. Only in the three stakeholder workshops stakeholders could express preferences through a simple voting procedure.

Due to this traditional approach social learning was negligible. Although one interviewee expresses that the public should be educated this education is limited to single loop learning – learning about mechanisms, causes and effects. Opportunities for double-loop learning were present at the stakeholder workshops, where group discussion was facilitated and where stakeholders could choose their favourite alternative. This effect was limited due to the fact that participants were spread over three separate sessions each one serving a specific target group. Therefore the participants could only learn about the views of the other
participants in their own workgroup. As a result they learned from each other and about each other in between peers, but there was no learning between the participants of the different workgroups or between the various workshops. Clearly social-learning was not a goal in itself for the waterboard; moreover it had a very pragmatic and problem solving attitude, which in this case seemed to work well.

### 3.2.3 Case: Dalmsholte

**Scale:** local

Waterboard Groot Salland participated in a case study of STOWA\(^{10}\) as part of a research about communication and participation in local water management. The waterboard decided to apply a new design principle for the construction of the water system, called ‘Waternood’. This principle is based on new insights about increasing the absorption capacity and about enhancing the robustness of watersystems. The waterboard already decided to use the new principle, but the concrete implementation of measures is open for discussion.

The research question of this case study was if the method of organising two workshops about this new principle would improve the communication between the waterboard and the farmers, because most of the land in the Dalmsholte area is used for agriculture. In these workshops maps were used to communicate ideas and to improve participation. The workshops and the use of maps will be discussed in this short case study. The area has problems with both a surplus of water and drought. The goals of the waterboard, relating to these two workshops, were:

1. To inform the farmers about ‘Waternood’;
2. Use the knowledge of the farmers in their problem analysis;
3. Increase support for future measures taken by the waterboard.

All the farmers with more than 1 ha of land were invited.

**Workshop 1:**

After informing the farmers about the goals of the waterboard the participants could give their opinion. An inventory was made of the water problems in the area. Four subgroups worked on this inventory by using maps. With coloured pens they could draw where the problems are located and what kind of problems they experience: too much water or water shortage. After the inventory the results were discussed by the whole group.

**Workshop 2:**

The second workshop was two weeks later and started with a reminder of what happened the first time. After a plenary discussion the same subgroups as the two week earlier started working on prioritising the different measures. The participants could also place the selected measures on the map, in search for a good location. Because not only farmers, but also members of the waterboard were participating in the subgroups no group came to an agreement. There was an obvious discrepancy between the preferences of the waterboard and the farmers. A plenary discussion followed.

Afterwards the farmers could give their opinion about the workshops by voting on discussion statements. By attending the workshop the farmers better understood, the new design principle ‘Waternood’. Furthermore the farmers felt like they were able to express their ideas about water management. But they doubted whether the waterboard would use the outcome of these workshops and not prefer to follow its own preferences. Despite the doubts about the use of the outcomes, the farmers did appreciate their involvement and all of them said they would come again to such a workshop.

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\(^{10}\) Dutch acronym for the Foundation for Applied Water Research.
Evaluation
The waterboard imposed the new design principle so partly they chose a Decide-Announce-Defend (D-A-D) strategy. Consequently they had to inform the participants before starting the workshops. By looking at the measures that were preferred by the farmers it becomes clear that they still do not agree with the waterboard’s new design principle ‘Waternood’.

Furthermore the farmers doubt if the outcome of the workshops will be used by the waterboard. Although it is unclear if the waterboard will use these results, it seems unwise if they do not, as this would harm the trust that was created by these workshops.

The use of maps seems very logical when you look at the problem situation. By drawing on maps the farmers were able to show in which areas the problems are and were able to visualise the effects of selected measures.

3.2.4 Case: Meer Visie

Scale: national

The national government wanted to create an integral vision for the IJsselmeer area for a period till 2030. The IJsselmeer area is the biggest fresh water reservoir in Europe. It is known for its recreational quality, especially surfing, sailing and swimming. Climate change and consequently safety is an issue in this area. Four ministries are involved in making the vision and three provinces advised the ministries. Other actors with an interest are: the other provinces bordering the lake, municipalities (over 30), waterboards, recreational organisations, fishermen, sand mining companies, energy suppliers, the navigation sector, and nature and environmental organisations.

The project organisation organised one big workshop after the concept version of the vision had been finished. All the actors mentioned before were invited. This workshop, during which maps and role-playing were used as a tool, is the focus of this small case study.

The workshop was divided in two parts and lasted 1,5 day in total. Fifty people participated in the workshop. In the first part the participants could make their own vision by using an electronical map. They did not have to start with an empty map, but they could use existing maps displaying the present spatial construction as a basis for drawing plans. In the second part of the workshop participants played a role game. The computer tool ‘Meer Visie’ supported both the vision making and the role-playing. All participants played their own role, so if you were from a municipality you were placed in the group: decision makers, waterboards and municipalities. In total there were seven subgroups. Investors could submit fictive projects, the interest groups would respond and the decision makers decided on the implementation of the projects. The estimated effects of these projects on economy, nature, environment, and safety were then calculated and made available in the support tool ‘Meer Visie’.

The objectives of ‘Meer Visie’ were:
1. To find out how the other actors would react to the concept version of the integral vision;
2. To generate support for the final version of the integral vision.

Before and after the role-play the participants had to fill in a questionnaire. Based on this questionnaire an actor analysis was made. The main conclusion of this actor analysis was that during the role-play game, the participants learned about each other. The result was that possible conflicts decreased and the same was true with respect to conflicting interests. This result could be attained because it was a ‘safe’ environment and not reality. The learning resulted in an increased understanding of each others position and this is an important determining factor for support for the integral vision.

11 Translation: More Vision
Evaluation
This workshop seemed to work well. It proved to be a good method to combine learning about the content of a problem area with learning about visions and positions of actors. Participants could be creative in a safe environment. Good memories and new insights can help in the reality of making the final version of the vision.

According to the document ‘Meer Visie’ the maps with the visions of the different subgroups have been used in the making of the ‘Integral Vision IJsselmeergebied 2030’.

Many tools were used in the workshop: maps, role-playing game, questionnaires and actor analysis. Computers supported some of these tools. This implied that a lot of money, time and energy was put into the preparation of this workshop. Because of the complexity of creating an integral vision with so many involved stakeholders several research institutes intensively prepared this workshop.

3.3 Conclusions on Public Participation in River Basin Management
As can be seen from the case studies presented, real co-production in water management in the Netherlands is still absent; the highest form of public participation is consultation of stakeholders; the general public is informed only. Participation of the public or citizens is limited to the formally required presentation and their involvement restricted to commenting and objecting to the plans drawn out by the experts and deliberated upon by the representatives of organized stakeholder groups.

Consultation of stakeholders proved to be relatively successful. Both in de Scheldt and Delfland cases active participation, by Dutch and Flemish agencies and organized stakeholder groups respectively, led to mutual understanding and learning about the issue at stake. In the Scheldt case it even lead to more trust between the formally opposing parties.

A quite general problem is the link between PP and political decision-making. Almost without exception PP is organized as an addition to and not as an integral part of decision-making. Consequently the outcomes of the PP process are often only partly included or not included at all in the final decision. According to one of the interviewees there is usually to significant differences between the concept version and the final version of a report. At first people are happy because they were heard. But when they find out they did not have an influence it could harm the trust, build up by choosing a PP approach, and create damage to the relations between different actors. The underlying problem is that PP is often used as a mean to create support for a policy instead of a more normative reason.

Big differences in regions within the Netherlands do not exist. But because there is only a minimal legally required level of PP, it depends on the good will of organisations and the attitude, skills and experience of the individual project manager if there will be a more ambitious PP approach. So the choice on the level of PP is based on individual preferences, moreover there seems to be little exchange and learning between various policy fields. One of the interviewees stated that in the Netherlands no one learns from each other about PP as there is hardly any communication between ministries or even in the water sector and between different river basins.

With respect to PP the water sector seemed to lag behind in comparison to the spatial planning sector in the Netherlands. Part of the problem with water managers is the expert-bias shown in the LTV case study. But nowadays, because of the increasing complexity in water management, more actors and people will be affected by water policies and will be expressing their interest to participate.
4 Conclusions

Public participation will play a key role in the implementation of the WFD. The Water Framework Directive contains a general requirement to encourage "active involvement" in the implementation of the directive (art. 14, first sentence). To reach the ambitious objectives of the WFD, collaboration and sharing responsibilities of the different water use sectors is needed. As the preamble 14 of the WFD puts it, "The success of this Directive relies on […] information, consultation and involvement of the public, including users."

As minimal requirements for PP in WFD it is stated that three rounds of written consultation should be included in the planning process. (art. 14), the input of the public needs to be collected and processed and needs to be taken seriously (Annex VII point A9) and access has to be given to background information. (art. 14, Annex VII, point A 11).

Additional forms of PP are not legally required, but they may be required for reaching the ambitious environmental goals of the WFD and "ensuring the success of the directive." (cf. preamble 14) Examples include written consultations in other phases, oral consultations, sharing decision-making powers with the public and active dissemination of information.

With regard to implementing the WDF at this moment in time, debates are going on about the classification of the various (parts of) the Dutch river basins. Although it is widely acknowledged that this classification is crucial to future river basin management requirements there is neither stakeholder involvement nor involvement of the public in this process. When considering the intentions on ‘active involvement’ voiced in the Framework Directive it seems the Dutch track record now is quite poor.

4.1 Main lessons learned

In the next subparagraph a strength and weakness analysis will be presented, showing the strengths and weaknesses of the current Dutch practice when thinking about the implementation of the WFD.

In subparagraph 3.1.3 the opportunities and threats caused by outside factors are presented.

4.1.1 Strengths and weaknesses

When assessing the current state of the art of public participation in water management in the Netherlands in general and the implementation of the WFD in special we can formulate a number of strengths and weaknesses of the Dutch practice. These will be elaborated in Table 4.

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience with active involvement of stakeholders and public in land-use and infrastructure planning</td>
<td>Limited tradition of PP in water management</td>
</tr>
<tr>
<td>Presence of organized interest groups allows for active involvement at higher scale problems</td>
<td>No active participation in preparation and analysis for WFD until now</td>
</tr>
<tr>
<td>Public concerns are often represented by organized stakeholder groups</td>
<td>Expert bias in water management</td>
</tr>
<tr>
<td>Long-standing tradition of successful providing information to the public</td>
<td>Focus on information rather than active involvement</td>
</tr>
<tr>
<td>Highly educated public</td>
<td>Low interest</td>
</tr>
<tr>
<td></td>
<td>No tradition of consulting the general public, certainly not at a higher scale level</td>
</tr>
</tbody>
</table>

Table 4: Strengths and weaknesses of Dutch Public Participation practice for implementation of the WFD
4.1.2 Opportunities and threats

Opportunities and threats for implementing the WFD in the Netherlands are factors originating outside the system under scrutiny and can only be anticipated or reacted upon. In this case we have tried to stay close to our subject and we have concentrated on opportunities and threats within the fields directly related to the implementation of the WFD such as water management and rural planning.

<table>
<thead>
<tr>
<th>Opportunities for improving PP when implementing the WFD</th>
<th>Threats for improving PP when implementing the WFD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecting to current debates on water as guiding principle for land-use planning</td>
<td>The lure of traditional ‘inspraak’- traditional approaches restricted to information and consultation are perceived as unsatisfactory</td>
</tr>
<tr>
<td>Water quality issues can be connected to water quantity issues that are high on the political agenda</td>
<td>Too little, too late: public is involved after major decisions have been taken and will question the need and necessity</td>
</tr>
<tr>
<td>Actual debates on restructuring the agricultural sector may help to attain water quality objectives</td>
<td>Fatigue of stakeholders and public because of numerous participation requests</td>
</tr>
<tr>
<td>Accidents and incidents putting water quality on the political agenda</td>
<td>A focus on water quantity issues rather than water quality issues</td>
</tr>
<tr>
<td>Sectoral debates are more prominent than water quality issues</td>
<td>Low ‘urgency’ as long as low water quality is not visible</td>
</tr>
</tbody>
</table>

Table 5: Opportunities and threats for improving Public Participation when implementing the WFD

4.2 The Public Participation provisions of the Water Framework Directive

The most recent development in the field of water management and PP is of course the WFD. Until now implementation of these provisions has been limited. While some people involved in the implementation are really interested in promoting "active involvement", others would like to start PP only in 2006 and limit it to consultation. There have been complaints by social groups and within Second Chamber of Parliament that until now the implementation of the WFD has been an internal governmental and scientific affair. (Tweede Kamer 2002-2003, Kroes 2003, LTO 2003). Several administrative working groups exist to prepare the implementation of the WFD, but no working groups deals with PP. The Dutch draft "Implementation Act European Water Framework Directive" only regulates consultation and does not mention active involvement explicitly.

According to the Handbook on Implementing the WFD (not officially approved draft of December 2002), five formal "sounding board groups" will be formed, one national and one for each river basin district (Rhine, Meuse, Scheldt and Ems). These will consist of national and regional organisations that:

- "subscribe to the objectives of the WFD and the national water policy"
- represent a water related interest, and
- "are willing to think constructively about the implementation of the WFD and recognise that this inevitably requires a broad balancing of interest".

Their role is to be informed and give advice: "for interest groups there can be no question of co-decision-making". (Handboek 2002, section 2.6)

Recently, the deputy minister for water management clearly expressed the official point of view concerning PP and the WFD. According to her, "The first requirements according to the WFD concern the description of the Dutch parts of four river basin districts."
Significant involvement of the public in this is not really necessary. The first activities should be undertaken by government organisations. [...] Yet, the government thinks it is important that the stakeholders become involved at several scales to have a societal debate. Support for the proposals and a check on developments in practice will improve decision-making."

Furthermore the deputy minister refers to the information requirement from the WFD and mentions a media campaign, newsletters (Nederland Leeft met Water) and the special website (www.kaderrichtlijnwater.nl). No new discussion forum will be established at the national level, but rather "very targeted meetings on specific themes for the relevant organisations involved will be organised. At the level of the four river basin districts active involvement could become more concrete and site-specific." (Tweede Kamer 2002-2003, nr. 6)

Consequently, most PP activities are to be expected at the regional level and possibly the local level. Based on the information that could be obtained (about the Scheldt district and the Rhine district, region "midden": Plan van Aanpak Rijn Midden 2003), ideas are just developing. Nationally, the waterboards, provinces, municipalities and ministries have agreed to coordinate their information activities – not only concerning the WFD but also concerning flood protection – and establish regional communication teams. (Nationale Bestuursakkoord Water 2003) In the Dutch part of the Scheldt basin district the different government bodies involved have established a Communication and Public Participation team, excluding the municipalities but including one representative from the regional environmental association, which is developing a work plan. Moreover, a regional sounding board groups has been established. Nonetheless, not all issues have been resolved yet. For instance no decisions have been taken yet concerning the issue whether to choose for information/consultation or real active involvement, for addressing the general public or keeping it manageable by only addressing organised interest groups.

From a Dutch perspective a few critical remarks can be made concerning the PP provisions of the WFD and how they have been interpreted by in the Guidance Document on Public Participation (Drafting Group 2002). The most important remark concerns the definition of "encourage" and "active involvement" in art. 14 of the WFD. In essence, these activities are not defined. The guidance document gives an interpretation: "active involvement" is more than consultation and implies that the public gets real influence, although not necessarily decision-making powers, and "encourage" should be taken seriously. However, not many people in The Netherlands seem to have read the guidance document and moreover the summary of the guidance document is somewhat misleading, as it seems to suggest that encouraging active involvement is optional. Attitudes towards PP being what they are, this lack of clarity does not promote the encouragement of active involvement.

To a lesser extent, the lack of clarity concerning the concepts of "(general) public" "interested parties" etc. may cause some problems. There is a tendency in The Netherlands to limit real participation to the easily identifiable, well-known organised stakeholders, and for the "broad public" organise media campaigns only. This may not be sufficient. Organised interest groups and politicians may only agree to painful and expensive measures that may be necessary if they do not get into serious problems with their constituencies - the broad public - and this may require more active involvement. Moreover, they may have different information and perspectives to contribute than the (semi-) professionals that often represent them. Yet, involving the broad public is only to some extent a legal issue. A real big issue is how to organise this in practice.

Especially the WFD is not very explicit about the scope of PP, the assumption probably being that the scope is given by the topics discussed in the WFD and the issues coming out of the description of the river basins before the end of 2004. This is only partly true. Some WFD issues, such as the (preliminary) designation of water bodies as artificial or heavily modified, are often seen as "technical" and not a likely subject for PP, even though there are clearly subjective elements in them, and even though this designation forms the basis for setting the environmental objectives, which in turn form the basis for the measures that will have to be taken from 2012 onwards. Moreover, additional issues not discussed in the WFD may or may not be discussed during river basin management planning. As clearly
shown by the LTV-case, the scope of PP defines the parties to be involved, especially when a narrow definition of "interested party" or "stakeholder" is used.

To a large extent, these are theoretical considerations of course. The WFD says what it says and it could only be agreed upon after different compromises between the Council representing the member states, the European Commission and the European Parliament. These compromises are reflected in the vagueness of the text of the WFD. It is this vagueness that made agreement possible, but while vagueness may promote agreement, it is clarity that might promote implementation.

Until now little has been done in the Netherlands to actively involve stakeholders and the public in the planning process of the WFD. The minimal requirements have not been met yet. In order to fulfil the more ambitious WFD objectives of active involvement considerable effort has to be made.
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5. Anke Blumer, during the project ABCDelfland responsible for the communication about this project, 4 September 2003.

**Web-sites**

http://www.cbs.nl
http://www.eerstekamer.nl
http://europa.eu.int/comm/public_opinion
http://www.gwpforum.org
http://www.hhdlfland.nl
http://www.kaderrichtlijnwater.nl
http://www.proses.nl
http://www.sgbo.nl
http://www.volkstelling.nl
Annex 1  Major Public Participation requirements in Dutch law concerning river basin management

<table>
<thead>
<tr>
<th>WHAT?</th>
<th>WHO RESPONSIBLE?</th>
<th>PP REQUIREMENTS?</th>
<th>REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>All government bodies</td>
<td>With limited exceptions, all government information is public. Authorities have to provide information actively if this is in the interest of good democratic governance.</td>
<td>Act on Openness of Government Proceedings</td>
</tr>
<tr>
<td>Public preparation</td>
<td>Differs</td>
<td>During 4 weeks the &quot;interested parties&quot; can comment in writing or orally. Interested parties are all whose interests are directly involved, including organisations. This procedure has to be applied if so determined in an act or regulation.</td>
<td>Act on Administrative Law, section 3.4 and art. 1.2</td>
</tr>
<tr>
<td>Elaborate public preparation</td>
<td>Differs</td>
<td>More detailed. Everybody can comment in writing or orally. This procedure has to be applied if so determined in an act or regulation.</td>
<td>Act on Administrative Law, section 3.5</td>
</tr>
<tr>
<td>PP bylaw</td>
<td>Province</td>
<td>Regulates how proposals are published, how inhabitants and others are consulted, how feedback is given and how inhabitants can complain about the consultation.</td>
<td>Act on the Provinces art. 147</td>
</tr>
<tr>
<td></td>
<td>Waterboard</td>
<td>Regulates how proposals are published, how inhabitants and others are consulted, how feedback is given and how inhabitants can complain about the consultation. Consultation is required on proposals for new waterboard bylaws, draft water level decisions, the construction and improvement of significant water management infrastructure and the register of maintenance obligations.</td>
<td>Waterboards Act art. 79</td>
</tr>
<tr>
<td></td>
<td>Municipality</td>
<td>Regulates how proposals are published, how inhabitants and others are consulted, how feedback is given and how inhabitants can complain about the consultation.</td>
<td>Act on the Municipalities art. 150</td>
</tr>
<tr>
<td>Environmental Impact Assessment</td>
<td>Differs (Initiator makes environmental impact statement, the procedure is the responsibility of the authority competent to take a decision on the initiative, which might be the initiator)</td>
<td>When an Environmental Impact Statement (EIS) has to be made, the pertinent authority offers everybody the opportunity to comment in advance on the guidelines for the EIS. After completion, the EIS is put on public display, everybody can comment in writing and a public meeting has to be organised.</td>
<td>Environmental Management Act, chapter 7</td>
</tr>
</tbody>
</table>
## Administrative appeal and administrative courts

As a general rule, "interested parties" can challenge concrete administrative decisions - not general rules - in court after they have first sent a complaint to the government body that took the decision. Sometimes there are also possibilities for administrative appeal to a higher level government body.

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## Civil courts

Can offer legal protection in several cases when administrative courts are not competent (general rules and government actions not being "decisions" that are unlawful, contractual and property issues).

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## National ombudsman

Everybody can request the national ombudsman to inquire whether a specific government body behaved correctly towards him or her, provided he or she has first complained to the pertinent government body and there are no possibilities to go to an administrative court. The report by the ombudsman is public and is often referred to in his annual report, which gets a lot of attention.

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## Water management

<table>
<thead>
<tr>
<th>Policy plans</th>
<th>State</th>
<th>*Public preparation procedure will be followed. Three times documents will be put on public display and during 6 months everybody can comment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Province</td>
<td>Regulated in provincial PP bylaw</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operational plans</th>
<th>State (for large waters)</th>
<th>Public preparation procedure is followed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterboard</td>
<td>Regulated in waterboard PP bylaw</td>
<td></td>
</tr>
<tr>
<td>Municipality (Sewer plan)</td>
<td>Regulated in municipal PP bylaw</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Act on Surface Water Pollution permit</th>
<th>State (large waters) or waterboard</th>
<th>Elaborate public preparation procedure is followed</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Surface water abstraction permit</th>
<th>State (large waters) or waterboard</th>
<th>Public preparation procedure is followed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groundwater abstraction permit</td>
<td>Province</td>
<td>Elaborate public preparation procedure is followed, with some modifications. The State follows the public preparation procedure. Waterboards regulate PP in their PP bylaw.</td>
</tr>
<tr>
<td>Water level decision (concerning the target level)</td>
<td>State (large waters) or waterboard</td>
<td></td>
</tr>
</tbody>
</table>

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Act on Administrative Law section 6 to 9
Civil Code
Act on the National Ombudsman
Water Management Act art. 3-4
* Draft Implementation Act WFD
Water Management Act art. 7-8
Water Management Act art. 6
Water Management Act art. 9
Environmental Management Act art. 4.23
Act on Surface Water Pollution art.7
Water Management Act art. 27 and 31
Groundwater Act art.17
Water Management Act art. 16
Implementation Bylaw Water Management art. 13
Waterboards Act art. 79
<table>
<thead>
<tr>
<th>Water agreement (between water managers concerning discharge and import of water)</th>
<th>Waterboards, State, other</th>
<th>Water Management Act art. 18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental management</strong></td>
<td>Policy plans</td>
<td>Draft is sent to &quot;public bodies and other administrative bodies and institutes that, according to the parties (to the water agreement), have an interest in the draft agreement.&quot; During 4 weeks they can comment.</td>
</tr>
<tr>
<td></td>
<td>State</td>
<td>The &quot;most interested administrative bodies, institutions and organisations&quot; (to be determined by the minister) need to be involved</td>
</tr>
<tr>
<td></td>
<td>Province</td>
<td>Participation by the inhabitants and others, as regulated in the provincial PP bylaw</td>
</tr>
<tr>
<td></td>
<td>Municipality (optional plan)</td>
<td>Participation by the inhabitants and others, as regulated in the municipal PP bylaw</td>
</tr>
<tr>
<td>Operational plans</td>
<td>State</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Province</td>
<td>With respect to soil pollution participation by the inhabitants and others, as regulated in the provincial PP bylaw</td>
</tr>
<tr>
<td></td>
<td>Municipality</td>
<td>Can be regulated in municipal PP bylaw</td>
</tr>
<tr>
<td>Environmental permits (for &quot;installations&quot;)</td>
<td>Usually municipality, sometimes province or state</td>
<td>Elaborate public preparation procedure is followed</td>
</tr>
<tr>
<td>Spatial planning</td>
<td>State (national policy document spatial planning and different plans concerning specific aspects)</td>
<td>The public preparation procedure is followed, but everybody can comment</td>
</tr>
<tr>
<td></td>
<td>Province (regional land-use plans)</td>
<td>During 4 weeks the &quot;interested parties&quot; can comment in writing. &quot;Interested parties&quot; and those who sent in comments in time can have a discussion with the province.</td>
</tr>
<tr>
<td></td>
<td>Municipality: structure plans</td>
<td>During 4 weeks the &quot;interested parties&quot; can comment. (Has to be regulated in the municipal PP bylaw.)</td>
</tr>
<tr>
<td></td>
<td>Municipality: land-use plans (detailed and binding)</td>
<td>Public preparation procedure is followed. During 4 weeks the &quot;interested parties&quot; can comment in writing. (Has to be regulated in the municipal PP bylaw.) Those who did comment and those who could not reasonably comment can send objections concerning the plan as adopted by the municipality to the province (who needs to approve the plan).</td>
</tr>
</tbody>
</table>

Spatial Planning Act art. 2a

Spatial Planning Act art. 4a

Spatial Planning Act art. 6a and 8

Spatial Planning Act art. 6a and 23
<table>
<thead>
<tr>
<th>Procedure for large projects</th>
<th>State or province and one or more municipalities</th>
<th>Applications/ draft decisions are put on public display and everybody can comment in writing during 4 weeks. Public preparation procedure applies, but everybody can comment in writing.</th>
<th>Spatial Planning Act art. 40-41</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building permits/ construction permits</td>
<td>Municipality</td>
<td></td>
<td>Housing Act art. 50, Spatial Planning Act art. 46</td>
</tr>
<tr>
<td><strong>Nature protection</strong></td>
<td><strong>Policy plans</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State: Nature Policy Plan</td>
<td>The &quot;most interested administrative bodies, institutions and organisations&quot; (to be determined by the minister) need to be involved</td>
<td>Nature Protection Act 1998 art. 7</td>
<td></td>
</tr>
<tr>
<td>State: Structural scheme, concerning spatial aspects</td>
<td>The public preparation procedure is followed, but everybody can comment</td>
<td>Nature Protection Act 1998 art. 9, Spatial Planning Act art. 2a</td>
<td></td>
</tr>
</tbody>
</table>
## Annex 2  Glossary

This glossary only contains terms that (1) are used more than once in the report, (2) have not yet been defined in the glossary to the inception report of the HarmoniCOP project, and (3) cannot be found in standard dictionaries or have been given a more exact or slightly different meaning.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Public Participation</td>
<td>In a strict sense public participation that is prescribed by law. In a more loose sense all public participation that is organised by government or at least supported by government. Informal participation refers to all public participation that is not prescribed by law or organised by government.</td>
</tr>
<tr>
<td>Informal Public Participation</td>
<td>See Formal Public Participation.</td>
</tr>
<tr>
<td>Inspraak</td>
<td>Originally synonymous with &quot;publieke participatie&quot; (public participation). Gradually it became to mean a procedural obligation for information provision and consultation, mostly consisting of public displays requirements, possibilities to react in writing and public hearings. It got a negative connotation as, according to critics, it is only used to legitimize decisions that have already been taken</td>
</tr>
<tr>
<td>Polder</td>
<td>low-lying area having an artificial man made drainage system</td>
</tr>
<tr>
<td>Polder board</td>
<td>historical institution charged with water quantity management of a polder</td>
</tr>
<tr>
<td>Polder model</td>
<td>the institutionalized deliberations between representatives of the social partners</td>
</tr>
<tr>
<td>Waterboard</td>
<td>Dutch governmental institution charged with water quantity and water quality management</td>
</tr>
</tbody>
</table>