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4.10. The Netherlands

Hans Bressers

Both Germany and the Netherlands are regarded in the international arena as "front runners" in environmental policy-making. For both countries, the external perception of their environmental record is a matter of internal dispute. Although admired by outsiders, their environmental policies are considered at home to be vulnerable to the risk that necessary change come to a standstill half-way along the road.

The root causes of this situation are somewhat similar in both countries. The development of both environmental policies shares a common background: heavy pressure for solutions to environmental problems, due to the high concentration of domestic economic activity and prosperity, and the corresponding economic capacity to develop a substantive policy response to these problems. At the beginning of the 1970s, both countries were quick to set up regulatory structures, predominantly based on licensing systems, as the core regulatory instrument. In both cases, implementation issues were not dealt with at all adequately, resulting in the notorious 'implementation deficit' (*Vollzugsdefizit*) in Germany, and the disturbingly consistent results of numerous Dutch evaluation studies, which have described the effects of environmental policy as marginal or - even more damningly - as "the side-effects of what is essentially a legislative tokenism" (Aalders, 1984).

The responses of the two countries to this crisis in environmental policy did nonetheless differ from one another. The processes described by Weidner flow logically from his assessment of German policy's capacity for integration, innovation and forming strategic alliances. A new *contrat social* more or less integrated environmental protection into the German system of government. This development was to a large extent a result of the high level of public awareness, which made itself felt in electoral pressure from the emerging Green Party (*Die Grünen*), and occurred despite the "extreme inertia of the neo-corporatist power cartel" which had been in evidence up to then. The judicial system also acted from time to time as an engine of change.

In the Netherlands, the incorporation of environmentalist values into the system of government took a different course. The newly established government agencies and environmental administrators at national, and sometimes also provincial level saw the environmentalist movement as a

natural ally in their struggles with industry and with government agencies who had other interests to defend than environmental quality. For Dutch environmentalists this meant not only easy access to policy formulation, but also, until recently, the generation of substantial funding towards enhancing their level of expertise - "arming your ally". On the other hand, in the beginning of the 1980s, amid the first signs that environmental policy was not living up to expectations, both environmentalists and environmental agencies found themselves on one side of a gulf separating them from the 'economic' sector networks of governments and businesses where the most crucial decisions were being made. Furthermore, the economic depression of the early 1980s weakened their position *vis à vis* these networks.

It was under such conditions that the then minister for the environment, Winsemius, tried, more or less successfully, to bridge the gulf. He countered the tendency within his own ministry to regard industry as the enemy, started talks with representatives of businesses and initiated combined working groups between his and other ministries. A first policy result was the adoption of a programme to cut back gradually (but in the longer run quite drastically) the number of firms that had to apply for an environmental permit. For several branches of industry with typically only a minor or moderate environmental impact, individual permits were replaced with general standards, which led to a decrease in procedural costs for both governments and business. Moreover, regulations for these branches were drawn up in full and often close cooperation with the organisations within each branch. Even before the Brundtland report, "Our Common Future", was published, Winsemius and his successor Nijpels had started to negotiate 'covenants' with branches of industry, often from a rather weak negotiating position (Klok, 1989). All in all, environmental policy became 'socially acceptable' during these years, and public respect for the Ministry for the Environment and Mr. Winsemius soared. And so, although superficially at least, developments in Germany and the Netherlands had been fairly similar up to that point, the underlying network(s) of relationships had developed quite differently.

In the second half of the 1980s it became apparent that far more ambitious environmental targets had to be set than previously, in order to protect the environment in the longer term. By then it had also become widely recognised that current policy instruments functioned quite inadequately. Combined, these observations led to a conclusion that environmental policy as it stood could well be regarded as 'bankrupt'. The first national environmental plan set new goals and started a significant 'bandwagon effect'. For any Dutch politician or even business-man at the time it was positively Not the Done Thing not to adhere to it. All potentially affected ministers signed up to it. Groups of critical scientists, though, reminded them in open letters that the issues of instruments and implementation had not been resolved. An addition to the plan in 1990 addressed these issues specifically. It placed emphasis on intersectoral and intra-hierarchical cooperation from (parts of) government. As for the polluters, two new directions were charted in addition to the direct regulatory approach: further economic instruments and more efforts to stimulate self-regulation within industry.

The development of new economic instruments has remained somewhat stuck in the mud since then. A simple explanation is that in the years before, no structural basis for these instruments (institutions, networking relationships, etc.) had been developed. So the full momentum of the new environmental policy's legitimation was directed towards the promotion of self-regulation: consultation with the target groups, covenants with branch organisations, environmental management systems, etc. The logic of this development can be seen directly from the development of network relationships in the preceding decade (Bressers, 1995). It differs from German

developments in the same area in that the emphasis in Germany was far more on legal obligations and liabilities as a way of increasing the extent of self-regulation. As far as the target groups are concerned, national consultation is lacking in Germany. These differences are also understandable from the perspective of the policy context and its development as described by Weidner.

Although the potential and advantages of Dutch environmental policy are widely acknowledged, and have even inspired environmental policy at EU level, such an approach requires delicate handling, because consultation can only succeed when the achievement of environmental objectives is ultimately perceived by all parties to be 'inevitable', and this can only be realised under conditions of sufficient social and political pressure (Bressers, 1994). In other words: relying too heavily on these policies makes their chances of success highly vulnerable. Sooner or later, the institutionalisation of self-regulation becomes essential. And so, understandable as the differences in policy development between Germany and the Netherlands may be, in view of their governmental structures and the network relationships between governments, industry and environmentalists, it is equally clear that the environmental policies of both countries could learn a lot by taking a leaf out of each other's book.

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4.11. Spain

Susana Aguilar

The most striking difference between Germany and Spain, as regards environmental policy in general, is that in the former, the environment has been an established policy area for 25 years, whereas Spanish environmental policy is still in its infancy. That it is still in very much an embryonic stage is exemplified by the fact that Spain is the only European Union (EU) state without a ministry for the environment - only in 1993 did the government make a gesture in this direction, adding the word "Environment" to the title of what is now the "Ministry of Public Works, Transport and the Environment". However, the leader of the new right-wing government of the Popular Party (PP), José María Aznar, did announce during the election campaign that he would set up a ministry for environmental affairs if his party came to power in 1996.

One of the consequences of the low importance attached to environmental protection within the administrative structure is that the results of policy have been, hardly surprisingly, disappointing. The main success story in environmental policy has been the reduction of industrial