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Dutch spaghetti and other environmental dishes

Complaints regarding environmental issues

The Dutch ombudsman receives many complaints regarding projects with an environmental impact. Citizens want to know about the consequences for the environment and they would like to be protected from pollution and other damages. They also want to be involved in the decision-making process. Citizens feel the need to be involved in the choices about matters that affect them; to be heard. They want decisions and choices to be made with instead of over them. Citizens complain that:

- the information about environmental decisions is unclear or inadequate
- they are insufficiently involved in the decision-making process
- the government does not take action against their nuisance.

The Dutch ombudsman doesn't handle complaints about decisions of the government, policies or laws. It is the responsibility of the government to make the environmental decisions. In addition, citizens can submit decisions to the courts. We do however, handle complaints about these three aspects. An important question for us is: how does the government deal with the consequences of decisions that are harmful to citizens and the environment? We find it very important that the government is aware of the citizen's perspective and that citizens are taken seriously. We do not hesitate to point out our views to the government. We do this this by proactively interfering with important and extensive environmental issues. In this way, indirect influence can be exercised on decisions.

Groningen and Lelystad Airport

Two examples of environmental issues that we are involved in, are the gas extraction in Groningen and the plan to set up Lelystad Airport. In both cases citizens feel uninformed and not taken seriously. They don't know where they stand, what to expect and how to anticipate. Their concerns are great and they have little confidence in the government.

Groningen

The gas extraction in the northern province of the Netherlands, Groningen, has provided the Dutch government with a huge income. However, as a consequence of the years of extraction, the ground now has become unstable and causes small earthquakes. This results in damage to homes and buildings and has caused a great deal of unrest. In response to many complaints we have drawn attention to the problems residents are facing in different ways and to the need to restore trust in the government. We have visited Groningen several times and we spoke to residents, interest groups, companies and the different authorities that are involved. In response to complaints about the Ministry of Economic Affairs and Climate and the National Coordinator Groningen we also have issued two reports. In the reports we have pointed out the lack of clear

information for citizens about the different procedures, responsibilities, privacy elements and complaints procedure and dispute resolution. We call this lack of information: the administrative spaghetti.

Furthermore, together with the Dutch ombudsman for children, we have pointed out to the government that six concrete steps are necessary to restore a constructive, future-oriented relationship. These six steps are:

1. restoration of trust
2. responsibility of the central government
3. safety of residents first
4. ample compensation and recovery
5. transparency
6. solutions that fit the individual case.

Our continuous effort to draw attention to the perspective of the residents of Groningen contributed for example to the establishment of a new damage protocol, in which the interests of the residents are better guaranteed than before. Also, the government has greatly reduced the gas extraction from the region. Right now we are exploring the possibility to assess the process of strengthening damaged homes.

Lelystad Airport

The case of Lelystad Airport is about the plan of the government to set up an airport on the outskirts of the city of Lelystad in order to relieve Schiphol that continuous to grow. In this case the environmental consequences (air and sound pollution) and the insufficient involvement of citizens, lead to huge protests. Citizens have complained to the ombudsman about the lack of participation.

We have sent a letter to the Minister of Infrastructure & Water Management requesting to inform us about his view on participation and how the Minister should deal with this in the future. The Minister responded by indicating that the concerns of citizens are taken seriously and that the decision-making process of Lelystad Airport should have been more careful. The letter also announces a number of measures, such as the organization of information evenings and an internet consultation, which should lead to citizens being timely and well involved in decision-making about developments in their environment and be better informed. With this approach we have ensured that the government will better inform and involve the citizens in environmental matters in the future, also in other aviation related topics.

Learned lessons

So what lessons can be learned from the cases Groningen and Lelystad Airport but also from other complaints regarding environmental issues?

Firstly about the decision itself and the right to access environmental information:

- a decision has to be reasonable

- the government has to look at all the facts and circumstances and also has to weigh all the interests in a careful manner
- the government has to explain and motivate its decisions to the citizen
- the motivation has to be consistent and understandable to the citizen
- in a decision must be stated the legal provisions on which the act or decision is based, which facts have been used and how the interests of the citizens have been taken into account
- it is important that the government doesn't make it too complicated for the citizen.

Secondly about the right to participate:

- we see the right to participate in the decision making process as an important theme in our work. Citizens often feel that they are not heard nor do they feel involved in events that take place in their immediate environment. This can be about decisions about where a playground will be set up, but can also be about the placement of windmills or the increase of flight movements from a certain airport
- participation has a great influence on the relationship between citizens and the government. If the government does not adequately respond to the desire of citizens to participate in decision making or to allow them influence in the process, this can have major consequences for their relationship.

Thirdly about the way the government should handle reports of nuisance:

- as said before, it's important that the government should take the citizen's perspective into account
- this means that when citizens express their concerns about nuisance, the government must take them and their concerns seriously
- the government must act solution-oriented. This means that the government has to try to find an acceptable solution
- the government must act transparent. This means that the government must be clear about whether it's possible to do something about the nuisance. And it also has to be clear what considerations are made and how the process of decision-making will be
- the government must act progressive and not leave the citizen in uncertainty for too long.