The sky is the limit: The changing role of the state in water management issues in the Netherlands

BIRGITTA DOLFING*

Abstract. Water management in the Netherlands involves reliance upon norms and values that are rooted in tradition, but responsive to the changing wishes and needs of society. The triangular relationship of ‘interest-pay-say’ has been a fundamental and consistently dominant principle, and to a large degree qualifies current interactions between state and non-state actors. Since the storm surge of 1953, the devastating effects of which were partly blamed on the water boards, these organizations have shown resilience by concentration, increase in scale and democratization. They were rewarded with the task of water quality management, which also made them financially self-supporting.

Today, other developments threaten the water boards. Unusual floods have occurred, and are likely to occur more frequently in the near future. Non-state actors are unwilling to accept the accompanying risk of damage, but on the other hand they find it hard to spend more money on safety measures. The balancing of interests among the growing variety of tasks concerning water management is also a continuous struggle. Spatial planning is an especially topical issue, and it constitutes both an illustration and a test case for whether state and non-state actors will successfully avoid bad practices and find good practices for settling rights, disputes and conflicts. In doing so, both parties will have to acknowledge that the sky is the limit.

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1. Introduction

The concept of water rights in the Netherlands has to be geared to conditions in this particular country. Whereas in most countries water rights are

* Dr. Birgitta Dolfing, Merendonk 42, 2317 XN Leiden, the Netherlands (Phone: 31.71.5680021; E-mail: bdolfing@planet.nl). The author has an M.D. in history and received a Ph.D. in Social Sciences on a thesis about the historical development and institutional analysis of Dutch water boards. She works as a policy member in the field of transport and traffic, public order and safety at the municipality of Alkemade. For this article the author has spoken with professor dr. A. van Hall, chairman of the water board of Hunze en Aa’s in the province of Groningen and with mr. J.J. Démoed, m.d., head of the department of spatial planning of the municipality of Alkemade, principal landowner of the water board of Wilk en Wierik and member of the Provincial Executive of the province of Southern-Holland. The author wishes to express her gratitude for the openness of mind with which both gentlemen have presented their views on the challenges of today’s water management in the Netherlands.
legal instruments to divide and allocate the common good under conditions of shortage, Dutch water management is basically a matter of dealing with abundance of water. Therefore, in understanding Dutch water management it is not sufficient to deal only with water rights. Legal instruments dealing with so-called rights avoiding water have to be taken into account as well.

Water management consists of three main tasks. Water boards develop by-laws for water control to ensure maintenance of dunes and dykes. These by-laws contain regulations and bans on dykes or undertaking works on or in flood barriers. Water quantity is concerned with managing the amount of water and ensuring that it is kept at the right level. Water quality relates to combating water pollution and improving the quality of the surface waters.

The efficiency of the different tasks of water management is based on principles that were in large part developed centuries ago. Although the structure and organisation of the water boards have changed along with the rest of the civil service, these principles still underlie today’s water management. The principles are expressions of norms and values. They are modelled on the relationship between the state and non-state actors. In this paper the state, province, municipality and water boards are considered state actors, and individual inhabitants of either organization are considered non-state actors. This paper focuses on the different aspects of the relationships between the two.

The history of the water boards organization in the Netherlands is briefly introduced, followed by a description of current water management involving other state actors. Next, factors contributing to changes in the role of state actors and changes in the use of water are presented in two periods: 1950 to 1990, and from 1990 to the present. Spatial and environmental planning development is the issue which best illustrates the interaction between and supervision of state and non-state actors, and the relative strength and weaknesses of both actors in dealing with water management. However, these issues are also taken into account in the analysis of the numerous other developments presenting good and bad practices. Finally, the implications of the title of this article will be revealed in the last section.

2. Water management organization

(a) History

The first water boards in the Netherlands originated during the Middle Ages. Water management tasks were gradually separated from other administrative tasks of the local communities. Farmers and landowners were responsible for the local water management engineering works, such as dykes, watercourses