

# Joint forces: a weapon against serious environmental crime in the Dutch waste industry

A research into public cooperation for the benefit of combating serious environmental crime in the Dutch waste industry.

Femke Oude Geerdink  
October 2012

## Graduation Committee

First Supervisor : Dr. M.S. de Vries  
Second Supervisor : Prof. Dr. H. de Groot  
Organization attendant : Dr. J. Loois

# UNIVERSITEIT TWENTE.

**Joint forces: a weapon against serious environmental crime in the Dutch waste industry.**  
**A research into public cooperation for the benefit of combating serious environmental crime in the Dutch waste industry.**

Thesis submitted in partial fulfilment of the requirements for the degree of Master of Science in Public Administration, specialized in Public Management at the Faculty of Policy and Governance, University of Twente, the Netherlands.

**By**

Femke A. Oude Geerdink  
Enschede, the Netherlands.

**Contact**

Femke\_oudegeerdink@hotmail.com

**University of Twente**

Faculty of Policy and Governance

First Supervisor: dr. M.S. de Vries (University of Twente, NLD)

Second supervisor: prof. H. de Groot (University of Twente, NLD)

# Content

List of figures, tables and abbreviations	
Abstract	
Foreword	
<b>1.0 Introduction</b>	<b>10</b>
1.1 Research questions and research design	11
1.2 How to read	13
<b>2.0 Nature and extent of environmental crime</b>	<b>14</b>
2.1 Nature of serious environmental crime in the waste industry	16
2.1.1 Systematic law- and rule violation	16
2.1.2 Organisation of activities (above regions)	16
2.1.3 Financial gains, but irreparable damage	17
2.2 Extent of environmental crime in the waste industry	18
2.3 Conclusion nature and extent	20
<b>3.0 Cooperation between public partners</b>	<b>22</b>
3.1 Coordination of public services	22
3.1.1 Hierarchically structured organisations	23
3.1.2 Market-based organisations	23
3.1.3 Network organisations	24
3.1.4 Coordination forms of public organization	24
3.2 Coordination form and cooperation	24
3.3 Developing collaboration	25
3.4 Overview insights of collaboration	27
<b>4.0 Permit granting, supervision and law enforcement in practice</b>	<b>28</b>
4.1 Public Partners	28
4.2 Coordination of permit granting, supervision and law enforcement	31
4.2.1 Permit granting	31
4.2.2 Supervision and law enforcement	33
4.3 Conditions for cooperation	34
4.4 Barriers for collaboration	42
4.5 Conclusion	47
4.5.1 Conditions	48
4.5.2 Barriers	50
<b>5.0 Desired cooperation</b>	<b>52</b>
5.1 Specific requirements summarized	53
5.2 RUD's	54

<b>6.0 Conclusion and recommendations</b>	<b>56</b>
<b>6.1 Conclusions</b>	<b>56</b>
6.1.1 Conclusions with regard to environmental crime .....	56
6.1.2 Conclusions with regard to the organizational structures .....	56
6.1.3 Cooperation in the domains of permit services, supervision and law enforcement .....	57
<b>6.2 Recommendations</b>	<b>59</b>
6.2.1 Environmental crime in the waste industry .....	59
6.2.2 Recommendation with regard to collaborative features .....	60
<b>Discussion</b>	<b>62</b>
<b>Literature</b>	<b>64</b>
<b>Appendix I</b>	<b>67</b>
<b>Appendix II</b>	<b>69</b>
<b>Appendix III</b>	<b>69</b>
<b>Appendix VI</b>	<b>69</b>
<b>Appendix V</b>	<b>70</b>

## *List of figures, tables and abbreviations*

Figure 1	'Verdeling van de politie inzet milieu in 2010'	p. 13
Figure 2	'Case smart filled containers'	p. 14
Figure 3	'Case white goods to Ghana'	p. 14
Figure 4	'Case polluted golf course'	p. 15
Figure 5	'Case Probo Koala'	p. 16
Figure 6	'Hierarchy and hierarchy wheel'	p. 21
Table 1	Overview of public organizational structures	p. 22
Table 2	Organizational structures in permit services	p. 30
Table 3	Organizational structures in supervision and law enforcement	p. 31

Bureau Bibob	Bureau Bevordering integriteitsbeoordeling door het openbaar bestuur
BRNON	Bovenregionale Recherche Noord en Oost Nederland
BRZO	Besluit Risico's Zware Ongevallen
CFC	Chlorinefluorinecarbon connection
EVOA	Europese Verordening Overbrenging Afvalstoffen
ILT/iod	Opsporingsdienst van het Ministerie van Infrastructuur en Milieu geheten Inspectie Leefomgeving en Transport
IMT	Interregionaal Milieu Team
IPOL	Dienst Nationale Recherche Informatie
LHO	Lokaal Handhaving Overleg
LIEC	Landelijk Informatie en Expertise Centrum
MBT	Milieu Bijstands Team
Ministry of Vrom	Ministry of Volksgezondheid, Ruimtelijke Ordening en Milieu
RIEC	Regionaal Informatie en Expertise Centrum
RMT	Regionaal Milieu Team
RUD	Regionale Uitvoerings Dienst
VIHB	Vervoerders, Inzamelaars, Handelaren, Bemiddelaars
Wabo	Wet algemene bepalingen omgevingsrecht
WSR	Waste Shipment Regulation

## Abstract

This thesis is written on the basis of a question that is posed by the environmental police department during a seven months internship at the Brnon. This department daily experiences the consequences of serious environmental crime, especially in the waste branch. Some environmental investigators are afraid that this phenomenon might become even bigger and bigger, because our society offers great opportunities to commit the crime. With all ensuing consequences. In an attempt to obstruct and fight this crime, the above regional environmental police department (Brnon) argues that cooperation with other organizations is necessary, especially with other governmental organizations such as provinces, municipalities and other public investigation teams.

The investigation consists of a literature review to gain insight in the current knowledge about environmental crime and public cooperation in general. Followed by a case study that researches the nature of environmental crime in order to find out what kind of cooperation is necessary. Semi open interviews with respondents from municipalities, provinces and environmental investigation teams contributed to the amount of knowledge about the (estimated) extent of environmental crime, moreover it provided additional information about the current and desired state of the cooperation. Respondents are divided into five groups: municipal permit granters, municipal supervisors, provincial permit granters, municipal supervisors and material experts, including investigators of the police and ilt/ioc.

The first part of this inquiry revealed that the nature of serious environmental crime in the waste industry is known very well. However, mainly due to its complicated and wide-defined characteristics it is difficult to get a grip on this type of crime and explain a solution, also in terms of collaboration. Environmental investigation teams contain a lot of knowledge about the nature, execution and fight of this type of crime, whereas this information lacks at provinces and municipalities. Both divisions lack knowledge about the extent of this type of crime, moreover there is a large dark number. According to its characteristics the fight of this type of crime necessitates a chain approach and therefore requires cooperation of different organizations. This enquiry focuses on collaboration surrounding the ground of the activities in the waste branch; the authorized Omgevingsvergunning.

A joint fight against serious environmental crime in the waste industry requires agreed support. Although the first part of this inquiry illustrates that presumably many criminal irregularities are present in the waste branch, the second part of the inquiry revealed that public servants from provinces and municipalities do neither experience this, nor feel many incentives for a serious fight against serious environmental crime in the waste industry, by means of enhanced collaboration.

Cooperation between public organizations is highly influenced by the organizational form in which the tasks are executed. The execution of tasks appoints the execution of permit services, supervision and law enforcement. The compromised theory of Van Delden (2009) and Powell (1990) explains three types of public organized structures: market-based, hierarchical and network-based. Research revealed that permit services works in accordance with network structures, but also contains some hierarchical principles. Supervision and law enforcement do not match exactly one organizational form due to the great variety in work methods between provinces, the involvement of many organizations and the fragmentation of laws and regulations that complicate work structures. However most characteristics can be addressed to the network organization too. Also in theory both domains could perfectly work in a network organization. Therefore important conditions and obstacles abstracted from network organizations as stated by Van Delden (2009) are tested to the current situation in order to see which strengths and weaknesses of the collaboration need to be addressed for the benefit of effective public collaboration.

It is difficult to explain how public organizations currently collaborate with regard to the condition and obstacles for good network cooperation, because it highly differs. In general respondents had troubles with the term 'cooperation', and investigation turned out there is hardly unambiguous cooperation in this field. Main arguments are (1) the amount of self orientation of provinces, municipalities and the police, (2) the problematic state of laws and regulations, (3) the absence of a culture for group binding and the fact that organizations hardly take the specific characteristics of other organizations into account. Respondents admit the need for enhanced and more effective cooperation, although not for the benefit of a better crime fight, subsequently a safer and cleaner public environment.

Supervisors recognize opportunities, whereas licensors have troubles seeing them. The trust between public administrations is high, although the mutual trust between the police and public administrations accumulated some dents in the past and requires attention. The intrinsic motivation to cooperate more is mainly present at the department of supervision, but supervisors feel hampered by the current laws and regulations. *Coffeemachine-politics* is a term with which all respondents identify themselves. It reflects the desired situation aiming unintended, regular, open and personal communication.

The first recommendation is an inquiry on the extent of serious environmental crime in the waste industry. Subsequently it is important to educate provincial and municipal servants about nature and extent of this type of crime. Laws and regulations need adaption to the current environmental situation (new findings, possibilities and techniques) but also need to disestablish current contradictions and unworkable situations. Addressing these recommendations opens a road to the creation of sustainable partnerships in the field of environmental matters. The strength of these partnerships lays within social aspects of cooperation. In order to be more effective the procedures surrounding permit services, supervision and law enforcement need revision too. In order to combine high levels of professionalism and effective cooperation one cannot ignore the social aspects of organizations, therefore I finally recommend the classical RUD as the authority in the field of environmental matters for the future.

## Foreword

In a request for an internship for the benefit of my master thesis Public Administration, I participated for seven months in the Environmental Department and the Information and Knowledge Centre of the Bovenregionale Recherche Noord en Oost Nederland (Brnon). The environmental police see a great variety of serious crime happen in the waste industry. In an attempt to fight environmental crime the Brnon asked me to investigate possibilities with regard to cooperation with other organizations and more information about how to put this topic on political agendas. A broadly defined question, but I was highly triggered after one conversation. Nevertheless, it requires a foreigner a lot of research to be able to understand what is going on in the waste business and public governments with regard to environmental matters.

I am sensitive to what happens to the earth and I cannot ignore awful pollutions. If one realizes how precious the environment is, I think it is a duty to take its state into account for as far one is capable of. Whether or not the environment is polluted deliberately, the criminalisation exists for a reason. Instead of going into this topic from a criminal perspective, this was an excellent chance to use my criminological and administrative background to approach this (eventually) social problem. Next to the police, several governments and semi-governments play a prominent role in environmental matters, they are located on a point where upper and underworld cross. Therefore I chose to explicitly investigate the police in relation to provinces and municipalities.

This research has done some revelations regarding environmental pollution that touched my heart severely. Although it did not made me an Earth Warrior, it made me reconsider my own 'polluting actions' over and over again. How can I prevent the environment as much as possible with regard to my own behaviour, and the behaviour of my boyfriend, and the behaviour of my family, and the behaviour of my friends, and the behaviour of my colleagues, and the behaviour of...big things start small.

Although it also made me realize decision making in environmental affairs will always be very difficult, no matter how experienced and educated you are. Because the environment is everywhere just as visible as invisible, it is omnipresent but difficult to measure or estimate on value. Therefore it is a topic to easily put aside when economical or more striking social problems are adherent, those problems seem to be more visible, tangible and measurable. But since we are all dependent on one another when it comes to environmental matters, we must see it through instead of seeing through it. I believe cooperation is the key. William Shakespeare already stated in the 16<sup>th</sup> century: Join your hands, and with your hands your hearts. I think that is still valid for good cooperation in general, but of pivotal importance in environmental matters these days.

I would like to conclude with a few words of thanks. My most sincere gratitude and appreciation goes to Jaap Loois and Rene Oosterlaken. Due to their inspiring personalities and great heart, I had an once in a lifetime opportunity that learned me something in seven months, that otherwise probably would have stayed undiscovered the rest of my life. Thinking of these months at the Bovenregionale Recherche Noord en Oost Nederland makes me smile, it was enlightening and so much fun. Special thanks to everyone from the IKC and IMT, you have no idea how much you learned me and I really appreciated being around.

Also special thanks to Dr. Marsha de Vries for her scientifically illuminating guidance and assistance, and professor Hans de Groot for his final comments.

Finally I want to thank many other friends and family whose patience and empathy aided me in many ways. Thank you!

Femke Oude Geerdink  
University of Twente  
September 2012, Enschede, the Netherlands







***No country can survive when people are focused on personal gains.***

***Therefore, in determining the value of everything one should take more into account than money only***

**Her Majesty the Dutch Queen (2011)**

## **1.0 Introduction**

Dear reader, the fireworks disaster in Enschede, the fire in Moerdijk at Chemiepark and the escape of toxic gases in the Rotterdam Botlek at Odfjell: do you see similarities? Completely different Dutch businesses, but the similarity is that all three contributed to serious environmental pollution, due to poor rule compliance that can be appointed to an outcome of serious environmental crimes. I almost hear you thinking: yeah right...explanation please.

The environmental regulations involve rules that should prevent citizens and the physical environment from negative and/or harmful side effects that emerge from human activities (Mans, 2008). Dangerous situations appear because we, our society, want to produce and consume. A lot of these activities are accompanied by pollution, degradation and depletion of our environment. Our national government is pretty much aware of the fact that poor rule compliance in this business contributes to environmental crime already for years, and in an attempt to resolve the problem with regard to rule compliance, they set up a network of rules and regulations that is worth it. Thousands, if not tens of thousands of laws, policies, licenses, permits and guidelines are introduced by the government in an attempt to keep the quality of our environment as safe and healthy as possible. So far there are hardly successes and the commission Mans reported in 2008 that the combat against environmental crime in the Netherlands is seriously failing, because the environmental regulations are poorly maintained. Moreover, as Biezeveld (2009) states: "Most of the current problems are due to a system that took our national legislator years to construct, and is now to be called 'complicated' with an understatement".

Fragmentation of law, regulations and activities is part of the core problem. This means that several organizations feel responsible for the execution of supervision on one business or one activity without sharing any of the findings with one another. Due to the fragmentation of control and also the lack of attention to environmental crimes, violators play a free game with environmental laws (Mans, 2008). From a criminological perspective this provides opportunities and therefore attracts criminals. The societal, political, economic and legal context in which environmental matters are embedded offer plenty opportunities to easily commit serious environmental crime in the waste industry. The opportunity to commit crime should not only be understood as a conscious choice of people from the industry to commit crime (though that may certainly not be excluded), but as a conglomerate of conditions that facilitate criminal behaviour in the field of environmental affairs.

In an attempt to counteract these developments, the Wet Algemene Bepalingen Omgevingsrecht (Wabo) came into power on October 1<sup>st</sup>, 2010. Approximately 25 permits and licenses were replaced into one permit. Various supervising and law enforcing organizations are currently forced to cooperate. Although the idea of cooperation as a solution to problems is not revolutionary, it seems to be of pivotal importance in order to be able to fight environmental crime. Environmental crime on the other hand is a very particular offence, with the consequence that the content of the cooperation requires specialized insights. This inquiry will explain public organization in the field of permit services and supervision regarding the Omgevingsvergunning and give a deeper inside in environmental crime. In an attempt to establish a link between effective public cooperation and tackling the problem of environmental crime in the waste industry.

## 1.1 Research questions and research design

In summary, there be said that the opportunity mainly derives from the fragmentation of laws, regulations, supervision and law enforcement. It allows businesses to neglect environmental regulations without severe negative consequences, while the consequences for the environment, public health and safety can be disastrous. The commission Mans (2008) enounced that cooperation is necessary in order to be able to tackle this problem, especially cooperative enhancements with regard to law compliance and supervision. Most environmental matters are delegated to provincial and municipal departments and therefore they are appointed to execute permit matters and supervision. In order to be able to know how public cooperation can be enhanced in these domains, it firstly requires an inventory of the current state of affairs. Subsequently the main research question states:

*“What does the cooperation between public organizations in permit services, supervision and law enforcement look like in the Netherlands anno 2011-2012, what are the positive and negative aspects and how can the collaboration be improved for the benefit of a more effective combat against serious environmental crime in the waste industry?”*

The word *effective* requires some explanation at this point. Effectiveness is a characteristic of an instrument. It concerns the extent to which the means (or a combination of means) contributes to the achievement of a goal. The goal is a desired situation that one wants to achieve or maintain (Struiksma, Winter & de Ridder, 2007). Challenging the current situation is the solution. A more effective combat can be described as a remedy that (optimal) contributes to the goal of the fight. The purpose of the fight is generally proactive (instead of reactive) by nature. In this research the improvement of the cooperation is the remedy to the goal, to achieve more effective combating in serious environmental crime in the waste industry.

To answer the main question, the following guiding questions need to be answered first:

(1) *What are the nature and extent of serious environmental crime in the Dutch waste industry?*

This question provides as a small pre-research on the main research. It provides definitions and specific characteristics of environmental crime in the waste industry. This ‘nature’ part of the question will mainly be answered according to the outcomes of a literature review. This literature is mainly abstracted from police resources, which is not considered academic scientific literature, although it is constructed after some ‘policial academic research’. Furthermore four closed environmental criminal cases are used to illustrate and research the practical outcomes this type of crime. The cases represent the current state of affairs with regard to what exactly happens in the branch. The cases are selected on availability, actuality and parties involved. The content of the criminal cases differs, but the organizations involved are at least the environmental department of the police, provinces and municipalities. Since it turned out that no representative statistics are available that reflect the extent of serious environmental crime in the waste business, interviews with public officials and environmental police are used to examine professionals on how they think about the extent of this type of crime. More information about the cases can be found in paragraph 2.2.

(2) *How do organizations cooperate in the domains of permit services and supervision and which conditions for effective cooperation are met and what obstacles occur in the current collaboration?*

In order to get an insight in the positive and negative aspects of the collaboration, an examination of the conditions and obstacles of the cooperation takes place. Organizational structures highly influence the partnerships within a collaboration, therefore these structures are explained in order to gain some understanding about the collaborative features. Organizational structures will be abstracted from the literature from van Delden (2009) and Powell (1990). Subsequently the conditions and obstacles are abstracted from that literature too. This question aims to identify the current structures of the organizations as well as the current positive and negative features within partnerships.

It declares the role of parties and gives an insight in the expectations that organizations have towards one another. The conditions and obstacles will be tested in semi-open interviews. Semi- open interviews have characteristics of structured and open interviews. The advantage of a structured interview is that the observation is on the basis of a clearly defined and detailed interview schedule. It leaves less space for the interviewers' personal observation and is therefore more objective. This contributes to an objective and clear picture of the current state of affairs. This method is applicable because the respondents must be limited in the freedom of their answers to be able to compare outcomes at precise points. The open part contributes to the realism of the research, because it can provide information that was not foreseen in advance. By asking further on structured questions one elicits answers that build on corresponding questions and provide an insight in the specific situation of the respondent.

The interviews are held with public officials from different provinces and different local governments that are located in the interviewed provinces. In total three provinces and 1 or 2 (representatives from) local governments per province have been questioned. Within these organizations one interview is held with a public authority from permit services and one interview with an authority in the area of supervision and law enforcement. In one province there is a collaborative organization that represent all municipalities with regard to licensing and supervision, and this collaborative organization is questioned with regard to municipal matters. All public officials were chiefs, head of departments or specialists with final responsibilities towards the execution of their tasks. Officials from the same domain and the same level of organization are interviewed with the same interview. Other open interviews are held with police investigators in the area of environmental crime and a professional researcher and expert on waste of the Ministry of Infrastructure and Environment. These open interviews examine their experiences and opinion about the cooperation in waste related partnerships in the past and about the crime itself. The answer to this sub question has to contribute to insights in the weaknesses of the current combat (especially collaboration) against serious environmental crime in the waste industry. An overview of the respondents and a summary of their answers can be found in appendix I and III.

*(3) What does the desired cooperation between public partners look like for the benefit of combating serious environmental crime in the waste industry and how can this be achieved?*

Sub questions one and two have to provide a compressed image of what happens and what is desired. Subsequently the positive and negative aspects can be made comprehensible. Followed by a summary of the cooperative features (abstracted from Van Delden, 2009) that especially need to be addressed. Therefore the outcome of the literature review, the interviews and the case study will be pressed together. Depending on the state of the cooperation in the two public domains one can provide tools that can be used to set up an effective public collaboration. Since this research is already quite large, this topic will only be dealt with summarily. Though it is highly interesting, because the Dutch government currently tries to build a new organization for the exclusive task of supervision and law enforcement on topics related to environmental matters. It is called the Regionale Uitvoering Dienst (RUD) and must be in operation in 2013.

This research focuses primarily on the description and analysis of the current state of affairs, but also provides an insight into the future. If the national government decides to fight environmental crime in the waste industry, this research provides tools for the organization of the cooperation in the matter concerned. When this research talks about environmental crime, it intends serious environmental crime in the waste industry, where cooperation and coordination of criminal activities are necessary. Criminal activities without cooperation in the execution of their tasks do not fall under the scope of this research. Furthermore referring to "investigation teams" entails environmental investigators from the police as well the ilt-iod. In order to avoid constant repletion "the police" in this inquiry appoint the environmental department of the above region environmental police, representing many environmental police teams and investigations.

## 1.2 How to read

Before the core of this research can be understood, the three main concepts of the research question will be explained first. These concepts are (1) *environmental crime in the waste industry*, (2) *permit services, supervision and law enforcement* and (3) *cooperation between public organizations*.

For a good understanding of this research some knowledge about these concepts is required. In order to increase the understanding of each topic, the theoretical framework is divided into three paragraphs that form the start of each chapter. Therefore paragraph 2.1 of chapter 2 about the nature and extent of environmental crime, paragraph 3.1 of chapter 3 about permit services, supervision and law enforcement and paragraph 4.2 of chapter 4 about cooperation between public organizations contain the theory on the specific topic. Later on you will find a description of the empirical information and the analysis. Conclusions and recommendations can be found in chapter 6.



***There is a sufficiency in the world for man's need, but not for man's greed.***  
**Mohandas K. Gandhi**

## **2.0 Nature and extent of environmental crime**

Environmental crime is a very special offense, because in the majority of the cases there is no clear victim identifiable. We as humans, the environment and society are the victims. One will never come across someone in a police station, who is declaring himself a victim of environmental crime for example. Nevertheless, the environment is of great influence on our welfare, economy, safety, and in extreme cases on the existence of mankind. Environmental crime is known for very diverse expressions, for example the pollution of soil, water, air, electronic waste, illegal oil discharges and the production of poisonous gas clouds, but it also entails activities that contribute to the extinction of endangered plants and animal species, crime that accelerates climate change or activities that deplete fish numbers and essential resources (Europol, 2010). These various forms of environmental crime complicate the drafting of a definition. The widest definition states: *Environmental crime includes all illegal actions that directly or indirectly cause negative environmental effects* (Politie Brabant Zuid-Oost, 2008). A more specific definition is given by senior researcher of the KLPD, Rudie Neve:

*Environmental crime entails criminal, administrative and/or ethical culpable behaviour regarding environmental legislation that (plausible) cause environmental damage and at the same time pursues economical advantage and/or intangible gains* (Personal communication, October 24<sup>th</sup>, 2011).

This definition is based on a previous definition of the Wetenschappelijk Onderzoek- en Documentatie Centrum (Van den berg, 1995) supplemented with insights from Van den Anker (1999). This definition is still imperfect, but includes all components that arise in environmental matters for the most part. It is impossible to hold on to this comprehensive definition; therefore the emphasis is on serious environmental crime in the waste industry.

Serious environmental crime in the waste industry is chosen because the internship at the Brnon illustrated that there is great public unawareness regarding this specific topic, while at the same time improper money is earned beyond the back of the environment. Furthermore, the potential consequences of the activities in this branch are immense and severe as the KLPD (2011) researched that in between 2001 and 2003 one third of all detected environmental crime happened to be a serious threat to public health.

An important aspect abstracted from the literature is that one can always add the word *serious* to environmental crime in the waste industry, to indicate that the environment will seriously be inflicted when environmental legislation is infringed (Fijnaut 1996). This means that this type of crime does not involve a neighbour throwing his garbage in the ditch, although that is a waste crime, but it includes offenses that meet the specific characteristics of serious environmental crime. The specific characteristics from serious environmental crime are abstracted from research on this topic executed by the Commission van Traa under supervision of criminologist Ciriël Fijnaut (1996) and the Milieu Bijstands Team. Serious environmental crime entails:

- repeatedly and systematically violation of environmental rules and other legal provisions;
- organised activities, mostly in the context of a business;
- mostly supra regional dispersion and international ramifications;
- focused on substantial financial gains;
- causing large, often irreparable damage to the environment, providing an imminent danger to public health.

These characteristics will be elaborated on in paragraph 2.1 and 2.2, in order to gain knowledge about the extent of serious environmental crime in the waste industry.

The Dutch waste industry is more difficult to define. For practical reasons is chosen for defining this industry by means of the VIHB-list. This abbreviation stands for: Vervoerders (drivers), Inzamelaars (collectors), Handelaars (dealers) en Bemiddelaars (mediators) of waste substances and/or hazardous waste in the Netherlands.

Serious environmental crime in the waste industry also imposes huge pressure on the police capacity within environmental police departments. A figure from the annual report of the supra regional inspector consultation shows that more than half (55%) of the capacity of the Interregionale Milieu Teams (IMT's) goes to serious environmental crime in the waste industry. Reality implies this percentage might even be

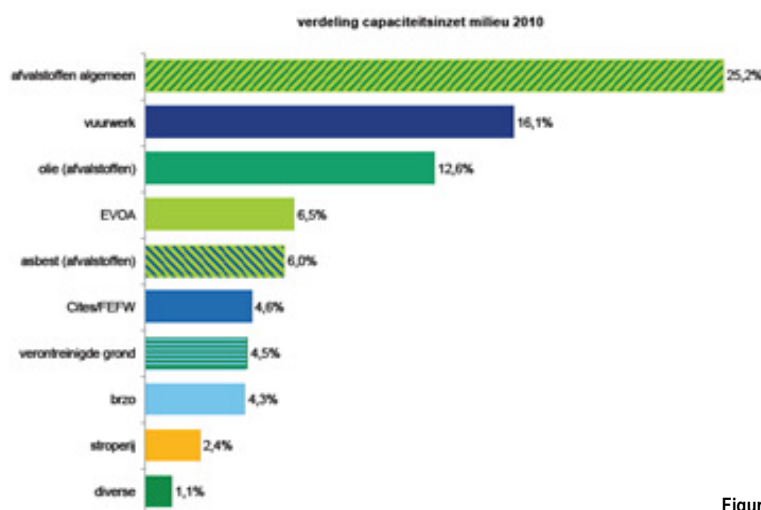


Figure 1

much higher. Suggesting the police approximately have 480 fulltime employees available annually to execute investigations in the area of environmental matters, this means that 263 officers are busy in the area of the waste industry annually. Moreover, people from special investigative services are still disregarded from that number.

It is important for governments to be able to estimate the risks surrounding this type of crime, because of the disastrous consequences that may occur. Governments are legally responsible for permit services and supervision with regard to these businesses, and when disasters happen the social commotion, questions and responsibilities are at the governments expense. However, sometimes it is complicated to see whether law violation is part of organizational or organized crime. It depends on aim of the business execution.

Criminology professor van de Bunt (2004) states that organizational crime is a kind of white-collar crime. Regular businesses commit crimes in between the core activities that are focused on ordinary business operations. For example, a truck company also delivers two trucks with hashish to Morocco in between the normal rides. In contrast, organized crime primary aims the commitment of crime for the benefit of illegal gains (Eindrapport Parlementaire Enquetecommissie Opsporingsmethode, 1996). This research aims to fight the systematically, organized type of serious environmental crime.

In short: because of the complexity, the great impact of this type of crime, the great amount of pressure it puts on public governmental organs and the police capacity to prevent and trace this type of crime and the branches it has with organized crime, further research is required for the benefit of improvements in this sector.

This chapter will answer the question: *What are nature and extent of serious environmental crime in the Dutch waste industry?*

The specific characteristics will be discussed in relation to the nature of this type of crime. In relation to the extent there will be elaborated on the known and the unknown extent of serious environmental crime in the waste industry.

## 2.1 Nature of serious environmental crime in the waste industry

After considering the definition and general characteristics of serious environmental crime it is difficult to actually understand what the environmental crime in the waste industry contains in practice. This is not surprising, because it gives no clear answer from the case study either. The case study implies that serious environmental crime in the waste industry expresses in various forms, with different *modus operandi* and a variety of different environmental consequences. The green frames contain examples of closed cases to illustrate the characteristics.

### 'Smart' containers

4,5 years ago an investigation team researched the case of a waste company that dealt and exported hazardous substances to countries outside the European Union (EU). Further research into two Dutch waste disposal companies yielded arrests under the suspicion of exporting chlorinefluorinecarbon-connections (CFC's) outside the EU. It is prohibited to export CFC's outside the EU, though it happened through big containers. The *modus operandi* was the same each time: containers were filled to the door with 'approved' waste, while the 'dangerous' waste with CFC-containing resources was concealed in the back.

Figure 2

### 2.1.1 Systematic law- and rule violation

Research of Mans (2008) indicates it is possible to commit environmental crime unintended. due to the great amount and fragmentation of laws and regulations. It seems impossible to know all the rules. However, the offenses where large environmental pollution and dangerous situations occur often cannot to be concealed behind ignorance. The illustration of the smart containers is a clear example of an intended law conflicting human action. One concealed CFC-containing resources deliberately in the back of a container; hence they would not be noticed. This offence always requires a first time, but as soon it turns out to be successful, these trick and trade route will be used repeatedly. That causes systematic and repeated law disobedience. Also the example of white goods to Ghana (see below), is an obvious violation of the Waste Shipment Regulation (WSR<sup>1</sup>), but also indicates the simplicity in which regular actions change into systematic illegal actions. Disposal and processing of these substances within the EU is expensive and subjected to complicated legislation. Violation of these rules, by exporting, dumping and/or selling the substances outside the EU, generates or safes a lot of money.

### White goods to Ghana

In 2009 four family members were arrested for collecting and shipping white good and electronic wastes to Ghana. The WSR enounces a prohibition of the export of these substances and goods outside the EU, because these goods contain different types of hazardous waste. For example, refrigerators contain CFCs in the form of coolant and cooling panels with insulation foam. Because CFCs can cause serious damage to the ozone layer, the refrigerators must be disabled and cleaned properly before they go into the shredder. The four arrested did not disable the refrigerators properly; in addition they passed it on and shipped the waste to Ghana in order to sell the refrigerator to third world countries as a product.

Figure 3

### 2.1.2 Organisation of activities (above regions)

Looking at the development of the crime, it cannot be executed by one person. Also the fact that environmental crime mostly comes with committing other crimes reflects the presence of organized activities. For example Forgery (*valsheid in geschrifte*, art. 225 – 227 Sr.), money laundering (*witwassen*, art. 420bis Sr.) and scamming (*oplichting*, art. 326 Sr.). It is impossible to execute these crimes individually on a large scale. Serious environmental crime is mostly not limited to a single company, but comes with the chain of economic activities.

The start of a waste chain is often a company that has ended up with waste during the production, and he wants to get rid of these substances. There are for example transporters or waste intermediaries that collect en transport the waste to a party that is interested in it. The interested party can be a waste collector or waste

<sup>1</sup> WSR is the English abbreviation for the Evva, Europese Verordening Overbrenging Afvalstoffen



processor. These businesses sell the processed waste to a third party. For example, in case the substance is flammable, someone might want to use the substance as a gasoline. This is just a concise example of the organization of activities through the waste chain in the Dutch waste branch.

The cases that were used in the case study implied organized crime. The type of crime is relevant with regard to the combat of environmental criminals. Chain activities require a chain approach. Businesses grafted on illegal gains exhibit other symptoms of environmental crime, then when the core business of a company appoints legal activities. For example you will find falsified papers or shadow accounting in companies that appoint intended illegal activities. The existence of partnerships is the similarity between both.

Partnerships are clearly present when it comes to the smart containers. The prohibition of transporting CFCs outside Europe is generally known in the waste industry. The specific way in which the containers are packed implies that cooperation in illegal activities must have been present. It is possible to fill the containers the way it is done by your own, but if the system works that must be noticed in the chain. A chain consists of multiple legal persons, actions, and companies involving the environmental crime. The example of the smart containers requires for example cooperation from a transporter, container rental, container packers, an non-European CFC-receiver. Because the container consisted partly of polyurethane (pur) one explicitly intended that (part of) the other organizations that also contributed to the shipping, did not know exactly what was in the container. CFC substances just as pur can lead to eye and lung irritations, asthma or eczema. The ship sailed for Asia, which points out the third characteristic: (above) regional dispersion and international ramifications. Three out of four examples illustrate that waste chains cover borders and continental boundaries.

#### **Polluted golf course**

This criminal case concerns the trading in contaminated soil and involvement in collecting, processing, mediation and applies of waste. During the investigation it turned out that the company deposited contaminated sludge in an area owned by the municipality. The terrain concerned the extension of a golf course of 50.000m<sup>2</sup>. Further investigation proved that parties deposited contaminated soil, and waste that does not meet the requirements of appendix 2 of the Bouwstoffenbesluit. There were even indications that the case involved mixed parties of soil. The soil had to be cleaned first or one had to add clean layers of soil in the ground.

Figure 4

### **2.1.3 Financial gains, but irreparable damage**

In each example one can read financial benefits for the company that executed the crime, characteristic four. In order to gain as much financial benefit as possible, one refrains from legal procedures. For example: one bypasses expensive procedures by transferring the waste containing CFCs to third world countries. A national illustration of bypassing expensive procedures is reflected by the example of the golf court. One deliberately failed to add clean soil layers in between the polluted soil, neither have they cleaned the soil. Failure in both acts saved the company a lot of money, but inflicted irreparable damage to the environment. In addition, it increased the chance to harmful infections for everything and everyone that works, grows or plays golf at these grounds. Remediation of soil is time consuming and expensive, but not insurmountable, unlike the damage to damage Probo Koala inflicted to public health for example. The media labelled thousands of sick Ivoirians and dozens of deaths, as a result of serious environmental crime, an environmental disaster. Normally the environmental consequences are not classified as environmental disasters, but it indicates how serious the consequences can be.

### Probo Koala

In 2006 a health disaster in Ivory Coast took place after a tanker named Probo Koala filled with extremely toxic waste discharged that waste at some local business, that subsequently discharged the waste at several places around the city of Abidjan. The results was tens of deaths and more than 30.000 injured Ivoirians. This was due to the fact that the owner of the waste refused to pay €1000 per m<sup>3</sup> for discharging the waste legally in the harbour of Amsterdam or any other European harbour. He continued his trip to Africa where control and regulation systems are different and he left highly toxic substances with some local party.

Figure 5

From this research it becomes clear that an extra characteristic must be added to the enumeration of features of Van Traa and the MBT. Namely that intended serious environmental offences takes place next to commune offences<sup>2</sup>. After every closed environmental criminal case the police write a state record. This record summarizes the investigation and gives an overview of the violated law and regulations. It turns out that most of the time at least four/five different laws are violated in each criminal case. This science means that it is highly plausible that a company where hydrogen cyanide (highly toxic and flammable gas) encounter in the open air, also forgery, money laundering or fraud are present. This can also be argued the other way around. At first sight a remarkable relationship, but investigations show that the aim of the business execution is the common denominator. The business is not so much focused on law obedience, rather on activities that reflect signs of organized crime.

The science that environmental crime often takes place next to general crime often causes conflicts between detectives and the National Prosecutor (NP) with regard to the indictment. Environmental crime is hard to prove and the penalties for single environmental offenses are low. Therefore the NP favours the indictment of general crimes, they are easier to prove and the penalties are harsher. Hence, the NP preferably indicts general crime, in order to bypass uncertainties with regard to the burden of proof and low penalties that come with environmental crimes prematurely.

The abovementioned description of the nature provides some examples of environmental crime that you probably have never come across, therefore to what extent is this type of crime genuinely present in Dutch society?

## 2.2 Extent of environmental crime in the waste industry

For several reasons it is difficult to research the extent of environmental crime in the waste industry. The three main reasons are its various expressions, flaws in regulations and tolerated situations and the fact that environmental crime is *fetchcrime*. This means that unlike theft or burglary, most crime is not reported, therefore investigation teams must look for law violations and crime.

The waste sector grew in recent decades from a marginal industry in the Dutch economy into a powerful, still strongly growing economic sector. For example, the Netherlands recently took over a lot Italian waste for processing. Waste used to be a neglected good, until one in the 1990s discovered that it could also generate a lot of money. This insight was the start of a branch that in a short period of time grew out into a complex, chaotic industry. The temptation for companies to process the waste improperly was great, due to the open, hardly controlled, free and independent market. The consequences were illegal discharges or improperly mixed products as illustrated by the examples in the previous paragraph. Because virtually all heavy environmental offences contain interwoven legal and illegal activities it is difficult to gain insights into the scale of the environmental crime in the waste industry (Mans, 2008).

<sup>2</sup> Commune offences are in the Wetboek van Strafrecht, also called general crime.

In 2008 IPOL-services created an overview of the available information thus far. This overview shows that official numbers give only little insight in the actual extent of environmental crime and that there exists a large dark number. Estimations were made, but they reflected big differences. That is not surprising, because environmental crime is *fetchcrime*. Therefore it is important to realize that the numbers that are identified only reflect known accidents and that the actual extent of illegal activities can be much higher (IPOL, 2008).

Recent information and developments with regard to the extent of environmental crime in the waste industry do not provide rosy colored pictures. For example the Inspection for Habitat and Transport (Ilt-iod) notices on a regular base serious rule violations in waste transport and –processing. Also the environmental police discover criminal fact after criminal fact the deeper they investigate the processes of big waste companies. Also the interviews indicate that provincial and local supervisors estimate that simply every company executes ‘non-statutory activities’. The supervisors explicitly do not use the term environmental crime, because of the seriousness it reflects. The supervisors do not know whether these ‘non statutory activities’ are serious environmental crimes or not. Moreover, none of these organizations is able to estimate the extent of serious environmental crime in the waste industry. On the basis of current indications, one only presumes there is a big change of a great extent of this type of crime.

In contrary, interviews with local servants from permit services and supervision indicate that almost all supervisors think serious environmental crime is not present in their territory, at least not to a serious extent. Only one respondent had to deal with a serious once. That case did not only contain some individual criminal offences; also links between criminal organizations and networks, where even more serious offences took place, were established. Some respondents indicate that they know it happens, but on a distance that does not requires their attention. The question to at least give an indication (is serious environmental crime present in 1, 10 or 50 out of 100 companies?) none would even dare to state a number. Summarized: there is great ignorance with regard to the extent of serious environmental crime in the waste industry.

Public servants have an unsatisfying *fingerspitzengefühl* with regard to the extent of this type of crime. This research found that this could be due to the fact that a lot of public servants, especially from permit services, do not exactly know about the nature and expressions of serious environmental crime in the waste industry. The branch is appointed a high risk industry for a reason, this means that risks for organized crime are highly present.

Peter Daalder is the director of a huge plastic recycle company who stated in the Volkskrant (1998) that a lot of rogue business is going on in the waste industry. According to van Daalder that is caused by a lot of rogue waste dealers, who ruin the market. Hence, he estimates that out of a hundred containers for export, approximately 20 are in accordance with the rules and the other 80 are full of mess. He also claims that the Dutch government has no grip on these matters (Daalder, 1998). It is quite a thing tot state if your a branch partner.

Despite the fact that the police and national prosecutor do not possess representative numbers either, public servants think that those two organizations estimate the amount of crime in the waste branch a lot higher than they would estimate themselves. The reason they provide consists of a general allegation to the police: they are too suspicious in seeing evil. Some public servants wonder whether this is correct, because in practice they never experience this type of crime. One can understand the differences in opinion, and the only way to find out who is right is by a executing more research. All organizations agree with more research, moreover they have the same idea about the content of this research. In short: it must be a chain investigation, because this type of crime is mostly facilitated by chain activities. Chain activities complicate the assessment with regard to clarify who is committing criminal activities at which point. It requires collaboration between investigators with high levels of specialized knowledge.

## Reconsideration

The investigation requires reconsideration at this point. Although nature and extent are difficult to map, it is striking that most environmental affairs socially are very sensitive for public consternation, because most environmental matters are sensitive in social terms (Blomberg, 2008). The various expressions of this type of crime are experienced as a threat to society. In some cases the administrative integrity is in danger when governments can be blamed for negligent supervision and/or law enforcement. Still, environmental investigators, provincial and municipal supervisors experience a constant diminution of environmental matters in comparison with for example economic growth or positive media attention. The question is whether this is justifiable. On the one hand there can be found many arguments that reflect that serious environmental crime should earn more priority. On the other hand the fight against this type of crime is a niche activity surrounded by many other important public tasks. These other tasks might lose priority or be disrupted by potential new policies for the benefit of environmental crime in the waste industry. The following question arises: is this type of crime severe enough to give high priority to in relation to many different other topics, for example child abuse (within the topic of crime) or economic growth and employment (outside the topic of crime)? Different interests must be weighed: some bite each other and others do not always enjoy priority. The severe consequences for the environment and public health that are known and the public consternation that evokes throws the question whether the current level of priority given to the subject is justifiable?

## 2.3 Conclusion nature and extent

The conclusion with regard to the nature of serious environmental crime is that a lot of practical information is present with regard to the content of the various expression forms of environmental crime in the waste industry. It includes intended and unintended violations of rules and regulations. Caused by the fragmentation of rules and regulations, but also the great financial benefits that can be acquired are a great cause for law violation. It is difficult to know all rules and regulations, and easy to violate them for financial benefits. Organization of activities is a main characteristic, depending on the intention of the activities it is organizational or organized crime.

Due to primitive control and regulations in countries outside the EU, globalization of waste streams took place. In most cases several persons and companies execute their tasks within one waste stream. Therefore it is called chain crime, with a multitude of *modus operandi*. It aims financial gains, but comes to the expense of public health and the quality of the environment. The consequences vary from permanent soil pollution to fatalities, but in general can be said that the consequences are severe. Finally environmental crime normally takes place next to general crime. Because the indictment of environmental cases is difficult to prove, the national prosecutor prefers to trace general offenses. With the consequence that environmental interests remain underexposed.

All together lots of information about the nature of this type of crime is available, but it does not contribute to the recognition of the offence. The characteristics reflect the complexity, because they are not tightly defined or specifically for this type of crime. In addition, each characteristic has a wide range of expressions. For example the systematical violation of rules is subjected to thousands of different rules and regulations, the above regional spreading is subjected to all places in the world and financial gains can be due to cost savings or increased sales. The characteristics do not offer firm handles that simplify the detection of this type of crime. The recognition of one of the characteristics does not immediately ring a bell, the recognition of multiple characteristics leads to recognition. Therefore the information stored by separate organizations and individuals must be brought together.

The actual size of serious environmental crime in the waste industry is currently unknown; at the police, the public administration as well as the national government. The *dark number* is significant and is mostly caused by the fact it is *fetchcrime*. From this research can be concluded that the police (referring to their experience with environmental criminal cases), the public administration, (referring to their *fingerspitzengefühl*), as well as the national government, (referring to their insight in the great opportunities and the recognition of the high amounts

of risk with regard to organized crime in the waste business) presume that there is a great chance that a lot more law violation is going on than currently known. Nevertheless, the experiences with the consequences (Enschede, Chemiepack, Probo Koala) reflect the various and severe consequences. Recent environmental investigations pronounced new findings, especially with regard to the nature of this type of crime, but presumably the extent will never be solved completely. Still, current investigations (also this one) evident the necessity for more research. Still the question about what is justifiable, especially in relation to other national interests, remains.

As stated in this chapter collaboration will provide tools to recognize and fight this type of crime. Moreover a chain approach that ensures high levels of expertise is required according to some characteristics of serious environmental crime. Therefore, the next chapter jumps to the other topic of research, namely the collaboration between public partners who work in relation to the industry in which these crimes and environmental violations take place. After a reconsideration of public cooperation the investigation will come back on the environmental topic.



*The universe is not required to be in perfect harmony with human ambition*  
Carl Sagan

### 3.0 Cooperation between public partners

Public organisations have more contact with another on an increasing wide range of topics, also when they have to deal with social problems. More interactive public cooperation is expected on more topics, also called chain collaboration. This means that a problem contains the help of several public disciplines in order to be solved. In an attempt to support this development, Pieterjan van Delden (2009 and 2010) researched the quality of the cooperation in public services. His research aimed to identify the conditions that determine the outcome of collaboration. Various public domains are examined on how partnerships have been established, and how these partnerships developed over time. In addition, some general characteristics of cooperation are drawn and evidence why cooperation is required concerning the current state of environmental matters.

Cooperation:

- is meant to tackle a specific social problem;
- appoints a more effective execution of tasks by professionals;
- requires a lot of information exchange between complementary partners;
- is the outcome of a sustainable partnership;
- between more than two organisations.

The benefits of cooperation refer to the shortcomings of the current system. Environmental crime is perceived a social problem, because this problem is the outcome of human actions in their physical environment and its consequences are harmful to the environment. A more effective execution of tasks is required in supervision and permit services; this will be explained in chapter 4. The current fragmentation is lead by lack of information exchange, while the fight of environmental crime requires a lot of information exchange. Sustainable partnerships between organizations might contribute to a better information position of licensors and supervisors.

On the one hand collaboration tries to fight the fragmentation; on the other hand enhanced collaboration is capable of influencing the opportunity to commit crime in the waste industry negatively. However, some further remarks are in place. Although problems around public services often change, they will never disappear forever. Behind every solution hides another problem that puts the former problem in perspective, or it might be that the current problem arose due to the former solution (Van Delden, 2009). Therefore collaboration is a solution for the current problem that does not aim to solve all the (future) problems regarding serious environmental crime in the waste industry forever, but attempts to solve the most striking at this moment. Which is the great opportunity to commit crime in the Dutch waste industry.

### 3.1 Coordination of public services

This research aims to identify the cooperation between the different parties in the area of two public services: 1) permit granting and 2) supervision and law enforcement. Within local and provincial governments supervision and law enforcement are compromised in one department. The goal is to tackle problems that cause the great opportunity to commit the crime in the waste branch, for the benefit of the quality and safety of the public area and environment. Because the collaborating organisations surrounding environmental tasks normally execute different tasks, it is important to match the different organisational aspects in order to be able to understand each organization's behaviour in collaborations (Van Delden, 2009). Organizational aspects refer to organisational models, goals, policies, communication means etcetera. According to Van Delden (2009) it is possible to match these aspects in three ways: hierarchical, market-based and network-based. Van Delden derived parts of these organizational styles from the research 'neither market nor hierarchy' of Walter W. Powell (1990). The three officially recognized models are ways to organize public services. The public organization style of a public service

highly influences the way in which cooperation takes place and develops. The three forms of economic organisation are just pieces of a bigger puzzle called economics. The characteristics of the components of this system are determined by the means of interaction among these components. Individual behaviour and interests are created as an outcome of this interaction. Perfect models of market situations, hierarchies and networks are therefore never representing the economic reality for a hundred per cent, but provide tools that help to understand the current economic situation better.

### 3.1.1 Hierarchically structured organisations

A purely hierarchical economical system consists of lines of authority, detailed reporting mechanisms, work borders, authoritarian and formal decision-making procedures. Subordinate relationships are present with a leader on top of the hierarchy, who has to control the subordinates. The assumption is that this leader has the information and power to control the system effectively (Van Delden, 2009). It fits an environment where mass production and mass processing are present every day, because situations that contain a rapid production of large amounts of products and/or services require constant management control. The strength of this organization form lays in reliability and responsibility of the system.

Hierarchical structured organizations are very rigid and do not survive in an environment where the production of services is unpredictable and constantly questioned. Purely hierarchical systems no longer exist in the modern society. Therefore only few continue to support this idea as a solution for organisational issues (de Bruijn & ten Heuvelhof, 1999). Nevertheless, science did not completely break with this idea. It is possible that the top of an organisation still determines the organizational path, without having the power to execute this. Also a lot of inter- and intra-organizational structures are often modest hierarchical: not purely, only partly.

In addition to the existence of non-ideal hierarchical structures De Bruijn and Ten Heuvelhof (1999) constructed a hierarchical wheel. This wheel can be used in situations where parties individually can be put on top of the hierarchy (figure 6). Each party is capable of putting itself on top of the hierarchy (see the triangles in the right figure). This means two things: one is that different topics can be important at the same time and that the sum of the hierarchies constructs the network. The second is that topics can have different priorities on different moments in time. The wheels roll constantly back and forth as the topic on top of the hierarchy differs. According to de Bruijn and ten Heuvelhof (1999) we no longer speak of a hierarchy by the turning of the wheel. By turning the wheel the structure of the organization goes from hierarchical- to complementary working forces, and therefore the network structure. More information about the network structure can be found in paragraph 4.2.

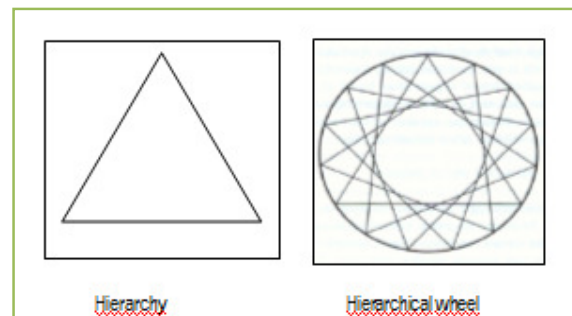


Figure 6, De Bruijn en Ten Heuvelhof (1999)

### 3.1.2 Market-based organisations

The second coordination system is market based. The market as a suitable coordination form to connect parties for a short period of time. Most of the time for manageable, single transactions that only require little information exchange. Markets mainly work flexible and independent. Due to the fact the market system only has little information exchange it is difficult to create substantial partnerships, in addition to the hierarchical or network system. Also trust is not required in this system, the power of law is appointed to provide good cooperation between parties. Participants in a market-based organization are free to go anywhere after they have done business together, that offers opportunities to get the maximum out of each transaction.



### 3.1.3 Network organisations

Network organisations are able to create substantial commitment and information streams at the same time, while the flexibility of the organization will be maintained. Networks are adequate for circumstances where efficient and reliable information exchange is required. In comparison to hierarchical organizations, great proximity as well as greater openness between parties are allowed in network organizations. This assures networks for the exchange of products and services whose value is not easily measured. It also offers space for intensive communication back and forth, mutual dependency and trust between the parties (Van Delden, 2009).

Networks also offer the best coordination for collaboration where knowledge and confidence are prominent adherent. A network organisation contains a great intensity of knowledge in the production of products and services. High levels of professionalism are expected from participants. It is also essential that various network participants contain a lot of knowledge about the science and skills of their colleagues in partner organizations, also when it comes to expertise that is hard to objectify such as intuition. Partners must know what to expect from another. Next to this, it is important to share common standards and values. Also a positive picture of the qualities of one another emerges in an environment where intensive information exchange takes place over and over again. Over time, reputation and trust prove a stronger cement than formal appointments. Important side issues that promote the establishment of a sustainable partnership are stable legal, political and economic circumstances (Van Delden, 2009).

### 3.1.4 Coordination forms of public organization

Table 1 is a stylized comparison of forms of public organizations and provides an overview of the most important differences between the three forms of coordination.

Forms			
Key features	Market	Hierarchy	Network
<i>Normative Basis</i>	Contract / Property Rights	Employment Relationship	Complementary strengths
<i>Means of communication</i>	Prices	Routines	Relational
<i>Methods of conflict resolution</i>	Haggling – resort to courts for enforcement	Administrative fiat – supervision	Norm of reciprocity – reputational concerns
<i>Degree of flexibility</i>	High	Low	Medium
<i>Amount of commitment among parties</i>	Low	Medium/high	Medium/high
<i>Tone or climate</i>	Precision and/or suspicion	Formal, bureaucratic	Open-ended, mutual benefits
<i>Actor preferences or choices</i>	Independent	Dependent	Interdependent

Table 1 (Powell, 1990)

### 3.2 Coordination form and cooperation

The way in which organizations are coordinated provides implications for the way in which cooperation between organizations takes place. Work within a hierarchical system ensures clear boundaries; the consequence of these clear defined boundaries is that people are not stimulated to think out of the box for example. Also due to lines of authority communication is not completely open because people in a hierarchical system need the consent of a higher officer in order to make decisions (van Delden, 2009). This higher person is also in charge of the lower officer; therefore the lower officer is more reserved in his communication towards the higher officer. Hierarchical structures cause a rigid organization, inflexible to changing circumstances. The advantage of clearly defined boundaries and lines of authority are clear task objectives. As a result, responsibilities are clear and the partnership can be classified very reliable (Van Delden, 2009).



There is only little space for individuals in a market system, because external matters decide the organization's actions. The result is that cooperation with other parties is, and should be, very flexible. A market system does not require lots of information exchange and a lot of independency is given to the people who work in and with the organization. The disadvantage is that this only works well if parties are bound to each other for a short period of time. Plausibly, it is impossible to build sustainable partnerships within this system (Van Delden, 2009).

The actors within a network organization are highly depending on each other. This determines the further communication lines and collaboration for a substantial part. It creates a lot of space for intensive and open communication, making it possible to create shared standards and values and therefore substantial partnerships. In addition, a high level of expertise is expected from the professionals with regard to the content of the services. So they can switch easily if necessary. The equivalent of participants and the mutual dependency, force the cooperation into intensive, open communication (Van Delden, 2009).

Traditionally there is a lot of attention for derivatives of cooperation (Van Delden, 2009). Derivatives determine whether or not a collaboration is stimulated by conditions derived from the environment (society, market, and geography for example) or from the participating organizations self. Cooperation and networks arise as a consequence of these interacting conditions (Van Delden, 2009). That does not mean that an appropriate organisational form for a specific public service also predicts an optimal cooperation of parties delivering that service. This is stimulated or inhibited by social-, economical-, geographical- and legal frameworks.

This topic will be elaborated on in paragraph 4.2 where the organizational forms of permit services and law enforcement will be explained. The theory continues with an insight in the theories that declare the development of effective collaboration between public parties.

### **3.3 Developing collaboration**

Van Delden questioned what organizational conditions contribute and hamper the quality of a public service. Part of his conclusion was that the results highly depend on the presence or creation of sustainable partnerships. Within sustainable partnership commitment and energy of the professionals in the workplace are very important. The dare to pioneer is of pivotal importance. Joint implementation and groups bonding are also of great influence on the outcome of the public service. These aspects are more important than political processes or policy pressure. Policies, subsidies and political control are necessary, but infringe the quality of a public service if dominating the practical cooperation (Van Delden, 2009). The challenge when developing sustainable collaborations is finding and organizing social energy, this requires an investment in relational capital.

Van Delden (2009) also concludes that the development of sustainable partnerships often notices the specific characteristics of an organization too little. Conditions and circumstances derive from necessity and opportunities, existing relationships, trust and alliance skills. The legal and economic circumstances can provide the need and opportunities. For example, cooperation can be necessary to reduce costs or to tackle current problems. This second aspect is applicable to organizations that are complementary to each other. Important for a good cooperation, for both management and content, is the creation of the right culture, structure, integration and unambiguous objectives, and the realization thereof. This process takes some time, and it requires a neutral leader who, together with partners, determines the conditions in which one will be working. The right culture is reflected by a culture that meets the main requirements of sustainable partnerships: trust, social energy, activism on the work floor, integration of unambiguous objectives, and professionals that dare to pioneer (Van Delden 2009 en 2010).

Already in history, trust was called a key condition when entering collaborations. It is crucial when entering and maintaining cooperative relationships, and leads to behaviour that is necessary for the success of cooperation

(Ziggers en Duysters, as cited in Van Delden, 2009). Between researches there is a general consensus that mutual trust creates sustainable and effective relationships between organizations. The core of this confidence should exist of intensive communication back and forth between individuals. One needs the confidence that the other party will never abuse their vulnerabilities (Gulati, 1998). This personal trust is proven to be successful in building large-scale collaborations (Ziggers en Duysters, 2004). Trust is not the only condition that determines the outcome of collaboration, it is also a condition that is able to let a cooperation grow or decrease, according to Van Delden (2009). In addition to trust, also friendship and mutual respect are called major conditions. Jointly referred to as relational capital.

Another important point is related to the interests of organizations within a partnership. Organizations aim tangible benefits within partnerships. The investment in human capital and relations often require the biggest investment when a new organization is set up. Subsequently there is less time for substantive business transactions. Quick benefits are therefore often not directly visible, but eventually the human capital provides the outcome of the result of the collaboration on a longer term. This indicates that the lack of tangible benefits in the beginning, not directly means that a partnership is not effective or positive. In addition, investigation of practical performances of Van Delden (2009) proved that the relational capital was able to weather the crisis, where collaboration grounded in organizational interests and calculations lacked internal loyalty to be able to cope with the crisis. Hence these calculated partnerships lost cohesion and finally terminated.

Van Delden (2009) created two types of strategies to create and/or improve sustainable partnerships: the explorative and the programmatic strategy. The explorative strategy, which arises from existing partnerships, requires a lot of commitment and energy from partner organizations. Professionals, managers and directors must feel responsible for the enhancement of the partnership. The premise is that interactions determine the result of the cooperation, this requires a search for situations with potential for cooperation and to bring them to fulfillment (van Delden, 2009). The explorative strategy is needed to develop partnerships from inside out on the basis of group binding and joint action. The explorative strategy can be described in nine directives; you can find them in appendix I.

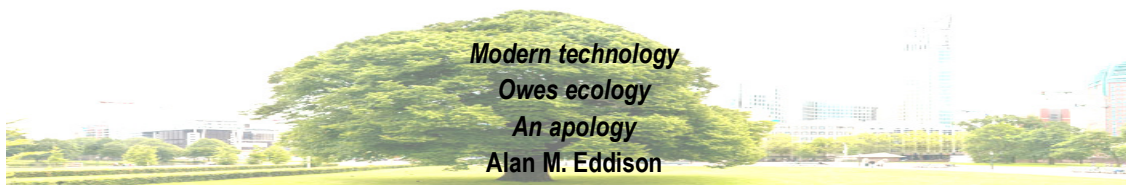
The programmatic strategy in addition, appoints the actual reality instead of projection of possible situations, as with the explorative strategy. An active, approach that is constantly looking for options is very scarce. The case study from Van Delden (2009) implicates that governments are mostly in favour of taking the matter into their own hands as much as possible or leave the initiative to another as much as possible. Governments and their partners are used to think and act from substantive issues; therefore a programmatic strategy for the development of cooperation would be more realistic. Internal logic is paramount. The programmatic strategy develops collaborations well; however it acquires less sustainable partnership than the explorative strategy. This is mostly due to the fact that challenges, consensus and pioneering qualities rarely are determined in a policy program. Subsequently these characteristics will not be promoted, neither will they be neglected. Partners therefore usually conform only superficial to the partnership and they do not put enough effort in the collaboration themselves. With the result that partners probably will still be misunderstood. If the content of the partnership is prevailing, there is a risk for struggle with the hegemony, subsequently frictions arise. Therefore instead of prevail the content of the partnership; one must put effort in the partnership itself (Van Delden, 2009).

### 3.4 Overview insights of collaboration

This research focuses on the following assumptions derived from the theory just described::

- (1) Cooperation contributes to the combat of a specific social problem. This problem is the opportunity to commit serious environmental crime in the waste industry.
- (2) Cooperation between organizations differs in accordance with the coordination form of the public service. Van Delden (2009) distinguishes three forms of coordination: hierarchical, market-based and network-based.
- (3) The strength of the hierarchical system lies in reliability and responsibility. The advantage of the market system is that it is very flexible and independent. The network organization cultivates sustainable commitments and regulates the traffic of information streams at the same time, while the flexibility is guaranteed.
- (4) Within the hierarchical system the communication lines are less open and one is not stimulated to think along outside the area of tasks. The market system is very flexible, but mainly suitable for short cooperation because information exchange is not of importance. Therefore it is impossible to create long-lasting partnerships. Within the network system participants are equivalent and mutually depending on each other. This fosters intensive and open communication.
- (5) According to Van Delden (2009) the conditions that must be met in order to achieve good cooperation are:
  - I. that one takes into account the specific characteristics of an organization during the development of partnerships
  - II. the recognition of the need and opportunities for collaboration
  - III. trust between the cooperating parties
  - IV. energetic professionals who dare to pioneer
  - V. an independent leader with great capabilities to organize synergy
  - VI. unequivocal, common objectives and agreed interests
  - VII. the right culture that elicits group bonding
  - VIII. clear laws, regulations and guidance of directors
  - IX. commitment from the participants
- (6) Barriers that can impede an effective cooperation are:
  - I. conflicting interests
  - II. network participants without intrinsic motivation for cooperation
  - III. self-oriented organisations
  - IV. poor flanking policies and regulations
  - V. too many policy initiatives and administrative pressure from above
  - VI. other aspects that lead to a forced search for cooperation, working contrary on sustainable partnerships.

In building and enhancing partnerships, the development of sustainable cooperation requires a lot of attention for the benefit of personal relationships, motivation and confidence. This can be accomplished by the programmatic or explorative strategy for enhancing sustainable partnerships. The programmatic strategy aims the actual reality; the explorative strategy aims a projection of possible situations. The advantage of the explorative strategy is that sustainable partnerships can be created. According to Van Delden (2009) trust, a neutral leader, pioneering ventures, group binding and the joint execution of tasks are the cornerstones of a partnership. In other words: the participants of the network determine the chances of success of a good cooperation, therefore one must put effort in human capital instead of the content of the partnership.



#### **4.0 Permit granting, supervision and law enforcement in practice**

*The governments concern is focused on the habitability of the country and improvement of the environment. As stated by article 21 of the Dutch Constitution. It stresses the social relevance of governmental intervention in environmental affairs. As a result of this article from the Constitution (1814) companies have to do with different environmental requirements with regard to sounds, waste, air and soil. Several specific environmental laws arose, for example: Wet Bodembescherming (1987), Natuurbeschermingswet (1998), Wet verontreiniging oppervlaktewater (1970), Meststoffenwet en Wet Milieubeheer (1993), most of them are currently transferred into the Wet Algemene Bepalingen Omgevingsrecht (Wabo, 2010). Previously the Wet Milieubeheer was the basis for environmental permits, but since October 1st, 2010 the Wabo is the Legal justification for the former 25 permits, exemptions and notifications. The transformation of approximately 25 permits into one Omgevingsvergunning aimed an efficiency improvement for the benefit of a better public service in the field of constructions and environment. At this point the Wabo, and subsequently the Omgevingsvergunning are the most important documents in relation to this inquiry.*

This chapter elaborates on the cooperation between public partners with regard to the Omgevingsvergunning. The question that will be answered is:

*How do organizations cooperate in the domains of permit services and supervision, which conditions for effective cooperation are met and what obstacles occur in the current collaboration?*

This chapter aims insights in the current partnerships in the domains of permit services and supervision. The next paragraph will therefore provide a description of the public partners, followed by an examination of the organization forms in both domains because cooperation is largely explained by individual business structures (van Delden, 2009). Subsequently the conditions and obstacles of the organizational form will be addressed. The end of this chapter entails a summary of the most striking outcomes of the interviews.

#### **4.1 Public Partners**

This research specifically focuses on the cooperation between public administratives from local en provincial governments and the police, but there are also other partners surrounding permit services, supervision and law enforcement. In order to create a full picture, these will be explained first. This paragraph introduces the tasks of the organizations that currently involve different aspects of the Omgevingsvergunning. These organizations are: provinces, municipalities, police, water boards, fire brigades, ilt-iod, Bureau Bibob, Riec's and RUD's.

##### **Provinces and municipalities**

In the waste industry most companies are under the competent authority of the provinces. Provinces have the exclusive task to provide a permit and therefore are concerned with supervision too. These tasks fall within the care of spatial planning, one of the most important tasks of the provinces. Next to this task provinces also have economical tasks, this contains they also have to put effort in the development of employment for example. Both tasks collide sometimes, as illustrated by examples in chapter 2.

In practice there seem to be a lot of differences in work methods between provinces with regard to permit service, supervision and law enforcement. One province, for example, always uses Bureau Bibob (this will be explained further on) to check a permit request for malpractices. Another province only adjusts to provincial made special policies for waste companies and a third province does not treat enquiries from the waste industry different from

other business inquiries. No matter what exact procedure is followed, at least it requires provinces and businesses a lot of time and energy to convert a request into a permit. It is not unusual that such a process at least takes 1,5 year for example.

The departments of licensing, supervision and law enforcement, which are not called the same throughout public administrations, performs these tasks on behalf of the province. The licensors requires next to people from his own department, people from other organizations for information or consent with regard to the content of the permit. Therefore provinces cooperate with water boards, municipalities, fire brigades and the labour inspection for example. Common environmental topics are mostly ensured within the provincial department by the presence of experts in the field of for example, soil, sound, emissions and asbestos. For further advice one can consult experts from outside the province. Since no request is the same, it requires different collaborative partners each time.

Municipalities have a broader task package than provinces. With regard to permit services for businesses in the waste industry they are responsible for the local zoning plan. The province must contact the municipality in which the business wants to settle or is settled. The municipality is responsible for the (delegated) supervision on the construction of the business. In general municipalities lack the amount of specialist knowledge the provinces ensure. However that depends on the region they are situated. For example the harbor in Rotterdam, requires some specialists within the municipality with regard to harbor activities, in addition to province of Drenthe. It is not strange that municipalities have little know-how at some points, because they cannot hire a specialist for one single business or business activity for example. Though, in relation to provinces their local knowledge is much greater.

### **Police**

The other interested party in this research is the police. Next to their investigative task, the police take care of maintaining the public domain. They have to be present at major disasters, also environmental disasters. The police have a special information position and access to systems where public administrations cannot look into. They also have an own environmental department that until today still exists. The Regionale Milieu Teams (RMT's) and the Interregionale Milieu Teams (IMT's). With the upcoming new police next year (2013) environmental matters will be represented on national and local level. In addition, each local police teams gets an environmental contact officer, who has to maintain intensive contact with local director servants. The main interest of the police is crime detection of all forms of environmental crime, therefore they also have some highly specialized officers in service. For example, chemists, asbestos experts and specialists in the field of the European waste shipment regulation (Wsr).

In general provinces and municipalities are not in contact with the police with regard to permit services. The general reason given for this is that possibly negative findings from this cooperation cannot be grounds for refusing permits, unless they go through a Bibob procedure. The police do play a role when it comes to supervision and law enforcement. They jointly supervise in pre-agreed affairs. This may result in writing a report, but can also be useful to enforce the words of the competent authority. It is also possible that a police officer notes an offense and starts its own investigation. In special cases, responsibilities with regard to further investigation goes from the province to the police. The police has the primacy of crime detection and in the case of criminal investigations, one steps from the one domain into the other.

### **Waterboards**

Water boards ensure a lot of knowledge with regard to surface water. They are the experts in the field of the quality of water, discharges, sewage, drainage and water storage in tanks for example. Water boards are closely involved in spatial planning. Various spatial functions require specialized water management.

The water boards must ensure and control these requirements. At this moment there are 25 water boards in the Netherlands, consequently one province has to work with more than one water board in their territory.

### **The fire brigade and the labour inspection**

The fire brigade guarantees the safety of man and environment by intervening in disasters related to fire and drowning. In addition, they also provide in calamity prevention. One of the activities that falls under the fire calamity prevention is the fire safety control in companies. Formerly, the ministry of Volkshuisvesting, Ruimtelijke Ordening and Milieubeheer (Vrom) and the labour inspection were famous institutions in environmental matters, but this recently changed. The ministry of Vrom changed into the Ministry of Infrastructuur and Milieu (I&O). the labour inspection changed January 1<sup>st</sup>, 2012 into Inspection Sociale Zaken en Werkgelegenheid (SZW), but for the benefit of clarity will be called labour inspection in this research. The crime detection services that is linked to the ministry of I&O is the Inspection Leefomgeving en Transport/Inlichtingen en Opsporingsdienst (ILT/IOD)

The ministry plays an advisory role and offers specialist knowledge. Furthermore the Ministry of I&O is the second-line competent authority with regard to companies with an environmental permit. This means that the Ministry checks initially charged competent authority, in this case the provinces, on points such as quality, integrity, expertise etcetera. The inspection services checks the work conditions for the safety of employees and work processes.

With regard to brzo-controls (Besluit Risico's Zware Ongevallen) the labour inspection always cooperates with the competent authority and the fire brigade. Companies that fall under the decision making of the brzo work with great amounts of dangerous substances or the storage thereof. The Netherlands approximately possesses 400 brzo-businesses. They must deal with very strict requirements. Supervision lays within project based teams consisting of the fire brigade, the province and the labour inspection. Jointly they are one inspection team. The competent authority requires a coordinating role. They cooperate in the preparation, execution as well as the finalization of the control. The law enforcing measurements that flow from the inspection come to the own responsibility of the relevant inspecting party. Although, the partners make mutual agreements about what law enforcing instrument will be used by whom.

### **Bureau Bibob**

For the benefit of crime prevention, recently a new instrument is added that can provide grounds for rejecting a permit request: Bureau bevorderende integriteitbeoordelingen door het openbaar bestuur (Bibob). A public body can apply this instrument if a specific legislation allows this. This is allowed for example with regard to businesses in the gaming and gambling industry, prostitution and catering industry. Recently the waste branch is added to the specific legislation in some provinces. Bureau Bibob executes their own investigation and elaborated on the integrity of a business and then comes with a positive or negative final verdict whether a permit should be granted or not. A negative Bibob advice means that Bureau Bibob concluded that there are severe risks that the permit will be abused for the execution of criminal activities. Despite the fact that their recommendation is not binding, it provides a ground for rejection of a permit request. Failure to meet the procedural requirement is the second ground for rejection of a permit request. When both, Bureau Bibob and the procedural aspects, do not provide any grounds for rejection, one must grant the permit request. From the moment the permit is granted, the company will be in the cycle of supervision and law enforcement.

### **Riec's en RUD's**

At this moment the Regionale Informatie Expertise Centra (Riec) and the creation of the Regionale Uitvoering Diensten (RUD) also play a role with regard to environmental matters. This stems from the administrative approach that is chosen to combat organized crime. The Riec is an information node and center of expertise in

the field of the (administrative) approach of organized crime. It provides support to regional administrative interventions (municipalities) possibly combined with a fiscal and criminal approach. The aim is a structural joint approach. 'Joint' aims at an integrated approach between chain partners in prevention (provinces and municipalities), crime detection (police) but also punishment (national prosecutor and judiciary). The most important goal of the Riec's is to increase the awareness about organized crime at the public administrations. Next, appointments can also be made at regional level with regard to the exchange of information. The Riec's are equated with the police regions and the judicial map. The Landelijk Informatie Expertise Centrum (Liec) operates above regional and searches for overlapping matters within Riec's and tackles issues that are threatened to fall in between organizations. Finally they collect administrative files at the Landelijk Loket Bestuurlijke Dossiers. They try to recognize trends and from there constitute national administrative criminal policies.

According to legal regulations the RUD's must be in operation in 2013. The RUD is a collaborative network between municipalities, provinces and water boards. Commission Mans (2008) stated that municipalities are too small to meet the required level on which supervision and law enforcement in environmental matters must take place. The fragmentation of organizations hampers an effective and efficient organized supervision with regard to environmental matters. The RUD aims to reduce the administrative pressure, the improvement of the quality of the execution, far-reaching decentralization of powers, austerity of inter-administrative supervision, a clear division of tasks between National government, provinces and municipalities and finally professionalization of the execution of tasks for the benefit of less detailed regulations on longer term. Insofar each municipality and province must cession the powers that belong to the minimum package of tasks to the RUD. The minimum package consists of permit granting with regard to the Omgevingsvergunning, supervision and law enforcement with spear points asbestos, soil and environmental tasks.

So far a small introduction of the partners surrounding permit services, supervision and law enforcement with regard to the Omgevingsvergunning. It is important to know the partners in order to be able to see the changes that are possible with regard to improvement of the information position of public servants. It is also important to know how the process of permit granting and supervision currently takes place. These two domains will be elaborated on separately in the next chapter. Although both domains are completely different, they are communicating vessels.

## **4.2 Coordination of permit granting, supervision and law enforcement**

As stated before; cooperation between organizations depends on the organizational structure of the public service. Therefore the public organizational theories of Powell (1999), de Bruijn en ten Heuvelhof (1999) and Van Delden (2009) will be applied to the domains of permit services and supervision. Their models are applicable because they are constructed from scientific research that investigated the execution of collaboration in the public domain. Organizational forms, conditions and barriers with regard to cooperation will be investigated in this paragraph. Van Delden (2009), in accordance with Powell (1999), distinguishes three organizational models: the market model, the hierarchical model and the network model. In summary; the hierarchical model stands for upper and lower subordinate relations. Where there is a leader on top of the hierarchy that controls the subordinates. Networks are characterized by the great amount of pluralism and variety: many different actors, products, interests, resources etcetera. Network partners are highly depending on each other if it comes to the quick delivery of services. The steering of a network therefore requires a lot of knowledge and expertise. Market models are known for distinct, one-off transactions that require only little information exchange, subsequently they are highly flexible.

### **4.2.1 Permit granting**

Table 2 is taken from the general overview given in paragraph 3.1.4 and filled in accordance with the current situation surrounding permit granting. The characteristics in ochre reflect the current situation on the different organizational topics in this domain



Forms			
Key features	Market	Hierarchy	Network
<i>Normative Basis</i>	Contract / Property Rights	Employment Relationship	Complementary strengths
<i>Means of communication</i>	Prices	Routines	Relational
<i>Methods of conflict resolution</i>	Haggling – resort to courts for enforcement	Administrative fiat – supervision	Norm of reciprocity – reputational concerns
<i>Degree of flexibility</i>	High	Low	Medium
<i>Amount of commitment among parties</i>	Low	Medium/high	Medium/high
<i>Tone or climate</i>	Precision and/or suspicion	Formal, bureaucratic	Open-ended, mutual benefits
<i>Actor preferences or choices</i>	Independent	Dependent	Interdependent

Tabel 2

Judging the elements as stated in this table, permit granting has both network and hierarchical elements. The network elements are reflected by the fact that parties are complementary forces. The current collaboration does not reflect divisions of power in the cooperation between for example provinces, municipalities, fire brigade, water boards and labour inspection, all are equally in power. This is mainly due to the fact that the cooperation is established by personal initiatives. However, because the cooperation currently relays on personal initiatives the organization is flexible to changing circumstances. However, the great amount of policy rules and regulations with regard to work processes make the organization very rigid to change, therefore a medium final classification for the amount of flexibility of the organization.

Commitment with the topic “environment” is very high among respondents. The jobs that people work in are pretty much narrow defined. In order to get these jobs one must show some affection with the environment otherwise you cannot work in this branch. Regretfully the extensive, complex procedures inflict formality and bureaucracy to the working climate. This is not caused by the great dedication of people involved; they try to be understanding to each other and other’s organizations. They are mutually depending on each other in their choices. They have to, because permit granting requires the involvement of all parties.

The hierarchical elements especially impact the cooperation here. Firstly, because there is an employment relationship on the basis of the partnership. The collaborative parties normally work separated because of their organizations’ different core tasks. They solely come in contact because their contribution to a permit is required. For example, the task of the water boards is to take care of situations of water pollution, water scarcity and so forth. The fire department ensures a continuous preparedness of the calamity organization in order to prevent and combat fire, accidents, calamities or drowning. The labour inspectorate protects employees from influences that might arise from the execution of activities within companies. The involvement of all parties in paragraph 4.1 stems from the knowledge they ensure. It depends on which knowledge is required whether they have to participate in the creation of the permit or not.

Despite the fact there is no real division of power with regard to permits services, there is one coordinating public body that is attributed by law to arrange the permit for the businesses that lay within the scope of this research; the province. The province will always be the center from which all permit matters with regard to the Omgevingsvergunning for big waste companies depart. The province must ensure that the rules are correct and available in time. Given the legal time limits introduced by the formal process, a certain degree of obligation is applicable. The work climate is very bureaucratic due to these time restrictions and great complexity in policies.



Another example of hierarchical presence is reflected by the fact that under the current Wabo all the different organizations can occupy a dominant position. A lot of time and work pressure is on the executives subsequently it happens that parties are not in time with the right information, with that they can stagnate the whole process. Due to the fact that the different parties can put themselves on top of the hierarchy, one can consider them authorities. Problems at one organization can stagnate the creation of the permit, for example. Before the Wabo came into power, one had to request for several permits, the Wabo united the different permits. For example: an applicant needs a permit for a project that involves the felling of a tree before the business that also has incinerators, can be build. Before the Wabo, the applicant needed a permit for the felling of the tree, the creation of the building and one for the incinerators. Currently he only has to request for one, the Omgevingsvergunning. This looks nice, though when troubles occur with regard to one of the topics, for example the incinerators; the other two also have to wait before they can be executed as well. Before the introduction of the Wabo, the applicant could start with the tree and the building.

Permit granting is located in the border area of hierarchical and network organized institution, but what is it exactly? Currently all organizations work separately on the topic that is attributed to their area of knowledge, but since most environmental topics are interrelated some cooperation is required. A simplistic example: A big waste company needs a water purifier in order to meet the waterboard's requirements, but the current construction drawings leave no suitable place for this device. The waterboard involved goes in conclave with the municipality, because the water purifier is necessary, but the placement of this device must fit the municipalities zoning plan. At this point the waterboard had a problem with regard to the content of the permit, however it is not only in their power to solve this problem. On the one hand they stagnate the process with the problem adherent, on the other hand it requires the help of other organizations to solve this problem.

The network characteristics and the specific hierarchical elements are consistent with the hierarchy wheel. The current process allows that each party can put itself on top of the hierarchy and different topics can have priority at different moments. Still, parties are jointly responsible for the end product (Omgevingsvergunning) and must cooperate in order to find a solution to each problem. Since different parties can place themselves on top of the hierarchy at different moments, the wheel figuratively starts turning. By turning the wheel, the organizational structure goes from hierarchical, to complementary working forces. That is exactly what happens in the domain of permit granting. The hierarchy wheel is considered to be part of network organizations and therefore the current execution of permit services is perceived a network organization as well.

#### 4.2.2 Supervision and law enforcement

Supervision and law enforcement relates to another domain than permit granting. After in-depth research, the work in this domain did not directly seem to fit any of the models of Powel (1999) or Van Delden (2009). Approximately 500 organizations are involved in supervision and law enforcement in environmental laws. These organizations together lack cohesion. The fragmentation leads to unjustifiable differences in the approach of different citizens and businesses and ensures that also the criminal approach to environmental matters does not come off the ground. Seen the fact that environmental crime is *fetch crime*<sup>3</sup>, crime detection is highly depending on the findings of the department of supervision. The unjustifiable differences are mainly present within law enforcement. For example: some provinces handle a zero-tolerance policy with regard to fines. While other provinces do not even collect the fine, *if* subscribed. Next to this the fragmentation complicates, if not makes it impossible, to approach environmental malpractices that exceed the jurisdictions of individual administrations. For example mobile and chain activities. The great amount of supervising organizations and persons, fragmentation of tasks and the lack of information exchange form the core problem in an attempt to classify the organizational

---

<sup>3</sup> For an explanation of *fetchcrime* please go back to paragraph 2.2

structure of the domain of supervision into a model of van Delden (2009). Since the organization of supervision and law enforcement does not meet the requirements of any specific model of van Delden (2009), it is impossible to examine the conditions and barriers of a certain type of organization. However generally viewed it can be said that supervision and law enforcement mostly meet the network requirements. See the figure below. The features that are not filled in are impossible to address, because of the great differences between the different supervising organizations.

Forms			
Key features	Market	Hierarchy	Network
<i>Normative Basis</i>	Contract / Property Rights	Employment Relationship	Complementary strengths
<i>Means of communication</i>	Prices	Routines	Relational
<i>Methods of conflict resolution</i>	Haggling – resort to courts for enforcement	Administrative fiat – supervision	Norm of reciprocity – reputational concerns
<i>Degree of flexibility</i>	High	Low	Medium
<i>Amount of commitment among parties</i>	Low	Medium/high	Medium/high
<i>Tone or climate</i>	Precision and/or suspicion	Formal, bureaucratic	Open ended, mutual benefits
<i>Actor preferences or choices</i>	Independent	Dependent	Interdependent

Table 3

Concluding: permit services take place in an organization with network oriented as well hierarchical elements. With that it suits a derivative of a network organization. The specific hierarchical elements are part of turning hierarchical system, and with the turning of the hierarchical wheel this system falls under the scope of network organizations.

Supervision and law enforcement do not fit in any organizational form due to the great amount of organizations that work and interact very differently, leaving no distinguishable organization form behind. However a general overview of the organizations involved in supervision and law enforcement shows that a number of key features can be addressed to the network organizations.

The next paragraph examines the conditions and obstacles for network organizations applicable in both domains.

### 4.3 Conditions for cooperation

Due to knowledge about the organizational structures one gains a better understanding of the existence of specific cooperative features. Before improvements can be made it is necessary to know how current partnerships represent these aspects. An examination of the conditions in both domains will be accompanied by an examination of the obstacles in the next paragraph.

According to Van Delden (2009) the conditions that must be met in order to achieve good cooperation are:

- I. that one takes into account the specific characteristics of an organization during the development of partnerships
- II. the recognition of the need and opportunities for collaboration
- III. trust between the cooperating parties
- IV. energetic professionals who dare to pioneer

- V. an independent leader with great capabilities to organize synergy
- VI. unequivocal, common objectives and agreed interests
- VII. the right culture that elicits group bonding
- VIII. clear laws, regulations and guidance of directors
- IX. commitment from the participants

Barriers that can impede an effective cooperation are:

- I. conflicting interests
- II. network participants without intrinsic motivation for cooperation
- III. self-oriented organisations
- IV. poor flanking policies and regulations
- V. too many policy initiatives and administrative pressure from above
- VI. other aspects that lead to a forced search for cooperation, working contrary on sustainable partnerships.

### **I Take into account characteristics of other organizations**

Organizations concerning permit services are well aware of what others think of their organization, despite the fact whether that is true or not. Respondents from municipalities state for example that public officers from the province are operating from the so called ivory tower. Meaning they experience a distance between the working methods of the province in relation to local and practical work mechanisms. Provincial servants are well aware of these thoughts and refute by stating municipalities work very differently and that obstructs the unification of adjusted and cooperative policies. Still provinces as well as municipalities are able to take into account the characteristics of the other organizations when it comes to the creation of a permit. Due to the collaborative history, the fixed procedures and the amount of comprehension, both parties succeed in taking into account each other's characteristics, although not without mutual issues as illustrated by the example. Provinces as well as municipalities state that the quality of the current collaboration in permit granting highly depends on the degree to which the collaboration is organized. Furthermore they state that the quality of the organization highly depends on the person one is acquired to work with.

Another common outcome of the interview is that all interviewed parties feel that other parties are self-oriented; but that they try to take other interests into account themselves if possible. An example: some governmental respondents perceive the bureaucratic and slow systems of the fire brigade or the police as outcomes of self-oriented actions. However, the fire brigade and the police are traditionally more hierarchically organized than governments are, only this requires some understanding. There is an example of a province that according to the respondent always has long waits for policy papers from the fire brigade. This can be explained by the hierarchical system within the fire brigade that delays the process with control and consent systems. However it already caused some long-lasting painful issues between provinces and organizations needed for the fulfilment of the permit. It also reflects that one knows too little about the organizations they work with. However the province is forced to deal with it, but they find it somewhat annoying and perceive it as an outcome of self oriented actions. No matter how this 'miscooperation' will be classified it is for sure that this particular 'misunderstanding' certainly does not contribute to the cooperation in general.

Furthermore provincial authorisers sometimes experience unwillingness among other organizations to think along in permit services. A practical example: the waterboard decides that a new factory is obliged to take another drainage system than required before, this influences building and/or zoning plans. Adjustments in these plans, in turn, impact the fire safety plan. In other words; changes in self-containing topics inter react with other topics involved. A licensor states that it is desired that all parties think along in the whole situation, it would benefit the quality of the permit. However the past has shown that does not always happen.

The interviews reveal that integral supervision is an important aspect within environmental law. Subsequently supervising organizations are forced to work together, mostly project based. Despite the great amount of different supervising and law enforcing organizations, it seems that this domain experiences less problems with taking each other's characteristics into account. Communication, trust and joint support are present within their cooperation. An example of project based cooperation lays in the supervision of businesses under the Besluit Risico's Zware Ongevallen. There is a clear division of responsibilities between the fire brigade, province and labour inspection. Subsequently one knows what to expect from each other and that makes it easier to take into account each other's features. Furthermore brzo-inspectors meet each other on a regular base, despite the rest of the inspectors. According to the respondents that creates a positive connection, because "the more you have to work together, the more you get to know each other."

On the one hand the supervisors are satisfied with cooperation in special teams. On the other hand businesses still deal with more inspection teams and the different inspection teams do not really communicate with one another. Supervisors therefore provoke a joint ic-system that reproduces information necessary before a check takes place and also stores new information after a control visit.

Despite the organizational differences there is a lot of understanding for the positions of local governments, provinces, ilt-iod, fire brigade and police. One especially understands the problems caused by the current legislative and administrative situation. Local governments for example experience only unilateral communication with the ilt-iod, because the ilt-iod operates on a higher public level. Local government understand that they are unable to frequently contact every local government. Understanding improves the cooperation, because one is more capable to deal with the characteristics of other organizations.

## **II Need and opportunities**

The need for a more effective cooperation between provinces, local governments, police, labour inspection, water boards and fire brigade is widely recognized. However, not for the fight against criminal activities. The main reason is the aim for more efficiency, but respondents almost instantly throw the question: how? Provincial licensors state that the current process of permit granting is not accessible for more cooperation with other parties, however they would like to. The time to create a good permit is already tight, due to time restrictions imposed by law.

The interviews do not reveal a joint fight against environmental crime in the waste industry, neither the intension to realize this on short term. Several public officers cannot imagine that serious environmental crime is present in their territory. Therefore licensors in general, for example, do not feel incentives to dig into criminal procedures when a permit application for a business operating in the waste industry, arrives. That is because none of this crime is currently noticed in practice. Still the respondents reveal it plays a role in mind. Provincial and several municipal licensors know that the waste industry is very sensitive to criminal activity, but before they enter more cooperation with regard to this topic, they would like to know more about the nature and extent of serious environmental crime. However municipal licensors do not really feel responsible for these matters, because they hardly deal with the big waste companies.

Even if research revealed that licensors really have to do something in order to fight this type of crime, they still think the domain of supervision and law enforcement offers more options, and therefore more power, to do something. Licensors already use the Bibob-examination to see if any criminal irregularities are present. "But", as stated by a provincial licensor: "we must trust all applicants; we cannot search for intended evil in advance." According to this licensor one should not want to do more than a Bibob-examination, also because there is no

legal surface available at the moment. The provincial licensor: "Supervision and law enforcement can adopt to a more suspicious attitude."

In relation to permit services, the domain of supervision and law enforcement feels more necessity to work differently on behalf of the crime combat. From the interviews speaks that supervisors have more knowledge about serious crime in the waste business than licensors. According to the supervisors this could be a reason why they feel more necessity for change. This is evidenced by the fact that supervisors autonomously investigate options to improve the execution of their tasks. One provincial chief supervisor has set up some public-private partnership on the topic of soil<sup>4</sup>. Another provincial supervisor tries to get involved in as many networks possible, also outside his public domain. The intention is to gain and share more information with regard to specific environmental topics.

In general local governments feel less necessity for an effective collaboration in environmental matters than provinces, because local governments do not see benefits for themselves. They only feel little responsibility towards the waste industry. Nevertheless local governments used to collaborate more together in the area of environmental matters than they do today. The interviews reveal good former communication lines and partnerships between municipalities and the police for example. Public supervisors and police officers went along in the execution of municipal surveillance; next to this they shared information in Lokale Handhaving Overleg (LHO's). The primary goal of these consultations was to share enforcement and investigative information; next to this they made arrangements about a joint approach towards businesses and topics. Partly as a result of financial cuts at the police these LHO's diluted.

Supervisors no longer have fixed contacts at the police, which they regret. Most of them saw the LHO consultations as a surplus and nowadays a decline in the quality of people's information position. But it was not all positive, since some participants of LHO's experienced lack of motivation at some parties. A supervisor from the municipality states: "If always the same people speak and the same people listen: it aims no cause." It reflects that motivation and mutual benefits must be present in advance. More about motivation can be read further on in this paragraph.

Environmental police really feel like cooperating for the cause of crime prevention in the waste industry. They daily experience the outcome and consequences of this type of crime and the huge impact it has on society. Next to the police also the ilt-iod feel the need of an enhanced cooperation for the benefit of crime prevention in the waste industry. They are very familiar with the nature and extent of the consequences of this type of crime and claim a chain approach. In any case it requires an enhanced cooperation between the various surveillance and enforcement partners. An environmental police officer with law degree states: "Serious environmental crime from chains can only be seen if one exactly knows what is going on in the waste industry. Instead of checking labels, certificates, logs, the impervious floor and the fire extinguisher, one should look at what substances enter the business, how do they process these substances and in what condition do these substances leave the terrain. This requires enhanced sampling and administrative checks. Regretfully the combination of these two as a way of supervision is very precious, due to time and financial means."

Administrative checks, especially in combination with practical equations are rare at the moment. It requires another system of supervision and throws the question whether supervisors are capable of dealing with that. Environmental police officers are not surprised that public officers from both domains estimate there is no serious environmental crime present in their territory, because they argue the current control systems are not sufficient to notice this type of crime.

---

<sup>4</sup> Soil is a type of waste stream within the waste industry that can inflict serious damage, check the example in chapter 2.

In general provincial and municipal servants experience that an enhanced cooperation with the police can be valuable, but they do not agree about whether this could be useful in the domain of permit granting. On the one hand there is a group that thinks that the police can provide them with valuable information, in order for them to adapt their policies and permits. A provincial licensor: "I really do not want to be able to know someone's complete life story; I just want access to relevant information." Other licensors disagree with this and state that licensors in possession of criminal information about people or businesses cannot use it either way because of the ban on détournement de pouvoir<sup>5</sup>. Moreover, even if licensors knew something harmful about the person who is applying for a permit, they cannot reject the request. Rejection requires a negative Bibob advice or an incomplete permit request. It throws the question whether the rejection is the only way to restrain from serious environmental crime.

The question is whether a licensor can do nothing in case he possess harmful information about the applicant that did not lead to a negative Bibob advice. The environmental police see possibilities in sharing information in this domain that do not lead to détournement de pouvoir or other undesirable situations. Examples of this can be found in the program Informatie gestuurd Handhaven or the program Programmatisch Handhaven. Information can be classified into three levels: strategic-, tactic-, and operational information. The first to types of information can be exchanged with governments. Although the police give the idea they are open to more information exchange, the public partners think they are not going to do so. Governmental partners think the police would like to earn more information from municipalities and provinces, while they themselves will refrain from providing licensors and supervisors with suitable information instead.

The need for more cooperation with other parties such as the fire brigade and the ilt-iod does not speak from the interviews. The only thing some provincial and municipal licensors say to want from the fire brigade is an official paper with formal formulated advices. According to those servants that does not require an enhanced cooperation. Furthermore, the investigation department of the Ministry, the ilt-iod, is too small (+/- 70 employees) to participate in partnerships actively at provincial and municipal level. The respondent from the ilt-iod: "Although our cooperation can be valuable, it would take us all day to keep up the partnerships instead of doing our own job."

With regard to chances all parties are very sceptical. The interviews reflect that some respondents thought about the topic of fighting crime in terms of enhanced collaboration more deeply than others. Even those who thought about it carefully see a lot of problems regarding chances for more cooperation. Often repeated obstacles to come to sustainable partnerships between provinces, police, municipalities and potentially also the water boards, fire brigades and ilt-iod are the current legislation, poor policies, disorganisation of activities, the current work pressure and mutual distrust between governments and the police.

Nonetheless there is a great chance coming up. The formation of the RUD. The knowledge about this topic differs a lot between respondents. During the interviews it was not clear yet which parties would join these organisation exactly. The police is looking for her own role, but there was too little concrete information available during the interviews in order say something useful about it here. Chapter 5 will continue on the RUDs.

### **III Trust**

In general, trust is ensured between municipalities and provinces with regard to tasks surrounding the Omgevingsvergunning. However both parties have less faith in the police. The interviews reveal that ongoing

---

<sup>5</sup> Détournement de pouvoir is a ban on the misuse of authority. It disallows administrative bodies to use their power for the purpose other than for which it is given.

saga's between public administrations and the police affect the amount of trust. For example a provincial servant that was interrogated by environmental police in relation to a criminal case that happened under his competency. He aimed to contribute for the good cause, however he felt he had betrayed some colleagues. Also colleagues treated him with suspicion afterwards, but the police never brought back any information. The consequence of this bad experience is that he changed his cooperative behavior to a more suspicious one if it comes to communication with the police.

Incomprehension with regard to each other's legal position contributes to the current level of (dis)trust. The confidence of the police in provinces and municipalities is not very high either. An interview with a respondent from the IMT reveals that investigators at the police get the idea that applicants of the Omgevingsvergunning decide what will be in the permit, and how they think rules are maintained correctly. Instead of the public professional who has to ensure that. This is partly true, because the competent authority moves the responsibility for the content of the permit to the applicant. The province does not construct the permit, they check the disciplines in the request for adjustments or changes if necessary. Investigators experience that the competent authority does not exactly know what is in the permit, and therefore unaware of what they sign for. Police officers state that waste companies abuse that, they also argue that provincial and municipal supervisors fail to investigate what really happens within the companies in relation to the content of the permit.

Confidence between provinces, municipalities, fire brigade, labour inspection and water boards is ensured in general. Only few municipalities have troubles with the fire brigade, others with the labor inspection. Confidence is mostly ensured by the fact parties have faith in the levels of expertise of other parties. Two other features that positively contribute to the amount of trust are the fact whether noses are in the same direction and whether the amount of commitment with the collaborating party is perceived high.

Some partnerships between organizations already exist for a long time. It is not relevant to explain all these long lasting partnership, although it is interesting that a shared positive experience with these partnerships is that they are highly appreciated due to personal connections that arose over time. Several municipal, provincial and respondents from the police claim that personal connections contribute to the overall collaboration. Although that is not a surprising outcome in itself, the answer to the question what exactly contributes positively in those collaboration is the amount of mutual trust organizations developed over time. According to most respondents personal contacts increase the level of trust between collaborative partners. Also if it comes to collaboration between governments and the police. The inquiry ran into a trail that ensured the physical presence of a police officer within the provincial house for one and a half day per week. The respondent is very enthusiastic in terms of enhanced collaboration. The interviews subsequently revealed this also contributed positively in terms of the fulfillment of conditions for effective cooperation.

#### **IV Energetic professionals that dare to pioneer**

Respondents from permit services were very suspicious with regard to this research. This is evidenced by the multiple use of terms like: "but that always goes like that", "how do you want to rearrange?" and "I do not see any other opportunity". Respondents were real professionals with regard to knowledge about their current tasks, but pioneering ventures in the area of permit services did not come forward from the interviews. The main issue that made licensors sceptical with regard to new possibilities within the trajectory of permit services are the complexity of policies, laws and regulations. Therefore it is not so much the lack of pioneering skills, maybe rather realism. Although one must understand that permit services actually entail policy makers and one in general expects more pioneering ventures from policy makers in addition to executive employees. This inquiry actually revealed the opposite. The supervisors are the ones appointed to execute laws and policies, and the interviews revealed that supervising respondents turned out to be more energetic professionals than the authorisers. Some respondents actually called themselves pioneers. Furthermore, pioneering ventures spoke from the fact that supervisors were

very open to research, legal challenges and cooperation with other parties. The interviews reflected that the supervisors were very much into new ways of doing it, and some already did. This is partly due to the fact supervisors feel more need for change and are aware of the current state of supervision, especially its deficiencies.

### **V Independent leader with alliance capabilities**

The interviews revealed that leadership in the area of permit services is executed very differently, varying per permit and per province. For example, all interviewed municipalities from province A experience A's leadership in permit related affairs. The municipalities welcomed this very positively. Another province exactly experienced the opposite, this province lacks to give the municipalities the feeling they rule and control environmental matters. Also organizations such as the fire brigade, the waterboard, labour inspection or municipality take the initiative when necessary, but the whole process is not continuously lead by one person or organization in most cases. That already became clear in the former chapter when the hierarchical wheel was explained.

In most cases the province starts with a leading role, but this can also be inherited by the water boards or the fire brigade if troubles with regard to their responsibilities occur. A few respondents claim that a fixed leadership in both domains is unnecessary, based on the fixed procedures. Which means a leader is unnecessary because every organizations already knows what to do.

As stated before many different organizations take part in processes of supervision and law enforcement with regard to environmental laws. Normally these organizations work separately. The collaboration mostly consists of project work, without a fixed, independent leader. Disregarded from project work, supervising partners only 'collaborate' when infringements are detected. Also in this domain the party that leads the case differs.

The police only take the lead when there is a criminal case. However, that is such a specific circumstance that one moves to another area of investigation. The conclusion is that there are no fixed undisputed, independent leaders in the process of supervision and law enforcement, but that leadership differs depending on the topic and competent authority.

### **VI Unambiguous joint objectives and interests**

In the organisation of permit services all different parties aim to achieve the same goal: a good, enforceable permit, that also intends to limit environmental pollutions as much as possible. The police however serve another interest. They aspire the importance of good criminal investigation and prosecution, according the interviews. Respondents of the municipalities and provinces argue they can never adopt that as an important interest or goal, because of the ban on détournement de pouvoir<sup>6</sup>

It depends on the effort that professionals put in the collaboration to what extent satisfying outcomes for both parties derive from the cooperation. In any case, it is impossible for the police to only aim for crime detection and prosecution. The consequence is that the police will only benefit on a long term period, but crime detection can never be a goal in itself in collaboration with governments.

In recent years integral supervision and law enforcement became a joint goal of the supervising organisations. In the core of the supervision task waterboards, municipalities and provinces have the same interests, although this interest may appoint different topics. All organisations aim for rule compliance and experience shared support and only very few differences in interest. As said before the labour inspection and the police have completely

---

<sup>6</sup> A governmental body may only use its conferred or delegated powers for the purpose for which the competence is given (art. 2:2 Awb.) The legislative power (authorisation) must remain separated from the executive power (supervision and law enforcement).



different goals, because they reason from a criminal perspective. A supervisor of the province would not immediately criminalize a person or business that executes non-statutory activities. They would come up with orders to increase the law compliance instead of measurements that are punitive by nature. "Punishing companies that do not comply with the rules completely, does not guarantee that it will never happen again", according to a provincial supervisor. Public administrations experience non-statutory behaviour partly as an outcome of ignorance, instead of criminal.

## **VII Culture that promotes group bonding**

At the moment there is no culture that promotes group bindings in relation to permit services. There is no 'we-feeling'; it is *them* and *they* instead of *we* and *us* in stories about 'collaboration'. Despite the province, all interviewed organizations feel they are responsible for only a small part of the permit and not for the whole permit. Nevertheless, provincial licensors separately narrate about the problems they experience with organizations that are not prepared to think along in the whole process. As explained in paragraph 4.1 the different permit topics interrelate. Licensors find it desirable that the different parties think along throughout the whole permit, but that is not happening very often nowadays.

Inferring from this paragraph there are some main cultural differences between the different parties. The fire brigade and police are more hierarchical organised with regard to provincial and local governments and that causes some annoyance in the collaboration. Furthermore, police and labour inspection are more criminal, instead of public administrative, minded. It is insurmountable in terms of law enforcement that the different attitudes bite each other occasionally, because they have other ideas about the approach of the non-statutory behaviour. The inspection and police immediately impose sanctions, whereas the province argues a warning first. This because great law compliance is in the province's interest; realizing that knowing all the rules and regulations is very tricky and therefore law violations are not always intended. The police and labour inspection argue that one should know the rules, because that is how criminal law works.

The interviews also reveal that the cultural differences do not have to be problematic, as long as parties take each other's interests into account. A provincial respondent admits this requires some time, his province for example has a long history with the fire brigade and despite the different organizational structures and interests the collaboration between the two organizations is currently working smoothly.

Also the poor accessibility of organisations such as the fire brigade and the police does not contribute to a culture that prevails group binding. Most interviewed professionals experience tight determined work principles as an obstacle in the collaboration. One prefers informal manners. The physical distance between organizations is disturbing the creation of collaborative networks. It contributes negatively towards group binding. Furthermore personal connections between organisations depend highly on the employee in charge. There is a municipality that has good personal relationships with the province, whereas equivalent colleagues from the same municipality do not have this.

One of the first respondents introduced the term *coffeemachinepolitics* to describe a pleasant culture for group binding. The interviewee intended an atmosphere which, on the one hand is 'just' part of the labour circumstances and therefore does not require special attention, but still offers the opportunity to deepen personal contacts. Because it takes place within normal working circumstances, also specialised knowledge will be exchanged. This contributes to group bindings according to the provincial supervisor. All respondents after the introduction of this term immediately understood what was intended here and they all identified with it in terms of desired contact and collaboration.

## **VIII Clear laws and regulations**

Laws and regulations are currently perceived one of the biggest stumbling blocks in permit services as well as in supervision and law enforcement. A licensor of a province: "the procedures are far too complicated, there are so many rules and regulations and time is too short to create a good permit together with the other organizations." Laws and regulations turn out to be problematic as soon as they should be translated into practice. It appears that laws and regulations are contradicting on topics and contain gaps and ambiguities.

An example can be found already at the permit application. The applicant has to fill in a form that subsequently must be addressed to the appropriate competent authority that has to make further decisions. Condition is that one must know which organization is the competent authority, that is where the trouble starts. The current situation is that special, that it is possible that both, the municipality and the province, are indicated as the competent authority. That is undesired. Further research revealed that laws and regulations today are written for the RUD's yet to be established. This means, however, that both domain investigated in this research are currently in trouble. There is a supervising vacuum that makes it impossible to enforce law, because what laws are applicable?

There are hardly flanking policies that stimulate the collaboration between for example waterboards, police, municipalities and provinces. Though, the interviews reveal that policies that are acquired to stimulate more cooperation are undesired. More about this topic can be found in the next paragraph about barriers. Currently collaboration depends on the professional whether he is motivated to go beyond its own tasks for the benefit of an effective collaboration, laws and regulations are neither stimulating nor helping in collaborative terms.

## **IX Commitment**

Commitment with the environment is very high among all public servants. All disciplines work on the basis of special feelings with regard to the environment. Licensors indicate that every permit automatically means that more environment pollution and/or risks are allowed. They try to limit the extra tax on the environment within their power; otherwise the environment would be exposed to too much pollution and/or risks. Furthermore, the eyes of interviewed supervisors expressed great compassion for their work. Lights shone in their eyes when talking about the execution of their tasks. Unlike questions relating to cooperation, organizational structures and so on. They were answered with a lot less interest.

Administrative controls are a popular topic within administrative controls at this moment. Supervisors acknowledge these administrative checks are essential for tackling environmental crime. It is expected that these checks will earn more attention in the future. According to supervisors these administrative checks reflect problems regarding accounts, taxes, sales and the purchase of goods instead of the environment and public health being of central importance. A provincial supervisor: "at this moment we have to prove that mixing substances A and B caused the illegal financial advantage of €150.000,- and that does not meet the feeling of doing something for the environment or public health. I did something administrative or financial."

With the execution of administrative checks supervisors lose the feeling they are maintaining the environment, while the high degree of commitment is mainly influenced by this feeling. As previously stated the feeling that employees maintain the environment is a motivation and common denominator between all persons who work in any environmental discipline. Supervisors underline the importance of the administrative checks, although they do not like to execute the controls themselves, because it lacks causality with the 'environmental feeling'.

### **4.4 Barriers for collaboration**

The interviews reveal there is hardly effective collaboration in the domains of permit granting and supervision. Some explanation is already given in the previous paragraph, because several conditions for effective collaboration are not fulfilled. This paragraph investigates the presence of general obstacles for collaboration and

also additions from the interviews will be elaborated. The general barriers for effective collaboration according to network principles are: self orientation, conflicting interest, too many policy initiatives and pressure from above, poor flanking policies and regulations and other aspects that lead to forced cooperation (van Delden, 2009).

### **I Conflicting interests**

Different interests speak from the main objectives of the different organizations. Against the expectations the amount of conflicting interests are only summery present. When different interests are present, one interest does not have to exclude the presence of the other. It is more problematic when conflicting interests appear. That is not applicable on the current situation in the domain of permit granting. Waterboards, provinces and municipalities mostly agree with regard to the creation of a permit. Despite the fact that the police is not a player in the field of permit granting nowadays, potential conflicting interests are already reported by the governmental respondents. Provinces and municipalities as well as the police have very important, but completely different public tasks. Although one can also name some similarities, for example provide a safe environment for mankind, crime detection is one of the main goals of the police that can never be of main importance in a cooperation with provinces and municipalities. Since these governments are by law restricted to execute crime detection (prevention is allowed).

Another notable outcome with regard to interests is that two out of three provincial licensors state that they presume that municipalities are more sensitive to cooperate with businesses than provinces. They state that aldermen are closer to local activities and are subscribed personally on a regular base. Subsequently they feel more pressure to cooperate with entrepreneurs. There is more distance between provinces and citizens resulting in less social pressure on civil servants. A provincial permit granter states he perceives that provinces are less eager to attract businesses, especially businesses that lay within the scope of heavy industry. This observation partly relates to the extent in which provincial and municipal officials are aware of the possibilities of criminal behaviour within their domain. The provinces reveal greater consciousness with regard to crime in the waste industry. All interviewed provinces deployed Bibob policies, also for waste businesses, whereas only very few municipalities did the same. A municipal servants even stated that the subject of crime never crosses his mind, he furthermore states that all permit requests are tested by law, so why would he treat a waste business differently?

Despite the great amount of supervisory bodies, supervisors only experience conflicting interests now and then. Unlike law enforcement (part of the supervision domain). Contradictions in the law enforcement arise from the three levels of criminal prosecution. Criminal, administrative and a combination of both. Supervisors have the freedom to chose a type of prosecution. In general most supervisors chose the same enforcement methods, however if the law obedience insists they must adapt to other methods. For example enabling the police. Administrative ways of criminal prosecution are for example the administrative warning, penalty payments or the administrative fine.

The police argue supervisors linger too long in administrative laws instead of moving on to criminal prosecution. Through the use of criminal law one can be punished harsher. Supervisors find it difficult to find balance law compliance and punishments within prosecutions. Supervisors are aware of the fact they are less criminal oriented than the police and the labour inspection.

Furthermore, supervisors experience conflicting interests on political-economic level. This means that when politicians have to choose between closing a big company in order to prevent man and environment from pollution and criminal activities, the environment mostly loses the battle against economic interests such as employment. Also the ilt-iod and the police experience this problem when it comes to actions from the national government.

## **II Network participants without the intrinsic motivation to collaborate**

The willingness to cooperate more effectively differs a lot between respondents. One licensors agrees to the current situation, as long as colleagues use the Omgevings Lokaal Online properly, whereas another aims for more personal contacts with other organizations in order to increase the overall information exchange. A negative attitude is mainly caused by the fact licensors do not experience opportunities to enhance collaboration, due to the current legislation and policies. Another reason is that some respondents do not feel the need for enhanced cooperation. This is mostly due to lack of knowledge about nature and extent of serious environmental crime.

The motivation to cooperate also differs in the domain of supervision and law enforcement. One provincial supervisor states that the preparedness to cooperate is highly personal. "there are people who say they can perfectly work without cooperation, whereas others would like to go for it, there is no structure in between organisations, departments or projects." Many times, this highly motivated supervisor experienced only superficial willingness to cooperate. "Initially everyone agrees about a certain cooperation, but when a job arrives and organizations must deliver time and competent employees for the task, it seems to be difficult to arrange people and time to fix the job." He thinks this is caused by the job which requires efforts that do not meet the organization's interests immediately. In other words: it aims no benefit for the organization that is subscribed to cooperate. This means that some intrinsic motivated employees are restrained by their organizations if the organization is not prepared to subscribe time and methods for the collaboration. Concluding: the experience in the domain of supervision is that it does not only require people with the intrinsic motivation to cooperate, also organizations must be open for cooperation. The answer to the question whether he ever got to criminal cases because of effective collaboration between different organizations he answers: "I would like to say yes and I have some practical examples in mind that could have been addressed here, but regretfully it is no".

The environmental police departments states they would like to cooperate with provinces and municipalities in order to fight environmental crime, but they argue that requires some changes in the current situation of these two types of governments. Police officers experience ignorance with regard to criminal activities among licensors and supervisors. Although supervisors from both governments estimate the quality of their expertise quite high in general, environmental police officers do not agree with this. An interviewed IMT member states that the supervision on waste businesses requires the check of the whole permit, instead of just high risk areas. This requires special knowledge of multiple disciplines. The execution of such a control requires more than currently available, according to environmental police officers. It is difficult to estimate the time necessary for such a control and currently the control system is restricted by time boundaries that inflict the quality of the control.

A control requires sampling, digging into administrations and insights in all waste streams that enter and leave the business. These checks require a lot of work and resources and are therefore quite expensive and precious. Although, in a request for the truth and an enhanced fight against serious environmental crime it is absolute necessary according to environmental police officers. One environmental police officers proclaims less, but much more extensive business controls annually. According to another police officers, supervisors are groping in the dark if it comes to the knowledge about what really happens in waste businesses. All the officers from the IMT agree to the fact it is extremely difficult to know what happens within a waste company, but they deem it is within the duty of the competent authority to investigate it thoroughly .

## **III Self oriented organisations**

The interviews reveal that most organizations in the domain of permit granting are self oriented. This is an obstacle present in the collaboration. Each party in licensing (waterboards, fire brigade, municipality, province) presume their responsibility only lays within a small part of the whole permit and their contributions to permits is only part of a bigger task package. People that are appointed to cooperate in licensing matters are also

influenced by priorities set within their own organisation. Looking at the current situations it seems that the amount of self orientation has increased last decades.

Financial cuts, increased work pressure on servants in general and changes in priorities within different organizations caused the increased amount of self orientation according to provincial licensors. Also the supervisors state that for example the relation with the police has been in decline recent years. The police has had an internal priority discussion. The focus shifted to emergency aid, crime combat and mitigation of disturbances in the public area. That came at the expense of preventive work, for example education, information meetings and investments in partnerships. Once supervisors and environmental police officers possessed each other's phone number, nowadays they have difficulties finding and contacting each other. Depending on the circumstances, the police still joins supervisors occasionally, primarily to reinforce the seriousness of measurements. Overall, informal communication and personal contacts declined with the consequence the overall information position of both organizations has deteriorated.

Another point of discussion is that provinces and municipalities are displeased by the police when irregularities are noticed and the police takes over the case. Provinces and municipalities experience that the police continues on its own without correspondence about the progress of the case. Although provincial and municipal servants are bothered by this, a member of the *ilt-iod* argues that this is inevitable. "There will always be imbalance between investigation teams and governments when it comes to information sharing, governments need to accept that."

The question here is whether governments completely have to accept that. The interviews revealed an example of a supervisors that had to testify in a big criminal waste case. He opened up to the police, but they never gave him any feedback on his testimonial. On the one hand he experienced some negative attitudes from colleagues against him personally, because he had been so open about the case. On the other hand he did not feel supported by the police. He states: "why should I ever support criminal investigations teams any longer?". This caused a painful issue from the governmental side. However, although the supervisor did not feel any benefits from this action, his help might have been very valuable in terms of the crime fight. Maybe the police should have let him know for the record.

Self oriented organizations are a problem when it comes to collaboration and therefore the fight against crime. The case study revealed that it depends on the power of the collaboration whether irregularities within chain crime are noticed or not. Self orientation is a real obstacle in case, and present within the current collaboration between governments and the police. But also within and between governments and other supervising organisations.

#### **IV Poor flanking policies and regulations**

Laws and regulations have changed rapidly in recent years. This caused some difficulties with regard to the work in the waste branch. New laws, regulations and techniques in the waste industry broadened the (legal) possibilities causing situations that can be very confusing. Given the procedures provinces experience difficulties in response to the constantly changing demand and requirements of the environment.

An examination of a provincial licensor illustrates the seriousness of this unworkable situation. His province tried to sum all rules and regulations that currently apply to big risk companies. Despite the fact this led to a huge file, his efforts failed. In other words: it was impossible to sort out all the rules and regulations in order to find out what laws and regulations must be maintained in this particular case. It already starts with the determination of the competent authority. A concrete example from a municipal licensors that is also used before: "In order to find out whether the province or the municipality was the competent authority I carefully followed the flow chart on the

website of the national government (Infomil). The outcome was that we were the competent authority. Later on it turned out that was not true, due to a limitation stated in some policy.” Moreover, the current legislation allows that both governments are competent authority. That is a striking problem and causes untenable situations.

Furthermore, laws and regulations put high pressure on servants that have to construct or maintain a permit. The consequence is that there is no time for intensive collaboration. There is only one moment available in which all components collectively examine the permit. Licensors are already used to this, but admit that more contact with other organizations could be very valuable.

Because the province is responsible for the final result, the Omgevingsvergunning, they must provide a whole check on the permit. However the interviews reveal that this final check is executed very differently. One province has a specialist, the other uses the concept of ‘*tegenlezen*’<sup>7</sup> and the third province hardly provides a final check. In other words: flanking policies with regard to the final control of a permit are missing and one can imagine that the this final check is quite important. Regretfully, the current situation reflects some differences in the quality of the check.

Also the domain of supervision and law enforcement has troubles regarding poor policies and regulations. For example, the current inter administrative environmental organisations are formed on a voluntary basis. That causes differences with regard to the nature, intensity and content of the collaboration and job execution. The Landelijk Overleg Milieuhandhaving (LOM) tried to implement a nationwide compliance strategy, but recently research revealed that this strategy and associated plans are not descended in the enforcement at local level.

Finally, also investigators recognise the problems surrounding laws and regulations. The content of the rules and regulations changes often nowadays. There are examples of regulations that in fact contradict. One consequence for example is that the execution of supervision is highly relying on the employees in charge. This causes some great, unjustifiable differences in the execution of supervision and law enforcement. One respondent stated he is very active when it comes to cashing fines, whereas some other investigation reveals that there are some governments never cashing written fines.

### **V Too many policy initiatives and pressure from above**

Too many policy initiatives and administrative pressures have proven to be of negative influence when it comes to the protection of the environment. At one time municipalities received subsidies when it was proven that their commune maintained the environment and public health actively. Also regarding waste procedures. A respondent of the Ilt-Iod states these subsidies were of great influence on the objectivity of the supervision and law enforcement. He has some examples of municipalities that maintained the rules less strictly in order to be eligible for the subsidy.

The protection of the environment and public health was a farce, a make-believe, because municipalities seemed to be more economical sustainable. “However there were not in reality”, as stated by the Ilt-member.

Also licensors experience some administrative pressure from the College van Burgermeesters en Wethouders (B&W) and Gedeputeerde Staten. Particularly with regard to prioritisation. It is a subjective system that has its deficits. There is the example of a supervisor that signalled large irregularities and weird activities within one waste business. He noted the college of B&W, but got no permission for further research. There is a suspicion the alderman has some personal relations with the director of the waste company. Driven by motivation and

---

<sup>7</sup> *Tegenlezen* means that the department of supervision and law enforcement check the permit on enforceability. In other words: are the prescribed requirements in the permit clear in order for supervisors to work with them. In case ambiguities or mistakes are found, permit services will customize the permit before authorization.

environmental commitment and also because of his professional attitude he searched for help outside his municipality.

## **VI Other obstacles in the cooperation**

The first aspect is the absence of a shared ict-system that stores and reproduces information that furthermore is able to display necessary information to different organizations. Currently the labour inspection, fire brigade, province and municipality store information about the same business separately. The various inspectors submit results of inspections and/or investigations and write it down in findings and conclusions. The different organizations are required to share information, although that is highly complicated due to the absence of such a system. It contributes to the feeling of forced cooperation according to several supervisors. Such a system is not unrealistic according to the respondents, because one can create a system with different levels of authorizations that must provide the right information to a stakeholder. Moreover, the Riec Oost already has a system that kind of works like that.

The physical distance between organisations is also perceived an obstacle. Respondents identify with *coffeemachinepolitics* and argue that organizations that are appointed to each other with regard to the content of their work must be in contact and develop personal relations. So far, communication mainly takes place over the internet and sometimes by phone, however these contacts are limited to necessary, reactive communication and do hardly built upon personal relations. That is an obstacle for effective collaboration.

Next to the national law also the international laws and regulations look nice on paper, but cause many problems in practice. A number of international companies abuse this situation and one consequence is the occurrence of monopolistic businesses in the waste chains. They play off unions and try to hamper controls and administrative influences in their businesses. The problems that appeared over nations ask for a cross-border approach. This wide approach hardly comes off the ground and experiences many difficulties with regard to a great variety of problems.

## **4.5 Conclusion**

This chapter investigated the applicability of conditions and obstacles on the current collaboration between public partners surrounding permit services, supervision and law enforcement. The analysis of the interviews used a distinction between the answers of provincial licensors, municipal licensors, provincial supervisors, municipal supervisors and environmental inspectors from the police and ilt-iod. The knowledge about the organization forms is used to declare the current collaboration between public organizations, and provides an insight in which organizational elements need to be addressed in order to answer:

*How do organizations cooperate in the domains of permit services and supervision, which conditions are met and what obstacles occur in the current collaboration?*

The first part of the question can be answered that there bearily is substantial cooperation between organizations in the domains of permit services and supervision. Bearly, because some cooperation is present although this cooperation is hardly definable since it takes place very differently. In other words it is difficult to draw a clear picture about how provinces and municipalities cooperate in the domain of permit services, and how in the domain of supervision and law enforcement. Due to great differences in working styles the cooperation is difficult to compare and highly pluriform by nature. This following paragraph summarizes which conditions are met and what obstacles occur.

#### 4.5.1 Conditions

##### **Take into account characteristics of other organizations**

The first condition for good cooperation is only partly fulfilled. On the one hand municipalities and provinces easily take each other's interests into account, because the interests are mainly the same with regard to permit granting and supervision on the great waste businesses. On the other hand these governments have problems taking into account the characteristics of other, especially more hierarchical structured, organizations such as the police and the fire brigade. In turn the environmental department of the police has troubles recognizing the interests of provinces and municipalities. Although the individuals from the different interviewed organizations are motivated to take each other's characteristics more into account, the attitude of their organization sometimes restrains collaboration in practice. Not without a reason, because if there are no joint policies each organization can determine its own priorities when it comes to the distribution of budgets and time, and the execution of tasks. The consequence is that the different organizations are rather self-oriented in the execution of tasks surrounding permit granting and supervision. However, it turned out that project based collaboration in the domain of supervision increased mutual understandings and the extent to which organizations take each other's interests into account.

Due to the fact projectbased collaboration is more present in the domain of supervision, it can be said that this condition is more fulfilled in this domain. Still, although the business processes in the domain of supervision are more attuned to one another, and that contributes to the extent interests are taken into account., a comment is in place here because this project based work does not appear on a large scale. Therefore this condition needs improvement in both domains in order to be able to state this conditions is completely fulfilled.

##### **Need and opportunities**

A pluriform picture arose regarding the topic of need and opportunities. On the one hand this condition is completely fulfilled with regard to the need organizations feel for a more effective cooperation between provinces, local governments, police and also other organizations as the labour inspection, water boards and fire brigade in general. On the other hand this condition is not fulfilled if it comes to the need organizations feel to collaborate more effective in terms of the fight against criminal activities. Mainly caused by the fact that many municipal and provincial servants lack knowledge and therefore deny the existence of his type of crime in their territory.

There is a kind of rank identifiable that displays to what extent parties feel the need for cooperation for the benefit of a serious fight against environmental crime in the waste industry. From the least to the most motivated: municipal licensors, provincial licensors, municipal supervisors and provincial supervisors. Licensors in general do not feel much need for more collaboration for the benefit of crime prevention. They argue they are not the designated people to do so. Moreover, licensors from the local government feel even less need than provincial licensors. More need is felt by officers from the domain of supervision and law enforcement. The environmental police is clear about the need and is currently trying to identify the possibilities for enhanced public cooperation in general as well for the benefit of the crime combat..

In terms of opportunities municipalities and provincial licensors are very sceptical. Although provincial and municipal servants commonly agree that cooperation with the police can be very valuable; that currently does not contribute to the fulfilment of this condition. What does contribute are the current practical possibilities which can be abstracted from the Programma Informatiegestuurd Handhaven and Programma Informatie Delen. Both contain examples of information that can contribute to improve strategic and tactical choices of governments.

##### **Trust**

Trust as a condition for good public cooperation is largely fulfilled. Provinces and municipalities have great trust in each other, in addition to the police. There is mutual distrust between the interviewed municipal and provincial



servants and the environmental police investigators from the Brnon. The interviews and the internship at the Brnon revealed that the confidence between public administrations and the police is affected by unsolved, old problems and incomprehension about the role of provinces and municipalities with regard to law disobedience in the waste branch. The confidence from the police in public administration is affected because environmental investigators notice many mistakes in criminal cases that were made by public administrations. These mistakes contain fallacies in the content of a permit, supervision and law enforcement. The relation between public governments and environmental police requires attention in order to fulfill this condition completely. One interviewed province already set a good example by inviting a police officer to work at the Provincial house for several fixed days a week.

### **Energetic professionals**

The interviews reveal that energetic professionals are mainly represented in the domain of supervision and the interviewed police. This is partly due to the fact that both parties are well aware of the current state of the supervision domain, also their great passion for the subject energizes. In addition, officials from permit services were very sceptical with regard to this research, because the complexity of policies, laws and regulations calmed down their ambitions. On the one hand realism explains the situation, on the other hand it is an exceptional situation. In most cases policy makers are expected to take the exemplary role, in this case the executives took over that role. Therefore this condition can be better fulfilled if also the policy makers, permit granters, were supported to deploy themselves as energetic leaders in organizing collaboration.

### **Independent leadership**

This conditions for effective collaboration is not met uniformly. Although some say the work related to permit services and supervision does not require an independent leader, that does not mean projects do not require a leader at all. Also because the interviews revealed that collaborative participants experienced active leadership from the province very positive. Organizations related to permit services and supervision are complementary forces and in general solely take leadership in their own area of knowledge, only occasionally organizations take the lead for the whole process. Provinces are the great facilitators in both domains and their leadership is therefore desired. Moreover, they are obliged by law to do so. Although it is difficult to call it *independent* leadership, because the province is a stakeholder.

### **Common objectives**

Local governments and provinces pursue the same goal with regard to permit services. The police in addition, has other objectives. So far there are no shared or common objectives with regard to enhanced cooperation between governments and the police, especially not for the benefit of fighting crime in the waste industry. The main differences lay in organizational differences. Public administrations aim a good permit that is enforceable and limits environmental pollution as much as possible, the police pursue an early detection of crime and the gathering of evidence. Nonetheless, this can never be a goal in governmental services. Public officials want to achieve the greatest law compliance possible, whereas the police would rather punish rule violations immediately. To what extent common objectives can be formulated to both party's satisfaction, depends on the commitment and collaborative skills of both parties. In order to be able to state common objectives it is important to solve the information gap between governments and the police first with regard to nature and extent of serious environmental crime.

### **Clear laws and regulations**

Clear law- and regulations are problematic in both domains. They are complex and contradicting and therefore this condition is not fulfilled either. There are hardly laws and regulations that contribute to the promotion of cooperation. Although too many policies and pressure from above are undesired as well. Changes are coming up, but depend on the creation of the RUD.

### **Commitment**

Commitment is a condition completely fulfilled for the benefit of good collaboration. The level of commitment with regard to environmental matters is extremely high throughout the respondents of different organizations. Although sometimes it causes some troubles with supervisors and the submitted new ways of supervision. Supervisors admit administrative supervision is very important in combating environmental crime in the waste industry, but the commitment with the topic is less once the content of the work shifts from rescuing mankind and society to numerical findings. Although this condition is actually completely fulfilled, one must be ware of the fact that this condition can also work contra productive in this specific area of research.

### **Culture for group binding**

So far, cooperation is not enforced by the right culture that elicits group binding. As one can abstract from this paragraph the current circumstances do not provide the necessities for sustainable partnerships as stated by Van Delden (2009). The physical distance and the difficult presumed accessibility of the different organizations contribute to an individual minded culture. This does not have to cause problems immediately, unless parties are willing to take each other's characteristics into account.

The term *coffeemachinepolitics* is introduced to reflect a desired culture for group binding. This term is difficult to substantiate empirically. It intends to draw the picture of a situation that on the one hand is part of the normal working conditions, but also provides an opportunity to deepen personal contacts. It promotes informal communication without people looking for it explicitly. Because this situation is created in the work environment it also provides in the exchange of professional knowledge. *Coffeemachinepolitics* is perceived to contribute to the creation of sustainable partnerships and all respondents identify themselves with this concept.

### **4.5.2 Barriers**

This paragraph reflects upon obstacles that are present in the current collaboration. First the general obstacles are summarized, followed by an addition of obstacles that came forward from the interviews.

#### **Conflicting interests**

Against all expectations, conflicting interests are not a striking obstacle in the current collaboration with regard to permit services and supervision. However, conflicting interests have been adherent in past collaborations. Moreover, provincial and municipal servants expect that conflicting interests become a bigger problem again when the cooperation with the police will be enhanced. Potential problems are attributed to the great differences in organizational culture and differences in the organizations main objectives. For example, one of the main goals of the police is crime detection, and this can never be a main goal in administrative matters. Recent conflicting interests are mainly reported with regard to law enforcement. Public administrations aim rule compliance, instead of the infliction of pain to organizations that violate the law.

Conflicting interests are also reported on a larger political-economic level. Police officers and supervisors experience contradicting interests. According to them environmental interests often lose the battle against economic interests.

#### **Lack of intrinsic motivation**

The intrinsic motivation to change the current collaboration differs a lot between respondents. Lack of intrinsic motivation is mainly caused by lack of knowledge about nature and extent of environmental crime and the overdoses of complex laws and regulations. The differences in intrinsic motivation are reflected by practical examples. Some provincial supervisors started voluntary partnerships; others wait for what will happen with

regard to the RUD's and if the changes that accompany the RUD do not meet their expectations they might look for another job.

The police is motivated to collaborate with public administrations, however they already argue that public policies have to change first. They prefer a reconsideration of the supervision protocols first. The conclusion is that the lack of intrinsic motivation is an obstacle in specific cases. The fact that some people impose conditions for potential changes does not diminish the presence of the intrinsic motivation.

### **Self orientation**

Self orientation is an obstacle present in the current collaboration. In the domain of permit services all organizations seem to be self-oriented. Although employees say they are not self-oriented, their organizations seem to adopt a self-oriented attitude. In the domain of supervision mutual contacts played a role in former collaboration in the form of LHO's. Partly due to the amount of self-orientation from the organizations involved, these partnerships disappeared. Self-orientation is a great obstacle with regard to the combat of environmental crime in the waste industry.

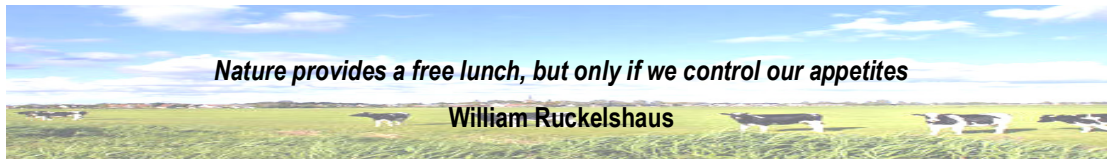
### **Flanking policies**

Furthermore flanking policies and regulations are a real obstacle in the current situation. Licensors have problems with determining the right competent authority and also the final check of the quality of the permit differs and severely lacks in some provinces/municipalities. This affects the quality of permits and supervision. Currently supervisors are unable to summarize the exact rules and regulations that are applicable on one business. Also the complexity of the content of the rules facilitates environmental crime. It is very difficult to find out what is allowed and what not. This leads to undesired differences in permit granting and supervision nationwide.

### **Too many policy initiatives and administrative pressure**

Too many policy initiatives and administrative pressure from above are undesired according to all respondents. It has already proven to be of negative influence on the quality of permit services and supervision. It inflicts the objectivity of the work in both domains. Currently this is not perceived an obstacle, since there is no administrative pressure.

Finally, another aspect that is appointed to be an obstacle in both domains is the absence of a joint computer system. This causes difficulties in the exchange of information and agenda's. Also distance and accessibility of organizations are sometimes perceived an obstacle. Especially between police and governments. Finally international influences regarding international law, regulations and communication are perceived obstacles in the current collaboration. Respondents agree on the fact that transboundary problems require a cross-border approach, however that is currently absent.



## 5.0 Desired cooperation

After considering nature and extent of environmental crime, the organization form of permit services, supervision and law enforcement, and the current collaborative features in these domains, this chapter formulates the answer to the question:

*What does the desired cooperation between public partners look like for the benefit of combating serious environmental crime in the waste industry?*

First, the current general positive and negative outcomes of the research will be summed. It is in the line with the expectations that the positive aspects must be highlighted and maintained as much as possible and the negative aspects need to be addressed and solved. Second, specific necessary aspects will be addressed.

### Positive aspects

The positive aspects of the current situation in the field of environmental crime are that the nature of this type of crime is well known. However it needs to be addressed to find out the extent of this type of crime. There are some substantial arguments available that underline the importance of further research in order to find out the extent of serious environmental crime in the waste industry. The nature also provides some starting points that explain how there must be collaborated in favour of the crime fight.

The interviews reveal that all interviewed parties are open to change at this moment. They feel the need for change with regard to collaboration, whether or not for the benefit of crime prevention. Although opportunities are not widely spread, still some possibilities for change are present. Especially in the domain of supervision. In order to make a change some energetic professionals are required, and some highly motivated servants there are among the different organizations. Especially at the departments of supervision, but also the police is motivated and exploring possibilities. The degree of commitment with the content of peoples jobs is very high among the respondents, this also contributes positively in an attempt to reconsider current collaboration. Furthermore, high levels of trust and understanding between provinces and municipalities with regard to the execution of permit services and supervision is ensured. Concluding; at this moment there is a ground for change; the organizations are open for communication and trust each other's professionalism and intentions and are furthermore motivated to take the bull by the horns and improve inter-organizational collaboration for an efficiency and quality improvement .

### Negative aspects

The negative aspects of the current situation in the field of environmental matters relate to the topic of knowledge. Especially licensors do not exactly know about the execution of serious environmental crime in the waste industry. Also supervisors need to improve this knowledge for the benefit of enhanced supervision. More information about the extent is required before further research on how to fight this type of crime can be executed. Indicators reflect that there is a significant chance that the extent of this type of crime is huge, at least much bigger than currently thought.

Another negative aspect is that the different municipalities and provinces work very differently. In relation to environmental crime this causes difficulties in compressing all the single information together for the benefit of a clear picture of nature and extent of serious environmental crime in the waste industry. It requires an unified work processes and an intensive research that ensures high levels of skills and knowledge. Another negative aspect here is the high level of self-orientation of each organization, although the respondents say they are open to change and more collaboration, they seem to have difficulties to dampen their organisation's interests. Every department and province has very different work and collaboration styles (although the content of their work is supposed to be the same) that hinder unambiguous work processes.

Furthermore there are mutual conflicting interests between provinces and municipalities in relation to the police. However the police also digs into administrative (instead of criminalising) ways of working, there is still a long way to go to come to shared common goals with regard to the fight of environmental crime, also because a lot of knowledge and awareness are lacking among governmental servants with regard to this specific type of crime.

The absence of shared common goals between provincial- and municipal governments and the police has a negative effect on (potential) effective collaboration, and the absence of a group binding culture is not contributing to this either. According to van Delden (2009) an effective cooperation entails the creation of sustainable partnerships. The desired situation for fighting serious environmental crime in the waste industry requires sustainable partnerships in which personal relations, motivation and trust are very important; next to this it must include professionals with high levels of expertise in their profession. The conditions for a sustainable partnership are not represented in the current collaborative situation. Also the accessibility of the police for the benefit of the public administration is perceived difficult.

The problems regarding laws and regulations have been discussed several times, but it is important that collaborative teams are supported by clear, enforceable laws and regulations in order to function effectively. Also the amount of intrinsic motivation to collaborate in order to fight environmental crime in the waste industry is lacking in general, mainly due to lack of knowledge about nature and extent of this type of crime.

Given the amount of conditions that are not met and the obstacles that are present the current cooperation cannot be classified an effective collaboration. Especially not for the benefit of fighting environmental crime in the waste industry. The cooperation that is present does not aim to fight this type of crime. The improvement of general cooperative features is perceived to benefit the fight against serious environmental crime too. However, this type of crime can be fought more effectively if the fight itself is an unambiguous objective of the collaborative organizations. Whether this becomes a common objective or not also depends on many other aspects as elaborated on in the reconsideration in paragraph 2.2, for example economic, and other safety aspects.

### **5.1 Specific requirements summarized**

From the interviews the conditions for collaboration in the domain of permit services that need to be addressed are: the willingness to take each other's interests into account, the need provincial and municipal licensors and municipal supervisors feel to cooperate more effectively for the benefit of crime prevention, the amount of energetic professionals, current law and regulations surrounding this domain and finally the collaborative culture that must lead to sustainable partnerships.

More specific the conditions that necessitate improvement in the domain of supervision and law enforcement are law and regulations, the amount of self-orientation, and the level of expertise (especially with regard to administrative controls). In both domains too many policy initiatives and administrative pressure from above to stimulate these changes are undesired as well, because of the negative experiences in the past.

However this improvements aim to improve collaboration, cooperation in itself does not always have to be an improvement, however it provides a solution to social problems in most cases. Since the police is not really a partner in cooperation with regard to permit services and supervision yet, their cooperation in these matters might be seen as an improvement itself. Although it requires a lot less self-orientation from the police, provinces and municipalities. The interviews revealed that mutual confidence between provincial and municipal servants and the police is not high. Therefore this trust needs improvement first.

Additions to what is desired come from the open part of the interviews. All parties involved request for a joint ICT-system, where different levels of authorisation guide the organization to the right information. Such a system must be able to provide joint agenda's and information regarding law enforcement. There must also be a fixed point of contact with regard to foreign affairs, since the globalisation of waste streams is widely spread. Information requests and legal assistance experience great problems and hardly come off the ground. Since there are some big international businesses considered to be monopolists it is very hard to control, supervise and temper them.

## 5.2 RUD's

While working on this research a new 'desired organisation' for permit services (in some areas), supervision and law enforcement was introduced by the government called the Regionale Uitvoering Dienst, RUD. Core objectives are increasing levels of expertise, less fragmentation and more distance between decision-making and local politics. The RUD is an organization enforced by law that requires local municipalities, provinces and the water board to cooperate in supervision on matters regarding environmental laws. The police is searching for its role in this, but are not a partner so far. The provincial and municipal environmental tasks will be transferred into the package with basic tasks. The RUD intends to work in accordance with a national agreed framework for supervision and crime detection. The main reason why this is also interesting in terms of this research is because currently two types of RUD are being created. The first type of RUD is set up as a public body and the second type is a network RUD. Summarized: the RUD in a public body will be placed in a building and the network RUD has one director but all network participants stay in place in their own municipality or province.

The current problems that will be addressed by creating a RUD in general can be divided into three topics: organisational problems, social problems and problems with regard to professionalism. Most organisational problems can be addressed due to up scaling of the activities: less fragmentation of supervision, laws and regulations that will unambiguously meet the execution of tasks and less distance between the different organisations because the employees will now work for the same organisation and (probably) with the same ict-programs.

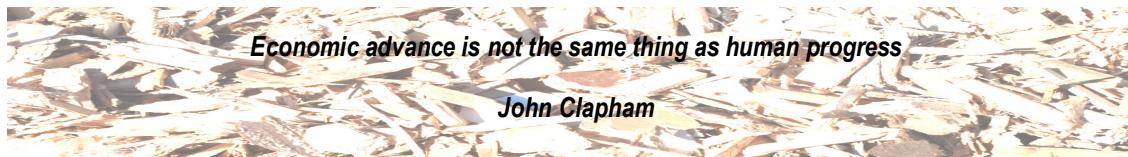
The RUD is capable of ensuring higher levels of expertise, uniform work processes and higher levels of collaboration, for example with national politics, the national police or other countries. This means several striking problems with regard to professionalism can be addressed too.

The amount of social problems that can be addressed depends on the type of RUD one chooses. Both, network- and building RUDs cause a decline in the amount of self-interest, because employees will work for the same organization and in accordance with the same policies and rules, therefore their interests supposed to be basically the same. The RUD enhances the overall cohesion between tasks and employees in general. However, a RUD in one building also enhances *coffeemachinepolitics*, the overall desired way of communication. Although there is no empirical evidence for this concept, one must not underestimate this aspect since it fits into the concept of sustainable partnerships as stated by van Delden (2009).

In the network RUD cooperation is based on trust and commitment and not voluntary. First of all; commitment is not a problem in the current cooperation between provinces, municipalities and the police. However trust is a

problem. Lack of mutual trust is a current problem in the creation of sustainable partnerships between provinces and municipalities in relation to the police. One must be aware of the fact that if the police gets involved in RUD matters, the concept of confidence needs special attention. The building RUD might be better if it comes to restoring trust, due to *coffeemachinepolitics* that can triumph there. Within several months it must become clear whether the network RUD is a passable road or that the regions that chose to build a network organization in the first place, have to change their plans into the classical mode'.

The next chapter will provide recommendations with regard to the desired situation, the creation of the RUD's and answers the main research question.



## 6.0 Conclusion and recommendations

The central objective of this research was to describe the current cooperation in the public domains of permit services, supervision and law enforcement in order to find out how this cooperation can be enhanced for a more effective crime combat in the waste industry. For this purpose, the nature and extent of serious environmental crime in the waste industry is researched in chapter 2. Definitions, characteristics and consequences are explained. This chapter also aims to provide more information about this type of crime in order to gain more political attention and to underline why one really should pay attention to this type of crime. Chapters 3 and 4 elaborate on public cooperation in relation to the coordination form of the central organizations in environmental matters. Chapter 3 is the theoretical basis from which the qualitative indicators that examine the current public cooperation are abstracted. The outcome of the examination of the conditions and obstacles is described in chapter 4. Afterwards it became clear what the desired cooperation should look like and finally one elaborated shortly on the organization that is currently being built, the RUD.

This chapter will provide an answer to the main question:

*“What does the cooperation between public organizations in permit services, supervision and law enforcement look like in the Netherlands anno 2011-2012, what are the positive and negative aspects and how can the collaboration be improved for the benefit of a more effective combat against serious environmental crime in the waste industry?”*

### 6.1 Conclusions

First the conclusions with regard to environmental crime will be summed, followed by conclusions with regard to the organizational structures and cooperation.

#### 6.1.1 Conclusions with regard to environmental crime

The most important conclusion with regard to serious environmental crime in the waste industry is that due to the large dark number, exact crime numbers are unknown. Some respondents state that this type of crime hardly exists, while others think it takes place on a huge scale. Recent developments do not predict much good with regard to the extent of this offense. Provincial and municipal servants, the police and the national government are aware of the signs and agree that the waste branch is probably much more problematic than currently known. The recognized opportunities to commit this type of crime and the dangerous consequences indicate that more research on this topic is required.

Although a lot is known about the characteristics and the different ways this offense takes place, the available information does not offer good grips for the fight against this type of crime so far. This is mostly due to the broadly defined characteristics and difficulties with laws, regulations and empowerment. The individual characteristics do not immediately appoint to this type of crime; one needs to understand the characteristics as a whole. Since the crime detection comes with the whole, the combat must focus on a chain approach, which in turn causes the problems surrounding priorities, competences and empowerment.

#### 6.1.2 Conclusions with regard to the organizational structures

This research attempted to give an overview of the current public collaboration regarding the organizations that are central when it comes to environmental matters in the waste industry: provinces and municipalities. From a



public coordination point of view, permit services take place in a network organization with hierarchical elements. The complementary organizations, the medium flexibility, the high amount of commitment from participants and the interdependent decision-making reflect the network organization. Whereas the employment relationship, routine communication, administrative fiat and supervision, and the formal bureaucratic work climate reflect the hierarchical elements. Nevertheless an organization that meets these characteristics is in accordance with the hierarchy wheel: a type of network organization.

Supervision and law enforcement do not immediately meet an organizational form as stated by Van Delden (2009), due to the great amount of independent supervising organizations that work very differently, the fragmentation of tasks and the lack of information exchange. Although it does not meet a fixed organizational structure, it overall meets the requirements of a network organization. It works on the basis of complementary strengths, relations with other people and/or organizations in the field determine the way in which one communicates, there is a high level of commitment and the tone/climate of the 'collaboration' is open ended and aims mutual benefits. The main characteristics of a balanced network organization are the creation of sustainable partnerships and information flows that provide a framework in which reliable information can be exchanged effectively. Individual and social aspects of collaboration are perceived of pivotal importance in order for a partnership to be successful. Also, networks have the ability to ensure high levels of knowledge intensity, which is necessary to fight serious environmental crime. The collaborative features deriving from the organizational structures are tested in relation to the current collaboration in the domains of permit services, supervision and law enforcement.

### ***6.1.3 Cooperation in the domains of permit services, supervision and law enforcement***

It is difficult to define the collaboration between public organizations in the domains of permit services and supervision. It actually seemed to be a bridge too far, because the inquiry reveals there is no such thing as an unambiguous, regulated, conscious cooperation between organizations with regard to permit services, supervision and law enforcement. The interviews reflect a diverse picture, which means that the cooperation varies between public organizations, per domain and per person, in content as well intensity. This outcome is also valuable, but these large organisations have more tasks than the environmental task, which complicate specific recommendations for collaboration regarding serious environmental crime in the waste industry at this point. You cannot expect that public organizations change their entire organization for the purpose of the fight against this type of crime. Although specific collaborative recommendations for the benefit of the fight against serious environmental crime in the waste industry are difficult to state, due to the great differences in working styles, more unified workprocesses and unambiguous working methods can be very valuable for provinces and municipalities. This research provides tools to establish effective cooperation within the current situation, assuming that priority is given to the subject of environmental crime and the concept of cooperation is considered the answer.

Current positive and negative aspects derive from the examination of the conditions and obstacles. This reveals the collaboration in both domains can be improved at various points. First, collaboration will improve when all individuals, but especially the organizations take each other's interests into account in practice, instead of formally. Provinces and municipalities should be more aware of the fact that they need to collaborate with other public organizations to establish a chain approach. Especially with the police if it comes to the combat against environmental crime in the waste industry. The case study (described in chapter 2) revealed that nothing seems to be wrong in waste businesses at first glance, until pressing all the information available at different municipalities, provinces and the police into one pictures led to convictions. However, the intrinsic motivation for more cooperation and information exchange for the benefit of combating environmental crime significantly varies. Most motivated are the police and the provincial supervisors in each government, the least motivated municipal licensors. Also the extent to which public officials see opportunities in permit services as well in supervision differs a lot. Opportunities for both domains can be found in the Programma Informatiegestuurd handhaven and

Programma Informatie Delen, that provide examples of strategic and tactical information sharing for the benefit of the quality of a permit and improved supervision.

Trust is a very important aspect within collaboration. A great amount of trust is found in the fundament of the relation between provinces, municipalities, water boards and the Ministry of I&M., this is mostly due to high levels of perceived professionalism and commitment. However, mutual trust between provinces and municipalities in relation to the police is little and requires improvement in order to establish successful cooperation in the future.

Currently, there are no shared goals between public administrations and the police with regard to the combat of environmental crime. Whereas shared goals are present within current partnerships between organizations surrounding permit services and supervision when it comes to the content of a permit or the execution of supervision. Against all expectations, conflicting interests are not a striking obstacle in the current collaboration with regard to permit services and supervision. They only appear when it comes to law enforcement, since some governmental bodies punish law disobedience much harder than others. Provinces and municipalities have the freedom to determine punishments itself in the first place, with the consequence that considerable differences are detected.

So far the establishment of collaboration is not enforced by a culture that stimulates group bindings or shared interests. Only very few personal contacts are present between: environmental police and the province, provinces and municipalities, and the police and municipalities. The police and public governments have difficulties with gaining access to each other's organization. The establishment of shared interests is obstructed by the fact that most public officials do not know their position with regard to serious environmental crime in the waste industry, since there is much ignorance about the nature and extent of this type of crime.

All respondents reflect a huge intrinsic motivation to protect the environment and human wellbeing from dangerous and polluting influences. However, energetic professionals that are eager to pioneer are calmed down by the current legal and administrative situation. Laws and regulations are problematic with regard to permit granting as well supervision. They constrain current work processes and the development thereof. Still, the variable commitment accumulated the highest score in the interviews. The high amount of commitment positively contributes to the creation of sustainable partnerships.

A quarter of the Dutch provinces is interviewed and the outcome reflected that only one province is currently able to take leadership in permit services and supervision according to its municipalities. A difference must be made here between leadership in the execution of tasks and the conformation of effective collaboration. The interviews revealed that fixed leadership is no absolute necessity if it comes to the execution of tasks, however the cooperation between organizations might need a leader that maintains the collaboration of parties involved.

*Coffeemachinepolitics* is a desired way in which professionals with different backgrounds like to enhance information exchange and group bindings. It underlines the importance of ensuring the social aspects of collaboration. Policy initiatives and administrative pressure are undesired according to respondents from provinces, municipalities, and environmental investigation teams. Some say because it inflicts the objectivity of policies whereas others state it only leads to forced cooperation, instead of sustainable partnerships.

Finally, other aspects that are perceived obstacles in the development of effective cooperation regarding environmental matters are the absence of a joint computer system to regulate agenda's and store information and international forces regarding international law, regulations and communication.

## 6.2 Recommendations

Although many recommendations can be put in place, the next paragraph proposes five main points of interest. Three with regard to serious environmental crime in the waste industry and three with regard to the public cooperation.

### 6.2.1 Environmental crime in the waste industry

One of the most important outcomes is that there hardly is a joint fight against serious environmental crime, due to the complexity of the crime, lack of knowledge, and unawareness of the problem. With the result it hardly gains priority. Although most provincial and municipal servants ensure high levels of expertise with regard to the content of their environmental tasks, they lack knowledge and awareness with regard nature and extent of environmental crime. I recommend that provincial licensors and supervisors must be educated with regard to this type of crime first, before their organizations start digging into projects and active cooperation with other parties. Since investigators from the Ilt-IOD and the environmental police ensure high levels of knowledge with regard to this type of crime I recommend them to start a joint program to educate provincial supervisors with all the ins and outs that surround this type of crime. That goes from an explanation of the various forms of serious environmental crime, to the recognition of signs of criminal activities, and an explanation of the tools the environmental police can provide governments with.

The second recommendation aims more investigation with regard to the extent of this type of crime, in order to put more weight to the topic in national and provincial governments. This should be a research that at least investigates 20% of similar, big waste companies. The occasional project group that investigates these companies should at least contain people with competences with regard to scientific research, legal knowledge, chemical substances, sampling, administrative and financial matters and knowledge about (criminal) waste procedures. Translated into people: an environmental jurist, a chemist (Ilt/IOD), an employee of the Dutch Tax Office, a provincial supervisor, a criminologist and someone from the (upcoming) RUD. This multidisciplinary team must ensure high levels of knowledge in all components and also gain legal competency. The provinces are in a key position to lead a particular project, since they are the competent authority if it comes to big waste companies and therefore in a key position to execute the function of a spider in its web.

The information available about this type of crime can neither prove huge criminal activities and grievous risks in the waste industry, nor deny it. Therefore it needs to be investigated. It is possible that this type of crime is not perceived a real problem, because it is hardly present and its risks are nil. However, current findings indicate it is plausible that research will indicate a lot of law disobedience and/or criminal activity in the waste branch and that it comes with grievous risks and danger for the environment and public health. If the investigations reveals that this type of crime is severely present, it seems unacceptable no special national policy in favour of the fight of this crime is available. Therefore the national governments should carefully monitor developments of research into serious environmental crime.

However it is not only the absence of special policies, also current laws and regulations are problematic. Therefore I thirdly recommend customization of laws, regulations and policies surrounding permit services, supervision and law enforcement. Contradictions and irregularities in laws and regulations are a obstacles in the current execution of tasks. Also the process they facilitate is insufficient if it comes to signaling criminal activities. Customization of laws and regulations on the one hand aim clear defined, workable and unified work processes for provincial and municipal servants. On the other hand, procedures must be able to display exactly what is going on in the waste branch. This is another task for the national government.

Addressing these three topics facilitate the framework that surrounds the creation of sustainable cooperation in environmental matters. Once decided to fight environmental crime in the waste industry, sustainable

collaboration, although not a single solution, is a prerequisite for an effective fight,. The next paragraph highlights the most striking improvements with regard to the cooperation.

### **6.2.2 Recommendation with regard to collaborative features**

Starting to recommend that collaboration between provinces and the environmental police should be set up in accordance with sustainable partnerships. This can be done best if the execution of tasks performs is a network organization. Therefore permit services as well supervision should be organized according to strict network principles, which means the hierarchical aspects and ambiguity in both domains need to be addressed. This requires employees that not only execute (unambiguous) laws and need consent from a higher level, but employees with legal surface and final responsibilities in the execution of tasks. In other words: it requires a change in the corporate culture and requires employees with a higher degree of responsibility. The amount of responsibility that can be given to employees in the field of permit granting and supervision also depends on the freedom to act imposed by law, but maybe more important: the freedom imposed by the head of the environmental department.

The key features in order to create sustainable partnerships at this moment are ensuring mutual trust between public partners and the police, taking each other's interests into account and the creation of a firm group culture between Omgevingsvergunning related matters. Right now there are too many islands that execute environmental tasks in accordance with their own discretion. In an attempt to bring these islands together the creation of RUD's is a step forward, however the creation of sustainable partnerships between provinces and the environmental police is crucial here. These partnerships must ensure high levels of knowledge and expertise. Desirable also municipalities water boards and other inspection teams join. That is not only for the benefit of the crime combat, but for strengthening of the overall information position of all the organizations involved. The organization of sustainable partnerships is not only attributed to one party. The upcoming RUD's ask cooperation from several parties such as provinces, municipalities and waterboards.

In order to create sustainable partnerships provinces, municipalities, water boards, labour inspection and police need to open up for the benefit of a greater interest. The strength of sustainable partnerships lays within social aspects, but the creation of social relations requires time and space and both are not available yet. On the one hand these organizations should support their employees with time and space to explore and deepen cooperation with other organizations in order for personal relations to arise. On the other hand organizations should not only stimulate cooperation on personal level, but also on organizational level. By means of shared policies, goals and interests. This improves the creation of sustainable partnerships due to the creation of mutual trust, shared goals and the level in which organizations take each other's interests into account. Integral supervision on brzo-businesses is a practical example of cooperation between the fire brigade, the labour inspection, province and municipality that is perceived highly positive in terms of the creation of sustainable partnerships.

Knowing the RUD's are developing, I suggest the creators of the RUD take into account the social aspects of collaboration. The RUDs aim to solve multiple practical en legal problems simultaneously, because all Omgevingsvergunning related matters will be placed in one organization. However the creators of the RUD must not forget the social aspects of collaboration, because they highly influence the outcome of labour in case. The high degree of commitment among all respondents is great and facilitates many social conditions that still need to be fulfilled in order to create effective collaboration. However, the fact that two types of RUD are currently set up does not contribute to the effectiveness and unambiguity in this branch. The reason why one imposes a network RUD is clear; because their plans meet the organisational and professional requirements. Though, the network RUD ignores many social aspects of cooperation. This inquiry revealed that these social aspect are actually very important for collaboration, especially with regard to serious environmental crime.

In order to achieve unambiguity among organisations in the Netherlands and for the benefit of sustainable partnerships, I finally recommend the classical RUD. Which means; a RUD settled within one building. The network RUD might address more organisational problems in relation to the classical model, but the strength of the organization also comes with social aspects and the network RUD seem to neglect that so far.

## Discussion

This research led to some remarks and special points of observation which will be discussed here. This inquiry was basically the first scientific research into the topic of collaboration for the benefit of crime prevention in environmental matters. However that is groundbreaking in itself, it obstructed the search for suitable theory related to crime prevention and/or collaboration in environmental matters. Furthermore it caused difficulties with narrowing the research design, since so many topics surrounding environmental crime still need to be investigated first. In retrospect; also researching collaborative features seemed to be a bridge too far.

Some remarks with regard to the research design. The first part of the interviews (open interview), revealed that all respondents answer questions extremely different, also if they were in the same administrative function. The great amount of differences were unexpected and caused difficulties with the closed part. Although 25% of the Dutch provinces are questioned, it is only 3 in number. In practice only two police officers are questioned, which is not a satisfying amount either, but since the internship took place at the police all the serious conversations in relation to my research can be perceived 'small interviews'. If I could have done this research again I would have only investigated provinces in relation to the police and disregard the municipalities, because their influence on the Omgevingsvergunning and especially the waste business is only limited. It also complicated the research even more, since it added another distinction (not only between police and provincial licensors, provincial supervisors, but also municipal licensors and municipal supervisors) that required attention.

The fixt organizational features that respondents had to address were not difficult in my opinion, however most respondents never thought about aspects of collaboration before. Which was unexpected because the respondents chosen were employees in charge of decision making en attributed with final responsibilities, therefore I assumed they knew more about organizational aspects. Still, if I used other literature with regard to public cooperation, other conditions and barriers could have been examined. Especially with regard to barriers respondents added some new insights which could not be examined among all respondents. The presence of more barriers might have generated a different overall outcome as well.

Provincial and municipal servants had problems answering questions related to collaboration and more the less asked the same question: why should we (intensify the) fight this type of crime in the first place? This is the striking difference between the police and public administrations. From the eyes of environmental police it is clear that this topic needs an intensified, specialized and joint approach. However most provincial and municipal, and maybe also national, public servants do not feel as such. The fighting against environmental crime experiences different levels of priority among different organizations. The question is whether that can be levelled more equally, therefore chapter 2 was added and it turned out it can be achieved in two ways.

One is that the level of priority given to the problem by provinces and municipalities increases by means of national priority. With the consequence the topic of environmental crime must be implemented in provincial policies with regard to permit granting and supervision. In practice this requires changes in the way permits are prepared, supervision takes place, and law enforcement will be executed. Second possibility is that national politics decide to 'decrease' (neglect) the level of priority, with the consequence that the environmental police as well highly motivated provincial and municipal servants need to step back from ambitious changes in environmental policies with regard to the fight against this type of crime. With the practical consequence that 'accidents' such as Probo Koala, Odfjell and Enschede might occur on a larger scale.

Imaginable; national priority discussions for policies require that policy makers need an urgency prove of the problem. Normally one tries to clarify the urgency by a description of nature, extent and consequences of the problem,. Although the consequences seem to be quite clear, the practical knowledge about the nature of serious environmental crime has many dimensions that complicate addressing the problem, while furthermore the extent

of the problem is officially unknown. In order for national politics to know and decide about the environmental risks, an inquiry that investigates nature and extent is absolutely desired.

Once decided to increase the overall priority of environmental crime, the fight can be lead by special (project) teams or improved collaboration between the current organizations surrounding permit services and supervision on the waste branch. Both require collaboration, and according the characteristics of collaboration, the enhancement of public cooperation can be very useful in case, however cooperation does not have to be *the* solution in itself. Maybe a shared ict-system and clear rules and regulations already address a great deal of the current problems, because the interviews reveal that could also improve the information position and communication. Which makes it unnecessary to invest in a more effective collaboration as such. Which is quite an interesting question in itself.

This research missed purpose for the police if only the current cooperative features in the domains of permit services and supervision would have been addressed. Because the police are not really a fixed partner in permit services and supervision (yet), the domains that are the centre of Omgevingsvergunning related matters. Also, why so many cooperative recommendations for the benefit of fighting environmental crime if provincial and municipal servants do not really feel the need for this fight (due to ignorance or denying the severity)? This is stated roughly and not applicable on every servant, but it reveals the core of the problem. The police feel they want to be part in environmental matters that take place in permit granting and supervision, because of the severity of environmental crime and the weight it puts on RMT's and IMT's, but provinces and municipalities do not really experience this crime in general. It might be interesting to investigate why this gap in knowledge and perception is currently present. Either way; if one decides to fight this type of crime it is not enough to be aware of the fact that the waste branch is at high risk with regard to crime, one must know why this branch is at risk and how the criminal activities are executed.

Furthermore the different working styles of each provincial or municipal government complicate the comparability of the answers. If I would known in advance that 'features of public collaboration' and 'serious environmental crime' were such strange and/or unknown topics in provincial and municipal governments I think I would have investigated the differences in provincial and municipal policies and/or the execution of environmental tasks in relation to the crime fight first. One of the current conclusions is that there is hardly cooperation between different public organizations for the benefit of combating environmental crime, and I think it is important to research further on to this finding. Still, nature and extent of this type of crime need to be addressed first. The challenge is to find a way to convince people of the urgency to participate in a joint project that investigates the extent of serious environmental crime in the waste industry, and maybe not only in the Dutch waste industry, rather the European or worldwide waste industry. Ambitious, but necessary. It is in favour that these days natural resources, pollution and the further existence of the earth are topics that are discussed worldwide. Still, the outcome could reflect that serious environmental crime hardly takes place and that the consequences are only sporadic; then: nothing to worry about...right?

## Literature

- Achtergrond wet BIBOB. (2011). Retrieved at the 13th of September 2011 from <http://www.bibob.info/achtergrond/achtergrondbibob.html>
- Anker, M. van den, (2008). Het gewetenloze moet een gezicht krijgen. *DIT Magazine Politie Brabant Zuid-Oost*, 5, 6-7.
- Blomberg, A.B. (2008), Verplichte regionale omgevingsdiensten: een institutionele herziening van de uitvoering en handhaving van het omgevingsrecht, in: *Tijdschrift voor Omgevingsrecht*, 4, 125-135.
- Bogers, A. & Brekelmans, E. (2008). Stop Milieucriminaliteit!. *DIT Magazine Politie Brabant Zuid-Oost*, 5. Eindhoven: Insight PR.
- Bovenkerk, F. & Leuw, E. (2003). Ministerie van Justitie. WODC databank interventiestrategieën. *De wetenschappelijke benadering van criminaliteit*.
- Bunt, H.G. van de & Huisman, W. (2004). Organisatiecriminaliteit. *Tijdschrift voor Criminologie*, 46(2), 106-120.
- Bunt, H.G. van de, Huisman, W. & Van de Walle, G. (red.) (2004). Themanummer Organisatiecriminaliteit. *Tijdschrift voor de Criminologie*, 46(2).
- Bruijn, J. A. & Heuvelhof, E.F. ten, (1999). *Management in netwerken*. Utrecht: Lemma.
- Clifford, Mary and Terry D. Edwards. 1998. "Defining "Environmental Crime"." in *Environmental Crime: Enforcement, Policy and Social Responsibility*, edited by M. Clifford. Gaithersburg: Aspen.
- Daalder, P. (1998, May 29). Vuile Handen [Electronic version]. *Volkskrant*. Retrieved at 18<sup>th</sup> January 2012 from <http://www.volkskrant.nl/vk/nl/2844/Archief/archief/article/detail/469968/1998/05/29/VUILE-HANDEN.dhtml>
- Delden, P.J. van (2009). *Samenwerking in de publieke dienstverlening, ontwikkelingsverloop en resultaten*. Universiteit Tilburg: Eburon.
- Delden, P.J. van (2009). Sterke netwerken. Amsterdam, Nederland: Van Genneep.
- Delden, P.J. van (2010). Ketensamenwerking: Interne krachten bepalen het externe resultaat. *Management & Organisatie*, (3), 5-20.
- Fijnaut, C.J.C.F. (1996). *Inzake opsporing: Eindrapport Parlementaire Enquêtecommissie Opsporingsmethoden*. Den Haag: SDU.
- Gulati, R. (1998). Alliances and networks. *Strategic Management Journal*, 19, 293-317.



Handboek BIBOB. (2003). Ministerie van Binnenlandse Zaken en Koninkrijksrelaties en Ministerie van Justitie, Den Haag.

IPOL. (2008) Witboek Milieucriminaliteit: Wat er goed gaat in de opsporing van milieucriminaliteit. OBT: Den Haag.

Jaarverslag Bovenregionaal Recherche Overleg. (2010) retrieved at 16th January 2011 from <http://www.om.nl/actueel-0/publicaties/bovenregionaal/@155828/jaarverslag-2010/>

Korps Landelijke Politiediensten Dienst IPOL (11 mei 2011). *Nationale Intelligence Agenda 2011*.

Notitie verkenning verhouding afstemming bestuur – Openbaar Ministerie (2011). Retrieved at 17th of October from <http://www.uitvoeringmetambitie.nl/bestanden/NotitieVerkenning.okt2011.pdf>

Onderzoek grondvorm RUD regio Brabant Noord. (2011). Retrieved at 17th of October from <http://www.arenaconsulting.nl/projecten/kiezen/226-onderzoek-rud-noord-oost-brabant>

Openbaar Ministerie (1994). Leidraad Milieu: Leidraad voor de strafrechtelijke handhaving van het milieurecht. Den Haag.

Openbaar Ministerie (2011) Jaarverslag Bovenregionaal Recherche Overleg 2010. retrieved at 5th Oktober 2011 from <http://www.om.nl/actueel-0/publicaties/bovenregionaal/@155828/jaarverslag-2010/>

Politie Brabant-Zuid-Oost (2008). Stop Milieucriminaliteit!. Daadkracht, Integriteit en Trots Magazine. (5). 2-18.

Powell, W. W. (1990). Neither market nor hierarchy: Network forms of organization. Research in organizational behavior, 12, 295-336.

Programma Uitvoering met Ambitie (PUmA). (2011). Retrieved at 1st of October 2011 from <http://www.uitvoeringmetambitie.nl>.

Programma Versterking Aanpak Georganiseerde Misdad (2007). Kamerstukken II 2007/08, 28 684, nr. 119.

Rapport Commissie Herziening Handhavingssysteem VROM-regelgeving (Commissie Mans). (2008). *De tijd is rijp*. Den Haag: ISBN: 978-90-9023328-4

Struiksma, N., Winter, H.B., & Ridder, J. de (2007). *De effectiviteit van bestuurlijke en strafrechtelijke handhaving*. Den Haag: Boom Juridische Uitgevers.

Visser, M.J.C. & Lange, A. de, (2007). Milieustrafrecht. Onderzoek en aanbevelingen voor theorie en praktijk. Wetenschappelijk Onderzoek- en Documentatiecentrum: Boom Juridische Uitgevers.

VROM-inspectie. (2011). *Compliance Assistance*. Retrieved at 13th of September 2011 from <http://www.vrominspectie.nl/organisatie/compliance-assistance>

WODC. (1995). E.A.I.M. van den Berg (red.). *De markt van misdaad en milieu; deel II*: Den Haag.

Ziggers, G.W. & Duysters, G.M. (2004). Alliance capability and relational capital, implications for alliance success. In T.H. Verhallen. C. Gaakeer & V. Wiegerinck (Eds.), *Demand Driven Chains and Networks* (pp. 31-57). Den Haag: Reed Business Information.

## ***Appendix I***

## Appendix II

### Explorative strategy

De exploratieve strategie is te beschrijven in negen richtlijnen (van Delden, 2009):

- 1) Het uitgangspunt voor het ontwikkelen van samenwerkingsverbanden is de bestaande samenwerking van de partners. Deze bestaande samenwerking bevat sociaal kapitaal van relaties en vertrouwen. Het voorbijgaan aan bestaande samenwerking of het onzorgvuldig opnemen daarvan in nieuwe samenwerkingsverbanden betekent een terugval in de verhoudingen en een stap achteruit in de resultaten.
- 2) Wanneer de kwaliteit van de dienstverlening sterk afhankelijk is van een samenhang in een keten is een ontwikkelingsaanpak met een sterk top-down karakter contraproductief als het gaat om maatschappelijke effecten op langere termijn. Daarom dient de aanpak zich te richten op het van onderop opbouwen van multidisciplinaire uitvoeringsteams met een concrete opdracht en een stevig mandaat. Deze teams krijgen na verloop van tijd ook een operationeel sturende rol ten opzichte van de werkprocessen in de partnerorganisaties voor zo ver de keten meer greep heeft op de maatschappelijke problematiek en daardoor een meer effectieve dienstverlening levert dan de afzonderlijke partners.
- 3) Het ontstaan van deze teams vraagt om top-down coöperatieve bestuurskracht. Bestuurders moeten zich hierbij niet beperken tot intentieverklaringen en afspraken over middelen, maar ook veranderingen aanbrengen in de interne prioriteiten en werkprocessen van de organisatie waarvoor ze verantwoordelijk zijn, inclusief het instrueren van hun managers.
- 4) Omdat het resultaat van de samenwerking wordt bepaald door de energie en speelruimte in de uitvoeringsteams is het voor succes nodig om de gezamenlijke activiteiten zodanig op te delen en te clusteren dat deze overzichtelijke teams mogelijk worden. Ook grote samenwerkingsverbanden moeten uit deze kleine eenheden worden opgebouwd.
- 5) Dit kan betekenen dat het eerst niet lukt een uitvoeringsorganisatie te realiseren die de complete handelingsketen dekt. Omdat dit de afweging tussen het betrekken van alle partners die nodig zijn om tot een sluitende keten te komen versus de beperkte groep partners die genoeg gemotiveerd zijn voor samenwerking vereist.
- 6) De uitvoeringsteams moeten een pionierskarakter krijgen om een samenwerkingsverband voldoende momentum te geven. Dit betekent deelnemers met pioniersgeest, voldoende vrijstelling in tijd, ruim mandaat en een aanpassing van werkprocessen die leiden tot vervlechting. In periodes van start moeten deze teams tijdelijk verhoogde status krijgen in aandacht en faciliteiten zodat ambitie wordt gestimuleerd. Dit is nodig op dat zij een tegenwicht kunnen zijn ten opzichte van de routines in de partnerorganisaties.
- 7) Als gevolg van ambitieuze, energieke teams zullen ook fricties en conflicten optreden. Dit betekent confrontaties en botsingen tussen partnerorganisaties. Dit is uiteindelijk alleen maar functioneel om duidelijk te krijgen welke belangen spelen, welk speelveld men wil delen dan wel om onwillige minderheden onder druk te zetten om mee te doen.
- 8) De bovenliggende structuur dient mede om confrontaties te laten plaatsvinden en de uitvoeringsteams daarvan te ontlasten. De agenda die hierbij gevolgd wordt is die van (de knelpunten in) de uitvoering.
- 9) De samenwerkingsverbanden vragen om een eigen type professional die in staat is alle regels aan elkaar te koppelen. Dit geldt na verloop van tijd ook voor de collega's die buiten het samenwerkingsverband functioneren, maar er wel regelmatig mee te maken hebben. Dit vraagt dan ook om een regelmatige trainingsinspanning in de vorm van bijvoorbeeld: bijscholing, clinics, workshops en dergelijke.

## **Appendix III**

## **Appendix IV**

Cases used for the case study, official pseudonyms:

- 1) Probo Koala, 2010
- 2) Doornroosje, 2009
- 3) <Schuilnaam onbekend>, 2004
- 4) Emma, 2009