

Embedding adaptive management into the legal framework: Examples from the Netherlands

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Introduction

- Adaptive Management
- 4 Dutch cases: Noordwijk, Overdiepse polder, Waterhouderij, Essche Stroom
- Problems and solutions
- Law in the books & the law in action

Adaptive management

Focus on learning

- Experiments
- Social learning: participation
- Bio-regional scale
- Polycentricity

The role of the legal environment in supporting or frustrating adaptive management

Noordwijk



Noordwijk (Zuid-Holland)

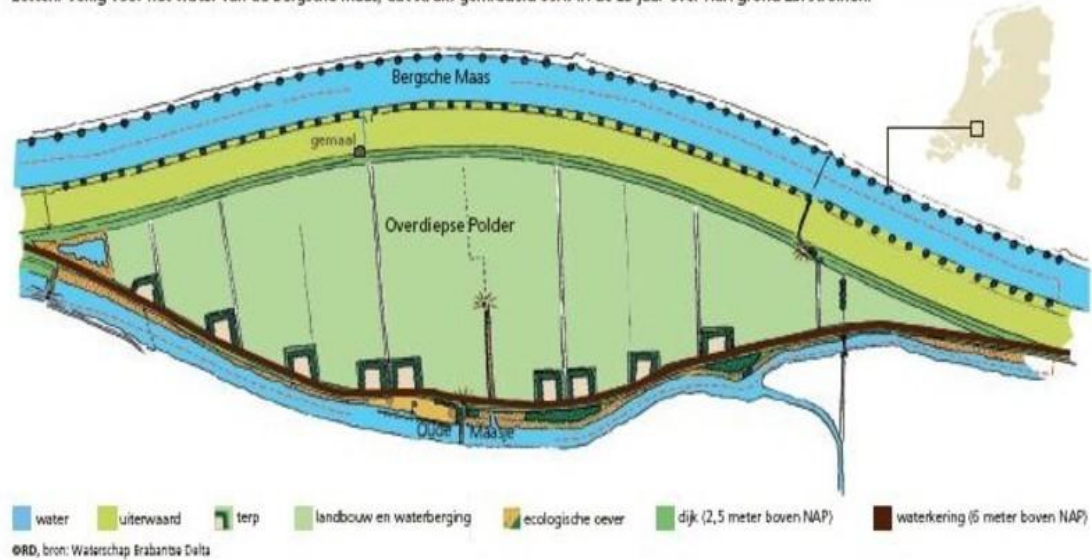
- Weak spot in coastal defense against flooding.
- State financed coastal defence, municipality financed spatial improvements, province coordinated, water board implemented the plan.
- Local problem: costs (loss of sea side view) for inhabitants Noordwijk, benefits (safety) for them & many others
- Innovative & adaptive solution: dyke inside broader dunes

Casestudy Overdiepse Polder (Meuse)



Hoog en droog

Boeren in de Overdiepse Polder capituleerden niet voor rivierverruimingsplannen, maar bedachten een plan om hun bedrijven op terpen voort te zetten. Veilig voor het water van de Bergsche Maas, dat straks gemiddeld eens in de 25 jaar over hun grond zal stromen.



Overdiepse polder (Meuse)

- State assigned polder as a water storage area.
- European and Dutch Law demand participation, but not in an early stage.
- Inhabitants made an innovative plan: from living behind a dyke (safety) to a terp.
- Province coordinated the process, water board implemented the plan, municipality was involved as well.
- Agreement on (flood) damages with the State.

Casestudy Waterhouderij Walcheren (Zeeland)



Waterhouderij Walcheren (Zeeland)

- Near seashore -> brackish or salt groundwater -> farmers want collective storing of rain water
- Dutch law: water is free. Public regulation: use notification, public water hierarchy for use surface water in times of scarcity: farmers have a low position -> need for selfsufficiency
- Other parties involved: water boards, municipality, province, State (RWS) & ZLTO (farmers association), Deltares, Aequator, nature organizations, bank etc.
- Green deal with the State to solve a legal problem: farmers cannot easily share water

Essche Stroom



Essche Stroom (Brabant)

- Nature development, water quality and quantity
- Many authorities involved: no clear division of competences, responsibility & financing of new nature measures
- Water board implements all measures, province remains responsible and finances new nature
- Many small scale projects: increased flexibility, participation and learning opportunities

Conclusions

- The Dutch legal framework does not support adaptive management.
 - It does not make it easy to experiment.
 - It does not promote private involvement through early public participation.
- + Adaptation projects take place at the bioregional scale.
- + Polycentricity