

Managing policy for a sustainable society

English summary

The Council for Housing, Spatial Planning and the Environment (VROM-council) was established by the Act of 10 October 1996. The task of the VROM-council is to advise government and parliament on an overall policy with regard to the sustainable quality of the living environment and on other aspects of national policy which are relevant for this overall policy. The VROM-council also has the job of advising on the government's environmental policy activities at the international level.

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Annex: Composition of the Council for Housing, Spatial Planning and the Environment

1 Introduction and background

Request for advice

The VROM Council is a statutory advisory council set up to provide advice to the Dutch government on policy matters falling within the policy field of the Minister of Housing, Spatial planning and the Environment (generally known by its Dutch acronym 'VROM').

In June 1997 the Minister requested the Council to draw up an advice on methods of managing government policy for the living environment. The question posed by the Minister was summarised in the following terms:

Which are the most appropriate management concepts to ensure that the objectives of the policy of the Minister of VROM are assimilated by the regional and local authorities and the general public, based on an integrated, area-specific approach?

The Minister made it clear in her request for advice that she is looking for an advice of a strategic nature which takes a long-term view.

Background

The advice request is made against a background of a number of trends and of ongoing discussions about how the process of drawing up and implementing the policy of the Ministry of VROM can be optimised. Many of the issues raised in these discussions are touched on in the wording of the advice request. The discussion in this advice applies specifically to the Dutch situation, and can be better understood by a reader with some awareness of the institutional and policy issues involved in the Netherlands.

The subject of *integration* has been engaging minds at the Ministry for many years, and this is reflected in the Minister's advice request, which lays emphasis on integration. A distinction is drawn between *internal integration* and *external integration*. These terms are defined and discussed briefly below.

As indicated by its full name, the Ministry of VROM incorporates three separate portfolios, i.e. housing, (spatial) planning and the environment. Until now these three policy areas have operated largely independently of one another. However there is increasing interest in trying to integrate these three activities together (*internal integration*). The need for integration first made itself apparent in the early 1980s within the field of the environment, where the compartmentalisation of policy along environmental media lines (water, air, soil) led to inter-media problem displacement and target groups having to deal with uncoordinated sets of requirements from different arms of government.

More recently, interest has been growing in the possibility of an increased integration of the three main policy strands of the Ministry of VROM, i.e. housing, planning and the environment. This is partly because of the interactions between them. Strong pressures for new housing in the Netherlands is inevitably having a major impact on the planning function and the spatial development of the Netherlands. The planning of new developments and environmental policy impose mutual constraints on each other. Another driving force behind internal integration is the new emphasis on sustainable development, involving concern with future generations and the desire to protect their freedom of choice. This concept touches not only on traditional environmental policy but also on the quality of the physical development of available spatial resources and the quality of housing and the residential environment. This set of issues is coming to be referred to as the *living environment*, and corresponds broadly with the policy areas within the purview of the Ministry of VROM. While sustainable development is therefore a theme which is having an impact on many govern-

ment departments, within the Ministry of VROM it is acting as a unifying concept for the three policy areas housed within the Ministry, which have largely gone their own way in the past.

A major discussion is presently taking place within the Ministry of VROM as to whether and how internal integration should be implemented within the Ministry of VROM. One of the most recent concrete proposals is that the major (quadrennial) policy documents produced by the Ministry: for the environment - the National Environmental Policy Plan - and for spatial planning, should be integrated together into a *single policy document for the living environment*.

In parallel with this activity and reflection on internal integration there has been a movement to implement greater *external integration*: to see other departments assimilate and take responsibility for implementing VROM policy and VROM objectives (and vice versa). In the field of planning, for example, the physical structure of the Netherlands is affected by the policy of other departments, for example those responsible for infrastructure, industry, and the management of the countryside. A number of current infrastructural projects will have a major impact on the physical development of the Netherlands in the coming decades: the expansion of Schiphol airport, proposals for major land reclamation along the coast off Rotterdam, the high-speed rail network. As far as the environment is concerned, although the Ministry of VROM is responsible for large sections of environmental policy, and has an overall co-ordinating role, other departments also have major environmental responsibilities: the Ministry of Transport, Public Works and Water Management for water pollution, the Ministry of Agriculture, Nature Management and Fisheries for the environmental impact of agricultural activities and for nature conservation, and so on. Furthermore the policies of many of the spending departments can have major environmental implications: the Ministry of Economic Affairs on the environmental impact of industry, the Ministry of Transport, Public Works and Water Management on the impact of traffic, etc. External integration involves getting other departments to assume appropriate responsibility for implementing relevant policy and meeting relevant targets.

An issue which is the subject of continuing attention is that of *centralisation/decentralisation*: what is the most appropriate level to formulate and implement different types of policy? Where policy is decentralised, what role if any should continue to be played by government? In recent years there has been an increasing tendency to set up projects at a local level to tackle the problems and plan the development of a given area in an integrated manner (i.e. having regard to environmental, spatial planning, economic and housing objectives): *area-specific policy* (referred to in the advice request).

There has been and is continuing to be intense discussion about *policy instruments* within the Ministry of VROM, related to the issue of how policy is managed. The major infrastructural projects referred to above and the question of how national and local interests are reconciled have prompted introspection about the most appropriate planning instruments. In the field of environmental policy, where major point emission sources have largely been tackled, the further success of policy depends to a great extent on the ability of policy-makers to change the behaviour large numbers of dispersed sources: individuals, vehicles, farms, small businesses. It is much more difficult for government to enter into a dialogue with these *target groups* than with the large-scale industries which have been its interlocutors in the past, and the need for deploying new and different instruments to deal with these sources is recognised.

Finally, in considering the issue of integration, a distinction needs to be made between integrated policy, on the one hand, and the integration (or harmonisation) of the management concepts and the instruments used to implement this policy. Both of these issues are addressed in the advice.

The advice

In the advice drawn up in response to this request the Council gives its vision on the management of policy for housing, spatial planning and the environment.

In the Council's advice the term 'management' is used specifically to mean exercising a purposive influence on societal processes¹. The advice deals therefore with the *process* of management and not with the actual nature of the goals. It uses the term 'management model' to mean a vision of a management system not related to any specific field of policy and based on specific ideas about society. Management concept, on the other hand, is used to mean a management model in combination with ideas about the policy instruments to be used, and linked to a specific field of policy.

The advice request involves addressing the following component issues:

- What various management models and instruments can be distinguished? What role do they play in the policy of the Ministry of VROM?
- What are the criteria against which these models and instruments can be tested, and what is the outcome of applying these criteria in terms of identifying the best practical concepts for managing policy for the living environment?
- What suggestions and recommendations can be made to improve the management of policy for the living environment?

The advice looks at the issue from the point-of-view of the Minister of VROM, and management activities of other government departments are also viewed from this perspective. The advice also confines itself to the national dimension: it does not examine the effects of supranational developments on the issues raised in the advice.

¹ In Dutch, *sturing*, which translates literally as 'steering', and therefore incorporates the idea of guiding (society) towards objectives formulated by policy-makers.

2 The manageability of society and management models

Before considering the best ways of securing change in society it is relevant to consider the extent to which society can or should be shaped or influenced by policy-makers at all. Society's views on this question change over time, and this affects the prevailing views of the management models which are most appropriate.

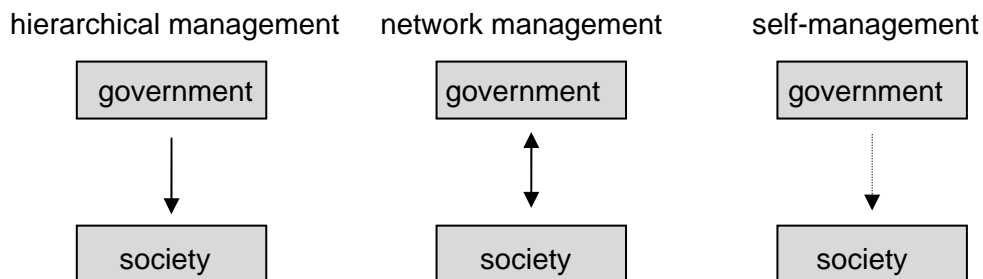
The Council specifies three criteria by which management models, and the choice of instruments for the implementation of policy, can be evaluated. These are: *effectiveness*: how successfully the goals are achieved, *efficiency*: the relationship between the benefits attained and the societal costs involved, and *legitimacy*: the extent to which proper procedures are followed and responsibilities correctly exercised.

In very broad terms - and in the democratic context - three different management models can be distinguished:

- Hierarchical management: the government is effectively placed above the other protagonists in society, and determines both the procedure and the final outcome.
- Network management: the government is one protagonist amongst many others, with a relationship of mutual dependency existing between them. Attempts are made to reach agreement interactively about the procedures to be followed and the results to be achieved.
- Self-management: the government relies on the ability of the other protagonists and of the free play of market forces to resolve problems; its own role is confined largely to setting the ground-rules and specifying the constraints applying.

The three models are illustrated in the diagram below:

Diagram: Relationship between government and society in the three management models



These are of course theoretical archetypes. In practice many different variants are possible, and combinations of the above approaches will usually be encountered.

There are many different instruments for implementing policy, which can be broken down into the following categories:

- physical (infrastructural) instruments (technological R&D, provision of recycling and separate waste collection facilities, certification of environmental management systems, etc.);
- plans (informative, indicative, normative, operational);
- communications instruments (social and organisational: public information, education, ecolabelling, environmental impact assessment, environmental monitoring, etc.);

- financial/economic instruments (subsidies, fiscal instruments, tradable emissions permits, provision for liability, etc.);
- legal instruments (laws, regulations, standards, building specifications, binding agreements, enforcement).

Instruments can also be characterised in other ways, e.g. in terms of the dichotomies incentivisation/coercion, formal/informal, direct/indirect, civil/criminal law, etc.

There is no one-to-one relationship between these categories of policy instruments and the different management models: each of the management models may make use of instruments from each of these categories. A hierarchical management system may for example make use of legislation, but in a network management paradigm the results of the negotiation process may well be embodied in some way in legislation, and in the case of self-management, constraining legislation (which sets boundaries) may often need to be enacted. There is not a single 'best' choice of management approach or of instruments: the choice of instruments is determined not only by the underlying vision but also by the social and historical context.

3 Managing policy for the living environment: approaches to date

In 1983, the housing, planning and environment portfolios were brought together within a single Ministry. Today, 15 years later, these component parts still function largely independently. In consequence the approaches adopted to managing policy in these three areas have also evolved along different paths. But despite this divergence, parallel trends are also to be discerned, mainly related to developments in society as a whole over this period. Some of the features of policy and policy management over this period have been as follows:

- There has been a tradition of setting quantitative objectives for housing and the environment, whereas objectives for spatial planning tend to have been qualitative. Objectives have often been ambitious and have to some extent had a mobilising effect: this effect should not be overestimated by policy-makers when developing policy, however.
- The groups targeted by policy range from the general public and industry (environment), through tenants, municipalities and housing associations (housing), to the provinces and municipalities (spatial planning).
- Generally speaking, there has been a shift from simple, easily grasped matters to more complex issues. All three policy areas have undergone a widening of their scope.
- There have been differences in the relative level of influence of the three policy areas (and of the Minister or State Secretary in charge of them), and these have also changed over time. Housing has always been quite strong. Environmental policy has enjoyed two zeniths, i.e. in the early 1970s and in the late 1980s. Spatial planning reached its high point in the 1970s. At present the Minister is in a relatively weak position in regard to all three of these policy areas compared with the infrastructure, the economy, etc. Part of the momentum for (internal) integration is related to the quest on the part of all three policy areas to strengthen their position vis-à-vis other departments such as economic affairs, transport, etc.
- NGOs and interest groups have played a major role in regard to housing and the environment, and they have established themselves as respected interlocutors of government. In the area of spatial planning the Ministry of VROM entertains formal and informal relations with other central government departments as well as the regional and local authorities.
- The hierarchical management model long dominated policy-making in all three areas. The last decades have seen the introduction of various types of network management, particularly for the environment and, to a lesser degree, spatial planning. Housing is increasingly tending to move towards the self-management model. Self-management has also played an increasing role in environmental policy in recent years, for example in the implementation of agreements made between government and industry - the so-called 'covenants'.
- The range of instruments deployed to implement policy has widened steadily over the years. Broadly, housing policy has used financial and legal instruments, spatial planning has used planning instruments and policy concepts, while the environment has used a mix of legal, financial, planning, communications and physical instruments.

Recently, common trends have emerged across the entire Ministry of VROM which favour:

- an increasingly integrated approach, and in particular the integration of environmental policy and spatial planning. This is seen by the Ministry as necessary given the scarcity of spatial resources in the Netherlands; this is occurring particularly at the regional and local level (see following point);
- an emphasis on finding specific local solutions to local problems; area-specific policy in which an integrated look is taken at the spatial and environmental problems of a

geographical area, with trade-offs and concessions being made if appropriate in the interests of finding the right overall solution for that area;

- an interactive approach to policy-making, involving the main stakeholders.

4 Evaluation

The shaping of society; on ends and means

Society cannot be fashioned at will: there are limits both practical and of principle to its 'shapeability'. Policy-makers must strike a balance between their aspirations and the feasible in seeking to bring about change. Conflicts occur between the need for efficiency and effectiveness on one hand, and constitutional and democratic principles on the other. In seeking to implement its policy the administration must meet criteria of legitimacy, effectiveness and efficiency. In the Council's view legitimacy in principle takes precedence over effectiveness and efficiency: the end does not justify the means. And policy for the living environment is no exception to this rule, apart from exceptional situations where there are urgent problems.

No single best approach; government must retain ultimate responsibility

No clear overall winner emerges from an assessment of the three management models mentioned earlier. The management model which is most appropriate in a specific situation will depend on the particular characteristics of the policy area concerned (for example the urgency of the problems involved) and the phase in which the policy happens to be. The Council is in favour of consulting and engaging in discussions with the relevant societal groupings (network management). The Dutch tradition of consultation, compromise and consensus has proved its worth: in the long run this approach appears to reconcile the tensions between legitimacy, on the one hand, and efficiency/effectiveness on the other. Getting relevant non-governmental organisations involved in policy-making must not be allowed, however, to deflect the government from its ultimate responsibility for the realisation of the goals for which it has a political mandate. Hierarchical management concepts are sometimes necessary to achieve this.

Phases in policy cycle

Different management approaches are appropriate at different phases in the policy cycle.

The three main phases are:

- problem definition;
- policy preparation and finalisation;
- policy implementation.

During problem definition a network approach is the most appropriate. Involving a wide range of societal participants in scoping and formulation means that policy will rest on a much firmer support base. During the early stages of policy preparation it should be government's task to draft policy alternatives, which should be elaborated in sufficient detail to allow concrete, acceptable alternatives to be presented in consultation, but not to the extent that consultees are given the feeling there is nothing left to decide. Consultation can then follow, but government should again be willing to take the lead in finalising policy. Finally, network management and self-management again come into their own in policy implementation, with government retaining the ultimate responsibility for the achievement of goals.

Centralisation/decentralisation

The choice of management model is determined not only by the characteristics of the specific policy involved and the phase in the policy cycle, but also by the level of government concerned. The question as to which is the appropriate administrative level is looked at in the advice from the perspective of central government: What principles apply in determining the appropriate administrative level? In the Council's view the general principle should be: 'Decentrally where possible, centrally where necessary'. This apparently self-evident principle is in practice often honoured more in the breach than the observance. In the Council's view there are on the one hand further opportunities for decentralising

environmental protection policy, particularly in regard to problems which do not transcend the local or regional level, and where decentralisation therefore does not lead to problems being simply transferred elsewhere. Examples where this applies include problems of odour nuisance, noise from stationary sources and soil quality. Legislation could set permissible ranges for standards or provide for regional differentiation. The cautious steps which have been taken towards the decentralisation of powers, for example in relation to environmental problems in towns and noise, therefore need to be built on and extended. In the field of spatial planning, on the other hand, there is a need for stronger central management. Often this will not require the creation of new powers and legislation, but rather that better use is made of existing powers (such as the power in the Town and Country Planning Act to overrule the land-use and development plans of the regional and local authorities where they conflict with the overall national vision) and better central orchestration of policy.

Choice of instruments

The Council takes the view that a preferential ranking of instruments can be established by applying the principle that compulsion should be minimised. The government should not balk at using compulsion where necessary, but only after other possibilities have been tried. This means first the deployment of physical/infrastructural facilities (creating the conditions which encourage persons and organisations to behave 'of their own accord' in a manner consistent with policy objectives); followed by social instruments (which attempt to persuade rather than compel), then economic/financial instruments (the undesired behaviour is still possible, but only at a price) and finally legislation (the undesired behaviour is regulated or prohibited). The first choice is therefore for instruments in the category 'physical and infrastructural interventions (including technological solutions) and the provision of facilities'. Instruments in this category can have a great capacity to influence behaviour without applying direct compulsion.

Integration

The advice request stresses the efforts being made to achieve integration both in terms of content and procedure. The Council endorses the quest for greater consistency in the policy of the Ministry of VROM (internal integration) and the better integration of the objectives of the Ministry's policy into the policy of other departments (external integration). The Council proposes, in this connection, that four degrees of integration be distinguished. The most modest is that a particular policy should not actually run counter to the objectives of the other policy. This is followed by policy supportive of other policy, consistency between different policy sectors, and finally the synthesis of policy in different sectors. It is self-evident that the policies of the different branches of the Ministry of VROM need to be harmonised (lowest degree of integration). But this does not mean, however, that full integration or convergence is always necessary or desirable, either of the policy itself or in terms of the management concepts used.

In the view of the Council, spatial planning should revert to its role as a policy activity which cuts across sectoral policy boundaries, and which sets out to reconcile different interests. The Council favours the publication of a policy document, under the overall direction of the Minister of VROM, which would provide a framework for decisions to be taken relating to the overall national spatial structure, and for a balance to be struck between the various interests at stake. This document would be issued on the authority of the entire Cabinet, and would be subjected to the consultative procedures applying to government decisions with major planning implications. What the Council has in mind is in fact the continuation of the tradition of national policy documents on spatial planning, which would allow decisions on major structural and infrastructural development projects to be taken, as before, within a spatial planning framework rather than as isolated issues by an interdepartmental committee as at present. There would then no longer be a need for a policy document on the living environment, either in place of this document or to complement it. A spatial planning policy document of this kind will achieve a selective form of integration: selective in the sense that

it will be limited to specific projects and developments of national significance. The level of integration involved would correspond to the most modest level referred to above.

Assimilation of policy objectives

The advice request attaches particular importance to ensuring that VROM policy is assimilated by other government departments. In the Council's view this is more a political problem than a problem of the management approach adopted. Not enough weight is attached to the interests which VROM represents - the environment, spatial planning, housing - in the political process. The Council therefore advocates that other ministers be given more responsibility for these matters, with the Minister of VROM nevertheless retaining a vital co-ordinating role. The Minister of VROM should also retain responsibility for the formulation and formal adoption of the objectives for the quality of the living environment. The responsibility for actually meeting the objectives, on the other hand, should rest with the ministers best placed to have an impact in meeting the objectives. This could be done by requiring ministers to submit each year (or at least at regular intervals), with their budget, a statement summarising the contribution made by their department towards the achievement or otherwise of the main components of policy for the living environment. In the case of environmental policy the objectives concerned would be those relating to climate policy, acidification, eutrophication and noise. In the case of the spatial planning function they would indicate the extent to which their own policy has contributed to implementing and applying the policy adopted in conjunction with major planning decisions at the national level.

Current management approaches

The Council considers two management approaches currently being practised within the Ministry of VROM, i.e. interactive decision-making and self-regulation within a framework set by government.

Both of these approaches are endorsed, subject to a number of qualifications. As far as *interactive decision-making* is concerned, the Council considers it self-evident that the relevant societal actors should be consulted when policy is being formulated. However the Council cautions against the assumption that greater consultation automatically leads to agreement and consensus. Consideration also needs to be given to the reasons for opting for an interactive approach. Although in one sense it offers an opportunity to further democratise the political process, in another sense it tends to undermine the traditional basis of representative democracy by which government is mandated to carry through the programme on which it was elected. Politicians must not abdicate their responsibilities in this regard.

The concept of *self-regulation within a framework set by government* is also considered to be a good one in the context of environmental policy, and an appropriate response to the limitations of regulation and enforcement. It is not appropriate for all situations, however, and each set of circumstances must be judged on its merits. Moreover where self-regulation is applied, government must ensure adequate monitoring, and be willing to intervene and revert to an approach based on regulation and enforcement if necessary.

5 Managing policy for the living environment: towards a 'Green Polder model'

As has been made clear in the foregoing, the Council does not come down in favour of one particular management model or concept. Different approaches will be appropriate at different phases in the policy cycle for different situations, and there is no universal panacea.

Decision-making in the policy areas related to the living environment is becoming more politicised and less technocratic. This fact, together with the growing confidence and maturity of groupings such as the environmental movement with its mass membership, and the increasing occurrence of opposing interests, means, in the Council's view that new ways need to be devised of involving relevant organisations in society in implementing policy for the living environment, while ensuring that there is no abdication of the ultimate responsibility of government for the realisation of policy objectives.

In this regard, there appear to be opposing tendencies discernible at the moment: while there is considerable interest within VROM at present for an interactive approach in various forms, there are also trends to eliminate or reduce social participation, for example by making use of the *lex specialis* (law drawn up specifically to provide a legal basis for one particular project), in order to shorten the time needed to realise projects. Existing procedures and mechanisms are inadequate for many issues related to the living environment. The time appears to be ripe for the introduction of a new model for managing the living environment analogous the economic 'polder model', the term which has come to be used for economic policy-making characterised by wide consultation, compromise and the search for consensus. The Council dubs this new model the 'green polder model'. The adjective 'green' is intended as a metaphor for the entire living environment (including the built environment), and not just the issues addressed by traditional environmental policy. The Council proposes the establishment of a consultative forum in which representatives of the most important groupings and stakeholders - employers' organisations, trade unions, consumers, the environmental movement, the provinces and municipalities, those who own or run major natural parks and nature conservation areas - would sit round a table with representatives of government to reach consensus via negotiation and the exchange of views. This is expected to make it easier to strike the right balance between legitimacy on one hand and effectiveness and efficiency on the other. The government will have an important role in this, and must retain the ultimate responsibility.

6 Recommendations

Based on its consideration of the issues involved, the Council concludes its advice with the following recommendations:

1. Ensure that policy-makers' aspirations remain realistic in terms of what can be achieved. Policy-makers must acknowledge that the 'shapeability' of society is limited, as otherwise their credibility and support may be jeopardised.
2. Ensure that other ministers take greater political responsibility than they do at present for the implementation of environmental policy and spatial policy. One way by which this can be achieved is to require that ministers account each year, when submitting their budget, for the contribution made by their department to meeting the objectives of environmental and spatial planning policy.
3. Introduce a new national spatial planning document which will provide a framework for decision-making on major structural and infrastructural development projects. The Council does not consider it sensible to aim for comprehensive integration of planning and policy-making, either internal (involving the elimination of separate policy documents for spatial planning and the environment) or external (involving the formulation of global and abstract objectives). Integration should be selective, focusing particularly on major national development projects.
4. Form a national consultative forum involving central government and representatives of the most important groupings and stakeholders to take decisions on major issues related to the living environment (a 'green polder model'). The objective would be to help create a national consensus, while leaving the ultimate responsibility with the government. This would basically have a fixed composition, with the possibility of making ad hoc changes to accommodate specific issues arising. This is expected to lead to increase the sense of involvement and shared responsibility for solving the problem, and therefore greater support for policy, thus increasing its effectiveness.
5. The end does not justify the means in democratic decision-making, and this also applies in matters related to the living environment: policy-makers and implementers must not sacrifice legitimacy in the interests of effectiveness and efficiency.
6. Decentralise more powers in regard to local and regional environmental problems. Establish stronger centralised control of spatial planning, for example by making more use of the powers of central government to override local planning decisions where these are not consistent with national objectives.
7. Aim to implement policy through the use of physical/technology-oriented instruments and facilities which provide opportunities for individuals and other target groups to adopt the desired behaviour or make such behaviour the natural option to adopt. Although the effectiveness of some of these instruments is uncertain, they merit further exploration. This goes beyond merely providing receptacles for recycling of glass, for example, but involves actually designing the living environment and transport infrastructure in such a manner that environmentally friendly behaviour becomes a matter of course.
8. The management model which is most appropriate depends on the nature of the issue and the phase in the decision-making process. There is no single most suitable management model applying to all issues and phases, and government must be wary of espousing one particular approach to the exclusion of others.

9. Network management and self-management are useful concepts, but must not be allowed to compromise the ultimate responsibility of the government for seeing through its political mandate. Self-management must be accompanied by monitoring, and the willingness to intervene if necessary.
10. The choice of instruments should be based on the principle of minimising compulsion. Although compulsion is appropriate in some situations, there should be proportionality between ends and means.

Annex: Composition of the Council for Housing, Spatial Planning and the Environment

The Council for Housing, Spatial Planning and the Environment is made up as follows:

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Professor R. van Engelsdorp Gastelaars
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Professor J. de Jong
Ms M.C. Meindertsma
Mr P.G.A. Noordanus
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Professor N.D. van Egmond, on behalf of the RIVM
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Mr Th.H. Roes, on behalf of the Social and Cultural Planning Bureau

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