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Conservation with Justice: A Rights-based Approach Applied to The Hague Region, the Netherlands [1]

The Hague Region is situated in the west of the Netherlands along the North Sea Coast. It is a peri-urban region characterized by six green open areas ('enclaves') between cities. Green open areas in the city region are considered scarce and policy makers are searching for policy instruments to preserve open areas against urbanization. The Hague Region is also the regional authority in which many public stakeholders participate. Non-public stakeholders are involved as well through informal governance networks to exercise their 'Right to Green'.

The Regional Structure Plan (2008) includes the development of a 'blue green network' consisting of large-scale green landscapes, ecological corridors and recreational routes. At the same time the plan aims to realize 50% of the new housing needs in the existing urban fabric, and for the city of The Hague even an 80% target. The green planning strategy assumes that all urbanites will use the peri-urban areas for leisure activities. However, especially immigrant groups cannot or do not have a preference to go to the green enclaves for leisure activities. This puts their Right to Green at risk.

The low political representation of immigrants combined with their different cultural backgrounds appears to be a barrier for participating in decision-making processes related to green spatial planning. Recent research indicates immigrants (among others) prefer amenities offered in parks (benches and tables) and the presence of trees, often for social reasons. To anticipate these immigrant stakes and to enhance their political participation the adoption of a RBA might be beneficial to future green policies in The Hague Region.

Background and description of the case study

[Back to Top](#)

The Hague region is situated in the west of The Netherlands along the North Sea coast. It is one of the most urbanized regions in the country, home to nearly 1 million people, on a 410 km² area. The Hague Region comprises 9 municipalities: Delft, The Hague, Leidschendam-Voorburg, Midden-Delfland, Pijnacker-Nootdorp, Rijswijk, Wassenaar, Westland and Zoetermeer. The Hague Region is also the name of the regional authority in which these municipalities cooperate.

Project description

The Hague Region is a case study in Plurel, an integrated research project funded by the 6th Research Framework Programme of the European Union. The aim of Plurel is to develop new strategies and planning and forecasting tools for peri-urban regions that are essential for developing sustainable rural-urban land use relationships (see www.plurel.net). In the project 31 partner organisations from 14 European countries and China participate. The project started in 2007 and will terminate in 2010. Other Plurel case studies were conducted for Montpellier (France), Greater Manchester (United Kingdom), Koper (Slovenia), Leipzig (Germany), Warsaw (Poland) and Hangzhou (China).

The peri-urban areas in The Hague Region are characterized by green open areas ('enclaves') between cities. There are six such enclaves, each located on one or more municipal territories. Green open areas in the city region are considered scarce and policy makers are searching for policy instruments to preserve open areas against urbanization. The Hague Region was selected as a RBA case study because certain rights to conservation are at stake related to green open space, especially for immigrants, as will be explained next.

Rights at stake

The rights at stake in this case study include the Right to Health (a healthy environment), the Right to an Adequate Standard of Living (housing), and the Right to Information and Participation (opportunities to participate in decision making processes) (following Greiber et al., 2009, p.15 ff). Applied to green space in the Netherlands these rights are being advocated under the banner of 'Right to Green'. In 2005, the Council for the Rural Area wrote an official advise for the House of Representatives of the Netherlands Parliament about the 'Right to Green' as an essential

right to Dutch citizens (RLG, 2005). According to this advice green (open) space is beneficial to well-being, health, the economy, and biodiversity.

In the Hague Region there are many groups who may exercise their Right to Green. Some groups are better able to do this than other groups. In this case study we focus on immigrants. Immigrants make up about one-third of the total population of The Hague Region (Aalbers et al. 2009) but they are hardly involved in the decision-making processes related to green spatial planning. This puts their Right to Green at risk.

Until now, a RBA has not been applied to the preservation of the green open areas in The Hague region. A RBA was also not part of the research undertaken in Plurel. Nonetheless, the Hague Region was selected as a RBA case study to explain how an RBA might be beneficial to future policies for the region.

Stakeholders

In The Hague region, public and non-public stakeholders are involved in environmental conservation: business, interest organisations, government, and civil society (see **Enclosure 1**).

Public stakeholders

Responsibility for land use planning in The Netherlands is shared between national government, provinces and municipalities. At state level, the Ministry of Economic Affairs, the Ministry of Agriculture, Nature and Food Quality and the Ministry of Transport, Public Works and Water Management and the Ministry of Housing, Spatial Development and the Environment have published a National Spatial Strategy under the leadership of the latter (VROM, 2005). This plan includes spatial planning strategies for the Randstad (of which The Hague Region is a part), including the preservation of green open spaces. The general duties of the ministries towards right-holders, including immigrants, related to the Right to Green are established in general law, including articles 18, 21 and 22 of the Dutch constitution (see text box 1).

Text Box 1: Articles of the Dutch Constitution relevant for RBA

Article 18 Right to Counsel

- (1) Everyone may be legally represented in legal and administrative proceedings.
- (2) Rules concerning the granting of legal aid to persons of limited means shall be laid down by Act of Parliament.

Article 21 Environment

It shall be the concern of the authorities to keep the country habitable and to protect and improve the environment.

Article 22 Health

- (1) The authorities shall take steps to promote the health of the population.
- (2) It shall be the concern of the authorities to provide sufficient living accommodation.
- (3) The authorities shall promote social and cultural development and leisure activities.

Practically, the competences to preserve green open areas in the region are decentralized towards provinces, municipalities and the Hague Region (as regional authority).

- Provinces are an important stakeholder in The Hague Region because they have received much responsibilities and funds for nature development, rural development and agro-environmental schemes.
- Municipalities are the most important government level with respect to planning as they design and implement the zoning plans that legally bind people in land use decisions. Municipalities are highly autonomous in this respect although higher tiers of government, particular provinces, can interfere under specific circumstances. City regions like, The Hague Region, have no formal role in planning anymore under the current Planning Act. Rather, their formal role is to organize cooperation between municipalities with respect to a number of tasks, including planning.
- The Hague Region has limited power and resources with respect to planning but is still an important stakeholder. Concertation is its main instrument and by this the region tries to gain policy support, promotes cooperation, and raises funds for joint projects. Concertation is especially important for the peri-urban areas that extend into the neighbouring city regions. Concertation platforms have been established at different levels to encourage joint policy development for these areas for a series of crossing-border issues.

Non-public stakeholders

The Hague Region is a national priority for housing and infrastructure (VROM, 2005), which gives the housing and infrastructure stakeholders a powerful position in the region. Another group of stakeholders include NGOs and lobby organisations. Notable are local donor groups organized around individual green enclaves. These civil initiatives can be influential on certain issues for a period of time. The Farmers' Union is a must-have partner in consultations about peri-urban issues. There are also three Environmental Cooperatives (associations of civilians and farmers

have participated in consultations about peri-urban issues. There are also three Environmental Cooperatives (associations of citizens and farmers aimed at agro-environment) in the region who have a growing influence, although the number of members is stabilizing. Some of these actors take part in consultations organized by The Hague Region. Civil society groups and NGOs take part in governance networks and have easy access to (local) media and decision-makers. Immigrants, however, are scarcely represented in these networks which limits their possibilities to exercise their Right to Green.

Context: Situation analysis

[Back to Top](#)

Overall context

The context for land use change in The Hague region is highly dynamic. Several trends can be observed that are driving land use change in the Hague region.

Environmental context

- The city region of The Hague has very little space for urban expansion because towards the south it borders Rotterdam and towards the west it borders the North Sea. To the east, there is the s-called Green Heart, the peat meadow area in the heart of the ring of Randstad cities. This area has a national protection status preventing large scale building. The peri-urban areas inside the region have become 'green enclaves' between cities and also immune from building. Meadow landscapes are now considered scarce and policy makers are considering planning instruments for protection.
- The 'invasion' of residents not engaged in agricultural activities tends to change the appearance of the agricultural landscape. Examples include non-traditional buildings, horse keeping ('horsification'), and horticulture.

Economic/ social and development context

- Although population growth is decreasing and expected to stabilize at 0,3% per year around 2025 (CBS, 2008), the number of households in The Hague Region is expected to grow by 58,000 between 2006 and 2020 (Stadsgewest Haaglanden, 2006). This is mainly explained by the shrinking number of persons per household.
- The proportion of inhabitants from non-European origin is growing, especially in the cities.
- Exchange mechanisms, like 'red for green' (allowing additional housing construction in exchange for private investments in the landscape) and 'space for space' (allowing additional housing in exchange for demolishing unused farm buildings and isolated greenhouses) are popular.
- The concept of 'new country estates' is popular, allowing modern mansions to be build on former farmland, provided that the estate should be publicly accessible to some extent.
- Greenhouse horticulture is an economically profitable sector in this region (Greenports Nederland, 2007). The pressure to expand will remain high, especially when the new energy-generating potential of greenhouses becomes operational.

These trends indicate an ongoing urbanization pressure that will change the character of the green enclaves in a subtle way.

Overall legal, policy and political framework

The most important plan for The Hague Region is the Regional Structure Plan. The most recent plan was established in 2008 and was made in consultation with the municipalities (Stadsgewest Haaglanden, 2008). In the plan The Hague region aims to develop a good 'settlement climate' for companies and international organisations. By branding itself as 'City of Peace, Justice and Safety', The Hague aims to strengthen its international competitive position among other city regions in Europe and the world (in particular Vienna and Geneva). In the view of the administrators green areas can contribute to this position. The plan therefore includes the development of a 'blue green network' consisting of large-scale green landscapes, ecological corridors and recreational routes as quality carrier. The plan envisions the peri-urban enclaves to be developed into Regional Parks. Concomitantly, the plan aims create high quality residential environment, combined with concentrated growth with public transport axes. As for housing, the region aims to realize 50% of the new housing needs in the existing urban fabric, and for the city of The Hague even an 80% target.

Ironically, the policy to preserve the green enclaves *outside* the city encourages housing development *inside* the cities, thereby further decreasing opportunities for immigrants and other groups to enjoy urban green spaces in the cities. The question that can be raised from the perspective of the Right to Green is whether the green provision in the context of city densification in combination with special policy attention for the quality of green enclaves outside the inner city is balanced in terms of social group needs. The green planning strategy assumes that all urbanites will use the peri-urban areas for recreation and leisure. However, especially immigrant groups cannot or do not have a preference to go to the green enclaves for leisure activities. This puts their Right to Green at risk.

Challenges and opportunities

Because of the complex planning context a sophisticated planning and policy system has been developed for concertation at all conceivable levels. Currently, the governing board of The Hague Region consists of 61 delegated municipal officials, 9 of whom make up the executive committee for operational decisions. Moreover, there is an informal planning coalition consisting of public and non-public stakeholders. The number of concertation partners and actors suggests a democratic balanced choice in providing green open space in the city region. But to what extent does location and function of green open areas comply with the preferences of different social groups in the city region? Or do they only serve the preferences of political power at stake? The attractiveness to expats is an easier level of investments since it is a strategic issue for the region. The quality of life for the residential groups in high density residential areas does not have this strategic advantage.

In the coming years, immigrants and their younger generations will become an important group in the major cities in the Netherlands. These groups appreciate the green open spaces differently. This aspect has not yet been addressed in the regional policy document of the region even though these groups are important when it comes to raising public support for the development of green open space in the region. Until now the political representation of immigrants in big cities is weak because of the low number of immigrants that use their voting rights and the low number of immigrant political representatives.

Use of a RBA during project implementation

[Back to Top](#)

Dutch law provides immigrants, like anyone else, with ample opportunities to participate in formal decision-making process, so this could be a way to exercise their Right to Green. Yet in practice their participation and representation is much smaller than could be expected considering their share in the total population (one-third). Moreover, much decision-making is organized in informal governance networks. Civil society groups and NGOs participate in such networks, but immigrants are scarcely represented. The Dutch governance style implies an active and autonomous role of citizens in a culture of 'debate and negotiation' with many unwritten 'rules of the game'. The different cultural background of immigrants often appears to be a barrier for participating in these processes.

To shed more light on immigrant stakes in green spatial planning research was conducted on recreational preferences of various groups in the Hague region (Aalbers et al., 2009). The Province of South-Holland and the Hague Region supported this research. The research included a questionnaire in which preferences for recreation in the green urban fringe (at 5-10 km distance) were contrasted to those in more nearby green areas (maximum distance of 500 m). The questionnaire distinguished three social groups and focused on the use of recreational green, experience of green, valuation and preferences of (1) highly educated expatriates; (2) immigrants in a high density residential area in Delft; and (3) a Dutch reference group.

Results indicated that all groups consider green open space important. However, immigrants and adolescents appreciate the existing Dutch landscapes less than the reference group of Dutch adults. The survey revealed that more than half of the immigrants group never visited the green urban fringe because of the large distance, lack of access, limited time (among others). The interviews indicated this group prefers amenities offered in parks (benches and tables) and the presence of trees. Other country-wide research on the preferences of the immigrant groups also revealed that these groups use parks for social reasons instead of recreation reasons (Buijs, 2006). Immigrants like to visit parks to meet family and friends whereas for the Dutch reference group it is the physical activity that counts. These immigrant 'stakes' are not represented in formal policies. The green planning strategy assumes that urbanites will use the peri-urban area in addition and as compensation for diminishing urban parks, but as we have seen in the research this is not the case for large groups in the region. Especially immigrant groups cannot or do not have a preference to go to the green enclaves for leisure activities.

The research indicated that adoption of a RBA might be beneficial to future policies in The Hague Region. The questionnaire can be considered as a first (research) step in this. A next step could be to develop a more balanced provision of green open area representing the different social groups and their specific preferences. This is important for the quality of life of residents, but at the same time can play a role in the development of social cohesion (Aalbers et al., 2003) and increase support among citizens for public policies on green open space (Aalbers, 2008). The 80% densification target of the city might have more negative social consequences than expansion into the urban fringe areas. In redeveloping green open spaces for expatriates, it is worth considering the accessibility of these areas to other residential groups as well. This would increase the quality of life in terms of green open space for all social groups and possibly also increase public support for investments in green open space (Aalbers et al., 2009).[3]

In Plurel an assessment tool is being developed to monitor and evaluate regional governance and spatial strategies in urban fringes in the Plurel case study areas. The assessment tool contains a list of qualitative criteria developed by researchers and stakeholders that act as a basis for comparison of strategies. Although the criteria were not defined from a RBA perspective some of the criteria are highly relevant in this context. Examples include '*does the strategy involve different actors?*' and '*does the strategy enables bottom up initiatives by citizens, business, semiprivate organizations?*' or '*does the strategy pushes land use away, creating new land use conflicts elsewhere or at another level?*'.

Enclosure 2 provides a full overview of the criteria in the assessment tool. The results of the assessment will only be available in September of

Conclusions and recommendations

[Back to Top](#)

A Rights Based Approach to development and conservation of green open space requires that a wide range of stakeholders is fully involved in the process, that all interests are identified and addressed and that decisions are made on the basis of the best available information. As we have seen in this research there is a need for a more balanced provision of green open space partly due to less established political representation. A RBA could possibly raise awareness to the ambition of more balanced choices to spatial planning and in particular environmental conservation issues at stake.

References

[Back to Top](#)

- [1] The main source of information for this case study is Aalbers et al. (2009).
 [2] Unfortunately no English version is available
 [3] In other areas in the Netherlands similar problems are being explored. In Amsterdam for example many different citizen groups were involved in the development of a city park (among them Turkish women, Moroccan men and women, kids, teenagers, and elderly people). Here also a provisional monitoring and evaluation systems has been developed to assess to what extent these groups had an actual impact in the park development

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[Back to Top](#)

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Further Readings

[Back to Top](#)

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Author

[Back to Top](#)

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Organisation:

Alterra

Environment focus:

Others

Right Implications:

Procedural Rights:Participation in decision-making

Stakeholders:

Local Communities

Region:

West Europe

Type:

Case Study



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