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Multi-Level Governance and Games within the Water Framework Directive

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WITHTIN THE WATER FRAMEWORK DIRECTIVE

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Foreword

Before you lies the result of six months of full time research within the complex workings of the WFD in the Netherlands. This research has been an interesting journey for me, full with ups and downs and the highs and lows that appear to go hand in hand with academic research. Looking back on this process I feel that I have learned a lot, not only of the workings of the WFD within the Netherlands, but of my personal strengths and shortcomings as well. This would not have been possible without the help from my supervisors, of whom I would like to make special mention before I delve deeper into my actual thesis. Jelle and Severine, thank you for your help and guidance throughout this final stage of my study and for being patient enough to wait for me finally finishing this thesis almost a year after I started.

At times during my research I almost felt like a detective, attempting to pry deeper into some problem of which I had only brittle grasp at first. But as my research ensued I felt that I started to understand more and more and the problem that seemed vague at first, started to become clearer as my research progressed. This would not have been possible without the aid and willingness of all the interviewees that I have talked to throughout my research. I would therefore like to thank them as well.

After the interviews were over, I found myself looking upon a significant amount of data from which I had to attempt to derive my personal contribution to the academic world. All though I feel that I was unable to fully write down all the interesting topics that came to the fore throughout my research, I am proud of the thesis that I now present before you. I hope you find it an interesting read.

Summary

In this thesis the results are presented from a case-study into the effectiveness of Multi-Level Governance (MLG) by focusing on the implementation of the Water Framework Directive (WFD). The main goal of this research was to describe that the assumption that MLG automatically leads towards more effective policy implementation is not necessarily true. This was done by demonstrating that MLG to a large extent assumes that vertical interactions automatically lead towards a higher amount of efficiency and legitimacy. Through the application of the concepts of power, trust and accountability an attempt was made to demonstrate that MLG does not only consist out of vertical interactions, but out of horizontal interactions as well, allowing for the occurrence of Multi-Level Games (MLGa's) undermining the effectiveness of multi-level policy implementation.

In order to gain an understanding into both the horizontal and vertical interactions, multiple in-depth interviews were conducted across various levels of Dutch governance. After undertaking three initial 'helicopter interviews' the choice was made to focus on the waterboard 'de Dommel' (WSD) for the case-study. Further interviewees were selected through snowball sampling. A total of eleven interviews were conducted in a semi-structured manner amongst representatives of national government, provinces, waterboards, municipalities and societal stakeholders such as representatives of various NGO's and the ZLTO. The results of these interviews were identified by gathering and categorizing relevant quotes for this research. Based on these quotes the workings of power, trust and accountability within the WSD were investigated. Early on in the research, it became apparent that the WSD was one of the few waterboards within the Netherlands that was able to successfully implement the WFD. Through careful analysis of the workings of power, trust and accountability it was demonstrated that within the WSD, instead of undermining the MLG process, horizontal interactions resulted into the successful implementation of the WFD within the WSD.

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1 Introduction

Since the formation of the EU, European regulations and the implementation of governance have become increasingly important topics of debate. One often applied method of through which governance and regulations is implemented is that of Multi-Level Governance (MLG). The main idea behind MLG is that in order to increase both legitimacy and efficiency policy should be delegated towards the most suitable policy levels. It is stated that it leads towards efficiency as policy is formulated on policy levels that fit the respective scale on which the policy is to be implemented. Furthermore, MLG is said to lead to an increase in legitimacy on the lower policy levels as well since policy is formulated close to those who are directly involved (Moss and Newig 2010). In this regard MLG appears to follow the ideas of 'good governance' as mentioned by Pahl-Wostl et al. (2010, pg. 572)

> *"good governance is characterized as participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, following the rule of law."*

At a first glance MLG seems to be a proper tool for policy delegation. However in practice MLG might prove to be a utopian concept that does not take into account stakeholder interactions within and across policy levels and possible complications that might ensue. For example, stakeholders might attempt to strategically interact across different levels in order to further their own goals therefore undermining the effectiveness and legitimacy of MLG policy implementation.

MLG and MLGa's

A theory that might help to describe such stakeholder interactions is that of Multi-Level Games (MLGa's). MLGa's is a theory first mentioned by (Putnam 1988), describing how actors involved in negotiations on a European scale have to balance interests on both the domestic and EU level. The theory describes how clever players are able to anticipate movements on one policy level, in order to increase their gain on another level.

MLGa's are most often applied in order to describe international negotiations between two policy levels, namely the European and the domestic level (Putnam 1988; Collinson 2000; Mayer 2010). The first level is the international level on which negotiations occur and the second level is dubbed the ratification level where negotiators have to strategically form coalitions in order to be able to ratify the agreements made on the first level. Potential difficulties on the ratification (second) level can result in less flexibility during negotiations on the negotiation (first) level therefore strengthening ones bargaining position. For example, when a representative of a national government is unable to forge an agreement regarding a certain policy, this might make it more difficult for this representative to negotiate the same topic on the European level. Putnam describes the flexibility of negotiators as possible 'win sets' (for elaborate examples see (Putnam 1988) and (Mayer 2010)).

The potential outcomes of such negotiations would then rely on the possible overlap between the 'win-sets' of the parties involved in the negotiations. In his article Putnam (1988) provides several examples of how domestic governments attempt to balance different domestic interests in order to influence their bargaining position on a European level. His theory has been widely accredited and has been popular for the analysis of governance failures on an international level (Mayer 2010) as it helps to demonstrate how the workings of MLGa's can result in failure during policy negotiations due to involved parties being unable to forge agreements. What is interesting about MLGa's literature, is that most literature on MLGa's appears to focus on interactions between the domestic and the international policy levels (Putnam 1988; Patterson 1997; Collinsons 2000) leaving a conspicuous gap in regard to its workings in a more regional or local setting. Furthermore, interactions between stakeholders do not only exist out of potential gains and losses, but include more 'informal' influences as well such as power, trust and a sense of accountability. By applying a more 'regional focus' on the workings of MLG and (potentially) MLGa's an attempt will be made to shed more light on the workings of those 'informal' influences.

The goal of this thesis therefore is to attempt to describe the possible occurrence and impact of MLGa's on the effectiveness and legitimacy of a MLG process. With this goal in mind the roles of power, trust, and accountability within a regional implementation process of the WFD will be investigated. These concepts have been chosen due to their dynamic nature and the broad applicability of each concept in interactions research. The concept of power has been chosen since it allows for an analysis of how stakeholders attempt to influence each other during a policy process. Another concept that might provide insights into the occurrence of MLGa's is that of trust and mistrust. By focusing on trust, insights can be gained on how a shared perception of goals and interests or a lack thereof might also play an important role in stakeholder interactions. The final concept that will be applied is that of accountability as within European legislation , accountability is often used as a tool to ensure proper implementation.

1.1 BACKGROUND: THE WATER FRAMEWORK DIRECTIVE IN THE NETHERLANDS

In order to develop an international policy in regard to the protection and development of water quality cooperation's between many nations would therefore be necessary. In the year 2000 the EU formulated the Water Framework Directive (WFD) which was meant to do exactly that (EC, 2000). The WFD is a framework that is signed by all the member states of the EU in which they have created guidelines for the preservation and improvement of the water quality in large water bodies in Europe. The actual implementation of the WFD is based on the idea of MLG where the formulation of policy no longer mostly originates from national governments but involves actors at several levels of the policy spectrum(Hooghe and Marks 2001).

Summarized the WFD asks EU member states to adopt an integrated river basin approach in which each state has to assign river basins for which they had to formulate their 'river basin management plans' (RBMP's) by 2009. The goal of the WFD was a singular framework with as main goal to improve the chemical and ecological water quality in Europe (Ten Heuvelhof, van der Heijden et al. 2010) (Moss 2004). What is interesting about the WFD is that it allows for states to choose their own level of ambition in regard to the implementation of the WFD. However, the level of ambition that is eventually chosen has to be achieved at the risk of sanctions when a government fails to comply.

It is this 'result-based commitment' that provides an interesting extra level to Dutch water governance since the Dutch government previously followed an 'effort-based commitment' in which the planning of measures was sufficient to meet the policy demands. Since a 'result-based' commitment is likely to increases the possiblity of sanctions from the EU, allowing governments to choose their own level of ambition becomes an important discussion in which environmental, agricultural and governmental interests might collide, potentially setting the stage for MLGa's.

1.2 GOAL OF THE RESEARCH

The goal of this research is to investigate the impact that MLGa's might have on the workings of MLG within the Dutch implementation of the WFD. This will be done by analysing the interactions amongst involved stakeholders on multiple levels of governance. In this analysis special attention will be paid to the workings of power, trust and accountability. These concepts will be used as they are believed to play an important role in the workings of both MLG and MLGa's. By using these concepts it can be investigated whether MLGa's did occur, and if so how they might have influenced the multi-level implementation of the WFD.

1.3 OUTLINE OF THIS THESIS

In the next chapter the theories and concepts used for this research will be described more in depth. Afterwards, in chapter 3, a description will be given of the methodology that was used. In chapter 4 the results of the case-study will be presented. The results found in chapter 4 will be discussed in chapter 5 after which the conclusion and the following recommendations will be presented in chapter 6.

2 Theoretical Framework

As described in the introduction, the theoretical framework of this thesis is built upon three main concepts. Namely, power, trust and accountability. In this chapter, a description of each concept and it's applicability towards this research will be described.

2.1   POWER

When dealing with multi-level negotiations in which both governmental and non-governmental organisations are involved, one interesting aspect to investigate might be to look into exactly what party is more able to assure that their goals and interests are met during negotiations. For this thesis the main focus will be on the potential differences in the power balance across multiple levels of governance. For example, a party that might lack in persuasive power on the domestic level might attempt to achieve the same goals on a regional level on which they might be more powerful. The identification of such strategic shifts between multiple levels of governance might help to achieve new insights into the role of power-relations in MLG as well as the possible occurrence of MLGa's.

The concept of power has been subjugated to an elaborate debate dating back to the days of Machiavelli and Hobbes (Clegg 1989) and is still not entirely resolved today (Arts and Tatenhove 2004). Since the main goal of this thesis is to elaborate on the workings of power in MLGa's, no attempt will be made to add to this ensuing debate. However, some aspects of this debate might be worthwhile to mention for the benefit this thesis, namely the 'faces of power' (Bachrach and Morton 1962; Bachrach and Morton 1975; Isaac 1987; Clegg 1989). The faces of power refer to a debate on exactly how to determine whether a group or person has power over another. The first face of power states that power can only be perceived if group A is able to make B do something that group B would normally never do, or as stated 'when A has power over B'. However, following this first face of power it has been debated that another form of power might consist of party A being able to make sure that B does not actively participate in an on-going issue. Finally, the third face of power begins to include interests in power relations as well, therefore stating that group A has power over group B if group A is able to make group B act against their own interests. For details of this debate see the works of (Isaac 1987; Clegg 1989) and (Bachrach and Morton 1975). However, for this thesis this debate will not be described in depth. Abovementioned debate mostly focuses on the power that specific groups might have over one another and does not focus necessarily on the ability to influence and defend ones interests in policy negotiations. What does not seem to be taken into account in these publications however is the multi-levelled nature of present policy negotiations. For instance, (Isaac 1987) already mentions that power might be described as the ability of a group or organization to secure their own outcomes whilst also dependent on other parties.

It is this final view that might be of interest for this thesis, as it might help to describe the complicated balancing of interests of different stakeholders that might occur on each level of policy making, as well as the relation of the concept of power and MLGa's. In this thesis therefore power will be perceived as the ability of stakeholders to influence an on-going policy process in favour of their own interests, not only based on the resources that stakeholders have available, but also through their ability to achieve outcomes through interactions. This final view is also described in the article by (Arts and Tatenhove 2004) in which they use the three dimensional model of power by (Clegg 1989)from which they derive three different manifestations of power. These forms of power are named relational, dispositional and institutional power.

Relational power relates to how stakeholder groups achieve power through interactions. In this regard Arts and Tatenhove (2004) make a distinction between transitive and intransitive power. They mention that transitive power refers to struggles over power such as described in the first face of power (A making B do something against their original interests).

On the other hand, intransitive power refers to the joint striving towards a common purpose. The second form of power, dispositional power, refers to the resources that are available to certain stakeholders. In relation to the implementation of the WFD this could contain available funding, expertise or sufficient staff. The third form of power mentioned by Arts and Tatenhove is structural power which relates more to a division of power in which some groups are structurally dubbed more powerful than others. In the case of the WFD this might for example relate to a province having structural power over a municipality. Since within the WFD structural power mostly seems to manifest itself within institutions from this point on structural power will be described as institutional power within this thesis.

Even though abovementioned views on power are most suitable to describe exactly how certain groups exercise power rather than describe their actual interactions this view of power, this approach might still be valuable for this thesis as it might help to identify potential differences in power balances across different levels of governance. Differences in power between groups as well as between policy levels might be able to help provide new insights in how and why certain stakeholders undertake specific actions and interactions during the policy process. For example relational power might help to describe how organisations try to influence the decision making process by strategically forming alliances and by framing issues in order to place them on the policy agenda. Dispositional power might help to describe the differences in resources available to stakeholders and the manner in which they use these resources to defend their interests. Thirdly, institutional power might help to provide a picture of exactly how stakeholders interact within the set organizational structure of the WFD. Of course, when dealing with an on-going policy process power dynamics are likely to shift, and a clear distinction between abovementioned types of power might be too straightforward. Especially when dealing with policy involved with spatial planning, since these take place involving mutually dependant actors, a changing society and unexpected circumstances (Aarts and Leeuwis 2010).

So how might the concept of power fit into the goal of this research? When perceived from a MLG perspective, power mainly appears to be regarded as a vertical instrument in which power is delegated in a top-down manner in order to achieve effective policy implementation. On the other hand the bottom-up aspect of MLG allows for the participation of regional parties as well, supposedly creating legitimacy within a MLG by giving regional parties the power to influence national policy. All in all, it would seem that MLG is based on a vertical approach towards the workings of power. On the other hand, MLGa's appear to perceive power not only from a vertical perspective but from a horizontal perspective as well, since it also includes negotiations within policy levels.

Bearing in mind the goal of this thesis, the use of the concept of power might therefore help to describe how power manifests itself in practice. Does power indeed mostly work vertically such as is described in MLG? Or does power also influence a policy process horizontally, therefore potentially indicating the occurrence of MLGa's? By focusing on dispositional, institutional and relational power answers to these questions might be found in order to describe the workings of power within the WFD.

2.2   TRUST

As already mentioned above, this thesis will focus especially on interactions between stakeholders on a regional scale. One of the reasons behind this is that a regional focus might help to provide new insights into MLGa's based on more accessibility between the involved stakeholders. One concept that might be able to provide new insights on such a scale is 'Trust'. When dealing with a policy process in which many stakeholders are involved, trust might make a process develop more smoothly, whereas a lack thereof might severely hamper a policy process (Eshuis 2006). As mentioned in the introduction, MLG assumes a smooth interaction between different levels of governance in which responsibilities and power are efficiently delegated towards lower levels of governance. However, in this regard MLG appears not to take into account the workings of trust within such a process. Or, to be more precise, it would seem that MLG assumes that trust in the institutional distribution of power is inherent in a MLG process. One might ask oneself whether this actually is the case in practice. When perceived from the MLGa's perspective trust becomes less inherent, and it becomes more likely that stakeholders base their actions across various levels of policy based on trust or distrust between involved stakeholders.

As mentioned above, in current literature MLGa's is mostly described from a perspective focusing on domestic and international interactions. However, on such a scale negotiations are of such a broad nature that negotiators might not experience a large amount of connectivity to the issue at hand. For example, one might feel much less connected when making policy in regard to national water policies then when they are debating over a natural lake near the area were a person grew up. Following this line of thought, in regional negotiations negotiators are likely to be more personally involved in the topics being negotiated, adding more personal values to the negotiation process. The inclusion of such personal values and interests might have an impact on the manner in which negotiators form alliances or agreements. For example, a negotiator might be more easily inclined to form an agreement with another negotiator that has displayed the same interests in regard to a specific issue. Therefore, trust and distrust might help to provide an insight into the underlying motivations behind interactions between stakeholders within and across different levels of policy. These insights might then help to investigate whether and why MLGa's did occur. In this thesis trust will be described in two manners. First, attention will be paid to the underlying motivations behind trust. Distinguishing between Calculus Based Trust (CBT) and Identification Based Trust (IBT) (Lewicki 2000). Secondly, the focus will be on differences in trust in regard to the entities in which trust is placed. Namely, trust in individuals, trust in institutional arrangements and trust in institutions (Eshuis 2006).

2.2.1   CALCULUS BASED TRUST AND IDENTIFICATION BASED TRUST (IBT)

According to (Lewicki 2000) CBT is based on both the fear of the consequences of breaking trust and on the potential rewards of maintaining trust. This form of trust might therefore relate to both power and accountability, as stakeholders might search to benefit from trust when dealing with more powerful organisations or are afraid to break given trust due to accountability issues and fear of negative consequences. Another type of trust that is mentioned by Lewicki is IBT. He mentions that IBT is a form of trust that often occurs following CBT. IBT focuses more on the identification that stakeholders might have with each other's goals and intentions. This form of trust relates to parties being trusted to serve as agents for each other during interactions. All though Lewicki refers mostly to this form of trust in interpersonal interactions, it might not be a very big step to relate IBT to intergroup interactions as well. As when dealing with MLG some regional or local groups might allow other groups to act as their representatives on higher policy levels.

In relationship to MLG and MLGa's CBT might therefore help to describe the on-going interactions between stakeholders on a more formal level by focusing on the influences of trust and accountability in the potential alliances and agreements during the implementation of the WFD. On the other hand, IBT might help to bring to light the more informal interactions and the potential influences of a shared goal or shared problem perception on the interactions during the implementation process. It has been chosen to investigate both forms of trust as it seems that exactly this combination of CBT and IBT might help to provide new insights on the workings of both MLG and MLGa's on a regional scale. For example, a stakeholder might use CBT and written agreements in order to strengthen their negotiation position on the first level of MLGa's whilst relying on IBT in order to achieve potential alliances in their favour on the second level of MLGa's, therefore avoiding the more straightforward canals used in MLG.

2.2.2   TRUST IN PRACTICE

In the section above two forms of trust have been described. However, exactly how does trust manifest during policy processes? In his dissertation (Eshuis 2006) mentions that trust in a policy process should not only rely on the persons involved, but also in the organizations being represented and the agreements that have been made. He also mentions that in an on-going policy process trust is a dynamic entity in which stakeholders might trust one party at one point during the process and an entirely different party during later stages of the process. Eshuis distinguishes between three different types of trust. Trust in individuals, trust in institutional arrangements and trust in institutions. Below a quick description of each type will be given along with its applicability towards this research.

Relational Trust
Closely linked to Lewicki's (2000) distinction between CBT and IBT is Eshuis' (2006) description of Trust in Individuals and relations between individuals. He describes that trust placed in individuals can be based both on rational considerations as well as on more emphatic motivations. He mentions that the added value of trust amongst individuals is that it might help to break possible stereotypical images that might exist between institutions and organisations once stakeholders get to know one another as individuals. Finally, Eshuis mentions that individual trust is often based on perceived intentions and competences of the other. Following this, he mentions in line with Lewicki that a good perception of each other's intentions is often based on the striving towards a common solution.

When investigating stakeholder interactions on a regional scale, this perspective on trust might provide valuable insights due to its specific focus on individuals rather than the institutions they represent. When dealing with a policy process such as the WFD on a regional scale, many institutions with different goals and intentions are involved. However, due to this smaller scale employees of these institutions might also interact on a regular basis on the interpersonal level. Paying attention to individual interactions apart from their institutions might help to provide new insights in the implementation of the WFD as well as towards added insights into MLGa's that might be more apparent on a regional scale.

Institutional Trust

Eshuis (2006) distinguishes between trust in institutions and two types of trust in institutional arrangements, namely those that form a collective of organisations and arrangements such as contracts and covenants. He states that trust in collectives is often based on their ability to influence policy processes. Trust in collectives is therefore often based on their goals and objectives and their ability to achieve desired results. In regard to trust in arrangements Eshuis distinguishes between arrangements that are based on distrust and arrangements based on trust. He mentions that an arrangement based on distrust often include many rules and restrictions hampering the development of further trust. On the other hand, a contract based on trust might be used to enforce the further development of trust by providing an juridical background.

Both trust in collectives as well as trust in contracts might play an important role in the WFD. For instance, many collectives are already present in the implementation of the WFD with opposing goals and objectives. Take for example the farmers' association (LTO) and the Environmental Federations. Both groups are collectives that are formed in order to increase their effectiveness in regard to the protection of their interests and their ability to influence the policy process. It might therefore be worthwhile to investigate how trust in such institutions has developed throughout the WFD policy process and exactly what events might have caused potential shifts in trust. In regard to trust in contracts, the WFD might be perceived as one big contract that has to be ratified by all EU member states. Due to its large amount of guidelines and potential restrictions one might claim that the WFD is a contract that is based on distrust in order to prevent EU member countries to take advantage of the WFD's implementation. However, it might be debated that on an international level such an approach is necessary due to the large diversity of interests, the large amount of stakeholders and the overall distance between policy formulation and implementation. One important aspect of the WFD in regard to trust in contracts is that it allows plenty of room for EU member states to delegate the policy formulation and implementation to more regional levels. It might be therefore be interesting to investigate whether there is a shift from contracts based on distrust towards contracts based on trust as the focus shifts from the national towards the regional level.

Trust in institutions relates to trust that is based on the continuity of existing institutes and organisations. Eshuis states that this trust is based on the fact that institutes is based on the fact that they are not likely to disappear and that they provide structure to the behaviour of involved stakeholders. However, he also mentions that mistrust in institutes might occur if they no longer fit into the local environment. It is particularly this aspect of trust in institutions that might be interesting for this thesis to look into due to the choice of the Dutch government to integrate the implementation of the WFD into the already existing policy structure as this might exactly result in such potential institutional 'misfits' due to institutional uncertainties.

So how might the concept of trust contribute to this research? As mentioned at the start of this section, MLG to a large extent is based on the assumption that institutional trust is inherent to a MLG process whilst from a MLGa's perspective trust and distrust might play an entirely different role in which alliances and agreements are formed not only based on trust in institution but based on relational trust as well. By investigating how individual trust, trust in institutional arrangements and trust in institutions have played a role within the WFD this distinction between trust in MLG and trust in MLGa's can be described.

2.3 ACCOUNTABILITY

As mentioned in the introduction, accountability plays an important role within MLG. Through accountability stakeholders are able to ensure that other stakeholders uphold agreements and promises, making accountability an important tool for efficient implementation of policy. However, when dealing with a policy process as complicated as the WFD, including multiple stakeholders and multiple policy levels it might be worthwhile to investigate what stakeholder is accountable to whom, and exactly what are the effects of this accountability on the stakeholder interactions across multiple levels of governance? In other words, through investigating the workings of accountability within the regional implementation of the WFD it can be made clear whether accountability indeed guarantees efficient and effective implementation of MLG or whether MLGa's occur in which stakeholders are able to dodge issues of accountability and therefore undermining effective policy implementation.

As mentioned in the introduction, the Dutch government has decided to include the formulation of RBMP's into the already existing policy structure consisting of regional water boards, choosing an integrative approach combining the several levels of governance in the development of these plans. Since the WFD specifically states that there should be room for public participation, it was chosen to include civil actors such as farmers, land owners, interest groups, and NGOs as well. However, following this development, one might ask oneself what this more transparent and integrative approach does with the specific responsibilities of the involved parties. In other words who is accountable to whom and what are the effects of this accountability on the on-going interactions between the stakeholders involved? In this thesis, it will be analysed how possible uncertainties in regard to accountability might influence stakeholder behaviour and therefore potentially lead to MLGa's.

Within public governance, the workings of accountability are often described as being quite straightforward, where public officials are held accountable through set accountability mechanisms and administrative regulations (Goodin 2003). Goodin describes that the public sector traditionally operates through a vertical 'chain of command' in which subordinates are accountable to their superiors and each level of governance is eventually held accountable by the democratic voter. However, when looked at more critically, the role of accountability seems to be less apparent. Apart from governmental stakeholders, the WFD also allows for the inclusion of NGO's and other organisations in the implementation process. But to exactly whom those organisations are held accountable is less clear (Goodin 2003). Also, all though the democratic voter in an ideal situation should be the final level of democratic accountability, one can question whether this voter is even aware of exactly what parties are involved in a complicated process of the WFD and therefore who even might be held accountable for it. In his article Goodin (2003) distinguishes between three different 'regimes' of accountability based on a distinction between the state sector, the market sector and the non-profit sector. In relation to the WFD, the state sector might then include the national government, provinces, municipalities and the water boards. Stakeholders that belong in the market sector are among others the LTO and the VNO-NCW. Thirdly, the non-private sector might consist of environmental organisations and civil representative groups.

When dealing with accountability, another interesting aspect on which might be focused is that of the distribution of information, as accountability might be perceived as 'being obliged to inform' or to justify ones actions towards another party at the risk of negative consequences if agreements or expectations are not met (Papadopoulos 2010) (Héritier and Lehmkuhl 2011). Other manners in which accountability might have an influence on the implementation of the WFD in the Netherlands can be found in existing literature as well. One example of the negative impact of accountability is provided by (Papadopoulos 2010) who mentions that an excess of accountability might result in 'risk avoidance' in which an agent or stakeholder might result in an 'appearance of conformity' with the expectations of the party to which they are held accountable. In other words an agent might be more concerned with the appearance of being held accountable than actually being accountable. This particular aspect of risk avoidance might provide an interesting link between accountability, MLG and MLGa's as risk avoidance might result in stakeholders avoiding accountability through MLGa's and therefore undermining the effectiveness of MLG. Another aspect of accountability that might prove relevant to this thesis mentioned by (Papadopoulos 2010) is the lack of visibility of some actors. He mentions that accountability in MLG takes place in networks of governance consisting of various actors such as politicians, government agencies, stakeholder organisations, NGO's etc. However, in regard to accountability, some of these actors might be invisible to outsiders.

A consequence of this lack of visibility might then be that it becomes unclear to lay parties exactly who is responsible. A consequence of this that is mentioned by Papadopoulos is that actors might undergo 'blame shifting games' in which actors try to shift the accountability of sensitive topics towards other actors. This aspect is also applicable to the WFD, as the large amount of stakeholders and policy levels involved might very well create uncertainties in regard to responsibilities therefore creating possibilities for stakeholders to undertake 'blame shifting'.

So how to approach accountability in the setting of the WFD? As already mentioned in the first paragraph of this section, (Goodin 2003) acknowledges a difference between accountability of the state sector, the market sector and the non-profit sector. He mentions that the state sector tends to follow a more hierarchical approach towards accountability whilst the non-profit sector tends more towards a form of accountability that consists of 'comparative networks' in which similar NGO's hold each other accountable through the network in which they operate. Thirdly, Goodin mentions the market sector in which accountability is mostly achieved through looking at an organisations ability to make a profit. If this is not the case, then according to Goodin (2003) a market organisation is internally accountable towards their shareholders. On the other hand, externally the market sector is generally held accountable towards the consumer, in this regard competition seems to be the main driving force behind accountability. It is here that Goodins description of the market sector might not entirely relate to this study of the WFD, since there is not really any real market based competition but rather a combination of different profit based actors that have an interest in the WFD. However, the internal accountability towards shareholders might indeed occur within the WFD.

In describing these three sectors, Goodin (2003) distinguishes between 'horizontal' and 'vertical' accountability. In vertical accountability stakeholders are held accountable towards other policy levels such as is the case within the government sector. In the case of 'horizontal' accountability, accountability is shared between different stakeholders on the same policy level. (Considine 2002; Goodin 2003). In this case, Goodin describes that accountability often occurs through networks in which stakeholders share similar norms, values, goals and principles. In this regard, accountability can occur through praising on the one hand and 'shaming and shunning' (Goodin, 2003 pp. 366) on the other.

Of course an approach to accountability such as described above seems to lack a certain amount of nuance, which Goodin is first to acknowledge. He rather describes each form as being the most prevalent one in each sector. However, a distinction between hierarchical accountability and accountability through networks might help to analyse the workings of accountability in the WFD. In addition, since the WFD consists of intensive interactions between the state sector, the market sector and the non-profit sector, it might be worthwhile to see how both 'vertical' and 'horizontal' accountability interact in situations where all three sectors are involved. What makes the view of horizontal accountability interesting for this thesis is that Goodin mentions that when dealing with a common purpose such as the WFD, accountability is based on the 'mutual monitoring of one another's performance within a network of groups, public and private, sharing common concerns' (Goodin pp. 378). In the case of the WFD such concerns might be water quality, or agricultural interests.

Relating the concept of accountability to the goal of this thesis, it would seem that MLG mostly applies a form of vertical and hierarchical accountability in which responsibilities are delegated to lower policy levels in order to guarantee effectiveness. However, as is made apparent in this section, vertical accountability comes with the risk of risk avoidance and blame shifting and therefore the occurrence of MLGa's that might potentially inhibit the workings of vertical accountability and therefore the effectiveness of MLG. Furthermore, as is shown here, there also appear to be workings of horizontal accountability that might help to provide new insights into accountability within an as complicated setting as the WFD. Therefore, through analysis of the role of accountability within the WFD and its role on stakeholder behaviour the influence of accountability on MLG and MLGa's can be described.

2.4   APPLICATION OF THEORY DURING THE ANALYSIS

As described in the introduction, the main goal of this thesis is to investigate the occurrence and potential impact of MLGa's on a MLG process. In order to demonstrate how this might occur the concepts of power, trust and accountability have been chosen in order to shed different lights on both the workings of MLG and the potential workings of MLGa's. MLG to a large extent relies on a top-down hierarchical system in which power is delegated in an institutional manner and stakeholders higher on the institutional ladder are assumed to wield more power than those lower on the ladder. Furthermore, MLG appears to assume that trust in the institutions involved in these processes is inherent. MLG assumes that if responsibilities are delegated towards the right institutions all involved stakeholders on that level will automatically trust the institutions that are responsible for policy implementation on their respective levels of policy. Thirdly, MLG appears to be based on a structure of vertical accountability in which parties are held accountable towards parties higher up on the policy ladder.

When these same concepts are applied to MLGa's an entirely different picture might be presented. As opposed to MLG, MLGa's take into account not only differences in power between levels of policy, but especially pays attention to the power balances within levels of policy and how these power balances might influence policy making across multiple levels of policymaking. In this regard MLGa's also seem to approach trust from a different perspective. Instead of assuming that trust is an inherent part of the process, MLGa's view multi-level policy making as constant and dynamic negotiations within and between policy levels where stakeholders constantly form alliances and agreements. Therefore, it would seem that from a MLGa's perspective trust and distrust play a more active role in policymaking. Finally, where effective MLG appears to rely on the efficient delegation of policy and the vertical accountability between policy levels, MLGa's demonstrates that stakeholders can use mechanisms such as 'risk avoidance' and 'blame shifting' in order to avoid accountability, therefore decreasing the effectiveness of MLG policy implementation.

To summarize, there appear to be significant differences in the role of power, accountability and trust between MLG and MLGa's. By focusing on the role that each concept has played within the regional implementation of the WFD, these differences can be highlighted. These differences can then be used during the analysis in order to determine whether the workings of power, trust and accountability indicate the occurrence of MLGa's and its influence on the effectiveness of MLG.

Therefore, the main research question investigated in this research is:

What are the roles of power, trust and accountability in MLG and how do they influence the possible occurrence of MLGa's?

In order to provide an answer to this question, the following sub-questions have been formulated:

▪ What is the role of power on both within and between the national and the regional scale, and do stakeholders purposefully shift between policy levels in order to achieve advantages in power?

▪ What is the role of trust in stakeholder interactions throughout the WFD process?

▪ What is the role of accountability, and how does accountability influence stakeholder behaviour?

3 Methodology

In the previous section a description has been given of the concepts that will be used for this thesis. In this section a description will be given on how each concept will be investigated within the WFD. First the design of the research will be presented, describing why the choice was made to undertake a single-case study, and how this case was selected. In the following section a description will be given of how the data for this study was collected, describing what type of documents were investigated for the literature review and how the interviews took place. In the final section of this chapter a description will be given on how the data was analysed, describing the steps taken in order to extract useful results from the collected data.

3.1 RESEARCH DESIGN

For this research, the choice was made to undertake a single-case study. Due to the impact that the WFD already has had within Dutch water policy already an extensive amount of documentation and evaluations exists on the topic. For this reason the choice was made to first undergo a literature review of these documents in order to become acquainted with the events that occurred within the WFD up until now. Apart from a literature review on the implementation of the WFD, scientific literature on MLG and MLGa's was read as well in order to identify potential research questions and concepts that might prove worthwhile for further study. From the findings of this review the choice was made to focus on the concepts of power, trust and accountability on the WFD implementation process. Due to the context-dependant and interpretive nature of these concepts the choice was made to undertake a qualitative single case study since it allows for an in-depth and context related approach (Verschuren 2003; Flyvbjerg 2006). In his article, Verschuren (2006) defines a single-case study as the exploration of a 'single phenomenon bounded by space and time' (Verschuren, 2006 pp. 122). In current literature, several objections are made towards a qualitative single-case study. Objections most frequently mentioned are the low generalizability of such a study and the direct involvement of the researcher which might result in a bias (Verschuren 2003; Flyvbjerg 2006). However, in his article Flyvbjerg (2006) undermines these objections by stating that in regard to the bias of the researcher the opposite is more likely to be true. He states that most researchers who have been involved in in-depth case-studies have had to revise their initial views and ideas based on the information that was gathered, rather than that their prior knowledge influenced the results of their research. He therefore states that single-case studies are more often based on falsification than on verification. In other words, single-case studies more often serve the purpose of challenging the ideas of a researcher rather than confirming them.

Taking the argument of falsification further, Flyvjerg (2006) also states that a single-case study can indeed be generalized based on falsification. He mentions that an in-depth study provides the perfect opportunity to identify examples where a statement or theory can be proven false, therefore allowing for generalization by use of that example. Since part of the goal of this thesis is to demonstrate that MLG might not be as efficient as assumed due to the occurrence of MLGa's, a methodology based on falsification seems highly applicable. But why the choice for a qualitative approach towards a single-case study? As mentioned earlier in this section, a single-case study consists of the investigation of a single occurrence within a set space and time. Investigating such an occurrence would allow for an holistic approach in which all interactions can be taken into account in order to create a complete picture of occurred events.

A single-case study therefore lends itself perfectly in order to identify the workings of power, trust and accountability within the WFD. Furthermore, since the WFD is such a large scale procedure, focusing on a smaller entity such as a water board makes it more easy to apply an holistic approach. Furthermore, coming back to Flyvbjerg's (2006) statement that a single-case study can be generalized through the use of an example, focusing on a single case of regional implementation of the WFD might help to provide an example of how MLGa's can influence the effectiveness of MLG. The main goal of using a single-case study therefore is to provide an example that can provide new insights into the potential influence of MLGa's on MLG. Stake (2000) describes such an approach as an instrumental case study in which the study is used to facilitate a deeper understanding of the general topic at hand.

To summarize, this research mainly consists out of a single-case study. The use of a single-case study was chosen as it allows for an in-depth and context related analysis that might help to find an example of the impact that MLGa's might have in the workings of MLG.

Case Selection
As can be derived from the section above, the main role of a case study is to provide an example of the impact of MLGa's on the effectiveness of MLG. One important aspect of undertaking such a study is the selection of a case that is likely to provide such an example. Flyvbjerg (20006) describes several strategies for the selection of a case ranging from the random selection of a case towards the selection of a case based on information gathered prior to the case study. Due to the reliance of this research on the identification of the workings of power, trust and accountability the latter type of case selection was chosen. The required initial information was gathered using the method of 'helicopter sampling' (Hajer 2005) in which three initial interviewees are chosen due to their overview of the field, in this case the WFD. These interviewees were selected based on information gathered during the literature review and consisted out of a national coordinator of the WFD and a representative of the national Union of Waterboards (UvW). The third helicopter interview was with a representative of 'milieufederatie Noord-Holland' (environmental federation Noord-Holland) which is a regional organisation. However, previous interviewees described this representative as having significant knowledge of the national implementation of the WFD as well. These initial interviews mainly served the purpose of finding concrete examples of the workings of power, trust and accountability within regional implementation of the WFD and the identification of potential regional cases that might be used for the single-case study. During these initial interviews several potentially interesting water boards were mentioned for study from which 'waterschap de Dommel' (WSD) was chosen for the single-case study. The main reasons for the selection of the WSD consisted out of the high amount of interactions between government and involved stakeholders, the high amount of ecological area's within the WSD and the high accessibility towards officials through existing personal connections within the WSD.

Description of the Study Area

The WSD is a water board located in a southern province of the Netherlands named Noord-Brabant. As can be seen in image 1, the Dommel is situated along the border with Belgium. The WSD mostly follows the flow of 'de Dommel' which combines with 'de Aa' to form 'de Dieze' near the city of Den Bosch. The area of the WSD encompasses large areas of agriculture, but it also contains large ecological zones such as large heathlands and forests. Furthermore the WSD encompasses major Dutch cities such as Tilburg and Eindhoven. Environmental organisations active in the area are the 'Brabantse Milieufederatie' (BMF), 'Brabants Landschap (BL), 'Staatsbosbeheer' (SBB) and 'natuurmonumenten' (NM). Agricultural interests are mainly represented by the southern agricultural and horticultural organization (ZLTO). All in all, the WSD provides an interesting area for a single-cases study as it contains a relative balance between both agricultural and environmental interests. The organisation of the WSD consists out of a general board and a daily board. The general board is selected every four years and consists out of representatives of several interest parties active in the area. From the general board a daily board is elected which consists out of one 'watergraaf' (water count) and four other members. In addition the common board and the daily board are advised by several committees (www.dommel.nl).
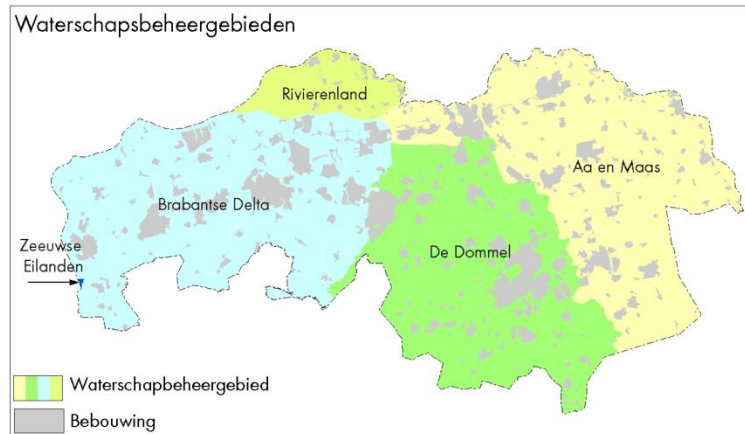
3.2 DATA COLLECTION

Data for this research was gathered through a literature review and in-depth interviews. For the literature review data was mostly gathered from existing literature on the implementation of the WFD and from existing evaluations on the Dutch implementation of the WFD. Documents were found using scientific databases such as scopus and google scholar. The used evaluations were taken from official government websites such as www.helpdeskwater.nl and www.kaderrichtlijnwater.nl. In addition some initial literature was provided by the thesis supervisors in order to gain a first view on the WFD. As already briefly mentioned in the previous section, the main goal of the literature review was to gain an initial understanding of the implementation process of the WFD within the Netherlands until present. Furthermore, the evaluations on the WFD were used to identify potential topics of interest and the initial interviewees for the first in-depth 'helicopter interviews'.

Following the 'helicopter interviews' interviewees were selected using the method of 'snowball sampling' (Noy 2008). Noy (2008) describes 'snowball sampling' as a procedure where a researcher identifies interviewees based on information gathered from prior interviewees. In terms of this research, the initial interviewees consisted out of the 'helicopter interviews' and using information gathered during those interviewees new interviewees were identified. The main motivation behind the choice for 'snowball sampling' was the high amount of complexity and stakeholders involved in the WFD.

Through the use of 'snowball sampling' new potential interviewees were identified based on the knowledge of other interviewees who were highly involved in the WFD process therefore decreasing the risk of approaching the wrong persons. However, it is here that the risk of 'snowball sampling' lies as well, since the selection of interviews to a large extent relies on the knowledge and ideas of prior interviewees. Potentially making 'snowball sampling' sensitive to bias. During this research it was attempted to prevent this through selection of interviewees with different interests and positions within WFD. Future interviews were than selected through comparison of the different views of prior interviewees.

All in all, a total of 11 interviews were undertaken amongst representatives of different levels of government, several environmental organisations, a representative of the ZLTO and an interview with an official who was directly involved in spatial processes within the WSD. The interviews were conducted in a semi-structured manner in which topics of conversation and some questions were identified beforehand whilst the course of the interview was free to vary as the interview progressed (Fylan 2005). Preparation for the interviews was done through the identification of topics of interest based on the literature review and information gathered in previous interviews. During the initial interviews said topics were purposefully kept quite broad in order to gain a first explorative view of the case-study. As the study progressed and more information was gathered it allowed for more in-depth and detailed questions. Based on these topics 3-5 open questions were prepared prior to each interview to help steer the conversations towards the desired results. A semi-structured method of interviewing was chosen as it allowed for the steering of conversations whilst maintaining an amount of freedom for further exploration if interesting new topics would be mentioned during interviews allowing for the qualitative in-depth manner of data collection required for a single-case study. The average length of each interview was approximately one hour, however no specific timespan was chosen beforehand for the interviews.

Each interview was fully transcribed in a word processor using a transcription tool named 'express scribe' allowing for detailed analysis and interpretation of the interviews.

3.3   DATA ANALYSIS

As mentioned above, each conducted interview was fully transcribed to allow for detailed analysis of the data. Each interview was then carefully analysed through coding (Ryan and Bernard 2005). This was done by first browsing the transcripts in order to identify quotes to use as units of analysis that might have been relevant for this research. The gathered quotes were than grouped based on interesting themes and their relevance in regard to the concepts of power, trust and accountability as well as their direct relevance towards MLG and MLGa's. After coding, quotes were compared using constant comparative analysis (Boeije 2002) in which quotes were compered per concept in order to identify similarities or differences between quotes and interviews. This method of comparison helped to analyse the meanings and visions of the interviews behind the quotes and therefore helped to place the workings of each quote within the broader context of the case-study. Following the comparative analysis quotes were placed in groups relevant to the themes mentioned in the theoretical framework and the research questions of this thesis. In the final stage of analysis each group of quotes was interpreted in regard to how they might demonstrate the role that the concepts of power, trust and accountability might have played during the implementation of the WFD within the WSD.

4

'Waterschap de Dommel': A regional approach towards the WFD

So exactly what role might concepts such as power, trust and accountability have played within the implementation of the WFD on a regional scale? And how might each concept have contributed to the occurrence of MLGa's which in turn might have influenced the effectiveness of MLG? In this chapter, the results of the analysis of the interviews will be presented by focusing on how each concept might have influenced stakeholder behaviour during the implementation of the WFD. Afterwards the role that each concept has played within the WSD will be presented.

4.1 POWER

From the initial 'helicopter interviews' it became clear that power played an important role during the formulation of the WFD on the national level. On this scale it seems that both the agricultural sector and the government were the most powerful actors, able to harness both their institutional and dispositional power in order to influence the outcomes of the WFD in their favour. This was made apparent by the ability of both parties to decrease the level of ecological ambition of the WFD during its formulation.

However, during those initial interviews it also became apparent that within the WSD power relations amongst stakeholders are likely to be more balanced as different interests appear to be more equally represented. In this section first a description will be given how each stakeholder interacted in terms of power within the WSD through the use of the conceptual definitions of power described in the theoretical framework.

4.1.1 STAKEHOLDERS AND POWER

In the theoretical framework it has been described that for this research power will not only be described in terms of the ability of stakeholders to influence an on-going policy process through available resources, but also on how stakeholders might be able to achieve outcomes through interactions with other stakeholders. However, in order to analyse exactly how each type of power might have helped stakeholders to influence the WFD process, first a description will be given of what types of power appear to have been used by each stakeholder in order to attempt to influence the WFD process.

The Water Board (WSD)

Within the Dommel area, the bulk of the responsibilities of the implementation of the WFD lie with the water board itself. However, due to a lack of spatial instruments the water board is quite dependant on land owners and municipalities, resulting in a potential shift in the power balance. As is made apparent by the following statement taken from an interview with a representative of a municipality:

> "The water board realises that they cannot function without municipalities. On the other hand, the water board has the advantage that they only concern themselves with water. And a municipality has about 40 policy fields amongst which they have to divide budget. And water boards are able to raise the pressure in the interest of water, and they do that. Both towards the municipalities as towards the provinces." (8)

Two examples of the workings of power in the WSD can be derived from abovementioned quote. In terms of distributive power, land-owners and municipalities appear to have become more powerful on the regional scale since they possess the lands on which the water board is largely dependent for the implementation of the WFD, providing those parties with valuable 'bargaining chips' during negotiations. On the other hand, the quote above also describes how the water boards have the advantage of being 'specialized' in water policy. Giving them an advantage of knowledge, expertise and manpower when it comes to water management.

On the other hand, the municipalities are institutionally independent from the water boards, since the water boards do not have direct authority over decisions that are made on the municipal level. However, according to the WFD, the water boards have to take a leading role during the implementation of the RBMP's. It would therefore seem that there is an institutional gap between the water boards and the municipalities. Since according to the WFD the water boards should be able to steer the municipalities, whilst in practice the municipalities are for a large part institutionally independent from the water boards. So how exactly does the WSD operate in terms of power? It seems that the water board manages to maintain the power balance through its specialization in water and therefore their access to information and expertise. Allowing it to take a dominant role in the development of policy measures in regard to the WFD. For example, one quote taken from an interview with a representative of the WSD describes how the water board suggested to take full responsibility over both their own responsibilities as well as the responsibilities of the municipalities. Therefore demonstrating how the WSD has strategically played into the fact that overall water quality is not very high on the municipalities' agenda by offering to lower the burden of those municipalities:

> "When we arrive somewhere and say that we see opportunities and are willing to put a lot of effort in purchase of lands and to formulate the plans. And basically we offer the municipalities that we will pull the entire process. Planning, development, and they can benefit from that. (...) Basically we pull the entire process and arrange it's execution as well, the costs will be arranged later on. And often with smaller municipalities you see that we have the expertise that they often do not possess." (5)

What is made apparent by this quote is that although the water boards lacked the actual spatial tools to implement the WFD, they were able to use their expertise and knowledge to secure involvement with the municipalities. It would therefore seem that the water board on one hand uses its institutional power to ascertain a leading role during the implementation process, but when their institutional dominance is contested they appear to apply their advantage in regard to knowledge and expertise in order to influence the policy process by offering to take over those aspects of the process as well.

Municipalities

As is already briefly touched upon in the section above, the municipalities are an important stakeholder in the regional implementation of the WFD as the water board is dependent on them regarding the purchase of lands and other spatial measures of the WFD. Or to repeat a sentence from an earlier used quote : *"A water board cannot function without a municipality"(8).* Although this quote comes from an employee of a municipality and might therefore be biased this perception was shared by a representative of the UvW:

> "We as water boards are very dependent on third parties to execute those measures. And that has to do with the fact that the water boards do not have any instruments in the spatial domain. The water boards have no authority over that domain, that is the responsibility of municipalities and the provinces. " (3)

Apart from the dispositional power of possessing the lands required for the implementation of the WFD, the municipalities also seem to possess institutional power as whilst the municipalities are obliged to implement the WFD measures, the WSD has no direct authority over the municipalities. Or as described in an interview with a representative of the municipalities:

> "In the end, municipalities are autonomous, so if the city council or the board does not make a decision we do not have to do anything, nobody can force us." (8)

As a result, the municipalities on some occasions have been able to enforce negotiations with both the provinces and the water boards in regard to issues with which they disagree, as well as to occasionally influence policy formulation:

> " In such a case, you are stuck on a formal level (ambtelijk??). The municipality has one standpoint, and the province or national government has another. In such a case the alderman often meets with a board member of the water board and on such an occasion such issues are discussed. And then such standpoints often become more clear, but eventually a decision of the municipality is needed before a municipality will execute such a measure." (8)

What must not be forgotten when investigating the municipalities is that each municipality has a different city council in which relative interests are balanced differently creating a dynamic power landscape. For instance, a municipality located in an agricultural area is likely to hold agricultural interests in higher esteem than a municipality that is situated in a natural area. According to a representative of 'Staatsbosbeheer' (State Forestry Service, SBB) these differences in city councils can have quite an influence on spatial processes:

> "Especially when dealing with agricultural municipalities, it is becoming increasingly dominant that people there are saying: 'You can put those lands up for rent and make cornfields out of them, that creates the highest revenue. The farmers can continue their work, so why make a fuss out of it?' But here [more natural area] there are a number of situations that are much more favourable." (9)

All in all it would therefore seem that the municipalities possess both distributive power in the form of the lands they possess, as well as institutional power due to their independence in regard to policy implementation. In this regard, it would seem that the municipalities mostly apply a combination of their institutional independence with the distributive power that they possess due to the availability of spatial tools.

When looked at from a purely institutional perspective, one might state that the water boards and provinces have institutional authority over the municipalities. However, due to a combination of the municipalities' institutional independence and the dependence of the water boards in regard to spatial tools, the municipalities were able to have a significant influence in the WFD process. Furthermore, municipalities appear to provide an interesting dynamic to the implementation of the WFD, since each separate municipality consists of a different board with different power balances and interests in regard to the WFD providing difficulties with the implementation of RBMP's that are designed for a larger policy scale.

The agricultural sector

Another player that is present in the WFD is the Southern Horiculture and Agricutural Organisation (ZLTO), a southern department of the national LTO. In the past the agricultural sector has always been perceived as very important to the Dutch economy and was therefore encountered little problems in regard to spatial planning. However, as perceived by a representative of the ZLTO, this appears to be less the case in present days:

> "In the past agriculture used to be a given in the Netherlands and we stuck to that idea for too long in my opinion. The environment had to accept that agriculture was there, and I think that now we have entered a phase in which we have to earn that position." (4)

Nevertheless, environmental organisations still perceive the agricultural sector as a powerful player in the WFD process: For example, according to a representative of the BMF agricultural interests often appear to get the majority vote during negotiations:

> "The farmers really want to proceed [with drainage], and then it becomes apparent that the majority agrees that that should be possible. And then I think that the agricultural interests are still a lot bigger than the environmental interests." (6)

This perspective is shared by the 'Brabants Landschap (BL), as can be seen in the next statement where it is mentioned that the agricultural sector has a lot of influence with the officials of the water boards:

> " the agricultural sector is a party who knows that they can count on support of the boards" (7)

It would therefore seem that on the regional level the agricultural sector still has quite a significant influence on the WFD process, mostly through their influence in the water boards. So through what forms of power is the ZLTO able to influence the WFD process? It is commonly known that the agricultural lobby plays quite an important role in Dutch politics. The ZLTO therefore appears to possess quite a substantial amount of relational power.

Furthermore, the ZLTO is quite a large organisation providing them with a large amount of distributive power in terms of available manpower and budget which makes it easier for them to keep track of the WFD. As a result, the ZLTO has an advantage over the generally smaller environmental organisations. However, during several interviews it also became apparent that the agricultural sector has come to realize that they can no longer simply dominate the policy process and have to take into account environmental interests as well, as described below by an employee of the ZLTO:

> "You know very well that agriculture is becoming more of a minority in the Netherlands, and if you realize that a lot of societal demands hold the environment in high regard, then as agricultural sector you will have to play into that." (4)

This mostly appears to have occurred due to an increase in environmental awareness and the influence of the public community. Although this realization is by no means specific to the regional level and is likely to also occur on higher policy scales, assumptions can be made regarding an increase in the influence of the environmental organisations on the regional policy scale since they appear to possess more relational power on the regional scale. This, in combination with a shift in public opinion might have had an influence on the current approach used by the agricultural sector during the regional implementation of the WFD in which they take into account environmental interests as well. It would seem that the ZLTO realized that they can no longer fully dominate the policy process. As a result they chose to take a cooperative stance in regard to measures that have a relatively low impact on agriculture such as the realization of buffer zones. On the other hand, in several interviews it became apparent that the ZLTO does make a strong case against the more strict measures in regard to nitrates and phosphates, as was mentioned by a representative of the BL:

> "The agricultural sector overall is quite sympathetic in regard to meanderings and ecological corridors. In that they are quite all right. However, once you begin to connect that with nitrates and phosphates than you concern yourself with fertilization. Then it becomes a difficult issue."(7)

It would therefore seem that when dealing with governmental organizations the agricultural sector mostly has to rely on their relational power through intensive lobbying. Taking in regard societal opinions as well. The ZLTO appears to strategically choose which issues are negotiable and which are not based on the likelihood of success and the importance of that topic in regard to their own agenda. All though the ZLTO mostly appears to operate through relational power in dealing with the environmental sector, it would seem that the ZLTO possesses a significant distributive advantage due to their larger availability of manpower and budget.

The environmental sector

So exactly where do the environmental organisations fit into this picture of power? During the initial helicopter interviews, it became apparent that on the national scale the nature organisations appeared to be able to exercise less power due to lack of resources and manpower. However, on the regional scale it appears that the environmental organisations are more able to harness their relational power through contacts with officials on different levels of governance. This allows them to apply both transitive power in which power struggles are apparent, and intransitive power were they attempt to achieve common goals through the joint exercise of power. So exactly how does this relational power amongst nature organisations manifest itself? In the interviews, it became apparent that the choice of environmental organisations to exercise their power and the manner through which they exercise it is mostly dependant on the occurrence of specific issues. As is already made apparent, environmental organisations lack the distributive power to actively be on top of all the developments occurring in the WFD. They therefore are actively cooperating and strategically choosing on which issue to focus their attentions and which organisation will take the lead, as can be seen in the following statement taken from an interview with a representative of BL:

> "[The BMF] is broader in that regard, and we try to cooperate as much as possible in that. So if it is an issue that solely concerns our natural area than we take the lead. And if the issue concerns an entire river-basin than they take the lead and we try to support them or to supply information." (7)

Through intensive cooperation and their networks the nature organisations therefore try to exercise power over the WFD implementation process. What might be interesting to mention in this regard is that the environmental organisations dependant on the topic choose whether to adapt a transitive or an intransitive approach. For example, when dealing with the purchase of new lands for the implementation of the WFD the environmental organisations appear to exercise intransitive relational power by joining forces with the WSD since such purchases are in the interests of both parties. An example of this is demonstrated in the next quote taken from the same interview with the BL:

> "[The WSD] has the ambition to create ecological corridors and to create meanderings in the brooks. That is exactly the same as what we want. Which makes them cooperative partners by nature. Through such cooperatives a process can be sped up and parties can help one another. That is our main objective, and they want a certain type of measures. (If we can help them in that, that is in our own benefit." (7)

The statement above gives a clear example of an environmental organisation actively cooperating with the WSD for their own benefits. However, as mentioned in the theoretical framework it does not provide a clear example of 'A having power over B'. It might therefore be worthwhile to investigate exactly how a cooperation of the WSD and nature organisations might influence the purchase of land from initially 'unwilling' parties. However, before an example will be provided of the environmental organisations exercising their relational power a description will be given of environmental organisations exercising transitive power.

In the next quote taken from an interview with the BMF an example is given of how they harness their relational power in order to achieve their goals opposite to the goals of other involved stakeholders:

> "We really specialised ourselves in contacts inside politics. So when we really have problems or observe things in society no matter how broad. Than we make sure that that lands at the provincial level so that political parties can ask questions in that regard, so that it is placed on the agenda. (...) and that works perfectly. (...) such issues than appear in the newspapers or on TV and that provides you with support"(6)

From this interview it would therefore appear that most environmental organisations specialize in the development of contacts and relations with both civil-servants as well as board members of organisations on multiple levels of the governance spectrum. Or as put in the same interview:

> " then we ask questions, and we try that through the board, and through the civil-servants. Whatever we've got. You ask contacts whether they really had a good look at it, that there is no other way or whether we can help." (6)

When asked exactly how the interviewee goes about working with such contacts the following was mentioned:

> "For myself personally, I mostly have contacts with civil-servants of the provinces in the water departments. I know a lot of those people. And then I just call them mentioning a problem and asking whether they can discuss it inside their department. Because something has to happen..." (6)

It would therefore seem that the environmental sector mostly exercises relational power through intensive lobbying, legal routes and the use of personal contacts.

4.1.2   POWER AND ITS ROLE IN THE WSD:

In the section above a description has been given on how the power relations amongst stakeholders have manifested themselves within the WFD. So exactly what role did each type of power play within the WSD? To conclude this section on power within the WSD, a brief description will be given of how each type of power might have played a role within the WSD.

Dispositional power

As described in the theoretical framework, dispositional power mostly involves the availability of resources such as funding, knowledge and staff. Results have demonstrated that within the WSD, dispositional power has mostly manifested itself in two ways, namely as a 'tangible' form of power such as manpower, funding or the ownership of lands or as a more 'lucid' form of dispositional power such as the availability of knowledge, information and expertise. So how did the workings of dispositional power influence the WFD process? It would seem that the high amount of complexity in both water quality management and the WFD have provided an advantage for the WSD, since they were the only stakeholder that was fully able to grasp the workings of the WFD. The WSD used this advantage in order to influence negotiations to their advantage by offering to distribute their knowledge to other parties such as the municipalities allowing the WSD to take a steering role throughout the process.

On the other hand, this advantage appears to have been necessary, as the WSD lacked the direct availability of spatial tools such as the availability of lands. Furthermore, several of the environmental organisations, the ZLTO and the municipalities in own lands themselves providing those parties with a certain form of dispositional power. All in all, it would seem that from a dispositional perspective the WSD was the most influential actor due to their significant advantage in regard to expertise and knowledge of WFD. This advantage provided the WSD with a central role throughout the process which allowed them to strategically choose how to interact with which stakeholder.

Institutional power

All though from a dispositional perspective ownership of land appears to have provided an advantage, when looked upon from an institutional perspective this advantage appears to have been lessened to some extent due to the enforcing nature of the WFD. It would therefore seem that the WFD has granted some forms of institutional power to the parties that are directly involved with the implementation of the WFD such as the WSD and the municipalities. However, it is exactly in relationship to these two stakeholders that the institutional power relationships become interesting. As is mentioned in the examples above, the municipalities are partly accountable towards the WSD in regard to the implementation of WFD measures. However, the municipalities are institutionally independent from the WSD since they are allowed to autonomously make decisions in regard to the implementation of those measures. This gives the municipalities an institutional advantage during negotiations, since they can harness their institutional independence as leverage in order to demand changes or clarifications. It therefore seems that institutional power to a large extent appears to be connected to the concept of 'vertical accountability'. Through the framework of the WFD, the WSD is partly able to hold the municipalities accountable for their implementation measures of the WFD. However, due to their institutional independence the municipalities in turn were partly able to avoid this accountability by stating that they were unwilling to implement too complex or vague measures unless they would be clarified by the water board. It would therefore seem that in regard to institutional power, the municipality was able to negate part of the WSD's dispositional power through their institutional autonomy.

Relational power

Finally, the role of relational power mostly seems to have been applied by the environmental NGO's and the ZLTO through the form of lobbying and contacts amongst the various governmental organisations. In this regard, the high amount of contact between persons involved in the WFD process appears to have resulted in an increase for the applicability of relational power on a regional scale. Mostly for the environmental organisations relational power appears to have been their main tool to influence the WFD process. Since the environmental organisations lack the dispositional advantage of a lot of manpower, they mostly seem to rely on contacts and other organisations in order to stay informed on the developments within the WFD. When they then identify an issue, they harness their contacts amongst governments and other organisations in order to influence the process in such a manner. All though both parties to a large extent rely on their relations in order to influence the WFD process, it is important to note that both parties mentioned that these interactions are largely based on mutual trust. Both environmental organisations and the ZLTO mentioned that they value the possibilities of mutual interactions and try not to break that trust. There therefore appears to be a link between relational power and relational trust, which will mentioned further on in this thesis.

Power and Multi-Level Governance

The critical reader would be likely to note that one does not simply make a clear distinction between the three forms of power. This indeed is true, each stakeholder has shown to have used each type of power in different situations, and often a disadvantage in one type of power is turned into an advantage through the use of another type. It would seem that power plays a dynamic role within the WFD in which involved stakeholders continuously shift between the type of power they employ in order to reach desired outcomes.

One example of this is the municipalities who strategically combine their dispositional advantage in regard to knowledge and expertise with their institutional independence in order to influence the WSD. So how do abovementioned findings in regard to power relate to the workings of MLG and the potential occurrence of MLGa's? As mentioned in the introduction, MLG to a large extent depends on the efficient vertical distribution of power in order to achieve efficient policy implementation. Results have demonstrated that within the regional implementation of the WFD this is not entirely the case. First of all, all though a vertical hierarchy of institutional power seems to be in place, in practice it does not appear to be fully top-down since results have demonstrated that for example the municipalities are institutionally independent from the water board, undermining the top-down workings that go hand in hand with MLG. Furthermore, results have shown that due to a lack of spatial tools the water board itself is more dependent on other stakeholders on the same policy level, providing a more horizontal nuance to the workings of power within the WSD.

To conclude, it would seem that instead of playing the role of vertical delegation and power distribution in order to provide effective policy implementation such as described in MLG, power relations within the WSD led towards a manner of horizontal interactions amongst stakeholders based on mutual dependence. It would therefore seem that the workings of power mentioned above demonstrate that the WFD indeed does not only operate in a top-down manner. Stakeholders have demonstrated to strategically apply different forms of power across multiple levels of governance both in a top-down and in a bottom-up manner. In this regard stakeholders appear to be well aware of the advantages they possess using different types of power. In addition, they seem to be able to apply their respective advantages throughout the process. Furthermore, the results described above demonstrate how the workings of power do not only influence the WFD vertically, but horizontally as well.

The fact that stakeholders strategically operate on multiple policy levels at once might be a first indicator towards the occurrence of MLGa's within the WFD. However, did the horizontal workings of power actually lead to MLGa's and therefore undermine the policy implementation process? Many of the stakeholders mentioned that they are pleased with the overall outcomes of the policy negotiations, and many were proud to mention that the WSD was one of the few water boards that were actually able to implement many of the plans formulated in the RBMP's. It would seem that the abovementioned results indicate that even though power was indeed exercised horizontally, it mostly led to more efficient policy making rather than towards negotiations failing due to stakeholders strategically enforcing their bargaining position. In other words, it would seem that even though the assumption of MLG working strictly vertically is indeed wrong MLGa's did not occur within the WSD as a result of the workings of power.

4.2   TRUST

As already mentioned in the theoretical framework of this thesis, the assumption is made that when looked at on the regional scale, trust might play an increasingly important role in multi-stakeholder interactions during the WFD process. However, before we delve deeper into the actual workings of trust inside the WSD, it might first be worthwhile to delve into how exactly trust is built between stakeholders. Therefore in the first part of this section an analysis will be made of exactly how trust has been built within the WSD by focusing on the development of CBT and IBT. In the second part of this thesis an analysis will be made of the role that trust has played during this process by focusing exactly in what and in who stakeholders place their trust.

4.2.1   THE DEVELOPMENT OF TRUST

As mentioned in the theoretical framework Lewicki (2000) distinguishes between two types of trust. Namely, calculus based trust (CBT) and identification based trust (IBT). In this section an analysis will be made of exactly how CBT and IBT is developed between stakeholders involved within the WSD.

CBT in the WSD

Lewicki (2000) states that CBT is mostly built through predictability. Implying that a trustworthy stakeholder behaves consistently, meets deadlines and performs tasks as promised. However, from the initial interviews it became apparent that many of the water boards declined the high level of ambition that was agreed upon during the initial negotiations, leading to the disappointment of the environmental stakeholders that were involved at the time. One might conclude that the initial phases of the WFD therefore were no solid grounds for the development of CBT. Especially from the perspective of the environmental sector, since both the government and the water boards did not meet the initial ecological expectations that were developed from the outset of the WFD. Since the water boards decided to include the more ambitious measures in their water management plans rather than in the RBMP's and thereby eluding accountability to the EU, the actual implementation of those measures becomes more of an issue of trust than one of formal agreements. Therefore the choice was made to investigate exactly this aspect of the WFD in order to map out what the role of trust might be in the regional implementation of the WFD.

What is interesting about the WSD, is that opposed to many other water boards, the WSD decided to actually include many of the required policy measures in the RBMP's rather than only in their water management plans. According to a representative of the BMF, this was percieved by environmental organisations as a testimony of ambition:

"Water board 'de Dommel" is the only one that did insert all the measures in the RBMP's. They fully included their water management plans in the RBMP's. We really complimented them on that. That testified really of ambition and that you really want to. So from that regard I did not experience much disappointment." (6)

This perspective was shared by the SBB, who mentioned that the WSD is positively distinct from many other water boards:

"If you look at how the WSD attempts to implement the WFD and uses the financial options that were available, than I feel that they are positively distinct from other water boards that I can tell." (9)

It would therefore seem that the choice of the WSD to include many policy measures in the RBMP's was interpreted as a gesture of goodwill and a demonstration of ambition from which the environmental organisations developed a sense of trust towards the WSD in regard to the implementation of the WFD. This is also made apparent in the following quote taken from an interview with SBB in which it is mentioned that the interviewee is confident that measures will be implemented by 2015:

"I am certain that a number of those measures will be completed by 2015. (...) so in that sense, I think that they are doing what they can in the current context to get things done." (9)

It would therefore seem that in the initial phases of the regional implementation of the WFD the WSD set the stage for the development of CBT by including their water management plans in the RBMP's. As a result the environmental organisations seem to perceive the WSD as a party that is doing what they can in regard to the WFD. Consequentially, the feeling of a common purpose arose amongst the environmental organisations and the WSD, setting the stage for the development of IBT. According to the interviewee from the BL one of the main reasons behind this might have been an overlap in interests in regard to water related projects:

"All the projects in which water and nature meet, in those you can really tell that we are working as partners. In that we really have the same goal. (...) That's how you work together. Of course everybody has his own interests, but in such projects those overlap for a significant part." (7)

The role of the WSD in the setting of clear agreements and efforts to fulfil those promises therefore resulted in the development of CBT between the environmental organisations and the WSD. Also in regard to the municipalities, the WSD created foundations for CBT by actively including them in their water management plans. According to the representative of the municipality this really contributed to the development of a thorough water management plan:

"The WSD has never had such a thorough water management plan because they really included the municipalities in the water programs." (8)

As can be seen in the quote above, by including the municipalities within the water management plans, the municipalities perceived those plans as being thorough and inclusive of their respective needs.

IBT in the WSD

In regard to IBT, (Lewicki 2000) describes that IBT is often developed through the sensation of belonging to a common group, common interests, common goals and objectives, similar reactions to situations and situations in which parties stand for the same values and principles. *"We are likely to build IBT only with others who we feel legitimately share our goals, interests, perceptions, and values, and if we meet under circumstances that facilitate our learning of that similarity."* (Lewicki, 2000: pp. 106)

As already mentioned above, the WSD and the environmental organisations already appear to have developed a feeling of a shared goal and purpose, covering the first part of the statement above and therefore setting the first step towards IBT. But does this sense of a shared goal and purpose also apply to other parties such as the municipalities and the ZLTO? It would seem that for the municipalities this also is the case, as that interviewee mentioned the following:

> "during this process, what really connects municipalities and the water board? The water body. [The municipalities] somehow discharge this or that in that water body. At least we are all situated within the river basin of such a water body, and that connects us. And we all have to make sure that such a water body becomes clean and ecological. So in that the river basin approach has been very important." (8)

So exactly how did IBT manifest in the WSD? (Lewicki 2000) mentions that IBT mostly exists out of stakeholders allowing other parties to serve as their agents in negotiations. In the case of the environmental organisations this certainly seems to be the case, as they have proven to represent each other in negotiations on several occasions. As can be seen in the following quote in which the representative of the BL explains how several environmental organisations jointly defend their interests:

> "[The BMF] is broader in that regard, and we try to cooperate as much as possible in that. So if it is an issue that solely concerns our natural area than we take the lead. And if the issue concerns an entire river-basin than they take the lead and we try to support them or to supply information." (7)

One of the main reasons behind these cooperation's seem to be a feeling of a shared goal in regard to environmental interests as well as a distribution of tasks. It would seem that organisations such as the BMF mostly pay attention to the broader topics whilst land owners such as the SBB and BL take the lead in topics that are specifically concerned with their holdings.

The second part of the statement by Lewicki (2000) mentioned in this section relates to the opportunity for stakeholders to meet frequently. As a result they are able to learn about the similarity in each other's goals and objectives. When assuming that such opportunities present themselves more easily on a regional scale than on a national scale one might suggest that in this regard it might be easier for involved parties to develop IBT on a smaller policy level. What is interesting within the Dommel area is that prior to the WFD there already had been a spatial policy process named 'de reconstructie' (in english: reconstruction, for additional information see: www.brabant.nl) in which heavy negotiations already took place in regard to spatial planning. According to the representative of the WSD this contributed to the effectiveness of the negotiations since all parties already knew one another:

> "What plays a role is that we have a lead on the rest of the Netherlands, because we in Brabant had the 'reconstructie'. That was before the WFD and that were very intensive spatial processes as well. (...) and that is a process that already happened quite intensively. All those parties, we already went through that. And that was implemented and all those relations were maintained. So you basically have a big lead because all parties already know each other. " (5)

From the interview it became apparent that previous experiences with 'green' water management resulted in a shared language amongst involved parties giving the WSD a lead in regard to other water boards:

> "The WSD has had a green approach towards water management for a longer time than the other water boards in Brabant. (...) Such problems in the WSD, they already played a part for 20 years, whilst in Aa and Maas (another water board) such problems have only played a role since the WFD. -I: So the negotiations went better, because there already was some history in that regard?- A: Yes, we already spoke that language, we more spoke the same language I should say." (9)

Both views were shared by the representative of the province as well:

> "what you see in Brabant is that relations are quite alright. There are no really emotional.. that you think that people hate each other or something like that. And such a 'reconstructie' has contributed to that I think. That also was a very intensive process. (...) so yes, but it helps if you go through such a process because you often meet each other, and you have to come up with a solution." (11)

It would therefore seem that prior experiences in negotiations have helped parties to build a shared understanding of each other's goals and purposes through an intensive spatial process prior to the WFD which resulted in the development of IBT.

In the WFD process within the Dommel it would therefore seem that both CBT and IBT have played a role between involved stakeholders. CBT due to a shared sensation that parties involved are doing what they can to implement the measures of the WFD, and IBT due to a shared understanding of each other's goals and objectives and a history of prior negotiations that helped build that understanding. So exactly how does this trust manifest? In the section below an attempt will be made to describe the trust in the WSD in terms of 'trust in individuals', 'trust in institutions' and 'trust in institutional arrangements'.

4.2.2   TRUST AND ITS ROLE WITHIN THE WSD:

In the section above, a description has been given on how both CBT and IBT have been built within the Dommel area. However, a question that remains to be answered is in what types of entities involved stakeholders place their trust? In this section it will described in exactly what entities stakeholders within the Dommel have shown to place their trust and what effect that type of trust has had on the process.

Relational trust

In the theoretical framework, it is described how individual trust mostly seems to be based on the perceived intentions and competences of the other parties and the striving towards a common solution. So what effect might individual trust have had on the relations between stakeholders involved in the WFD process? In the previous section it is already shown that in regard to the ecological quality of water, the WSD and the environmental organisations as groups feel they largely share the same goals and intentions. However, an interesting finding in the interviews that has not been mentioned in this thesis so far, is the mutual trust that seems to occur amongst civil-servants and societal actors. In many interviews it became apparent that many civil-servants and societal actors tend to trust each other and therefore willingly share information in regard to the WFD.

This does not only occur amongst likely partnerships such as the water board and environmental organisations, but also between environmental organisations and the ZLTO. One possible explanation behind this might be that they all perceive each other as the ones that have to deal with the guidelines of the WFD, both for the good and for the bad. According to the representative of the BMF there is an open manner of interactions between civil servants and societal actors:

> "There are some employees focusing on water at the ZLTO, and on the official level I can really connect. They are really nice people. And when we discuss things we really agree, but then the interests become involved. (...) But those people, they are really open in that. And I hope to keep it that way. I hope never to break that trust, they say those things in confidence. I mean, if you know each other for so many years then it is just nice to be able to discuss such things." (6)

Another statement taken from the same interview describes how some interests are shared by many involved stakeholders:

> "In principle they all agree that the water should become cleaner, they all have plans in that regard. The agricultural sector, as well as the industry and the environment. Everyone. So that interests is carried broadly." (6)

This idea was shared by the representative of BL, however he mentioned that when dealing with sensitive issues such as nitrates and phosphates communication can become more difficult:

> "The agricultural sector overall is quite sympathetic in regard to meanderings and ecological connection zones (EVZ's). In that they are quite all right. However, once you begin to connect that with nitrates and phosphates than you concern yourself with fertilization. Then it becomes a difficult issue."(7)

On the other hand, a member from the ZLTO mentioned that although interests sometimes tend to collide there appears to be a sense of understanding between involved parties:

> "Me and [a member of an environmental party of a water board] often collide. Because, well nature and agriculture that does not exactly fit. On the other hand, I feel that we are not that much apart. From my point of view it comes down to a realistic approach and knowing what you are doing."(4)

Based on these quotes, it might therefore be assumed that at least on the official level amongst civil-servants and societal actors there appears to be a shared understanding amongst individuals of each other's goals and intentions as well as a shared feeling of jointly 'having to come up with a solution' to the WFD.

Institutional trust

As mentioned in the theoretical framework, trust can be placed both in institutions as well as in institutional arrangements. In this section first a description will be given of how trust is placed in institutional arrangements after which a description will be given on how trust is placed in institutions themselves. Trust in institutional arrangements can be divided into two categories, namely trust in collectives and trust in contracts or covenants. As already mentioned earlier in this thesis both appear to apply to the WFD since it includes collectives such as the Environmental Federations and the ZLTO and contracts such as the WFD in itself or the water management plans. In this section both trust in collectives and trust in contracts will be examined using the undertaken interviews.

Trust in collectives

In the WFD two main collectives can be recognized. Namely the ZLTO and the environmental organisations. (Eshuis 2006) mentions that trust in such collectives is often based on their goals and objectives and their ability to achieve desired results. This concept therefore appears to be linked to the concept of power mentioned earlier in this thesis. As was already mentioned, the environmental organisations such as the BMF mostly choose to combine their ideas into a single collective in order to gain more power and influence in the WFD implementation process:

> "If ecological parties come with different interests, then you get swept away. Then it is better to say ok, we will make concessions on the manner in which we all will operate. Then it is more likely that you will be taken into account " (6)

For this reason, it seems that the environmental organisations trust each other and are therefore willing to compromise their own interests for the benefit for the greater collective. As mentioned in (Eshuis 2006), trust in a collective can come forth from their ability to bundle and focus individual ideas, which seems to be the case in this particular situation. The other collective that is involved in the WFD is the ZLTO. As mentioned earlier, the ZLTO is an organisation that represents the interests of the agricultural and horticultural sector.

It's main goal is to bundle the interests of their members consisting of individual farmers and horticulturists and to represent them in both the national and the regional policy arena. In this, they appear to be quite similar to the environmental collective. However, there are some differences. Especially in regard to the WFD. For the environmental collective, it appears to be relatively easy to bundle the interests of the involved parties, as they all share the interest of a higher ecological quality in the water bodies. This appears not to be the case for the ZLTO, as they are forced to compromise and make concessions in regard to be able to influence the WFD process for the benefit of the collective, were as such concessions might very well be against the individual interests of some farmers:

> "If they come explaining that things should be done in a certain manner, than the farmers start protesting. And then they have to explain that they are doing it in everyone's best interests.-I: You mean the ZLTO towards the farmers? – A: yes, ZLTO towards the farmers. And then they also have a large portion of the farmers that is not part of the ZLTO and they just do what they want."(6)

It would therefore seem that the relation amongst a collective and their supporters might have an influence in the manner in which collectives undergo negotiations. Where the environmental groups can focus on the striving towards ecological quality, the ZLTO has to balance the interests of the collective with individual interests.

Trust in contracts

At this point, it has become clear that there are two main contracts involved in the implementation of the WFD within the Dommel area, namely the WFD itself with its RBMP's and the water management plans of the water boards. (Eshuis 2006) mentions different manners in which stakeholders can perceive contracts. They can view a contract as a tool to prevent opportunism, or as a union of trust. Following this line of thought he mentions that a contract that serves the purpose of preventing opportunism can lead to more distrust and is likely to consist out of many details which again can lead to an increase in distrust. As a result compliance with such a contract might be attributed to the contract itself rather than to the complying stakeholder. If one would place the RBMP's and the water management plans next to each other bearing in mind the earlier statements mentioned in this thesis, one might perceive the RBMP's as exactly such a contract. It consists of a lot of detail in which involved parties have to promise that they will fulfil its measures through it's 'result based approach'.

As is already touched upon earlier on, this has resulted in water-boards becoming hesitant in including measures in the RBMP's, which in turn resulted in distrust from the environmental sector regarding whether such measures would be undertaken at all. So where would a water management plan fit in the same line of thought? From interviews, it became clear that in the Dommel, the water management plan to a large extent included all the measures mentioned in the WFD. The WSD even went one step further and seems to have actually placed a lot of those measures in the actual RBMP itself. Since this initiative seems to have come from the WSD itself, (and certainly appears to be different from many other water boards) the perspective that stakeholders seem to have towards the contract appears to have changed. Rather than being a contract based on distrust, and being made to make sure that all involved parties implement all its measures, the contract more seems to have become a promise or a commitment from the WSD towards the environmental parties that they will do the best they can in order to meet its requirements. In this, the seemingly trusting relationships between the involved parties might play a role. Or as mentioned by Eshuis 2006: pp. 48}, "a contract based on trust is more a means to strengthen and to provide a foundation for an already good relation."

Trust in institutions
Another aspect of trust that might potentially play a role in the WSD is trust in institutions. (Eshuis 2006) describes trust in institutions as a form of trust based on their continuity. Implying that they will not just disappear and are able to maintain predictability and order. Eshuis provides a link between the role institutions play and the surroundings in which they operate describing that trust in institutions can be lost when an institution does not match its surroundings. It is mainly this focus on trust in institutions that can be potentially be of interest for this thesis, due to the choice of the Dutch government to implement the WFD into already existing policy structures, creating possibilities for institutional 'misfits' that potentially might result in the development of distrust.

One of the issues that was mentioned in the interviews, was the difficulties with the multi-level aspects of the WFD. As mentioned in the introduction, the idea behind the WFD was that it's plans would be implemented on multiple policy levels at the same time. However, since the plans on the national scale took so long, a 'misfit' occurred with the policies that were simultaneously being developed on the regional scale. For example, the representative of the ministry of IenM mentioned that many regional parties had to reformulate their plans due to national plans being completed too late:

> "Because a number of things were unclear, (...) a number of things were completed too late (...). As a result the regional parties already made their own plans which then wouldn't fit with the frameworks. Those had to be done all over again." (1)

In addition, the WSD appeared to struggle with the shared responsibilities of different governmental agencies, especially in regard to communication towards the public:

> "As member of a water board you are constantly balancing between the responsibility of the water board, that of the province, the municipality. But if you attend an informative meeting or you are speaking to a farmer... Then we are all government. (...) that means that you can make it difficult for one another is a party messes up in an area. That bothers everyone." (5)

One of the reasons behind this might be the perceived distance between the government and the public. In some cases this might even lead to opposition, as was mentioned in the interview with the BL:

> "Only the fact that some distant government with which you normally have nothing to do starts doing things that affect your personal situation, that results in opposition in some people." (7)

As can be seen from the statements above, there indeed have been some instances in which national or even regional policy did not entirely fit into local situations. Although the effects of this misfit on trust in the WSD was not really mentioned in the interviews, it can be deduced that the implementation of the WFD in the already existing political system has led to some overlap and incongruences in regard to the implementation of the WFD and it's RBMP's. What did become clear however, is that civil-servants on the lower policy scale were having difficulties synchronizing their policy plans with the plans on higher policy levels. Mostly due to shortcomings in timing. This might be interpreted as shortcomings in reliability from those upper levels which in turn might result in the development of institutional distrust.

However, in this regard once again the WSD appeared to be the odd one out. When interviewees were asked how the WSD was doing in regard to the implementation of the WFD and potential 'misfits' they mentioned that the WSD overall did a good job at attempting to synchronize the RBMP with their own water management plans. For example, it was mentioned by the representative of the municipalities that the WSD tried to integrate both their own water management plans as well as the RBMP:

> "The WSD made the choice to make a management plan that contained both the WFD as well as all the other water related tasks in the same policy plan. In which this plan had to encompass the same timeline as the RBMP, namely 2010-2015" (8)

As a result, it was easier to find the appropriate levels on which to implement WFD measures. Additionally, according to SBB this resulted in the WSD being able to force agreements with both the provinces and the municipalities since the WFD objectives are nationally enforced targets:

> "Because [the WSD] has everything in order, they are able to enforce their agreements with both province and the government. Because the government is still bound to the WFD-targets they are forced to act on the moment that you are not meeting demands on the local level." (9)

As a result, it seems that the WSD managed to slightly bridge the gap between different institutional levels, which in turn might have resulted in the building of more institutional trust from stakeholders in the WSD.

Trust and Multi-Level Governance
What might be concluded from the findings described above? It would seem that within the WSD there is a large amount of trust both in the relationships that exist between involved stakeholders as well as in the regional governmental institutions, whilst the directive itself appears to be met with distrust. One possible explanation behind this might be the high amount of interactions between all involved stakeholders. In many interviews it was mentioned that stakeholders were quite happy with the manner in which they interacted with each other. Furthermore, many interviewees mentioned that they would never do anything to compromise the trust that was built between these parties. One might therefore say that the relational trust that involved stakeholders have placed in each other to some extent served as a 'glue' that made sure that agreements were made and promises kept. In other words, relational trust seems to be the foundation for a type of 'horizontal accountability' in which parties are afraid to break promises out of fear of losing the trust they have gained in the past. On the other hand, many interviewees also mentioned the occurrence of many 'misfits' with the WFD and national policy in itself. Reasons behind this that were mentioned were the perceived distance between national and regional officials, and the high complexity of nationally formulated plans. As a result, many stakeholders appear to have developed a sense of distrust in the WFD.

However, since the WSD chose to attempt to bridge this gap by attempting to adapt their water management plans to match the RBMP's and to help the municipalities in the implementation of the WFD it would seem that the trust that was lost in the WFD was instead placed in the WSD. This can be related to accountability as well since it would seem that the misfits within the WFD might have led to uncertainties in regard to 'vertical accountability' within governmental organisations. The choice of the WSD to voluntarily take that accountability through their ambitious water management plans might very well have resulted in the high amount of trust other organisations have placed in them. This might relate to Eshuis' (2006) description on how contracts that are based on mistrust are likely to result in more distrust whilst contracts based on trust are likely to result in the development of even more trust. The WFD might be seen as a national or even international instrument that is used to assure that all involved stakeholders properly implement water quality measures, therefore a contract based on distrust.

On the other hand the choice of the WSD to adapt their plans and to involve themselves in the implementation of the WFD on the municipal level might be perceived as a 'contract' that is based on trust which might have resulted in the development of even more trust.

So what might the role of trust have been within the WSD and in relation to MLG? In the introduction it was mentioned that in MLG, institutional trust is often taken for granted. The results presented in this section have demonstrated that this is not the case and the opposite sooner appears to be true. Due to the high amount of complexity and the many policy levels involved, it appears that the implementation of the WFD has resulted in institutional mistrust due to policy 'misfits' and perceived relational distance between policy officials on the national scale and those on the regional or local scale. The formal and top-down nature of the WFD therefore has led to distrust from several stakeholders in the implementation process. However, as mentioned above, within the WSD, relational trust has played a far greater role within the implementation of the WFD than institutional trust. Through the development of horizontal relations between involved stakeholders, the WSD was able to forge agreements that allowed the water board to voluntarily choose to include many aspects of their water management plans in the RBMP's which in turn resulted in an increase in the amount institutional trust that the stakeholders placed in the water board.

It might therefore be concluded that the assumption in MLG that institutional trust can be taken for granted and automatically lead to effective policy implementation is false. On the contrary, when dealing with an as complicated policy framework such as the WFD, it is exactly the assumption that MLG automatically leads to effective implementation that has resulted in distrust in the policy process on the regional scale. The approach used by national government to leave the implementation and regional formulation of complicated water management schemes in the RBMP's in the hands of regional authorities is likely to have led to the perceived distance between national and regional officials. One of the main reasons behind this is that very few of the stakeholders involved were able to fully grasp the entire contents and contexts involved in the WFD giving them the perception that they were not fully able to become involved in the policy process. On the other hand, within the WSD, the water board chose to take an active role in the distribution of information regarding the WFD. This role in turn led to more active and open involvement by the involved stakeholders and the development of relational trust. When dealing with MLG, one therefore cannot just rely on the workings of vertical institutional trust. Instead, it is advisable to take into account the horizontal workings of relational trust as well when dealing with a multi-level implementation process.

Relating the role of trust to the potential occurrences of MLGa's within the Dommel area, it would seem that a high level of institutional distrust could be a good incentive for stakeholders to attempt to influence the policy process across multiple levels of governance through MLGa's. However, one interesting finding presented in this section is that within the Dommel involved parties appear to have replaced their mistrust in the institutional structure of the WFD with a more horizontal approach towards trust between the involved stakeholders themselves. One of the main incentives behind this appears to have been prior experiences in working together developed during the 'reconstructie'. As a result, it would seem that many involved parties in fact did not engage in MLGa's out of fear of breaking the trust that has been built between the many stakeholders that are involved.

4.3 ACCOUNTABILITY

Both in the section on power as in the section on trust some aspects of accountability have already been mentioned. This is to be expected as both the vertical distribution of power and the assumption that trust is inherent to MLG, are to a large extent dependent on the existence of 'vertical accountability'. Which is supposed to facilitate an efficient distribution of power and responsibilities within a MLG process. On the other hand, when dealing with 'horizontal accountability' it would seem that relational trust might play an important role as well. But exactly how has accountability manifested itself within the WSD? Did stakeholders indeed engage in risk avoidance and blame shifting and did this influence the effectiveness of MLG? In this section first a description will be given on the workings of accountability by focusing first on governmental accountability and afterwards on the accountability amongst NGO's and market organisations. In the final part of this section a conclusion will be given on the role that vertical and horizontal accountability have played within the implementation of the WFD and its effects on the workings of MLG.

4.3.1 THE WORKINGS OF ACCOUNTABILITY

As mentioned in the theoretical framework of this thesis, Goodin (2003) makes a distinction between three different sectors in regard to accountability; the state sector, the market sector and the non-profit sector. Within this section each sector will be described by first focusing on governmental accountability followed by a description of accountability within the non-profit and the market sector. The choice to combine the non-profit and market sector in one section is that even though it might be debated that the ZLTO represents economic interests, results have demonstrated that there are quite some similarities between environmental organisations and the ZLTO in regard to accountability. Therefore, the choice was made to emphasize the differences between accountability within the government on the one hand, and on the other hand accountability amongst environmental organisations and the ZLTO.

Governmental accountability in the WSD
As already was mentioned briefly in the first section of this chapter, one of the results of the 'result-based' approach is that the UvW chose to opt for a rather careful approach towards the development of the RBMP's:

> "If one would put all those measures into an RBMP towards Brussels making it 'result-based', then the water boards will say that they are only able to implement half of those measures, and the rest is not their fault but the fault of others. But we will take the fall for it." (3)

This might relate to (Papadopoulos 2010)'s description of 'risk avoidance' in which an excess of accountability might result in agents who are more concerned with being actually being held accountable rather than actual accountability. Furthermore, abovementioned quote might also be an example of 'blame shifting' in which stakeholders or agents attempt to shift accountability and responsibility towards others. An example of this might be that several interviewees pointed out that one of the main reasons of the slow implementation of the WFD lay with the municipalities. What might have contributed to the occurrence of 'blame shifting' was the potential uncertainty in regard to who was actually accountable and to whom? As mentioned by (Papadopoulos 2010) accountability is an important aspect of governance network sincie it allows for an efficient vertical distribution of power and responsabitlities. The WFD and its integrative nature in which cooperation between different levels of governance is a must, appears to be no different. All though from a governance perspective such an integrative approach mostly appears to be applauded, some negative consequence of such a network can be identified as well.

One of these consequences appears to be that lay persons seem to find it very difficult to understand exactly who is accountable for which policy action. One example of this was mentioned by the WSD:

> "As member of a water board you are constantly juggling with 'this is the responsibility of a water board, and this of the province or a municipality.' But at an informative meeting, or when you are visiting a farmer... Then we are all seen as government. (...) That means that you can create difficulties for each other. Because if one party makes a mistake in one area, **we all suffer the consequences."** (5)

This quote is a good example of the difficulties the government faces within the WFD. The dependency of water boards on both land-owners and municipalities requires intensive cooperation, blurring the boundaries of responsibilities. As a consequence the general public might not be aware of what party exactly is responsible and therefore accountable for which policy measure. This occurrence might potentially create possibilities for organisations such as water boards to shift blame or accountability towards other parties.

On the other hand it seems that the water boards and other governmental institutions struggle with their accountability towards other governmental institutions. One example of this was mentioned in the interview with a representative of the province, in which the interviewee mentioned that when dealing with co-funded projects accountability and responsibility might become an issue when budget cuts occur:

> "And then you get that debate on who is responsible. Because if the government cuts budgets than that has consequences for the provinces and the water boards." (11)

From a governmental perspective there mostly appears to be a vertical structure of accountability in which the water boards and municipalities are accountable towards the province. From the interviews it became clear that the main role of the province is to set the WFD targets for the entire province and to grant the subsidies that are required to meet those targets. Potential negative consequences of failing to meet those requirements therefore mostly involve the cutting of those subsidies. From the interviews, it became apparent that on the regional scale potential accountability issues such as 'risk avoidance' and 'blame shifting' occurred as well. As for example became apparent during the interview with SBB:

> "And you can see that the province does that, that is their most important means of providing pressure. Because they control the cash flow. So it are mostly the provinces who call the water boards to order when they see something is wrong." (9)

In order to avoid the risk of losing government funding due to failure of implementing measures and therefore being held accountable, the WSD made more abstract agreements with the province. As a consequence the WSD was able to implement the WFD more freely whilst still being eligible for government funding:

> "Actually, the role of the province is mostly to create the WFD targets, and that is the most important. The province grants a lot of subsidies. (...) But the agreements we made with the province are quite abstract. We just made an agreement with the province that we would do so many kilometres, in so many years. And that may cost this much, and the province will pay part of that. And we can decide what will be implemented and where. And the only thing we expect of the province is that if we stick to the schedule, that they will meet the financial agreements." (5)

This seems to be consistent with the national level in which water boards are hesitant to make large commitments in regard to the WFD to prevent negative consequences from the failure of meeting the 'result-based' commitments.

According to the representative of the province, the province and the WSD had to find a balance between maintaining a certain amount of freedom and providing a concrete policy framework:

> "As province we really wanted the water boards to be clear on the measures that they were going to take. And the water boards always pleaded for as much free space as possible. (..) So that if an opportunity presents itself we will be able to take it. (...) It was that king of continuous tension between maintaining an amount of freedom and not having to commit oneself to Brussels (...) and on the other side to be concrete so that we as province are able to steer or at least are able to do those frameworks..." (11)

Or, as was mentioned further on in the same interview:

> "If an opportunity presents itself, when they can purchase land somewhere, than they want to grab it. And then we don't want to have to say, we won't do it because we said we wouldn't do it there. So that is that side of the story, but on the other side we as province we have our maps and would like to see connected pieces of creek restoration" (11)

These results show that on a regional scale vertical accountability appears to allow for the occurrence of 'risk avoidance' and 'blame shifting'. As the water boards attempt to decrease their accountability due to their dependence on third parties. So where do the municipalities fit in this picture of accountability? As already became apparent in the section focusing on power, the water boards are dependent on the municipalities for the execution of the WFD but the water boards appear to have no direct authority over the municipalities. It would seem that similar to the water boards the municipalities are mostly held accountable towards the provinces, again through the granting of subsidies.

An interesting aspect in regard to the accountability of the municipalities that was mentioned in the interviews, is that it was often unclear for them for what parts they would be held accountable and to whom. The main reason that was given by the municipalities is that they overall lack the expertise to be able to make a distinction between the 'result-based' measures of the WFD and the less stringent measures in the 'water policy plans':

> "At one point it was unclear what part was WFD. Because my alderman wanted to know for what measures the 'result based commitment' applied. Because for the normal measures there only was an effort based commitment." (8)

Another thing that was mentioned during this interview was that the municipalities were not included in the initial stages of the WFD:

> "It soon became apparent that most that was discussed there were matters discussed between provinces and water-boards. The water board would delegate from the province, the government wanted everything to be done on a regional level. And the water boards and provinces were meant to do that. Not anything to do with municipalities." (8)

It would therefore seem that the municipalities at first refused to become accountable due to a lack of involvement, information and knowledge in regard to the WFD. However, after the WSD provided this information the municipalities met their accountability and made decisions on how they would implement the WFD.

Apart from vertical accountability, the WFD allows for horizontal accountability amongst governmental institutions as well, since the framework has to be implemented in a transparent and participatory manner allowing for stakeholder involvement. This horizontal accountability manifests itself in several ways.

First of all, the environmental NGO's monitor the WFD, and when they perceive that the WSD is failing to meet their targets they decide to undertake action by for instance reporting to institutions that are placed higher in the hierarchical ladder such as for instance provinces. From the perspective of the BMF such actions are mainly used to make a statement or an example:

> "But if something appears to be of real importance, or that you can make an example or have heard of something before. As in that and that is happening and becoming a trend, that is not going well. Then we have to make a statement, we are going to make an example of them." (6)

It would therefore seem that on a horizontal level parties are holding each other accountable if they fail to meet certain requirements or agreements.

Based on these results it might therefore be described that from a governmental perspective there appears to be both vertical and horizontal accountability. The governmental institutions themselves follow a hierarchical model in which each level of governance is partly held accountable to the levels above. The main tool of achieving this accountability mostly appears to be the distribution of subsidies by the provinces. However, the transparent nature of the WFD allows for horizontal accountability on each level as well, as involved stakeholders are able to review the WFD process and hold governmental institutions accountable.

In this regard, it might be interesting to note that it would seem that within the workings of the WFD a potential shift in accountability might be identified. As is described above, in terms of vertical accountability, many governmental parties undergo 'risk-avoidance' in order to avoid potential negative consequences when they might fail to implement the measures that are required in the RBMP's. As a result, on the national scale a certain amount of distrust occurred from the perspective of the environmental NGO's which in turn might have resulted in a higher amount of scrutiny by these actors on the implementation level. One might therefore suggest, that through the 'dodging' of vertical accountability by governmental institutions vertical accountability has been replaced by horizontal accountability through NGO's such as the environmental organisations.

Accountability amongst the non-profit and the market sector
From the interviews, no clear results were found on how the environmental NGO's might hold each other accountable for their actions. However, in the interview with BL it was mentioned that they are mostly held accountable by their donors and sponsors:

> "When you are involved in such a project with a water board, then of course you are moving faster than you can communicate towards your sponsors (...) Then we are critically questioned by people.(...) and then you have to explain everything very carefully. That is a point of attention for us, and we certainly don't always do that sufficiently." (7)

This might result in potential difficulties as these viewpoints might not always align with the measures proposed in the WFD. The same seems to apply to parties involved in the market sector such as the ZLTO. As mentioned earlier in this thesis, the ZLTO has to balance the interests of the collective and their members with that of the individual farmers. It would therefore seem that both the stakeholders in the non-profit sector as those in the market sector are mostly accountable to their sponsors and supporters. However, during the negotiation processes of the WFD both the environmental organisations and the ZLTO have to make concessions in order to stay included in the negotiation process. Since these concessions might conflict with individual supporters issues with accountability might arise, since both sectors have the responsibility towards those supporters to protect their interests as much as possible. Furthermore, both the environmental organisations and the ZLTO are active in other policy fields as well. They therefore have to balance the amount of resources they put into the WFD and the concessions that they have to make towards the other interests of those organisations as well. As a result, negotiators involved with the WFD might not always be able to fully commit themselves to the WFD due to their accountability towards the other interests of their organisations.

What is interesting is that the interviews in which this was mentioned most frequently were held with environmental organisations such as the BMF or their representatives who were directly involved in a spatial process:

> "Sometimes it is difficult, because you are not allowed to make commitments. But then you might have already raised expectations. And then you think shoot, now I have to take that back. (...) That you have to say, well we discussed this the previous time, but from an organizational perspective we do not entirely agree and because of that we cannot agree. (...) Everyone is sitting there on behalf of something or someone and has to account for themselves and sometimes take something back. That's the way it goes." (6)

> "The farmers had a hard time with that I think. There are plenty of individual farmers who within the spatial planning objected because they felt that their individual interests were not sufficiently taken into account." (10)

4.3.2   ACCOUNTABILITY AND ITS ROLE WITHIN THE WSD

So what exactly might have been the role of accountability within the WSD? As described in the section above, both 'vertical' and 'horizontal' accountability have been identified. The workings of vertical accountability mostly appear to relate to the institutional workings of power within the different levels of government. In this regard a clear hierarchy can be identified in which lower governmental institutions such as municipalities and water boards are held accountable by higher institutions such as provinces and national government. The main tools of enforcing this accountability appear to be the 'result-based' commitment of the WFD and control through subsidies and government funding. However, as presented above, this quite strict form of accountability combined with uncertainties in regard to responsibilities appears to have resulted in the occurrence of both 'blame-shifting' as well as 'risk avoidance' amongst both the municipalities and the WSD. Linking this occurrence to the concept of trust it would seem that when looked upon from a vertical perspective the workings of accountability might have resulted in the occurrence of calculus based mistrust since parties are attempting to avoid formal agreements and expectations that might result in negative consequences.

Accountability and Multi-Level Governance
Linking these findings to the workings MLG, it would seem that vertical accountability does not automatically result in effective policy implementation. Results have demonstrated that within the WFD, a high level of accountability towards both national government and the EU have resulted in the occurrence of 'blame shifting' and 'risk avoidance'. Therefore, if MLG policy implementation would be solely based on the workings of vertical accountability, it would seem likely that its effectiveness would be greatly undermined.

However, what is interesting about the WFD, and especially within the WSD is that there is an amount of horizontal accountability as well. From an horizontal perspective, parties are holding each other accountable based on shared norms, values and principles. It seems that on a relational level there is a high amount of interaction between individual representatives from different parties throughout the WFD process. Interviews have demonstrated that generally many interviewees find these interactions pleasant, and place a high amount of trust in the representatives of other stakeholders. Speaking in terms of horizontal accountability, one might then say that on the regional policy level stakeholders hold each other accountable through an informal understanding of each other's norms and values. Negative consequences of breaking that accountability are then mostly perceived as loss of trust and therefore risk being 'cut-off' from the benefits of the relational network that is present.

To conclude, it would seem that due to a high amount of vertical accountability 'risk avoidance' and 'blame shifting' did indeed occur. Therefore resulting in a lack of vertical accountability on the national scale decreasing the effectiveness of MLG. However, within the WSD this lack of vertical accountability appears to have been replaced by a form of horizontal accountability that is based on trust and mutual informal understandings between the stakeholders that are involved.

4.4 THE WORKINGS OF MULTI-LEVEL GOVERNANCE WITHIN 'WATERSCHAP DE DOMMEL"

In this chapter, a detailed description has been given on the effect that the concepts of power, trust and accountability have had on the multi-level implementation of the WFD within the WSD. The findings presented in this chapter point towards the conclusion that when dealing with a policy framework as complicated as the WFD, the assumption that a purely vertical approach towards MLG is insufficient to provide successful policy implementation. Stakeholders have demonstrated that they also exercise power horizontally, and that they rather place trust in stakeholders that they know directly rather than on the vertical institutional arrangements that are supposed to assure smooth policy implementation. Thirdly, rather than increasing effective policy implementation, an excess of vertical accountability appears to have resulted in a decrease in effectiveness instead. However, stakeholders appear to have replaced the strict workings of vertical accountability with a more informal form of horizontal accountability.

One question that remains to be answered is whether the impact that the horizontal workings of power, trust and accountability have had on the implementation of the WFD. Have these horizontal workings indeed led to MLGa's and therefore undermined the effectiveness of the multi-levelled approach towards the WFD? Or have these interactions contributed to the successful implementation of the WFD within the WSD? It would seem that the results demonstrated in this chapter have shown that although horizontal interactions indeed did occur, they did not decrease the effectiveness of MLG. It would even seem that the high amount of horizontal interactions within the WSD helped increase the effectiveness of MLG rather than undermining it. The preliminary conclusion of this thesis would therefore be that although the failures in a strictly vertical approach towards MLG have created many possibilities for stakeholders involved in the WSD to engage in MLGa's, this appears to not have been the case due to the occurrence of horizontal interactions. This leads to a new question, namely; how come that these horizontal interactions within the WSD have led towards more efficient policy implementation in a policy setting that is as complex as the WFD?

5

Legitimacy and efficiency in Multi-Level Governance

At the beginning of this thesis, it was described that in most MLG literature, MLG and its vertical approach are often assumed to result in both an increase in legitimacy and efficiency (Pahl-Wostl et al., 2010;Moss and Newig, 2010). This thesis demonstrates that this is not always the case, since when dealing with MLG stakeholders do not only interact between policy levels, but within policy levels as well. Such a combination of vertical and horizontal interactions creates opportunities for stakeholders to engage in MLGa's (Putnam, 1988). By investigating the possible occurrence of MLGa's and the impact that it might have on MLG through the workings of power, trust and accountability an attempt was made to demonstrate that MLGa's and horizontal interactions can potentially influence the effectiveness of MLG. In the previous chapter, it was concluded that MLG within the WFD indeed did not occur in a strictly vertical manner. The workings of power, trust and accountability resulted in many involved stakeholders interacting horizontally as well, therefore potentially setting the stage for MLGa's. However, the same results have demonstrated that these interactions did not lead towards MLGa's and a decrease in the effectiveness of MLG. The contrary would seem to be true, namely that horizontal interactions have helped increase the effective implementation of the WFD within the WSD. So how did this come to be? In this chapter an attempt will be made to answer this final question by making a distinction between vertical and horizontal interactions within the WSD.

5.1 VERTICAL INTERACTIONS WITHIN THE WSD

As mentioned earlier on in this thesis, the WFD is a European framework following the workings of MLG, which largely rely on vertical interaction between multiple policy levels. These vertical interactions to a large extent appear to rely on a model of 'vertical accountability' depending heavily on the workings of institutional power and accountability to ascertain that policy is implemented in an efficient manner. In this regard, the workings of MLG appear to rely heavily on the assumption that trust is inherent in a MLG process, since a top-down structure is supposed to enhance legitimacy and effectiveness. Vertical interactions therefore mostly seem to consist out of a combination of institutional power, institutional trust and 'vertical accountability'. However, as is presented in the previous chapters, in practice these workings are far more complicated than initially was assumed. Several reasons behind this can be found. First of all there appears to be a 'misfit' between policy developed on the national scale and regional policy. As a result, national policy was often presented to regional institutions too late, or did not fit regional policy plans that were already developed, or was too complex to comprehend on the regional level. This resulted in the development of institutional mistrust and uncertainties in regard to which party is responsible and therefore accountable for the implementation of the WFD. Another factor that might have contributed to this occurrence is the unequal distribution of knowledge and expertise across various policy levels. As was demonstrated in the previous chapters, on a regional scale the only stakeholder that appeared to fully comprehend the complicated structure and measures of the entire WFD were the water boards.

When strictly looking at MLG, this should not be a problem and might even be an example of efficient delegation. However, when linking this occurrence to vertical accountability a different picture might be presented. The position of the water boards as central players within the implementation of the WFD made them a party that would be held accountable not only for their own actions but also for the actions of other stakeholders involved in the WFD process. Results have demonstrated that this high amount of accountability can result in parties who avoid accountability through 'blame-shifting' and 'risk avoidance', as was the case on a national level with the formulation of the RBMP's. In turn, the avoidance of accountability combined with institutional misfits seems to have led into institutional mistrust, in which involved parties appear to loose trust in the effectiveness of the WFD process and governmental organisations. It would therefore seem that when dealing with MLG in an as complicated policy framework such as the WFD effectiveness is not guaranteed as an unequal distribution of accountability, knowledge and expertise combined with institutional uncertainty and mistrust might result in stakeholders engaging in MLGa's which in turn might undermine the vertical effectiveness of a MLG system. However, as described above, this does not seem to have happened within the WSD due to the workings of horizontal interactions.

5.2 HORIZONTAL INTERACTIONS WITHIN THE WSD

As described above, on a national scale vertical interactions across multiple policy scales appear to have led to a decrease in the effectiveness of the multi-level approach towards the WFD. However, results have also demonstrated that opposed to many other water boards, the implementation of the WFD within the WSD was relatively successful. So what might have been the reason behind the WSD successful implementation?

Results have demonstrated that within the WSD a strong horizontal network existed in which involved stakeholders highly valued the relational interactions and trust during the WFD process, which resulted in a form of 'horizontal accountability' in which stakeholders within the WSD developed a shared perception of how the WFD should be implemented. What appears to be the main difference between this form of 'horizontal accountability' and the vertical accountability within vertical interactions is that instead of using vertical power structures and forms of control based on distrust, horizontal accountability appears to rely more on the development of trust and relational interactions between stakeholders. It would therefore seem that 'horizontal interactions' played an important role within the WSD. So how exactly did these interactions manifest?

First of all, it would seem that due to the 'reconstructie' to a large extent policy networks were already in place within the WSD. One of the consequences of this was that the WSD and the environmental organisations already developed a shared understanding in regard to the ecological importance and measures within the area giving both parties an advantage over the ZLTO in regard to relational power. A result of this was that as opposed to other water boards in which the agricultural interests were represented very well within the WSD a situation occurred in which environmental and agricultural interests were more balanced. This balance in power consequentially led to stakeholders becoming more interdependent of each other increasing the importance of relational trust and the practice of relational power setting the stage for horizontal accountability and interactions. It would therefore seem that an interplay of relational power balances and relational trust have led to a network in which involved stakeholders interact based on shared norms and principles and above all a shared purpose of successful implementation of the WFD resulting in a form of horizontal accountability.

So what role might horizontal interactions within the WSD have played on the WFD process?

Opposite to vertical interactions, horizontal interactions mainly seem to consist out of a combination of relational power, relational trust and horizontal accountability. As presented in the results above, interactions within the WSD to a large extent appear to happen through a high amount of interpersonal relations, and both the environmental sector and the agricultural sector rely heavily on their relational connections amongst governmental organisations in order to influence the WFD process.

5.3 VERTICAL VS. HORIZONTAL INTERACIONS AND MLGA'S

So what might the influence of vertical and horizontal interactions have been on the implementation of the WFD? Above it has been described that when viewed from a vertical perspective issues of accountability and institutional misfits and distrust might indeed result in the occurrence of MLGa's which might have a negative impact on the effectiveness of MLG. However, this research has demonstrated that within the WSD such MLGa's did not occur. Opposite to the national vision of the water boards, the WSD did choose to include many of their policy measures in the RBMP's and all parties involved, including the municipalities appear to be satisfied with the implementation process.

So how come that opposed to many other water boards the implementation process went so well within the WSD? First of all, it would seem that although MLGa's did occur within the WSD as well, due to horizontal interactions these games were of a constructive nature and applied in order to support the joined cause of a successful implementation of the WFD. Although many actors operated for their own benefits, the large amount of horizontal interactions made sure that these actors would not lose sight of the overall purpose of the WFD and often take into account the perspectives of other stakeholders as well.

Where other water boards used difficulties with their interest groups as an argument not to include policy plans in the RBMP's the WSD did not. Here again, one of the reasons behind this might be the horizontal interactions that occurred within the WSD. Due to the network of interactions and trust that existed within the WSD combined with the flexible approach towards the RBMP's it would seem that the WSD was able to forge agreements with all involved stakeholders, transforming the dependence of a water board towards other stakeholders into a form of mutual interdependence in which stakeholders intensively had to work together in order to see their interests represented within the implementation of the WFD . This in turn allowed the WSD to be more confident in regard to the implementation of the WFD measures.

Another consequence of this mutual interdependence is that it allowed for a form of horizontal accountability in which each involved stakeholder would hold each other accountable for the successful and correct implementation of the WFD.

To conclude it would therefore seem that within the WFD, MLG indeed did not only occur in a vertical manner. It has also been demonstrated that a top-down structure does not guarantee the development of trust between policy levels. On the contrary, a high amount of vertical accountability seems to have resulted in institutional mistrust therefore hampering smooth implementation of the WFD.

However, the findings from this research differ from present literature on MLGa's. As mentioned in the introduction, in current literature on MLGa's it is often mentioned that horizontal interactions and negotiations often undermine a multi-level process as failure to achieve consensus results in failure to implement policy.

Results from this thesis have demonstrated that horizontal interactions do not necessarily have to result in a failure to achieve consensus. It has been demonstrated that when a strong network of stakeholders is in place in which power relations are balanced and a high amount of trust exists between stakeholders, a shared perception of goals and interests can be developed which in turn results in a form of horizontal accountability which can replace the lack of vertical accountability and facilitate the development of a consensus, therefore increasing the possibility of effective multi-level policy implementation.

6 Discussion:

So what might be the scientific, methodological and societal ramifications of this thesis? In this chapter a quick description will be given on the scientific impact that the findings of this thesis might have. Furthermore, a reflection will be given on the methodology that was applied throughout this research along with the choices that were made throughout the entire process. Finally, a brief description will be given on the societal relevance of this thesis.

Scientific reflection:

This thesis has demonstrated that Moss & Newig's (2010) statement regarding the efficiency and legitimacy of MLG is not necessarily true. Through application of the concepts of power, trust and accountability it was described how the occurrence of MLGa's (Putnam, 1988) might indeed undermine the effectiveness of MLG policy implementation. The vertical distribution of power that is considered an important aspect of MLG was questioned through the application of the 'multiple faces of power' (Bachrach and Morton 1962; Bachrach and Morton 1975; Isaac 1987; Clegg 1989). Through application of the different types of power it became possible to make a distinction between the different manners through which power can influence a governance process across multiple policy levels. Furthermore, by applying Lewicki's (2000) distinction between CBT and IBT it was possible to provide a distinction between the more 'formal' interactions that were based on set expectations and agreements and the more 'informal' interactions that were based on a more personal form of trust. By combining Lewicki's distinction between types of trust with Eshuis' (2006) description of entities in which trust can be placed it was possible to investigate exactly why and in what the various stakeholders placed their trust, and what the influence of those workings of trust might be on the WFD process. Thirdly, through Papadoupolos' (2010) description on how an excess of accountability might influence policy implementation and through Goodins (2003) distinction between 'vertical' and 'horizontal' accountability it became possible to gain more insights into the motivations of stakeholders and to make a more clear distinction between the vertical and horizontal effects of both trust and power within a MLG process. To conclude, it would seem that generally, the workings of power and trust, combined with a large amount of accountability towards the EU indeed did lead towards the occurrence of MLGa's and stakeholders hampering the legitimacy and efficiency of a MLG process. However, as proven within the WSD, the workings of trust, power and accountability might also increase the effectiveness of MLG through more informal interactions. So what might be the scientific ramifications of this thesis? This thesis has shown how a focus on the more informal interactions, and a focus not only between, but also within policy levels might provide a new perspective towards multi-level policy implementation. For future research, it is therefore advised to bear in mind that MLG is not as straightforward as is often assumed, and policy implementation is not only influenced vertically but horizontally as well.

Methodological reflection:

As the main goal of this thesis was to gain a more in-depth understanding on the workings of MLG, the choice was made to undertake a single-case study. However, no specific case study was apparent beforehand so the decision was made to identify an interesting case study through the use of 'snowball-sampling'. All though the use of snowball sampling eventually indeed led to a case study that was highly relevant for this research, snowball sampling also comes along with a high amount of uncertainty since one can only proceed with the research one step at a time. For example, the initial focus of this thesis was on finding a 'worst-case-scenario' from which a detailed analysis of the negative impact of MLGa's on MLG could be derived. However, as it turned out to be, the WSD appeared to be one of the few water boards that was actually able to successfully implement a large part of the WFD. As a consequence, it was necessarily to shift the focus of this research on many occasions as new data and information was gathered.

Although within this research, these new findings allowed for an interesting new approach towards the workings of MLG and MLGa's, the application of 'snowball sampling' is not without risk as it might just as easily could have led towards a case-study in which no useable data could be found, which in turn could have led to a significant amount of extra time needed in order to identify a suitable case-study. Therefore, to reflect unto the methods chosen for this research, one must bear in mind the potential risk of not being able to find usable data. It is therefore worth to mention, that attempting to identify a single-case study through the use of 'snowball sampling' should by no means be seen as just going 'out there' and start asking people questions. In order improve the chance of achieving findings relevant to your research, one should make sure that one is well aware of potential 'key players' and potential topics of interest that might help guide your research.

Societal relevance:

Although the financial crisis in Europe has already left its mark on European cooperatives, one cannot deny that European cooperation and therefore legislation are likely to play an even greater role in national policy in the near future. However, Europe still has a lot to learn in regard to how to successfully implement European policy on a national scale. As can be seen for example with the Birds- and Habitat directive and now the WFD, many problems appear when attempting to European policies within already existing policy structures. Although the WFD did allow for countries to choose for themselves the manner in which they chose to achieve the targets set by the WFD, its implementation to a large extent still went awry due to a high fear of sanctions from the EU due to failure to meet those targets. Findings within the WSD have demonstrated that instead of attempting to implement policy through set rules and targets across multiple levels of policy do not automatically lead towards successful implementation. Contrarily, the case of the WSD has demonstrated that implementation of European policy is the most successful when parties are willing to be flexible, and to allow each other to make use of possibilities that appear along the way.

So what might this entail for future implementation of European policy? Based on these findings I would like to suggest that instead of defining European policy based on goals and targets that 'have to be met', one should first attempt to identify where the possibilities for successful implementation lie. By building international policy on perceived opportunities rather than on the 'solving of problems' an entire new approach towards policy implementation can be used focusing more on parties working together, rather than parties 'looking over each other's shoulders' in other to ensure that everybody is keeping their promises.

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Annex I   List of interviews

In order to guarantee the anonymity of the interviewees, no names are mentioned.

1: National coordinator of the WFD   *conducted on 19-12-11*
2: Representative of 'Milieufederatie Noord-Holland'   *conducted on 05-01-12*
3: Representative of 'Unie van Waterschappen'   *conducted on 11-01-12*
4: Representative of the ZLTO   *conducted on 30-01-12*
5: Representative of the WSD   *conducted on 02-02-12*
6: Representative of the BMF   *conducted on 14-02-12*
7: Representative of the BL   *conducted on 23-02-12*
8: Water ambassador and representative of municipality Tilburg   *conducted on 28-02-12*
9: Representative of SBB   *conducted on 07-03-12*
10: Environmental representative spatial process 'de Hilver'   *conducted on 14-03-12*
11: Representative of the province 'Noord-Brabant'   *conducted on 22-03-12*