The (changing) role of national government in multi-level (water) governance

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There is a difference between water management – even integrated water resource management – and water governance. Water management is about achieving goals, preferably in a functionally and socially responsive and efficient manner, with given means, and largely within given conditions and constraints. Water governance is about identifying, choosing or adhering to values and translating these values – water, safety, agriculture, urban space, natural beauty or artistic design – into goals, standards and institutional structures and processes. These are achieved in a context of public external accountability. Governance is about establishing the appropriate means and setting limits and constraints within which operational action in terms of water management can take place. And these are also achieved under conditions of public external accountability. Limits and constraints are not merely at the borderline of do’s and don’ts. They also constitute the conditions for change and innovation. Without limits and rules – without scarcity and the need for choice – there is no innovation.

The quest for governance

If water management is about achieving goals and performance management, water governance is about joint decision-making. It is about consensus building and conflict resolution, and about external legitimization, which implies accountability. This, in turn, requires public discourse, rule of law, checks and balances. Both management and governance – and vice versa – are important.

1 The author would like to thank Vincent van den Bergen for his useful comments as co-referent at the symposium.
One needs or presupposes the other. But the issues and underlying questions involved are often quite different. The choice among competing values and the translation of values into goals, constraints, and facilities can be envisaged as a separate act of conscious and deliberate or even centrally planned policy-making. More often this activity is embedded – and has to take place – in a process of piecemeal decision-making: step by step, by trial and error, and by learning by and learning from doing. This organic and evolutionary selection process is not seldom situated in the middle of a strong political struggle about underlying social interests and ethical values or embedded in the context of a battle for economic, bureaucratic or institutional power. In the debate on governance ‘Legitimation’ and ‘Power’ are the two sides of the same coin: no (public) power without responsibility, no responsibility without power.

Personally, I don’t think it has been much different in past times, but at least modern governance and policy-making – both nationally and internationally – are gradually and overtly being recognized and conceived of as fundamentally adaptive – may I say: incrementalist2 – exercises. As a long time student in Public Administration I am keenly aware that this is a process of all times and all ages. Rather than deliberate – ‘rational’ – choices, governance is a process the outcomes resulting from anticipation, action and reacting and taking contextual positions and decisions – in gradualist processes and emergent situations, full of surprises and unexpected turns – ‘Events, my boy, events’ (McMillan). The political dimensions involved – be it in terms of conflicting values or of competing interests and power positions – raise questions of accountability, trust and confidence in those normatively or entrusted de facto with the position, and the power of binding decision-making for and on behalf of society. Political, corporate and bureaucratic leadership finds itself increasingly in situations of

tackling public problems in ‘... a No-One in Charge, Shared-Power World’.\textsuperscript{3}

The development of the notion and concept of multi-level governance (MLG) implies the recognition and acceptance of the fact that in a relatively short time-span of about 20 years, the most important (normative) locus of binding decision-making in and for society during the past 200 years – national government as the agent and embodiment of the idea of the modern Westphalian (sovereign) nation state\textsuperscript{4} – has undergone drastic change and transformation\textsuperscript{5}. The changing position of the nation state in the process of governance since the late 1980s is perhaps most visible in the context of the European integration process, but has – in fact – occurred all over the world\textsuperscript{6}. In the European context, the concept of multi-level governance (MLG) has been introduced in the course of the 1990s to be able to at least analytically deal with the impact of internationalization on the institutional position of governments, and the associated relocation of public power and governmental authority\textsuperscript{7}. It has become necessary – not to say: inevitable – to address the changing role and position of national, regional and local government in the larger context of governance within the European region. Increasingly the concept is being introduced into the debate on Climate, Global or Earth System Governance. For this contribution, I have been asked to concentrate on the role


of national government. I will do so, but in all modesty and due to the general lack of useful cross-national comparative research, I will have to limit myself to illustrations from the Dutch case.\(^8\)

**Multi-level governance (MLG)**

Multi-level governance is not an easily defined term because it has different conceptual roots. It blends together two quite distinct meanings and disciplinary traditions. For some the concept of ‘Governance’ (as in the Governance (rather than management) of the Firm; Economic Governance; Governance of Financial Institutions, The Governance of IT systems, Corporate Governance or Government Governance) has an economic – or better: business – management if not (international) accountancy background. Throughout the course of the 1990s it became increasingly clear that ‘corporate management’ in an international or internationalizing local context needed to be complemented if not checked and balanced by governance, meaning: external accountability. To shareholders, but also to stakeholders, civil society, politics, and social causes, values and ethics, this is ‘Governance’ within the narrow – and therefore more useful – definition of ‘external or public accountability’.

The second meaning has a policy and social science background, and originates in the late 1970s and mid 1980s.\(^9\) It implies the recognition of the ‘discovery’ that policy implementation is a matter of interdependency, rather than hierarchy or command-obey and that policy-making and execution implies thinking

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in interdependency networks. These networks, in their effective operation were increasingly found to run across formal organizational borders and interorganizational boundaries. This also – if not especially – applied to the formal boundaries of governments as primary institutions of governance within the nation-state organization and the conception of modern democratic decision-making.

Rather than centrally unified and monocentric, the policy relations in the modern western welfare states were identified as interdependent and polycentric. With the globalization and internationalization – or should I say denationalization? – of policy-making in the modern state, this has only become more transparent and obvious. The polycentric nature of policy-making became more generally visible, not only for experts studying public policy and the inside of government and bureaucracy. Today, WikiLeaks provides free public lectures in Public Administration Classics on the functions of the executive, the work of the officeholder, the world of the bureau chiefs, the politics of bureaucracy, the reality of bureau politics, diplomacy, persuasion and the nitty-gritty of managing political administrative relationships. The most striking experience is that the publication of cables adds to the glamour and juiciness of these ‘dull administrative processes’, but reveals hardly ever anything new or things that we did not already know about. Does this mean that, so far and all in all, we may rely on the quality of democratic control mechanisms in international MLG?

By the last decade of the 20th century, the borders of the state became part of fundamental internationalization processes. These made increasingly clear that governance was not the sole monopoly of government. And the other way around, (national) governments gradually lost their historically established political role and position as the one and only undisputed locus for public decision-making in and on behalf of society. The internationalization process started a rather autonomous process of ‘defreezing’ traditional

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authority structures – and along with them, their accompanying forms of legitimization and internal and external accountability. With internationalization, therefore, came the need to re-institutionalize the governance functions that had been assumed and routinely performed by the government apparatus for such a considerable length of time. This is basically the essence of the European integration project: renegotiate the institutional order within the region. European integration is part and parcel of a much broader process of globalization and internationalization. This also explains the broad current attention for ‘the quest for governance’ – both in the narrow and the broad sense of the word. Changing circumstances require attention for doing things different than before; that we do old things in new ways. This applies to public management, ‘old and new’\(^\text{11}\), and it applies to governance – or public administration as it used to be called. In many respects, we are still in the middle of this reinvention process, particularly regarding the role and condition of national government in an internationalizing context of problem solving, policy-making and managing public affairs.

In polycentric international relations there are potentially many different water managers – locally and internationally – but despite the transformation that went on in government, only very few of them still have the institutional legitimization that national (Member) States have in the emerging world order, whether it is in the human rights or in the water management domain. To be sure: in many parts of the world, NGO’s, markets and international corporations have become important institutional contenders if not rivals to states, national regimes or autocratic – and sometimes outright corrupt – state bureaucracies. But it is important to recognize that national government in most instances is still the institutionally legitimized unit to represent national interests and territorial rights in international governance. I do not see this change easily in the foreseeable future, with or without the Internet, Social Media or WikiLeaks. These developments, however, do strongly affect the role, positioning and function of national governments

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both within their domestic systems as well as in an international context.

**Multi-level, multi-scaled, multi-layered**

Let us, for the sake of analytical simplicity, limit ourselves to the experience in the European region. Although the national member state is still the undisputed corner stone of the European constitutional order, the reality of government in the European Union has dramatically changed over the past, say, 25 years. Sure, many domains of European integration have taken the shape and mandate of supranational governance. But as far as I am concerned, the overriding feature of the European integration project is that within a fundamentally still interstate – intergovernmental – judicial and political order, step by step a transnational policy practice and a routine of collaborative management and co-governance of EU policy has been emerging. This development, so far, has not so much eroded as it has changed the position of national government in the overall structure of governance. Social, economic and technological forces have urged us to start to think in terms of interdependencies and networks: hence the conceptual shift from government to
governance as the relevant unit of analysis and of policy in action. But this development has not eliminated the national (member state) government from the scene. In fact, we are dealing with the present day emergence of a very classical model in the study of international relations.

For a reflection on the emerging position of national government in multi-level water governance the history of the concept of MLG teaches us an important lesson. We have to make a difference between multi-layered governance and multi-level governance. Multi-layered government is still a rather traditional – government centric – concept, spelling out the relationships among various levels of government. These relationships are still important indeed, and too easily neglected in this age of ‘processes and networks’. But the current concept of MLG has to be much broader and put developments into a far more dynamic institutional perspective, way beyond formal state or government jurisdictions. Multi-layered government has become integral part of a much wider system of multi-level governance. MLG is about the identification and dynamic relationships among activities at multiple scales of governance. In this process governance issues and governance processes increasingly take place outside the bounda-
ries of (national) government, partly because at certain functional, territorial or temporal scales there are simply no established institutional vehicles for effective governance by government(s).

Second generation multi-level governance is as much about the institutionalization and institutional development of relationships for governance as it is about using existing institutions and relationships for emerging governance issues. It is ‘making governance’ as much as it is ‘doing governance’. Regions in ‘the knowledge based economy’ are no longer perceived as singular territorial entities, but as compound and complex ‘triple helixes’, i.e. networks shaped by governments, business and knowledge institutions and rooted in civil society institutions. Separate regions, but also separate sectors of governmental policy – water, agriculture, industry, environmental policy, water quality, water safety, preservation of nature, urban and regional policy, financial sectors – they all have under the current and highly dynamic institutional conditions, many different options for pursuing their values and interests in an international context. This includes with or without the state, by bilateral or by multi-lateral agreement, by international institutions like the European Union or the United Nations or by counting on competitive advantage in international and emerging
global markets, if needed with the help of international public private partnership or other strategic alliances with emerging global institutions of the civil society, like the Soros’ or Gates’ Foundations.

Sometimes, strategies of ‘naming and shaming’ suffice. The issue of trust and legitimacy, and therefore of reputation in governance, matters not only in an academic, but also in a very practical sense: most countries are really worried about their international reputation – a form of legitimization – and therefore in ‘working the right way’ according to internationally established ‘green’, ‘safe’, or ‘socially responsible’, if not ‘sustainable’ standards and ‘good practices’.

None of these alternatives of international governance are a guarantee for success. Nor do they become so without cost. With the emergence and proliferation of more and more global and transregional platforms in the context of international environmental policy, climate governance, water management, water sanitation or water security issues – as we have witnesses in the last two decades – the institutional context and corresponding strategic options add up to the complexity of institutional trade-offs and dynamics. At the same time, however, due to the increasing transaction costs inherent in the effective exploitation of various options – both in an instrumental as in strategic sense – there is an increasing need for institutions which can seek alignment and re-alignment among various causes and institutions by building alliances and providing coordination and mediation among the various options and participants. This is preferably an institution which can still command and mobilize institutionalized legitimacy and accountability and generate some power, trust and confidence with respect to the institutional interests involved. Provided that it is capable of transformation, national government is still a marked candidate to this purpose.

If I apply this perspective to water governance and the governance of water management systems – as I was asked to do – what then is the role that national government should play in an emergent
system of multilevel water governance? Allow me to identify a few points of attention.

**Non-executant role**

First, legitimization is about choice and a proper organization of processes, systems and accountability structures. That is why the role of national government in MLG is changing towards a more and more ‘non-executant’ and more regulatory role, defining standards and constraints, often embedded in previously negotiated or enforced international agreements (Kyoto Protocol; EU-framework directives), internationalized standards for quality, safety, access or for ‘good’, ‘healthy’ water quality and ‘robust’ and ‘sustainable’ water safety strategies. National government is pushed into acting as a facilitator, rather than executive project manager and operating unit of large hydraulic installations or water safety infrastructures. In the Netherlands, this is illustrated by the development of the position of Rijkswaterstaat, from a national, functionally professionalized and rather hands on ‘water bureaucracy’ as an executive agency working under direct ministerial guidance and supervision, but very dominant in policy formulation, towards a more independent status as a body of professional knowledge and expertise, and a procurement agency, charged by the business-like maintenance and development of large-scale Dutch water management infrastructure, next to a professional and strategical management of procurement projects.

The former, sheerly untouchable and functionally professional bureaucracy and bullwork of civil engineers is now seeking ‘design and construction arrangements’ with ‘market parties’ rather than the hands-on execution of technological waterworks themselves. Partly this has to do with European market opportunities and regulations, partly with the need to adopt a more flexible, strategic and effective role in the modern ‘network society’. It may also be illustrated by the inauguration of a Delta Commissioner – if he plays his role properly – in helping to overcome interface problems – sectorally and geographically – at local, regional and market levels of water governance in the context of the recently established
Delta Programme. This would anticipate and manage potential consequences of climate change for the overall Dutch water safety systems and freshwater provision.

**Policy-making capacity**

Second, from the viewpoint of effectively operating in a dynamic, constantly changing context of MLG, the expertise, competence and professionalism of national government should be aligned with strategic policy-making and political-administrative leadership, and less with the managerial and procedural concerns of executing policies, or guiding and maintaining large-scale executive organizations for (water)project management and implementation. An ‘intelligent intelligence unit’ with substance oriented, highly skilled, independent thinking, strategically operating, political-administrative professionals and internationally oriented policymakers is favored, rather than a gathering of process and procedures oriented (new) public managers. In this respect the Dutch Government – not only the Ministry of Infrastructure and Environment, which includes water management – still has a considerable road ahead. The philosophy of the General Civil Service Department – Algemene Bestuursdienst (ABD) established in the mid 1990s to modernize Dutch central government human resource management – in the long run has probably done more harm than good by stressing the ‘normalization’ of civil service status and promoting generic ‘managerial and procedural competences’. Combined with the deinstitutionalization of classic political governance principles and routines, and without being able to replace them with new safeguards, this has de facto geared large parts of the rank and file of national civil servants towards a ‘can do’ servitude. This is based on personal politicization rather than professional loyalty, political leadership, and shifts towards alignment with and compliance to higher echelons in the bureaucracy, rather than independent expertise, problem analysis and practical knowledge (‘Dienstwissen’). Strategically it has led to a shorter orientation on the agenda of the minister in charge, rather than a long-term orientation on pressing (international and global) emerg-
ing problems and their consequences for the inhabitants of and quality of life in the Netherlands.

A crucial role for national government in the complex setting implied by MLG is the ability to formulate a clear, transparent and directive national policy, based on international standards, viewpoints and strategies, which serves as a foundation and constraint for regional, ecological, socio-economic, cultural and historical territorial agendas. Without such constraints, there is no innovation. But large parts of the national Dutch civil service seem to have moved towards a project and process inspired orientation and interpretation of the job. The results are evident in many domains of government policy, the least perhaps within water governance with its historical inherent local and decentralized institutional setup. But this setup in itself is being threatened by a clear lack of interest among many leading civil servants in value sensitive institutional design and in other institutional issues. ‘Governance structure’ has almost become a dirty word – the ‘f-word’ in the Dutch context – with the presupposition that only ‘performance counts’ and that ‘structure follows strategy’, even though the historical transformation and experience of the European integration project just blantly points in the opposite direction, i.e. states have to drastically change their strategies because the international structure of governance – be it in financial markets or in water policy – is dramatically changing.

Comparative understanding

Third, and crucial to a more strategic operation in the context of MLG, is the development of a truly comparative cross-system and international understanding of how other systems work and operate, not only ‘to sell’ Dutch water policy internationally, but to properly understand national interest in a MLG context. Institutional settings and historical backgrounds related to water governance in other countries might be very different, which limits the ‘portability’ of experiences from one country to another. It is essential to fully understand the existing governance systems and their historical and cultural background. For certain questions, the rele-
vant issue for Dutch water governance is not how other countries have organized their water policies, but how they have institutionalized the protection of their ‘vital national interests’, the protection against critical societal vulnerabilities or the organization of the overall resilience of their systems. Different countries may take care of their water governance issues in quite different ways, based on the critical functions in society and the ways these have been arranged. Where in the Netherlands certain important organization principles have evolved around water, in other countries the focus may have been on other resources or sectors (such as mountains, deserts, the fisheries sector or the industrial sector). In these cases quite different routes may have to be taken to deal with water related issues, also in identifying allies in a transnational context.

**Systems responsibility**

Fourth, in a situation of MLG, national governments have to adopt system responsibility. Particularly at the national level more rather than less attention is required for the governance of systems – and even systems of systems – rather than its role in the governance within systems. This does not only apply to issues of regulation and control, proper procurement structures and strategies, and the attention for integrity and ‘principles of good governance’. Water issues – whether national, local or international – are not going to be resolved by science and technology as such. Particularly in the current debate on climate change and global warming, many environmental scientists claim more than they can offer. Technology opens new options, solutions and sometimes the promise of radically alternative courses of action in solving social, political or economic problems. Science is an important source for identifying possible solutions and innovations in the context of pressing problems. But alternative technologies and scientific findings in themselves are sources of legitimization and rationalization in processes of governance. As such they will be the subject of permanent contestation in, for example, a battle among ‘merchants of fear’ against ‘merchants of doubt’ – or the other way around – as is taking place in the current climate change or nuclear power debates.
Of course, knowledge management, the mobilization of technical knowledge and expertise and the identification of known and unknown ‘knowns and unknowns’ are important responsibilities for national governments. But the identification of legitimate political and social interests is also to be admitted if not normatively included – even against their will – in the political debate on modern water management. The issue of governance, multilevel or not, implies that people – not water – should be central to the debate and organization of water governance. From a governance perspective water management is not about hydraulics, dykes or purification plants. It is about the hearts and the minds of the people and their vital interests. Solid knowledge management should be based on public problem analyses. Dealing with water governance requires the involvement of all relevant stakeholders. The multi-actor setting should not be considered as a problem, but as the necessary key to solutions. Mere operational stakeholder management risks the inclusion of vested interests only at the expense of more general public goods, water ethics, or the inevitable ‘new kids on the block’ that come to inhabit water management systems from time to time, given new technology, demographics or societal development.

The legitimization, for example, of the Dutch Water Board (Waterschappen) as governance institutions of international standing – and as such potentially strong allies to national government in a MLG policy game – has come under serious pressure. The origin lies within its governance structures, not its acknowledged functional expertise nor its performance – the two factors usually stressed in the current debate on the need for a separate position of water boards. The historical institution ‘Waterschap’ has become estranged from relevant interest configurations, crucial for contemporary water management, particularly in the western, urbanized part of the country. While involvement of relevant actors has traditionally been quite strong (farmers, land owners), the trend is that the interest and involvement of Dutch civilians is declining. Water boards are hardly rooted in the urbanized neighborhoods and metropolitan areas of the urbanized delta. As a consequence, present political discussions seem to ignore the importance of water boards – recognized and critically acclaimed by nearly every
national and international ‘water specialist’ in the field – in performing water governance tasks aimed at ensuring essential water-related functions (water safety and water supply), rooted in local networks and knowledge of the local situation.

However, provincial – and as such also national – government has failed to modernize the constitutional assignment to identify new interests which are emerging in the context of contemporary international water management, and therefore should be involved and incorporated in the existing governance structures. In the 1980s and 1990s environmental and natural preservation interests were identified and included in the overall governance structure. But the emerging interests in the Netherlands and all over the world are increasingly urban and neighborhood based. This involves a variety of potentially new vital interests to be institutionally mobilized and represented in the governance of the board of this crucial water governance institution. From a theoretical point of view, it is obvious that the emerging practice of dealing with these interests and ‘ordinary’ people behind it in the context of project management and the execution stage of policy, will not do the job. Within this strategy, people will negotiate but not associate with the Waterschap as a vital institution in Dutch water management.

**Constituting self governance**

A more permanent and deliberative involvement of these interests and the people behind them in the formulation of the general strategy and policy of respective water boards is needed, in addition to the operational involvement when carrying out the job. The current political debate is on the pros and cons of ‘water board democracy’, but the issues involved in the governance of and by water boards have little or nothing to do with ‘democracy’ in the generic meaning of the concept. At stake is the principle of self governance – even if this implies large-scale self governance. Also the governance of water boards has become a multi-level governance issue in which various spatial, temporal and functional scale requirements need to be accommodated by one overarching – ‘all in’ – govern-
ance institution. The historical institutional rationale of water boards in the Netherlands is that people affected in their daily economic, cultural or social household by the general policies and decisions of the water board should be involved and be a full partner in the governance of this institution. They pay the price – in cash and in kind (maintenance of property, forgone economic options and opportunities in the interest of the regional water management, setting priorities in the deployment of resources and personnel for urgent or required water management tasks, etc.) – for the overall policy decisions of the board. In exchange, their participation – their ‘voice’ or ‘say’, not their veto position – in the overall governance process should be secured.

The water board with its historical record and current reputation is easily identified as a crucial stewardship council for strategic asset management (quality care and maintenance) within the structure of Dutch water governance. With the erosion of its position, a powerful and authoritative ally for national government in MLG might easily disappear from the scene. Although water boards have the obligation to protect, maintain and modernize their own institutional structures and responsibilities – and they have not done a great job in this respect lately – it is only national government which is in the position to regulate and legislate proper governance structures for the system as a whole. Sometimes, idiosyncratic, traditional and endogenous institutions like water boards have to be protected against themselves, particularly in an internationalizing context. As an historical heritage they are often taken for granted, unless they are provided with a special seal. In this case there is no UNESCO World Heritage trademark available to do the job. They have to be represented, explained and justified as ‘institutions of vital domestic interest’ to an international forum full of pressures towards ‘standardization’, ‘level playing fields’ and ‘the clear separation of governments and markets’; concepts that make it difficult to survive as a mixed motive or ‘hybrid’ form of governance. In such a context, an idiosyncratic strategic domestic governance

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institution needs to be protected against the strong and often justified forces towards ‘structural isomorphism’ by national states themselves. The truth is that few, if any, of the national government departments outside the Directorate-General for Public Works and Water Management, have any consistent understanding, let alone forward-looking vision of the role of water boards in national or international multi-level water governance. They are generally understood as ‘old’ – dangerously close to ‘old fashioned’ – executive organizations for Dutch water policy. Partly this is caused by the fact that water boards themselves over the past few decades have been paying more attention to their functional duties in water management, than their capacity and potential in modern, multilevel water governance.

Political proficiency

In sum: modern water management in MLG is fundamentally bottom up, founded on a strong societal self-organization. Human and social capital are as important as money, and form the key to good water governance. This value can be seen in poorer countries with less material and economic resources than the Netherlands, and therefore more dependent on creativity and innovation. Decentralized systems can in fact be very structured, well-organized and effective. The interests of all relevant actors should be taken into account. Solutions to improve the system should be based on consensus building and negotiation. Many systems come from (or are still in) a transition process from the centralized tradition of the (‘unified/federal’) nation-state. The future of international water management lies with stewardship, smart water grids, stakeholder involvement, (‘federalized’) catchment area organizations, water-and user – boards, large infrastructure management (also by private firms), public-private partnerships, well-regulated markets and a strong involvement of financial institutions ranging from micro finance for small-scale social startups to large-scale strategic asset management for the maintenance of these large infrastructures.

Water safety and water quality are constantly under threat of ‘the tragedy of the commons’ as well the daily neglect of mainte-
nance by ‘politics as usual’. It takes an effectively operating multi-level governance system to tackle public problems in the ‘no-one-in-charge, shared-power world’ that has emerged as the institutional stage of modern international water management. It takes a strong, solution driven, internationally oriented, professionally qualified, bureaucratically competent and politically proficient national government organization to deal with it.