



## Research article

# Complex governance structures and incoherent policies: Implementing the EU water framework directive in Sweden



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## ARTICLE INFO

## Article history:

Received 12 February 2016

Received in revised form

16 May 2016

Accepted 13 August 2016

Available online 27 August 2016

## Keywords:

Policy coherence

Multi-level governance

Implementation

Environmental quality standards

Water framework directive

## ABSTRACT

Contemporary processes of environmental policymaking in general span over several territorial tiers. This also holds for the EU Water Framework Directive system of environmental quality standards (EQS), which are part of a complex multi-level institutional landscape, embracing both EU, national and sub-national level. Recent evaluations show that many EU member states, including Sweden, have not reached the ecological goals for water in 2015. Departing from theories on policy coherence and multi-level governance, this paper therefore analyses Swedish water governance as a case to further our understanding of policy implementation in complex governance structures: how does policy coherence (or the lack thereof) affect policy implementation in complex governance structures? To answer this question, the paper maps out the formal structure of the water governance system, focusing on power directions within the system, analyses policy coherence in Swedish water governance through mapping out policy conflicts between the EQS for water and other goals/regulations and explore how they are handled by national and sub-national water bureaucrats. The study concludes that without clear central guidance, 'good ecological status' for Swedish water will be difficult to achieve since incoherent policies makes policy implementation inefficient due to constant power struggles between different authorities, and since environmental goals are often overridden by economic and other societal goals. Further research is needed in order to explore if similar policy conflicts between water quality and other objectives occur in other EU member states and how bureaucrats handle such conflicts in different institutional settings. This study of the Swedish case indicates that the role of the state as a navigator and rudder-holder is important in order to improve policy implementation in complex governance structures – otherwise; bureaucrats risk being lost in an incoherent archipelago of ecological, social and economic goals.

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## 1. Introduction

This paper analyses EU water governance through a novel combined multi-level governance and policy coherence lens. To explore the research question: *how does policy coherence (or the lack thereof) affect national policy implementation of the Water Framework Directive?*, the paper studies the Swedish case in order to analyse how policy coherence and complex multi-level governance structures has affected national implementation of the WFD. Through this approach, the paper provides insights into both the empirical problems of reaching 'good ecological status' for EU water

and the theoretical link between policy coherence and policy implementation, especially in complex governance structures.

Contemporary processes of environmental policymaking in general span over several territorial tiers. This increased interdependence between different levels of government, where decision-makers and civil servants are constrained by institutions on multiple levels of governance, is addressed and theorised in the body of research on multi-level governance (MLG) (e.g. Bache and Flinders, 2004; Eckerberg and Joas, 2004). Water governance in the EU is a current example of such a complex environmental governance system, involving a multi-level institutional landscape embracing both EU, national and sub-national level, and prescribing new hydrologically based governance structures as well as non-state actor participation (Boeuf and Fritsch, 2016). The EU water framework

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directive (WFD) strives to achieve 'good ecological status' in EU waters in 2015 (European Parliament and the Council of the European Union, 2000; European Communities, 2003). However, the implementation of environmental quality standards (EQS), which is necessary in order to achieve 'good ecological status' for water, is in the end a task for national and sub-national level actors. According to the Commission, the results from the WFD implementation process thus far have been meagre – around half of EU surface waters did not reach a 'good ecological status' in 2015 (European Commission, 2015).

It is recognised in MLG theory that policy implementation can be difficult in complex governance systems due to the density of policies (e.g. Oberthür and Gehring, 2006) and due to unclear power directions (e.g. Hooghe and Marks, 2003). When attempting to understand complex governance systems thus both the diffusion, distribution and character of power are important: "while the diffusion of power (among a greater or lesser number of actors or subsystems) is significant, attention must also be paid to the pattern of its distribution (how it is spread across the relevant actors and subsystems), as well as to the character of that power and the resources upon which it is based" (Meadowcroft, 2007, p. 108). Furthermore, from policy coherence studies we know that if there are unresolved goal conflicts between different policies, i.e. policies are incoherent, the need to prioritise is pushed down to national and regional authorities responsible for implementing policy (e.g. Nilsson et al. 2012). Thus, in order to gain: 1) a better understanding of the theoretical link between policy coherence and policy implementation in complex governance structures; and 2) an empirical elucidation of why EU waters fail to reach a good ecological status, this paper explores the WFD implementation process 'on the ground', looking explicitly at power directions and the density of policy measures in a national implementation setting. Furthermore, the paper examines the policy coherence between water quality and other objectives, and how national and sub-national bureaucrats in the actual policy implementation process handle such goal conflicts.

Sweden is one of the member states where the goal of 'good ecological status' for water will not be met (Swedish Water Authorities, 2015). The Swedish implementation of the EU water framework directive provides a good illustration of the institutional complexity of the governance system. For the last decade, overarching responsibilities for Swedish water governance have been allocated to five regional Water District Authorities, including the formulation of EQS and programmes of measures. At the same time, new governance arrangements including stakeholder involvement have been put in place, where local Water Boards are involved in the water governance system. However, the actual measures are supposed to be carried out or enforced by other institutions on state, regional or local levels. Thus, the regional Water District Authorities have no means to enforce their programmes if other institutions fail. Therefore, the Swedish water governance system provides a relevant case to further our understanding of policy implementation in complex governance structures. To answer the research question, the paper maps out the formal structure of the Swedish water governance system, focusing on power directions within the system (who navigates and who steers Swedish water?); analyses policy coherence in Swedish water governance through mapping out policy conflicts between the EQS for water and other goals/regulations; and explores how national and sub-national water bureaucrats handle policy conflicts in practice.

The next section introduces multi-level governance theory and theories on policy coherence and how these concepts are employed and combined in the study. Thereafter, the formal structure of Swedish water governance is described and analysed from a multi-level governance perspective. Subsequently, previous evaluations

of policy conflicts in the Swedish environmental governance system and the results from an expert survey to 27 key Swedish national and regional water bureaucrats (conducted in 2015) are employed in order to identify areas where the WFD goals and programs of measures are risking to conflict with other regulations/goals, and explore how these goal conflicts currently are handled by national and regional water bureaucrats. The final section of the paper provides an analysis of the results in the light of multi-level governance theory, and discusses the consequences of policy (in-) coherence for implementation of policy in complex governance structures.

## 2. Multi-level governance and policy coherence

*Several decades of implementation research have highlighted how administrators and bureaucrats filter, interpret and distort formal policy in...ways that may result in outcomes that differ significantly from the legislator's intentions. Furthermore,...conflicts are often hidden at the higher levels of abstraction such as overarching goal formulations and strategies, in order to facilitate the adoption of decisions. These conflicts may come for the fore in the selection of instruments and how [they] are applied 'on the ground' (Nilsson et al., 2012).*

### 2.1. Multi-level governance

How multi-level governance should be defined is an on-going discussion, but Hooghe and Marks (2001, p. 3) definition is commonly used: "the dispersion of authority away from central government – upwards to the supranational level, downwards to subnational jurisdictions, and sideways to public/private networks". According to Hooghe and Marks (2003), there are two main types of MLG. Type I can be found from the sub-national regional level to the national level and is similar to federative systems characterised by general-purpose jurisdictions, non-intersecting memberships, jurisdictions at a limited number of levels and system-wide architecture. The EU governance system as a whole is classified as Type I. In Type II, which can be found at all levels from the sub-national local/regional level to the supranational level, the jurisdictions are task-specific, memberships are intersecting, the number of jurisdictional levels is unlimited and the design is flexible. Type II MLG is usually located inside Type I-jurisdictions. Later on in this paper, Swedish water management is discussed and classified as a type II MLG structure.

The MLG concept is utilised for different purposes (e.g. Eckerberg and Joas, 2004). Some use MLG to explain the role of the EU in multi-level decision making, while others use it to illustrate the development towards network governance (Hooghe and Marks, 2003; Bache and Flinders, 2004). The concept is also commonly used to illustrate the complexity of decision-making; especially regarding environmental problems, which often span across territorial boundaries (e.g. von Homeyer and Knoblauch, 2008). Bache and Flinders (2004, p. 197) conclude that MLG refers to: increased participation in policy making by non-state actors; that distinct decision making levels are becoming more difficult to discern; a new role of the state in this environment; and a new decision making context which makes it necessary to rethink democratic accountability. Thus, MLG is a useful concept for illustrating the complexity of society in general and, in particular, the complexity of environmental governance. Lundqvist (2004) has employed the concept in analysing the 2002-proposal (SOU, 2002:105) for a new structure for Swedish water governance in response to implementing the WFD. Lundqvist saw difficulties in

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