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The politics of multi-scalar action in river basin management: Implementing the EU Water Framework Directive (WFD)

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ABSTRACT

Scholars of environmental governance are increasingly intrigued by issues of scale. Efforts to institutionalise river basin management represent a pertinent exemplar, as they aspire to strengthen hydrological vis-à-vis political–administrative scales of governance. The EU Water Framework Directive (WFD) is one of the most ambitious policy initiatives worldwide to reconfigure water management planning around the hydrological scale of river basins. Whilst it is widely assumed that the WFD is rescaling water governance in Europe, few empirical studies have been conducted to ascertain how far this is the case, what scalar strategies and practices are emerging and to what effect. The paper addresses these open issues with a study analysing the multi-scalar actions of water authorities, water management organisations, local authorities and interest groups involved in implementing the WFD. It investigates how stakeholders are acting scalar from the local to the European scale and back to further their interests in the course of WFD implementation, focussing on the Wupper sub-basin in Germany. Drawing for conceptual insight on the human geography debate on the politics of scale and processes of rescaling, we demonstrate how all relevant stakeholders are increasingly working across scales to advance their interests but in very different ways, with different degrees of deliberation and to different effect. A typology of multi-scalar action is developed to interpret this diversity. The paper draws conclusions on how multi-scalar action is altering not only power relations between the actors but also the scalar configurations themselves.

Introduction

The Water Framework Directive of the European Union (WFD) has become a showcase for new modes of environmental governance (e.g. Kaika and Page, 2003; Moss, 2004; Kastens and Newig, 2007a; Woods, 2008). One of the most pertinent issues attracting increasing interest in policy and research circles is how the WFD has set in motion a process of reconfiguring the scalar organisation of water management (Thiel, 2009, 2010; Moss and Newig, 2010; Johnson, 2012). On the one hand, the WFD requires water management planning to be conducted around the scale of the river basin, alongside the scale of political–administrative jurisdictions (Art. 3). On the other, it is reordering the vertical decision-making process of water management in Europe, primarily by strengthening the role of the European Commission, now equipped with powers to monitor the achievement of wide-ranging environmental objectives for water quality according to a set timeframe and to sanction non-implementation. This process of scalar reconfiguration is particularly dynamic by virtue of the new opportunities for the participation of stakeholders in the water management planning process created by the WFD.

Whilst it is widely assumed that the WFD is thereby rescaling water governance in Europe, empirically grounded knowledge on this phenomenon is limited. Individual studies have addressed the WFD as a new form of scalar governance in the EU as a whole (Johnson, 2012), in the Netherlands (Huitema and Bressers, 2006) and in Portugal (Thiel, 2009). Whilst these early scalar perspectives on the WFD have brought important new insight into the relative importance of river basin and jurisdictional scales in the implementation process, what is largely missing is an in-depth understanding of how key stakeholders are acting across scales in practice, how these actions are shaping scalar reconfigurations and what impact they are having on the ability of different actors to influence water policy. This paper investigates the practices and perceptions of key actors from multiple scales to assess how they are responding to the rescaling of water governance initiated by the WFD and what multi-scalar strategies and practices they are pursuing. Focussing in from the EU to one small sub-basin in Germany, these actors range from the European Commission and European lobby groups, via federal bodies and state agencies in North-Rhine Westphalia to

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a catchment-based water board – the Wupperverband – and local authorities and stakeholder groups in the catchment of the River Wupper. The paper targets multi-scalar strategies and practices (collectively termed 'scalar actions') specifically on the understanding that new scalar interactions in European water management are not predetermined in the text of the WFD and subsequent national legislation, but are to a large extent the product of an ongoing process of negotiation, collaboration and contestation. Our working hypothesis is that, in the wake of the WFD, some actors are advancing their water management interests by working across different spatial scales and that some of these actors may be pursuing a deliberate strategy of multi-scalar intervention. By operating in this way these actors, we claim, are not simply using existing spatial scales to their own advantage but, in doing so, are altering the political significance of some scales in relation to others and generating new modes of multi-scalar action with important implications for water policy outcomes.

Conceptually framed by recent research in human geography on the politics of scale and processes of rescaling relating to environmental governance, the paper investigates the multi-scalar actions of the above actors to answer the following questions:

- Firstly, how far and in what ways are certain actors operating across and within river basin and political–administrative scales in implementing the WFD?
- Secondly, how are these scales being constructed or reconfigured by these activities and around what key issues of WFD implementation?
- Thirdly, what effects are multi-scalar strategies and practices having on the power of actors to influence WFD implementation?

The paper is based on a literature review of the human geography literature on scale/rescaling pertinent to environmental governance, on documentary material on implementing the WFD in Germany and the Wupper sub-basin and on 15 interviews conducted with representatives from all the relevant scales between 2010 and 2012.[1] In addition, the researchers organised three workshops with leading representatives of the Wupperverband and participated in internal meetings and in the annual river basin symposia (documented at www.wupperverband.de (accessed 31 May 2013)).

Theory: conceptualising scalar strategies and practices

In order to explore the process of scalar reconfiguration of water governance in the EU set in motion by the WFD it is important to develop first a clear conceptualization of what is meant by scale, processes of re-scaling and multi-scalar actions. Contributions to scalar concepts have emerged over the past 30 years within different streams of literature, which may be subsumed under the headings (1) human geography, (2) multi-level governance, (3) participatory governance and (4) environmental institutions (Jager et al., forthcoming). The following paper focuses on the human geography debate because it is particularly suited to guide conceptually our interest in the dynamics and politics of scalar action.

The human geography literature on the "politics of scale" explores the societal production and effects of spatial scales with a particular interest in revealing and explaining the shifting geographies of power relations (Smith, 2008 [1984]; Swyngedouw, 1997, 2000; Schmid, 2003; Brenner, 2004). In this literature scales are not taken as given, but as dynamic constructs. They are produced, structured and given value by actors in a continuous process of negotiation and contestation. This process of "rescaling" applies not merely to the structuration of single scales, but primarily to the reordering of relations between scales (Agnew, 1997, p. 100). Of particular relevance to our paper, this approach to scale has recently been applied to human–nature relations. The interest here lies not only in exploring how the reorganisation of spatial scales is linked to control over natural resources (Swyngedouw, 2010), but also how rescaling works at the interface between traditional territorial scales and emergent scales of environmental governance (Bulkeley, 2005), such as for river basin management. These two scalar domains are regarded not as distinct entities, but as mutually constitutive. Thus, a new river basin organisation is a manifestation of reordered social relations, yet shapes these in return, as Swyngedouw (2007) has demonstrated for water policy under the Franco regime. This insight on scalar structuration guides our response to the second research question of this paper.

Being at the same time product and medium of social production, scales are – for human geographers – key to understanding power relations. They are the "outcome of socio-spatial processes that regulate and organise social power relations" (Swyngedouw, 2010, p. 12). More specifically, scales "enabl[e] particular relationships of power and space that advantage some social groups and disadvantage others" (Jones, 1998, p. 28). The production and reorganisation of scales is conceived as an inherently political process because it entails the redistribution of power. Here, power is understood not as some attribute of individual actors, but as a product of social interactions. This coincides with modern, relational understandings in political science, whereby power is conceived as "the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate" (Barnett and Duvall, 2005, p. 42). In addressing the third research question of this paper we follow this general approach. We are interested in revealing who is gaining, and who is losing, power as a result of rescaling processes in water management in terms of the power *to* influence policy contents and the power of one actor *over* others (Barnett and Duvall, 2005, p. 46), encompassing both indirect forms of power ("power as context-shaping") and direct forms of power ("power as conduct-shaping") (Hay, 1997, p. 51). Our understanding of power includes the influence of the so-called non-decisions (Nohlen and Schultze, 1995, p. 306), i.e. the ability of an actor to prevent political decisions it opposes.

If rescaling processes are about actors struggling to consolidate or strengthen their own position, how do they act scalar to this end? The human geography literature also provides guidance for this, our first research question. It notes, first of all, that the ability to act on multiple scales is not equally distributed and therefore itself an expression of power relations. Within these constraints some actors concentrate their efforts on preserving or gaining influence on one specific scale. In other cases multi-scalar strategies are pursued, whereby actors are active on several scales in order to maximise their influence (Brenner, 2001; Uitermark, 2002; Adger et al., 2005). One such strategy is scale jumping, by which "[p]olitical claims and power established at one geographical scale are expanded to another" (Smith, 2000, p. 726; cf. for environmental governance, Köhler, 2008). This resonates with the phenomenon of "venue shopping" identified in political science (Baumgartner and Jones, 1993). Another practice is scalar bypassing, in which an actor deliberately leapfrogs the hierarchical order. In this paper we develop and apply a wider range of terms to reflect the specifics of scalar politics in environmental governance. For analytical purposes we need to distinguish between hydrological scales (ranging from a small sub-catchment to a major transnational river basin) and jurisdictional scales (ranging from a local authority to the European Union) as a precursor to explaining their interdependence.

[1] The paper draws on findings from a research project funded by the German Research Council entitled RescalE (Rescaling Environmental Governance in Europe – The Water Framework Directive and the Spatial Organisation of Resource Regulation). Further information available from: http://www.waterscale.info/project.html.