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Transboundary governance of climate adaptation

**Enabling and constraining characteristics for cross border cooperation
on climate adaptation between the policy arrangements of the
Netherlands and North Rhine-Westphalia, knowledge gaps and policy
recommendations.**



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1. Introduction

This report summarizes the research outcomes of deliverable 5.2.2 of 'Kennis voor Klimaat' and provides recommendations for further research and climate adaptation policy across borders. More details, results and an encompassing theoretical background can be found in the document of deliverable 5.2.2: *'Understanding transboundary governance of climate adaptation: enabling and constraining characteristics of the policy arrangements of the Netherlands and North Rhine-Westphalia for cross border cooperation on climate adaptation'*.

1.1 Research background

Scholars state that climate change will affect river basins in a variety of ways. Periods of floods and droughts could be intense and frequent. Also changes in temperature and ecology are expected to happen (IPCC, 2007; Kabat and van Schaik, 2003). These and other effects of climate change do not respect man made borders, so adapting to climate change in itself is a transnational challenge. Climate adaptation exists of initiatives and measures for reducing the vulnerability of natural and human systems against actual or expected climate change effects (IPCC, 2007; Pachauri and Reisinger, 2007). Transboundary governance is of significant importance for dealing with issues that transcend governmental boundaries. The development and level of transboundary governance will be influenced by various enabling and constraining factors, which should be analyzed to understand and possibly improve cross border cooperation for climate adaptation.

1.2 Research approach

The research objective of deliverable 5.2.2 was to gain a better understanding of cross border cooperation on climate adaptation governance by identifying characteristics of policy arrangements that enable or constrain transboundary governance on climate adaptation in order to possibly improve cross border cooperation in the future. Those characteristics were identified by comparing the policy arrangement of North Rhine-Westphalia (henceforth: NRW) and the Netherlands in the Rhine catchment (figure one). We expect that a high level of similarities (congruence) (see Boonstra, 2004) between regions enables cross border cooperation, while dissimilarities will hinder transboundary governance. The Rhine catchment was specifically chosen as it is one of the most densely populated, industrialized and economically important regions in Europe and it is expected that climate change will have a significant impact on the entirety of this catchment (Becker et al., 2013; Bubeck et al., 2010; Dieperink, 1998; Kruse, 2008; Lindemann, 2008; Pfister et al., 2004; Philip et al., 2008). The region has a long history in dealing with upstream-downstream issues (Meijerink, 2008; Moss, 2004; Steenhuisen et al., 2007; Termeer et al., 2011; Wiering, 2010). And several authors are positive about the transboundary cooperation in the area (Dieperink, 1998; Becker et al., 2013; Krysanova et al., 2010; Lindemann, 2008).

1.3 State-of-the-art of transboundary governance

Key examples of cross border cooperation between the Netherlands and NRW are the International Commission on Protection of the Rhine (ICPR) (1963), the Borders Water Commission (1960), the Dutch-German working group on high water (1997) and various INTERREG and Euregio projects that exist at the national, regional and local level involving both private and public actors (Becker, 2009; Gilissen, 2009; te Linde et al., 2012; Lindemann, 2008; Lulofs and Coenen, 2007; Monstadt and Moss, 2008; Raadgever and Mostert, 2005; Steenhuisen et al., 2007). It is notable that most cross border activities and projects are focusing on flood protection and water management, while other climate adaptation issues are hardly addressed by transboundary governance between Germany and the Netherlands. This

research analyzes which factors influenced the development of cross border cooperation among the Netherlands and NRW.

1.4 Research method

By applying the Policy Arrangement Approach, a comparative case-study research was executed (figure one, green box). In this report, first an outline of both policy arrangements is described. After that, the outcomes of the case-study comparison are shown; the enabling and constraining policy arrangement characteristics. Next section describes the probable influence of EU governance and normative principles and this report will end with a concluding section and recommendations. Deliverable three (figure one, red box) will continue with this research by analyzing the impact of EU normative principles.

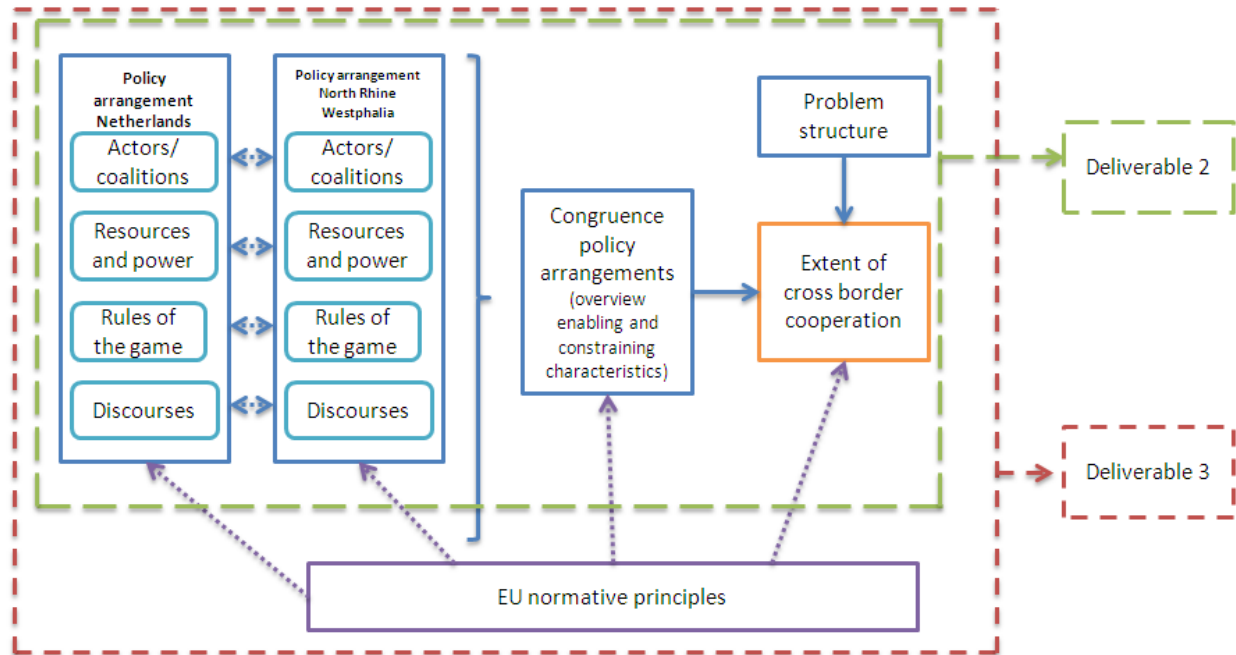


Figure 1: Conceptual model, based on Wiering et al. (2010)

2. Policy arrangement of the Netherlands

The Dutch policy arrangement can be characterized as unitary, functionally and decentralized with various (mainly public) actors participating in climate adaptation governance, although the water sector is strongly dominating Dutch climate adaptation policies (Havekes and van Rijswijk, 2010; Toonen, 1987). Key actors are the national water authority (*Rijkswaterstaat*) and water boards. To a lesser extent the national government (particularly the Ministry of Infrastructure and Environment), provinces and municipalities are also involved. The Netherlands has a long history managing water, however climate adaptation as such has been a relatively new concept to it. After 2004, the first policy documents on climate adaptation have been published, such as the national adaptation strategy (ARK programme) and the Delta Programme of the Second Delta Committee (Biesbroek et al., 2013; Veerman, 2008). In the Netherlands, the government is responsible for safety of inhabitants and various financial and knowledge resources are available to address climate adaptation and particularly water issues. For example the Ministry has its own budget and next to this comes the Delta funding. Important formal legislation in this field are the Delta Act and the Dutch Water Act (national water plan) (van der Grijp, Bergsma and Gupta, 2012). One of the defining characteristics as regards to Dutch water law and flood

protection is that protection standards are implemented in national law (Steenhuisen et al., 2007). Climate adaptation governance in the Netherlands is rather informal and horizontal and can be typified as a consensus-oriented style of policy making (van Waarden and Hildebrand, 2009). Key element in the Dutch policy arrangement is that climate adaptation has been primarily concerned with water safety, with all other interests, however important, coming second (Steenhuisen et al., 2007). At this moment, Dutch climate adaptation governance can be characterized by a 'Safe Delta' story line, with the older 'Room for the River' concept remaining to exist alongside. Over the last years there was a clear shift from a more ecological room for the river 'living with water' story line, via an integrated and encompassing 'climate proofing and accommodating' story line to a more focused and sector based 'safe delta' story line (van den Berg, 2013). Overall, climate adaptation and mitigation is exclusively framed with regard to the water sector. Significant principles in the Dutch policy arrangement are sovereignty and multi-layer safety (Boezeman et al., 2013; van den Brink et al., 2013; Meijerink and Dicke, 2008).

3. Policy arrangement of North Rhine-Westphalia

The NRW policy arrangement is characterized as federal and decentralized with multiple actors, levels and especially sectors participating in climate adaptation governance. This leads to a fragmentation in knowledge and financial resources, programmes, strategies, power, rules et cetera. On the other hand, this also ensures an integrated approach of climate adaptation governance. Typical for Germany and NRW is the balancing of different interests, such as safety and ecology (Steenhuisen et al., 2006, 2007). However, also Germany is still struggling to include all sectors in an integrated approach (Hasse, 2013). Examples of important actors are the federal government with multiple ministries and supporting institutions, the State (Länder) government, administrative districts, municipalities, water authorities on multiple levels, dike associations et cetera. Overall, public actors play a central role in Germany's climate adaptation policies and a lot of responsibilities are with the local or regional authorities (Becker et al., 2007; van Duijn et al., 2009; Garrelts and Lange, 2011; Greiving, 2008; Hasse, 2013; Monstadt and Moss, 2008). NRW is unique as a State in Germany, as they have the Wassergenossenschaften (Hartmann, 2013). Also non-governmental actors are involved in climate adaptation governance, for instance the media did raise attention after flood events (Garrelts and Lange, 2011). The availability of knowledge and financial resources is generally adequate to address climate adaptation, yet especially financial resources are fragmented (Garrelts and Lange, 2011; Stecker et al., 2012). Knowledge generation is stimulated via several institutions and projects (Bowyer and bender, 2013; Huitema et al., 2012; van Liempt, 2009), yet is also diffused among different actors and organizations (Hasse, 2013). NRW and Germany have various formal rules of the game for each governmental level and sector, examples are the national adaptation strategy, a related action plan, flood control act and the adaptation strategy of NRW (Biesbroek et al., 2010; Bowyer and Bender, 2013; Garrelts and Lange, 2011; Greiving, 2008; Meister et al., 2009). Climate adaptation policies in NRW are hierarchical and formal (Lulofs and Coenen, 2007; Verwijmeren, 2007). Another characteristic of this policy arrangement is that citizens have an individual responsibility concerning flood management and climate adaptation, although they are supported by the government (Garrelts, 2013; Steenhuisen et al., 2006, 2009). More attention, priority and resources are provided to climate mitigation instead of adaptation (Bender et al., 2012; Bowyer and Bender, 2013; Huitema et al., 2012; Stecker et al., 2012). Besides that, floods are framed as natural phenomena that cannot be prevented, so policies should focus on damage reduction, mitigation and recovery (Rademakers, 2013; Steenhuisen et al., 2007). Important principles and concepts that are applied in the policy arrangement of NRW are the river basin management approach, 'Room for the River' and the precautionary-, subsidiarity-, federalism- and solidarity principle (Becker, 2009; Garrelts

and Lange, 2011; Hartmann, 2009; Johnson and Priest, 2008; Kruse, 2008; Monstadt and Moss, 2008; Mostert, 1998).

4. Enabling and constraining characteristics of policy arrangements for transboundary governance on climate adaptation

As described in the introduction, differences and similarities between the policy arrangements of NRW and the Netherlands are expected to hinder and stimulate cross border cooperation in climate adaptation. A comparison of both policy arrangements and the identification of the potentially enabling and constraining policy arrangement characteristics is summarized in table one and will be shortly addressed in this section. Both policy arrangements show various similarities and are reasonably likely minded countries. Similarities distinguished are the involvement of multiple actors on multiple levels, the high level of decentralization in both regions, the availability and division of knowledge resources, the relative high feeling of urgency with regard to climate change and adaptation in both regions and the overlap of and mutual understanding with regards to concepts, views and principles. This relative high degree of congruence might have stimulated transboundary governance of adaptation. For example, the fact that multiple types of actors on multiple levels are concerned with climate adaptation in both regions, did ease the establishment of cooperation structures on various levels, such as Viking, the Dutch-German working group on high water as well as cooperation within the ICPR. However, the relative high level of cross border cooperation between the policy arrangements mainly took place in the water sector, while transboundary governance on other aspects of climate adaptation is still relatively weak (e.g. ecology and heat stress). This can be explained by referring to the dominance of the water sector in the policy arrangement of the Netherlands. This dominance in the Netherlands versus the balancing of interests and sectors in NRW is an influential discrepancy that both indirectly and directly might complicate cross border cooperation between the two countries. Other factors that might have hindered cooperation so far are the dominance of public responsibility in the Netherlands with regards to safety versus mostly private responsibility of citizens in NRW, as well as the dispersion in amount and division of financial and power resources, the amount and type of formal and informal rules of the game and differences between existing programmes and strategies in both regions. For example, the Netherlands has one policy, the Delta Programme that specifically focuses on water management, while NRW developed policies, strategies and plans for all sectors concerned with climate adaptation. The dominant risk approach also differs between both regions, since NRW has a broad approach for flood strategies, incorporating and balancing all types of interests with varying safety standards across regions, while the Netherlands has a multi-layer-safety approach and uniform safety standards that mainly focus on flood defense and water interests.

5. EU normative principles

Europeanization theories state that EU governance influences Member States' policies. On one hand the EU can act as a supra-national, hierarchical authority by drafting Directives and regulations. On the other hand, the EU could also influence national policies via the provision of their logic and meaning of action by soft and flexible law (Knill and Lenschow, 2005; Radaelli, 2004). In both approaches EU normative principles can play a role. Normative principles can be defined as '*abstract ideals to be interpreted and realized through concrete policies*' (Correljé et al., 2007; Van Rijswick and Havekes, 2012). They can influence Member State's policies by defining a desired situation or an ideal process (Dworkin, 1986; Knill and Lenschow, 2005). Besides the constraining and enabling factors for

Dimension	The Netherlands	Comparison	North Rhine-Westphalia
Actors and Coalitions			
Institutional structure	Unitary decentralized	Small difference	Federal decentralized
Public-private relation	State secures safety	Significant difference	Citizen responsibility
Multi-actor	Multiple actors are involved	Similarity	Multi-actor involvement
Multi-level	Participation of multi-level actors	Similarity	Involvement of actors on multiple levels
Multi-sector	Sectoral approach Dominance of public, water sector	Significant difference	Integrated approach All types of sectors involved, trade off
Resources and Power			
Financial resources	High amount, concentrated in Delta fund	Important difference	Lower amount of resources and diffused
Knowledge resources	High quantity of knowledge available Various actors involved Focusing on water management	Similarity Similarity Difference	High quantity of knowledge available Various actors involved Research covers various themes
Power	Central (e.g. Delta commissioner)	Difference	Diffuse (no over coupling institution)
Rules of the Game			
Formal rules	One plan & law (Deltawet and plan) Uniform safety standards Mainly rules in the water field	Difference	Diffuse plans, policies and programmes Safety standards differ across regions All aspects of climate adaptation
Political culture	Consensus style, 'polder' model. Informal and rather horizontal.	Difference	Hierarchical and formal policy style
Discourses			
Program and strategies	Delta programme	Difference	Various strategies and programs

Feeling of urgency	Relatively high, focus on flood risks	Similarity and difference	Relatively high, focus on climate issues (particularly mitigation)
Risk approach	Shift from Flood Defense towards Multi-Layer-Safety approach	Difference	Broad approach of flood strategies, incorporating other interests as well
Concepts	Mainly: 'Safe Delta', also still 'Room for the River'	Similarity and difference	'Room for the River', ecological focus and aim for resilience
Principles	Sovereignty, solidarity, retain-store-drain and multi-layer-safety	Both	Precautionary, solidarity, federalism, subsidiarity

Table 1: A comparative overview of the Dutch and North Rhine-Westphalian policy arrangements on climate adaptation

transboundary governance on climate adaptation that were described in last section, EU-principles could also have an effect on climate adaptation policies in individual Member States and on transboundary governance (figure one). One of the goals of EU governance is to harmonize Member State's policies, which will probably ease transboundary governance. Normative principles are not specific and directly binding rules, nor do they change the distribution of resources among actors, but they could rather alter existing beliefs as regards to climate adaptation policy. Such framing policy can increase similarities, or congruence, among Member States' policies. We expect that a higher level of congruence between policy arrangements will lower the barriers for developing transboundary policy (Wiering et al., 2010; Van Os et al., 2013). Examples of EU normative principles that concern climate adaptation (indirectly) and which are to a greater or lesser extent implemented in the Dutch and NRW policy arrangements are the solidarity, subsidiarity and precautionary principle as well as the river basin management approach. Implementation in both arrangements stimulates for example mutual understanding, which will positively influence congruence and therefore also cooperation between both regions. However, actual implementation could differ in practice. This is for instance the case for the solidarity principle as the Netherlands understands solidarity as uniform safety and standards for all regions, while Germany does not apply uniformity across regions (Becker, 2009; van Eerd, 2013; Huitema et al., 2012; Monstadt and Moss, 2008; Moss, 2004; Steenhuisen et al., 2006, 2007; Verwijmeren; 2007; Wolsink, 2006).

Based on this research, the hypothesis can be formulated that EU normative principles will have an effect on individual policy arrangements, as well as on congruence between Member States and on transboundary governance of climate adaptation. An example is that the EU Flood Directive and the included principles could possibly increase transparency and communication regarding flood risk management among Member States and cross border regions, leading to a higher degree of mutual understanding and where possible alignment, which will increase and enable transboundary governance. It is important to test this hypothesis in order to gain a more complete understanding of the development of climate adaptation policies, cross border cooperation and constraining and enabling factors (figure one, red box).

6. Preliminary conclusions

Various similarities of policy arrangement characteristics were found during the comparative analysis of the Netherlands and NRW that will probably enable and ease transboundary governance on climate adaptation in this region. Examples are that climate change adaptation is decentralized in both countries, multiple actors on multiple levels are involved in climate adaptation governance and both have an adequate availability of knowledge resources. Also discrepancies between both regions were found, which are expected to hinder cross border cooperation with regard to climate adaption. For instance, differences in risk approach and standardization of norms between both regions exist, the sectoral water focus of the Netherlands and their public responsibility versus the integrated and trade-off approach of NRW with a focus on private responsibility were the most significant constraining features of policy arrangements. All similarities and differences identified can be found in table one. EU governance and normative principles will probably affect the development, implementation and maintenance of transboundary governance on climate adaptation as was described in last paragraph.

7. Recommendations for further research and policy practice

Cross border cooperation in the field of climate adaption is important and progress could be hampered by a lack of congruence between national policy arrangements. Increasing congruence between adjacent arrangements seems to be a good step forward. Emphasis should be laid on discursive changes as the other dimensions seem to be less flexible. Discursive changes could be reached by organizing knowledge exchange via workshops, platforms, field trips and conferences. This might result in a joint framing of adaptation issues and solutions and a higher understanding of each riparian's interests. Existing international commissions can play a key role in this.

Our research results are preliminary, so we have to better scrutinize the impacts of enabling and constraining factors on actual cooperation in the Rhine river basin. In order to generalize our findings, the role of enabling and constraining characteristics of policy arrangements should be researched in other catchments as well. Furthermore, the role, implementation and influence of EU governance and particularly normative principles should be studied empirically. In the next research step (deliverable 3) we will assess how EU normative principles influence transboundary governance between the Netherlands and NRW (figure one). We will, among others, try to specify the path of influence. Do EU-principles harmonize national policies, which define a good level playing field for international cooperation, or do they address directly this cross border cooperation? Moreover, we will try to assess the relative impact of the EU principles versus the more specific substantive and procedural rules of the EU.

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