

THE MECHANICS OF VIRTUE: LESSONS ON PUBLIC PARTICIPATION FROM IMPLEMENTING THE WATER FRAMEWORK DIRECTIVE IN THE NETHERLANDS

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Abstract

Public participation is often presented as a virtue (a normative good), but the strategy comes with its own mechanical flaws. Policy debates and the literature have for a long time been dominated by this idea of public participation as a virtue, but recently the literature has become more critical addressing the instrumental and substantive aspects of public participation. This article engages with and adds to the literature by presenting the use of public participation in implementing the European Water Framework Directive in the Netherlands. The study traces and discusses a number of mechanistic issues related to public participation.

Key words

Policy making, interest group representation, public participation, water policy

The Mechanics of Virtue: Lessons on Public Participation from Implementing the Water Framework Directive in the Netherlands¹

Introduction

Public participation is often viewed as being an ‘all good thing’ – a virtue. To quote Sherry Arnstein’s seminal article on the topic: “The idea of citizen participation is a little like eating spinach: no one is against it in principle because it is good for you” (Arnstein, 1969, 216). In general, public participation is considered a strategy to increase the legitimacy and democracy of the public policy-making process and its outcomes – policies. The literature further reports on increased effectiveness, efficiency and quality of policies that have been developed and implemented after a process of public participation. Following on from such positive findings, public participation is gaining increased attention all over the world (for illustrations discussed in this journal, see among others Collins & Ison, 2009; Newig & Fritsch, 2009a; Tsang, Burnett, Hills, & Welford, 2009; Whitmarsh, Swartling, & Jäger, 2009). The European Commission (EC), for instance, considers public participation as key for interest representation, especially in environmental and water policy (e.g. EC, 2000, 2001; EC, 2003a, 2003b). Even more, to overcome a low level of public participation in the early 2000s (Greenwood, 2003), the EC has *mandated* its Member States to ensure public participation in the implementation of the Water Framework Directive (WFD) – an EC Directive that aims to improve water quality throughout Europe.

This article critically reviews the role of public participation in policy making and policy implementation. It brings together an existing literature on public participation and finds that this body of work is dominated by normative virtue-laden discussions, which overshadow the discussions that address the mechanics of public participation. The present article aims to engage with and add to discussions on whether public participation is indeed an ‘all good thing’. This is of particular relevance since the normative discussions appear biased in presenting public participation as an ‘all good thing’ only, whereas technical and functional arguments highlight its potential shortcomings in terms of effectiveness. A better understanding of the technical and functional aspects of public participation may help policy makers to make more informed decisions on the use of public participation.

The article is structured as follows. We begin with a discussion of the current literature on public participation, specifically focused on public participation in environmental policies. We then examine the technical and substantive literature on public participation by considering public participation in the implementation of the WFD in the Netherlands. The case is of particular interest as the traditional corporatist system of public interest representation in this country (Woldendorp & Keman, 2007) does at first glance seem unsuitable for a more pluralist strategy as public participation (Greenwood, 2003). The study is based on a series of in-depth interviews (n=53) and an online survey questionnaire (n=298). Presenting a single country case study has limitations, however. Although we highlight many of the issues related to public

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participation and contrast these with findings in other countries, we do not claim empirical generalisability of findings. Building on this critical case (Gerring, 2007), we are, however, able to conclude this paper by highlighting a number of potential shortfalls of public participation, and the problems that may result from a top-down demand for public participation by higher levels to lower levels of government.

Public participation as a virtue and as a mechanism²

As with many contested concepts, public participation means different things to different people – and it is expected to result in different outcomes by different people. Broadly, the relevant literature may be divided into debates that consider public participation as a virtue and debates that consider it as a mechanism. The former debates are mostly normative and hold that “participation is just *the right thing to do*”, while the latter underline the instrumental and substantive aspects of public participation and aim to understand whether “it is a better way to achieve particular ends”, and “leads to *better ends*” (Stirling, 2004, 220 - emphasis in original).

Public participation as a virtue

The debates on public participation as a virtue “rest on principles of democratic emancipation, equity, equality and social justice” (Stirling, 2004, 220). This perspective may be traced back to Sherry Arnstein’s seminal article in which she introduced the, now famous, “Ladder of Citizen Participation” (Arnstein, 1969, 217). Arnstein distinguishes processes that are empty rituals from processes expected to have actual benefit. Low in her ladder of citizen participation we find ‘manipulation’ and ‘therapy’ – forms of participation that are at best paper constructs but *de facto* do not give the public any influence on the policy making or implementation process. In the middle of her ladder we find ‘informing’, ‘consultation’ and ‘placation’ – forms of participation that do allow citizens to state their opinions, and do not require power holders to include the voice of citizens in their policies. At the top of the ladder we find ‘partnerships’, ‘delegated power’ and ‘citizen control’, forms of participation that actually transfer some power from governments to citizens. Over the years this ladder has been criticized and refined (e.g. Collins & Ison, 2009; Irvin & Stansbury, 2004; Konisky & Beierle, 2001; Webler & Tuler, 2006), but Arnstein’s general distinction between empty rituals and true sharing of power still holds in this strand of the literature.

Within the virtue-laden or normative debates public participation is generally considered to increase legitimacy of the policy making process or its implementation, and to improve the general public’s acceptance of the outcome of this process. In environmental policies, particularly, citizen involvement and the sharing of powers between authorities and citizens is considered important as these policies often directly impact on citizens’ day-to-day lives (Bischof & Davis, 2002; Dryzek, 1990; Giddens, 2000; Gutmann & Thompson, 2004; Healy, 1993; Offe, 1984). Following on from Arnstein, the empirical literature aims to provide evidence whether, or to what extent, public participation increases the level of democracy and the legitimacy of the policies developed and implemented. Yet, evidencing democracy or legitimacy comes with serious methodological constraints (cf. Black, 2008; Dryzek, 1990), let alone evidencing a causal association between public participation and higher levels of democracy and legitimacy. Empirical evidence for more democracy or legitimacy is often indirectly constructed

² In distinguishing public participation as a virtue and as a mechanism, we analytically follow a recent essay on accountability by Mark Bovens (2010).

based on studies of the mechanical side of public participation (e.g. Brody, Godschalk, & Burby, 2003; Irvin & Stansbury, 2004).

Public participation as a mechanism

The debates that consider public participation as a mechanism have a strong focus on the impact of public participation on the effectiveness of the policy making and implementation process (e.g. Collins & Ison, 2009; Newig & Fritsch, 2009a; Owens & Cowell, 2011) – sometimes referred to as output legitimacy (e.g. Hagberg, 2010; Newig & Fritsch, 2009b).

The literature in these debates that consider instrumental aspects of public participation questions whether or not public participation does indeed involve stakeholders who are normally difficult to reach, whether citizens actually have access to the participation process and whether citizens have sufficient knowledge and means to participate successfully (e.g. Chess & Purcell, 1999; Konisky & Beierle, 2001; Selman, 1998, 2001). This, for instance, takes into consideration whether information was openly available and readily shared, or whether a rational argumentation and dialogue between citizens, professionals and public officials was enabled (e.g. Barber & Bartlet, 2007; Gutmann & Thompson, 2004; Webler & Tuler, 2006; Wiklund, 2005). Some find that public participation does promote public involvement and citizen engagement (e.g. Brody et al., 2003), whereas others find that it often falls short due to, for example, a lack of trust by citizens in governments (e.g. Irvin & Stansbury, 2004), or a feeling of not being taken seriously (Lukensmeyer & Torres, 2006). Furthermore, even if trust in governments is enhanced during the policy making or implementation process, this is no guarantee that such trust will remain in later stages (Petts, 2008).

Besides discussing the potential merits of public participation in terms of efficiency, this strand of the literature is critical. It considers the danger of capture, or a disproportional representation of small groups in the process (Baiocchi, 2005). This literature is also concerned with the costs of public participation in terms of time and money (Rowe & Frewer, 2005).

The literature that addresses the substantive aspects of public participation examines whether public participation does result in policies of a higher quality, and to what extent these policies are more easily accepted by the general public (e.g. Brody et al., 2003; Irvin & Stansbury, 2004). In addition, the literature considers the possibility that public participation speeds up the policy-making or implementation process; and that it uses less resources, or allocates these in a more efficient way than policies which have developed or have been implemented without public participation (Agger, 2010; Evans, Joas, Sundback, & Thobald, 2006). Moreover, this literature highlights the learning effect of public participation (Collins & Ison, 2009; Petts, 2007; Whitmarsh et al., 2009). For instance, participants may gain more knowledge about the policy and its goals, which may help them comply with the policy once it is implemented (Newig & Fritsch, 2009a).

This strand of the literature assesses public participation as well. It considers the watering down of policy outcomes, or of compromising the process instead of taking brave decisions (Aguilar-Fernandez, 2004; Coglianese, 1999). The latter issue is particularly relevant in environmental policy where often tradeoffs have to be made between economic, social and environmental concerns (Dryzek, 2005). Susana Aguilar-Fernandez (2004, 164) frames this as a “participation trap”: a situation where citizens or social groups decide not to participate, or after a well-organised participation process the majority decide not to support the environmental policy initiative in favour of economic considerations. Responsible politicians would, based on this process, choose not to implement the initiative, which may have a negative impact on the overall environmental policy in their jurisdiction – and hence a negative impact on the jurisdiction’s natural environment. An undemocratic, but from an environmental awareness

point of view, preferable approach would be if politicians acted as forerunners and implemented the policy without consultation.

Traditionally, the virtue-laden normative perspective dominates the literature on public participation (cf. Stirling, 2004). This leaves uncertainty: under what circumstances, where and why may we expect public participation processes to result in more efficient policies of a higher quality? The following sections aim to engage with and add to the literature that consider public participation as a mechanism.

Case study: public participation in the European Water Framework Directive

The history and content of the European Water Framework Directive (WFD) have been discussed at great length in this journal (e.g. Beunen, van der Knaap, & Biesbroek, 2009; Demetropoulou et al., 2010; Hare, 2011; van Overveld, Hermans, & Verliefde, 2010) and elsewhere (e.g. Kaika & Page, 2003; Kallis & Butler, 2001; Page & Kaika, 2003)³. In short, the WFD aims at a 'good ecological status' and 'good chemical status' for waters in Europe by the deadline of 22 December 2015 (EC, 2000, annex V and IX). The WFD is EC legislation that the Member States need to follow, but there is much freedom as to how to meet the goals set. This allows Member States to develop and implement policies suitable to local factors.

For our study, it is relevant to note that the WFD was, when implemented, the first piece of EC legislation that *forced* the Member States to ensure public participation in the policy-making process of these new water policies (cf. Newig, Pahl-Wostl, & Sigel, 2005).

Public participation in the WFD

Preamble 14 to the WFD clearly provides a rationale for public participation: 'The success of [the WFD] relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public, including users' (EC, 2000: 2). The actual requirement for Member States to ensure public participation is laid down in WFD Article 14: 'public information and consultation' (EC, 2000: 16). Article 14 mentions three forms of public participation: information supply, consultation and active involvement. Information supply and consultation have to be guaranteed by the Member States; active involvement is encouraged but not required by the EC (EU Working Group on Public Participation, 2002: 17).

Article 14 leaves much room for interpretation by the Member States – as do many provisions of the WFD. Various working groups have drawn up so-called implementation strategies aiming to support Member States in the implementation of the WFD. The EU Working Group on Public Participation defines public participation as: 'allowing people to influence the outcome of plans and working processes' (EU Working Group on Public Participation, 2002: 19). According to this Working Group, 'the main purpose for public participation is to improve decision-making, by ensuring that decisions are soundly based on shared knowledge, experiences and scientific evidence, that decisions are influenced by the views and experience of those affected by them, that innovative and creative options are considered and that new arrangements are workable, and acceptable to the public' (EU Working Group on Public Participation, 2002: 21).

For the Member States the open-ended structure of Article 14 results in two major issues. First, it does not state *who* should be involved in this process of public participation – it refers to 'all interested parties in the implementation of [the WFD]' (EC, 2000: 16). Second, the

³ See also the EU website on the WFD: http://ec.europa.eu/environment/water/water-framework/index_en.html.

WFD does not pre-determine at what *scale* public participation should take place. Nevertheless, from Article 14 it may be concluded that public participation is relevant at all scales where activities take place to implement the WFD – the areas where actual measures are taken, but also areas where the impact of such measures are felt (cf. EU Working Group on Public Participation, 2002: 26).

To summarise, the EC requires the use of participation by its Member States. The rationale for doing so seems highly based on an assumption that public participation will improve the effectiveness of the policies to be developed and implemented under the WFD, in addition to creating legitimacy for these policies (cf. Hagberg, 2010; Newig & Fritsch, 2009b).

Public participation in practice: implementing the WFD in the Netherlands

In what follows, we discuss how this ‘forced public participation’ was dealt with in the Netherlands, whilst implementing the WFD. Studying the actual process of public participation in this country is of relevance. The Netherlands is traditionally characterised by a corporatist structure of interest representation (Woldendorp & Keman, 2007). Public participation, however, may be characterised as a strategy that has its base in pluralist systems of interest representation (e.g. Greenwood, 2003). Studying public participation in the Netherlands is, therefore, expected to provide unique insights into many of the day-to-day issues policy makers and public officials and representatives may encounter when engaging in public participation. These are insights less likely to be found in countries where a tradition of pluralist interest representation prevails – e.g. the southern European countries, US, UK or Australia (Damgaard & Eliassen, 1978; Pallesen, 2006). The study presented may be considered a critical case (Gerring, 2007). Where relevant, we compare our findings with those from other countries concerning public participation in the WFD implementation process.

Research approach and methodology

The research presented here is part of a larger study commissioned by the Dutch Ministry of Traffic, Public Works and Water Management into the implementation of the WFD in the Netherlands (ten Heuvelhof et al., 2010). One of the aspects covered in this study is public participation. We carried out the study between January and July 2010, and used a four-step approach for data collection and validation of findings.

First, to gain insight into the 10-year implementation period of the WFD, we carried out an extensive analysis of policy documents, working papers, internal memoranda, minutes of meetings and other grey literature. Based on this review, we drew up a timeline and topic list of issues that appeared to have had a major impact on the implementation of the WFD in the Netherlands. In short, we composed a story-line of the implementation (see Venesson, 2008: 235), and discussed this and the topic list in three interviews with major players of the implementation process – a former director at the Dutch Ministry of Traffic, Public Works and Water Management responsible for the implementation of the WFD, a key representative of non-governmental organisations and a former Dutch lobbyist at the EC.

Second, based on the story-line, topic list and interviews, we carried out a series of 50 elite interviews with key players in the implementation process, who were selected from a long list of key players provided by the Dutch Ministry of Traffic, Public Works and Water Management. These interviews were semi-structured and open-ended (McCracken, 1988; Richards, 1996). We targeted three groups of interviewees representing a wide range of stakeholders at national, regional and local levels. The interviews aimed at gaining insight into the interviewees’ experiences with the WFD implementation. Interviews were analysed using a

structured coding scheme; inter-coder reliability tests were carried out by the various researchers involved (cf. Seale & Silverman, 1997; Silverman, 2001).

Third, the interviews provided input for an online survey questionnaire (cf. Wright, 2005). We targeted a wide range of actors involved in the implementation process; public officials at various levels of government, private sector and NGO-representatives, interest group representatives, and the like. Potential respondents were selected by requesting e-mail addresses of certain groups and individuals from the Dutch Ministry of Traffic, Public Works and Water Management, using snowball-sampling and browsing the Internet for addresses. We contacted 1172 persons, of whom 298 filled out the questionnaire (response: 25.4%).

Finally, based on an analysis of both quantitative and qualitative data, we drew up an interim research report. Findings from this report were presented and discussed in three expert meetings. Key actors from government, NGOs and other stakeholder organisations and interest groups joined these meetings – some of them had been interviewed at an earlier stage of the research. During the expert meetings findings were discussed and validated. Additional data from the meetings were processed in the final analysis.

Pre-WFD institutional structure of water policy in the Netherlands

The Netherlands is well known for its long history of water policy. Over the years – indeed, centuries – a complex institutional structure has developed (for good overviews of the history of Dutch water policy and past and current institutional structure see, Havekes, Koemans, Lazaroms, Poos, & Uijterlinde, 2004; Kuks, 2002). The institutional structure at the moment of our research was (Havekes, et al., 2004; Kuks, 2002):

- At the national level, the Ministry of Traffic, Public Works and Water Management⁴ is responsible for coordination of water policies, for the main (navigable) rivers, coastal waters and estuaries, territorial seas and a major inland lake – the IJsselmeer. Interestingly, this Ministry is responsible for supervising water quantity management, whereas the Ministry of Housing, Urban Planning and the Environment is responsible for supervising water quality management – coordination of water quality and water quantity management is in the hands of the former Ministry.
- At the regional level, the Provinces (12) and Water Boards (26) have responsibilities. Water Boards are responsible for regional waters – with exemption of some local waters – and have a specific position within the Dutch administrative structure. These are some of the oldest public authorities in the Netherlands. Each Water Board has its own governing body – representatives of farmers, land owners, owners of buildings and inhabitants – and financing structure through taxes. The Provinces are responsible for the planning of water storage areas and advising the national government on water safety. The Provinces are, furthermore, responsible for setting up, or discontinuing, Water Boards, and making rules for controlling them.
- At the local level, Municipalities (about 470) are responsible for local waters such as harbours and urban canal systems. They are also responsible for sewerage networks in their jurisdiction. In carrying out their tasks, Municipalities often work in close collaboration with the Water Boards and Provinces.

⁴ This was the name of the responsible Ministry when we carried out our research. After the 2010 elections, a new Ministry became responsible for water policy in the Netherlands: the Ministry of Infrastructure and the Environment. The latter Ministry combines the former ministry of Traffic, Public Works and Water Management and the Ministry of Housing, Urban Planning and the Environment.

The administrative boundaries of all these hierarchically organised authorities are aligned – e.g. the Water Boards are situated within the Provinces, as are the Municipalities. This implies that over the years working relationships have developed between the various levels of administration. With the implementation of the WFD this changed due to the introduction of a new administrative structure around the geographical location of water bodies. This suggests that various organisations had to build new working relationships.

Finally, besides the abovementioned authorities, we need to consider briefly some other actors, in order to understand better the Dutch institutional structure of water policy. These are:

- The Association of Water Boards: an organisation that aims to promote the interests of Water Boards at national and international level. This association has a close relationship with the national government.
- The Association of Provinces of the Netherlands: an organisation that aims to promote the interests of Provinces at national and European level. This association has a close relationship with the national government and various interest groups.
- The Association of Dutch Municipalities: an organisation that aims to promote the interests of Municipalities at national and European level. Like the above, this association has a close relationship with the national government.

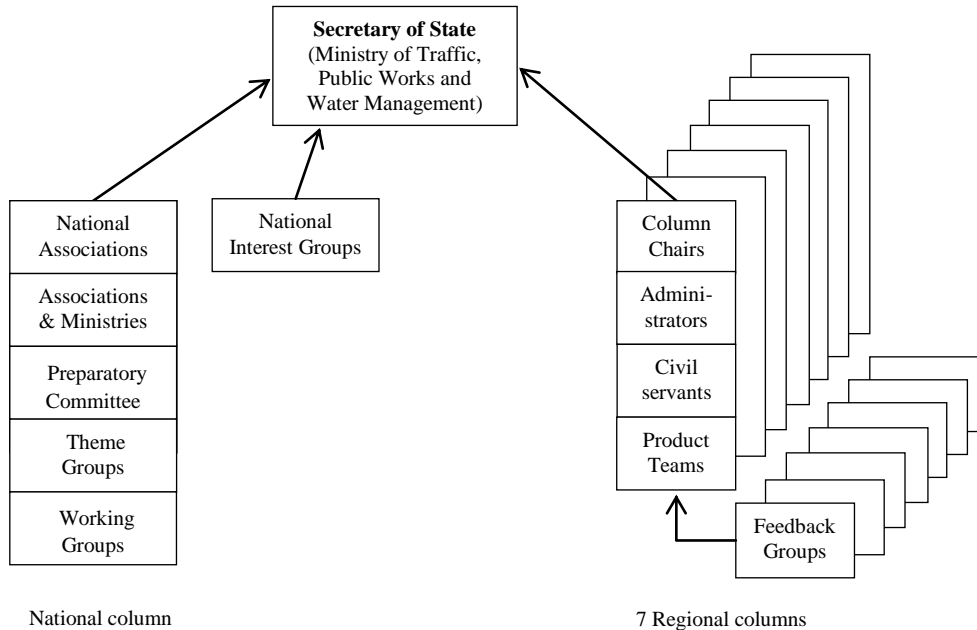
Implementing the WFD and public participation in the Netherlands

The above discussion of the Dutch institutional structure of water policy underlined the traditional Dutch corporatist system of interest representation – interest representation is put into practice by a small number of organisations, which are hierarchically ordered and recognised by the Dutch national government (cf. Schmitter, 1977). However, there is no *direct* representation of the public in this structure, as was required by the EC. How then has the Netherlands met the EC's requirement for public participation, and especially the involvement of the general public? In order to understand how the Ministry of Water, Public Works and Water Management (from here on referred to as the Ministry) has dealt with this issue, we have to look closely at the implementation structure.

The Ministry has introduced a complex organisational structure to implement the WFD. This was necessary to bring together all relevant stakeholders from the former institutional structure of water policy in the Netherlands into the new WFD structure. Furthermore, the Ministry quickly understood that it had insufficient expertise to implement the WFD itself. Figure 1 (page 9) represents the organisational structure.

Put simply, the organisational structure for the implementation of the WFD in the Netherlands consists of a set of columns: a national column and seven regional columns. This structure was designed and implemented by the Ministry in collaboration with the relevant stakeholders. The national column was the arena for debates between representatives of national associations, ministerial departments and the Secretary of State responsible for the WFD implementation. The top of this column is key in interest representation: it is here that representatives of national associations have direct contact with the Secretary of State. All other layers of this column may be considered preparatory – i.e., the two lower layers (Associations & Ministries and the Preparatory Committee) provided input for the debates at the top of the column; the theme groups provided input to the Preparatory Committee; and the Working Group provided input to the Theme Groups. Interestingly, a separate arena was organised in parallel with the top of the national column. Here, we find an arena in which national interest groups (i.e., industry, commerce, nature and environment and leisure) advise the Secretary of State on the implementation of the WFD.

Figure 1 – simplified overview of Dutch WFD implementation structure
(Source: Ten Heuvelhof et al., 2010: 40)



The regional columns were the arenas for debates on regional and local level. In these columns we find a regular debate between the chairs of the columns and the Secretary of State. The columns themselves are governed by administrators in the Provinces and Water Boards. These administrators take decisions on the implementation at regional and local level. In doing so, they are supported by civil servants from their own organisations. These are, in their turn, supported by Product Teams – comparable with the Theme Groups in the national column. A specific role is assigned to Feedback Groups – a mixture of representatives of prominent land owners (mostly nature and environmental conservancy organisations) and interest groups (i.e., industry, agriculture, commerce, leisure). The formal function of these groups was to provide input to the Product Teams.

This implementation structure clearly shows the understanding of the relevance of Article 14 of the WFD (public participation) in the Netherlands: interest representation is organised at various levels. Besides this formal structure, two other approaches were chosen to meet the EC's demands for public participation: three moments of consultation (as mandated by the EC) and 140 so-called 'Area Processes' involving citizens and local interest groups in the WFD implementation process.

Experiences with involving 'the public'

Citizens (or to use the Working Group on Public Participation's wording, 'the public') faced a high level of information supply through websites, newsletters, brochures and seven information meetings throughout the Netherlands. Active involvement of citizens through consultation was limited, nevertheless. Although they had the opportunity to join Area Processes and visit the information meetings, few did so – similar findings are reported in a study on the implementation of the WFD in the Czech Republic (Slavíková & Jílková, 2011). An anecdote is illustrative here. One of our interviewees recalled one of these meetings. Twelve

people attended, but eleven of them were professionally involved in the WFD implementation. When they quizzed the twelfth person, they found that she was one of our researchers (in an earlier position), who had joined the meeting out of research interest. In short, no citizen attended the particular meeting, and interviewees recalled similar experiences with the other meetings. On this point, the interviewees shared an opinion that citizens are not interested in complex water issues as long as these are vague and contained in policy papers only. They start caring about such issues once they are implemented – e.g. once their house has to be demolished because of the construction of a dyke.

Our interviewees were critical of the success of the active involvement of citizens in the WFD implementation. At the same time they wondered whether and how citizens in general *should* be involved in the WFD implementation. When asked whether citizens should be more involved in the policy-making process, a majority of administrators and civil servants stated they should not (52%, n=96), whereas a majority of interest group representatives stated they should (60%, n=39).

The chosen approach to involve the public, town-hall meetings and printed documentation, seem out of date. In addition to these traditional approaches, much information was provided through websites. Web-based public participation is generally considered an improvement on traditional public participation. Yet, web-based public participation is proven to be limited when potential participants have restricted or no Internet access, have partial knowledge of operating computers and navigating websites, or the interface of the website is too complex (Stern, Gudes, & Svoray, 2009). Besides, the Dutch websites provided little or no opportunities for citizens to voice their opinions as they were informational mostly. As Bishop and Davis have already noted, information campaigns are ‘hardly meaningful participation, since the flow is only one-way’ (Bishop & Davis, 2002: 20).

The Dutch example of citizen involvement is comparable with other European experiences. For instance, in certain areas of Serbia, survey questionnaires were sent to inhabitants. Yet, researchers are uncertain of the success of this approach to public participation, which may partly have to do with survey respondents’ disinterest in the wider goals of the WFD (Trajekovic, Kolakovic, & Ignjatovic, 2005). Another example comes from a study on public participation in Germany (Kampa, Kranz, & Hansen, 2003). Interestingly, the German study provides comparable examples of approaches to public participation in the Netherlands (information supply through the Internet; Feedback Groups) *and* to those we present. The researchers note that ‘[f]ormal consultation procedures have been mostly geared down toward organised groups rather than the general public’, and report limited involvement of the general public (Kampa et al., 2003: 52).

Experiences with involving ‘stakeholders’

Dutch interviewees were critical as well of the role of Feedback Groups. Participants of Feedback Groups mentioned the ‘cosmetic’ role of their consultation. As one of our interviewees put it: ‘our comments were added *to* formal policy documents, but are not reflected *in* policy’. Similar experiences are reported with regard to the implementation of the WFD in the German Hase area. In this study, a water supplier representative points out that ‘it is politically desirable for federal authorities to assign tasks [to stakeholders]; however, at the same time, the federal authority obviously wants to keep control of the winding-up’. In the view of this water supplier, this results in ‘a construct of cooperation that, as soon as one tries to get in, is characterised by half-heartedness and inconsequence’ (Kastens & Newig, 2008, 35). A further study on the implementation of the WFD in the UK is concerned with the authority and actual impact stakeholder groups have on the policy decisions made (Woods, 2008).

These findings directly relate to what Arnstein (1969) refers to as 'empty rituals'. Although it is an easy way to be involved in the policy process, stakeholders in the role of consultees do not have to affect the outcome of the process per se (Arnstein, 1969; Jordan & Richardson, 1987). Also, the frustrations of our interviewees sounded somewhat familiar: 'participation without redistribution of power is an empty and frustrating process for the powerless' (Arnstein, 1969: 216). Arnstein clearly places informing and consultation in the category of tokenism: 'the groundrules allow have-nots to advise, but retain for the powerholders the continued right to decide' (Arnstein, 1969: 217).

Within the Dutch case participants (stakeholder representatives) were, furthermore, frustrated by the fact that they had to attend many meetings in different policy arenas, which provided severe staffing problems for the smaller interest groups. In this respect, the complex implementation structure with a wide range of formal consultation platforms negatively affects public participation; when interest groups cannot represent themselves and use their voice, they are not heard. As one of the interviewees noticed: 'for staffless interest groups there is a lot of pressure on its members, especially given the strict timeframe and the ocean of documents we had to deal with'. This comment reflects earlier findings on stakeholder commitment and special misfits (Hagberg, 2010; Young, 2002): interest groups are organised along spatial boundaries that may not match the politically set boundaries of the particular policy. The earlier cited study of the German Hase area mentions comparable complications for stakeholders (Kastens & Newig, 2008), as does a study on the implementation of the WFD in Sweden (Lundqvist, 2004).

Besides critique of this formal structure by stakeholder representatives, concerns were expressed as to the language of the documents produced. The language of the WFD is highly legal and technical and has continued to be so in some of the Dutch policy documentation. A study on the implementation of the WFD in the Czech Republic highlights similar difficulties for stakeholder representatives: 'The big problem is the structure of the information published ... many documents are not written in a common language, they contain legal formulas and hydrological expressions, and some of them are quite long. Therefore, the goals of the planning (the vision) are not clear and it is time-consuming to find out what is the real impact of the public or stakeholders' (Slavíková & Jílková, 2011, 554).

In the Netherlands, the most severe criticism relates to the variety of Area Processes. The Water Boards were responsible for the initialisation of these processes. Yet, early on in the WFD implementation process, the Water Boards questioned what exactly was meant by public participation, who should be involved and at what level. As a consequence of the variety of Area Processes, different results are reported. Criticism (again) related to the time it takes for interest group representatives to attend the various meetings related to the implementation of the WFD in the Netherlands. Finally, severe criticism was levelled at the different actors involved in such Area Processes. Bringing together a wide range of stakeholders makes it difficult to reach agreement on issues, and agreements are, ultimately, watered down compromises between actors. Especially in terms of water policy, the wishes and needs of different interest groups might clash; for instance, those of farmers and ecologists. Respondents wonder whether this type of intensive consultation should be used in future policy-making processes (48%, n=116, think it should).

When asked whether the Dutch WFD policies reflect the voice of interest groups, or stakeholders in the terminology of the Working Group on Public Participation, a majority of administrators and civil servants state they do (respectively 81%, n=13; and 74%, n=123). However, a majority of representatives of these interest groups feel these policies do not reflect

their views (59%, n=40) – a statistically significant difference between the groups ($\chi^2=24.415$; $df=2$; $p<0.001$; Cramer's $V=0.321$).

Discussion and conclusion

Striving for more democracy, legitimacy, effectiveness, or efficiency, public participation is often implemented as – and assumed to be – a strategy for the common good. All these are undisputable virtues policy makers should strive for, and are widely regarded as elements of effective governance. Applying public participation in policy-making and implementation processes is, however, no guarantee that any of these virtues will be achieved – let alone all of them.

In this article we reviewed the public participation literature and contrasted the virtue-laden normative debates on public participation with the debates that consider public participation as a mechanism. As we highlighted, the former debates theorise about public participation from the points of view of legitimacy and democracy, whereas the latter debates address effectiveness gains that may be achieved. Many studies have highlighted the difficult tradeoff policy makers face between criteria, such as legitimacy and democracy on the one hand, and efficiency on the other (the classics are: Habermas, 1976; in relation to the WFD, see Hagberg, 2010; Newig & Fritsch, 2009b; Offe, 1984). These studies demonstrate that a single strategy, for example, public participation, is unlikely to solve the tradeoffs and do 'all good' only.

The literature that addresses public participation as a mechanism does indeed highlight a number of issues that may result from the implementation of public participation: the process may be captured by an unrepresentative group of stakeholders; policy outcomes may be watered down, or unwanted given the original intentions; there may be mismatches between spatial boundaries of stakeholder representatives and the policy under development; and the process may be costly in terms of money and time for both policy makers and stakeholders. It is exactly these critiques that were reflected in the case study we presented – and once more comparable with other studies on the implementation of the Water Framework Directive.

To the growing body of literature that is critical to public participation, our study adds a number of findings. First, public participation may largely be considered a strategy that fits pluralist systems of interest representation. Implementing this strategy in a corporatist setting may result in severe difficulties. On the one hand, it may provide those already involved in interest groups an additional opportunity to express their voice – a danger of overrepresentation; on the other hand, the institutional capacity or knowledge may fail to utilise fully the possibility of public participation – a danger of technocratic application. In terms, specifically, of the European context, our study questions the value of *forced* public participation and its ability to improve the democracy and legitimacy of policy-making processes and policies.

Second, from the study, it is evident that *de jure* the Netherlands has succeeded in meeting the EC's requirement for public participation. *De facto*, however, the Netherlands has failed to do so: interviewees and survey respondents feel that the active involvement of the public was unsuccessful, and the stakeholders themselves believe that their opinions are excluded from the policy documents resulting from the implementation process. This challenges our thinking on what criteria to use to call public participation successful.

Third, from our study and other studies we have discussed, serious questions arise about the actual value of an open public participation process in the implementation of a highly technological piece of policy. As the Dutch and other examples show, ordinary citizens appear to lack the willingness or do not see the need to participate actively in environmental issues that do not directly affect them. This calls for ongoing participation during different cycles of policy

development and implementation, tuned down to those who are, at that point in time, most affected.

To conclude, this paper critically addressed the use of public participation in policy-making and implementation. An in-depth case study of the implementation of the WFD in the Netherlands was used to engage with and add to the literature that addresses public participation as a mechanism. We are aware of the caveats of our research approach: we addressed only one country in our study and we did not include individual citizens. Our focus was on interest groups and their representatives. More empirical research (cross-country, cross-sectorial) on the mechanics of public participation is needed to gain a better understanding of when, where and how the strategy may indeed result in more democratic, legitimate and efficient policy outcomes.

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