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Managing the problematic in policy work

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Publication date

2010

Document Version

Final published version

Published in

Working for policy

[Link to publication](#)

Citation for published version (APA):

Sterrenberg, L. (2010). Managing the problematic in policy work. In H. Colebatch, R. Hoppe, & M. Noordegraaf (Eds.), *Working for policy* (pp. 115-129). Amsterdam University Press.
<http://nbn-resolving.de/urn:nbn:de:0168-ssoar-273425>

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6 Managing the Problematic in Policy Work

Lydia Sterrenberg

Introduction

This is an account of policy work that aims to put new things on the political agenda and disrupt institutions. It was an exercise in constructing policy advice about sustainable water management in the Netherlands, undertaken between 1999 and 2002 by the Rathenau Institute, an independent institution for technology assessment, which gives policy advice to the Dutch Parliament.

The origins of the project

In early 1998, some people involved in the field of water management contacted the Rathenau Institute, which is a small, independent think tank funded by the Dutch government to advise Parliament, and is traditionally involved in technology assessment and sustainability studies (Van Eijndhoven 2000). They were involved in innovative spatial projects for more sustainable regional water management, but had problems getting the various levels of government to cooperate, found that the local residents rejected their plans, and they were also unable to convince the various national policymakers that new policies were necessary. They were hoping that the Rathenau Institute would be able to influence policymakers and the Dutch Parliament.

Water management in the Netherlands, a delta area of which about two-thirds is below sea level, had reached a turning point. It had aimed to adapt the water system for the needs of building, shipping, agriculture, recreation and nature development and relied on technical measures. But climate change confronted the Dutch water management with increasing flood risks due to rising sea levels, and more local excesses and shortages of water, because of increased periods of intense rain and drought. It challenged the technical '*water follows function*' approach. For example, wherever the Dutch had depended

on their dikes along the main rivers for their safety, raising them in response to increasing river discharges due to climate change would only increase the effects of flooding, if they ever broke. Meanwhile, the problem of land subsidence and the salinity of peat areas in the western part of the Netherlands, due to permanent drainage requirements for agriculture, made them more prone to flooding especially with rising sea levels.

Box 1 Key actors in modern Dutch water management

Key actors in Dutch water management by 2000 were (Van Rooy and Sterrenberg 2000b; Van der Ven et al. 2003; Sterrenberg 2009): The *Water Boards* (*Waterschappen*), which bore the responsibility of maintaining local water systems, and, by 2000, they were also responsible for water quantity and water quality issues and the 'everyday' maintenance of local dikes. The first Water Boards were established about 700 years ago and their number grew over time to over 1000, but in a series of mergers this number was reduced = to 56. The Boards are considered to be a fourth level of government and one of the first examples of Dutch democracy; they also collect their own taxes.

The *Ministry of Transport, Public Works and Water Management* defines overall water management policies and takes primary responsibility for water safety management. Meanwhile, the Dutch national government has 'systemic responsibility' for local water quantity issues and water quality affairs, which became an issue in Dutch water management in the 1970's.

The *Public Works Agency* (*Rijkswaterstaat*), the executive organization of the Ministry of Transport, Public Works and Water Management, is responsible for river and coastal management (especially management of flood prevention). Until 2001, when a stringent division was made between policy-making by the Ministry and the execution of the Public Works Agency, it was also involved in policy-making.

The *provinces* (12 in total) are formally supervisors to the Water Boards and responsible for regional spatial policies.

The *municipalities* (ca. 500 by the year 2000) are responsible for local spatial plans and water sewerage systems.

Finally, two other departments should also be mentioned because of their role in (spatial) water management: the *Ministry of Public Housing, Spatial Planning and the Environment*, which is responsible for spatial planning policies and policies involving chemical pollution and the *Ministry of Agriculture, Nature Management and Fisheries*, which is responsible for wetlands policies.

This is why, in 1995, the Public Works Agency ('Rijkswaterstaat'), one of the central actors in water management (see also box 1), concluded that the task of water management would have to become more variable. It had suggested

new strategies of spatial solutions to deal with local excesses and water shortages and river spates (Public Works Agency 1995). These ideas were included in the national *Policy Memorandum on Water Management* of 1998 (Ministry of Transport, Public Work and Water Management 1998), which had already been issued by the time the innovators contacted the Rathenau Institute. However, they felt that the report neglected to address the issue of implementation.

The issue raised by the innovators fit into the Institute's goals of performing politically relevant work and operating within the water management domain – new for the Institute – could be defended because it was concerned with (changes in the use of) technology. Since the Board could freely decide the Institute's program, no additional authorization was necessary for a request for policy advice that explored the question of why sustainable water management had not been pursued earlier.

Designing the right project?

I was appointed the project leader. Lacking both a network in the field and expertise in water management, I only had the hypotheses that were generated by earlier Rathenau projects on sustainable development: that cultural and institutional issues mattered and that sustainability implied new actor relations and new rules. I started attending symposia and interviewing researchers, on the one hand, to check my hypothesis, and, on the other, to find someone who was acquainted with water issues, had a network in the field, and could do research work for the Institute. I found an innovative researcher-advisor and accomplished networker who was enthusiastic about the project and whose experience confirmed the Rathenau perspective. He became the external project leader and main researcher in relation to policy advice while I was responsible for the management of the project, including its quality and political orientation.

Together we began to define a project. We could see that we would need factual information and assessments of practitioners to better understand why practice was stalling despite many good intentions, and we envisaged analyzing policy plans, as well as holding interviews and three workshops. We decided to focus the case study on a functional water management area rather than an administrative area of one of the Water Boards. The sub-basin area chosen was in the centre of the Netherlands and partly below and partly above sea level. All relevant stakeholders were present here and a wide variety of Dutch water management situations and problems could possibly occur. That would provide us with an excellent starting point for understanding

problems of unsustainable water management, and for exploring improvement options. A practical reason for choosing this specific area was that the external project leader had many contacts there, and the Water Board people agreed to cooperate.

The next step entailed checking whether the proposal was robust enough to serve as the basis for policy advice. From the interviews with parliamentarians we learned that starting with an analysis of local practices was a good approach. The members of the parliamentary Standing Committee on Water Management were convinced by the Fourth Policy Memorandum that government and Water Boards had adequately adapted their policies for sustainable water management. However, comments issued by the Ministry were negative. The head of the Water Management Division of the Ministry of Transport, Public Works and Water Management reacted by noting that 'Everything has already been examined for the Fourth Memorandum on Water Management,' and that 'A problem was suggested that does not exist' (Van Rooy and Sterrenberg 2003: 5). But others we spoke to did not agree, or at least not fully. Who were we supposed to believe then?

To explore whether the Ministry's negative reaction was primarily a show of resistance to interference by the Rathenau Institute, we organized a meeting to discuss the feedback. The Ministry representatives responsible for the feedback were invited to this meeting as well as some of the innovators that had been in contact with the Rathenau Institute. The discussion convinced the project leaders and the Director that the Institute should continue, although with some small adaptations to the project. The Rathenau Board agreed, but stressed that more people from spatial planning needed to be involved in the project to more satisfactorily address the issue of more 'space for water.' Knowing that the Water Boards were defensive about their autonomy and unwilling to publicly discuss any of the problems, the Rathenau Board also demanded a guarantee that the Water Boards in the basin area would cooperate. This could be arranged due to the excellent contacts that the external project leader had and, by the end of 1998, the Board had given us a formal 'go-ahead.' However, some Board members had lingering doubts about whether the project would succeed or not. Neither the Parliament nor the government were formally obligated to react to policy advice from the Rathenau Institute, and there was skepticism about whether Rathenau's advice regarding local practices would be sufficient to convince the ministry and the Parliament when the innovators ultimately failed in their aims.

Working on a problematic

Research commenced at the beginning of 1999. Data on regional water management and spatial planning were collected and analyzed and the policies of the relevant organizations were screened. Interviews dealing with both the problems and opportunities in the area of sustainable water management in the basin area were held with representatives of the Water Boards, the provinces, municipalities, and environmental and farmers' organizations. These were followed by three workshops consisting of 10-15 participants each. The first workshop consisted mainly of water managers and it was here that we checked our assessments regarding the water management situation in the basin area and we further discussed the both the positive and negative aspects of pursuing sustainable water management in the area. The second workshop explored these questions with spatial planners. In the third workshop, which consisted of a variety of participants, the visions of the two groups were presented and we began exploring policy options. By the end of 1999, a problematic had been arrived at (Box 2). Overall, several non-sustainable situations had been found in the area and we realized there were a number of

Box 2 Problems of unsustainable water management in the catchment area

- Several unsustainable water management situations (short-term solutions, buck-passing, etc.) were found.
- Innovation with respect to water management was limited.
- Available information on the state of the water system was incomplete.
- An abundance of plans existed, sometimes in conflict with one another. For instance, there were two provincial water balance plans in the area, two water boards' maintenance plans, one maintenance plan by the Rijkswaterstaat Utrecht for the Amsterdam-Rijn canal in the area, two plans presented by water pipeline firms, 29 municipal water and/or sewage plans and one integral, multi-stakeholder plan for the Vecht River and its borders.
- Difficulties involving cooperation between the various actors were found, due to established task divisions and (separate) funding streams.
- Participants confirmed that contacts that water management experts had with physical planning actors were limited; and proactive actions by the 'water people' regarding spatial planning were missing.
- Cultural differences between the 'engineer-like,' 'fact-focused' water sector and the 'creative design'-oriented physical planning sector were evident and hampered fruitful interaction.

Source: Clewits et al. (2000)

factors that impeded innovation for more sustainable water management. A key factor was that water management was divided between various organizations, each with their own plans and interests. There was a lack of interaction between the spatial planners and water managers, particularly in the early phases of spatial planning, which was further exacerbated by the cultural differences between the two groups.

Dealing with a lack of openness

We had several closed-door interviews with water managers. This was due to the reigning morality among the interviewees in the sector, which included not speaking publicly about internal problems. This meant that it was not self-evident that our problematic would be discussed by the sector in an open way. We decided on an offensive strategy and used our external project leader who was a member of the organizing committee of the annual congress of the Society of Water Managers. He persuaded his colleague organizers that he should give a keynote speech on the case study results. Aware of the risk of collective denial and de-legitimization of the Institute's work (and for the external project leader, whose job and livelihood depended on the sector, there was also a financial risk) we carefully designed the presentation, being extra sensitive to its tone. We even checked this aspect with some supportive water managers. We were relieved to learn that, although some of the congress participants disagreed with our results, the majority did not.

Enhancing the project's political relevance and robustness

An advisory committee was formed at the start of the project. Members were principals or people involved in innovation for sustainable development and with a stake in water management or spatial planning. Two of the members were former parliamentarians and thus were well aware of how Parliament functioned. By January 2000, the advisory committee had discussed the interim results and first thoughts on policy options. It did not consider the results and recommendations as convincing enough for politicians and governments and thus suggested performing more case studies on how water issues were dealt with in spatial planning. This was considered an important focus because Parliament was about to consider the national Spatial Planning Memorandum, and this would provide an opportunity for Parliament to assess the advice offered by the Rathenau Institute. The committee also suggested dis-

cussions with leading figures in spatial planning and water management, both to test the results and to make them more politically robust.

But the extra money and time that the Rathenau Board made available was limited. We had to make do with five smaller studies on local water policy-making and spatial planning, based on a limited number of interviews. Moreover, four smaller regional meetings were held with some eight key figures (local politicians, water firm directors, and representatives of water boards, provincial governments, NGOs and farmer organizations) at which time the problems of unsustainable water management in the basin area were presented and the policy options were discussed. The options linked to the more general policy discussions were developed by the project leaders from the workshops and had been pre-tested in the project leader's network.

Balancing between criticism and adaptation

We were planning to produce a journalistic report on the case studies, which we felt would be the best way to communicate the findings to parliamentarians. But a draft, which had a critical tone and was based on limited research, antagonized our interviewees, who were offended by the critical tone and what they saw as a failure to acknowledge the initiatives that had been taken for sustainable water management. We were accused of '*gossip journalism*' and we were compelled not to disseminate the report. The core conclusion from the case studies, however, that water interests were only marginally considered in spatial planning decisions was not refuted (Box 3).

Box 3 Results of the mini-case studies

The additional case studies confirmed that sustainable water management was *not* a major issue in spatial planning decisions. The continuous drainage of the *Horstermeerpolder*, for example, was causing deterioration of the soil, salt water problems and was disturbing the *Naardermeer* lake ecosystem, a nearby protected nature preserve. There were discussions on the creation of wetlands in the polder, but none focused on a sustainable water management alternative that involved a small body of water. Even the nation's major conservation organization, which managed the Naardermeer area, had avoided discussion of this option because they feared the reactions from local residents. The case of extending *IJburg* in Amsterdam further into the IJmeer lake, in the north of the catchment area, water managers had been keen to intervene because of algae risks, but had not advised spatial planners to seek alternative locations due to increases in

water levels and an increased need for water storage facilities because of climate change. The national Public Works Agency interfered at a late stage and managed to ensure that IJburg was constructed half a meter higher. The IJmeer's reduced water storage capacity due to the IJburg extension only became a political issue in 2007-2008 after most of IJburg had already been completed. In the case involving the extension of the city of *Utrecht*, the location that was chosen was relatively appropriate from the viewpoint of sustainable water management, but a planned extension near the city of Nijmegen would have led to a bottleneck in the river, which only became an issue long after the plans had been formally agreed to. The last mini-case showed how the fragmentation of tasks among different organizations weakened the response to problems involving water quality and water quantity near the city of Hilversum.

Dealing with conflicting frames and delegitimation

In one of our meetings with stakeholders the chairman of one Water Board criticized us for having packed our observations 'in a lot of rhetoric and sometimes even nonsense,' and being 'wrong in making it an institutional debate in advance.' What was really at stake, according to him was that water interests had not sufficiently been taken into consideration and should now be highlighted. A local alderman supported his criticism, which made it difficult to continue our discussion; participants ultimately did agree that research problems were not specific to this area, although the hostile atmosphere in this case did not disappear. Later conversations with the chairman, which were possible only after completion of the project, made it clear that his main fear was that Water Board taxes would be abolished and he wanted to protect the Water Boards' financial autonomy, to make them immune to what he saw as the whimsical policy priorities of the government. He also claimed that he was concerned that institutional debates would delay necessary responses to climate change. This shows the complex and partly conflicting agendas and institutional interests through which this policy issue was being addressed. We feared that a negative assessment of our project was going to be disseminated by the participants and after the meeting we decided to approach some supportive and influential people involved in the water sector to explain our project.

Searching for political windows of opportunity

In early 2000, we began thinking about how and at what moment we were going to address Parliament, which, without any major comments, had agreed with the Fourth Memorandum. New parliamentary debates on water

management involving the Rathenau Institute were not forthcoming. It was not clear when the policy memorandum on Spatial Planning would eventually emerge. We decided to approach the national ad hoc Committee on Water Management in the 21st Century, which had been formed in 1999 by the government and the Union of Water Boards in response to serious local flooding in 1998, which was the third such major event after the floods of 1993 and 1995. The Committee was asked to offer its advice on sustainable water management in the Netherlands, and the government would react to this advice and discuss its stance with Parliament. Backed by the Rathenau Board, I offered to make the yet-unpublished project results available to the Committee in the spring of 2000. The Committee, by then, had commissioned numerous technical studies on the consequences of climate change and was considering its advice. It invited us to make a presentation, which convinced its members of the relevance of the institutional aspects of sustainable water management. The Committee decided to subsidize the Rathenau case studies, and began commissioning studies on public awareness, as well as planning some workshops on institutional matters. In referring to the Rathenau Institute's studies (Committee Water Management for the 21st Century 2000: 30), the commission concluded that Dutch water management 'was not ready for the 21st century. Politicians had to acknowledge its importance, and institutional and strategic behaviors had to be confronted, including fragmented steering (divisions between water management and spatial planning) and the lack of commitment of spatial planners and citizens. The commission also criticized the water management sector for being insufficiently concerned about the related costs. It also recommended greater involvement by citizens and spatial planners, a water assessment instrument to assess the consequences of spatial decisions involving sustainable water management, a more influential role for the provinces and a reduction in the levels of bureaucracy.

Combining concerns in the policy advice

The Rathenau Report was being prepared for presentation to Parliament. We had to deal with several concerns. Politicians, who were unaware of the problems that hampered local sustainable water management, had to be informed about these issues, but we had to make sure that we did not antagonize the involved stakeholders, who (we had discovered) were very sensitive to any criticism. For instance, one employee at the Ministry of Transport, Public Works and Water Management who had seen a draft of this report

criticized it for being too negative, for fixating on the problems, and that if it were to be published in the then present form, he would advise his State Secretary to reject it. A compromise was reached by adding a disclaimer that the research was ongoing and nowhere near complete, but that it needed to be expedited and that it needed political support. The Director of the Rathenau Institute advised that we also include a more attractive vision of what sustainable water management could be in the future, a vision that included floating homes and greenhouses and hilly landscapes, where water could be periodically stored. To justify the Institute's involvement in water management policies, we included technical information on the current water management system. We shied away from any statements involving formal changes in the roles of the provinces and the Water Boards, which touched upon a number of complex and sensitive issues, which certainly needed further exploration. Finally, to enhance the attractiveness of the Report for politicians, we added some comments that were based on our local practices study and on the conclusions made by some of the relevant committees. These committees (including the 'Committee 21st century', whose draft report we had seen) had recently made comments about water management organization and financing.

Box 4 Major Issues Contained in the First Report to the Parliament

The Rathenau Institute's report to Parliament included summaries of the results from the basin study and additional case studies. It is stressed that water is only marginally considered in spatial planning, due to the fragmentation of tasks and lack of contacts between spatial planners and water managers. It suggested that sustainable water management also provided opportunities for the future.

The policy recommendations included: stimulating cooperation and integrating spatial planning with water planning; reducing fragmentation in the water management system by allowing for more avenues for forming so-called 'water chain firms' (against a background of an emerging discussion on the liberalization of the water chain firms); a stronger coordinating role for the provinces who are central players in Dutch spatial planning policy; and an innovation fund. Furthermore, the report suggested that citizens be better informed about the new policy paradigm and be encouraged to become more involved in interactive planning procedures. Finally, the report also recommended a monitoring system and evaluations of the process of change in practice.

Trying to attract the attention of parliamentarians

We decided to publish the Rathenau report, in August 2000, on the eve of the publication of the recommendations to Parliament by the Committee on Water Management in the 21st Century. Two reputable national newspapers covered the Rathenau results and several radio programs invited the Rathenau Institute to discuss the issue of water management and the Committee's conclusions. But a real political debate had to wait. The government's views were published in December 2000 under the title 'Dealing differently with water' (Ministry of Transport, Public Works and Water Management 2000). It endorsed the new social and more spatial perspective on water management as promoted by the Committee on Water Management in the 21st Century, and accepted a National Agreement between the national government, the provinces, the municipalities and the Water Board for a more sustainable local water management policy, a Water Assessment Instrument as recommended by the Committee 21st Century and a public information campaign, but it did not urge a major reorganization of the Dutch water management system. A discussion in Parliament followed a few months later. By then we had updated the project results (Van Rooy and Sterrenberg 2001), based on new developments and we were invited to give a presentation to the Committee on Water Management in Parliament, with some members posing questions about the Rathenau results in a debate with the State Secretary. But no formal amendments to water policies were made at that time; politicians were apparently ready to rely on the government's new water management policies.

Using and creating opportunities for a follow up

The Institute had limited financial resources and capacities for a follow up to this project, but fortunately the national Advisory Board on Public Administration approached the Institute because it had been asked to make recommendations on the reorganization of the water management sector. The Board's recommendations quoted the Rathenau report extensively, concluding that the reorganization of the water management sector (actor configuration, rules and resources) was necessary (Raad voor het Openbaar Bestuur 2001).

Another channel for a follow-up was an informal platform consisting of politicians, managers, board members and experts, which had just elected a former Minister of Transportation, Public Works and Water Management as its chair. She wanted to revive this platform and transform it into a place of innovation. After a presentation by the project leaders, she decided that

'politics could no longer beat around the bush,' and, citing the Rathenau findings, which pointed out that the fragmented nature of the water management organization was breeding inefficiency, she contacted the Minister of Finance and her party's spokesman to discuss the creation of a more efficient water management infrastructure. This led to the launch of an interdepartmental research project in which the Rathenau external project leader was invited to participate. The project report recommended four options for reorganizing the water management sector. The government chose the option that allowed the present players to hold onto their tasks but with demands for increased financial accountability among the Water Boards (Interdepartementaal Beleidsonderzoek 2004).

A third channel was via Habiforum, an independent organization founded by the Dutch government to produce research on 'multiple land use.' Our projects external leader was involved in this project and Habiforum's adjunct director was sensitive to the findings of the Rathenau Institute regarding the fact that 'water needs' were ignored by the spatial planning experts. A contest called 'Future Water Landscapes' was organized in 2001 to produce innovative ideas in the area of sustainable water management. The Ministry of Transportation, Public Works and Water Management co-sponsored the contest. Habiforum, meanwhile organized various design sessions with the relevant stakeholders. Some of these sessions stimulated development planning processes that included 'water assignments.' The external project leader was requested to give presentations to the Water Board and other provincial civil servants. He also chaired various courses on sustainable water management.

Summary and Reflection

This case mirrors Carol Weiss's findings (Weiss 1980; 1991), which basically noted that policy analysis is rarely used directly and instrumentally – and is certainly not applied in cases of conflicting interests – but more often has a different, conceptual impact ('enlightenment'). Indeed the impact of the Rathenau Institute's policy analysis was chiefly conceptual.

Our case study also revealed the complex and conflicting agendas and institutional interests through which sustainable water management was being addressed. Donald Schön and Martin Rein have suggested that, when it concerns complex and controversial cases like this one, the policy design approach should be based on triadic policy analysis and a situated analysis. Essentially, their rational design approach entails three layers (Schön and Rein 1994: 166-173): At the most *basic layer* the individual designer(s) iterate(s) between de-

fining the substance of the problem in a particular context and constructing appropriate ways to deal with it. This involves 'backtalk' including *ex-ante* testing of solutions in view of the opportunities and constraints implied in the context's material and political features. The *second layer* encompasses the actual design and maintenance of the design network. Here design rationality becomes a form of '*double designing*': both the substance and the design network itself have to be designed. The *third layer* is where the design process finds itself embedded in social debate and stakeholder conflicts.

An essential condition for success, however, is, the development of mutual trust between the members of the coalition or design network. Trust, however, has been generally lacking when we look at the Rathenau Institute's policy analysis and thus the second and third layers of rational policy design became interwoven. The various stakeholder frames produced power struggles that involved the (de)legitimization and (de)authorization of the policy analysis, which offered no easy resolution. As a consequence, Schön and Rein's recommendation that '*the substantive design moves must not threaten the integrity of the designing system*' (Schön and Rein 1994: 186) was difficult to accomplish. The strategies were, on the one hand, applied as reactions to the delegitimizing efforts by creating a more robust body of knowledge, and coming up with minor adaptations to the reports regarding style and content. On the other hand, we also witnessed strategic coalition building, which means the use of various design coalitions based on the phase of the policy analysis project and various developments in the social and political debate. It was a strategic coalition and 'advocacy coalitions' with other favorable (outside) change agents, including the influential Committee 21st Century – and Habiforum that helped legitimize the project's conclusions on institutional change. This case reflects another of Carol Weiss's conclusion that policy analysis is generally part of a process of 'decision accretion' in multi-actor processes (Weiss 1991).

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