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Partnerships for a Better Governance of Natural Hazard Risks

By **Elisa Calliari**, Fondazione Eni Enrico
Mattei (FEEM)

Jaroslav Mysiak, Fondazione Eni Enrico
Mattei (FEEM)

— *with contributions from:*

Silvia Santato, Fondazione Eni Enrico
Mattei (FEEM)

María Máñez Costa, Helmholtz-Zentrum
Geesthacht (HZG), Centre for Materials
and Coastal Research (Germany)

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Summary

This paper discusses the role played by decentralized, voluntary multi-stakeholder partnerships between public authorities and agencies and/or public authorities and civil society for disaster risk reduction. We pay attention to Public – Public Partnerships (PuP), a term coined for public alliances in the early 2000s although arguably building upon community-based natural resource management (CBNRM) and disaster risk reduction (CBDRR), as well as other cooperative initiatives. In many respects PuPs became known as a counterpart of PPPs and quickly spread in public water and health service provision. While the concept of PuPs match to some extent the European Union's efforts to expand horizontal cooperation and collaboration, it appears too narrow to capture the sense of European initiatives. In particular, the strict exclusion of business and commercial undertakings in the essence of PuPs by early scholars is not compatible with the call for truly cooperative multi-governance arrangements. The paper examines the concept of PuP, its objectives and defining characteristics, partners involved and relationship tying them. It then moves to understand to what extent partnerships meant to improve cooperation and coordination have permeated the EU legislation and policies, focusing especially on the role of inclusive governance and territorial cooperation. The analysis is complemented by examples of PuPs addressed in the ENHANCE case studies in which disaster risk reduction plays a role.

Keywords: Public-public partnerships, Disaster Risk Reduction, Smart Regulation, Cohesion Policy and Territorial Cooperation, Po River Basin, Jucar River Basin, Wadden Sea, Natural Hazard Partnership

JEL Classification: Q54, Q58

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Address for correspondence:

Elisa Calliari

Fondazione Eni Enrico Mattei (FEEM)

Isola San Giorgio Maggiore 8

30124 Venice

Italy

Phone: +39 041 2700457

E-mail: elisa.calliari@feem.it

The opinions expressed in this paper do not necessarily reflect the position of
Fondazione Eni Enrico Mattei

Corso Magenta, 63, 20123 Milano (I), web site: www.feem.it, e-mail: working.papers@feem.it

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Elisa Calliari¹ and Jaroslav Mysiak¹

with contributions from Silvia Santato¹ and María Mániz Costa²

¹Fondazione Eni Enrico Mattei (FEEM)

²Helmholtz-Zentrum Geesthacht (HZG), Centre for materials and coastal research, Germany

Abstract

This paper discusses the role played by decentralized, voluntary multi-stakeholder partnerships between public authorities and agencies and/or public authorities and civil society for disaster risk reduction. We pay attention to Public – Public Partnerships (PuP), a term coined for public alliances in early 2000s although arguably building upon community-based natural resource management (CBNRM) and disaster risk reduction (CBDRR), as well as other cooperative initiatives. In many respects PuPs became known as a counterpart of PPPs and quickly spread in public water and health service provision. While the concept of PuPs match to some extent the European Union's efforts to expand horizontal cooperation and collaboration, it appears too narrow to capture the sense of European initiatives. In particular, the strict exclusion of business and commercial undertakings in the essence of PuPs by early scholars is not compatible with the call for truly cooperative multi-governance arrangements. The paper examines the concept of PuP, its objectives and defying characteristics, partners involved and relationship tying them. It then moves to understand to what extent partnerships meant to improve cooperation and coordination have permeated the EU legislation and policies, focusing especially on the role of inclusive governance and territorial cooperation. The analysis is complemented by examples of PuPs addressed in the ENHANCE case studies in which disaster risk reduction plays a role.

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Corresponding author:

Elisa Calliari

Fondazione Eni Enrico Mattei (FEEM)

Isola San Giorgio Maggiore 8, 30124, Venice, Italy

Phone: +39 041 2700457

Fax: +39 041 2700413

e-mail: elisa.calliari@feem.it

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1. Introduction

Since the 1992 Earth Summit¹, *partnerships* have been levered to mainstream environmental and development policy instruments. The *Agenda 21* (UN, 1993) called for promoting partnerships between public and private arms of community and civil society as a way of reconciling (hazard-proofed) development and environmental protection. Partnerships were equated to '*sharing of responsibilities and mutual involvement of all parties*'². Earth Summit 2002 underscored the role of private and civil society entities in achieving sustainable development (SD) goals through the so-called *Type II* outcomes, complementing (in some way disappointing) the inter-governmental (*Type I*) cooperative commitments made during the Summit. The *Type II* partnerships embodying voluntary, multi-stakeholders and self-organizing initiatives meant as a step change away from sole government-centred to multilevel modes of global environmental governance.

The disaster risk reduction (DRR) community retorted first in the declaration from the *First World Conference on Natural Disaster Reduction* (UN, 1994). The *Hyogo Framework for Action HFA* (UNISDR, 2005) followed the suit and called for multi-sectoral DRR combining the efforts of civil society, scientific community and private sector. The ongoing discourse about the HFA follow-up international agreement and the post 2015 development agenda called attention on adapting governance framework(s) able to embrace the (DRR) ventures of various sectors. The UN Special Representative (2013) of the Secretary-General for DRR stressed that '*such a governance approach would reflect the increasing prevalence of innovative and networked partnerships and alliances between different sectors, as effective means to address development challenges*' (p. 7).

In the European Union, *partnerships* have been *indirectly* nurtured through stimulating a culture of consultation and dialogue, and *directly* through inter-institutional and cross-border cooperation. The EC *minimum standards of consultation* (EC, 2002a), adopted in 2002 and revised in 2012, together with the *better* and *smart* regulation and *good lawmaking* initiatives, promoted participation, openness, accountability, effectiveness and coherence as guiding policy principles of an improved involvement of interested parties and civil society in policy making. The EU Cohesion Policy, on the other hand, encourages cross-border, transnational and interregional cooperation targeting an improved economic, social and territorial cohesion across Europe. The 2014-2020 European Structural and Investment (ESI) funds compel partnerships denoted as '*close cooperation between public authorities, economic and social partners and bodies representing civil society at national, regional and local levels throughout the whole programme cycle consisting of preparation, implementation, monitoring and evaluation*' (EC, 2014a).

This paper complements the policy analysis conducted in **Perez Blanco et al** (2014) and **Mysiak et al** (2014)³ while discussing the role of decentralized, voluntary multi-stakeholder partnerships between public authorities and agencies and/or public authorities and civil society. We pay

¹ United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 3-14 June 1992

² (ibid, 12.55)

³ Perez Blanco et al (2014) and Mysiak et al (2014) analyse the public policies governing the *public-private* partnership (PPP) in insurance and infrastructure development respectively.

attention to *Public – Public Partnerships (PuPs)*, a term coined for public alliances in early 2000s although arguably building upon *community-based* natural resource management (CBNRM), disaster risk reduction (CBDRR) and other cooperative initiatives⁴ (Hall et al., 2005). In many respects PuPs became known as a counterpart of PPPs (Corral, 2007) and quickly spread in public (water and health) service provision. For the scope of this paper, we portray PuPs as arrangements tying at least one public entity *strictu sensu* together with other public bodies as well as non-state and non-commercial organizations, normally sanctioned through an institutional agreement. While the concept of PuPs match to some extent the Union's efforts to expand horizontal cooperation and collaboration, it appears too narrow to capture the sense of European initiatives. In particular, the strict exclusion of business and commercial undertakings in the essence of PuPs by the early scholars is not compatible with the call for truly cooperative multi-governance arrangements.

This paper is structured as follows. In section 2 we examine the concept of PuP, its objectives and defining characteristics, partners involved and relationship tying them. In section 3 we examine to what extent partnerships meant to improve cooperation and coordination have permeated the EU legislation and policies. We focus especially on (the role of) inclusive governance and territorial cooperation. In section 4 we discuss examples of PuPs addressed in the ENHANCE case studies in which disaster risk reduction plays a role.

2. Public – Public Partnerships (PuPs)

There are diverging views as for what constitutes a *partnership* and who qualifies for a genuinely public alliance. *Partnership* is often used interchangeably to cooperation, collaboration, alliance, collaborative advantage or networking (Armistead et al., 2007). The essential motivation for forming a partnership is the added value of '*working jointly*', compared to what can be achieved individually. This implies that partnership canvasses (material and non-material) resources not available to an single entity operating alone. The constituting characteristics of a partnership embrace common objective(s), supported by a sense of cooperation, mutual trust and synergy (Vasconcellos and Vasconcellos, 2009), as well as (a voluntary nature of) commitments and *social* benefits striving for (McQuaid, 2000). Because many forms of loose collaboration can fulfil these principles, we add a formal institutional agreement as a discriminating component of a partnership.

Public-public partnerships (PuPs) are relatively recent and scarcely explored in scientific literature (Boag & McDonald, 2010). In the narrowest sense PuPs entail cooperative agreements between (two or more) public entities, i.e. public authorities and other institutions '*publicly owned, managed and financed, and subjected to public control and oversight*'. Boag and McDonald (2010b) further narrow the range of qualified public entities. Publicly owned companies, in their view, even if non-for-profit, may embody '*corporate ideology*' (sic) not reconcilable with the scope of a PuP. This

⁴ Such as 'twinning' programs set to promote business and cultural ties between allied cities flourishing since the World War II

narrow view eventually fails to appreciate the truly innovative strength of PuPs. As PuPs have been more and more widened to include partnerships between public authorities and civil society represented by community-based (CBO) and non-governmental (NGO) organizations and trade unions, the exclusion of private entities has been progressively losing grounds.

As a counterpart of *public-private partnerships* (PPP), PuPs do not contemplate a direct profit-seeking behaviour as a driver for cooperation. Instead, the involvement of private entities can be motivated by a host of incentives, including philanthropy, public image, strategic or even economic motivations that are not translated into tangible individual profits arisen from the engagement in the arrangement.

Public-public partnerships hold sway over PPP especially in public policy areas in which multiple, legitimate views are to be taken into account and ethical principles dominate in judging the policy fairness. Typically for these policy areas, policy setting and implementation require a combination of competences. This is why PuPs materialised first for provision of public services in the water and health sectors. Their *non-for-profit* nature reduces the emphasis on profit-taking and cost-cutting considerations, allowing for an orientation towards longer time horizons and the fulfilment of social objectives (Boag and McDonald, 2010a). Consistently, PuPs have also been employed in the field of international solidarity, in the form of development partnerships tying entities located in developed and developing countries. Another goal which is commonly pursued by PuPs is that of capacity development, with public authorities within the same country or even at the international level providing their counterparts with skills and knowledge to improve the delivery of a service. Experiences of this kind are prominent in the water sector. The best-known example is the Baltic Sea PuP which took place in the early 1990s with the support of the Baltic Sea programme and involved public water operators in Scandinavia to provide capacity development activities to the municipal authorities in the transitional Baltic States (Hall et al., 2009). Finally, PuPs can be also used to facilitate the implementation of Public-Private Partnerships (PPPs), as happening in the United States with the aim of advancing business expansion (Hall et al., 2005).

The main challenge faced by PuPs concerns their financing, especially when infrastructural improvements are included within their objectives (Boag and McDonald, 2010a). Moreover, their employment is also potentially hampered by the lack of empirical evidence about their effectiveness. PuPs are usually ascribed benefits like lower costs, greater focus on capacity building and equity with respect to PPPs and the capacity to generate higher degrees of trust between the parties thanks to the non-profit motive of the alliance (Tucker et al., 2010). Nevertheless, sound data to assess their performances are often difficult to collect and the impact of PuPs can be particularly tough to estimate, entailing also indirect benefits/costs which span over very long time horizons.

3. EU policies shaping partnerships

Public policies can animate partnerships-building by stimulating attitudes of collective problem framing and solving, as well as inter-institutional and cross-border cooperation. Since the 2000s,

the European regulatory culture underwent substantial changes. The *better* (and later *smart*) regulation and *better* lawmaking initiatives, set off by the EU White Paper on Governance (EC, 2001a), gradually adjusted the way the legislation and regulation is promulgated. The general principles and minimum standards for public participation and consultation assure civil society is actively involved in policy making, and opportunities are shaped for constructive dialogue and collaboration (Section 3.1). The EU Structural and Investment Funds (ESI) are spinal cord of cross-border, transnational and interregional cooperation targeting an improved economic, social and territorial cohesion across Europe. Under the 2014-2020 period, the operations of the ESI are subjected to *partnership agreements* and a *Code of Conduct* (Section 3.2). Likewise, the public procurement regulation analysed in Perez-Blanco and Mysiak (2014) provides for a public-public cooperation but is not addressed in this document.

3.1 From *better* to *smart* regulation and law making

Article 11 of the Treaty of European Union (TEU) lays down several instruments of *participatory* democracy, by i) compelling European institution to create opportunities for citizens and representative associations to '*make known and publicly exchange their views in all areas of Union action*' and preserving an '*open, transparent and regular dialog*' with representative associations and civil society; and by ii) obliging the European Commission (EC) to conduct consultations with '*parties concerned*'. The Lisbon Treaty introduced a new instrument – the European citizen initiative (ECI) – which empowers the Union citizens to '*invite*' the EC to table a legislative proposal on matters which citizens consider as necessitating a legal act of the Union (EC, 2011a). In Perez-Blanco and Mysiak (2014) we have discussed the ECI (Right2Water) that led to the exclusion of water supply services from the scope of the *Concession* directive in course of the public procurement reform.

This is somehow consequent to the incremental attention devoted since the early 1990s by the EU to fostering the participation of civil society in policy and decision making. The peak of such process is represented by the *White Paper on European Governance* (EC, 2001b), providing recommendations on how to improve the legitimacy of EU policies and institutions (Vos, 2005). Participation is enlisted among the principles that should inform the process, together with openness, accountability, effectiveness and coherence. From the arguments in the paper and the preparatory documents, it actually stands out as one of the most important principle among the cited (Magnette, 2003). The White Paper emphasizes the positive impact enhanced participation has on the quality, relevance and effectiveness of EU policies, as well as its capacity to promote improved confidence in the outcomes and in the institutions delivering the policies. To achieve such outcomes, online information on preparation of policy through all stages of decision-making, a stronger interaction with regional and local governments and civil society, as well as a more systematic dialogue with representatives of regional and local governments should be encouraged, among other relevant actions (EC, 2001a; Höreth, 2001).

The proposals for change enlisted by the White Paper are all informed by the need to "*renew the Community method by following a less top-down approach and complementing its policy tools more*

effectively with non-legislative instruments” (EC, 2001b). From a practical point of view, this entails the use of new governance forms, including framework directives, partnerships, greater participation by civil society in policy formation through “civil dialogue”, and a wider use of the Social Dialogue (Scott and Trubek, 2002). As for the concept of partnership, the Commission encouraged development of more extensive arrangements in those policy sectors where consultative practices are already well established. Nevertheless, and as specified by the same text, the partnership arrangement would simply translate into additional consultations compared to the minimum standard. What is promoted is basically a form of enhanced consultation, and not a form of partnership in the sense we described above.

In the 2000s the EC reinforced the efforts dedicated to the *culture of consultation and dialogue*. Concomitant with the adoption of an action plan for a *simplified and improved* regulatory environment (EC, 2002b), the Commission espoused *minimum standards of consultation* (EC, 2002a) and consolidated regulatory *impact assessment* methods (EC, 2002c). The minimum standards of consultation set to increase the consistency and transparency of the consultation processes, and smoothing the participation of interested parties and civil society. The general principles comprise *participation, openness, accountability, effectiveness and coherence*. The minimum standards demand that (i) consultation documents are clear, concise, and include all necessary information; (ii) all relevant parties have an opportunity to express their opinion; (iii) adequate awareness-raising publicity is ensured and communication channels are adapted to meet the needs of all target audiences; (iv) participants are given sufficient time for responses; and (v) acknowledgement and adequate feedback is provided (EC, 2012a, 2002a).

The step change towards a *smart* regulation (*‘getting legislation right’*) was then outlined in the 2010 Communication (EC, 2010a), building upon the principles of *whole policy cycle* analysis (including design, implementation, enforcement, evaluation and revision), *shared responsibility* (of EU and MS institutions), and making policy efforts *accountable to those mostly affected*. The key tools in the new approach includes an *ex-post* evaluation of the legislation (*ex-ante* impact assessment was established in 2003; EC, 2005c) and a strategic assessment of the *‘fitness for the purpose’* (fitness check, FC). Conducted for a set of pilot studies including water legislation (EC, 2012b) between 2010 and 2012, the FC addressed the regulatory burdens, gaps and overlaps, as well as inconsistencies and/or obsolete provision, while contributing to the assessment of the cumulative impact of a legislation. Based on the collected experiences, the EC has launched the *Regulatory Fitness and Performance Programme* (REFIT) focusing on simplifying existing legislation and *‘reducing the regulatory cost for businesses and citizens without compromising public policy’* (EC, 2012c).

These changes have not altered greatly the consultation practices but created some room for alternative ways of regulation, such as co-regulation and self-regulation (EC, 2009, 2005b). Inter-institutional agreement on *better lawmaking* (EC, 2003a) defined **co-regulation** as *‘mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations)’* (p. 3). Likewise, **self-regulation** entails the possibility for the equivalent bodies to *‘adopt amongst themselves and for themselves common guidelines at European*

level (particularly codes of practice or sectoral agreements' (*ibid*, p. 3). The Principles for Better Self- and Co-Regulation⁵, but in principle any multistakeholder process attempting to reach a specific societal goal, highlight both the framing of the pursuit (through choice of participants, open governance, clearly specified objectives, and compliance) as well as its implementation (flexibility and iterative improvements, monitoring and evaluation, dealing with dissent and financial arrangements).

As for the European *environmental* policies, a greater public participation had been encouraged since the early 1990s through the European Communities' *Fifth Environment Action Programme* (EAP; 1993-2000), and later the *Sixth* EAP (2002-2012) (Rauschmayer et al., 2009). The *Seventh* EAP (EC, 2013a), that outlined the EU environmental policy until 2020 and endorsed a vision up to 2050, stresses the importance of public participation and encourages a strengthened collaboration among different actors to reach environmental objectives. Article 3, for instance, calls public authorities at all levels to '*work with businesses and social partners, civil society and individual citizens in implementing the 7th EAP*'. Creating a common ownership of environmental goals and objective is one of the purposes of the Programme: consistently, the public is expected to play an active role and to be properly informed about environmental policy (art. 15). Moreover, *public dialogues* and *participatory processes* should be promoted, especially with regards to potentially conflicting issues like the development of environmental technologies. However, the Programme does not go into the details of the participation tools to be enacted. When partnerships are cited, this is done referring to the drafting of implementation agreements on a voluntary basis between Member States and the Commission, involving local and regional participation when needed (Art. 65). Partnerships are also cited as a mean to involve industry and step up investment and innovation within the integrated industrial policy (Art.29).

Yet, the most prominent legal acts on public participation on environmental issues are the Aarhus Convention⁶ and the Directives which transpose it into the Union's legislation. The Convention regulates the interactions between the public and public authorities, with regards to environmental issues at the local, national and trans-boundary level. In particular, it aims at guaranteeing public rights in the following fields - the so called "pillars": i) *access to environmental information* held by the public authorities, ii) *participation in decision-making* which affects the environment and iii) *access to justice in environmental matters*. The first and second pillars were transposed by Directive 2003/04/EC and Directive 2003/35/EC respectively, while a proposal for a Directive on the third pillar was tabled in 2003 and withdrawn in 2014 because of the enduring resistance of the European Council. Regulation 1367/2006 (EC, 2006) endorsed the application of the provisions and principles of the Convention by Community institutions and bodies.

Directive 2003/35/CE (EC, 2003b) calls on Member States to provide the public with '*early and effective opportunities to participate in the preparation and modification or review of the plans or*

⁵ <http://ec.europa.eu/digital-agenda/en/news/principles-better-self-and-co-regulation-and-establishment-community-practice>

⁶ The UNECE *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* was signed in 1998, entered into force in 2001 and was ratified by the European Union as well as all its Member States (last MS to ratify the Convention was Ireland in 2012).

programmes' (Art. 2, §2). As further specified in the text, the public should be informed about the plans to be proposed/modified/reviewed and about its right to participate in decision-making. Moreover, the comments and opinions expressed by the public should be taken into due account in the decision phase. The level of public engagement proposed by the Directive is not the highest possible, as it does not reach the phase of joint deliberation⁷. Although the Directive is strongly concerned about the interests and positions of the public to be included in the decision making process, the latter is ultimately considered a prerogative of the public authorities. Interestingly, Article 2 of the Directive 2003/35/CE concerning public participation in relation to plans and programmes has a limited application under the EU Water Framework Directive (see below) and the Strategic Environmental Assessment (SEA, Directive 2001/42/EC) which set out for more specific and pronounced requirements for public participation.

Indeed, the Water Framework Directive (WFD, 2000/60/EC, EC, 2000) calls for an enhanced engagement of the public in decision making, acknowledging that the success of therein included provisions will depend '*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'* (Preamble, §14). Public participation is addressed in Article 14, which requires information supply and consultation to be ensured by MS as well as the active involvement of all interested parties in the implementation of the WFD to be encouraged. Although the Directive does not provide a definition of "*active involvement*", it is understood as implying an active contribution of the public to the various phases of decision making. The final decision could still remain in the hands of public authorities; however, the process could even reach forms of collective decision making. Not specifically required by the WFD, such option would nevertheless be considered as a best practice (EC, 2003c).

Of a particular interest for the scope of this paper are the provisions contained in Annex IV, outlining supplementary measures that may be adopted to foster the implementation of the WFD (Art.11). District Authorities are suggested to adopt a series of different instruments, including '*negotiated environmental agreements'* (NEAs). These tools specifically aim at improving *dialogue* among public authorities and stakeholders to reach objectives not expressly required by the law, by combining elements of regulation, self-regulation and co-operative relationships (WRC, 2008). One of the most prominent examples of NEAs are *river contracts*, flourished in France in the 1980s and popular in the Netherlands, Germany, England and Italy. River contracts are voluntary agreements amongst public and private subjects alike pursuing ecological restoration and socioeconomic regeneration, including flood risk reduction, of river watersheds through a participative process (Pineschi and Gusmaroli, 2013). Within the Po River Basin District area of the Enhance case studies (Mysiak et al., 2014b), several river contracts have been signed over the past

⁷ The lack of a contextual and peer two-way interaction between public authorities and stakeholders is made explicit by the words employed in the text. The same etymology of the verb "to express" (comments and opinions, in the text) refers to a unilateral communicative moment, as the subject "pushes out" (from the Latin, *ex-* meaning out and *premere*, press or push) his view on a certain issue. Also the enunciation "to take into due account" recalls an action to be carried out by a certain subject or group of subjects on their own, without any moment of external confrontation.

years. Frequent in Lombardy and Piedmont, the river contracts integrate the provisions of water management and protection plans with soil conservation, landscape and economic development considerations. A significant contribution towards their diffusion was provided by the *Blueprint on River Contracts*⁸, endorsed in 2010.

3.2 European Cohesion Policy and territorial cooperation

The EU Cohesion Policy (CP) plays a role in strengthening the Union's *economic, social and territorial cohesion* and reducing regional disparities (Article 174 TFEU). Implemented through the European Regional Development Fund (ERDF), the European Social Fund (ESF)⁹, and the Cohesion Fund (CF)¹⁰, the CP is equipped with ca. 325 billion Eur or around 34 per cent of the current *Multiannual Financial Framework's* (MFF) budget. Compared to the previous programmes, the 2014-2020 Cohesion Policy has been lined up more tightly with the **Strategy 2020**, a decadal plan expected to put the EU on the pathway of '*smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion*' (EC, 2010b). Regulation 1303/2013 (EC, 2013b) laid down the common rules related to the CP Funds, and detailed the split up of resources and the procedures of their provision. The CP mission is articulated in two operational goals, namely *investment for growth and jobs*, and *European territorial cooperation* (ETC). These goals have been translated into eleven thematic objectives, among which '*promoting climate change adaptation, risk prevention and management*' (Article 9, *ibid*). These thematic objectives are translated into priorities specific for each of the ESI¹⁰ Funds.

Regulation 1303/2013 pioneered a new multi-governance coordination and planning mechanism, articulated through the *partnership agreements* (PAs). The PAs are developed by the MSs in collaboration with regional and local authorities, economic and social partners, and representative bodies of civil society. They infold tailor-made strategies, priorities and arrangements, making the ESI investments work towards fulfilling the Union objectives. The PAs are reviewed and approved by the Commission. The EC has devised a *Code of conduct on partnership* (EC, 2014a) for this purpose. The Code of conduct addresses selection of partners and their role in the formulation and monitoring of the PAs and the implementing programmes. The transparent and balanced choice of partners, one that pays due attention to the specific institutional and legal frameworks in each MS, is of paramount importance and the Code of conduct lists categories of public and private bodies (hereafter *partners*) that ought to be effectively represented. Among the public authorities a vital role is assigned to (higher) educational institutions, training providers and research centres. Among the economic and social partners¹¹ a balanced representation of large, medium-sized, small and microenterprises ought to be guaranteed. The civil society is to be represented by environmental advocacy groups, non-governmental organisations, and bodies actively engaged in

⁸ In Italian '*Carta Nazionale dei Contratti di Fiume*'.

⁹ ERDF and ESF together are referred to as '*Structural Funds*'

¹⁰ These three funds together with the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF) build the European Structural and Investment (ESI) Funds

¹¹ Social partners (and dialog) denote the employers and trade unions; and consultation, negotiation and joint agreements thereof (see also ec.europa.eu/social/main.jsp?catId=329&langId=en).

fostering social inclusion and equality. The partners are to be involved in main activities leading to a PAs, including an 'analysis of disparities, development needs and growth potential', selection of the thematic objectives and indicative allocations of resources, and effective monitoring and evaluation of the programmes. The PAs are to include detailed information about the partners composition, their role in the process and results of consultations, and the actions undertaken to ensure their active participation.

The resources from ERDF and ESF are earmarked for investments for *growth and job* objective, allocated across the regions (at NUTS 2 level) according to the following typologies: (i) *less developed* regions, whose *gross domestic product* per capita (GDPpc) does not exceed 75 per cent of the average GDPpc¹² of calculated across the EU27; (ii) *transition* regions, whose GDPpc is greater than 75 and lower than 90 per cent of the average EU27 GDPpc; and (iii) *more developed* regions, whose GDPpc exceeds 90 per cent of the average EU27 GDPpc. The resources from the CF are assigned to MSs whose *gross national income* per capita (GNIpc) does not exceeds 90 per cent of the average¹³ EU27 GNIpc. Special transition rules are specified for regions who benefited from the CF in 2013 but don't satisfy the above provisions. The investments for *growth and jobs goal* are appropriated a largest portion of the resources of the Cohesion Policy: over 313 billion Eur (in 2011 prices) or 96 per cent of the CP's global resources.

The *European territorial cooperation* (ETC) goal is allocated ca. 9 billion Eur from the ERDF, accounting for 2,75 per cent of the CP resources. By reinforcing cross-border, transnational and interregional cooperation, the ETC contributes to enhancing the "*harmonious and balanced integration of the territory of the Union by supporting cooperation on issues of Community importance*" (EC, 2004). Cooperation is aimed at addressing *complex* problems that transcend boundaries and necessitate a common approach and multiple actors (both public and private) for their effective solution. A recent retrospection into the ETC highlighted three key concepts on which the territorial cooperation is based on: (i) *sharing*, in terms of knowledge or other assets; (ii) *integrating*, by means of long term partnerships across borders that enhance trust and mutual understanding; and (iii) *improving the quality of life*, by, *inter alia*, reducing risk of natural hazards like floods and fires (EC, 2011b).

The largest share of the ETC budget is assigned to *cross-border* cooperation (ca. 74 per cent or 6,6 billion Eur), followed by *transnational* (20,36 or 1,8 billion Eur) and *interregional* cooperation (5,59 per cent or 500 million Eur) (EC, 2013c). The current sixty cross-border cooperation programmes (EC, 2014b) connect adjacent regions (at NUTS 3 level) at the internal and external land borders of the Union, and maritime borders between Union's regions within a distance of 150 km (EC, 2013c). The priorities of the cross-border cooperation may also include, in addition to the specific objectives of the ERDF, employment, social inclusion, education and training, institutional capacity of public authorities and stakeholders, and efficient public administration '*by promoting legal and administrative cooperation and cooperation between citizens and institutions*' (article 7 of the regulation

¹² GDPpc for the purpose of the CP is calculated in purchasing power parities (PPS) over the period 2007 – 2009.

¹³ GNIpc is calculated in terms of PPS as in the case of GDPpc but the reference period is 2008-2010.

1299/2013; EC, 2013a). The latter goal also applies to the fifteen transnational cooperation programmes uniting larger transnational territories (NUTS 2 level), while explicitly encouraging the development and coordination of macro-regional and sea-basin strategies (see further down in this section). Finally, the four interregional programmes include all EU MSs and the European Free Trade Association (EFTA) countries are set for the exchange of experiences and best practices, and the analysis of development trends pursuant to the effectiveness of the Cohesion Policy.

With the aim of enhancing the efficacy of the ETC, Regulation 1082/2006 enabled construction of the *European Grouping for Territorial Cooperation* (EGTC) – a legally recognised body composed by state, regional, and local authorities and bodies governed by public law set up for the implementation of territorial cooperation programmes. The EGTC is governed by a Convention and a Statute, and the provision of the law of the MS where its office is registered. The EGTC had been welcomed as a laboratory of multilevel governance, providing for the opportunity of involving different level of government within the same cooperative structure (Metis GmbH, 2009).

Disaster risk reduction has been one of the priorities addressed by the ETC programmes. Several cross-border cooperation projects focused on capacity development and knowledge sharing among national/local public authorities and research institutes or Universities, with reference to common natural hazards like floods and droughts. Transnational cooperation programmes also identified, among their priority actions, the forecasting, predicting, mitigating and managing of the impacts of natural and technological hazards (for instance, the Alpine space Programme Priority 3, the South West Europe Priority axis 2 and the Northern Periphery Programme Priority 1¹⁴). Finally, among interregional cooperation programmes, opportunities were created for regional and local authorities and other stakeholders to improve tools, methods and capacities and raise awareness in the areas of environment and risk prevention.

Finally, the *Macroregional strategy* is a pioneering instrument of the European policy that fosters territorial cohesion through (i) a better collaboration and multi-level governance arrangement; and (ii) a better coordination of the Cohesion policy with other sectoral policies such as environmental protection, integrated maritime and transport policy. The macro regions are delineated rather broadly as '*countries or regions associated with one or more common features or challenges*' (Katsarova, 2012). The idea behind is that macro-regions with distinct identity and functionally connected features defy the administrative boundaries around which the Cohesion policy evolved. The macro regions and sea basins strategies are pursued through improved cooperation and coordination, without recourse to new legislation, institutions and funding. Rather they rely on a better use of the resources already available, coordinating and optimizing them to tackle macro-regional challenges. The strategies are being explored as *new modes of territorial governance* and should serve as platforms for EU and national actors to coordinate actions across policy areas of common interest, including environmental and disaster risk reduction concerns.

¹⁴ The 2007 -2013 operational programs are available from the web site of the EC Regional Policy

Two macroregional strategies have been endorsed - the *Baltic Sea Region* (2009) and the *Danube Region Strategies* (2010) – and two additional initiatives encouraged - the *Alpine* and the *Adriatic and Ionian* areas – or prospected – the *Atlantic* strategy. The real benefits and added value of macro-regional strategies, compared to other forms of territorial cooperation, has yet to be addressed (Dühr, 2011). Last year, the Commission’s preliminary assessment (EC, 2013d) acknowledged that macro-regional strategies have fostered the development of new projects, with over 100 flagship projects delivered in the Baltic Sea region alone; enhanced coordination and pooling of existing resources; and improved cooperation between countries and among authorities inside countries. Among the positive outcomes a significant contribution towards the implementation of EU policies, especially on environmental, infrastructural and civil protection issues, is also recalled, together with the reinforcement of multi-level governance due to the range of actors involved. Building on such encouraging results, the European Commission makes nonetheless clear the need for an improvement in the implementation methods. In particular, strategies should be more focused, political commitment enhanced, and complexity on the organizational and governance side reduced.

4. Partnerships within the Enhance case studies

4.1 Drought steering committee in Italy (Po River Basin District) and Spain (Jucar River Basin District)

Noteworthy examples of a partnership in the context of natural resource management and disaster risk reduction are explored in the Po River Basin District PRBD (Mysiak et al., 2014a) in Italy and the Jucar River Basin District JRBD (Haro Monteagudo et al., 2014), Spain. Although water is abundant in the PRBD under normal (average) weather conditions, the recent drought spells have created temporary conditions of insufficient water availability to satisfy all demands. The *Drought Steering Committee* DSC (in Italian ‘*Cabina di Regia*’) was established in 2003 as a coordinated response to one of the most intense and severe drought spells in the recent (30 years) history. The DSC comprises water authorities, agencies and major water users who convey to deliberate cooperative solutions for tackling droughts. Promoted by the Po River Basin Authority (PRBA), the DSC engages the regional administrations of Emilia Romagna, Lombardy, Piedmont, Valle d’Aosta, and Veneto; several Land Reclamation and Irrigation Boards (LRIB); public entities supervising the operation of the great regulated lakes, the Italian Grid Distribution Operator and major power producing companies located in the basin. During the 2003 event, the DSC conducted negotiations that led to a reduction of water withdrawals aiming at moderating the adverse impact of drought. The cooperative decision of the DSC was sanctioned by a *Memorandum of Interest* (MoI, in Italian ‘*Protocollo d’Intesa*’). The agreement detailed the roles and tasks of each partner so as to: (i) guarantee the minimum levels of water appropriation for irrigation, and (ii) guarantee the required level of electricity generation (ADBP, 2003). The parties agreed on increased water releases from mountain reservoirs and the limitation of downstream abstractions for irrigation, obtaining a progressive increase of the water levels in the Po river. Given the positive experience in 2003, the *partnership* was broadened in 2005 to devise a coordinated way of monitoring and

anticipating future water crisis. Consistently, the DSC was convened again during the 2006/2007 drought events, under the declared State of Emergency.

The DSC builds upon the voluntary engagement of the main interested parties. The incentive to take part in the DSC is based on two strategic considerations. The first one deals with the opportunity to coordinate with other water users before the declaration of the state of emergency is made. Indeed, when the emergency is declared, CPD's decisions are coercive and one's own needs and interests cannot be negotiated any longer. The second reason lies in the possibility of getting to know other users' current or future behaviour, and act consistently so to get advantages or avoid detrimental consequences. The DSC plays also an important role in fostering mutual understanding and trust among parties, enhancing information exchange and collaboration experiences that are often hampered by the administrative and political fragmentation within the basin. The collaboration with other interested actors which are not formally part of the Forum, like the Emilia Romagna Regional Environmental Agency (ARPA-ER), has also considerably improved the Forum's capacity to take informed and appropriate decisions. Thanks to ARPA-ER and its modelling instruments, the Forum is now able to understand what the impacts of different decisions on agreed discharges or abstraction limitations can be throughout the basin. However, the biggest (and actually ontological) limitation of the Forum is its decision making process based on *consensus*. In case of harsh conflicts arising, this procedure could hamper the possibility to get quickly - or to get at all- to an agreement.

A similar partnership for managing water crises was established in the Jucar basin. The *Permanent Drought Commission* (PDC) had been set since 2007 as a stakeholder forum for coordinated response to droughts and insuring water crises (Haro Monteagudo et al., 2014, 2013). The PDC is convened when an emergency is triggered and a *Royal Decree of Exceptional Situation* is released (Haro Monteagudo et al., 2014). Before 2007, the drought commissions were summoned through Royal Decrees which also specified their mandates. The range of the stakeholders involved in the Commission was extended over the past decades, including now water users, NGOs, economic and social partners, and other representative civil society organisations. The PDC is assisted by the *Drought Technical Bureau* and is empowered to adopt decisions on water restriction and allocation. Usually, the decision are made by consensus of the involved partners but the *modus operandi* of the partnership provides also for situations in which a consensus is unlikely. Although not experienced so far in the JRBD, a compromise solution is reached by casting votes, but not all partners have a *right* to vote (Haro Monteagudo et al., 2013).

4.2 Regional cooperation (the Wadden Sea Trilateral Convention)

The *Wadden Sea* (WS), focus of another Enhance case study (Gerkenmeier et al., 2014, 2013), is a unique intertidal ecosystem in the south-eastern part of the North Sea, declared a World Heritage site^{15,16}. Considered as the world largest unbroken system of tidal sand and mud flats, it is shaped

¹⁵ The Dutch-German Wadden Sea was inscribed on the World Heritage List in 2009 while the Danish part became a part of the World Heritage list in June 2014.

by natural dynamic processes in nearly unimpaired natural state (IUCN, 2014). Extending from the Varda Estuary and Skallingen in Denmark up to the island of Texel and the mainland port of Den Helder in the Netherlands, it totals to around 450 km of coastline.

It is subject to an international (trilateral) cooperation since 1978, long before the Union territorial cooperation began. The first international agreement (*Joint Declaration on the Protection of the Wadden Sea*) was signed by the governments of Denmark, Germany and the Netherlands in 1982 and renewed in 2010 (Joint Declaration, 2010). The renewed Declaration (on *cooperation*) distinguishes between the WS Cooperation and Nature Conservation Areas. The former includes areas seaward of the main dike or the spring high-tide waterline or the brackish water limits in the rivers, including the islands, the 3 nautical miles offshore zone and the adjacent protected inland areas. However, cooperation extends to areas outside of these boundaries where this is necessary for ensuring an effective protection of the WS ecosystems. Furthermore, the Declaration specifies the vision, guiding principles, specific objectives and areas of cooperation, as well as the institutional and financial arrangements.

The Declaration (both 1982 and 2010 editions) is a formal but not legally binding commitment for cooperation at the governmental level aiming to preserve the ecological integrity of the WS in its entirety, along with the connected cultural landscape, without an ('unreasonable') impairment of the local population's interest. The cooperation entails common (coordinated) policies and management, joint monitoring and assessment, public engagement through awareness-raising and environmental education, and sustainable development with due attention to its natural and cultural values.

The WS joint management plan (Sea Plan) was adopted first in 1997 and updated in 2010 (Common Wadden Sea Secretariat, 2010). The Plan is inspired by integrated ecosystem management and observes *seven management principles*, namely (i) Careful Decision Making, (ii) Avoidance (of potentially harmful activities), (iii) Precaution, (iv) Translocation (of harmful activities to where their environmental impact is lower), (v) Compensation (of potentially damaging activities by compensatory measures), (vi) Restoration, and (vii) Best Available Techniques and Best Environmental Practice (*ibid*). The Plan specifies management targets and joint priority actions. The expected effects of human induced climate change, especially sea level rise (projected to range between 0,5 and 1,3 m by 2100), are included among the serious threats. The plan does address the human use of the area and coastal flood defence. An adaptation strategy was adopted in 2014. It highlights safety of the inhabitants and visitors, and sustainable human use, in addition to environmental and landscape protection. Since 2002, a WS Forum was established as a vehicle of stakeholders' participation, transnational cooperation, and collective problem solving. The WS Forum is a partner to the Enhance project. The scope of the case study driven research is to strengthen the coastal risk management topic under the WS Forum and the WS Plan (Gerkenmeier et al., 2014).

¹⁶ The Vision of the Trilateral cooperation is summarized as follows: '*The Wadden Sea is a unique, natural and dynamic ecosystem with characteristic biodiversity, vast open landscapes and rich cultural heritage, enjoyed by all, and delivering benefits in a sustainable way to present and future generations*' (Joint Declaration, 2010)

The Trilateral WS Convention is an example of a territorial cooperation which dates back to a period when such cooperation had not yet been contemplated by the Union. The cooperation established *partnership* practices that to a large extent satisfy the requirements addressed in section 3.2. Moreover, the partnership may meet the scope of a macroregional strategy, an aspect that will be further explored through the Enhance project's research.

4.3 Natural Hazard and Climate resilient partnerships

The UK *National Hazard Partnership* (NHP) was established in 2011, as a consortium of public bodies (government departments and agencies, and public sector research centers) aiming at providing applied research and analysis to adequately prepare and respond to natural hazards in the country. The partnership primarily acts as a forum for exchanging data, knowledge and expertise, and for the formulation of coordinated and coherent scientific advice to the government and the emergency responders identified by the *Civil Contingency Act* (2004). In particular, it provides a major contribution within the *National Risk Assessment* (NRA) process, through advice and recommendations on existing and possibly concurring risks, as well as on new risks which may need to be considered. The NHP has also developed specific tools for risk assessment and communication. Among them -though still at a research phase- is the *Natural Hazard Impact model*, which will be functional to the identification of vulnerable areas and assets and the subsequent prioritization of responses by policy makers. On the communication side, daily *Early Warning bulletins* are circulated to inform relevant government bodies on on-going issues and on the general outlook for the next 30 days. Such information is complemented by pre-prepared scientific advice, mainly in the form of thematic fact-sheets on the exposure and vulnerability of the country to specific natural hazards. The NHP represents a model of cross-government cooperation which could be applied for handling other complex issues not necessarily related to natural hazards. Among the main benefits which can be detected, despite its recent establishment, is its capacity to effectively pool together competences and avoid duplication of efforts (UNISDR, EC, OECD, 2013).

A broader approach has been adopted by the *London Resilience Partnership* (LRP), funded in 2002 to foster cooperation in planning and responding to large scale emergencies. Originally created to face terroristic attacks, it is now also aimed at reinforcing London's resilience towards natural disasters. The partnership counts on more than 170 participating entities which are involved in the preparedness, response and recovery phases of emergencies, and includes public bodies, utilities, the voluntary and business sectors. The LRP has an articulated governance structure, with a number of thematic working groups referring to the *London Resilience Forum* (LRF). The latter is in charge of over-sighting the work of the partnership and enable collaboration among agencies to carry out the planning and preparedness duties under the Civil Contingency Act. The LRF is also responsible for liaising directly with the central government on those issues which cannot be resolved at working level. Accountable to the LRF is also the London Resilience Programme Board (LRPB), which has the responsibility for the implementation of the two-year *London Resilience Partnership Delivery Plan*, outlining the roles and actions to be undertaken by partners in four main

areas: i) risk assessment; ii) training and exercising; iii) coordination and information sharing; iv) communicating with the public.

5. Conclusions

This paper addresses horizontal cooperative *partnerships* primary involving public authorities or entities but conceived as inclusive governance *deals* open to civil society organisations, community groups, academia, and business enterprises. *Public-Public Partnerships* (PuPs) has been coined in the early 2000s for similar mutually beneficial alliances especially in the water and public health service provision, and disaster risk management. We understand these partnerships as *cooperative agreements initiated for the sake of (better) public services, or to empower community solutions to resource and/or development challenges*'. PuPs are usually sanctioned through institutional agreements. Private sectors can (and should) play a relevant role in, and benefit from, these alliances but, differently from *public-private* partnerships (PPP), direct financial profits or competitive gains are not directly contemplated. This does not mean that individual and collective benefits, even if economic in nature (e.g. damage avoidance or corporate image), are barred. The defying characteristics of a PuP is the pursuit of a **societal objective**, especially when coping with complex issues requires cross-cutting competences and perspectives.

These *partnerships* are exemplified by assemblies of (scarce) resource users, as in the cases of the Jucar and Po river basin districts (RBDs); or territorial communities, sharing a sense and/or identity conferred to a physical place, and seeking a better protection against natural hazard risk. In both cases the partnerships seek to establish *social norms of behaviour*, whether as a response to the looming emergencies, or as a shared model of development resisting the environmental changes and threats.

While *partnerships* are flexible and often cost-effective policy instruments, they resist a *one-size-fits-all* approach not only in the way a partnership is conceived but also accomplished and nurtured. An apparently incontestable principle of a partnership as implying voluntary choice (to adhere) is countered or at least challenged in the cases we analysed in depth. Both (users) *steering committees* (SC) established in the Jucar and Po RBDs are similar in scope, aiming at a re-allocation of temporarily scarce water resources among the many competing and socially requisite uses of water. The collective choices these bodies seek to stimulate are realised by persuasion and voluntary commitments. Yet in the Jucar case, the SC is mandated by law, while in the Po case it persisted as a deliberated choice. Does this disqualify the Jucar SC as a *partnership*? We don't believe so. *Firstly*, if the SC fails to reach a compromise, in the Jucar RBD the final decision is deliberated by vote, whereas in the Po RBD it is compelled by special power vested in the *Civil Protection Mechanism*. *Secondly*, the statutory character of the partnership which essentially recognises the right to partake in the important decisions limits the public authority's discretion to adopt unilateral choices. *Thirdly*, the law mandated partnerships may under specific circumstances contribute to spreading the (initial) innovation once its benefits have been recognised as examples of best practice. Notwithstanding, the analogously institutionalised partnerships bear risk of becoming inflexible and ineffective in the longer term. Hence the defining characteristic of a

partnership may be less related to its statutory character than the ability to evolve and adapt to changing conditions under which it operates.

The choice between PPP as explored in (Mysiak and Perez Blanco, 2014) and PuP analysed in this paper depends on the specific institutional, political, economic and social conditions, as well as the nature of the problem (or risk) at hand. In the literature the PuPs are often juxtaposed to PPPs. The reasons for this are the explicit profit-raising character of, and the high attention paid by the international organisations to, the PPP. The primacy of PPP is sometimes contested (Tucker et al., 2010). In reality, the PuPs may well create enabling condition or oversee PPPs and numerous instances (may) exist along the continuum between the genuine instances of PPPs and PuPs.

European policies drive partnership *fabric* either by policing the way planning decisions are made and requirements to which these decision (have to) comply, and/or by encouraging cooperation and coordination of actions where the collective (environmental and economic) performance is greater or more efficient than the individual ones. In the former sense, the EU legislation on public participation in policy and decision making is an instrument fostering (a greater) public accountability and problem solving. In the latter sense, territorial partnerships are conceived as an (emerging) instrument for a greater territorial cohesion, and indirectly, an effective way of ensuring compliance with the EU policy. Disaster risk reduction may directly benefit from both.

The *policy guiding principles* (PGP), seizing the breath of policies analysed in this paper, cannot but recap the norms embraced in the White Paper (EC, 2001a), standards of public consultation (EC, 2002a), the Code of Conduct (EC, 2014a), and the Principles for Better Self- and Co-Regulation (EC, 2014c). Where the PuP supplant or complement the choices of competent authorities, the same normative standards apply as in the case of public decision making, i.e. openness, transparency, accountability, flexibility, and effectiveness. To be **open**, the partnership should not only make efforts to engage all relevant or representative parties, both public and private, in a genuinely concerted and collaborative pursuit. Recall that the Regulation 1303/2013 compels who should be involved and how an effective participation should be guaranteed. The partnership should also remain open to other parties to join in; and **flexible** enough to evolve as the scope of collaboration does. To be **transparent**, the partners should sponsor the partnership with their knowledge and skills, competences and standpoints in good faith, and share the outcomes in plain way. The partnerships established for the purpose of disaster risk reduction should pay attention to knowledge sharing and collective risk analysis. **Accountable** means that the objectives and principles of the partnership are well specified and respected.

A distinctive characteristic of a *partnership* though is a **constructive discourse**. Because of the very nature of partnerships, an occasional clash of viewpoints, values and interests cannot be avoided and the viability of the partnership itself may become at risk. Constructive dialog means that the partners preserve the sense of common purpose, while accommodating the dissents and fertile divergences. This is particularly challenging because partnerships are voluntary in principle and operate throughout consensus. Instead of formalising the bargaining rules, the partners should stress the agreed and shared values or principles. The Wadden Sea Plan management principles

(see section 4.2) are an outstanding example. Where a consensus remains elusive, the partnership may be reinforced with accentuating the common grounds.

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