

Resilience-based Thinking in European River Basin Management and the Dutch Institutional Arrangement for Common Pool Resource Management

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This paper will focus on the resilient and sustainable governance elements in European and Dutch water law, as they may be inspiring for other river basins.

The main innovative feature that fosters resilient water management in European law is the establishment of river basin management as an organizational requirement in its 2000 Water Framework Directive and the 2006 Flooding Directive. It will be analyzed why this and other features were introduced, despite the usual lack of organizational requirements in European law. River basin management as an organizational form is not new in Europe. In the Netherlands, it dates back to the 12th century. The Dutch organization of water management is based on the idea that stakeholders have the right to participate and to be represented in the decision-making process and the duty to participate by way of paying (in natura or money) for water management. The Dutch water boards started out as small collective organizations of land owners in a sub river basin or polder. They developed into larger organizations with a public character. Two important organizational factors remained the same: (1) that the organizational structure respects hydrological borders and (2) that the water boards consist of stakeholders and are financially autonomous to fund their water management tasks. The second factor can also be found in the new EU Water Directives, but in a much weaker form. It will be discussed to what extent these governance factors are essential for resilient water management.