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**Context and power in implementation theory:
A strategic-relational approach to the analysis of the implementation of
the drinking water directive in the Algarve, Portugal***

***Draft version, not for quotation**

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**by: Andreas Thiel
School of the Built Environment
Oxford Brookes University
Gipsy Lane Campus
Oxford
OX3 0BP**

Email: athiel@brookes.ac.uk

Phone: 0044(0)1865-483072

Abstract

The paper proposes the use of the strategic relational approach based on critical realism for explaining implementation in the area of environmental legislation. It introduces the approach, translates it to implementation research and outlines a way of using the approach that emphasises the role of context and power in explaining implementation. To complete the conceptual part the paper reviews the treatment of context and power by existing approaches to researching implementation.

In a subsequent case study of the implementation of the European drinking water directive in the Algarve, Portugal, the paper shows the merit of firstly a structured approach to the role of context and secondly a clarified conception of power for the explanation of implementation failure or success. At last a reflection on the case study material evaluates the role of context and power for answering why and how legislations are implemented and the drawbacks of the approach.

Introduction

This paper advocates the use of the strategic-relational approach for the explanation of implementation failure or success. I want to argue that the merit of this approach is the emphasis on the context in which legislation is implemented. Furthermore, the approach provides a clarified conceptualisation of actors' capacities (powers) and therefore a clearer account of its empirical role for implementation success or failure and the way legislation is implemented. Of course I have to acknowledge that focussing on the role of context and power in explaining implementation is detrimental to other explanatory categories. Nevertheless, in principle the epistemological and ontological background of the approach allows for any degree of detail with regard to the conceptualisation of further categories underlying the explanation of implementation. In the course of a brief review of existing approaches to the research of implementation mainly drawn from research of the implementation of environmental regulations in Europe and the conceptual frameworks used, I will show that context and power are insufficiently considered in existing approaches. The motivation of this argument is reflection on extensive fieldwork I undertook on water use development in the Algarve, Portugal after accession to the European Union. To illustrate the conceptual point I want to make here, I will therefore present sequences of this empirical material in the light of the role of context and power for the implementation of the drinking water directive.

I will start out by defining my conception of what implementation is. Thereafter, I will present the elements of this definition and their interaction and draw out a conceptualisation of power and context in the interaction of the elements constituting implementation. This conceptualisation is based on Jessop and Hay's strategic relational approach. I then outline alternative approaches to the study of implementation and contrast them with my approach. Finally, I present the case study material, evaluate it in the light of the role of power and context by analysing it through the previously described

conceptual lens and discuss why the account of context and power is essential to explaining implementation, at least in the case I refer to.

Philosophical underpinnings and conception of society

The conceptual framework I propose here is grounded in a critical realist stance with regard to what exists and how we can acquire knowledge about it. The framework was developed as part of a broader research programme aiming at the elucidation of the interaction between society and nature for investigating Environmental Policy Integration.

The work is grounded in an anti-reductionist dualist conceptualisation of the relation between society and nature. This approach I evaluate as being most suitable and consistent with achieving the aim of the research which was to evaluate how societal change manifests in the configuration of non-human nature and what dynamics govern the interaction of society with non-human nature. The overarching background of the investigation, in line with critical realism, is to dismantle illusion about reality and the dynamics of social change or, phrased differently, to enhance understanding about what drives the relation between societal change and non-human nature¹ for more effectively integrating an 'environmental rationale' into the relation. The underpinning of the research being critical realist philosophy justifies the emphasis of the conceptualisation of the societal stratum throughout the research. However, I am aware that critical realism implies equally that non-human nature is constituted by a contingent articulation of overlaying strata grounded in natural, societal, psychological and further identifiable strata.

I grounded the work in a more detailed conceptualisation of society and the dynamics that govern it to reach some detail on what in society produced a specific physical manifestation in nature. Societal dynamics confluence with natural laws that human beings as elements of society are subject to and with further structuring elements which equally constrain the relation between society and non-human nature and our conceptualisation of it (see also Collier, 1994)².

Conceptualisations of society can be regrouped according to how they pronounce themselves on the role of either structure or agency in determining human behaviour in society. The antinomies that are opened up in this respect are referred to in debates about the relation between the individual and society, micro and macro, voluntarist and determinist and structure and agency distinctions (Archer, 1995). Often these dualisms are treated as opposed to each other. Different ontologies either explain individual behaviour, which changes society through the individual and its reflexive,

¹ The approach, similar to Habermas's critical social theory of critical rationality, proposes the need for emancipatory critique, claiming "that it is better, other things being equal, to have true rather than false beliefs as it can generate arguments in favour of social transformations for reasons other than their propensity to spread false beliefs" (Benton, 2001, p137, see also Sayer, 1992, p111).

² About the relation of mind and matter in his stratified conception of nature and our place in it Bhaskar is rather open when he says that mental powers are emergent powers, not occurring in the absence of matter but not reducible to material powers (Collier on Bhaskar's Synchronic Emergent Powers Materialism (SEPM), 1994, p156).

motivational and rational aspects, or with the structural regularised context or setting that the individual is embedded in.

In relation to this debate I sympathise with Hay when he claims “Structure-agency is not so much a problem as a language by which ontological differences between contending accounts might be registered” (sic) (Hay, 2002, p91). Hence Hay makes clear that it is no more and no less than an ontological stance on the basis of which we search for explanations of empirical facts that we try to explain. In reality however he also acknowledges that Marx’s assertion still stands that men make history but not in circumstances of their own choosing, implying basically that structure and agency entail one another (Hay, 2002, p90).

For my purposes I therefore have to clarify the ontology that critical realism proposes with regard to the relation of structure and agency, and then indicate where I want to search for explanation of individual action and social change, and the implementation of law as part of it. Critical realism’s most complete theorist Roy Bhaskar expresses his ontology saying that social structures exist only in virtue of activities they govern and cannot be identified independently of them. He describes this notion more fully in what he calls the Transformational Model of Social Activity (TMSA, see for example : Collier, 1994 pp.141-169). Sayer (1992) interprets this stance as follows: structures are the result of abstraction of the holistic nature of an object of research. These abstracted features of the object are related to other objects, and to the extent these relations are internal they represent the structure into which an object can be inserted depending on the historically contingent situation which determines if a specific structure exists. Structures can endure under certain conditions, but they can also be transformed depending on the contingent configuration of the internal and external relations that an object is part of. Endurance of structure through its intended or unintended reproduction or its transformation, depends on people and therefore on agency (Sayer, 1992 pp85-97). Social science therefore is mainly concerned with structural explanation, as society is a network of relations. Reasons as a category that describes the agent are rarely a basis of explanation in social science, but rather one of psychology. Psychological and social knowledge are mutually ontologically dependent but two distinct strata. Agency is based on causal action which originates from necessary and causally efficacious reasons of intentional action, which emerge at a different stratum than society and are founded on conscious or unconscious desires, emotions and intentions internally related to constantly updated beliefs. Such reasons can be spontaneous or longstanding causes of action as they make a difference to the action taken. They are explicable in terms of, but irreducible to, deeper strata of the social (and also ultimately the natural) world (see also Collier, 1994, pp151-156).

Clearly, critical realism takes an anti-reductionist stance on the matter. It has been the aim of various attempts to translate this into ways of analysing the interplay of structure and agency (Archer’s morphogenetic approach (MGA) (1995) or Jessop and Hay’s strategic-relational approach (SRA) (Jessop, 1990; Jessop and Hay, 1995; Hay, 1995; Jessop, 2001; Hay, 2002). In the next section I briefly describe the SRA, which I favoured as the basis for my

later empirical analysis of the implementation of the drinking water directive in the Algarve.

The conceptualisation of the relation between structure and agency that I chose to adopt is Jessop and Hay's SRA. Characterising the main elements of the approach Hay and Jessop also call it "structure, strategy, agency approach" (Hay and Jessop, 1995, p15). It qualifies structure and agency with regard to how they strategically condition and transform each other. Jessop and Hay affirm the ontological unity of structure and agency or their dialectical relation as "society [and social structure] is the ever present condition and continually reproduced outcome of human agency" (Bhaskar, 1979 quoted in Hay, 1995) but at the same time they desire to separate the two for analytical reasons (Jessop, 2001, p1225; Hay, 2002). The SRA provides the vocabulary for relating structure and agency to each other in a specific situation by introducing strategy as intentional conduct oriented towards the environment and action motivated by the intention to realise certain outcomes and objectives (Hay, 2002, p129). Hence agency in relational terms becomes strategic action and structure strategically selective context combining the 'doubled' dualism of structured context (or action setting) and situated agent (or contextualised actor) (Hay, 2002).

Structure disposes of what Jessop and Hay call structurally and discursively inscribed strategic selectivity. A temporally and spatially specified structure is the configuration of internal relations an object is part of. Therefore when an actor wants to transform an object he must do so through the structure constituting it. The structure conditions the strategies applied by an actor for transformation, therefore it is strategically selective. This strategic selectivity of structure is perceived by actors through mediating discursive paradigms, modes of calculation, ideas which therefore shape and distort this very same structure and which create certain cognitive maps of structure that are bound by the experiences that actors have of the strategically selective structure they are situated in.

Actors are conceptualised as differentially capable of reflexive orientation of their strategies for transforming an object according to their goals. Their strategies are assumed to be the result of a combination of practical consciousness based on intuitive, routine and/or institutionally³ inscribed strategies and practices and strategic reflexiveness based on strategic actions deliberately oriented towards the achievement of specific objectives based on analyses of strategic context, capacities and availability of resources over different time horizons and spatial scales (Hay and Jessop, 1995, p5).

Strategies are therefore contingent on the situation of the actors in relation to the resources available to them over different time horizons and spatial scales, on the strategic selectivity that the pre-existing "hierarchy of levels of physical [spatial and temporal properties] and social [consequence of human action] structures" (Hay, 1995) of the object that one wants to act upon, and on the discursively selected way the actor perceives that structure. The

³ Institutional so my interpretation is here to be understood as an understanding shared by a clearly delimited community regarding a way of behaviour in a certain situation as opposed to for example boundedness to formal rules.

contingent relation of the actor to his context and to the structural context of the object he acts upon is what decides the success of an actors' strategy, hence the name "relational approach" with its emphasis on "strategic-context-analysis"⁴. It crucially depends on his ability to appropriate or access the appropriate levels of structure as structures are determined by specific "time-space envelopes". Hence an actor would have to gain control over the corresponding sphere of time and space to shape the physical and social structural selectivity in favour of his goals. Otherwise the structural constraints in question are imposed by the action of the more powerful, the ones that manage to have access to the specific determinant structure. Still, some structures may only be open to change over a longer period of time or social forces would have to intervene in order to attain new trajectories.

Independent from the degree of success that an actor has with his strategy-based action he will transform the context of future strategies, hence the strategic selectivity of structure and he will learn from his action experience, which again will inform his future strategic actions. His actions naturally have intended and unintended outcomes so that the "recursively selected strategies" used by the actor and "reflexively reorganized structural configurations" as subsequent action-settings remain unpredictable (Jessop, 2001).

Several features of this approach (already included in the description above between the lines) should be emphasised: (1) Through selectivity, structures reinforce certain strategies and configurations and therefore lead to path-dependency and path-shaping. (2) When actors lack access to a specific "time-space envelope" by which a structure is bound or are unconscious of it, relative structural stability can be the result as they reflexively reconstitute the institutional matrix and uphold what Jessop calls "spatio-temporal fixes". Nevertheless this "structural coherence" can involve structural contradictions and strategic dilemmas (Jessop, 2001, p1228). (3) Jessop and Hay define power as "the ability of actors (whether individually or collectively) to have an effect upon contexts which defines the range of possibilities of others" (Hay, 2002, p185) or, put in another way, power is appropriated by an actor who can be identified as responsible for something. Furthermore, Hay distinguishes between direct "coercive" power and indirect 'context' or 'conduct' shaping power. This definition explicitly rejects Lukes (1974) 3-dimensional view of power. Hay on the other hand aims at the empirical analysis of who is responsible for shaping the structural and discursive context of objects and actors instead of who prevails in decision-making, organises biased-agenda setting or shapes preferences⁵ against people's real interests. Nevertheless, depending on the specific time space configuration in which an actor and his action upon an object is set, any of Lukes' three conceptions of power, amongst others, can be part of the way an actor

⁴ The term strategic-context-analysis has been introduced by Stones (1991). He named the analysis of agency evoked by Giddens' structuration theory strategic-conduct-analysis and claims the need to complement it with strategic-context-analysis, or in Giddens' terminology the analysis of what frames conduct hence "knowledgeability" (Giddens, 1984).

⁵ As a side-note: Lukes apparently was well aware of the methodological problems of his 3-dimensional conception in contrast to what Hay makes us believe in his treatment of Lukes.

attempts to shape context. The SRA has a wider conception of power describing it as a relational concept whose attribution depends upon the “context being interrogated, the form of that interrogation (the nature of the problematic), the vantage point from which the context is viewed and the time frame considered” (Hay and Jessop, 1995, p12)⁶.

Implementation and rules

Written rules⁷ among other elements constitute the socially constructed structure that an actor encounters in pursuing his objectives. Therefore, written rules may have an influence on the way an actor behaves. For the case of environmental policy law or written rules are here defined as *implemented* when the physical outcome of the interaction between society and non-human nature regularly corresponds to the objectives laid out in the written rule governing the incident of interaction.

For example, with regard to the case we look at later, a drinking water regulation is implemented when drinking water (as physical outcome) at the point when it provides its service⁸ fulfils the objectives outlined in the legislation. For achieving implementation in the situations referred to by the legislation drinking water should *always* or at least in most cases dispose of the legislated qualities.

I assume rules to be the description of behaviour of human beings and society in specific situations. Furthermore, I want to define their institutionalisation as their regularised application (see also Jepperson, 1991)⁹. Institutionalised rules imply that human beings or society in a specific situation always *de facto* behave in a certain fashion. Individuals or society consciously or unconsciously follow an implicit or explicit rule about a situation, which describes or prescribes certain behaviour. Laws are a specific type of rule (usually codified in written documents in modern societies), they are consciously applied and their prescriptions have to be institutionalised for laws to be implemented. This means that they regularly have to be part of people's and society's behaviour which we can describe in terms of rules¹⁰.

⁶ The key relations of the strategic relational approach have been neatly summarised by Hay in 3 figures (Hay, 2002, p131, p128, p212).

⁷ equivalent to laws in the modern western world

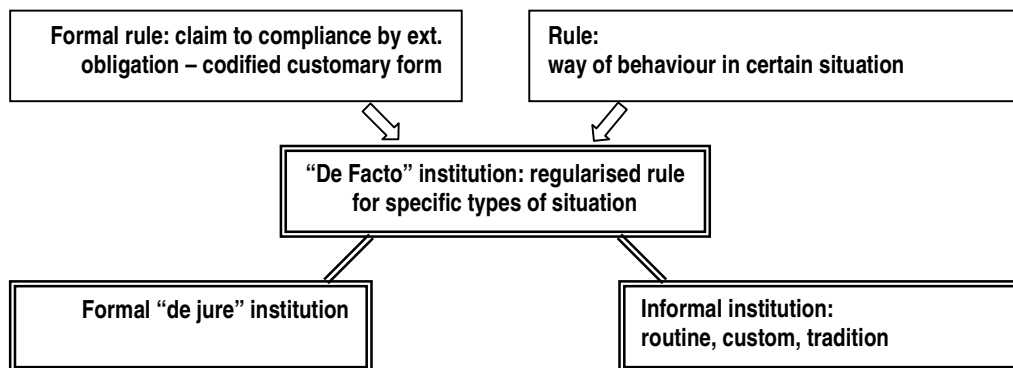
⁸ Drinking water provides its service when people ‘drink water’ and in situations of sustaining life of people, and all situations in which it is to comply with the defined requisites.

⁹ This definition contrasts with many other definitions that take institutions to be administrative entities; see for example Lenschow and Knill (2001) or several authors in Powell and DiMaggio (1991).

¹⁰ Similarly routines, traditions and customs could comprise rules that from the perspective of describe people's institutionalised behaviour, they are applied unconsciously, meaning that people are not aware that they behave in a regularised fashion in a specific type of situation. On the other hand implicit rules may have an effect on the physical outcome of the behaviour of people but they do not specifically apply to the situation that produces the physical outcome that is of interest to us. Written laws are consciously applied and for the physical outcome of drinking water the drinking water legislation is an explicit rule, that may become an explicit institution through its regularised application.

In case of the drinking water regulation that we treat below implementation means that people and society regularly consider the implications of the drinking water legislation. In situations, which are known to have an influence on the physical parameters of drinking water the outcome of respective societal interaction with non-human nature has to be consistent with the respective legislation. The need for knowledge of the interrelation between action and its physical influence points towards the influence of cognitive and discursive construction on individuals' and societal actions, which is equally considered in the strategic relational approach. Institutionalised law describes aspects of people's actual behaviour as people behave according to the rule and in our case bring about drinking water use as legislated. On the other hand, behaviour and its description through rules do not have to be institutionalised, or the institutionalised behaviour is not necessarily equivalent to the behaviour prescribed by law. Law is only one source of rules that may condition actors. Rules are also laid out in other forms implying alternative sanctioning methods¹¹.

Figure 1: Relation of concepts: (de facto) institutions, formal and informal rules



Source: author

Together with other elements different kinds of rules constitute the strategically selective structure an action or object is embedded in or constituted by. Further elements of this structure influencing choices could for example be the discursive and cognitive construction of a situation, the physical or natural configuration of the structure, which an object is part of, or further resources that are needed to bring the physical outcome about.

As consequence the question emerges regarding what constitutes the specific content of a rule that is applied. For elucidating this I go back to critical realism that asks us to adequately abstract the elements that are internally and externally related to our object of study (Sayer, 1992). The structural configuration of the object of study is composed of the elements whose internal relation constitutes it¹². Subsequently I will identify what elements

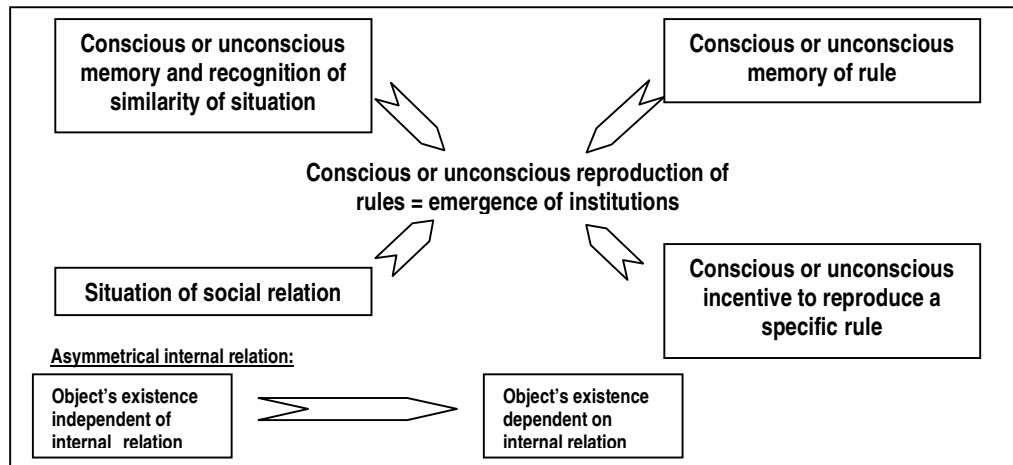
¹¹ For example in the case of customs, tradition or other informal institutions.

¹² 'Internally related' is equivalent to 'necessarily related'; both mean that at least one of the two elements has to exist for both to exist, possibly one can exist without the other (asymmetrical internal relation) but the other cannot. In case both elements only exist when the other exists the relation is symmetrically internally related (see also Sayer, 1992).

constitute the institutionalisation of a rule. Later I want to use this abstraction to explain what influenced the contingent content of the regularised rules that govern the provision and use of drinking water. The question will be if the legislated rule has been institutionalised and why. The institutionalisation of law can equally be explained by the structural configuration proposed, as law is understood as a specific type of rule.

For regularising a rule an actor applying it has to have a memory of the rule, possibly a memory of the situation in which he applied the rule, an incentive to apply the rule and he has to be confronted with a situation disposing of the features triggering the application of the rule. Law for example is empirically usually constituted of the following elements: laws are “memorised” in the form of written texts (memory), which contain a prescribed behaviour and the aspects of the situation in which, it applies (description and memory of situation). Their degree of detail varies among other things depending on the type of rule or law. Often laws have to be further interpreted regarding when they apply and what exactly their prescriptive content is. The incentive to comply with law is different from other types of rules as the state has the authority to interpret them, control compliance. Furthermore, under certain conditions also regulated in law, the state can resort to its monopoly of coercion and in that case legitimately force compliance with a rule upon an actor that does not comply with it. It is obvious that the degree of the incentive is decisive for implementation failure or success. It depends on a variety of variables, which other implementation theories mainly focus upon.

Figure 2: Elements constituting the regularisation of a rule



Source: author

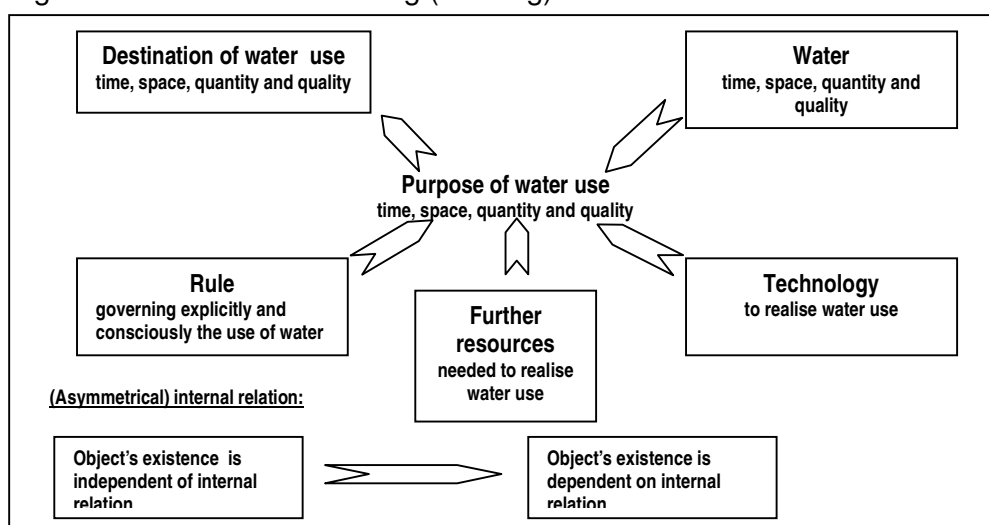
The elements described are part of the structural context that an actor is confronted with when, based on his practical consciousness and strategic reflexivity, he contingently chooses his behaviour. However, in selecting a rule an actor is confronted with further structural features that overlay and co-determine the rule applied: Therefore, when producing an empirically observable action, the contingent content of the elements constituting the rule an actor implicitly or explicitly applies are articulated with other strategically selective structures that constitute the actor's action in pursuance of his

objectives. The rule/ or behaviour is only one element that constitutes the object of study.

Equally, in the case of the activity of 'drinking water' which we look at below further elements bound by their own constitutive structures strategically select the conduct of the actor. They are the context of the regularisation of behaviour (or - potential - regular rule application) in bringing about drinking water use. Together with the rule governing drinking water use they establish the strategically selective structure with which an actor is confronted when he wants to drink water or provide for drinking water use. The contingent articulation of the elements constituting drinking water use as combined by an actor empirically explains drinking water use.

Drinking water use is constituted by the articulation of the following elements: Water is naturally available in a temporally, qualitatively, spatially and quantitatively specified way. People have to be present that demand water for drinking (water use destination, temporally, spatially, quantitatively and qualitatively defined), a technology has to be in place in order to make the available water usable to the people in line with their temporal, spatial, qualitative and quantitative demands. Furthermore, other resources, such as the means of production in capitalist societies, have to be available for producing and operating the technology needed for making available water usable and people's demands coincide with it. Drinking water use is the physical manifestation of the multi-faceted rule that describes the articulation of the elements internally related to the constitution of the drinking water use. We recognise that certain aspects of the rule are institutionalised if the elements, in our case constituting drinking water use, are regularly combined in a certain way or for a specific purpose and therefore reproduce specific aspects of the physical manifestation of drinking water use.

Figure 3: Elements constituting (drinking) water use



Source: author

In line with the strategic relational approach, the capacity of an actor to influence drinking water depends on its distinctive spatially and temporally defined capacity to shape the structural configuration that constitutes it.

Hence, in function of the specific capacity of the actor to shape drinking water himself, the actor is in turn shaped by the content of the structural configuration of drinking water. That way other actors and their interaction with the structural configuration of drinking water, as well as natural laws and the natural configuration of water influence the specific configuration of drinking water an actor encounters when he intends to use or provide for drinking water.

Using this conception I can now explain why drinking water use is brought about in a certain fashion contingent upon the specific time space dependent interaction of various actors with the elements that constitute specific drinking water use in time and space. Laws try to impose certain characteristics on the way in which drinking water use is brought about. They strive to directly or indirectly influence the way in which the elements constituting drinking water use are articulated. If the rules that govern water use institutionalise the legislated aspects of water use law is implemented, otherwise it is not.

Context

What above I named 'water use destination', 'available water', 'other resources' and 'technology of water use' are the elements that jointly with the rule of water use constitute social interaction with nature. They are internally related to each other, meaning that when one of the elements changes its empirical content, the other elements change in response striving for a new equilibrium, manifesting a different interaction between society and non-human nature. Additionally, water use is subject to external contingent relations¹³ of the elements that constitute it together with further elements. I want to describe the internally related elements besides the rule of water use as the *internally related context* of the rule of water use.

Below, I will examine the eventual institutionalisation of specific, legislated aspects of the rule of water use. When analysing the role of context in the institutionalisation of the rule I consider the internally related context and its external relations to further elements, which influence the content of the rule of water use and the potential implementation of laws. The principal non-contextual variable of the implementation of water use legislation in this conceptualisation is the *incentive to reproduce/apply a specific rule* which is internally related to the reproduction of specific rules through their regular re-application.

Power – or the capacity to shape context and object

Different actors are endowed with spatially and temporally differentiated capacities to steer the various elements constituting the interaction between society/individuals and non-human nature manifesting in water use. Capacities can for example comprise knowledge, influence on the cognitive and discursive construction of a situation, statutory authority, financial resources, labour power or property rights. As far as the elements constituting water use allow for it, actors enact them based on their practical

¹³ External relations describe the relation of elements whose change may influence the form of other elements that one element is related to but that not necessarily does so.

consciousness and strategic reflexiveness in pursuance of their aims. On the other hand they shape them in their actions, in function of their aims.

Based on this approach for researching and explaining implementation I intend to reconstruct how drinking water use developed, to what extent the named internally and externally related contextual factors influenced it and to what extent the aspects regulated in the drinking water regulation were institutionalised. Furthermore, I want to draw out the role of the differential powers of the various actors involved and how, in conjunction with their aims actors' powers influenced the implementation of drinking water regulation.

Other approaches to the research of implementation

In what follows I want to briefly contrast the approach suggested above for researching implementation with other existing approaches.

Implementation theory has various strands that have different aims and accordingly different definitions of implementation. The insights that implementation research grants depend on the way we define implementation and the research programme of the specific approach. In my approach implementation is defined as consistency between legislative and rule-making objectives and outcomes on the ground.

Formal rules, law and political programmes are broadly the object of implementation research. On the other hand I strive to understand the role of law for the way in which regularised behaviour changed and emerged so that I omit political programmes.

The top-down approach to implementation equates successful implementation with the achievement of the desired policy outcome, hence its match with the policy objective. It asks if the actions for implementation were consistent with the initial policy decisions and what the principal factors were that affected policy outputs and impacts, and finally how the policy was reformulated on the basis of experience (Sabatier, 1986, p22). In a top-down and public-private direction of analysis it identifies the major actors in the process of implementation and aims at improving the steering of the process in order to achieve the intended policy-making result. It identifies factors¹⁴ affecting implementation (Sabatier and Mazmanian, 1980, p542). Criticisms on the approach include the lack of a good conception of policy change over long periods of time, its mechanistic causal view between policy objectives, instruments and outcomes, the failure to consider scientific uncertainties, "the contingencies of the political, economic, and social policy context", the insufficient recognition of the importance of horizontal and vertical linkages between implementation agencies, practical application difficulties as key actors and key agencies in policy implementation cannot be clearly identified and policies are often unclear and inconsistent as well as overlaps between policy formulation and implementation in practice (Sabatier, 1986; Hjern and Hull, 1982; Hill, 1997; Knill and Lenschow, 2000).

¹⁴ E.g. tractability of the problem, the ability of the statute structure to structure implementation, non-statutory variables.

As an alternative Hjern and Hull (1982) propose a bottom-up approach which judges successful implementation in a process-related fashion “by the extent to which the perceived outcome corresponds with the preferences of the actors involved in the implementation process” (Knill and Lenschow, 2000, p12). Sabatier (1981, p36) sees Hjern and Hull’s preoccupation as to understand actor interaction in a specific policy sector. They provide a network- technique for moving from the bottom level of implementation to top policy makers involving all main actors influencing the relevant policy programme (Hjern and Porter, 1981). The approach is criticised for the absence of a baseline for evaluating the implementation result, for the overemphasis of decentral processes influencing policy-implementation, and an insufficient consideration of the role of the level deciding “the rules of the game” as well as the lack of an explicit theory of factors affecting its subject of interest, taking into account external social, political or economic factors (Sabatier, 1986; Knill and Lenschow, 2000).

As a response to the drawbacks of the top-down and the bottom-up approach, Sabatier proposes a synthesis, the “advocacy coalition framework”. This approach combines the bottom uppers unit of analysis with the top downers concern for the influence of socio-economic conditions and legal instruments constraining behaviour (Sabatier, 1986 & 1998). Sabatier shifts the analysis from policy implementation to policy change over a longer period of time, in which he groups actors actively concerned with a policy problem around a shared belief system¹⁵. The main concern of the approach is the explanation of a “complex situation involving ..[a multitude of].. actors ...seeking to influence the overall policy process over periods of a decade or more ...” (Sabatier, 1998, p102). As important elements of policy change the approach emphasises policy learning and refers to elements external to the dominant core belief system such as large-scale socio-economic perturbations or changes in the system-wide governing coalition (see Sabatier, 1986, p42-3)¹⁶. However, the latter external (contextual) elements are not further specified as in the approach proposed here.

Finally, in their study of the effectiveness of the implementation of new environmental policy instruments, Knill and Lenschow (2000) define implementation as the “degree to which the formal transposition and the practical application of institutional and instrumental changes correspond to the objectives defined in European legislation” (idem, p11). They focus narrowly on compliance with policy objectives, as an essential step for the evaluation of the overall policy outcomes. They suggest that “institutional implications of European policies rather than the choice of the policy type are primarily responsible for implementation performance” (Knill and Lenschow, 2000, p11) and claim that “regulatory policies often require changes of well-established administrative structures, procedures and practices at the domestic level, and hence create pressures for institutional adaptation during the process of implementation [which is] “often overlooked in implementation research” (Knill and Lenschow, 2000, p28) and therefore accept that

¹⁵ The advocacy coalition.

¹⁶ The refinement of the approach due to its application is ongoing as hypotheses are still drawn up about the interactions in the model, which determine policy change.

institutions matter. They emphasise the significance of the notion of the institutional fit of entrenched behaviour patterns, regulatory structures, practices and procedures between existing institutions and those implied in EU policies for policy success. By taking an institutional approach they aim to understand the nature of context factors and their impact on the implementation process (idem, p31).

In view of the above I want to argue that existing approaches to the study of implementation, including the advocacy coalition framework, do not include tools for the analysis of contextual overall conditions of social change manifested in the context of the implementation of laws which as we will see from the case study may be crucial for understanding implementation failure or success (see also: Hajer, 1995 on the advocacy coalition framework).

As indicated above, the introduction of written rules or laws, which are the subject of implementation theory, are only one important element of many external and internal relations whose contingent articulation produces water use development, which we look at below as a result of social change. With the conceptualisation proposed based on the strategic relational approach, I take account of the fact that wider societal dynamics may be responsible for water use development by confronting the role of explicit and conscious water use rules with that of other elements influencing the manifestation of water use development. Thereby I implicitly ask to what extent institutionalised water laws achieve closure regarding water use development, what role they have in water use development and to what extent implicit or unconscious water institutions and other dynamics are significant for water use development and consequently in our case implementation failure or success of the drinking water directive.

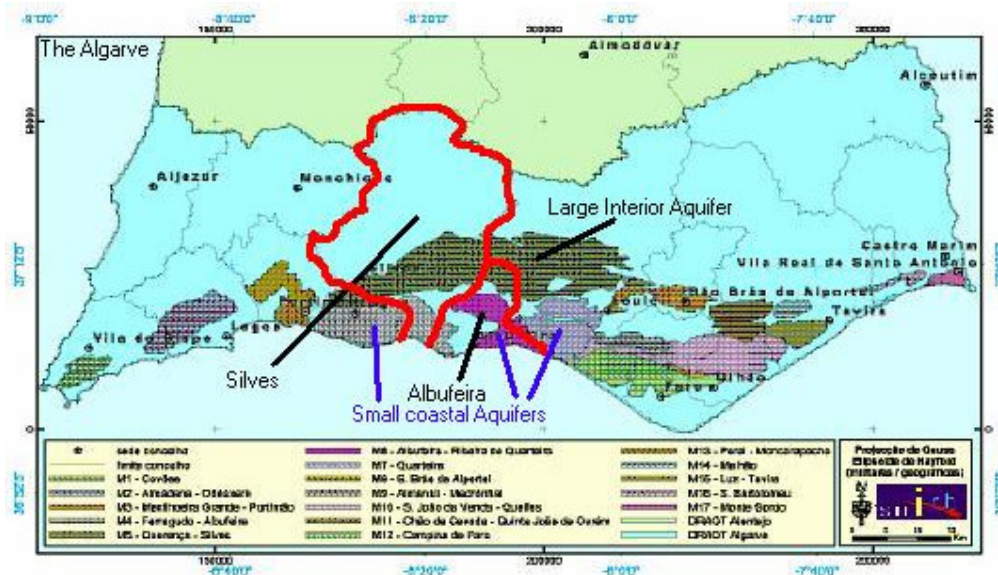
Knill and Lenschow (2000) emphasise the role of institutions for implementation; however, as often comparability is questionable as they associate institutions with policy-making and public administration and investigate their role with regard to what they call political effectiveness. Yet, in the same way as them, I intend to emphasise the role of the social, political and economic contexts for social change and implementation, which are captured in institutional change and emergence. In comparison to them I do not need to judge political effectiveness as I adopt a bottom-up network technique of the style of Hjern and Hull (1982). Hence for explaining implementation I will identify actors on the various levels and in the various spheres and sectors of society and its non-local environment that contribute to the development of water use. Therefore I found it essential to account for the role of the strategic-relational interaction of structure and agents involved. My approach however is not to exclude other approaches and their insights into what may drive implementation in the context of overall societal change, about which for example the advocacy coalition framework with its empirically tested hypotheses and its conception of change of belief systems and policy learning will be extremely helpful for giving insights into political changes. Similarly, the factors influencing implementation that Mazmanian and Sabatier (1981) identified may inform the explanation of the role of formal rules and their implementation for water institutions and water use development.

The SRA emphasises the strategic interaction of actors with the strategically selective structure that they are embedded in. Here among other variables, power, or the capacity of actors to shape their strategically selective context according to their capacities constrained in time and space, is key. The application of the SRA with its clear definition of power as an element of social change characterising strategic relational interaction enables the analysis of the influence of power on implementation. On the other hand existing implementation theory as much as the advocacy coalition framework underplay these elements and therefore result in explanations, which easily tend to be structuralist.

The case study

In the subsequent case study I want to illustrate the type of analysis, which the described framework enables for explaining the failure or success of the implementation of the European drinking water directive in the Algarve, Portugal. The case study is based on extensive fieldwork covering the overall development of water uses in two neighbouring councils in the Algarve since the sixties, with an emphasis on development since accession of Portugal to the EU in 1986¹⁷. The councils¹⁸ are Silves, a district with a very short coastline and large interior territory, and Albufeira, a district with more than 20km shoreline and little reach into the interior.

Figure 4: Map of the case study zone in the Algarve region and aquifers



source: www.ccdr-algarve.pt, 15.10.2003

¹⁷ The data is drawn from an extensive review of documents and interviewing at all levels and with most sectors influencing the application of the drinking water directive and water use in general in the Algarve. This extensive evidence will be referenced in my PhD. thesis, and is mainly omitted here.

¹⁸ "Concelho" or "Camára Municipal" in Portuguese.

I will present the case as concisely as possible, following the elements that establish the structural configuration of water use. Briefly I will present the development of the water use destination of drinking water in the case study zone. Thereafter I will present the way in which available water was made usable, by means of which technologies. At that point we will be able to judge if implementation failed or not, meaning if and when the provision of drinking water complied or not with the drinking water regulation.

Subsequently, I will elucidate which strategic interaction of which actor was involved, pursuing what aims, and based on what spatially and temporally confined capacities (i.e. further resources). This is to explain the emergence of the rule underlying drinking water use development, and therefore the way the drinking water directive in Portugal was implemented and why.

Due to the limited scope of the paper and as the case study is here mainly to illustrate the conceptual argument exposed above, I limit myself to a cursory treatment of the material. Subsequently I will analyse the material referring to the role of context and power in implementation. In my conclusions I will briefly comment on the usefulness and drawbacks of the conceptual framework I propose.

Water use destination

I want to limit drinking water to piped water supply to individuals¹⁹ who use the water for drinking, hygiene or other domestic purposes. This water use in the overall Algarve and in Silves and Albufeira was destined at residents or fluctuating populations²⁰.

The number of residents since the 70s until now increased by roundabout a third to 50.000 in the case study area. People became more concentrated in the coastal urbanised areas and in the urban areas in the interior. A hilly zone furthest away from the coast lost population. Populations relocated as the economic basis of the Algarve had shifted from agriculture to tourism, which is exclusively located on the coast. Large numbers of people were employed in the tourism sector itself or in sectors connected to it such as construction, services, real estate etc.. Furthermore, the urban and coastal areas offered the urban, comfortable lifestyles people were searching for, while in the interior accessibility was bad for a long time, and infrastructures and facilities were missing.

The second group of people that drinking water was aimed at were fluctuating populations. Since the 60s/70s their numbers had constantly increased, growth boomed in the 80s, and slowed down in the beginning of the 90s and again picked up in the end of the nineties. Tourism had developed since in the 60s the Portuguese economy opened up and as a consequence Faro Airport was built in the Algarve. People increasingly went to the Algarve for enjoying "Sun and Beach", and a comfortable leisure lifestyle. Since the same period of time mass tourism started to emerge in Northern Europe as people became

¹⁹ Piped water is a specific baseline configuration regarding the elements described above which constitute water use.

²⁰ Fluctuating populations comprise second home owners, foreign and Portuguese tourists and family and friends visiting the residents of the Algarve.

wealthier and flights cheaper, people increasingly trusted in Portugal as a stable country and 'civilized' destination, specifically after its accession to the EU. Alternative economic sectors in the region went down economically and specifically agriculture and food processing industries lost their traditional significance, in the Algarve. At the same time infrastructures, leisure value and accessibility were constantly improved with the latest example being the motorway cutting the travel time to Lisbon by 20% to 2,5hrs.

Since the same time a strong coalition of interests gradually emerged for promoting tourism in the Algarve. Portuguese entrepreneurs invested large amounts of money hoping for rapid profits, construction companies benefited and became economically very significant in the region, the local elected councils promoted tourism, in order to offer economic perspectives to its residents. Moreover CMs benefited themselves greatly raising taxes on construction and housing/tourism accommodation. The residents of the Algarve valued tourism as it offered economic opportunities and lifestyles of less hardship than traditional agriculture. The regional administration responded to the national administration and government. The latter strongly promoted tourism as strategically important industry for export. Tourists apparently enjoyed good value for money and the "sun and beach" product the Algarve offered. The tourism operators from their almost monopolistic vantage point significantly influenced the market. At the supranational level the European Commission perceived tourism as the most viable way to develop peripheral areas of the Union. As a result mass tourism developed, concentrated on the coast. In the peak two summer months this tripled the population of the overall Algarve. In localised tourism zones on the coast therefore population multiplied with factors much higher.

Water available, made usable by means of technologies

Until 1991/3 residents and tourists received piped drinking water from aquifers close to the locale of consumption. Water was chlorinated in a somewhat random fashion in chlorinating points and some quality control was undertaken in the richer councils due to booming tourism for example in Albufeira. Many hotels and resorts drilled often-unregistered wells themselves. As a consequence water exploration from coastal small aquifers spiralled out of control throughout the seventies and eighties so that saltwater intruded, lowering the quality of drinking water substantially. Water quality status degraded even more when in times of drought the recharge of the aquifers was little. In addition to the generally bad water quality, in high season at times water pressure was very low in the system, as the quantities consumed were too large for the infrastructure supporting it. The result was unreliable water provision in some zones. On the whole by the end of the eighties piped water coverage in the coastal zones was almost 100% and in the interior rural areas around 50-60%. This disparity illustrates well the backwardness of the interior. It originated largely from the fact that access to piped water was a vital precondition for developing coastal tourism. In addition to this dynamic development of water exploration for tourism an uncontrolled large baseline amount of annually up to 80% was drawn from most aquifers for agriculture; nevertheless agricultural water consumption did not show any

significant dynamic in these problematic coastal areas throughout the period of time we look at.

Between 1991-3 Albufeira extended its water supply network to a very large aquifer in the interior that was not endangered by saline intrusion. It built 16km of pipes and further infrastructures for that purpose (reservoirs and pumping stations) and made this large water resource usable for coastal consumers, mainly tourism. As a consequence the water quality problems were substantially improved, water pressure and overall capacity was increased and vulnerability of water supply in case of droughts was lessened. Gradually water quality control was being improved. Albufeira treated the issue with relatively great care while Silves was gradually introducing it starting out from non-existence of water quality control.

In 1999/2000 Albufeira was connected to a regional integrated water supply system that was nourished from a surface water reservoir, Funcho, in the river Arade in the council of Silves. Water from this dam is provided to one large water treatment plant nourishing most of the Western part of the Algarve. There water is treated to guarantee its drinking water quality according to the regulations; subsequently it is distributed to submission points where it is handed over to the municipal piped water networks.

As a result drinking water quality in Albufeira is constantly monitored and assured. Silves in the meantime has also largely improved its water quality monitoring frequency and data availability.

Implementation of the drinking water directive?

Water quality improvement was constantly an issue, mainly in the tourism dependent council of Albufeira, which gained access to the extensive aquifer of good quality in the interior only from 1991 onwards. Nevertheless, drinking water quality was bad in the case study zone, certainly until the beginning of the nineties. With regard to the drinking water directive and its implementation we can furthermore state that in Albufeira drinking water quality status has only been secured since 1999/2000²¹.

According to all sources water drawn from the large interior aquifer by Silves and after 1991 by Albufeira was always of good quality although taste was not optimal. We assume that therefore water from the aquifer naturally complied with the drinking water directive.

²¹ Directive 80/778 was adopted in 1980 and limited the presence of undesirable substances in drinking water. Regarding monitoring this directive was weak. Great difficulties of compliance occurred.

In 1998 a new directive was adopted. From that moment on water had to be clean at the point of entry into the domestic water supply system water must be clean and not anymore at the point of consumption. Water must be free from parasites, micro-organisms, and dangerous substances. 28 parameters were defined which were to be complied with. Derogations are possible. Every 3 years the commission was to publish a report on the performance of the member states (Krämer, 2003).

The role of further resources, power and context for the implementation of the drinking water directive

Residents have the power to punish their elected local and national governments for not providing drinking water of sufficient quality to them through their voting behaviour. However, this apparently never occurred either in the Algarve or anywhere else in Portugal. People rather refer to the responsibility of the governing parties for providing (drinking) water as means to economic development and economic opportunities to the population.

Tourists do not have any power to influence decisions through elections. On the other hand they have the sanctioning power of going to another destination for their holidays, which would make the range of actors interested in tourism lose out. Apparently in relation to deficient water supply this occurred twice in the region, in the beginning of the eighties and 1987/8. In order to prevent tourists from choosing an alternative destination named actors coalesced for satisfying the demands of the tourists and the tourism operators crucial for bringing Northern European to the Algarve.

Since 1977 in Portugal the local authorities are in charge of providing drinking water to the population, de facto from aquifers in their territory. Especially Albufeira recognised early on that deficient water supply undermined the economic basis of its residents and enterprises as well as its substantial tax income originating from construction and housing/tourism accommodation. As a result it extended its water supply network early on, always according to its financial means in the scope of its water jurisdiction over aquifers in the concelho. Its financial capacity was substantially improved when it could apply for ~50% co-funding for its works from the EU. With this support the Câmara Municipal (CM)²² was able to extend its network and build substantial infrastructures so it could draw on the large aquifer in the interior. The national authorities decided about the projects that were co-funded in 1989. Nevertheless a large amount of the money was earmarked for 'environmental projects'. Furthermore, national authorities were themselves interested in this solution, as was illustrated by earlier emergency interventions of the central administration for providing drinking water to the tourism zones.

The gradual increase in funds from 1989 onwards was due to negotiations on the European level that ended up in an increase in Structural Funds for softening the reluctance of the poorer member states in the Union to agree to the common internal market.

A very complex set of issues converged for bringing about the connection of Albufeira to the integrated regional surface water supply network:

The principal decisions regarding the scheme were made in 1993/4. Long before, already at the beginning of the seventies, the general technical features of the overall scheme were defined, then designed to provide water for agriculture. People in charge in 1993/4 at all decision making levels

²² Equivalent to elected local council. Portugal is a unitary state with elected local and national representatives and "deconcentrated" regional administrations acting on behalf of the national authorities.

continued to promote this long standing option for water provision to the region. The project represented the dominant and the only ever seriously considered solution to the water supply and quality problems. Furthermore, at the time the Funcho dam, of minor importance as a source for the realisation of the overall scheme in the West, was already being built.

Therefore in 1993/4 works whose realisation many people had pursued already for years had been accelerated rather than drawn up from scratch. Furthermore, a drought had occurred in 1992/3, which reminded decision-makers of the continuing lack of water in some areas of the Algarve, although neither Albufeira nor Silves had to cut water supply at the time. Yet equally and foremost local actors assumed that water in the future would again become scarce. Prognosis of consumption were pointing to further increasing water needs due to unconstrained increase in tourism needs, which implied that Albufeira at the least would build further pipes to the interior aquifer.

At the European level the common internal market was implemented and as a consequence of its negotiation the European Cohesion fund was agreed to supply further means for improving environmental and transport infrastructure in poorer Member States for bringing them up to a competitive level with the Northern member states. This support was partly earmarked for heavy investments that became necessary due to the environmental directives that had been negotiated at the European level at the beginning of the nineties.

The investments that were necessary in order to comply with the directives in the water sector in Portugal were estimated to be too large for the state to finance. Therefore, private participation was considered. Large Portuguese companies lobbied since the end of the eighties for a national private water service sector into which they could expand their businesses. They hoped that they would get a chance to enter into this market after establishing their expertise in the medium term, not least because the capital requirements of the water sector were overburdening the central state.

The cohesion fund was decided upon by the European Commission, DG Regio. It co-funded the integrated pipe system and further infrastructures to the extent of 85% of the costs. The fund was regulated so it would be allocated quickly and to large projects. The completion of the Algarvian integrated water supply infrastructure already existing in the drawers was an ideal and quickly available spending opportunity suiting the criteria of the fund. People dealing with the issue on a day-to-day basis in DG Regio, themselves Portuguese, knew the problematic of Algarvian water supply very well and strongly favoured the surface supply infrastructure and the “privatisation” of the entity implementing it which in fact was its nationalisation and centralisation. They considered it was a good way of spending the cohesion fund money for resolving Algarvian water problems once and for all, overcoming previously implemented deficient short-term solutions.

As a consequence from 1993 onwards the cohesion fund was spent for implementing the necessary large infrastructures, through privatised water services in public ownership. It was hoped at the same time that this would make implementation and operation of the system more efficient. In the longer term privatisation was aimed at.

However, in the common internal market throughout such a privatisation the Portuguese water services would easily fall to foreign companies. Therefore some politicians and the private company in public ownership vehemently opposed privatisation. This consideration seems to prevail over the neo-liberal agenda after a change of government. As a consequence funds were used for concentrating water services²³ and building a large national private company in public ownership that, so it was hoped, would become of international significance following the role model of the time of French and English large utilities, and which foreign companies could not swallow that easily. The underlying aim was to maintain water services in national hands despite the large financial needs for infrastructures.

The national administration could most efficiently and effectively implement “privatised” water supply from concentrated large water reservoirs that were easily controllable such as the surface water exploration in the Algarve.

The long pursued surface water solution was therefore favoured for solving potential future water scarcity in the Algarve. Additionally, and already at times where studies did not even exist yet, the national administration assumed outright that aquifers would not suffice in the long run, given the expected water use development. Together, this led to the completion of the integrated surface water supply network for the Algarve. In its scope the national water administration provided water from the dams to a private company for free. The state owned this water provider, whose infrastructures were co-financed by the EU and the state. The CMs paid for the water they obtained according to prices agreed beforehand, which were to cover the operational and investment costs.

The municipalities welcomed this solution as it meant they did not have to agree among themselves to construct the infrastructure between the surface storage and the network as was attempted for long. Furthermore water supply was of strategic importance to them. Insufficient water or water of bad quality could easily terminate with tourism the key economic sector of the region. Therefore they were glad that the central administration would guarantee long-term water regulation and improved quality and therefore grant opportunities for further tourism development. CMs and among them the CM Albufeira neither had the financial nor the statutory capacity or know-how to implement such a large regionally integrated water supply scheme. The ‘felt consequences’ of the connection were considered to be minor by the CMs as they would simply exchange rather fragile aquifers as a source for the pipes from the integrated water supply network. In the future they would obtain water of good quality for which they would be charged. They presumed that it would be possible to recover the costs of the price increase from the users. They were assumed to be willing to pay for clean water service at home. Up to then the CMs had had losses from water provision. Presumably also local politicians did not fear an electoral backlash from the price increase, as it resulted only 5-7 years later.

An episode in 1992 illustrates well the priorities of the national administration at the time specifically with regard to water quality control and monitoring. A

²³ Water supply, sewage water treatment, and connected services.

national NGO managed to draw important media attention to the fact that most Portuguese CMs did not provide any water quality control data and that national authorities did not bother doing anything about this. Together with academics and laboratories they managed to create a public outcry that made politicians and the public administration act swiftly to improve water quality data gathering and monitoring. The episode furthermore illustrates how effectively NGOs used their main capacity of mobilising the public electorate for influencing the implementation of legislation. The performance of the CMs and its control by the national administration improved substantially ever since.

The alertness of the CM Albufeira to tourism sensitive water quantity and quality issues coupled with the large resources it had from tourism made it the relatively best performing council all this time with regard to monitoring and quality control. Before 1991 however the quality of its water was very poor.

Analysis of the case study

The drinking water directive is implemented since 2000 in Albufeira, in Silves throughout the whole period of time since accession water quality is determined by the quality of the local large aquifer further treatment is minor. For explaining why and how the drinking water directive was implemented strategically selective context and power are crucial. In the following I will analyse the above provided data from the vantage point of the conceptual framework presented above, emphasising the role of context (water use destination, technology, water available, further resources) and power (time and space dependent). Hereby, I will only draw out the most prominent contextual structural influences and the most significant time space dependent powers of actors with regard to their role for the implementation of the drinking water directive. Furthermore, contextual elements are internally related among each other as well as to the water use rule applied. Therefore, for different spatio-temporal episodes I describe the overall contingently articulated structural configuration of drinking water use pointing at the role of power and contextual elements in determining it. A clear separation of either a specific contextual element or a power-actor configurations as cause of specific drinking water use at a certain time in space is not possible, concrete water use is a contingent confluence of various elements. As a consequence the account develops as what I want to call an analytical (chronological) narrative:

Throughout the whole period of time the limited role of the directive for its implementation is indicated by the only limited means of the European Commission to sanction or give an incentive²⁴ for the implementation of the drinking water directive. Most states are still today (2004), 24 years after the first drinking water directive, lagging behind in its implementation and in fact the directive has been watered down in its latest version of 1998, as before many Member states were not able to comply (Krämer, 2003).

²⁴ The allocation of the Cohesion and Structural fund cannot be viewed as an incentive to the implementation of the drinking water directive as they were not conditioned with compliance with the drinking water directive.

The NGOs effectively call upon an indirect sanction mechanism when they claim their right for information about the performance of the Portuguese water providers with regard to monitoring and quality prescriptions of the directive. The NGOs claim that their resort to the mobilisation of the public opinion has been very successful leading to concrete improvements with regard to water quality control and data availability.

The most important driver for the implementation of the directive was the dynamic development of the water destination due to tourism (and later quality tourism) and the absolute threat of the drastic sanctioning power of Northern European tourists and tourism operators. The CM Albufeira and its local economy and population, entirely depending on tourism, used all its capacities to pre-empt the threat of sanction by tourism in the event of the non-provision of institutionalised unlimited drinking water of high quality. Accordingly, the CM lobbied the government; built strong alliances with local and regional business interests and paid much attention to international tourism operators, whose clients it depended upon. Early on it used its locally limited statutory power de facto over aquifers and its relatively large financial and human resource capacity originating from tourism for developing piped water supply. On the other hand it lacked the powers (and interest) to control water exploration from the aquifers, which therefore spiralled out of control. For sustaining tourism also in the future it developed water provision in quality and quantity as early as possible, drawing in the beginning from its local, coastal aquifers and later implementing a technically more sophisticated solution drawing from one large interior aquifer. The latter extension became possible due to the increasing support from European funds overcoming financial shortages of the further means necessary to implement the necessary water supply technology. That way the CM Albufeira secured its development perspective, its own affluence and economic survival of the companies involved and employment for the local population as well as it satisfied the interests of the government in terms of the national economy. Each of these actors benefited from income from tourism and accordingly had an interest in its sustenance.

The same logic underlies later decisions in 1993 leading up to the connection of Albufeira to the regionally integrated surface water supply system in 2000. However, this time the national administration leads the initiative. It disposes of statutory power over the interior surface waters, know how, access to financial means and a cognitive construction of the solution to the problem favouring the implementation of a large scale regional surface water based supply system.

Further contextual factors strategically selected the adoption of this solution: The surface water supply solution to all water problems in the Algarve was institutionalised in a cognitive framework featuring strongly especially with individuals at the national level. It was equally supported at all other levels. Policy makers and the dependent economic actors in the region continuously stressed its urgency and discursively constantly reconstituted it as only alternative for solving the problematic of water management in the Algarve in the long run. Involvement of the national water authority due to its statutory powers favoured an exploration of interior surface waters in the Algarve.

The implementation became possible as additional further resources were made available by the European Cohesion fund. Its allocation criteria favoured large-scale projects, which could quickly be realised and disposed of an 'easily provable' benefit. The Algarvian integrated surface water supply project complied with all these requisites not least, as it already existed in the drawers. It was to be implemented through a private company (justifying the cognitive desire for efficiency and effectiveness, and guaranteeing swift realisation), which remained in public ownership as the highest possible EU support was only awarded to public or publicly owned entities. The implied potential privatisation was much promoted at the European level, which saw efficiency, and effective realisation to be best achievable through that way (in reality in the case study privatisation was nationalisation). Privatisation implies the realisation of scale economies which favours recourse to large infrastructures; furthermore, it implies charging of the users. Both favour recourse to one single easily controllable water origin. In the case study the two former requirements technically predetermined a surface water origin.

Moreover, the European utility market in conjunction with the common internal market threatened national control over utilities in case of privatisation. National control over piped water provision however was another institutionalised water supply rule based on a cognitive configuration of the minds of high level civil servants and the national water company. Privatisation was on the cards due to the large investment needs in the water sector originating from the requirements of the drinking water directive and even more the urban wastewater treatment directive necessitating huge further investments in Portugal. The need for privatisation coupled with the structural features of the European common internal market and the timetable of its creation suggested a strategy of gradually handing over the water sector to large Portuguese private companies, as a strategy for keeping utilities national. Those large construction companies and utilities at the time effectively searched for new fields of expansion but had not yet established the water business structure that could take over.

In the meantime the generous cohesion fund through its regulations offered justification and financial means to build up nationalised companies, which could potentially be privatised once the need for further private capital arose.

Local politicians in the region agreed to hand the piped water supply domain over to the nationalised water company as the threat of the discursively overplayed absolute sanctioning power of unsatisfied tourists bore on their minds. Furthermore, the CMs had insufficient financial, statutory and human resource capacity to provide water in sufficient quantity and quality in the long run themselves; they feared voter's discontent from price increases in the future little as future local politicians had to pass the bill over to the consumers.

At the time of decision making furthermore water availability was specifically scarce as 1993 was the second year of a severe drought which effectively reminded actors at all levels of the fragility of the piped water supply system of the time. The pressure rose to find a solution to the threat of water shortages in the region.

What role did the drinking water directive play throughout its implementation? Based on the above evidence I would argue that it did not act as the crucial driver to its implementation. Rather it provided the discursively constructed and cognitively effective yardstick for tourists and interested parties to evaluate water quality. However, lack of water and/or its bad quality would in any case have been detrimental to tourism, so that the incentive for water quality and quantity improvements was tourism and not the drinking water directive itself. The demand for unlimited water supply of drinking water quality was already institutionalised at this point in time in the Northern European countries of origin of the tourists visiting the Algarve. The drinking water directive merely provided a tag to an institutionalised expectation of those mainly Northern Europeans which drinking water was destined at. On the other hand the cohesion fund provided the resources to realise what for long already had been in the minds of actors at all levels as unquestionably ideal way of providing water to the region and finishing off its temporary shortages (not so much its quality problems!). Former endless disputes about the repartition of costs were overcome by financing the regional water distribution infrastructure through a private company. That way CMs would only be charged much later for the received water on the basis of an apparently “fair” quantitative modus of calculation. It would redistribute water exploration costs between concelhos, according to their natural unequal endowments with water resources.

The fact that the drinking water directive was implemented principally as means to tourism sustenance is confirmed by the fact that the Algarvian tourism region was always ahead of most other zones of Portugal (except for the capital, Lisbon) with regard to coverage with piped water and drinking water quality. Therefore, the priority was not to provide clean drinking water but to provide clean drinking water for sustaining economic benefits from tourism. The rationale and distribution of competencies and duties underlying the realisation of the integrated surface water supply scheme and Albufeira’s connection to it later served as a model solution for other regions in the country.

The way the drinking water directive was implemented depended on the capacities of the leading administration and political actors in charge at different points in time. Its reconfiguration took place as a consequence of the negotiation and realisation of the common internal market and the funds that brought agreement on it; financial capacity was increased but conditioned to the rapid use of the funds for large projects. A long pursued quantity oriented and uncontested infrastructure was implemented.

Therefore, in a strategic view, contextual factors made sense of the way drinking water quality was provided. Through their structurally, cognitively, discursively and temporally selective structures they explain the way it was implemented in the case study zone.

Tourism in the last resort explains why the drinking water directive was implemented proactively early on in the Algarve. The implementation of the directive was a side product of institutionalised water quantity and quality demands of Northern European tourists. In the last resort the CMs were threatened by the economic sanctioning power of the individual tourist and the

tourism operators potentially exercised through the choice of a different destination.

The natural configuration of available water coupled with the technological means available at each point in time predetermined the ways in which water was made usable. However, the difference between adopting different solutions at different points in time was made by conditioned financial resources from the EU destined at projects in the environmental sector. Their provision was a consequence of negotiations on the common European Internal market, which were entirely unrelated to drinking water supply in the case study region. The agreement of the regionally integrated CMs was only possible by postponing the moment when they had to pay for it and by introducing an apparently fair key for the redistribution of the costs.

Conclusions

The refocus implied by the conceptual framework described above decisively adds to the explanation of implementation. Context and power in the case study are crucial to understanding the implementation of the drinking water directive and the way it was implemented. They are not sufficiently attended to in existing approaches to implementation.

However, as a consequence of this re-focussing I acknowledge that dimensions that other authors emphasise for explaining implementation receive less attention here. I mainly want to mention factors internal to the governance structure that implements the law. Yet, the approach I propose is rooted in the clarification of the most general dimensions of structure and agency and provides for an explanation of social change based on their interrelation. Therefore, although potentially overburdening the researcher as much as the reader with data, more emphasis on the workings of the dimensions internal to the governance structure could theoretically be added in. They could then be evaluated by the same structure-strategy-agency framework.

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