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INTRODUCTION

This contribution follows Capano *et al.* (2013), arguing that the study of governance both requires a multi-variable explanation and an awareness that governing in the current age has not abandoned the issues and mechanisms of government. The chapter explores the utility of a fourfold governance framework that explores structural, ideational and instrumental levels of political interaction. To empirically challenge the framework, the contribution studies the environmental policy sector. It investigates whether new forms of state-society networks (and the policy styles that they encompass) and new policy instruments are transforming traditional state arrangements, or whether national institutions continue to shape path dependent dynamics of how actors behave and how instruments operate. Do federal (as opposed to unitary) structures, the orientation of the legal/constitutional structure and the national political economic structures continue to limit the direction and nature of governance?

The contribution asks whether the governance-related developments in four OECD countries (Australia, Canada, Germany, and The Netherlands) follow any particular pattern of convergence. In examining the governance arrangements, the paper explores the balance and relationship between both public and private actors, and how innovations in instruments may have affected this balance. The sample of countries focuses on three federal systems and one unitary system. Special attention is given to the European Union's (EU's) role in shaping the governing processes in the two EU member states. The paper uses a mixture of interviews for the Netherlands, Australia and Canada (interviewing over 60 mid-level policy officials in both state and society spheres as well as academic and non-academic policy experts), government documents and secondary sources to highlight the nature of environmental policy-making across multiple levels of analysis.

GOVERNANCE FRAMEWORK

In order to analyse the movement towards governance, we need to define several dimensions. The first dimension is the degree to which the political system has moved towards some semblance of a governance position, i.e. a move from more traditional, top-down governing procedures (for the sake of simplicity, labelled 'government') towards a large scale integration of vertical and horizontal actors in the steering process (Marinetto 2003). The general literature expects such a move in the governance scenario: 'political analysts have all come to perceive governance as a departure from traditional, state-centred styles of governing' (Palumbo 2010, xiv). In making this proposition, one must acknowledge the longstanding question as to whether traditional forms of governing actually did lack such involvement of multiple layers and civil society: are the more flexible governance arrangements all that 'new'? By looking at our four political systems over time, hopefully we will be able to get some sense of this reality.

There is a second objection, namely that the concept of governance as differentiated by Hooghe and Marks and others, are actually ideal types. A number of legal scholars have argued that processes and tools of governance may cohabit the same policy space as more traditional processes and tools of government – the concept of *hybridity* (Burca and Scott 2006; Trubek *et al.* 2006; Trubek and Trubek 2007). The conjunction of such dynamics and tools may create conflicts but also may operate relatively harmoniously. Although scholars may pose polar opposites on the governance continuum, it is actually much more likely that

most systems have some hybrid arrangement that moves them away from such poles. There are two possible hypotheses that may explain this hybridity. First, the empirical examinations for governance have tended to assess these poles during the period of transition between a government-oriented policy system and a governance-oriented system. Such a transitional period may simply take time and be ongoing at the point of observation. The second possibility is that the process of governing is likely over time to combine both governance and government elements: hybridity is the permanent reality (Capano *et al.* 2012).

The second important set of dimensions concerns the elements of governance. Treib, Bahr and Falkner (2007) postulated that an integrated theory of governance involves three dimensions of governance that need to be studied simultaneously to get a full sense of how governance works. As these elements interact, Treib *et al.* suggest the essential need for a multiple dimension framework. Combining the multi-dimensional approach with the concerns about hybridity, Howlett *et al.* (2009) and Capano *et al.* (2013) warn against the typical governance literature assumption that new governance arrangements will move at a clear, even pace away from the traditional government configuration. The multivariate framework lends itself to the hypothesis that policy normally tends towards more mixed arrangements. Such a system should allow scholars to tease out the location of hybrid relationships and more carefully study the conjuncture of both ‘new’ governance and traditional government models, such as hierarchical instruments operating with other more flexible instruments in less hierarchical situations (Howlett *et al.* 2009).

One ambiguity in this recent multi-dimensional analysis of governance is the relative importance of each dimension, as well as the degree to which they shape each other. This paper turns to Hall’s influential conceptualization of the policy process with its combined focus on the nature of the state, how the state relates to society, the role of transformative ideas and the actual policy content (Hall 1993: 276-278). Hall’s (1993) argument defines several core elements of state policy-making: governmental administrative structures and procedural arrangements; the policy style of the sector, which encapsulates how state actors engage with other relevant actors; and policy content involving: (1) the policy goals, which will be centred on a framework of ideas that explain their position and the means to implement the goal; (2) the instruments for achieving the policy aims; and (3) the precise instrument calibration. Adapting this framework should allow us to discern the scale at which different governance processes may operate.

The article uses four overarching categories to encapsulate Hall’s 1993 notions (see Table One). The idea of formal institutional structures and more permanent yet often informal state-society relations are represented by the first category, *governing structures*. Within this first category, are the characteristics that are likely (but not necessarily) to be more formal, namely: the institutional rules set out in national constitutions (and, for EU member states, the EU Treaties), and the processes and norms of the policy-making institutions. The governing structures also include the formal and informal structures that define the nature of the key relationships between the public actors and the societal/civil society actors. The governance approach would predict that decision-making would be diffused away from the national government actors in their effort to maintain control and direct interests towards a greater vertical scope for supranational and international bodies and sub-national actors and a horizontal diffusion of power away from traditional, centralised (i.e. state) mechanisms of authority.

Table 1 Government versus Governance Framework (adapted from Hall 2003)

Category	Specification	Government pole	Governance pole
Governing structures	Formal institutional	Authority is	Authority is diffused

	rules and processes	centralized within a limited group of actors who prescribe rules and resources, normally in hierarchical positions within national governments.	over a wider range of actors, in a less hierarchical setting.
	Likely to be less formal but permanent interactions between state/society actors. These relationships may involve rules and principles that have wider application than the specific problem.	State actors/rules tend to define the scope of access and the exchange of resources. They steer the course of the interaction; more hierarchical dynamics.	A wider range of actors in the global and national society are involved in the interaction; they define their own input and even steer.
Governing Frames	Assessing the policy problem	Centralized, limited number of elite tends to define the problems.	Broader societal input defines the problem.
	Resolving the policy problem	Centralized, limited political actors tend to steer the outcomes, delegate the duties.	Wider range of actors negotiates response, delegates roles.
Governing goals	Development of a strategy of more specific responses, within a time frame, to tackle the framed problem; may involve specific policy principles.	Centralised state actors define the strategy and system, make changes to goals; top-down and hierarchical.	Wider set of actors and interactions, reflecting wider societal capabilities set the strategy and governing system, make changes to goals; more bottom up.
Governing Instruments	Instrument type	Command and control instruments are typical, backed by state sanctions.	Wider range of tools that involve societal actors in a more equal role, with targets negotiated by all the stakeholders.
	Instrument Calibration	The prescription of instruments is precise and detailed.	The instrumental steering tends to be looser, more flexible.

Hall's original 1993 article gives a considerable prominence to the role of ideas and learning; ideational paradigms have the ability to encompass all of the elements of the policy process. This chapter however integrates ideas more concretely into this governance framework, with a focus on how ideas shape particular policy responses within a policy

sector – more of a mid-range concept than Hall uses. As such, the framework places policy ideas on a lower part of the scale than constitutional and institutional structures. The paper relies on the policy framing concept (Schön and Rein 2004; Snow and Benford 1988). Policy actors (a) confront a situation where their policy understanding is problematic; (b) create an understanding or story that helps make analytical sense of the policy situation, and (c) then act and persuade others to act upon the frame (Zito 2011). For a *governing frame* to be more oriented towards the governmental pole, the expectation is that public actors and essential experts should be the main group who both steer the framing process and shape the perspectives of wider society concerning the policy problem. A governance-orientated policy frame should see a greater role for a wide range of actors and the need to build consensus in the framing of the policy problem and the policy response.

This contribution privileges the role of policy goals, which forms a subset of Hall's (1993) concept of policy content. *Governing goals* are the overarching policy responses to a particular policy frame, involving a determination about the range of targets, time frames and policy instruments to be deployed. These responses form a system of policies to achieve the goals of the policy framing. The hierarchy of goals articulated in such a strategy are more likely to be stable over time than the constituent instruments and their specifications. The government versus governance dichotomization centres partly on the question of the degree of prescription embedded in the policies to be undertaken. It also assesses how top-down and inclusive is the system/strategy, as well its monitoring, review and assessment processes.

The last governing category focuses upon policy instruments and their calibration in specific contexts. *Governing instruments* constitute the variety of tools and techniques that policy-makers deploy to implement policy goals (de Bruijn and Hufen 1998; Hood 1983). The government hypothesis would expect policy instruments to take the form of regulation and other command and control devices (for example hazardous waste legislation should have a high degree of prescription). Governance predictions expect a greater role for more non-regulatory policy instruments. According to the governance literature, these instruments might be proposed, designed and implemented by some grouping of public and private actors, or even adopted just amongst the societal actors (Jordan *et al.* 2005). Examples of governance instruments include voluntary consumer labels agreed within an industry; they engage the consumer in the role of making choices. Nevertheless, the outward appearance and design of the instrument may not reflect how the actual implementation occurs in practice. Accordingly, command and control instruments may be calibrated to have strong flexible and inclusive elements (an example is the EU use of framework directives) while more supposedly flexible instruments can be strict in their steering of society. Tradable permit schemes are a prime example of an instrument which could be quite strict or hierarchical or loose and flexible depending on its calibration (which may explain its attractiveness to such a range of different actors).

Table One summarizes the policy elements and the characteristics that government and governance ideal types would expect. In order to utilize this framework, some consideration has to be given to how these elements interact and shape each other. One question is the direction of influence; this paper notes some of the possibilities as propositions to test empirically. Hall (1993) takes a rather explicit top-down stance: ideational, institutional change drives the more micro elements of public policy change. However, Majone's (1994) work suggests that instruments can define the nature of a state and macro institutional innovation – e.g. EU instruments helped to define its nature as a *regulatory state*. A classic example of this was the creation of strict command and control regime targeting particular environmental policy problems long before the European Communities included environmental policy as an explicit treaty priority. The instruments to

some extent preceded the explicit governing structure. This contribution expects that it is more likely that change in the more macro structural and ideational broader policy elements will re-define the more micro policy elements; nevertheless, the reverse dynamic is possible.

Another noteworthy dynamic is the degree to which any one framework element or combination signifies the dominance of government versus governance characteristics. As Table One indicates, the paper views government and governance poles as ideal types operating on a continuum; it expects that few environmental policy sectors will clearly fit at either pole in terms of policy formulation and implementation. This chapter does not assume that a strong orientation towards governance in the one element necessarily means that the other categories follow suit. The approach taken here is that the presence of both government and governance elements may be essential to explain how society is steered and that the presence of this dimension at any level of analysis is significant in its own right. In the environmental arena, we see various more voluntary agreements established that bear a strong stamp of a governance approach; nevertheless it is often the case that these instruments exist and are used by societal actors because of the threat of regulation or the need to adhere to specific pieces of regulation. Scharpf's idea of the 'shadow of hierarchy' (i.e. voluntary co-operation with public objectives is ensured by overarching authority or the threat of sanctions) articulates this scenario (Héritier and Lehmkuhl 2008). The presence and even dominance of governance dynamics in a policy area may still be essentially defined and underpinned by governmental, top-down dynamics.

COMPARATIVE COUNTRY ANALYSIS

Before exploring the four countries, it is worth noting the hugely significant role that the EU plays in Germany and The Netherlands. Increasingly the EU defines much of the environmental policy goals and specific instruments; it also can put restrictions on the use of instruments (for example, due to concerns about implicit trade barriers or unfair competitiveness advantages within the member states). Therefore, the EU's institutional system, grounded in the EU treaties, is a very meaningful arena for policy and civil society engagement in Germany and The Netherlands. The complex institutional chain involved in the decision-making process and the lack of a substantial budget means that the EU has a fairly open policy style, but one that tends to be reactive due to the difficulty of getting policy decided (Weale 1996). Decision-making also has favours executive actors (member state and Commission representatives) and informed interest groups, creating its own centralising dynamic.

The lack of a budget and the imperative of protecting the Single Market have also tended to make the regulatory instrument the dominant weapon (Majone 1994). The EU, in response to international climate change commitments, has developed one major instrumental innovation, namely the emissions trading scheme. Entering into force at the same time as the Kyoto Protocol, the scheme has triggered a substantial realignment in how both the EU and the national governments steer climate policy (Wurzel *et al.* 2013; Wurzel 2008).

Australia

Structures

Given the geopolitical challenges of managing a vast territory with considerable ecological demands, the orientation of the Australian state has historically focused on building infrastructure and the larger nation. This has built legitimacy for strong state intervention that one can see in the ecological politics of The Netherlands. As a three-tiered political federal system, the Commonwealth (i.e. federal), the state and the local government all have substantive powers to govern and regulate the environment (Papadakis and Grant 2003, 30).

Nevertheless, since the rise of environmental concerns in Australia since the 1970s, there has been a shift of power towards the Commonwealth level due to the rise of domestic interest groups and popular interest and due to global agreements (Parliament of Australia 2012, chapter two). The 1970s saw the creation of several core environmental institutions as well as core legislation, such as the Environmental Protection (Impact of Proposals) Act 1974. Without a direct constitutional head of power, these acts tended to occur on an *ad hoc* basis and relied more indirectly on a range of constitutional heads of power e.g. power over trade and commerce and international treaties policy (Interview, national civil servant, 2012, 2013).

In a manner similar to the EU supremacy rule, state legislation that is not consistent with Commonwealth law is invalid, subject to override (Petchey 2007: 18-19). The states have been active in this constitutional process, challenging Commonwealth legislation with consequent court decisions defining the scope of the Commonwealth's role. The judicial interpretation has allowed the Commonwealth to operate in an expansive fashion (Parliament of Australia 2012, chapter two). We see a pendulum swing in the balance between Commonwealth centralisation and decentralisation of the states (Interview, Australian legal expert, 17.9.13). In the 1990s there was some Commonwealth centralisation power concerning the environment, but in the last 15 years there have also been tendencies towards devolution to the states, something likely to continue with the Abbott government in place. In 2014 the national/Commonwealth level shares responsibility with the states for key areas such as water, air and ecosystem management, particularly the Environmental Protection and Biodiversity Conservation Act (Petchey 2007: 23-24). Local government retains a strong role in land use planning and waste management.

Papadakis and Grant (2003: 30-31) argued that the Australian environmental policy approach is generally less consensus-based and proactive than one would expect in Northern Europe. Furthermore, there has been a considerable alteration in its tendencies over time. Arguably in the period of the 1980s, and particularly under the Labour government of that decade, the national government had adopted a fairly consensual style and proactive style towards the environment. Since 1992 this has significantly shifted as greater concerns about economic health and reductions in public finance took hold. Much of the Commonwealth intervention has been rather *ad hoc* in its approach to environmental protection, which raised questions about the consistency of policy and the relations between the central and more local political levels.

One of the most vital institutional developments has been the creation of a layered process of ministerial councils (Interview, Commonwealth civil servant, 6.8.13; Gates 2007). The greater concern about the economic impact of state regulation led to the creation of the Council of Australian Governments (COAG) as a key arena for ensuring inter-governmental co-operation between the Commonwealth and state levels. As a 'political compact' rather than a legal document, there is ambiguity in the roles and in how to implement the co-operative processes (Parliament of Australia 2012, chapter two). This move reflects a shift from a top-down structure to a more complicated multi-level governance (Godden *et al.* 2013: 233-234). These cooperative arrangements have helped create the coordination and information sharing that has allowed some instrument initiatives to occur. As the Commonwealth has moved into environmental policy-making, it has given the states a role in defining national standards and reinforced the reality that the states implement those standards (Kelemen 2004:117).

Frames

In the 1970s, environmental policy was framed by the governmental elite as a serious problem, but one that could be addressed by existing bureaucratic approaches (Papadakis and Grant 2003: 32-33). This frame however faces the overarching national narrative of extraction of resource from the land which remains. Greater federal intervention to protect the environment coincided with the creation of more comprehensive and proactive policy responses in line with the policy style mentioned in the previous section. However, the 1980s also saw a gradual shift to the idea of empowering businesses to deal with market failures and to incentivize businesses to create their own solutions. This reorientation to the role of business actors was underpinned by a shift in policy priorities towards sustainable development, with the idea that economic development and environmental protection could be potentially compatible (Papadakis and Grant 2003: 32-33).

Goals

The 1970s Australian governments tended to address environmental policy priorities using the traditional command and control interventions in specific media. Accordingly, during the 1974-1982 period, the Commonwealth created the Environment Protection Act 1974, the 1975 Australian Heritage Commission and National Parks and Wildlife Conservation Act 1975, and nature conservation with trade and transboundary implications. The legislation tended to focus on building institutions as well as administrative processes and responsibilities (Parliament of Australia 2012, chapter two). Although regulation has continued to be the dominant instrument, there has been a shift in focus. First the nature of the regulation has altered by the 1990s. The change in the policy frame (i.e. seeking to limit government intervention and empower business while at the same time reflecting more adverse political conditions and financial constraints) led policy-makers to design regulation to be more flexible (Papadakis and Grant 2003: 33-34).

Furthermore, there was a move to supplement new regulations with other types of instruments, including voluntary agreements, subsidies, taxes, and market instruments defining policy rights. This governance shift was institutionalised in the National Action Plan for Salinity and Water Quality National MBI Pilots Program MBI Pilot Programs which ran from 2003 to 2008. The intent of this programme was to increase the national capacity to use MBIs by national, state and territorial support; states were heavily involved in the initiative (BDA Group 2009). Perhaps the most important overarching programme in terms of defining Australian governance has been the massive orientation towards funding the states in the 2000-2014 period. Interviews differ about whether this represents a decentralisation tendency, or whether states have lost some of their focus on individual policy scope in light of the importance attached to these national funds (Interview Victoria civil servants, 11.9.13, 3.7.13; Gates 2007: 137).

Instruments

Australia presents a mixed picture over time with respect to market-based instruments, but with some dramatic developments in the 2010-2012 period. It remains the case that regulations are the dominant instrument although there has been a shift to more regulatory frameworks (Interview, academic expert, 17.9.13). The resulting mix tends to be one containing traditional statutory provision with other more self-regulatory measures.

The 2007 OECD review notes that the overall revenue from environmentally related taxes had decreased and was below the OECD mean by 2007. This picture is complicated by the fact that there are a scattering of taxes at the state (a waste levy in three states, an environmental contribution levy in Victoria) and federal level (aircraft noise, oil recycling and synthetic greenhouse gas levies) (OECD 2007: 161). This general picture changed

somewhat as the Gillard Labour government managed to push through parliament an energy bill including a carbon tax (Interview, Commonwealth civil servants, 5.8.2013). However, the Abbott Coalition government saw its 2013 election as a mandate to scrap this system, citing its damage to the Australia economy and consumers (The Parliament of the Commonwealth of Australia, 2014). What will replace it is less certain. The White Paper suggests an ‘incentive-based approach that directly purchase emissions reductions and rewards practical and positive action’ - i.e. giving positive incentives to business and farmers to install renewable energy infrastructure (Australian Government 2014: 21). However, the plan of the Coalition government to hike fuel excises has also been labelled as a carbon tax (Bourke 2014).

Some of the instrumental innovations have been longer term. These include incentive arrangements, such as the load-based license fee operating in New South Wales and Victoria, (which uses a mix of voluntary agreements) and license systems that have market and regulatory incentives. Voluntary agreements and partnership approaches have played a significant part in national resource as well as pollution management. However, many critics raise telling questions about the actual impact of such programmes (OECD 2007). The COAG structure has generated a great deal of the impetus for the market instruments, as seen in the innovative Murray-Darling, National Action Plan on Salinity and Water quality, and so forth (Interview, Commonwealth civil servants, 6.8.2013).

Canada Structures

Canada’s constitutional structure shares the power of legislation between the federal and provincial levels (Harrison 2000). The steering of environmental protection is divided between the federal and provincial governments in a way that is inherently ambiguous and therefore ripe for political tension. This tension and complexity have resulted in periods of conflict and sometimes competition, as well as advances in environmental protection. From 1970 until the present, the various national governments have experimented with mechanisms to enhance shared responsibility and co-ordination with a greater variety of civil society actors participating in formulating public policy (Skogstad 1996).

Nevertheless, the dominant institutional reality is that provinces have dominated environmental protection, and the federal level has generally not tested the limits of its constitutional powers in this area. This combined with the fact that the provinces have such strong constitutional prerogatives and control of the resources has led to a very limited Canadian federal role (Harrison 1996). Thus, the provinces have continued to have a strong role in implementation and enforcement. The federal government has taken a greater environmental policy profile, with the backing of Supreme Court decisions, but, like Australia, has decided to avoid provincial resistance by involving the provinces in the policy design process (Kelemen 2004). Intergovernmental fora, most notably the Canadian Council of Ministers of the Environment, have enabled this (Benidickson 2013).

In the 1970s, the Canadian policy approach tended to be a more exclusive process that involved the regulators and industry. Other societal groups were largely excluded in a manner that harkens back to the UK political system (Skogstad 1996). In the last 20 years, there has been a conscious effort to build consultative mechanisms and require public participation. Nevertheless, organized interest groups have tended to exploit these processes more than the general public or social movements. The ongoing policy-making tensions between federal and provincial governments has given substantial scope to consultation between levels of government although some provinces take initiatives with minimal input from other provincial or the federal governments (Harrison 2000; Valiante 2007: 85-86).

Frames

The traditional Canadian policy frame has gradually evolved from a belief in unrestricted usage of the vast natural resources of Canada to one of resource management. Nevertheless, the dominant policy frame has remained one of grounding the concerns of resource management in the context of promoting economic growth and prosperity (Hessing *et al.* 2005). Other societal groups, notably indigenous peoples and environmental groups, have sought to insert other perspectives and world views. This has led to a broader concept of environmental stewardship - but without a pervasive rejection of economic concerns and priorities.

Goals

Over the course of Canada's policy history, the policy strategy has focused on regulation and this remains the case in the 2014 Conservative government (Interview, Senior Policy Advisor, 5.6.14; Benidickson 2013). However, one must be careful of describing this process as 'command and control'. Similar arguments are made about how UK environmental policy works. Following on from the Canadian policy strategy, there was a very significant input from the regulated in terms of the development, enforcement and implementation of these regulations. This reflected a strongly consultative process between the regulators and the regulated (Hessing *et al.* 2005). Further scope and variability arose out of the fact that it was often the provinces deploying many of these instruments to achieve policy goals. Over time the national government has moved to supplement the regulatory framework with market-based instruments (MBIs), non-regulatory agreements and informational tools.

A second significant change in strategy came with the gradual move towards greater decentralization of environmental administration (Howlett 2000). The greatest investment in market-based instruments has been by the provinces, rather than the federal government, with climate change innovations seen for instance in British Columbia and its carbon tax. Nevertheless, the most influential imperative for innovation has been the United States market and the need both to cooperate with the United States as well as adapt to its state standards and state-led emissions trading schemes. Indeed, the Canadian federal government under Harper explicitly tied itself in 2010 to US targets and pace (Winfield and Macdonald 2012).

Instruments

Starting from 2003, the Canadian federal government instituted a 'smart regulation' strategy to improve policy implementation; this involved having a flexible toolbox appropriate to any particular context (Valiante 2007). In addition to the dominant role of regulation, the federal government has instituted fiscal incentives for renewable industry, biofuels and land conservation as well as more general subsidies and funding for environmental objectives. Since the late 1990s, there has been an industrial push to get greater prominence for voluntary agreements, with the Canadian federal government negotiating several specific agreements with particular industries as well as the creation of 'voluntary challenges' to target reduction of environmental degradation (Valiante, 2007: 93-96). Increased emphasis has also been placed on pollution prevention information and eco-labelling, through the 'Environment Choice Scheme'. The federal government included other instruments in the national toolbox, including: voluntary agreements and 'challenges' targeting industry, fiscal incentives, subsidies and funding for environmental activities, informational/educational schemes and eco-labelling (Valiante 2007: 93-96).

The provincial level has contributed to the mix of different instruments. The provinces have used their more limited taxation powers to institute charges. There has been some experimentation with tradable permits in the provincial government and in bilateral talks with US state counterparts. An example of the USA's impact is the Canadian federal implementation of the Energy Star (a voluntary energy product standard) programme initiated at the US federal level (Interview, Federal civil servant, 14.4.14).

Germany

Structures

Similar to the above federal systems, environmental competences are not distributed equally across the various sectors and issues (Wurzel *et al.* 2013). The federal level has the key role in the traditional media areas of air, waste and noise, but the German *Länder* have critical steering roles concerning water management and nature protection. Consequently, environmental approaches that seek to cross policy sectors and levels of government responsibility require complex negotiations (Wurzel 2002).

The traditional, corporatist depiction of the German policy system emphasizes extensive consensus building and consultation with societal actors (Wurzel *et al.* 2013). The policy-making approach is relatively legalistic and formalized, focused on making explicit statements of principle and minimising administrative discretion (Weale *et al.* 2000). The input of various societal groups has been more variable as has the question of how activist/reactive is the German policy steering. In the early 1970s, it would be safe to characterise German governing as relatively activist but this depiction seems less accurate after reunification and the rise of a wide range of concerns about economic competitiveness (Wurzel 2002).

Frames

The core post-war German political frame has been one of maintaining a 'social market economy', which allows the state to define the conditions in which it interacts with and between societal actors (Wurzel 2002: 11). It was a natural progression for the mainstream parties in the 1970s and 1980s to argue for an ecological dimension to this core frame. The frame holds that environmental protection is compatible with economic growth when the state provides strong regulatory incentives (such as requiring production facilities to make use of 'best available technology' or BAT) for economic actors to invest capital in ecology friendly technology, leading to green growth. Over time, Germany became one of the core arenas where the idea of 'ecological modernisation' developed (Mol and Sonnenfeld 2000). In the 1990s, this frame suffered a considerable challenge as the German state dealt with the enormous economic costs of reunification, the impact of the 1990s German recession and the debate about Germany's competitiveness in the face of globalisation (Wurzel 2000; Weale *et al.* 2000).

Underpinning the policy frame of strict regulation and encouragement to enhance environmental technological capacity, the Federal Environmental Programme of 1971 offered three core principles that fleshed out the policy behaviour norms (Wurzel *et al.* 2013). The first, the polluter pays principle, tries to place a greater onus on those bits of the economic sector that pollute. The second, the precautionary principle, requires active intervention by public actors to prevent pollution occurring even under conditions of policy uncertainty. Perhaps most interestingly, the co-operation principle, emphasised the importance of co-ordination between government departments and different levels of government (Wurzel *et al.* 2013). The inherent challenges posed by German federal structures and coalition governments have arguably limited such co-ordination.

Goals

The German policy strategy and environmental goals have followed a strong activist principle and strongly stipulated command and control regulation since the 1970s (Hèritier *et al.* 1996). The German ecological modernisation frame and the precautionary principle have pushed regulatory ambition and traditional instruments (Weale *et al.* 2000). Certain other types of policy instrument have featured strongly in the German toolbox, particularly voluntary agreements and the first 'Blue Angel' eco-labelling scheme (Wurzel *et al.* 2013). Both reflect a consensus-focused relationship between the German state and business. Perhaps for this reason, some of the other potential instruments, such as taxes, have met with less enthusiasm. The EU context however has pushed Germany to adopt instruments that have not fitted with the traditional national approach to command and control and BAT and met German resistance: e.g. the eco audit and management system (EMAS) (Hèritier *et al.* 1996).

Instruments

In the early 1970s, the German system focused its means on regulations, often ones with quite ambitious targets, to target specific media-based issues (Wurzel *et al.* 2003). With reunification and the consequent economic changes, the German national government moved more towards seeking EU solutions. Nevertheless, regulations continued to accumulate in part because of the EU's own generation process. Scholars estimate that German regulations had reached roughly 35,000 by the mid-1990s, but this number over-represents the various ordinances that all the different *Länder* generate (Wurzel *et al.* 2013). These regulations have tended to stipulate ambitious limits in line with the BAT and precautionary principles. The precautionary and co-operation principles helped the German government to justify more flexible policy instruments such as VAs and eco-taxes. Germany has been a global leader and pioneer in the adoption of a national eco-label, and its companies have been at the forefront of adopting EMAS. Nevertheless, the overarching dominance of regulations remains.

The Netherlands

Structures

There are several dynamics in the Dutch political structure. First, there is a strong tendency for a segmentation of power within the state structure. The electoral system rewards small parties, leading to coalition governments. The system spreads responsibilities and power across several government layers: central, provincial and municipal (Eberg 1997). Finally, the state's organizational structure is segmented. Environmental powers are spread across different organisations and ministries, placing a premium on co-ordination efforts and processes (van Waarden 1995: 341; Van Tatenhove 1993: 20-1, 33).

The Dutch national system has placed a historical priority in inclusive governing and consensus building to deal with historical sectarian divisions and environmental challenges (Van Waarden 1995: 335-347). The Dutch tradition is to incorporate private sector organizations and objectives to help achieve public goals: this approach emphasises the need for consultation and co-operation with a wide range of different societal groups in order to build a consensus. At the heart of this effort has been the development of comprehensive national plans which also sought to maintain a consensus-based approach by including various groups in the strategic planning (Hanf and van de Gronden 1998). Into the new millennium, this approach has changed: the government coalitions tended to be concerned about the burden of ambitious environmental targets (preferring international or EU level solutions that maintained a 'level playing field') as well as acknowledging the difficulty of

implementing some of the past ambitious targets (Lieverink and Birkel 2010; Liefferink and Wiering 2007).

Frames

From the 1970s to the 1980s, Dutch national policy was strongly oriented towards substantial policy interventions by the government to protect the environment. A coalition of Christian Democrats and Liberals (VVD) that came into power in 1982 challenged this framing. The coalition orientation towards the environment reflected a desire to lessen the responsibility of government by involving societal actors as well as improving efficiency in the face of increasing numbers of studies questioning the implementation of the 1970s instruments (Bressers 1990; Zito *et al.* 2003). Accordingly the government developed a philosophy of regulatory streamlining with a focus on ‘internalisation’ (Hanf 1989). Internalisation focuses on the principle of co-ordination between the Dutch national ministries which bring together their own societal constituencies (van Tatenhove 1993: 47). Scholars have suggested that the Dutch internalisation movement is symptomatic of the wider ecological modernisation and sustainable development frames. In line with both frames, the internalisation approach suggested that both the state and the market need to reflect ecological priorities, but in doing so harness market efficiencies (Lieverink 1997, 1998; Enevoldsen 2000).

Goals

The Netherlands fits somewhere between the law-based, standards-oriented approach of Germany and the more discretionary Canadian approach towards policy goals and instruments (Lieverink and van der Zouwen 2004). In terms of types of instruments, the Dutch adopted a command-and-control approach in the 1970s, emphasizing framework legislation and licensing. This led to some centralization through national regulation in order to confront the new environmental concerns and implementation issues. This continues to be a core aspect of Dutch environmental policy, reinforced by the EU. Since the 1980s, newer environmental policy instruments have gained in importance but tended to supplement and extend traditional instruments (Wurzel *et al.* 2013).

Part of the focus on goals is the incorporation of societal actors. With the movement towards the internalization policy, we see the development of the target groups concept: an explicit categorisation of both individuals and organisations within civil society that share characteristics and connections to a particular policy area. The target group idea emphasises that these similar actors are the focus of the policy instruments – i.e. they are the target of the instrument which is seeking to change behaviour (Eurofound 2010).

Instruments

Various overviews of Dutch policy continue to assess traditional regulation as being core (OECD 2003c; Liefferink and Wiering 2007). As in Germany, the EU has become an important reason for the continued reliance on traditional regulation and constraints on instrumental innovation; for example, efforts to implement EU legislation through a more flexible or voluntary scheme have met a very negative reaction from the Commission and the European Court of Justice (Smith and Ingram 2002: 593).

Nevertheless, the Dutch policy elite have over time recalibrated the nature of regulation, shifting from the top-down command-and-control character of the early Dutch environmental legislation towards a set of more flexible and cost-effective environmental regulations which were drawn up by the government only after extensive stakeholder consultations. Since the 1990s the Dutch government has focused on simplifying the licensing process in Dutch environmental policy, particularly by targeting the significant

polluters and establishing general regulations (with standard procedures) for most of the other polluters (Wurzel *et al.* 2013; VROM 2005). The Dutch have also developed 'Framework licenses' that specify only general targets and give polluters the flexibility to meet the targets (Lieverink and Wiering 2007).

The Dutch have made use of a significant number of other instruments. The shift of policy frames towards internalization and target groups in the 1980s saw the Dutch give a substantial role to negotiated voluntary agreements, or *covenants*. The design of the agreements evolved from fairly loose agreements to covenants targeted at particular sectors and linked to regulation and the licensing system (Zito *et al.* 2003). The agreements between the relevant ministries and both the public and private actors take on a binding nature after signing. The Netherlands has also taken a substantial lead in using taxation and, to a lesser extent, emissions trading schemes. The Dutch effort at emissions trading was overtaken by the EU process, but the Dutch successfully implemented national plans to extend their carbon dioxide market institutional mechanisms to include nitrogen emissions. Environmental charges were the first taxation focus, taking a prominent although secondary role in the Dutch system. From 1989 to 2000, the Dutch government turned increasingly to tax mechanisms to provide substantial revenue and provide an efficient set of tools to motivate actors, particularly the energy taxes. In 2008, the coalition of Christian Democrats and Labor pushed one last burst of taxation innovation creating a packaging tax and air passenger tax. However the rise of domestic economic problems and a rightist coalition has changed the momentum and led to the abolition of certain environmental taxes (Wurzel *et al.* 2013).

CONCLUSIONS

This paper first summarises the basic trends found in the four countries (filling out Table 2 below) before making some comparative analytical conclusions about the governance propositions. Taking the countries in order, Australia has seen some distinctive transformations over time. As a federal system, it has an inherent multi-level governing dynamic that spreads power; nevertheless, over time the Commonwealth has used international agreements and other avenues to centralise some policy authority with respect to the other levels of government but this remains fairly limited and subject to reverse swings. In terms of state-society relations, environmental policy has seen a wider range of actors and engagement since the 1980s but Australia arguably remains less orientated towards consensus-building and inclusion than the EU member states. The environmental policy frame has likewise evolved from a largely bureaucratic, hierarchical focus towards one that sought to bring businesses and market dynamics into the governing equation where individual actors have to face greater responsibility (Godden *et al.* 2013). The picture of the policy goals is one of hybridity, but with regulations continuing to dominate. 'New' environmental policy instruments (NEPIs) have a more supplemental role and even the 2012 expansion of MBIs to address climate change operate in a highly charged political atmosphere and are vulnerable to roll back.

As was the case with Australia, the Canadian system of federalism has inherent multi-level dynamics that accentuate the ambiguous relations between the various levels. Nevertheless, the Canadian structure lacks some of the centralising instruments found in Australia. The state-society relationship was originally rather exclusive but over time the political elite have built mechanisms to engage a wider section of voices; nevertheless, the privileged position of business, as articulated by Lindblom, remains. The overarching policy frame reflects a move towards sustainability and away from a simple focus on resource exploitation; nevertheless, the balance in the dominant policy frame remains orientated toward economic concerns in line with the institutional structure. Canada maintains a focus

on regulation, but one that involves intensive consultation with the regulated and a core role of provinces in enforcement. Some significant NEPIs do exist, particularly at a provincial level, focused on engaging other actors in a largely voluntary and non-compulsive basis.

Up until reunification, the German system witnessed a fairly active national government enacting command and control regulation. At the same time, however, the German states have maintained strong inclusive elements of environmental governing. As is the case with The Netherlands, the institutional structure relies on a heavily formalised interaction with societal actors; this has not changed although the rise of environmental issues created more voices that required engagement. The essential ecological modernisation frame inherently recognises the importance of engaging business actors in the linked priorities of the environment and the economy. The governing goals that pursued this frame have involved a focus on regulation with strict and often ambitious limits and technological demands. Nevertheless, it is discernible that the Europeanization of German environmental policy has seen an evolution in the nature of the command-and-control policies, with NEPIs playing a substantial but still secondary role.

The Dutch political system, although unitary, has its own institutional dynamics between levels, in addition to a fragmented executive requiring cross-party and cross-ministry co-ordination. The process of including different societal elements is ingrained into the system. The policy frame that developed over time, internalisation, emphasises the essential role of target groups in being involved in the policy process. As was the case with Germany, the EU has reinforced the importance of regulations in the Dutch system. Nevertheless, the specification of regulatory instruments has evolved over time in a more flexible direction, and it is arguable that the Dutch have seen the greatest shift towards NEPIs. Nevertheless, even covenants, which are negotiated voluntarily between the respective policy actors, become binding and are linked to the law. NEPIs have not supplanted/displaced regulation; rather there is a considerable degree of instrument integration.

Table 2. *Comparative multivariate conclusions*

Country	Governing Structures	Governing Frames	Governing Goals	Governing Instruments
Australia	Multi-level federal, limited centralising, less inclusive, intergovernmental coordination	Moderate shift to involve businesses more in a sustainable approach	Regulation focused, with supplementary NEPIs	Regulation is evolving; MBIs have had some noteworthy appearances
Canada	Multi-level but with more limited federal scope, system remains less inclusive	Fairly traditional focus on sustainable economic concerns but with other voices	Regulation focused, with supplementary NEPIs	'Smart regulation' that was always negotiated, supplemented with persuasive NEPIs and provincial MBIs
Germany	Multi-level federal but activist national government; a	Ecological modernisation, backed by BAT and precaution	Command and control regulation, with supplementary NEPIs	Less stipulation as regulations evolve and newer instruments enter the picture

	highly inclusive process			
The Netherlands	Segmented and inclusive unitary state	Internalisation (ecological modernisation and sustainable development)	Strong policy mix, regulations and societal inclusion foremost	More flexible regulation, with strong support of MBIs and covenants

In terms of making sense of the comparison in Table 2, the evidence of this paper suggests that government-governance hybridity exists across all four political systems to a lesser or greater degree. In arguing this, I want to emphasise the merit of the multivariate approach of Table 2 for the study of governance and the question of hybridity. There is a real danger in governance studies of everything being labelled as a hybrid arrangement. Differentiating it by 4 different analytical categories as well as a continuum between government and governance starts to give the analyst some nuance.

I now turn to the other governance hypotheses (whether the hybridity was a permanent or temporary feature, the degree of movement along the continuum for all four countries, and the uniformity of movement across countries). Based on the evolution of policy for all four countries, the evidence suggests that a government/governance mix is the permanent reality rather than a temporary phase before the governance dynamics become more dominant. Governance dynamics have entered all four levels of analysis (although only in a minor way in the framing dimension), but not in a way that supplants or for that matter significantly erodes the traditional governing. The evidence suggests rather that the dynamics have often modified the nature of the policy process (particularly where it comes to the inclusion of a greater range of societal voices interested in environmental priorities) and the outcomes (often emphasising more flexibility and a greater role for societal actors).

Comparing across the countries, the main change in the governing structures has been one where there is more emphasis on including wider cross sections of the population. In the case of Germany and the Netherlands where consensus building mechanisms are relatively elaborate and formal, this has been more a question of listening to the greater range of societal interests and movements created by national and EU environmental politics and policy. In contrast Australia and Canada have seen a greater voice given to ‘green’ actors but without such systematic inclusion. To the degree that this overview can generalise from one unitary state case, unitary systems do not seem to be on a separate trajectory. The European Union’s role is mixed in terms of the structural dynamic: the EU environment has given greater scope to a wider set of actors but also has privileged executive government in the EU decision-making process.

The policy framing in all four cases reflects a greater prioritisation of environmental priorities. But it is noteworthy that all four frames enshrine the importance of the market and engagement with market actors in pursuit of environmental objectives. In the case of the Commonwealth states, it is difficult to argue that this ideational connection is a governance development. More emphatically, the German framing reinforces traditional social market economic thinking. Perhaps the Dutch framing reflects most a shift in understanding about how to steer and involve societal actors. The Commonwealth countries, although the policy framing has embraced sustainability since 1970, still reveal a strong constitutional and historical legacy that favours states/provinces in a significant steering role reflecting a resource extraction prioritisation; there is more of a tendency to see the sustainability aim as being in tension with the economic competitiveness aim. Another significant trend is that the

economic realities of German reunification and the concerns about the competitiveness of the economy in the other three countries have seen a rather reactive approach to environment, even in the Netherlands in the last decade.

Moving down the ladder to governing goals, the Dutch again come closest to having a governance mix but even here the traditional statist tool, regulation, remains primary. The EU has reinforced this tendency in the two member states, but the reality is the same for Australia and Canada. In all four countries there is a policy mix with particular NEPIs often having a high political profile or significant policy impact. Nevertheless, the biggest evidence for a governance shift comes with the recalibration of instruments, in this case the regulatory instruments which are becoming more flexible and more participatory over time. Governance clearly is at work at this lowest level and it is significant. At the same time, however, the Commonwealth countries, especially Canada, have tended to take a more flexible approach to regulations even before the trends towards governance were even conceptualised. The reality that this is the traditional statist tool suggests the need for a nuanced understanding of government/governance dynamics. In terms of instrument alternatives, the rise of the ETS creates its own set of institutional changes and alterations in the state-society interactions. Even without the changes to the governing structures that have been identified, this change is a substantial and significant one, but perhaps not one that transforms the elements of government into the governance ideal type.

Having discussed the concepts across all four countries, all that remains is to examine the governing dimensions in relationship to each other. In terms of movement towards the governance pole, the governing frames (in terms of a greater inclusion of actors in terms of quality and quantity) and governing instruments suggest a stronger degree of governance movement than the other two dimensions. The empirical evidence also suggests the continued constraints that the higher level policy elements (structural and policy frames) in the Hall model place on governance. The reality of EU membership and the constitutional constraints in the federal countries have stamped the evolution of environmental governance in all four countries; however, the limited, reactive frames of the national governments in the four countries have been a very significant, recent trend across the four states.

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