

## **Water Governance – What is the consensus?**

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### **Introduction**

The concept of water governance is a firmly established part of the consensus on international water development, and has become a constant theme in the policy processes we are discussing in this seminar. Originating in its present format at about the time of the second World Water Forum in 2002, it was specifically restated at the International Conference on Freshwater in Bonn, 2001 (“the essential key is stronger, better performing governance arrangements”), and it featured prominently in the outputs from the Third World Water Forum in Kyoto, 2003. In the Alternative Water Forum, held here in Bradford just after the Kyoto event, we encouraged participants to analyse and critically debate the underlying ideas. In this paper I want to encourage this continuing analysis and debate. Like many of the issues we shall be discussing over the next couple of days, I believe it repays closer consideration, and that it encompasses a set of important ideas which must not be lost in constant re-iteration of a general theme.

I shall start by setting out the theoretical basis of the concept as it generally presented in the literature on water development, and look at the way it is covered in recent publications or outputs from the policy process. I shall then look at evidence from the field, and try to examine how the concepts of water governance translate into practice in two specific cases. Finally I shall try to draw out from that what I believe are the most challenging aspects relating to water governance, as the basis for discussion and further examination during this seminar series.

### **Theoretical background**

The most succinct and pragmatic statement on the subject is probably that of Rogers and Hall. This was finally published in 2003 but existed in earlier drafts for some considerable time before that. This short statement carries the reader through from definitions to a set of principles that emanate from it, and then discusses issues arising, rather in the way that I hope to do to-day. Several definitions of governance exist, and are given in this reference. This highlights the fact that the concept is used quite widely, in many aspects of social and economic development. Indeed in its wider application in society it generally has a rather specific ethical dimension, as in the term ‘corporate governance’, where it implies efforts to ensure that things are done in a fair and just manner. Absence of governance in this setting is therefore generally taken to refer to malpractice or corruption, and much consideration of governance seems to focus on these sets of concepts.

In the water sector we have, over time, developed a more general concept of the term governance, which is not simply related to doing things right. The Rogers and Hall article settles on the definition of the Global Water Partnership (2002):

“water governance refers to the range of political, social, economic and administrative systems that are in place to develop and manage water resources, and the delivery of water services, at different levels of society”.

This implies a wider interest in the way we do things in our society, rather than simply whether we do things in accordance with some generally-accepted set of norms. Put this way, it is a more useful concept, and it provides an appropriate starting point from which to consider many difficult issues of water policy and development. With this definition as a base, some general 'principles for effective water governance' are proposed, that in its approaches it should be:

- open and transparent
- inclusive and communicative (sic)
- coherent and integrative
- equitable and ethical

and that in its performance and operation it should be:

- accountable
- efficient
- responsive and sustainable.<sup>1</sup>

Rogers and Hall go on to discuss an evolution in governance, from 'hierarchical' through 'market-led' to 'distributed'. I have at this stage been able to find no original references for these particular sets of terms, but they can be taken to reflect ideas in common currency. For much of modern history, our ideas of governance have been taken up in concepts of government, with its attendant ideas of structure, hierarchy and authority. In the fairly recent past (the last thirty years) we moved to the laissez-faire ideology, where the private sector was the dominant player, and the market would provide the framework within which acceptable solutions emerged. More recently still we are addressing issues of community and local action, with additional stakeholders from the voluntary sector and citizens' groups. These sets of ideas, and the linkages and interplay between them, are a productive area for discussion and debate about the nature of governance, and its potential to inform policy in sectors such as water.

In addition the Rogers and Hall article discusses specific issues about water governance, much in the way that we hope this seminar will do over the next few days. The issues raised include the role of information and consultation networks, related to the importance of sharing knowledge amongst stakeholders. I shall have some further observations on this later in this article. A further major issue concerns the role of legal instruments, and in particular water law and water rights. This also is an area of significant current interest, both for itself and as part of a wider discussion concerning the relationship between the structures of law and government and the space for action by individuals and groups on an informal and flexible basis.

I want to examine how these ideas, as put forward by authors such as Rogers and Hall, are working out in the current policy process by examining two recent examples. The UNDP World Water Development Report has a whole chapter given over to "Governing Water Wisely for Sustainable Development" (Chapter 15, Water for People, Water for Life, 2004). The early part of the chapter goes over the same ground as Rogers and Hall, though it starts from the UNDP's definition of governance ("the exercise of economic, political and administrative authority to manage a country's affairs at all levels") which reflects the fact that the concept can be applied

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<sup>1</sup> The 'principles' of water governance are presented in somewhat different ways in different texts. For example, the UNDP's Water for Life Report proposes "participation, transparency, equity, accountability, coherency, responsiveness, integration, and ethics". However the overall similarities can be readily discerned.

much more widely than to the water sector alone. It then raises some key considerations such as ‘whose governance?’ ‘who owns the water?’ and relates these to general questions of the role of government, participation and decentralisation, which, as I shall argue later, I take to be the central concern of water governance. The final part of the chapter is, however, more problematic as it tries to address the linkages between water governance and water management, that is, the linkages between the theoretical concepts and their practical application. These practical applications are summarised as ‘the integrated approach’ (in effect, integrated water resources management), ‘public-private partnerships’ and ‘water governance and financing’. The tying of these very specific, and in some cases contentious, approaches to the much wider and more general concepts of water governance provides an excellent example of the way in which the acceptance of consensus can mask important policy issues and decisions. I argue that water governance covers a range of conceptual and philosophical issues about the way a society operates and the way that decisions are made within it, that are very much deeper and more far-reaching than approaches to water resource management or the financing of water services.

Finally, brief mention should be made of the Interim Report of the Millennium Task Force, to which we have encouraged you to refer as the most recent statement of the international water consensus. The Task Force is charged with proposing mechanisms for achieving the Millennium Development Goals. Task Force 7, on Water and Sanitation, suggests eleven propositions for meeting the WS&S targets of the MDGs, and six further propositions for meeting goals related to integrated water resources management (IWRM), four at the national and two at the international level. It is noteworthy that the text of this report makes very little explicit reference to governance, though the implicit linkages are widespread throughout the text. In relation to WS&S, the majority of the propositions relate to funding and financing in one way or another, reflecting the importance currently given to these issues. The propositions relating to IWRM are quite diverse in their coverage but several of them, and the propositions as a whole, refer in one way or another to institutional arrangements which I believe are a key part of governance. Nevertheless, the report is perhaps overall somewhat lacking in consideration of how these institutional arrangements and processes will actually work out in practice, and how they will then translate into the key issue of decision-making.

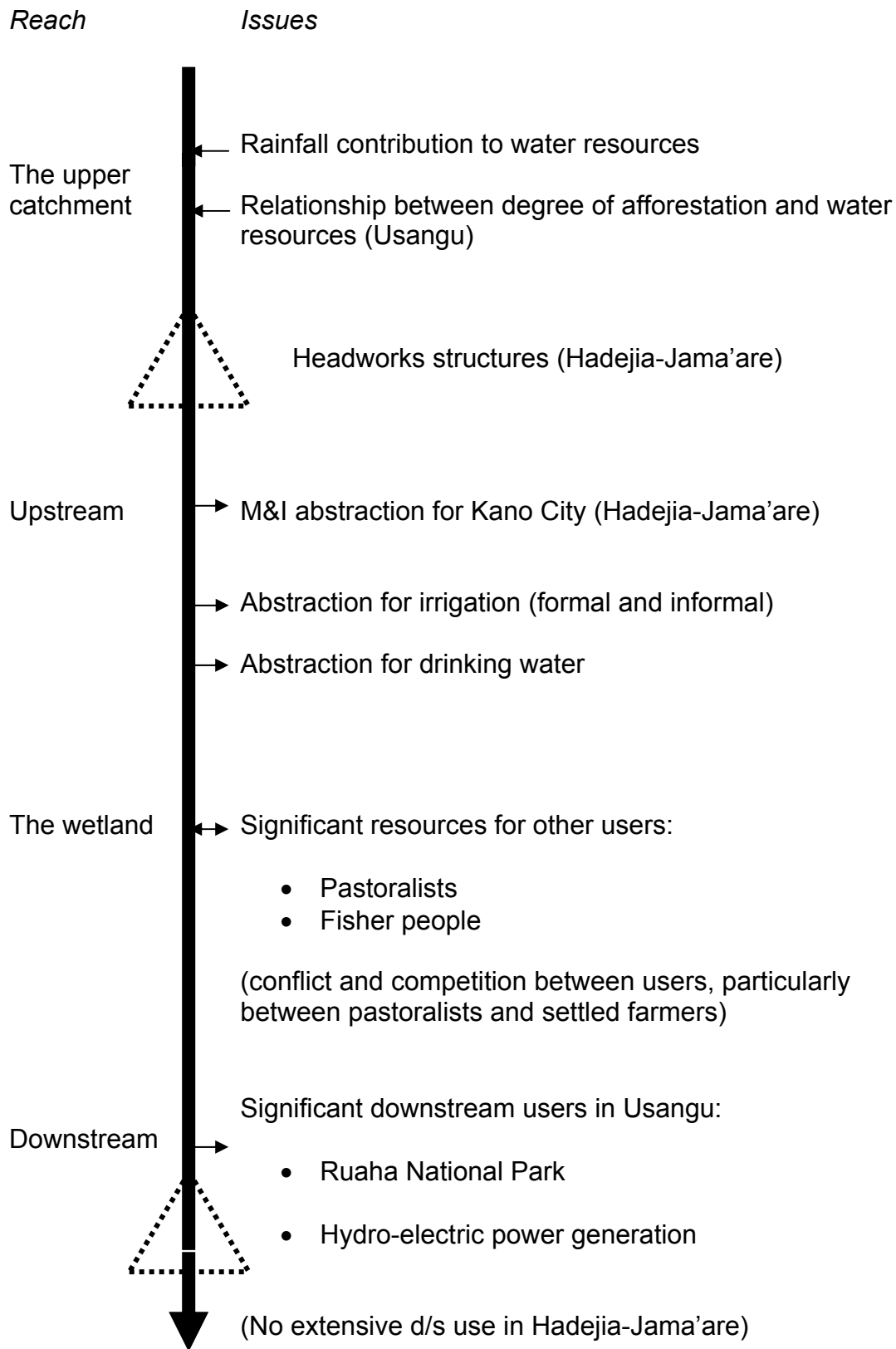
### **Evidence from the field**

A considerable amount has been written in recent times on topics and issues which I take to be germane to the concepts of water governance. Much of this relates to water resources and river basin management and there has been a marked increase in articles in journals such as *Water Policy* on these and related issues. There is comparatively less written on issues of water governance in relation to WS&S. Rogers and Hall (2004) differentiate general water governance from ‘governance and water utilities’. I believe that this is a valid and useful distinction, and I shall return to it later in this article. In the meanwhile I want to focus on two case studies from Sub-Saharan Africa, because they present issues of governance in relation to water allocation which underpin many aspects of the way we manage water for development, and because of the strong focus on Africa of much international ODA, including in the water sector.

The two case studies to be referred to are the Usangu basin in Tanzania and the Hadejia-Jam'are Basin in Nigeria. These two cases show many similarities. They are both relatively large, 20 000 sq. km or more and both predominantly rural. Both the Usangu and Hadejia-Jama'are basins are characterised by the same types of uses, including domestic supply, agricultural use (irrigation is a major factor), and environmental use (wetlands and other uses), though there are some important and major differences, to be discussed later. Both are characterised by large and important wetlands (the Usangu and Hadejia-Nguru wetlands, respectively) lying in the middle of the catchment (figure 1). It is interesting to reflect the increasing importance accorded to wetlands which is a comparatively recent (and welcome) trend in water development. The Ramsar Convention dates from the early 70s, and it is clear that the approaches to water governance in basins such as these has shown a marked change over the years since then, at least on the part of national and international stakeholders. At the local level the tension between water for wetlands and water for other productive uses is still being played out on a daily basis. This forms an important element of the context for water governance in such situations.

Whilst there are many similarities, there are also important differences between these cases. Three in particular are worth mentioning. Firstly there is no large-scale municipal and industrial (M&I) water supply in Usangu, whereas it is a major factor in the case of Hadeji-Jama'are. The city of Kano, with an estimated population of 4mn people, lies in the upstream part of the basin and the Kano City Water Supply (KCWS) is a significant factor in the overall governance of the basin's water resources. It is worth emphasising that this is not so much in relation to quantity as in relation to seasonality and also, in this particular case, to institutional arrangements. The quantity abstracted by KCWS is not known exactly but is estimated in 2000 to be around 20% of the long term yield of the reservoirs upstream (IUCN, 1999). This may seem a relatively large proportion but it should be noted that Kano is a large city in the upstream reaches of a predominantly rural river basin. Usually one would expect the percentage demand of M&I supplies to be even lower than this. KCWS is an important factor in the management of the Hadejia-Jama'are basin not so much because of the quantity which needs to be abstracted but because that demand is constant through the year. Supply to the intakes during the dry season can only be ensured (at present) by maintaining flows at a higher level than would otherwise be needed. In addition, KCWS refuses to pay towards the maintenance of the system, on the basis that it was Kano City that initiated and funded the construction of the dams. Whilst the needs of M&I and rural users are both apparent in the Hadejia-Jama'are basin, the case also highlights the value of differentiating governance of water resources from governance for WS&S, to reflect the fact that the issues and parameters of importance are different in the two contexts.

**Water uses in Usangu and Hadejia-Jama'are Basins**



A second important difference surrounds the knowledge and perceptions that the stakeholders bring to bear on the situation in the two different cases. Usangu has seen dramatic changes over the last ten years, leading to a drying up of the river

Ruaha for increasing periods during the dry season. A variety of reasons have been put forward for these changes, including several which have important social and political overtones. For example, changes caused by livestock-keeping is often cited as the cause of the problem, and this has resulted in the exclusion of pastoralists from grazing grounds in a move which is favoured by many of the settled population. However subsequent work has established that pastoralism is not the main cause of the changes and that irrigation, which is widely practiced and accepted, has a much more significant impact. This range of differing perceptions and knowledge undoubtedly complicates efforts to establish sustainable systems of governance in Usangu (Lankford et al, 2004). The Hadejia-Nguru wetland has seen even more dramatic and rapid changes, with an invasion of typha grass over the very recent past (The changes in Usangu and Hadejia-Nguru are to some extent symptomatic of the importance now attached to tropical wetlands, since they provide a vivid example of their dynamic nature and their productivity. Small changes favouring the establishment of typha grass can lead to rapid and widespread infestation in such a productive ecosystem.) However in this case there does not seem to be the same range of disagreement over possible causes (and scapegoats) for the changes, although this does not in turn lead to agreement over the appropriate actions to take. Finally, in relation to knowledge, it is worth noting that both basins suffer from a disturbing lack of hydrological data, and that this appears to be an increasing and worrying trend. Basic data on flows and levels in rivers, and in volumes abstracted for different uses, are lacking in both cases, and the availability and accuracy of data are more problematic now than they have been in the past.

A third major difference between the Tanzanian and Nigerian cases lie in the political and administrative systems within which they are governed and managed. Tanzania has a unitary national government, with an on-going process of decentralisation to a local government structure of districts and villages. Water is managed as a national asset, and the responsibility for water resource management (through the allocation of water rights for the payment of fees) lies with a basin water officer, who is supported and advised by a basin water committee (Franks et al, 2004). Nigeria, by contrast, is a federal system, which in the recent past has seen the establishment of an increasing number of small and relatively weak states. As far as water resource management is concerned, there is no equivalent of a basin water officer. Instead the main power and responsibility lies with the federal government and a basin development authority, both of which still view water in terms of development initiatives, rather than as a service to be negotiated between stakeholders and regulated by government. Both Tanzania and Nigeria have an overtly 'democratic' system of government in place, but Nigeria's more divisive and tenuous system (with state governors competing with federal authorities for the rights to manage and benefit from resources) may in fact provide significant advantages for the management of water resources in the Hadejia-Jama'are basin. In this case the governors of the downstream states may, if they choose, fight for their share of basin water as part of their overall political position, rather than simply seeing themselves as part of a 'basin society' with the implied disadvantages for the downstream users.

A final point which brings together the cases of Usangu and Hadejia-Jama'are is the continuous search for appropriate institutions for managing the range of resources on which the stakeholders depend, and suitable 'platforms' to support these processes. There is considerable debate over different approaches to institutional development. This ranges from Ostrom's work, including the aptly-named "Crafting Institutions for Self-Governing Irrigation"(Ostrom, 1992) to the counter position of the post-

institutionalists, who argue for a more flexible process of institutional mix-and-match (Cleaver and Franks, 2003). The debate over forums, procedures and processes for bring together different stakeholders is also very much alive, and is exemplified for example in the current work on 'multi-stakeholder platforms' (Warner & Verhallen, 2004). All of these points arising from the two cases present us with issues and challenges which need to be addressed in the context of water governance, concerning the way we gain knowledge and make decisions about water resources.

## **Water governance – what are the challenges?**

Reflections on the consensus of water governance, and the lessons from these two cases, lead to some issues to be considered, and some challenges to be addressed. The first point to be made is that, as it is generally used at present, water governance tends to be a unitary concept which is treated as though it can apply across the whole of the water sector. In fact, following Rogers and Hall, I believe that we can see significant differences between governance of water resources and governance for WS&S, and that is helpful to differentiate them, and to look for and analyse the differences. The 2004 UNDP Water Report is not alone in seeming to equate water governance at the resource level with IWRM, but there is indeed a good deal more depth and subtlety to the concept, and we might see IWRM as simply one of a number of tools or approaches that should be utilised in pursuit of sensible water governance. In the WS&S sector, a focus on financing mechanisms and an obsession with the merits and demerits of public-private partnerships likewise tends to obscure what remain more fundamental issues related to how societies organise themselves to manage key resources such as water, particularly in large urban or peri-urban settings which comprise a range of levels of access and power.

Both governance as IWRM and governance as financing obscure the main value of the concept, governance as decision-making. If water is essential to life, then the way it is allocated and managed is fundamental to the way people live their lives, and the way that decisions are made about the resource is a key element of their political life. Since politics is at heart the process of negotiating control over resources, governance is essentially a political process. This needs to be freely acknowledged and internalised in the water sector, where there is still a tendency to want to operate outside the political sphere, and in particular to avoid the involvement of politicians. Members of the team working on the NW Regional Study in Bangladesh as part of the Flood Action Plan in the early 90s often tried to exclude politicians from the process, in spite of the fact that at that point Bangladesh was just emerging from military rule and the fledgling democratic process needed all the support it could get. By its nature, the management of floods is an intensely political process (one person's crop saved through flood protection is generally another person's crop ruined through flood damage). Ultimately, decisions about flood management and about water management more generally must be made in the political sphere.

Two common responses to this set of issues are the role of participation, and decentralisation. The much-discussed topic of participation is often seen as the panacea to the problems of water governance, though its attendant problems are freely acknowledged too, as evidenced by the set of papers from the recent workshop on participation in river basin management (for example, Blackstone & Richards, 2004). Numerous analyses of participation exist, together with, for example, typologies of participation from 'passive' to 'self-empowering'. Whilst this is

useful in its own way, and advances our understanding of participatory processes, there is a further step that needs to be taken, at least in relation to water governance, in asking the question, 'participation in what? Once that has been answered there needs to be an analysis of the forums and settings (platforms) in which people can participate. The answers to such questions are fundamental to our understanding of what water governance really is, but very often the analysis seems to stop at the process, without going further to look at the outcomes. It is also useful to note the numerous problems that beset efforts to stimulate the participation of local communities, particularly when these are linked to efforts to build on existing institutions, rather than establishing and working through new ones. For example, the current project in the Hadejia-Jama'are basin seeks representation of the local communities through the system of traditional authority and rulers, even though this may be perpetuating existing systems of power and patronage.

The process of decentralisation brings us very close to the heart of issues of governance. Decentralisation is about moving the locus of decision-making from the centre (the macro level) to the local level (the meso and micro levels), and many of the debates seem to me to range over issues concerned with budgeting, financing and financial authority, in addition to capacity. In relation to water, decentralisation raises a number of interesting dilemmas. For example, Sobona Mtisi's paper in the Alternative Water Forum provided a very interesting review of the tensions and problems arising with the decentralisation process in Zimbabwe, and in particular the difficulties inherent in the link between institutions for 'resource governance' and institutions responsible for governance of wider political processes (Mtisi & Nicol, 2003). A further interesting issue in the overall concept of decentralisation relates to questions of scale, and how decisions taken at the local level can properly take into account their impacts at the larger scale of the river basin. This issue was also raised at the Alternative Water Forum (Cleaver and Franks, 2003).

Another common and complementary response is to criticise the role of government, through the pejorative use of such terms as hierarchy, authority and structure. Whilst one can freely acknowledge the shortcoming of government in all its manifestations, such criticisms are in danger of missing the point that, in a complex and diverse society, processes for decision-making inevitably require a degree of authority and structure which is accepted through some form of legitimate political process. The importance of governance as a concept lies in the need it imposes on us to think through how these structures of decision-making are going to operate, rather than in using it for form of short-hand to tools and approaches (such as IWRM) which are useful in themselves but remain exactly that, a tool, rather than a step representing genuine progress towards development.

At the other extreme from relying on participatory approaches to represent a desirable form of water governance is the idea sometimes put forward that we should aim for 'basin societies' or its even more esoteric companion, the 'drainage society'. This stems from the idea that water should be managed on the basis of its natural boundaries (the basin) and it is therefore appropriate that people themselves should live their lives on the same basis. Such ideas have been with us for a significant time (see for example, Kaufmann, 2002). In Europe they have been given some impetus by measures such as the promulgation of the Water Framework Directive, and the measures attending it. Whilst it would be unwise to exaggerate the impact of these measures, they do lend some credence to the idea that, as water is so fundamental to life, we should in some way live our lives in 'harmony' with these natural

boundaries. Basin societies of course have their origins in much older ideas about 'hydraulic civilisations' and it is worth noting that the seminal work on hydraulic civilisations is called "Oriental Despotism", with its implicit critique of the governance of societies which are tightly bound up with the water cycle.

Underlying governance as decision-making is the importance of knowledge, and the role that knowledge can play in underpinning decision-making. The important point to note here is that different stakeholders hold different patterns of knowledge and understanding, as was particularly highlighted during the work in Usangu described above. From this emerge two sets of concepts which are quite problematic in relation to water governance, firstly the ideas of 'facts' as incontestable items of knowledge with which all stakeholders will agree, and secondly the focus on 'IEC' (information, education and communication) with its underlying assumptions of a one-way process between decision-makers and recipients. For water governance to be effective there needs to be mechanisms which allow stakeholders to share and exchange their knowledge and understandings. In the complex world of water systems there is also a need for accessible tools which will make this possible.

The ideas underlying this discussion are rather neatly summed up in a recent paper by Jonoski and Harvey (2004). This paper is mainly discussing a model-based 'network distributed decision support system' (NDDSS) but it does this within the context of an introductory discussion on inclusive decision-making. This discussion contrasts the 'current' decision-making paradigm (with a decision-maker influenced by experts passing decisions to the general population) with the 'new' decision-making paradigm (comprising a network of the general population as stakeholder, knowledge providers, special interest groups and experts but in which there is no decision maker). The NDDSS comprises principally a knowledge centre and user nodes, but decision-making processes again seem to be absent (Figure 2).

## Decision-making systems

Source: Jonoski and Harvey, 2004

Finally, what are the implications of these issues related to water governance for policy-making for development in the water sector? Whilst it may be possible to distinguish many of these, the most useful entry-point is perhaps through ideas of capacity-building. This is another term which, like governance, repays further scrutiny and analysis, even though at first sight it appears self-evidently a good thing. Significant international efforts go into capacity-building. For example the CAP-NET organisation exists to develop networks for capacity-building in IWRM, and is strongly supported by UNDP. In the irrigation sector, the International Commission on Irrigation and Drainage is also working actively in the field of capacity-building and has been instrumental in holding workshops and stimulating publications in this area (FAO Water Paper no. 26). Commonly such outputs present capacity-building in terms of three levels, the enabling environment, the organisational or institutional level, and the level of the individual. At the level of the individual the focus is mainly on training and education. By contrast, capacity-building at the level of the institution and the enabling environment focuses the attention on capacity-building for water governance. Here, too, insufficient attention may be paid to establishing platforms for decision-making and establishing mechanisms to support the process.

## Conclusion

In conclusion we can say that water governance is a valuable concept for those working in the sector. It incorporates a number of useful ideas about the way we do things as a society, including the way we make decisions, and it is often associated with a set of value-driven principles which form an ethical basis for action. In practice the concept seems often to be reduced to sets of tools for achieving specific aims, such as IWRM or financing mechanisms for WS&S. I think it is important for those of us working in the water sector to keep in view this wider concept of water governance, and to highlight its highly political nature. Whilst most accepted definitions of governance include reference to economic and administrative systems, the political dimension is paramount. If it is to have value, it lies in the sharper focus on the political nature of water allocation and management, underlain by a system of knowledge and communication which allows stakeholders at least to exchange ideas, if not to share them.

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