



Community participation in water governance

Is it achievable through the apex bodies in Asia?

DISCUSSION PAPER

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INTRODUCTION

Finding solutions to water challenges in any country requires not only top level government interest and involvement, but also full consultation of and participation by communities. In Asia, one significant development in the way governments are attempting to tackle water resource management (WRM) issues is the establishment of apex bodies.

So called because they have the highest Government representative at the apex of a triangle – indicating the importance of water issues - but inclusive of the heads of other ministries and top civil servants too, apex bodies aim to put water resource issues at the top of the political and policy agenda, and to better co-ordinate what is often a fragmented sector.

In 2004 WaterAid commissioned a study of the operation of the apex bodies in Sri Lanka, Bangladesh and Thailand, funded by the Asian Development Bank through its Knowledge Partnership programme.

The study asked how far apex bodies have provided leadership and co-ordination on water issues, and how far civil society organisations (CSOs) have benefited from the spaces for participation which the apex bodies, or the consultation processes they organise, should provide.

The study revealed that:

- Debate on water policies within the apex bodies studied has been limited
- The WRM policy agenda in the countries under scrutiny was still dominated by major ministries with the apex bodies not providing consistent overarching leadership
- Few genuine opportunities for participation by CSOs have been created

However, the study did conclude that despite the serious challenges to effectiveness faced by the apex bodies, there are valuable lessons to be learned; particularly on how the quality of CSO participation may be improved.

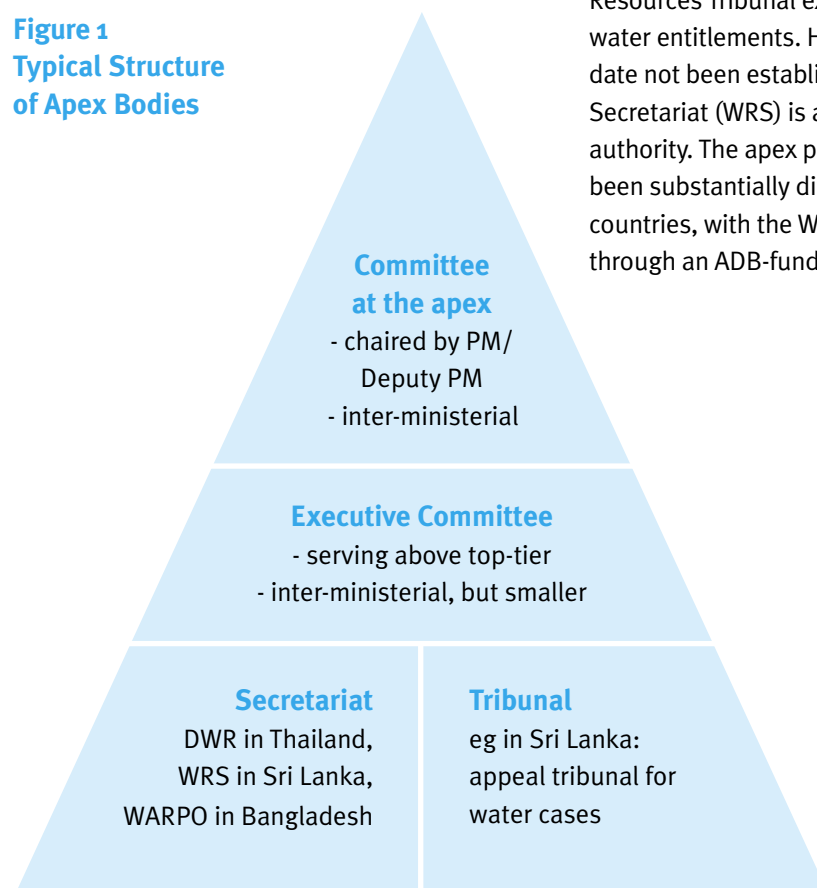
What is an apex body?

Apex bodies are one of the most significant developments in the Asian water resources sector in recent years. They are national bodies, councils or committees, created by the Prime Minister (PM) of the country, and chaired by themselves or designated to another senior cabinet member such as a deputy PM. An important element of the intended operation of the apex concept is that an extra stimulus to policy-making is transmitted from the apex downwards.

The development of apex bodies, which are composed of ministers, senior civil servants, head of state departments and agencies, as well as representatives of other organisations, has been actively supported by the Asian Development Bank (ADB).

The aim of apex bodies is to put water issues at the ‘apex’ of national policy making, illustrated by the involvement of the most senior members of Government. By bringing stakeholders together, apex bodies also aim to better co-ordinate what is often a fragmented sector, promoting dialogue between government and civil society in order to foster better water governance.

Figure 1
Typical Structure
of Apex Bodies



The structure of apex bodies (see Figure 1)

In the countries studied, the apex body is actually more than one institution. The first tier is the one closest to the highest level of Government, the PM or deputy PM. In Thailand it is the National Water Resources Committee, in Bangladesh the Council and in Sri Lanka the Authority. The focus is on the management of water resources. Water supply and sanitation (WSS) aspects are, respectively, represented through the ministry in those countries responsible for WSS (for example, Ministry of Interior in Thailand and Local Government Department in Bangladesh).

The top tier is then, typically, served by a secretariat. In Thailand the secretariat lies within the Department of Water Resources (DWR), in Bangladesh in the Water Resources Planning Organisation (WARPO). In Bangladesh, though, an executive committee is located between the secretariat and the first tier. In both countries, apex bodies have existed for more than a decade.

In Sri Lanka, the picture is slightly different. It was also intended that the apex body would comprise three entities: the National Water Resources Authority (NWRA) serving a high level Water Resources Council, with a Water Resources Tribunal exercising jurisdiction over water entitlements. However, the NWRA has to date not been established. The Water Resources Secretariat (WRS) is acting as interim apex authority. The apex process in Sri Lanka has been substantially different from the other two countries, with the WRS supported from outside through an ADB-funded project.



Box 1: Spaces for participation – do apex bodies have them?

The concept of spaces for participation was conceived and developed by the Institute of Development Studies-IDS and adopted as a framework for this study, as follows:

Closed or provided spaces: *some decision-making spaces are closed, ie decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion. Within the state, another way of conceiving these spaces is as ‘provided’ spaces in the sense that elites (bureaucrats, experts or elected representatives) make decisions and provide services to ‘the people’, without the need for broader consultation or involvement;*

Invited spaces: *as efforts are made to widen participation, to move from closed spaces to more ‘open’ ones, new spaces are opened which may be referred to as ‘invited’ spaces, ie those into which people (as users, as citizens, as beneficiaries) are invited to participate by various kinds of authorities – government, supranational agencies or non-governmental organisations. Invited spaces may be regularised, or more transient;*

Created/claimed spaces: *Spaces which are created or claimed by government or citizens or both. They can emerge out of sets of common concerns, and may come into being as a result of popular mobilisation, such as around identity or issue-based concerns, or may consist of spaces in which like-minded people join together in common pursuits.*

Adapted from Gaventa (2003) and Cornwall (2002)



Key findings

In all three countries, there was support for the idea of providing high-level leadership on water matters. In each, credit is given to the institutions involved in apex bodies for their support for new national water policies. In Bangladesh, the high-level support for a national waste water management plan is noted.

The stakeholders interviewed confirmed the value of establishing a top-tier committee or council to lead the apex. However, it was emphasised that altering the relationships between different interests in the water sector, for example by addressing conflicting priorities of allocation or reallocation of water resources, demanded a high degree of sustained political commitment by that top-tier.

In Thailand, it is recognised that the Committee has used its status to good effect, creating a Ministry of Natural Resources and Environment, for example, which may counter-balance the influence of the Royal Irrigation Department (part of the Ministry of Agriculture). However, the Thai committee's political leadership was criticised as patchy, and inconsistent.

Powerful bodies without teeth

In all three countries, it was found that meetings of apex committees were infrequent and irregular. In Bangladesh and Sri Lanka, it has been unclear in practice who is assuming responsibility for calling meetings: the upper committee convening ministries and other members, or the secretariat and ministries calling for meetings of the committee? In Sri Lanka, a member of the WRC noted that the upper council has become “increasingly sidelined and disenfranchised so that the tail was wagging the dog.”

In Thailand, the perception of one civil society representative, after several years of attendance at committee meetings, was “a lot of time is spent rubber-stamping the big projects of influential ministries, rather than debating directions of policy”.

While, he feels he has exercised his expert voice on the committee, he has not been invited to propose subjects for discussion. He remains, as a result, unclear and “suspicious” of how the agenda is set.

Responsibility

Part of the problem is the lack of clear roles. At the top tier of the apex, tension exists between political impetus and approval needed for projects, and technical direction. In Thailand, regulations do not make it clear whether the committee should be reviewing individual water projects (some of which may be equivalent in size and significance to national or regional plans), alongside its responsibility to scrutinise overarching water related plans. In Bangladesh, the mandate of WARPO is unclear and this has resulted in it being criticised as “toothless” by experts, assuming broad responsibilities without adequate support from above. In each country the operation of the upper committees has further been undermined when senior representatives deputise to staff who do not have relevant capacity or decision-making authority.

A lesson is that the scope of the policy and decision-making powers of each of the storeys in the apex structure needs to be more clearly defined.

Independence

To be effective, apex bodies need to be regarded as independent of ministries and other



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bodies which have their own particular water related issues to pursue. The housing of apex secretariats within particular ministries has led to difficulties in apex bodies remaining neutral.

In Thailand and Bangladesh, the secretariat is part of the water ministry and consequently not perceived as independent. In Sri Lanka, the WRS has changed its institutional home several times, an indication of changing political circumstances.

Another point is that building elaborate new institutional structures runs the risk of worsening, rather than resolving, existing problems associated with many overlapping and disconnected water sector agencies.

An underlying weakness in the independence of apex committees is their legal form: they are created by executive order of the Prime Minister. According to one Thai expert “The Committee has been created by Government for Government, and it was therefore surprising that it was seen as not working for outsiders”.

But as a committee member commented “When the PM’s office is active and present as chair, the committee is active and influential. But if the PM’s office is busy with other matters and the Department of Water Resources is not pushing for the PM’s time, the committee will not be active”.

They noted, however, it could be more active – as it was when it acted in response to a recent drought. The challenge was to make the committee pro-active and consistently so.

Failing in its main task – co-ordination

The study concluded that apex bodies were failing in their main task, the co-ordination of fragmented partners and stakeholders in the water sector. Water sector stakeholders

consulted in each country did not consider that the apex process had significantly increased co-ordination within the water sector.

In Bangladesh, an opportunity presented by the National Water Management Plan to link a wide range of water programmes has, it seems, been missed. As one person interviewed said “The Plan represented for the first time the taking of a comprehensive approach; it was a good start and gained broad approval. But what should have happened since, has not happened: the clusters of different water management functions clearly identified on paper do not talk to each other in practice”.

Limited and limiting – civil society participation

The study found that, in all three countries, the extent of participation in the apex process by civil society has been limited.

In Thailand, efforts have been made to include civil society representatives (both experts and NGOs) within the membership of the committee, but these have been only partially successful. The agenda is dominated by government, with key decisions taken outside of the apex, prior to and outside of its meetings. Decisions are made in ‘closed spaces’ (see Box 1), and meetings are open only to limited broader debate. Civil society participation, and even inter-ministerial engagement, takes place only in ‘invited space’ that is substantially confined.

In the three countries, water is a fundamental political issue, but civil society representatives feel they have not been invited to discuss the key principles of water policy and the purpose of proposed reforms. This has contributed to a widespread perception that policies are being imposed from above or outside. In Sri Lanka, sector professionals complained that they were

“asked their opinion on different ingredients, but never on the whole cake”.

In Thailand, this problem caused some NGOs to decline to participate in the apex body, with the result that they are placed, or perceived as being placed, in opposition.

Information harvesting in lieu of participation

While apex bodies claim to be consulting communities and civil society, CSOs pointed out that participation is not the same as consultation.

The approach to water policy development in Sri Lanka was described as “information harvesting” with information flowing one way only. The apex body agreed, in hindsight, that there was inadequate opportunity for public discussion of its final policy document before it went to Cabinet. Sections in draft were generally only available in English; local language versions were produced only at later stages, following complaints.

It led to a growing feeling that policy was pushed through too fast, and the consultation process was inadequately thought out. According to one CSO leader who witnessed the apex process closely “These were pioneering days of civil society engagement in making of water policy. Had the consultation involved community leaders and other parts of society beyond academics and researchers, it would have generated more acceptance from the outset and achieved better results”.

As well as mechanisms for CSO participation at or near the “apex”, an important issue is how

far spaces for participation are being invited and created at decentralised levels, closer to the base of the pyramid (See Figure 1).

River basin committees for example could offer a possible opportunity to promote wider participation, but, in all three countries, it is premature to assess whether they are succeeding or likely to succeed in that regard (in Bangladesh, they are not yet established). Though dialogue is being developed within basin committees, it is more important in the meantime that individual line ministries make efforts to open up their conventional structures will be important, eg introduction of participatory approaches to project planning proposed by the Royal Irrigation Department in Thailand.

Space for civil society

The picture is, generally, one of distrust and lack of understanding between government and many CSOs, in both directions.

Debates and decisions relating to water policy traditionally occur within formal institutional ‘closed spaces, but a key objective for National Water Sector Apex Bodies (NWSABs) is to create additional new ‘invited’ spaces, offered by apex membership and apex-facilitated multi-stakeholder fora. A key question is how far NWSABs allow claimed or created spaces to emerge and develop, at both central and decentralised levels.

The current status of spaces for CSO participation in apex bodies and processes in the three case study countries is outlined below:

Table 1: Status of CSO participation in Apex bodies and processes at national and local levels

Type of space	National	Decentralised
Closed or Provided Spaces - decisions made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion.	Little or no real policy debate in apex bodies; decisions currently taken in conventional institutional spaces.	Development of basin/local fora not completed. One-off consultations, but no permanent mechanism.
Invited Spaces - in which stakeholders are invited to participate by government institutions and agencies.	Despite some efforts to open policy debate, invited spaces which exist in apex committees and councils are currently confined.	How will civil society be represented in river basin committees?
Created and claimed Spaces - by government and/or citizens.	As yet, few examples of innovation exist.	For example joint projects.



A number of possible factors explain the state of space for civil society participation in apex bodies:

- The relative novelty of the concept of participation of civil society
- An unfavourable culture of government
- The predominantly oppositional mode of some NGOs (arguably made worse by the two former factors)

Mindset change

The study found that, according to many of the people consulted, the key thing that needs to change is mind-sets on both sides of the debate. Attitudes of staff in government, and among members of CSOs require rethinking.

In Thailand, it was found some government officials prefer to hold onto old ways of working, despite the move towards more public participation and open government, as per the country's constitution. It's a manifestation of a wider problem as perceived by CSOs: an institutional culture that remains rather closed and rigid. "There is rivalry between ministries, and they do not listen to each other" observed one Committee member. "They approve or disapprove of proposals put before the committee according to those rivalries."

Meanwhile, in all three countries, civil society remains generally divided. CSO

representation at policy meetings tend to be dominated by larger (national) NGOs, with local (grassroots) organisations inadequately represented. This undermines civil society legitimacy in the debates.

In Sri Lanka, government officials feel that civil society involvement is often somehow not genuine, that the process of consultation has been 'hijacked by troublemakers'. Media reporting has effectively poisoned public perceptions, they say.

Among some CSOs a perception exists that policy advocacy cannot be carried out in any other than an oppositional mode. One NGO representative in Thailand said "Once you go for advocacy in public, it is difficult to adopt a co-operative stance and sit in meeting rooms and talk with Government."

Yet, that oppositional mode opens those organisations to the accusation, according to one Thai expert, that "Some NGOs seem to be against everything." They therefore run the risk of being excluded altogether. A contrasting approach is adopted by another NGO officer "We favour dialogue with Government, since we do not want to parallel with government, and they are coming to understand how the roles of government and civil society are complementary."

Conclusions

How, then, can the quality of space for policy debate, the invited and create spaces, between apex bodies and civil society be improved?

Experience to date, as investigated by WaterAid's review, indicates some practical steps are needed:

Interpreting spaces for participation.

Open discussion in each country on which water debates and decisions should be conducted in which type of space in future.

Debate on principles of water policy and management.

In order to re-engage disaffected sections of civil society. Many of the concerns and suspicions of civil society groups relate to inadequate consultation during the process of key policy development.

Building understanding and trust.

As one commentator in Thailand noted, referring to a successful local consultation, "after the initial difficulty of convincing government officials of the merits of CSO participation, and CSO representatives of the importance of their engagement, the workshops proceeded and communication channels were opened so that participants were willing to learn from each other". The WSS "sub-sector" in Bangladesh currently

offers an example of good collaboration between water stakeholders, including in a high-level national committee (though this is not called "apex").

Working collaborations.

Development of collaborations around specific water projects and tasks contributes to building mutual trust. In Dhaka, Bangladesh, the city water authority is working with WaterAid and local NGOs on a project to bring water supply to slum areas in the city.

Sound legal basis of apex bodies.

The advice of legal experts in Thailand is that, even if an apex committee is initially created by PM's executive order, it can subsequently benefit from a more solid and neutral mandate framed in a law passed by the national parliament or assembly. In this way the committee does not depend solely on its political sponsors and there is more accountable regulation of its proceedings.

Institutionalising CSO participation.

Such newly-constituted apex committees should be composed of equal (or other defined) proportions of government and non-governmental representatives, with opportunities for civil society to choose its own representatives.

WaterAid would like to thank all those who participated in this study, especially the persons who gave their time to be interviewed, as well as Wouter Lincklaen Arriens and Ellen Pascua of ADB for the support to this project, including the opportunity to present and discuss the findings of the study at the second Regional Meeting of Apex Bodies in Bangkok (27th-29th April, 2005).

The research for this study was carried out by Peter Newborne, with the assistance from Tom Slaymaker and Rajindra Ariyabandu in Sri Lanka. For the longer report of the findings of this study, see www.wateraid.org

For more information on "Spaces for Participation", see Gaventa (2003), Towards Participatory Local Governance: Assessing the Transformative Possibilities, www.sed.manchester.ac.uk/events/participation03/Gaventa, and Cornwall, A. (2002), Making Spaces, Changing Places: Situating Participation in Development, IDS Working Paper 170.



WaterAid – water for life

An international NGO dedicated exclusively to the provision of safe domestic water, sanitation and hygiene education to the world's poorest people.

UK charity registration number: 288701
October 2005

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