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Water Integrity Brief

Providing a concise overview of specific themes related to water integrity

Water Management

Enhancing Integrity to Reduce Corruption in Managing Rivers

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BACKGROUND

This brief has been prepared by the Water Integrity Network (WIN) and the Global Water Partnership (GWP) in relation to the session on water integrity at the River Symposium in Melbourne, Australia in October 2012. It looks at how to improve water integrity in river basin management, citing some experiences.

AN INDONESIAN EXAMPLE

In Indonesia, a 2004 law on Water Resources and a 2008 regulation on Water Resources Management provided a framework for the financing of River Basin Organisations (RBOs), giving the RBOs right to use revenues from fees paid by basin water users. This framework makes the RBOs financially independent and autonomous, which increases the risks to integrity levels in relation to accountability, transparency and misuse of funds.

The Brantas and the Bengawan Solo rivers, and their basins, located in the Indonesian island of Java, are managed by a RBO; the Jasa Tirta I Public Corporation (PJT-I). PJT-I falls under the ambit of the 2004 law and 2008 regulation, helping them move towards financial sustainability. In light of the risks associated with financial autonomy, and since it considers accountability and transparency crucial to stopping the misuse of funds and in winning the trust of stakeholders, PJT-I has adopted the national accounting standards. This means that its financial activities are regulated and overseen by different government ministries, resulting in an increase of accountability and transparency, and PJT-I's revenue going up by about 79 times in 20 years, ensuring the financial stability of the RBO (Subijanto, PJT I, 2011).



Sustained awareness campaign and legal recourse helped in curbing illegal sand mining in Sri Lanka. © WIN and Sri Lanka Water Partnership

INTEGRITY CHALLENGES TO RIVER BASIN MANAGEMENT

The global water crisis is a serious problem but managing this problem can be difficult. This is further aggravated by corruption and a lack of transparency (TI 2008, Vos 2008a, and Stålgren 2006) in the policies, institutions and processes of governing and managing them. Rivers, basins and deltas are fraught with challenges, including contradicting interests and compromised integrity. Water integrity is a critical element of river governance and the lack of it has deep repercussions on river basin management ([box 1: Integrity Challenges of River Basin Management](#)). River basins, with a wide range of uses supporting a great diversity of people, cultures and jurisdictions, require suitable institutions, policy instruments and management strategies to ensure just and equal access to water without compromising the health of the river. Decision making in river basins is dispersed across many sectors and spills into different types of agencies; large amounts of public money flow into river management and the technical complexities

BOX 1 Integrity challenges of River Basin Management

- » Infrastructure and construction procurement and contracts;
- » Political clout-stakeholder power; a discursive debate hinders actual progress;
- » IWRM co-ordination and cooperation among multiple agencies cutting across sectors;
- » Corruption and nepotism among lower strata of administration system;
- » Lack of transparency, and presence of bribing and nepotism in contracts, allocations, agreements, licenses, pollution control enforcement, EIA's etc.;
- » Accountability of river basin agencies from central to the local level;
- » Lucrative infrastructure investments involving massive funds;
- » Finite resources and a high demand among multiple stakeholders.

of river management decreases participation and transparency. The Indonesian experience described above shows that transparency and accountability measures play a crucial role for enduring river management institutions.

Within river basins, the allocation of water among upstream and downstream users can many times cause the users to become victims of vested interests and compromised integrity, which can give rise to conflicts. Domestic, urban and industrial pollution is affecting the health of rivers which in turn is impacting the livelihood of people within the basins. The asymmetry of institutions comprising of river basin authorities, boards, RBOs, pollution control regulators, local water user groups, can also fall prey to vested groups. Over the last decade, to take into account the variety of actors and interests linked to river basin management; Integrated Water Resource Management (IWRM) is being gradually introduced as an effective way of managing rivers, their basins, the allocation of resources among users and to resolve conflicts. IWRM does improve coordination in a river basin scale, but it also increases corruption risks with cross-sectorial cooperation, as the level of social control and administrative monitoring decreases when interactions occur outside the established system (Butterworth 2008). Water integrity is often either neglected or not systematically factored into the formulation and implementation of IWRM (Water Integrity Training Manual 2011).

Moreover, rapid urbanisation adds to the existing pressure on rivers and with power centres lying within the urban system, the chances of compromising integrity within basin increases. Rent seeking in urban infrastructure projects is common (UNESCAP 2011) and with newer urban infrastructure development, river flood plains are prime property and these can fall prey to corrupt practices.

Given the complexities of river management, measures related to transparency, accountability, participation (TAP) become crucial elements to ensure justice among river basin stakeholders and their interests (see box 2: TAP). In instances when the TAP principles have been considered an important component of basin management, it has led to better management, stronger institutions and more satisfied stakeholders. This can be observed from numerous examples of basin management (refer to examples of basin integrity).

INTEGRITY ELEMENTS IN RIVER BASIN MANAGEMENT

There are numerous interventions that can enhance river basin level integrity. Some of these include:

- » Capacity development;
- » Participatory and transparent decision making;
- » Decentralisation;
- » Data and information sharing;
- » Anti-corruption measures;
- » Political support;
- » Monitoring;
- » Awareness campaigns;
- » Legal interventions.

It has been shown that initiating and ensuring the implementation of some of these steps, makes a positive difference in basin management and organisations. Some of these interventions are described below.

Capacity development of institutions is an important element of institution building, and in numerous regions, water integrity capacity development in basins like the Lake Victoria and the South African Development Cooperation region have been initiated that will help basin officials to rise to challenges and conduct their daily working in a transparent and participatory manner (see example 1: [Water integrity for water professionals](#)).

RBOs can promote a transparent decision making process by ensuring the **participation of various stakeholders** in consultative processes. Japan cites

some very good examples on this approach and many vexed issues within river basins of Japan have been resolved by the inclusion of various stakeholders, including the RBO officials and citizens (see [example 2: Citizens involved in planning](#)).

In Spain, a Water Management Transparency Index (WMTI), developed to incentivise water agencies to willingly **share information** on their web spaces, was welcomed by the water agencies themselves who even suggested indicators to strengthen the transparency index (see [example 3: Websites strengthen transparency](#)).

In Sri Lanka, a series of **awareness campaigns**, dialogues and legal recourse at national, provincial and local level on illegal sand mining in river basins led to the arrest of illegal sand miners and the introduction of stringent laws against sand mining (see [example 4: Impact of awareness campaign and legal recourse](#)).

Decentralisation within a river basin can help in achieving higher levels of accountability which includes political and financial dimensions. Experts argue that primary focus of decentralisation should be accountability that adheres to the principles of subsidiarity and transparency (Mody 2004). In the Olifants river basin of South Africa, a policy is in place that allows the transfer of small scale irrigation systems to users for ensuring a higher transparency rate.

Data sharing is another important element to ensure integrity. For example, Pakistan has shared data on water transfers in the Punjab province, leading to enhanced transparency. One of the reasons to the sharing of the data was related to conflicts with India over water sharing. Information and data made available can help in making wiser decisions, especially in a disputable situation (see [example 5: Moving from opacity to transparency](#)).

EARLY INCORPORATION OF INTEGRITY ELEMENTS

The management of river basins, the establishment of river basin organisations, the governance and regulatory mechanisms, dialogues and discussions with stakeholders, allocation of resources, licenses, and arbitration – all of these are fundamental to river basin management but can only be implemented through a gradual process, and require long term planning. These mechanisms are also vulnerable to corrupt practices. In the combined context of river basin management, water integrity measures need to be incorporated from the onset of discussions and

in the planning phase so that risks of corruption and malpractices, as well as many of the conflict situations that arise, can be reduced and even avoided. Wider policy and institutional reforms are required if integrity measures in different institutional levels within a river basin are to be resolved.

BOX 2 Integrity principles (TAP)

Transparency (T)

Public decision-making processes must be open, and information about the process must be communicated to those who will be affected.

- » Transparent tendering for construction contracts for infrastructure projects;
- » Transparent negotiating of land and water rights with investors;
- » Transparent impact assessments for land planning and infrastructure investment, including long-term environmental impacts
- » Easy access to data and information for all stakeholders.

Accountability (A)

Government agencies or private entities that are responsible for the public good must answer for their actions and refrain from abuse of power.

- » Assurance of equitable water distribution among numerous stakeholders;
- » Control of water quality and health standards;
- » Social audits;
- » Responsibility for contracts, conflicts and payments of common resources ('polluter-pays' principle, river contracts and agreements between upstream and downstream users).

Participation (P)

Those who have a stake in upcoming decisions must have the opportunity to be involved in and influence the decision-making process.

- » Involving water users in decisions on water distribution;
- » Decentralisation and disaggregation of power in water resources management;
- » Involving holders of land and water rights in selling or renting land;

EXAMPLES OF INTEGRITY ELEMENTS

1. Citizens involved in planning: The Tama river basin in Japan consists of 23 cities, including the capital metropolis of Tokyo, two towns and three villages, with a combined population of about 4.25 million people. Intensive use of the river's water in public utilities, agriculture, industry and power generation, and urbanisation has led to increased flooding and declining water quality (Kanto Regional Development Bureau 2002a). A Tama River Citizen's Forum was established in 1998, and, through a consultative process of two years, a river improvement plan was prepared in 2000, keeping the process open and transparent. Residents, civic groups, municipal employees, academics and administrators jointly participated in discussions, debates and seminars. Participatory nature walks were organised along the river banks that gave stakeholders the opportunity to engage in understanding and sharing ideas for better river management. Both scientific and local knowledge were taken into account in preparing the final river management plan (Network of Asian River Basin Organisations, 2009). The riverside has evolved into what is now a cultural, social and tourist space, while flooding and pollution have been controlled.

2. Websites strengthen transparency: The Water Management Transparency Index (WMTI), developed by TI Spain, the Water Observatory and other Spanish agencies, consists of a set of 80 indicators that assesses the transparency levels of water agencies by analysing the available content of their web pages. The primary aims of this project was to incentivise water agencies to promote transparency by finding out if the River Basin Agencies (RBA) websites met a certain level of transparency according to the indicators. It is important to point out that this website based approach was feasible in Spain because each RBA within the country has a dedicated webpage to inform citizens about water resources in the basin and of their management (Lopez 2012). Numerous water agencies showed a keen interest in this project and made efforts to more systematically share information on their websites based on the indicators and their own WMTI performances. For the next round of assessments, many agencies also suggested indicators themselves to be considered (WIN CIS No. 2, 2012). This exercise was initiated in 2010, repeated in 2011 and planned to be repeated annually in Spain. On top of that, efforts are currently being undertaken to implement this index in Brazil.

3. Water integrity for water professionals: To address and incorporate water integrity among water professionals, organisations working in the water sector identified the need to develop the skills and capacities of those professionals. As a response to this demand, the UNDP Water Governance Facility (WGF) at the Stockholm International Water Institute (SIWI), Cap-Net, WaterNet and Water Integrity Network (WIN) formed a partnership to develop training material on water integrity capacity development. This includes a training manual that focuses on developing institutional capacities to increase TAP via knowledge and to enable action

on integrity, transparency and accountability. The manual provides conceptual foundations, examples of good practices and of applications of anti-corruption measures. The target groups of this manual are primarily water managers, capacity builders, regulators and other water decision-makers. Currently, this manual is being used to enhance capacity of water sector professionals in numerous river basins across Africa (Water Integrity Training Manual 2011).

4. Impact of awareness campaigns and legal recourse¹: Authorities in Sri Lanka were finding it difficult to handle the problem of illegal sand mining of a river basin that falls under different districts. A central authority, the Geological Survey and Mines Bureau, was tasked to regulate and provide licenses for sand mining. However, the monopolistic nature of the regulators, with a lack of oversight and repeated compromises by lower level officers, led to a situation where the licensing of the sites was often subject to pressures from different groups while monitoring and regulation was ineffective. As incessant sand mining started to affect the water table, public outcry increased and public interest litigations (PIL) were filed. Civil society, consisting of the Sri Lanka Water Partnership (SLWP), part of GWP, WIN and other organisations, initiated a campaign against illegal sand mining in 2008 which led to awareness creation among the police force authorised to stop illegal mining. Due to the twin course of campaigns and legal route, the court banned sand mining in two rivers, the Maha Oya and Deduru Oya. Due to the continuous campaign and collaboration with the local police, thirty illegal sand miners have been arrested and the confiscation of machinery used for illegal sand mining have increased many fold (Ratnayake 2012). This example shows that a sustained awareness campaign, collaboration with the authorities, public pressure and use of legal tools like PIL helped in curbing the problem of illegal sand mining.

5. Moving from opacity to transparency: Pakistan has the world's largest continuous irrigation management system of 22 million hectares. The country managed to develop a robust irrigation infrastructure and had signed the Indus Water Treaty with India in 1960 for the sharing of the riparian rivers. There have been major progress with an increase of irrigation area, but the institutions were weak, managed opaquely by the bureaucracy, and a general lack of trust existed. In the province of Punjab, an initiative was launched to transform the irrigation institutions from being non-transparent to being transparent. The project was triggered by the dispute with India over the sharing and allocation of water from the riparian rivers, and the government of Punjab in Pakistan decided to make real time data available online. One of the major achievements of this transparent process led to the development of the Punjab Irrigation and Power department's website through which the authorities shared real time data that led to the reduction of mistrusts and of incidences of corruption (The Global Water Challenge: Resources, Technology and Institutions 2011, World Bank).

¹ Source: Ranjith Ratnayake 2012, Sri Lanka Water Partnership, Colombo

For a detailed list of references that this paper is based on, please contact us or refer to our website.