

River basin governance protocols for Low- and Middle-Income Countries

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Summary

This document outlines an approach to basin governance, based on my experience in consulting and research in the governance of river basins and evaluation of basin organisations.

I have found that the critical question is this: is there a limited, practical and useful small number of river basin governance core practices that are a prerequisite for good basin governance in low- and middle-income countries (LMICs)?

I maintain there are **five key protocols** which have the potential to bring about improved basin governance:

1. **Political commitment**; harnessing political will & practising accountability
2. **Control of Corruption**; transparent financing; practicing accountability - reporting three ways
3. **Rule of law, water policy, water financing**
4. **Mentored leadership**, and
5. **Evidenced-based information** used in decision-making.

This document outlines the use of five key basin governance protocols and seven steps to use them.

The five protocols in detail

Why protocols? I use the term within the professional practice meaning the accepted or established code of procedure or behaviour in any group, organization, or situation. An example comes from the health sector, the Montreal Protocol which outlines an approach for improved health care, focusing on decision processes at critical points of health care delivery.

River basin governance protocols can similarly aim to improve the quality of decision-making, by reframing who is involved in making decisions actively engaging with the expanding but unregulated atomistic water-user community typical of LMICs, such as exists in India, Nepal, Pakistan and Bangladesh.

In my experience, I find many professionals in LMICs comment on both the undue influence of international organisations, although they depend on them as a source of funding, and a lack of focus on real governance which results in ineffective implementation of projects and programmes. The three missing fundamentals they often refer to are Political Stability and Absence of Violence, Control of Corruption and the Rule of Law.

There is the need for significant change of practice in lethargic, moribund administrations which are unable to change, to innovative, and to coordinate action. These water organisations, whether they are national, regional or local water resources departments or river basin organisations usually address issues such as providing secure water for impoverished people, securing larger urban and irrigation supplies, reducing water demands and securing healthy rivers.

Most of what can be achieved falls outside the water sector in the management of the public sector administration in LMICs. For example, in Nepal, water reform is currently a function of broader reforms the Government of Nepal is attempting as it moves towards a system of cooperative federalism in government.

Political commitment, harnessing political will & practising accountability

Practices:

- **Political leadership** - water resources organisations in countries with unstable governments and ongoing changes in political leadership need to build strong relationships with politicians from administration to administration as governments change.
- **Political ownership** - effective river basin management will be tied closely to ownership at the highest levels of government; while recognising that political involvement in basin management is wrought with interference which can skew outcomes to suit political agendas.
- **Reporting to politicians & respect of law** - basin managers will report to politicians while both parties respect the assessment of the strength and impartiality of the legal system and the popular observance of the law.
- **Ability to operate** - the political commitment to basin management will be reflected in a government's ability to carry out its declared program(s) in a stable, democratic environment from election to election - its period of incumbency.
- **Accountability** - critical basin management issues can lead to national and subnational conflicts. So political commitment will be evidenced in accountability by both politicians and basin leaders being responsive to the basin's people, on the basis that the less responsive it is, the more likely it is that the government will fall, peacefully in a democratic society, but possibly violently in a non-democratic one.

Control of Corruption, transparent financing, practising accountability - reporting three ways

Practices:

- **Control of corruption**¹ - there exists an independent national organisation, separate to government and international and national funding organisations to which basin and other water organisations report on an ongoing basis; something like a national regulatory commission or an independent commission against corruption whose role is to investigate and report to government and the public on the integrity of public water administrations, from local to regional to national levels. Such a commission will ensure obligatory access to government information including financial reporting.
- **Transparent financing** - the financing of river basin management, including the finances used in allocated water rights, in customary/ traditional water rights and in market-based shares where they exist, is reported to all parties and reported in appropriate, transparent public ledgers.
- **A culturally appropriate code of practice and reporting** - basin and other water organisations exercise a code of practice which accounts for their actions and report three ways: internally (across their organisation), upwards - to those to whom they report in government and internationally, and outside - to water stakeholders and the general public

¹ Corruption can potentially occur in basin and water organisations include in activities such as: accounts management, cash-handling, client relationships, commercial activities, confidential information, credit cards, disposal of goods and property, electronic transaction systems, grants and program funding, intellectual property, information communication technology systems, joint ventures, outsourcing, payroll, procurement, recruitment and selection, regulatory functions, sponsorship, and use of resources. This is not a thorough list but provides examples only.

Source: <https://www.icac.nsw.gov.au/about-corruption/publications-about-corruption>. Accessed 2nd May 2022

to whom they are accountable; reporting will acknowledge and use the language, corruption-free customs and reporting mechanisms that can be readily understood by different cultural groups within basin and other water organisations.

Rule of law, water policy, water financing

Practices:

- **Reforming national water law:** The focus of law is to achieve adequate water quantity and quality to support human survival and improved health outcomes and assist in poverty reduction; there is ongoing political commitment to implement water law between administrations; there is the ability to design & implement water law in administration, and transparency in enacting water law; a separate to government accountability mechanism exists and there exists political and administrative willingness to use it; it specifies the rights and responsibilities of water users; water laws specify the roles and responsibilities of water organisations and coordination mechanisms between them.
- **Reforming national water policy:** There is be a national water policy which is a statement of guiding principles (or goals) and courses for action in water assessment, use, protection and conservation; it includes principles for the assessment, development and management of both surface and groundwater water resources and their interconnection; its formulation is a core role of governments; it is owned by politicians and administrators at national, basin and district levels who demonstrate willingness and ability to enact the policy using strategy development with key stakeholders.
- **Reforming national water financing:** A national water financing plan exists which specifies funding procedures and amounts; it moves incrementally and affordably through annual budgets from full donor support to self-support and cost recovery; adequate finances are available; spending is accounted for transparently and reported to an auditor independent of government, such as an anti-corruption commission.
- **Triangulation:** There is a practice in place at national level by senior administrations and politicians to triangulate national water law, a national water policy and national financing mechanisms to ensure coordination between them; there exists a national water coordinating body consisting key water stakeholders at Cabinet-level and includes senior administrators, politicians and community representatives.
- **Covenants of mutual obligation** (quasi legal agreements) between water stakeholders exist to broker commitments for action in a river basin management plan and a national water plan, based on the national water policy and aligned to national water law, and supported by adequate financing.

Mentored leadership

Practices:

- **What is needed overall?** Usually, a leader or leaders in government who know the system of government and can bring change. Qualities such as a willingness for honest self assessment and a willingness to learn are practised; locally crafted solutions which can be replicated across basins are used by such leaders; such leaders require visionary ability to think and act strategically & coordinate programs & projects across multiple jurisdictions; enabled transformational leaders not opportunists for career advancement exist in the water sector and there is a mechanism in place to appoint leaders according to their skills, and who are accountable for their actions and report on their organisational and administrative results.
- **Leadership practice.** Basin and other water leaders will exercise non-corrupt practices, negotiate honestly and in good faith with others, and respect and follow respect water law,

and other regulatory requirements; leadership practice is transformational² rather laissez-fair and attuned to cultural practices.

- **One-to-one advisor/mentoring** - Appoint an advisor to executive leaders of basin and other water organisations who refers to statements of principle and courses of action on a daily basis; the advisor will be placed within the senior executive at the national level & have strong international reputation and experience; the advisor will counsel on how to build political ownership and commitment, to implement workable water reforms including organisational improvement and to do this well before establishing and using outcome indicators; the advisor will support confidence-building programs, will support professionals on their management of complicated power struggles as water reform takes place, and how to coordinate better within and between basin and other water organisations.
- **Retaining staff** - The challenge is that once executives are better experienced, where will they go? Promotion? Exiting the water sector? An ongoing problem in many countries is that trained professionals leave the national public service and move overseas for better paid jobs, or they remain in situ but see no opportunities for advancement as higher appointment levels do not exist. These staff advancement and promotion issues seem to be unsurmountable problems and perhaps contractual arrangements could be established between governments in developing countries and funding agencies to promote and reward senior leadership. One option could at least be improved salary increments provided in a transparent method, agreed to by international donors and national governments and be outcome- not output-based.
- **Executive training** - Equip administrators to be up-skilled in project and programme management, completion and reporting, including in the use of organizational performance assessment
- **Enabling institutions and codes of practice** - The upskilling of water professionals cannot occur in isolation; there is the need to partner and establish professional programmes based on these five protocols with enabling institutions, relevant to the capacity needs of basin and other water organisations in LMICs.

Evidenced-based information used in decision-making

Practices:

- Leadership is supported by a **basin information system** that is functioning and is relevant to the needs at hand; is affordable, accessible and appropriate, and can be maintained financially; components of the IMS are accessible to relevant basin stakeholders, according to their needs.
- A **system of accountability on investments** in water sector is functioning in the most important water departments; transparent reporting occurs to stakeholders.
- **Tracking decisions** - water resources management decisions are tracked through time to evaluate their effectiveness; a series of five and ten year achievable benchmarks is installed, using information that shows progress or lack of it (e.g. water quality goals, financing goals, goals for water allocations, goals for access to potable water) and the *decisions used to achieve those benchmarks* be evaluated every 5 and 10 years; evaluations of decisions are fed back into the decision system of the organisations for continual improvement; a

² Transformational leadership is a leadership practice and style in which the leader identifies the needed change, creates a vision to guide the change through inspiration, and executes the change with the commitment of the members of the group. This change in self-interests elevates the follower's levels of maturity and ideals, as well as their concerns for the achievement. Transformational leadership serves to enhance the motivation, morale, and job performance of followers.

feedback/reporting process exists to an independent regulatory authority or anti-corruption commission, and to relevant stakeholders in basin management.

Using the protocols

Seven steps to use the five protocols

It is difficult to implement this set of protocols for improving river basin governance without a thorough assessment of the situation where they could be applied, and how to proceed.

So the following steps are suggested as a guideline.

The seven steps to establish a protocol for basin governance are:

1. Appoint an external advisor to senior levels of a water resources government to sit with the Secretary and advise on a day-to-day basis on the following steps
2. Hold a meeting of government department executives to discuss the purpose and use of the protocols to improve management practice & to garner interest, ownership and use - and refine suggested indicators
3. Reach agreement in government that there is a need to prioritise professional leadership development
4. Hold an executive meeting in government to discuss ways forward to use the protocols outlined above
5. Use self-assessment learning workshops with senior executive managers in the water sector and politicians to demonstrate the value of improved governance & the use of these protocols
6. Agree on a number of steps to achieve improvement and design and use learning by doing strategies – say over a 12–24-month period, aligned with the annual budget reviews, and
7. Review the outcomes of continuous improvement and leadership development, say at the end of year 1 then year 2.

The question arises: how to use these protocols when they never been used before? One option to address this issue is to engage leadership first. This involves lifting interest in and gaining confidence. Then there is the need to reach an agreement about prioritising what needs to be done first, to model several scenarios of how this can be done with existing resources and administrative arrangements, then to choose the most appropriate protocols to start.

A common question: is it necessary to start with forming a river basin organisation?

The protocols 1-5 do not necessarily need the formation of river basin organisations which focus on intersectoral collaboration and coordinated planning, as these processes are well beyond existing capacities in LMICs. These types of river basin organisations can occur in the future once improved capacity and self-assessed performance benchmarking are common practices. It is better in the immediate term to use advisory panels/committees within existing government departments. In this way multi-issue/multi-objective planning is kept in house in one water department.

Using the iconic value of learning from scaling up local achievements

There will always be failures to gain traction in new water governance initiatives at the basin scale. When there is a dysfunctional policy setting, dysfunctional top administration and weak laws, there is the need for an achievable win in the short term, and that can be scaled up from local levels. Likewise, there is no clear starting point in a 'greenfield' situation, rather basin and other water organisations work with existing practices which have existed for decades.

So, a trigger is needed, a leverage point that galvanises and sustains action through a ripple effect. One option that has commonly worked in LMICs is the use of pilot schemes at the local watershed or

at the regional / sub-basin level to exemplify what can be done throughout a river basin and nationally in other basins. Here are some practices:

- It is necessary to identify the **key people to enact change** in key locations - then to move along from there with a programme that achieves positive governance improvements by small increments elsewhere. If the local key groups own the project, then they will propel and be responsible for it. Simple things like location of clean water where it is accessible and technically sustainable (not too high tech, just hand pump type techniques), informing local health people and teachers and police etc (intersectoral) involved in the process and getting them to see the benefits.
- A useful tool to do this is a **community meeting** led by local people and including the basin organisation, district and national politicians and water administrators. This gives a real voice and a sense of ownership. Giving people benefits on a timeline, with officialdom kept to a minimum will be a challenge. The educational side of the project needs to be mentioned in district government organisations, schools and community groups so that people can see what is coming and where it is going. Including schools allows local basin practices to become a new mindset in young people's minds.
- A useful exercise is to ensure that a local plan involves an **assessment summary** of what happens at the moment and then with new procedures in place, then promote and build on this through existing **networks**; something like a tree network of roots, branches, new shoots and fruit.
- Identifying the **barriers** to the goals of a sub-basin practice and asking for ways to overcome or work around these barriers is critical. Recognising barriers gives one the best chance of being efficient (not banging your head against a brick wall) and learning how to work with the least frustration and being economical (not wasting money on dead ends). This is particularly important if a new governance practice starts, such as transparent reporting to local populations and groups and beyond to central government.
- **Regular reviews** are required so that there is appraisal of the programme to ensure inefficient or ineffective activities which can be stopped before they become unwieldy.
- Also **encouraging what is working now, celebrating successes and building on them** helps strengthen this practice; having a test place where there is acceptance and a willingness to take on board this project; the original locality can be held as an example of how things can work ('learn from district [name]' campaign) and other communities will be encouraged when they see the benefits (healthy children, cleaner water, easier access to water, regular supplies, effective financing etc); being positive about the attributes of the people and the place, then building on those attributes reaps improved application of the original practice elsewhere.
