

Delivering meaningful public participation in water governance and Water Framework Directive (WFD) implementation: SWAN Recommendations

SWAN has been making the case for meaningful public engagement in water management and the implementation of the Water Framework Directive (WFD) for almost a decade, and it is regrettable that there is less provision for this public participation now than there was nine years ago.

The constituent characteristics of good public participation have not changed over this period (Jansky & Uitto, 2006; OECD, 2011a; Nabatchi & Leighninger, 2015; Smith *et al*, 2015), although new techniques may be employed to deliver it (Goldsmith & Crawford, 2014). However, for it to take place, the public must have the genuine ability to influence outcomes. This did not happen in the first round of River Basin Management Plan development and implementation in Ireland. SWAN sees the current finalisation of arrangements for governance and public engagement in Water Framework Directive (WFD) implementation as the “last chance saloon” for the agencies concerned to ensure effective engagement in the second and future cycles. This paper presents the basis for why and how it can be done, given the administrative arrangements SWAN understands have already been agreed.

There are 4 objectives in this paper. These are to explain:

1. What meaningful (worthwhile) public participation can contribute to securing Water Framework Directive (WFD) objectives;
2. SWAN’s recommendations for how this can be done alongside the known 3 Tier administration structure;
3. By example, how this would work and support delivery of Integrated Catchment Management;
4. What governance challenges need to be addressed, and what is needed, for this public participation to be successful.

Before proceeding, it is important to be clear that public participation in relation to state implementation of the EU’s WFD relates to all those outside the administration of the state who have a “stake” in the issues; otherwise known as the “stakeholders”. In relation to aquatic environments this includes the general public, although many may be unaware of their own interest or stake in these issues. This wider citizenry can be reached through groupings that exist; voluntary, community, environmental, groups etc. (as the Public Participation Networks in Local Authorities are intended to identify), but “stakeholders” also includes interest groups representing industry, business, agriculture, and so forth. What is put in place to deliver public participation must accommodate all of these, and strive to do so fairly.

1. What meaningful public participation can contribute to securing WFD objectives

SWAN has repeatedly highlighted the overarching benefits of public participation, drawn from international experience¹. In brief summary these include:

1. Increased public awareness of issues;
2. Better outcomes and management decisions, as more perspectives are addressed;
3. Encouragement of positive action by citizens;
4. Increased public support for (and engagement in) outcomes/ decisions taken;
5. Creating a culture of co-operation, embedding longer-enduring outcomes, and delivering sustainable change.

A recent Organisation for Economic Co-operation and Development publication (OECD, 2015) on water governance principles captures effectively the huge potential for involving the public: *"Engaging stakeholders provides them with opportunities to be part of the solution and share views and priorities, which can help increase the willingness to pay, raise awareness on water risks and costs, and prevent or solve conflicts over water use..... Participation of informed stakeholders is a condition sine qua non to ensuring trust. Stakeholders can act as third-party mechanisms to ensure that decisions with significant infrastructural and economic consequences are shielded from short-term political considerations and not captured by specific interests."* (emphasis added).

In relation to costs and benefits, the report says *"Proper stakeholder engagement may be costly (in terms of logistics, process, reputation, delays in decision-making), especially at the beginning, but evidence shows it can lead to more effective implementation of water policies and projects. By allowing testing and refining decisions, stakeholder engagement is likely to yield short and long-term benefits in terms of acceptability and sustainability (e.g. enforcement of regulation, political acceptability, ownership of decision and outcomes); in terms of social equity and cohesion (e.g. trust, confidence, customers' satisfaction, corporate social responsibility); in terms of capacity development (e.g. awareness-raising, information sharing, opinion forming, and social learning); and in terms of economic efficiency (e.g. cost saving, value for money, time saving, broader economic benefits as policy coherence, synergies across projects). Managing the trade-offs between different costs and benefits accruing to different stakeholder groups at different times is key to ensure successful stakeholder engagement processes and outcomes."* (p.30, OECD, 2015).

This potential fully applies to WFD implementation in Ireland. However because some of these benefits may appear rather generic, it is possible to focus on some of the explicit and concrete 'services' of real value that stakeholders can collectively contribute specifically to WFD implementation and Integrated Catchment Management. These beneficial roles fall into two categories:

1. Local Action and
2. Policy input.

¹ See SWAN paper "SWAN Recommendations for Public Participation Mechanisms in the Department of Environment, Community & Local Government 3-Tier Water Governance Proposal." (attached as appendix) for further details and references.

These roles are not mutually exclusive. A single stakeholder group may be involved in both, but as will be apparent, certain types of stakeholder groups may tend to lend themselves to one more than the other. Vitrally BOTH categories must be supported by the administration to enable meaningful and effective engagement and importantly to secure the optimum results possible for delivery of WFD objectives.

Local Action

The European Environment Agency (2014) review of case studies of public participation in WFD implementation indicates that the public's knowledge about and interest in water management issues tend to be focused locally, and the activities that appear to have been most successful in engaging members of the public have been at the local scale. Capturing maximum benefits in water management from the widest possible number of stakeholders therefore requires that people have the opportunity to become involved at the local level.

Local action requires autonomous stakeholder initiatives focused on aquatic environments at catchment or sub-catchment level, such as the Rivers Trusts. Stakeholders involved are empowered to come together in an organised way at local level to identify and raise awareness locally of the value of their local river stretch, lake or bay, identifying the pressures on it and agreeing actions in response to those pressures to achieve healthy water and WFD objectives. They would also involve citizen surveys and monitoring such as those organised by several SWAN members, for which training would be provided.² Such groups would engage in, amongst other things:

- engagement with, and openness to, all stakeholders in the sub-catchment (including land-owners), seeking to secure buy-in from all parties to address pressures;
- engagement/collaboration with relevant authorities/agencies through clear channels;
- flora & fauna surveys and water quality monitoring;
- identifying pressures on waters within the relevant sub-catchment/ Water Management Units WMU(s) through, for example, land use surveys;
- actions to achieve and/or maintain good ecological status;
- clear identification of resource allocations of voluntary support and commitment, e.g. local volunteer working parties, FÁS workers, monitoring and recording duties, etc. and staff time where required (possibly shared between groups);
- training (in aquatic environment ecological, water quality, sampling, SSRS (Small Stream Risk Score), macro-invertebrate index, etc.); and
- communication and awareness-raising efforts, including links with schools and media.

The **benefit** of this type of stakeholder work and participation is of direct economic value and genuine benefit to all those agencies tasked with delivering WFD objectives, since it is effectively doing work which could not otherwise be done. Firstly because the resources are not available, and secondly because, by its very nature, this community-based catchment work can only be delivered by members of the community. With effective communications, adequate support, guidance and

² See SWAN paper "SWAN Recommendations for Public Participation Mechanisms in the Department of Environment, Community & Local Government 3-Tier Water Governance Proposal." (attached as appendix) for further details and references.

training, the quality and consistency of the work of these groups can be assured and represents a tangible contribution of voluntary resources to supplement those of the state agencies involved in implementation. These projects are effective “delivery partners” for implementing agencies, and as such are worthy of investment and support. There is a now wide body of work that looks at what is necessary for such local action to be effective (Muro & Jeffery, 2012; Rees *et al*, 2005; Soriani *et al*, 2015).

Such local initiatives are based on local people’s appreciation for what they have – their local river, lake or bay and their knowledge of it. People’s ongoing interest in their local environment, means such initiatives are likely to endure and generate sustainable and increasing benefits. These are the people most immediately concerned with the local environment, and often they have the capacity to undertake the positive management actions needed to restore, maintain or enhance it.

While such groups often carry out work that there simply are no other resources to do, there will be issues that they cannot address. However, having directly engaged with tackling their local situation, these local groups are in an ideal position to distil persistent or intractable challenges clearly and identify what policy or regulatory areas need to be addressed at another level.

Policy input

Policy input is the other main area of stakeholder engagement. Stakeholder representatives facilitated to do so in appropriate fora can make extremely constructive contributions to deliberations on water related policy and regulations assisting in the understanding of complex significant water management issues. The **benefits** of this type of engagement are that:

- The depth and breadth of stakeholders’ extensive sector-specific expertise and specialist policy knowledge are harnessed.
- Engaged stakeholder groups develop a thorough understanding of the issues and what needs to happen to address these, through which they can be part of designing and negotiating optimum measures, and will have a greater acceptance of the “asks” that may be made of them, thus securing greater support from within their constituencies.
- Providing the opportunity for stakeholder groups to discuss matters amongst themselves (i.e. not within a wider committee of officials, etc.), enables them to
 - develop an understanding of one another’s interests and concerns and reach agreed positions on the issues arising (whether consensus or qualified agreement) which they can then
 - communicate to the relevant state agencies involved in WFD implementation **AND** to their own constituency
- Where focused and productive dialogue between the WFD staff and stakeholder policy groups (or forums) takes place, it contributes a clear understanding of what the regulatory challenges are for implementation, and allows the stakeholders to take this into consideration in their deliberations.

(Participants would include environmental NGOs, academics, civil society/community, agriculture, industry/commerce, SMEs, marine interests, recreation, consumers, youth, that have demonstrable experience, expertise and interest in water issues.)

The “win-win results” of such policy input are also very well-articulated in the recent OECD report (2015) on water governance: *“On the one hand, participative and engaged stakeholders understand better the solutions that need to be adopted and the compromises that need to be made to overcome various conflicting interests that are the essence of many water resources management decisions. This means that by participating, stakeholders become less “self-centred” and understand better the full range of the problems at stake. On the other hand, stakeholders contribute with a type of on-the-ground and experienced knowledge that no institution can acquire by itself, as they tend to be the most direct beneficiaries of water policies. Obviously, this knowledge needs to be blended and enlarged by broader views and long-term considerations that direct and immediate experience does not always reveal.”* (p.30, OECD, 2015)

SWAN’s communications with various agencies suggests that there is a broad agreement regarding the benefit of stakeholder groups engaging in local action. However, there also appears to be active resistance at senior level to the establishment of stakeholder fora for policy input. It is regrettable that the potential for stakeholder groups to contribute specialist policy inputs to WFD implementation deliberations is so underestimated particularly at national level and in light of the OECD findings above. SWAN hopes to make the case convincingly that both elements are equally important and need to be supported.

2. What are SWAN’s recommendations for stakeholder engagement in the second WFD cycle in order to achieve these benefits?

Given the accepted 3 Tier governance structure being applied, what is necessary for stakeholders to contribute fully in the sort of ways outlined above? (This section is based on a paper submitted by SWAN to DECLG and the EPA in August 2013.³) The following outlines how stakeholder engagement structures could work alongside this three tier structure, in the simplest possible ways starting at the most grassroots level.

³ “SWAN Recommendations for Public Participation Mechanisms in the Department of Environment, Community & Local Government 3-Tier Water Governance Proposal.” (attached as appendix)

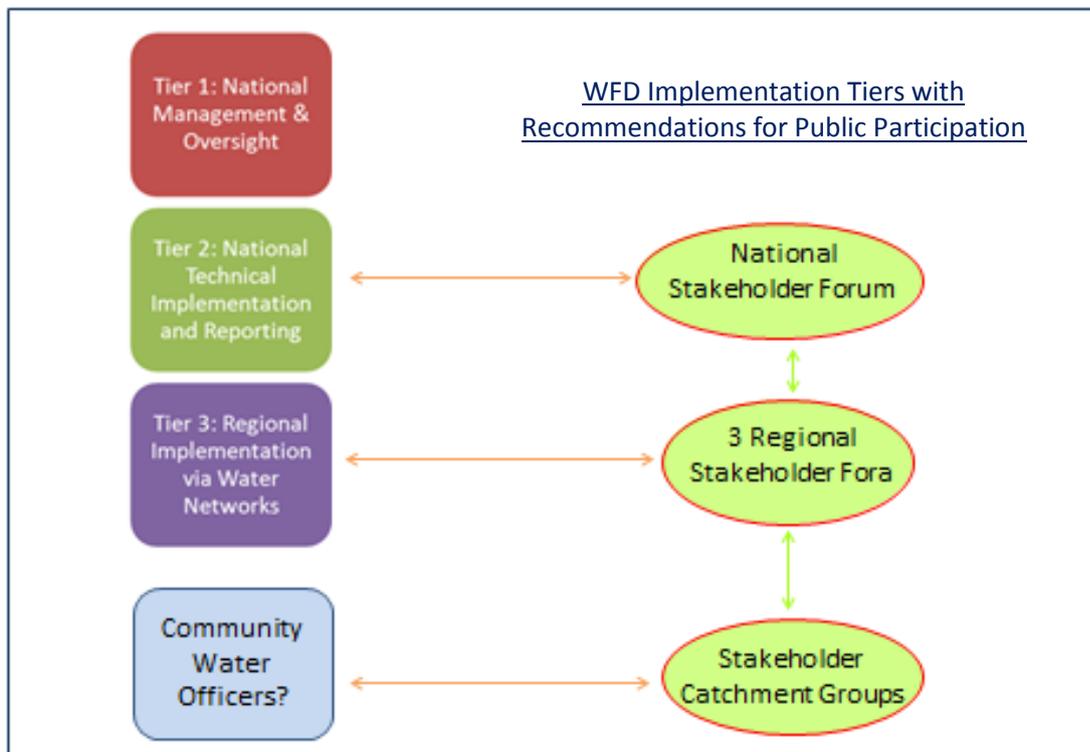


Figure 1 WFD implementation tiers with SWAN recommendations for public participation

Below Tier 3

SWAN recommends support from the administration for the establishment of Stakeholder Catchment/sub Catchment Groups. At this grass roots sub-catchment level stakeholders are able to carry out the most effective direct local action for their immediate environment as described above. Groups, pilot schemes, or other initiatives may be initiated and supported in a number of ways, but local stakeholder buy-in is key to their success.

In order to secure state support, such groups MUST have the quality of aquatic environments as their clear priority. In other words, whilst other groups e.g. Tidy Towns may be supported in other ways to enhance the water environment, such structured Catchment Groups must exist with the clear goal of protecting the water environment. The stakeholders themselves conduct the work at this level, with additional inputs from public authorities where needed and sought. This might include surveys, training and direct interventions, on, for example a local pollution source, as agreed by the group.

In such groups hard work goes into building relationships, and a genuine understanding of the needs and interests of different stakeholders. This is the basis for effective collaborative work; to identify issues that need addressing, to consider the ways this may be done, and reach agreement on how to do this, before finally carrying out agreed actions, and evaluating the success of measures taken (Koontz & Thomas, 2006; Carr *et al*, 2012). These groups are likely to become increasingly sophisticated over time, as expertise, experience and knowledge grows. Those involved become powerful and effective advocates and deliverers of WFD objectives, and can wield considerable local

influence. The Community Water Officers that we understand are being recruited should be in an ideal position to support these groups, if they are equipped with the appropriate skills.

As we have hinted at already these local action groups can only fully contribute to WFD implementation and Integrated Catchment Management if they are part of a wider integrated stakeholder engagement structure. For this reason, SWAN makes the following further proposals.

At Tier 3

SWAN recommends **Regional Stakeholder Fora**. At this level stakeholders can consider responses to persistent significant water management issues (SWMI) issues that are not able to be successfully resolved at grass-roots sub catchment level and which may be common across a region. Such fora represent the opportunity for divergent interests - in terms of both sectors and geographical area - to develop a clear understanding of one another's positions and concerns, and to work **together** to identify the optimum ways in which issues can be addressed.

These groups importantly also represent a forum for stakeholder participation in areas where no Stakeholder Catchment Group may exist, which at present is most of the country, a situation which is likely to remain the case for the majority of the country for the coming RBM Plan cycle. Work at this level is likely to focus particularly on the practical implementation of the WFD by various state agencies, in addressing significant water management issues (SWMIs). Stakeholders, having reached agreed positions amongst themselves, would communicate issues of concern and through brokered dialogue with agencies, suggest ways of addressing them, collaboratively where possibly. Where issues arise that fall within the remit of national policy/regulation (e.g. Aquaculture licensing or planning regulations) and thus cannot be resolved at regional level these would need to be referred further to a national stakeholder forum.

At Tier 2

A **National Stakeholder Forum** would provide a high level policy advisory group, focusing on issues at the national scale whether referred upwards from the Regional Fora or from the EPA/WFD office. Here the best sector-specific policy expertise in the country from stakeholder representative groups with in-depth policy knowledge come together to generate options to address SWMIs that have the support of all stakeholder groups.

Consensus on all issues will not be possible, but the extent of agreement between stakeholders that can be established is also a valuable contribution to inform policy decision makers. Organisations engaging at this national stakeholder level bring with them infrastructure and communications networks which can help to engage increasing numbers of stakeholders from within their respective sectors and raises the potential to win wider support for agreed policy options and WFD measures within those sectors.

It is important to understand that this group is not proposed as a political lobby-type structure where each representative's objective is to 'defend the turf' of their interest group and fend off the requirement for action from their sector. The group's terms of reference would be clearly focused on

the agreed common goal of WFD delivery, it would need to be facilitated by an independent expert and it would be designed and integrated to work with the administrative structures.

The precise articulation of these structures for active stakeholder engagement, and how they can be integrated with planned governance structures etc. must be left to the administration, providing they meet widely accepted criteria for effective public participation that are identified in the literature.

Finally in this section, SWAN also recommends that annual regional and national meetings or conferences of involved stakeholders are held to ensure that the stakeholder elements of implementation are themselves integrated, communicate well, understand one another's roles and support these effectively.

3. How would such structures work and support delivery of WFD and Integrated Catchment Management?

A hypothetical case of a significant water management issue can be used to illustrate how these structures for stakeholder engagement might work.

High Status Sites example

High Status Sites, the loss of which has been highlighted in several EPA reports as a serious issue, has had a clear set of management recommendations identified in the EPA STRIVE Management Strategies for the Protection of High Status Water Bodies Report (EPA, 2012). This report examined the challenges for Ireland in preventing the loss of any more of our High Status Water Bodies and managing them so as to maintaining them in this state. As we begin to tackle this issue, it is possible to imagine the following scenario, under SWAN's recommended structure:

Here two of the possible management recommendations which have been identified in the STRIVE report as necessary to secure the protection/ maintenance of High Status Sites are considered.

In some cases it may be necessary to prevent livestock access to waterbodies. At individual catchment levels, looking at specific High Status Sites, this could be effectively tackled through the local Stakeholder Sub-Catchment Group, with communications between group members and relevant landowners. It might subsequently be possible, or considered necessary, for Bye-Laws to be brought in formalising this, which could be achieved through collaborative work between the stakeholder group, landowners and Local Authorities, with appropriate measures taken to deal with exceptions of non-co-operation, etc. Whilst it is not suggested that this would definitely be the case, there is the potential at least for this to be dealt with at catchment level in this way, co-ordinated through the WFD office Community Water Officer.

In other instances, it may be necessary to prevent the introduction and/or spread of invasive alien species, and the principal sources of concern may be recreational activities (such as canoeing and angling boats, etc.) and road works (where contaminated gravel is introduced to an area). The local Stakeholder Catchment Group may get agreement from the local authority on protocols to prevent

introduction of contaminated gravel, etc., and may also engage in extensive voluntary removal efforts, depending on the species, but it may become apparent that the issue cannot be dealt with in isolation and that it is necessary for them to refer the issue to the Regional Stakeholder Forum for a more strategic engagement with the Regional National Roads Authority (NRA) Office and/or Forest Service on the same issue. This may be successfully addressed at that point, and an agreement effectively be adopted by the NRA or Forest Service with national effect. If this were not to happen, then the matter could be referred to the National Stakeholder Forum.

Similarly, while the relevant local Stakeholder Catchment Group may secure agreement from local recreational groups to ensure preventive measures are taken with canoes, boats, etc. and put up signs at key points to reduce the risk of alien species being brought into the water body, this may not fully address the problem. They cannot effectively communicate with all potential visitors, which is a national, even international issue when tourist visitors are considered. This might be referred up to the Regional Forum and then the National Forum and specifically to the relevant stakeholder groups represented there for example Canoeing Ireland and the angling and coarse fishing national bodies, who can work on how best to communicate the risks, and change behaviours, and if necessary to regulate (and enforce) appropriate conduct amongst their constituents. In this way considerable work is done at the appropriate level on how the problem may most effectively be addressed by those who are best equipped to facilitate the solution.

While it may well require that an issue at national level is referred to the EPA and ultimately the Water Policy Advisory Group (WPAC) and the Minister, the preferred options to effectively deal with a situation will have been identified more efficiently, and outcomes are likely to have far greater support amongst relevant stakeholders who can have been kept informed by their representative bodies. The key here is that issues are dealt with at the lowest appropriate level, in keeping with the bottom-up approach and only those issues requiring a national response will be filtered up to the National Stakeholders Forum. This represents the most resource and time efficient for both stakeholders and officials.

Stakeholder engagement as part of Integrated Catchment Management

What is described and illustrated above can deliver the meaningful public participation which it appears is agreed by all to be vital, and can meet the public participation requirements of the WFD. Crucially, it also provides the vital public engagement element of Integrated Catchment Management (ICM). ICM is now the internationally accepted best practice model for managing our aquatic environment and 'Building Partnerships' is the very first of 6 recognised steps⁴ in ICM (as set out in the *'US EPA Handbook for Developing Watershed Plans'* (USEPA, 2015)). Its basic principles are to:

- take a holistic and integrated approach to the management of land, biodiversity, water and community resources at the water catchment scale;

⁴ 1. Build Partnerships; 2. Characterize the Watershed; 3. Set Goals and Identify Solutions; 4. Design Implementation Program; 5. Implement Watershed Plan; 6. Measure Progress and Make Adjustments. (US EPA Handbook for Developing Watershed Plans)

- involve communities in planning and managing their landscapes and aquatic resources; and
- find a sustainable balance between resource use and resource conservation.

The ICM approach has been adopted by the Irish EPA, which has invested significantly, with the support of the Department of the Environment, in the new EPA WFD Integration and Coordination Unit which is working to the ICM model and delivering the science needed to achieve WFD objectives using this model. This is an extremely welcome development.

Since the EPA is already working this way, if the stakeholder structures proposed here that conform to the ICM model are added, why might this participative ICM approach not work in Ireland? In considering this question, what emerges is that the third leg of the stool - one that must function in a complementary manner for ICM to work - is missing. This is the governance element, where responsibility for the actual management and implementation of River Basin Management Plans rests. *"Solutions [to water management issues] will only be viable if policies are consistent and coherent; if stakeholders are properly engaged across levels of government, if well-designed regulatory frameworks are put in place, if capacity of institutions and stakeholders is strengthened, and if integrity and transparency are fostered. These goals are all about governance⁵, and require robust and agile institutions that can adapt to new conditions, taking into account the specificities of each community and of its culture and history."* (p. 5 OECD (2015).

Concerns over the adequacy of governance provisions are now considered in the last section of this paper which asks whether the governance arrangements are fit for this purpose.

4. What governance challenges need to be addressed, for this public participation to be successful?

For Integrated Catchment Management to work, and the stakeholder engagement to be worthwhile, governance must support and integrate them. It is worth re-iterating that by governance here we are not focusing on general implementation arrangements such as technical working groups etc. We mean the governance structures where responsibility for decisions on the selection and implementation of WFD measures, resides. The 2014 regulations⁶ give responsibility for implementation of the RBM Plans to the Local Authorities.

⁵ Water governance may be defined as *'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.'* (The Global Water Partnership (GWP)) The OECD sees governance as including administrative systems, formal institutions (incl. laws & policies) and information institutions such as power relationships and practices. (OECD, 2011b)

A recent European Environment Agency Report states *that* "...water governance is about the relationships for water management within the RBM system rather than simply about government-led processes. Moreover, stakeholders are not simply 'water users' or 'interests': some are major elements of local economies and societies, as in the case of agricultural interests in farming areas, and as such are part of water governance. Moreover, the 'active involvement' of these stakeholders — as per the WFD — is a key element in terms of integrating water management across economic sectors and consequently for the success of water management goals." (EEA, 2014, p.31)

⁶ European Union (Water Policy) Regulations (S.I. No. 350 of 2014).

The very busy diagram (below) is the latest information shared with SWAN as to the proposed governance structures for WFD implementation.

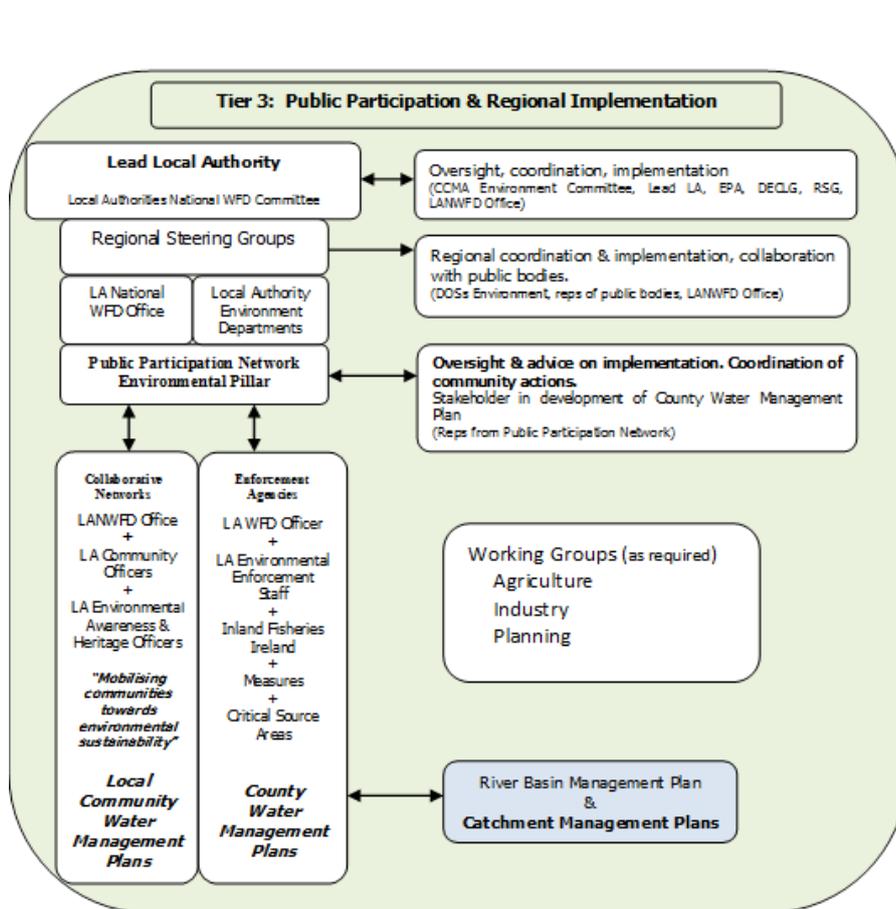


Figure 2. Public participation and Regional Implementation (Source: CCMA)

This represents part of what many have been wondering about for the past number of years: which is just how this new revised governance system is going to deliver integration, and how it is going to work in practise. No details being available, this critique must necessarily be general, but it is nonetheless valid. Looking at the diagram, several fundamental issues emerge that SWAN is extremely concerned will persist in whatever the final governance details are, undermining stakeholder engagement and ICM overall, and these must be addressed. They can be categorised broadly as problems for delivering both the *catchment* and *integration* aspects of the ICM approach.

A. The catchment focus is missing

Looking at the diagram in Figure 2 above the first striking issue of concern is that there is no evidence of a catchment focus. Apart from a reference to the feeding in of Catchment Management Plans, none of the structures or arrangements within the administration tasked with implementation of the WFD at this Tier 3 reflect or apply a catchment approach. There are no evident structures, vested with the necessary authority which will provide catchment based management, where decisions are taken regarding the selection and implementation of measures, at a catchment level. Furthermore it is not apparent how this can be done in collaboration with stakeholders.

There is a fundamental challenge, specific to WFD implementation, to successfully mesh together environmentally determined catchment and sub-catchment areas, when responsibility for the

implementation of measures falls to local authorities whose boundaries are not coincident with these catchments. Similarly, the administrative boundaries applied by other state agencies involved are not determined by catchment. If WFD is to be delivered on a catchment basis, this challenge has to be acknowledged and adequately addressed (OECD, 2015).

Rather than any meaningful attempt to introduce structures that can work on a catchment basis, there is evidence that the catchment units are in fact to be broken down to reflect the existing administrative boundaries. This can be seen in the introduction of County Water Management Plans, which have been explained to SWAN as articulations of the River Basin and Catchment Management Plans.

The questions that this retrograde step throws up are numerous and some very profound: Who produces which Plan? Who executes which measures in each? How is synchronisation ensured and who ensures it? In the event that it isn't, which Plan trumps which? This has all the appearance of a bureaucratic fudge to get the square peg of river basin management to fit into the round hole of traditional government administration structures, and it is the antithesis of the ICM and WFD approach. This creates challenges for officials working in implementation and is likely to frustrate, any attempt to allow the public to contribute meaningfully. Perhaps most worryingly it implies that the reality of planned WFD implementation in Ireland for the second cycle will NOT be integrated catchment management.

In the case where a Stakeholder Catchment Group is initiated, whose catchment boundaries cross local authority boundaries, there will be multiple relevant local administrations each working to their own separate County Water Management Plans, none of which align with the catchment of concern to the local action group. The Community Water Officer who has to liaise with this group whilst navigating 2-3 County Water Management Plans and a Catchment Management Plan would not be in an enviable position.

B. The lack of integration

The second major cause for concern is the messy, fragmented and "structure heavy" nature of the governance arrangements this diagram outlines. Despite acknowledged criticism regarding the persistent lack of integration in the first iteration of River Basin Management Plans, what is proposed is not a streamlined, integrated or fit to incorporate stakeholder engagement.

As stressed previously, if there is to be no change to the fundamental administrative structures, then the challenges of these structures and boundaries NOT aligning with catchment units mean there MUST be radical institutional cultural changes from public authorities' to their current ways of working to implement Integrated Catchment Management and effectively deliver WFD objectives.

The structures proposed need to ensure that all relevant Government Departments, public authorities and other agencies are **tasked** from the highest level and adequately resourced to actively co-operate in water management issues, including those raised by stakeholder groups. Fundamentally, this involves a collaborative culture of working, which is not always evident even *within* local authorities or other state bodies, and is even rarer *between* them. This cultural change is vital if we are to successfully implement the WFD. Specifically the following are required:

- collaborative engagement of neighbouring authorities in managing shared catchments (for example, when a river flows across local authority boundaries the catchment involved requires more than the separate and individual work of the 2 or more local authorities; it necessitates their collaborative work to deliver management of the river catchment);
- positive collaborative engagement between state agencies (for example, local authorities and NPWS working together to manage High Status Sites) with clear direction to staff at all levels of all relevant state agencies that an important element of their work and responsibilities is now to participate in WFD delivery and to respond to significant water management- issues where appropriate when requested. For example DAFM staff in the Forest Service and Aquaculture & Foreshore Management Division should be directed to fully co-operate with the EPA, DECLG and Local Authorities in relation to measures applying to these sectors. Such increased institutional integration is already being led by public participation requirements of the WFD in France and Germany (EEA, 2014);and
- necessary resources to do the above.

SWAN has four further recommendations to make in order to improve governance for stakeholder engagement:

1. Hire staff with appropriate skill-sets and equip existing staff with appropriate skills and support

To support this cultural shift towards real integrated collaborative working, including with stakeholders, staff will need support to establish the necessary close productive relationships between agencies. Similarly, if WFD staff in the WFD National office and local authorities are to integrate stakeholder engagement, such as Stakeholder Catchment Groups, they will need a very specific social science/community development skill set to support these initiatives; and to act as an effective link between these groups and official implementation structures. The extent of the communication and conflict resolution skills that will need to be provided here should not be underestimated. Similarly, neutral facilitation and advice and expertise on engagement structures and processes must be engaged from the beginning, and as necessary thereafter.

The challenges of developing capacities for effective water governance are real and widely recognised: *“Developing and strengthening capacity throughout the policy cycle can be a daunting and resource intensive task. A primary challenge is that organisations often fail to recognise the wide range of characteristics that make up effective capacity. Among these are ‘hard’ aspects related to tangible ‘deliverables’ and associated technical skills. But there are also softer, more intangible aspects, such as leadership, staff motivation, shared values, integrity, coordination, social expertise, communication, facilitation, and knowledge. Both hard and soft capacities⁷ should receive attention..... Special attention should also be devoted to capacity needs of the civil society and the support that governments can bring in this regards”* (OECD, 2015, p. 20).

⁷ The OECD includes inter-agency communication, negotiation and consensus-building among “soft” capacities.

Within the WFD Implementation Office and amongst all those tasked with implementation, the role of these staff in engaging stakeholders needs to be seen as an integral element of the process.

2. Adopt a culture of openness & transparency

Transparency and openness at all levels both between agencies and with stakeholders is vital (OECD, 2015). This is not a naïve proposal to disclose sensitive information, but to keep people in the loop, reduce the risk of conspiracy theories developing, support collaborative working and a growing partnership between officials and stakeholders. It will require leadership, which must come from the top (WPAC level) down starting with WPAC releasing information about its workings such as committee membership, its terms of reference and meeting agendas and outputs.

3. Review the new governance structures put in place

Whatever governance arrangements are put in place represent a new and relatively complex attempt to integrate agencies and structures and are the result of more than 2 years of bureaucratic negotiations. Therefore SWAN recommends that an independent review of implementation structures is scheduled at 5 years, midway through the River Basin Management cycle, to identify strengths and weaknesses and to ensure they are fit for purpose, including for facilitating and responding to stakeholder engagement.

4. Raise awareness and provide information

A strong strategy to develop and deliver enhanced public awareness must be a priority and the clear responsibility of a single entity, with an emphasis on encouraging stakeholders to engage. Easy access to clear information is vital and an important first step is provision of a comprehensive website providing information, updates and notifications from both the administrative agencies involved, but also from the stakeholder groups, at catchment, regional and national level. Such a website, that is easily navigable but nonetheless allows users to explore detailed background and technical information, is achievable and of immense value to all concerned with WFD implementation.

The rapid development of information technologies and social media significantly enhance the possibilities for communicating with citizens. There are many techniques and approaches that can be employed, but it is vital that these are planned well in advance, appropriate to task, and fully integrated into the wider task of WFD implementation.

One other issue very specific to public participation emerges in the complex diagram of structures that are currently proposed, which needs to be addressed. This involves the incorporation and reliance on the new Public Participation Networks established (or being established) by Local Authorities.

Public Participation Networks – a powerful resource for public participation, but not sufficient for WFD implementation

There is an over-reliance on the new Public Participation Networks at local authority level which illustrates well the challenges of ensuring an integrated catchment approach to aquatic environmental management and deserves special comment.

The Public Participation Networks (PPN) were established to facilitate the engagement of citizens with local government. They consist of a nominating network from which stakeholder representatives would be nominated onto LA committees and other local government bodies, and are based on the three pillars of community and voluntary, social inclusion and environmental organisations. According to the 'Guidelines for Public Participation Networks' issued by the Department in its May 2014 Circular Letter *"The PPN facilitates input by the public into local government through a structure that ensures public participation and representation on decision-making committees and bodies within local government"*. (emphasis added).

However, there are severe limitations to the role that the PPN can fulfil in relation to public participation in WFD implementation:

- While the PPN represent an entirely appropriate source of representatives from the 3 pillars to stakeholder bodies such as our recommended Regional Stakeholder Fora, we need to stress that they cannot constitute, replace or be nominated to local citizen action groups, such as Stakeholder Sub-catchment Groups since this is not a function of PPNs, which are purely representative.
- The PPN are Local Authority bodies and so don't align with catchment units, which constitutes a fundamental mismatch between the PPN as a source of stakeholder representatives and the focus of concern, namely the catchments.
- The PPN do not represent all stakeholders. PPNs can represent the community and voluntary, social inclusion and environmental organisations, but does not fulfil this function for commercial interests such as business, industry and farming. Provision must be made to integrate all stakeholder elements, in a fair and transparent manner – so reliance on PPN is insufficient in this regard.

While the proposed reliance of Public Participation Networks may reflect a genuine desire not to re-invent the wheel, it is vital to recognise that the PPN are **not** what is required under WFD for public engagement; limiting engagement to these groups **will effectively limit** the public stakeholder engagement and **cannot** deliver what is envisaged in WFD or ICM.

Conclusion

SWAN's aim is not to discourage senior officials by highlighting the serious challenges and risks evident in the proposals for governance for supporting effective stakeholder engagement and ICM.

However, it is necessary to challenge key decision-makers to ensure that the governance structures proposed are fit for this purpose. What has been presented are not, not least because there is no clear provision for autonomous stakeholder structures. The very simple recommendations for 3 Tiers of stakeholder engagement that have been outlined above, and the benefits that these can bring both for officials, for stakeholders, and for the aquatic environment, remain achievable. The question that remains is, "Is there a genuine commitment to meaningful public participation in the administration or simply an abstract notion that it's probably a good idea?" And even more fundamentally, "Is there the necessary commitment to delivering integrated catchment management in governance, of which stakeholder engagement is a key part?"

Unless the governance structures address the shortcomings outlined here in relation to catchment-based management and integration, - and it is not too late to do so - then putting in place the 3 Tier stakeholder proposals made by SWAN cannot deliver optimal stakeholder and will lead to immense frustration on the part of stakeholders and, very probably, staff tasked with implementation of ICM also.

Integrated Catchment Management is a simple concept to grasp; it is being applied by the EPA, and it is straightforward to deliver the public participation element - that is the stakeholder structures encompassing both local action AND policy input that SWAN is proposing, if the commitment is there to do so. It is not appropriate or acceptable that State agencies responsible for WFD implementation (or similar) respond to requests and proposals for public participation by identifying flaws or pointing to the complexities of government and administration which make delivering this challenging. The onus should not be on stakeholders to present an unassailable or perfect model/proposal for public participation. Rather it is the State's responsibility to look at the key characteristics of the public participation that require to be delivered and to facilitate its delivery by setting up a structure and mechanisms that allow and support it to happen. In addition to the extensive literature on engaging the public, there are increasing studies specifically related to the experience of WFD implementation (Pahl-Wostl *et al*, 2008; Van der Heijden & ten Heuvelhof, 2012; WRc plc, 2012). The test for any structure/processes that ARE put in place is whether they DO deliver the key characteristics or not. If they do not, the prime responsibility must rest with the authorities as they have the power to enable effective public participation to occur.

There is a significant challenge in addressing the mismatch between existing traditional administrative structures and the natural boundaries needed for a catchment management approach and it is an effective response to that challenge that is needed for success.

Failure to provide the opportunity to capture the benefits of stakeholder engagement reduces Ireland's capacity to achieve WFD objectives with maximum efficiency and effectiveness. SWAN has have provided robust recommendations - and the basis for these - on how to implement public participation in catchment management and WFD implementation in Ireland in a variety of forms and fora over the past 10 years. The choice now rests with the State agencies involved, to enable participative catchment-based management to take place.

END

References

- Carr, G., Blöschl, G. and Loucks, D. P. (2012) *Evaluating participation in water resource management: A review.*, Water Resour. Res., (48)
- Dept. of Environment, Community & Local Government (2014) *Guidelines for Public Participation Networks.* Dept. of Environment, Community & Local Government Circular, May 2014
- European Environment Agency (2014) *Public participation: contributing to better water management. Experiences from eight case studies across Europe.* Report 3/2014, Luxembourg: Publications Office of the European Union, Denmark
- Goldsmith, S. & Crawford, S. (2014) *The Responsive City: Engaging Communities Through Data-Smart Governance.* Jossey-Bass (Wiley), USA
- Jansky, L. & Uitto, J.L. (eds) (2006) *Enhancing participation and governance in water resource management: conventional approaches and information technology.* United Nations University Press.
- Koontz, T. M. and Thomas, C. W. (2006) *What Do We Know and Need to Know about the Environmental Outcomes of Collaborative Management?*, Public Adm. Rev., (66) 111–121.
- Muro, M. and Jeffrey, P. (2012) *Time to Talk? How the Structure of Dialog Processes Shapes Stakeholder Learning in Participatory Water Resources Management.* Ecol. Soc., (17)
- Nabatchi, T. & Leighninger, M. (2015) *Public Participation for 21st Century Democracy: Engaging Citizens in Government Decision-Making.* Bryson Series in Public and Nonprofit Management, Jossey-Bass (Wiley), USA
- Ní Chatháin, B., Irvine, K and Moorkens E. (2012) *Management Strategies for the Protection of High Status Water Bodies.* STRIVE Report Series No.99 Environment Protection Agency, Wexford, Ireland
- OECD (2011a) *OECD Studies on Water: Stakeholder Engagement for Inclusive Water Governance.* Organisation for Economic Co-operation and Development, Paris.
- OECD (2011b) *OECD Studies on Water: Water Governance in OECD Countries — A Multi-Level Approach.* Organisation for Economic Co-operation and Development, Paris.
- OECD (2015) *Draft Principles on Water Governance. Public Governance and Territorial Development.* Water Governance Initiative, Directorate Regional Development Policy Committee, Organisation for Economic Co-operation and Development, GOV/RDPC/WGI(2015)1
- Pahl-Wostl, C., Mostert, E. and Tàbara, D. (2008) *The growing importance of social learning in water resources management and sustainability science,* Ecol. Soc., (13).
- Rees, Y., Searle, B., Tippet, J. and Johannessen, A. (2005) *Good European Practices for Stakeholder Involvement — Lessons from Real Planning Processes. Case studies and Experiments.* Harmonising Collaborative Planning (HarmoniCOP), WRc plc, Swindon, United Kingdom.

Smith, L., Porter, K., Hiscock, K., Porter, M.J. & Benson, M. (eds) (2015) *Catchment and River Basin Management: integrating science and governance*. Earthscan Studies in Water Resource Management. Earthscan, Routledge, UK

Soriani, S., Buono, F., Tonino, M. & Camuffo, M. (2015) *Participation in ICZM initiatives: Critical aspects and lessons learnt from the Mediterranean and Black Sea experiences*. Marine Pollution Bulletin 92 (2015), 143-148

US Environment Protection Agency (2015) *US EPA Handbook for Developing Watershed Plans*. US EPA Office of Water, Nonpoint source control branch, Washington.

Van der Heijden, J. and ten Heuvelhof, E. (2012) *The Mechanics of Virtue: Lessons on Public Participation from Implementing the Water Framework Directive in the Netherlands*. Environ. Policy Gov., (22) 177–188

WRc plc (2012) *Comparative Study of Pressures and Measures in the Major River Basin Management Plans: Task 1 — Governance*. Report for the European Commission, European Commission, Swindon, the United Kingdom.

APPENDIX I

SWAN Recommendations for Public Participation Mechanisms in the Department of Environment, Community & Local Government 3-Tier Water Governance Proposal⁸

In response to the Department of Environment, Community and Local Government's (DECLG) 3-tier proposal for water governance, SWAN is making a recommendation for public participation mechanisms within this. SWAN's recommendation is derived from the original comprehensive 2010 proposal it made to the DECLG on the necessary reform of water governance in Ireland⁹, and is based on the same fundamentals for best practice in public engagement. SWAN does not see this recommendation as ideal, but rather a pragmatic response to the likely governance landscape as presented by DECLG. To be effective, the proposal should be delivered as part an integrated catchment management approach which provides a collaborative, adaptive and integrated planning framework¹⁰.

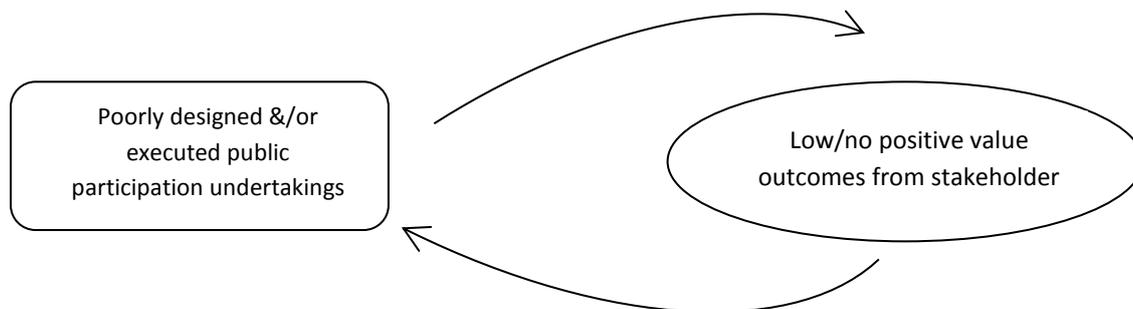
Before presenting the various elements of this recommendation, it is useful to review why public involvement in water governance is desirable, and to consider some of the key criteria that must be met if such engagement is to be effective.

1. Why engage with the public?

Besides a requirement in the Water Framework Directive (WFD) that the public be informed, consulted *and* actively involved in delivering the objective of "good ecological status" for all water bodies, there are a number of other valuable benefits that can be achieved through meaningful participation by stakeholders. Many detailed analyses of the value of engaging the public have been conducted¹¹. However, in summary, when done well, public participation:

- ✓ supports and enhances democratic society and accountability;
- ✓ increases legitimacy of processes and outcomes;
- ✓ generates better outcomes, as more perspectives are addressed;
- ✓ encourages positive action of citizens;
- ✓ embeds longer-enduring outcomes, and sustainable change;
- ✓ creates a culture of co-operation, growing the capacity to handle change, tensions and disputes and invest in social structures, institutions and relationships that deliver other knock-on benefits.

It is important to stress that only well planned, designed and executed public participation will deliver these outcomes. Performed badly, a cumulatively reinforced negative feedback loop occurs where little or nothing of value is added by the stakeholder engagement, and costs (of time, resources, goodwill, etc.) and difficulties encountered damage commitment on the part of both the agencies and stakeholders concerned to future initiatives. (See figure below)



Negative feedback loop of poor public participation initiatives resulting in poor results, reinforcing negative perception of value of such initiatives.

⁸ In response to a request from DECLG, SWAN re-submitted this document in August 2013 as a 4-Tier proposal, with stakeholder engagement at the sub-catchment / Water Management Unit (WM) as the 4th tier, but ultimately this 4th tier was rejected by the CCMA.

⁹ Sustainable Water Network (SWAN) (2013) Proposal for a New System of Water Governance. Submission to DECLG.

¹⁰ Daly, D. (2013) A Healthy Catchment Initiative for Ireland: Making Integrated Catchment Management Happen. Presentation to IAHR (Irish Group) Conference: Groundwater & Catchment Management, Tullamore, April 2013

¹¹ E.g. Cooper, T. L., Bryer, T.A. & Meek, J.W. (2006) Citizen-centered collaborative public management. Special issue, *Public Administration Review* 66: 76–88.

Delli-Priscoli, J. (2004) What is public participation in water resources management and why is it important? *Water International*, 29(2), 221-227

Yang, K. & Pandey, S.K. (2011) Further dissecting the Black Box of citizen participation: when does citizen involvement lead to good outcomes? *Public Administration Review* 71(6): 880–92.

It is also important to recognise the significance of the intention of any agency undertaking such initiatives. If an agency engages reluctantly; seeing it as an obligatory requirement, or as a distraction, with little potential benefit, then it is indeed unlikely that the initiative will be well carried out **or** that anything of value will result. *“Participatory tools and approaches are often used simply to extract information from stakeholders and often to dress autocratic decisions in the clothes of participatory democracy. Without the cultural and political decision to share power, participation is simply public relations at its most cynical.”*¹² Moreover, as has been seen with WFD implementation in Ireland, often the governance system itself can hinder or frustrate the best efforts of officials committed to genuine public participation¹³.

Unfortunately, poor past experiences of stakeholder involvement or an absence of such participation opportunities, often results in antagonistic engagement on the part of stakeholders; looking to air or address grievances in other areas, and suspicious of the motives of the agency concerned in seeking to involve them.

There is a real challenge for all parties where there is no strong track record of positive public engagement to change this experience and achieve the potential benefits for all concerned. However, in relation to securing good ecological status for Ireland’s waters, it seems clear that *“the functioning of government requires public support both for a common perception of a problem definition and for the nature of the likely solutions”*¹⁴ As water is a common, shared, resource affecting all our society, and in which every member of the public is a stakeholder, it is abundantly clear that only a collaborative response will achieve the desired objectives under the WFD. This is equally true in relation to related areas on water management including the Marine Strategy Framework Directive, Integrated Coastal Zone Management and flood risk management under the Floods Directive. It is therefore incumbent upon the DECLG to invest in the development of strong and effective public participation in this area.

2. How can we engage effectively with the public?

To be valid, public participation needs to facilitate the achievement of genuine results that are congruent with the objective of the engagement. In this case, this is the ability of the public to have influence in achieving “good ecological status” in Ireland’s water bodies.

Assuming a desire to engage meaningfully with the public, there is an extensive literature on the characteristics of successful public participation¹⁵, as well as on the detailed structures and processes that may be involved as appropriate, including an integrated catchment management approach. However, it is important to recognise that skill and experience is required to design processes suited to each unique context, and that this investment in skilled professionals is necessary to realise the full value of the engagement.

It is widely agreed that a number of core criteria need to be met to enable effective stakeholder participation:

- * early engagement, that is well-planned and designed, so that participation is not rushed or compromised, and involves initiatives appropriate to the task or objectives set (type of engagement, timing, organisation, resources, etc.);
- * clear objectives, establishing a common understanding of the nature and potential of the engagement, and of all parties’ roles involved in the process, and hence realistic expectations as to possible outcomes;
- * appropriate mechanisms, structures and processes, that *genuinely* facilitates the participation of those affected (stakeholders), and enables them to influence the outcome(s);
- * open, transparent processes, that have been well publicised in advance, and characterised by efficient and effective communication, including good feedback to all parties;

¹² Harrison, A. Schmidt, G. Avis, C. Hauser, R. (2001) WWF’s preliminary comments on Public Participation in the context of the Water Framework Directive and Integrated River Basin Management. WWF European Freshwater Programme, WWF

¹³ *Getting it Right ✓ or Getting it Right ✓? Ticking boxes vs. delivering genuine public participation in water management in Ireland.* SWAN presentation to The joint meeting of the Task Force on Public Participation in Decision-making of the Aarhus Convention & the Meeting of the Parties to the Protocol on Water & Health on ‘Public Participation in Environmental Decision Making: Focus on Water and Health’

¹⁴ J.F. de Leeuw, Director General, LNV, in Dirven, J.M.C & Kusiak, L.J.H. (1999) *A concern and a dream*, Ministry of Agriculture, Nature Management and Fisheries (LNV), Cabinet Directorate, The Hague, The Netherlands

¹⁵ e.g. Grant, A. & Curtis, A. (2004) Refining Evaluation Criteria for Public Participation Using Stakeholder Perspectives of Process and Outcomes *Rural Society*, Vol 14 ,no.2 . 142-162;
The Co-intelligence Institute. (2008) The principles of public participation. http://www.co-intelligence.org/CIPol_publicparticipation.html;

Jansky, L. & Uitto, J.L. (eds) (2006) *Enhancing participation and governance in water resource management: conventional approaches and information technology*. United Nations University Press.

- * flexible processes and mechanisms that can be responsive to uncertainties, and allow for learning and change by all parties;
- * adequate resources to conduct effective public participation, and to enable stakeholders to fully realise the potential of each engagement opportunity;
- * evaluation of operation and outcomes, to inform improvements in how engagement continues.

Beyond such over-arching requirements, delivering effective public participation demands a consideration of the unique context in which it occurs. In relation to water governance and management a number of questions need to be addressed.

Who should be involved?

This is more complex than perhaps it first appears. In the first instance this is because of the low level of awareness of water issues amongst the general public which means that they often do not identify themselves as stakeholders. Since there is both a requirement in the WFD Directive (amongst others) to involve stakeholders, and a huge potential dividend from doing so, this would suggest that it is imperative that a comprehensive public awareness campaign be carried out as an urgent priority to address this information deficit. Until there is a greater awareness of the WFD and water issues, generating interest and involvement amongst the general public will be difficult, and providing mechanisms for stakeholders to engage at that scale is unlikely to prove productive.

Secondly, the public agencies concerned often do not recognise the potential of public participation, and for these it is not subsequently embedded within their deliberations on governance structures and mechanisms. As a result they do not identify the relevant stakeholders or encourage them to engage, so that outcomes will not achieve the potential benefits and may indeed enflame situations.

However, there are pockets within society where there exists a high level of awareness, and considerable expertise, in relation to water issues. In a number of cases individuals and sectors have actively engaged in participation exercises on WFD implementation (e.g. consultations and Advisory Councils) to date. It is reasonable to assume that these and others with expertise (specialist professional bodies, academics and technical experts, etc.) would wish to be included in an increasingly integrated and productive manner in the future.

The degree to which individuals or groups and their representatives engage, and how productively, will depend on the opportunities provided and their own capacities. It is essential that the relevant stakeholders are engaged, appropriate to the tasks involved in governance at each of the Tiers. To be effective, public participation needs to be established at all levels of planning and river basin management¹⁶, and it is important that connections be established, developed and sustained between stakeholder engagements undertaken at different levels, as each is valuable and should inform one another.

How should stakeholders be involved?

The full potential of the WFD definition of active involvement should be applied, in order to identify the most effective way of securing the benefits of public participation. The HarmoniCOP Handbook¹⁷, set out an indication of what “active involvement” can mean:

“*The public may:*

- | | |
|--|---|
| * <i>have discussions with the authorities</i> | * <i>be involved in taking decisions</i> |
| * <i>help to determine the policy agenda</i> | * <i>participate in implementation</i> |
| * <i>help to develop solutions</i> | * <i>become fully responsible for (part of the) river basin management”</i> |

Initially it is important to ensure that mechanisms for stakeholder participation are realistically capable of delivering good quality engagement, in order to generate positive experiences and capacities of engagement amongst both the public and the

¹⁶ RhineNet (2008) A guide to public participation according to Article 14 of the EX Water Framework Directive (WFD): RhineNet Project Report. RhineNet, European Water Protection.

¹⁷ HarmoniCOP (2005) *Learning together to manage together: improving participation in water management*. HarmoniCOP, Osnabruck

relevant implementation bodies. As benefits from collaborative engagement are secured, so the value of this will become apparent to all parties, and improved opportunities for stakeholder engagement emerge.¹⁸

The vehicle for stakeholder engagement needs to be appropriate both to the level or scale at which this is happening, and to the stakeholders concerned.

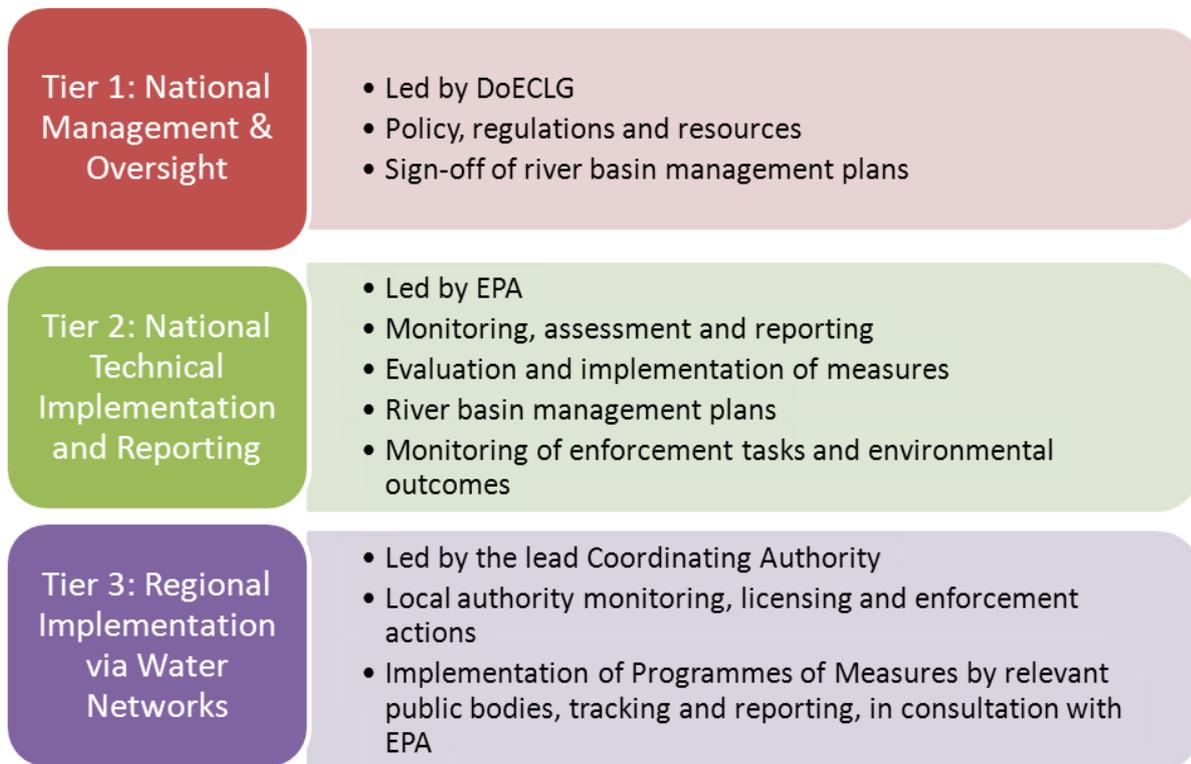
When should stakeholders be involved?

The public need to be involved immediately. As outlined above, there is an urgent need for a public awareness campaign to alert the public to water issues and enable them to determine their level of interest and desire to become involved. Simultaneously, mechanisms for stakeholders to engage need to be provided. These need to recognise and respond to the nascent interest amongst those previously unaware of how they are affected or of their ability to get involved. There also needs to be meaningful engagement for those who are already well-informed, have considerable expertise and/or experience, and are able and willing to engage deeply. Such mechanisms must enable citizens to influence outcomes as appropriate; for example through input into the development of policy and implementation on particular management challenges, or direct actions. This requires a variety of means of engagement at a range of levels, reflecting in this case the 4-Tier government proposal.

As familiarity with collaborative engagement increases, and positive outcomes are demonstrated, the potential for involving the public will be recognised and opportunities increased. As a result, it is appropriate that additional structures and processes for public participation should be anticipated as required within a relatively short time frame.

3. DECLG's 3 Tier Water Governance Proposal

The diagram below briefly outlines the DECLG 3 Tier proposal for water governance, in response to which SWAN makes its recommendation. (In response to a request from DECLG, SWAN re-submitted this document as a 4-Tier proposal.) While the recent RBD Boundaries Report has been considered in the development of this recommendation, the status of the proposals it contains remains uncertain at this time. Therefore it is not assumed that the proposed administrative areas will necessarily be as the Report suggests.



¹⁸ See, Arnstein, A. (1969) A ladder of community participation. *Amer. Inst. of Planners Journal*, 35, 216-224

4. Proposals for Public Participation

Outline SWAN proposals for the public participation elements in the new water governance structure, and their relationships to the Department's proposed governance tiers, are summarised in the diagram on the following page. SWAN also proposes the addition of a 4th tier in public participation, which is included in the diagram and detailed later in this document also. It is important to note that some of these elements would be developed sequentially for reasons outlined above. The second timeline diagram illustrates the likely progressive development of the different elements. Further details are given below of the purpose, membership and operation of these different elements as well as an indication of whether they would be initiated immediately (Phase I) or at a somewhat later date (Phase II).

Tier 1: National Management & Oversight

(M= multiple structures)

Tier 1

- Led by DECLG
- Policy, regulations & resources
- Sign-off of RBM plans

Public Participation (Phase I)

Public Participation (Phase II)

Tier 2: National Technical Implementation & Reporting

- Led by EPA
- Monitoring, assessment & reporting
- Evaluation & implementation of measures
- RBM plans
- Monitoring of enforcement tasks & environmental outcomes

Tier 2

National Stakeholder Water Forum

- Stakeholder groups representatives.
- Bring sector expertise to inform efforts to achieve “good status” of Ireland’s waters.
- Scrutiny of implementation, environmental outcomes achieved & enforcement undertaken
- Ability to establish sub-groupings with particular expertise/relevance to consider specific areas of concern
- Clear mechanism for recommendations to Tier 2.
- No dedicated places for elected members.

Issue specific Water Forum Working Groups

- Members of National & Regional Water Forums, as appropriate, plus seconded experts.
- Mechanism to collaborate with relevant expert personnel in EPA & make recommendations. **M**

Tier 3: Regional Implementation via Water Networks

- Led by the lead Co-ordinating Authority
- Local authority monitoring, licensing & enforcement actions
- Implementation of Prog. of Measures by relevant public bodies, tracking & reporting, in consultation with EPA

Tier 3

Regional Stakeholder Water Forum M(3)

- As for Tier 2 but with regional focused brief to assist in sector-specific challenges in implementation
- Realistic expectations & clear role needed,
- Mechanisms for communications, recommendations, feedback

National Annual stakeholder meeting

- Representatives from delivery partners & other stakeholder initiatives, Regional Water Forum & Tier 3 administration
- Opportunity to share experiences, highlight issues, agree collaborative actions, etc.
- Single reporting mechanism to Tier 3 and Regional Water Forum

Tier 4

WMU Stakeholder Delivery Partners **M**

- Network of approved stakeholder initiatives with focus on good ecological status for water fundamental to groups’ purpose, working alongside authorities to deliver WFD objectives, with clear communication & collaboration mechanisms

Network of Groups involved in water projects

- Linking all stakeholder groups engaging in water-related works, informing on WFD & related measures, sharing experience, promoting joint efforts, etc. **M**

Public Awareness Campaign

- Relevant for individuals, communities, enterprises, sectors, and promoting citizen involvement

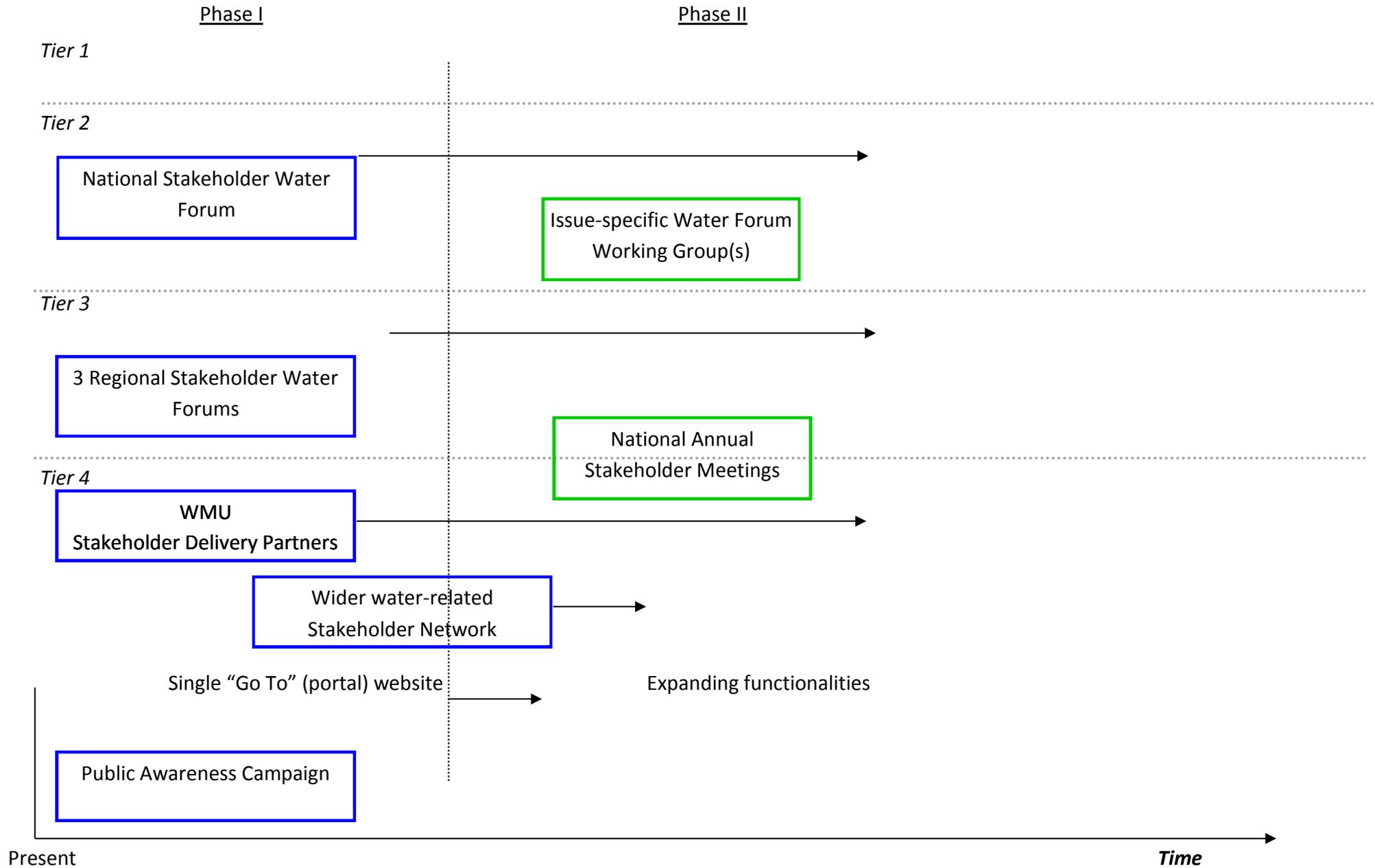
Single “Go- to” (portal) website

- (Begun at public awareness campaign), with information on water, WFD & implementation, supporting active involvement at household & community level, with links through to local stakeholder initiatives, etc.

Proposed 4 Tier Water Governance Structure

Recommended public participation elements for Water Governance and WFD implementation

Approximate timeline for various elements of public participation



Tier 2 proposals (National level)

National Stakeholder Water Forum (Phase I)

This body would involve representatives of stakeholder groups or sectors, such as environmental NGOs, academics, civil society/community, agriculture, industry/commerce, SMEs, marine interests, recreation, consumers, youth, that have demonstrable experience, expertise and interest in water issues. Representation would be made up of 5-7 members from each of the three pillars of sustainability (economic, environmental and social). There would be no dedicated seats for elected representatives on the Forum.

Members of the Forum would undertake to apply their knowledge and expertise (both in their sector's interests and in water issues) to inform and support efforts to achieve "good ecological status" across Ireland's waters. The Forum's objective would be to support WFD implementation efforts through collaborative engagement with the EPA (who will be leading this 'tier'). In participating, each member would undertake to work constructively in the interests of this objective. The Forum would receive regular timely communications from the EPA on implementation, environmental outcomes and enforcement action, with clear opportunity at regular scheduled meetings to develop positions in relation to matters raised, and mechanisms to permit responses including recommendations as part of a two-way dialogue. As familiarity with the working arrangements and potential for the Forum to provide support to the EPA grows, it is envisaged that the Forum would have an increasing role in developing solutions (measures), and in taking decisions between these and on the operation of these WITH the EPA. Such a development requires the building of trust between both bodies, and evidence of positive outcomes from collaborative efforts, but has the potential to significantly enhance WFD implementation.

In addition, the Forum would receive communications from Regional Water Forums (Tier 3) and from stakeholder initiatives (proposed Tier 4, see below), and could in turn communicate these, or their deliberations on these, to the EPA, as well as make responses to these bodies.

The Forum would have the ability to establish limited-term Working Groups with particular expertise/relevance to consider specific water issues of concern (see below).

There would be clear criteria set out for membership of the Forum, and applications/nominations would be sought publicly. The selection process would be transparent, with each member of the Forum demonstrating proven competence in areas which can contribute towards the attainment of the Forum's (and WFD) objectives. A maximum of 3 members of the Forum (one in each of the three pillars) could be selected from Northern Ireland, in recognition both of the presence of the two International River Basin Districts, and the possible value of the contributions these members may bring.

The Stakeholder Water Forum would be supported by an independent facilitator, who would also liaise with the EPA in relation to communications, and there would be provision for the Forum to initiate additional, innovative, mechanisms for public participation when appropriate.

Issue-specific Forum Working Groups (Phase II)

The National Implementation Stakeholder Forum would have the ability to establish Working Groups of limited duration to examine specific issues. As with the Forums, the Working Groups' objectives would be to assist in addressing challenges in the area of particular concern, in order to support the effective implementation of the WFD, through the application of their skills and expertise. These Working Groups would liaise closely with the relevant expert personnel in the EPA.

Membership of these Working Groups could be drawn from both the National Water Stakeholder Forum and the Regional Forums, and could also include co-opted members, in order to establish the best possible degree of expertise in the area concerned.

Tier 3 proposals

Regional* Stakeholder Water Forums (x3) (Phase I)

The Regional Forums would be established and constituted along similar lines as the National Forum, but would have the more focused brief to assist in addressing sector-, and region-, specific challenges in implementation at Tier 3 level. They would work with the WFD Office in their respective Region.

To carry out their task the Regional Forums will receive regular reports from the relevant Regional RBD Offices, be given the opportunity to discuss matters of concern at regular scheduled meetings (with others arranged as necessary), reach positions on these, and communicate their deliberations to the Regional RBD implementation teams. A focused and productive dialogue between the WFD Office and the Forum would be fostered (this involves intention and effort from all parties). Specifically, the public participation officers at each Regional Implementation Office¹⁹ would be responsible for facilitating dialogue and meetings between groups of Forum members and relevant Tier 3 officials (e.g. local authority staff), concerned with a specific water management issue, where solution-focused discussions will aim to secure improved implementation results through pragmatic collaborative action.

The Regional Water Stakeholder Forums would receive communications from stakeholder initiatives within the Region and in time would participate in the National Annual Stakeholder Meetings, particularly considering feedback from these. The Forum would act as a mechanism through which issues raised can be taken up with the Regional WFD Office and addressed. It is important that this communication is a two way dialogue, with timely feedback to stakeholder groups. Facilitating this dialogue and communications would be a function of the public participation officers proposed in the RBD Boundary Report if these posts are established. Staff in these positions must be suitably skilled and experienced in public participation.

Representation on the Forum will be made up of 5 members from each of the three pillars of sustainability (economic, environmental and social). Each member must clearly demonstrate their ability to contribute valuable skills and experience, with proven competence in areas which will assist in the attainment of the objectives of the Forum. There would be no seats for elected representatives as their input comes in the approval of plans at local authority level. However, opportunities for dialogue with elected representatives would be provided.

** The term "Regional" is taken from the DECLG "3 Tier Water Governance Proposal" document. It is as yet unclear whether this aligns with the proposal Regional Assembly areas, but these Forums should be considered to relate to the administrative areas as ultimately determined.*

International River Basin Districts (IRBDs)

It is not clear at present how the IRBDs will be addressed in the proposed 3/4 Tier governance system. When this is known, SWAN will be in a position to recommend a means of involving the public in WFD implementation. However, *whatever* the administrative arrangements decided, tangible support is needed for cross-border collaborative stakeholder initiatives (as discussed in the section below). Consistency in approach and management can be delivered locally in such cases, if careful investment is made in these initiatives, so that work to secure WFD objectives can be carried out; for example, in the development of a compatible Rivers Trust model similar to that being expanded in Northern Ireland. (Provision for public participation in IRBDs is not specifically referred to in the preceding diagram, for the reason explained above. However, IRBDs ARE addressed through the Stakeholder Initiatives discussed below.)

Tier 4 proposals

It is proposed that a separate Tier (4) be recognised, specifically focused on stakeholder action in support of delivering WFD objectives as part of an integrated catchment management approach. Within this are included both significant delivery partnerships with groups that have achieving good water status as one of their primary purposes, as well as a wider communications network with all catchment stakeholder groups that engage in positive actions for local aquatic environments.

An integral part of mobilising this work is the roll out of an effective public awareness campaign. Both the awareness campaign and the ongoing stakeholder initiatives require to be supported by a "go- to" website facility, with expanding functionalities, which shares information on all aspects of WFD, water management, the activities of involved State agencies and of stakeholder projects on the ground.

These coherent elements of Tier 4 are set out below.

¹⁹ Ó Breasail, S. & Mills, P. (2012) A Review of the Number and Boundaries of River Basin Districts and Administrative Areas for WFD Implementation. Report to the Department Of Environment, Community and Local Government and to the Environmental Protection Agency.

WMU Stakeholder Delivery Partners (Phase I & II →)

Support for water-focused stakeholder initiatives that deliver WFD objectives at sub-catchment level effectively supplements measures specified in the River Basin Management Plans, adding considerable potential for Ireland's progress towards securing WFD objectives.

It is important that such initiatives be clearly focused on water and aquatic environment quality. They will be established on a not-for-profit basis and, while they might generate both direct and indirect economic benefits (via enhanced ecosystem services etc.), it is vital that these be achieved as a result of (i.e. are dependent upon) the attainment of good ecological status. In essence, local communities would be enabled to identify pressures on their local water resources, to develop appropriate responses to these, and to participate in delivering these solutions practically. Where possible, it is recommended that cross-border synergies and consistency should be sought.

These "delivery partners" will be locally-based (although they may be part of national organisations), and clearly "bottom up" in nature. They may be existing or new groups, but each will share a clear priority in their objectives and activities to achieve good ecological status water **AND** they will be able to demonstrate that they hold no objectives that compete, or conflict with, securing WFD objectives in their area. It is likely that they will have one or more water bodies that are a focal point of the group's attention, and they will demonstrate a clear appreciation of wider water-related issues.

At present the River Trust model, which is very successfully applied in the UK, is not widely used in Ireland. However, this model may well represent opportunities for cross-border co-operation and delivery of shared goals for water status, and subsequently be of interest in other areas of the country. Support for the establishment of Rivers Trusts (similar to that which is in place in Northern Ireland) could assist groups in building capacity, professionalising organisational structures and sourcing outside funds etc., benefiting from River Trusts' extensive expertise and experience in collaborative integrated catchment management. Similarly, networks of coastal units, or groups concerned with groundwater may be appropriate to local circumstances (both hydrological and social).

To be recognised as a Tier 4 Delivery Partner, a group will be required to submit an acceptable project proposal. As part of this, each group must set out a plan with clear aims and objectives, which will be assessed against straightforward key criteria, by a panel of relevant experts. Plans should include proposals for the following:

- a land use survey, clearly identifying pressures on waters within the relevant WMU(s), and linked to WFD plans;
- engagement with, and openness to, all stakeholders in the sub-catchment (including land-owners), seeking to secure buy-in from all parties;
- engagement / collaboration with relevant authorities;
- flora & fauna survey & water quality monitoring;
- actions to achieve and/or maintain good ecological status;
- clear identification of resource allocations of voluntary support & commitment, e.g. local volunteer working parties, FÁS workers, monitoring & recording duties, etc. and staff time where required (possibly shared between Delivery Partners);
- training (in aquatic environment ecological, water quality, sampling, SSRA score, macro-invertebrate index, etc.);
- communication and awareness-raising efforts, including links with schools and media.

Successful groups will undertake an agreed evaluation of performance, relative to WFD objectives. These plans and evaluations will be available publicly.

Plans will be of a minimum of 1 year's duration, and a maximum of 3 years. They may involve collaborative elements with other groups (also submitting plans in the tender process). The tenders are not to be considered in

competition with one another, but evaluated against whether they demonstrate compatibility with WFD objectives. Financial assistance will be necessary to realise the project aims and objectives. The level of support extended to any one group will reflect the extent of work involved and the value of this in meeting WFD objectives as assessed against pre-determined indices established by the expert panel.

WFD Offices will need to provide:

- a good communications system & working relationships between the relevant authorities and stakeholders (everyone living in the catchment);
- links to higher tiers of both public participation and administration (as set out in this proposal), that also provide the opportunity to make inputs on policy.

It is vital that the regional Water Networks (Tier 3) and all the local authorities involved in these recognise the stakeholder delivery partners as central to the new integrated catchment management approach and appreciate how collaborative or complimentary actions might create efficiencies or added value, especially in the current budgetary climate.

Where a prospective Delivery Partner initiative seeks such funding then it must demonstrate that it operates with financial and operational probity; be established as a limited company or co-operative, with charitable status, not operate in deficit, and provide copies of annual accounts be submitted to the Regional WFD Office, etc.

A wide range of personnel within existing public bodies may be able to provide assistance to these groups, and also to secure shared objectives through collaborative efforts. Such individuals would include local authority Heritage Officers, Environmental Awareness Officers, IFI staff, etc.

It is envisaged that an initial 3-5 pilot projects be initiated in the first year of operation of the revised water governance structure.

Public participation officers (in WFD Regional Offices)

The role of the (Tier 3) public participation officers needs to be clearly set out, and unequivocally dedicated to the facilitation and support of public participation both at Tier 3 and Tier 4 levels, as described in this document and individuals recruited to these posts should have demonstrable skills and experience and a proven track record in facilitation and support of public participation. They should be involved in all of the elements outlined here, and in facilitating the necessary bilateral communications and interactions between stakeholder groups and relevant Tier 3 Water Networks and local authority staff that are mutually beneficial in supporting the delivery of WFD objectives.

Network of groups involved in water-related projects

It is important to accommodate groups of different (often smaller and more local) scales, and those that engage in water-related initiatives although water issues may not be one of their principal interests. (e.g. Tidy Towns groups; residents' associations) It is vital to tie in the efforts of such groups, so that they can benefit from the experience of others, and optimum results can be achieved for water bodies. Monitoring can accurately assess the efficiency and effectiveness of such initiatives.

A national network (and database) of all stakeholder groups engaged with water issues should be created, and a register of all their water-related initiatives may accessed via the website (see below). It was seen as important not to discourage smaller groups where water may be one of a range of interests, as well as working with key delivery partners for whom water concerns are fundamental. There should be a register of all initiatives established, and an annual conclave for networking etc. between groups. In addition, an award for achieving "good status" should be developed, whether in tandem with an established award system (Pride of Place, Tidy

Towns, etc.) or independently. There should be specific recognition for innovative ideas and initiatives, whether these originate from Stakeholder Delivery Partners or other stakeholder groups.

Public Awareness Campaign (Phase I)

As with most common and environmental goods, each citizen is a stakeholder in relation to water, although the level of their interest may vary. However, it has been recognised that the general public in Ireland needs to be informed about water issues in order to identify their stake in this area, irrespective of the extent to which they subsequently choose to actively engage in it. Similarly, any worthwhile public participation initiative must identify potential stakeholders to be invited to participate, in order to then apply the appropriate mechanisms to enable them to engage.

Thus the conduct of an effective public awareness campaign on water is a pre-requisite to wider public engagement in WFD implementation. Without it, the DECLG will have failed to take the most fundamental step to engage the relevant stakeholders, and arguably negate all other participation measures that may be put in place.

The WFD is concerned to deliver “good ecological status” in our waters, it represents a process and tools by which EU member states are to achieve this, but the focus of attention is on water and aquatic environments. It is these that the public needs to be more aware of, rather than the WFD itself.

The Public Awareness Campaign must be relevant to individuals, communities, enterprises and different sectors of society; raising awareness not just of the water-related concerns, but also of people’s ability to act to address these. The public awareness campaign should be linked with the initiation of a single “Go To” water website (see below) that fosters open information on water, integrated catchment management, WFD implementation, stakeholder action, etc.

National Annual Water Stakeholder Group Meeting (Phase II →)

As stakeholder awareness grows, and grass roots initiatives become established (whether formal Delivery Partners or those for whom water may be one of a range of interests), it is vital that these projects have the opportunity for dialogue with others, and also that other interested parties can take part. For this reason it is recommended that there be a National Water Stakeholder Group meeting hosted annually. Responsibility for organisation of this independently facilitated event will rest with the regional WFD offices (working together), in consultation with the Delivery Partner projects.

This allows for a sharing of concerns and responses regarding water matters, discussion of possible (joint) responses, communications from and to the WFD Offices about actions under WFD implementation, and development of collaborative/co-ordinated actions between WFD Offices and stakeholder initiatives.

Tier 3 RBD staff would attend these meetings, as would members of the Regional Water Stakeholder Forums where possible, given that these will be individuals giving their time freely on a voluntary basis.

Single “Go To” Portal Website (Phase I & II →)

A single website which is accessible to stakeholders interested in engaging to different degrees is a vital, efficient and cost-effective means of raising awareness of water issues and the WFD. However, it can be far more than that. It can:

- communicate the importance of our aquatic environments, and water quality;
- outline the issues related to water management;
- provide up-to-date information on the state of Ireland’s water bodies, and trace change over time;
- put Ireland’s performance in an EU, even global, context;
- provide information on how the WFD is being implemented, by whom and how, and give details of what progress is being made, and challenges encountered;
- provide information on stakeholder initiatives and how to get involved, from individual actions to local groups;

- provide both summary information and routes to further detailed information for those interested in any particular aspect of water issues or WFD implementation. (etc.)

As public participation increases, the functionalities of this site can be enhanced, so that it allows greater dialogue etc. There is a growing body of literature that discusses how ICT can be most effectively used to support participation initiatives²⁰ and some of the pitfalls to be avoided.²¹

Implementation

The public participation measures set out above represent a complete co-ordinated package, where elements relate clearly to one another, and the engagement is enhanced over time as relationships are built, trust established and progress made. In concert, they represent cumulative benefits and need to be executed in full with the genuine intention on the part of all parties of fostering positive collaborative engagement.

SWAN's recommendation acknowledges the realities of the current context: the proposed 3/4 Tier governance structure; the present economic climate; and the weak record of collaborative approaches to water governance and management to date. In response to this, the proposal outlined here is designed to create the opportunities to efficiently deliver positive and productive engagement, building capacity amongst both the agencies and the stakeholders involved. With commitment to meaningful participation, increasing value will be achieved for all parties through the involvement of the public in water governance as part of an integrated catchment management implementation approach.

²⁰ Peng, Z. R. (2001) Internet GIS for public participation. *Environment and Planning B: Planning and Design*, Vol.28, pp.889-905

²¹ Hansen, H.S. & Maenpaa, M. (2008) An overview of the challenges for public participation in river basin management and planning. *Management of Environmental Quality*, Vol 19, No.1, pp.67-84