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Inclusive governance: the role of knowledge in fulfilling the obligations of citizens

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Abstract

Inclusive governance and citizen engagement in governing water is important in enhancing service delivery. Good citizens endorse their obligations alongside their respective rights. To date, much focus has been on the rights approach to fulfil basic human needs. There has been commendable progress in this regard. However, water resources are experiencing increased pressures from increased population, urbanization and industrialization in a time when climate change is manifesting recurrent extreme events and increased temperatures. In this paper, we present the point of focusing on citizens' responsibilities and obligations alongside the rights approaches. We also make the submission that for citizens to recognize and act on their obligations, they need to be capacitated around water matters. Through social learning, enhanced collective action is expected with an outcome of improved decision-making.

1. Introduction

The context for freshwater management has radically changed in the past 25 years. Better and more accessible information can shed greater light on ineffective water management practices. However, some positive developments

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have rung in new challenges. Decentralization, for example, has resulted in opportunities to customise policies to local realities, but in many instances has created more institutional fragmentation, making it harder to resolve regional or national problems, such as flooding or water pricing. However, there is an increasing realization that bottom-up, inclusive decision-making that involves a range of stakeholders is the best way forward.

In terms of the kinds of global changes we face today, as well as the development discourse, there has never been a more opportune moment to rethink the way we 'do water governance' in development. It is high on the policy agenda and hardly a day goes by without reference to the crucial role that institutions, politics and power play in determining water and development outcomes. Yet to seize this opportunity, we need to 'do things differently' in the governance field itself and (radically) rethink our ways of working.

How then can we improve inclusive governance and what would this form of governance look like? There was much debate on this at the Stockholm International Water Week in 2015. Here, there was an underlying – and sometimes uncomfortable – feeling that we need to innovate and change if, as a community of practice, we are to make a real difference. People-centred policies that govern the management of water resources reflect the need to explore innovations based on social theory and practice, in order to better understand the stakeholders' collective role in better managing our water resources.

In defining the role of citizens, to date much focus has been on the rights-based approach to enhance access to water, while not enough focus has been on the role of good citizens in fulfilling individual obligations. This paper focuses on developments in enhancing citizen participation in the governance of water in an attempt to better understand collective as well as individual obligations.

Inclusive governance and stakeholder engagement in governance hold specific importance because in practice water this is a highly decentralized and fragmented sector, with multiple, interdependent players operating at different levels and scales. The idea behind engagement is to involve stakeholders to thus reduce conflicts and improve outcomes. In return, water users or stakeholders need to accept shared responsibility for inventing ways to meet the conflicting interests of multiple groups at the same time, given legal, financial and other constraints (Susskind, 2013).

One of the challenges with collaborative action or stakeholder engagement is in creating structures that allow for and enable it at relevant levels. As far as formal structures are concerned, participation platforms are ways for stakeholders to give input into governance processes that influence water resource management decision-making and implementation (Bouman-Dentener & Devos, 2015). However, it is important to note that collaborative action can also occur outside of formal structures, and therefore it is important to understand how and when this does or can occur.

The premise for public participation is the growing desire of the public to be involved in decisions that will affect them, and this has influenced the need for greater openness of decision-making processes. In this sense, public participation can counter public mistrust of government and expert-led decision-making processes, since it results in an understanding of problems by varied stakeholders who can negotiate trade-offs, make more informed decisions, seek consensus and take shared ownership of solutions, and set common priorities for all parties involved in an issue (Yee, 2010).

While there are benefits to effective stakeholder engagement, this must be balanced with the potential challenges to sharing information, consulting varied stakeholders, making joint commitments and sharing responsibility for implementation. Representation at meetings does not guarantee substantive and meaningful contributions, that is, active participation (Brown, 2014). The danger of the more powerful sectors/stakeholders capturing the process and unduly influencing the outcome also needs to be considered. Effective engagement requires that citizens be informed

and knowledgeable about the topic or issue of concern. They must also be willing and able to be involved in the process, which typically involves investing significant personal time (Yee, 2010).

Less informed stakeholders can be capacitated through a variety of methods but results have been varied. For these interventions to succeed, individuals' obligations with regards to the right to water need to be clearly communicated and jointly understood or conceptualized.

1.1. Purpose

The aim of this paper is to make two primary submissions. The first is that meaningful involvement of citizens in inclusive governance processes can be achieved through a better joint understanding and communication of individuals' obligations as a complementary component to their rights to water. Rights and freedoms enjoyed by citizens can easily come under threat if they are not constantly and vigilantly protected. One can also accept that if citizens care to protect these rights and freedoms, they need to be conscious of their role in reinforcing or undermining them. Hence, to enjoy the rights provided, citizens need to guard these rights by fulfilling their responsibilities – as two sides of the same coin. Indeed, implementation of the right to water requires a clear definition of rights, obligations and responsibilities of each stakeholder, including individual citizens, the identification of an authority to oversee the implementation of this right, as well as the allocation of adequate human and financial resources.

The second is that individual obligations are best communicated through reflexive processes of social learning and knowledge mediation, leading to more constructive engagement in water management. In this way, a better understanding of social values is obtained as well as an embeddedness of duty as a root idea of obligation to serve or give back in return for rights enjoyed.

1.2. The right to water and obligations (of state and individual)

The rights-based approach to water is of paramount importance for countries like South Africa that have in recent decades taken a developmental state approach to water management, focusing on the implementation of the basic human right to water with arguably less focus on citizen obligations and responsibilities related to this right.

A central feature of a human rights-based approach is however its focus on national accountability, which underlines the obligations of the state, as duty-bearer, to ensure access to safe drinking water and sanitation to rights-holders (UNHR, 2010).

In practice, accountability requires the development of laws, policies, institutions, administrative procedures and mechanisms of redress to promote and protect access to safe drinking water and sanitation (UNHR, Factsheet 35). Under international human rights law, States' obligations fall into three categories, namely, the obligations to (i) respect, (ii) protect and (iii) fulfil the rights contained in the conventions. Failure to perform these obligations constitutes a violation of such rights.

The obligation to respect requires state parties to refrain from interfering with the enjoyment of rights. For example, states should refrain from polluting water resources, arbitrarily and illegally disconnecting water and sanitation services, destroying water services and infrastructure as a punitive measure during an armed conflict, or depleting water resources that indigenous peoples rely upon for drinking.

The obligation to protect requires state parties to prevent violations of rights by third parties. States should adopt legislation or other measures to ensure that private actors – e.g. industry, water providers or individuals – comply with human rights standards related to the right to water. States should, for instance, adopt the necessary legislative and other measures to ensure that third parties do not arbitrarily and illegally disconnect water and sanitation services, communities are protected against third parties' unsustainable extraction of the water resources they rely upon for

drinking, and the physical security of women and children is not at risk when they collect water or use sanitation facilities outside the home.

The obligation to fulfil requires state parties to take appropriate legislative, administrative, budgetary, judicial and other measures toward the full realisation of rights. This includes the duty to promote human rights. Additionally, the obligation on states to protect human rights includes ensuring that non-state actors do not infringe upon the right to water (UNHR, Factsheet 35). In most instances, non-state actors are the private sector and non-governmental organizations (NGOs), and rarely individuals.

While there are no specific individual or citizen obligations outlined in international law, such obligations/responsibilities may refer to the following:
- Responsibility to conserve water
- Responsibility to look after water infrastructure
- Responsibility not to waste water and to use it responsibly
- Responsibility to share water equitably
- Responsibility to participate in participatory processes regarding water management
- Responsibility not to pollute
- Responsibility to be informed about water pricing and how it affects individuals.

The fulfilment of these citizen obligations may lead to the enhancement of inclusive governance to better respond to water challenges and to understand the value of water.

1.3. Volunteerism: a mechanism for effecting obligations and shared responsibilities

In resource-constrained environments, it is difficult for people to volunteer their time and effort in community-driven projects. Blignaut and Choles (2011) define volunteerism as a specific type of sustained, planned, pro-social behaviour that benefits strangers and occurs within an organizational setting. The State of the World's Volunteerism Report 2015 (UN Volunteers, 2015), the first global review of the power of volunteer voices to help improve the way people are governed, draws on evidence from countries as diverse as Brazil, Kenya, Lebanon and Bangladesh. The UN report shows how ordinary people are volunteering their time, energies and skills to improve the way they are governed and engaged at local, national and global levels.

This has resulted in a move from a central role played by the state in managing environmental problems to the citizen adopting a more active role through user participation and inclusive governance. Salles (2011) attributes the increasing recourse to this transfer in responsibility to a combination of three factors: the weakness in the practical implementation of laws, the complexity of environmental problems and the ability of actors to respond more effectively than the state. When seen in this way and viewed as an opportunity rather than a burden, the process of responsibility transfer appears in another light, reflecting reinforcement for interdependence of collective action through shared values. In that way, legal rules can be compelling when built on consensus. Salles (2011), states that such a consensus presupposes that the concerned parties have been involved in shaping it. Preliminary cooperation and participation in the definition of the rule become the guarantee that it is well founded. Law thus becomes negotiated law, which is the achievement of collective deliberation.

Responsibility takes on another meaning in the conceptual context of the individualist paradigm. Bajoit (2003) develops his identity paradigm in the context of his theory of social change by leaning on seven propositions, one of which is concerned with the transformation of social control forms in the 'society of individuals': "the social constraints are only acceptable and efficient because they have a legitimate cultural meaning in the eye of the individuals". According to this viewpoint, the invocation of responsibility (individual and collective) in order to

protect the environment can be interpreted as conforming to a cultural directive, shared and meaning-laden (in the same way as equality, human rights and the right to health and education).

If the progress of individualism is seen as a historical step in the modernization of societies, then this leads to an increased political status of individual responsibility, which is rather granted to than burdened upon the individual. Hence, the individual can question the meaning of his or her practices with regard to their intended consequences and to the perverse side-effects of their behaviour. Responsibility then acts as the moral correction mechanism of individualism – it is the limit beyond which one cannot afford to be purely individualistic (Etchegoyen, 1999).

However, the challenges with water management, in the context of scarcity, are the inadequate capacity of stakeholders to know, understand and fulfil obligations, and the inadequate governance mechanisms for inclusive governance or 'stakeholder engagement', across the public, private and non-profit sectors, to better communicate individual obligations. Moreover, not all stakeholders are aware of, or concerned about, the role they play in the water arena. This gives rise to a mentality of "this is the government's problem, not mine" or "someone else will do it".

In the past, and in some cases even now, aspects of volunteerism were woven into the fabric of African social life in the African concept of *ubuntu* (roughly translated "I am because of you" or "humanity to others"). To ensure the survival of individuals and communities, the individuals as well as the community contribute material and non-material goods to the collective. This spirit of cooperation and reciprocity ensured that everyone was healthy and looked after.

Changes came with growing independence in African countries, along with the rapid increase in nationalist governments, which gave rise to a search for new development ideologies. There was an increase in governmental revenues from the nationalization of foreign-dominated assets to invest in social development. With revenue in hand, the governments sought to 'go it alone', and not enlist communities to engage and participate, as stated by Butterfield and Tasse Abye (2013). This gave rise to a crisis in the 1970s characterized by a lack of growth, high rates of inflation, rising debt, high unemployment, shortages in basic goods and, most importantly, crumbling infrastructure. All these problems gave rise to a renewed focus on volunteerism of citizens and NGOs that became entrenched in the social development process.

In conclusion, individual responsibility is a democratic asset that affords opportunities to carve out the role of citizens in society. However, for citizens to practice this responsibility, they need to be equipped to do so.

1.4. The role of knowledge mediation in effecting the rights approach

As alluded to above, the degree to which citizens are aware of their obligations and the extent to which they care or act on them, is important. The role of knowledge exchange is therefore crucial in building people's capacity so that they have sufficient agency to take part in social practices, such as those required in the democratic management of water resources. It is necessary that participant communities are sufficiently well informed to make sound decisions about both the long-term sustainability of the water resource and their immediate water needs (Burt *et al*., 2014). This is often achieved through stakeholder engagement processes, which should ideally enhance inclusive decision-making, promote equity, enhance local decision-making and build social capital by training the communities involved.

Stakeholder engagement can take many forms – from individual volunteerism to organizational involvement to electoral participation. It can include efforts to directly address an issue, work with others in a community to solve a problem or interact with the institutions of representative democracy (Ekman & Amnå, 2012). Another way of describing this concept is the sense of personal responsibility individuals feel to uphold their obligations, as part of any community.

In order for these participatory processes to be successful in helping citizens to better understand, care about and act on their obligations with regard to their right to water, social learning processes such as knowledge mediation have proven useful. Of all natural resource management sectors, the water sector is by far the most engaged in exploring

and applying social learning research (Cundill and Rodela, 2012). Cundill and Rodela showed that much of the work on social learning in the water sector is focused on models and approaches to guide social learning, adoption of learning theory concepts such as communities of practice or Bateson's three levels of learning (Bateson, 1970), and/or documenting evidence of learning outcomes and how these contribute to water management practices.

However, Lotz-Sisitka and Burt (2006), reporting on a Water Research Commission-funded research project, concluded that while there was a strong emphasis on building participatory water management structures, this was not supported by a complementary development of human capacity – in other words, people lacked the agency to make use of the participatory structures. In response to this finding, Burt and Berold (2012) looked into the issue of how knowledge about the practices of water resource management was used. They found that plenty of technical information was generated but very little was used to meaningfully act on citizen obligations or make informed decisions about water management. This disjuncture was most apparent at the community level. Thus, while much information is produced within the water sector, there is a need to investigate how such information and knowledge can be effectively mediated.

Mediation processes allow for the internalization of externally available knowledge and concepts (embedded in language and artefacts) (Burt *et al*., 2014). The mediation of water knowledge is therefore linked to changes in individual cognition and changes in social practices, as together these are likely to inform changes in the practices of social units (Burt *et al*., 2014). The expected outcome of a social learning process is an improvement in decision-making, said to be achieved by (a) developing resilient social relationships which are key for collective action and (b) developing new understanding and meaning (Cundill & Rodela, 2012).

Democratic management of water resources that embraces learning as a core process is a nice ideal, but how does this play out in practice? Until recently, the assumption in South Africa's water sector was that once decentralized and democratic institutions were developed and established, they would be able to manage water resources on their own and work with local stakeholders. In practice, however, the focus on institutional structures has not led to efficient, equitable or sustainable management of water. Nor has participation by citizens been adequately supported – more often than not participation is a token gesture aimed at filling representation quotas (Du Toit *et al*., 2006). This was due in large part to excessive emphasis on the structures of participation, and insufficient emphasis on the agents and the development of people's agency for participation. Learning is core to the emergence of new forms of agency, most often exhibited in the context of new or changing social practices (Lotz-Sisitka and Burt, 2006).

1.5. Conclusion

Better governance at every level is a prerequisite for the success of the new set of targets for international development, the Sustainable Development Goals. This paper has sought to argue that without focusing on obligations as well as rights of citizens, inclusive governance cannot be realized. Rights and individual obligations are complementary. Together with appropriate knowledge-sharing mechanisms and better understanding of the obligations of good citizens, we might be offering the missing ingredient to better participation in water governance.

On the one hand, the ability of society to think and act by itself as a collective to achieve desirable goals is a current challenge. Development does not have a linear pattern and is invariably based on the afforded degree of freedom of choice. On the other hand, politics ultimately stabilizes the changing relationships of social dynamics as it seeks an agreement, coordination and organization between different communities. The government as an agent and regulator of society constitutes a privileged instrument for making decisions, arbitrating interests and giving meaning to the construction of a project of general interest (Hernández and Moisá, 2011).

If the global water sector is serious about supporting the democratic management of water and supporting the empowerment of citizens to fulfil their obligations and responsibility toward water resources, learning and giving

attention to learning through mediation must be a central consideration and become a core process on an ongoing basis.

This does not mean simply investing in the transference of knowledge via generic resources and generic training programmes or public awareness programmes; it means understanding the mediation of water knowledge in and through learning processes that contribute to changes in social practices for water management.

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