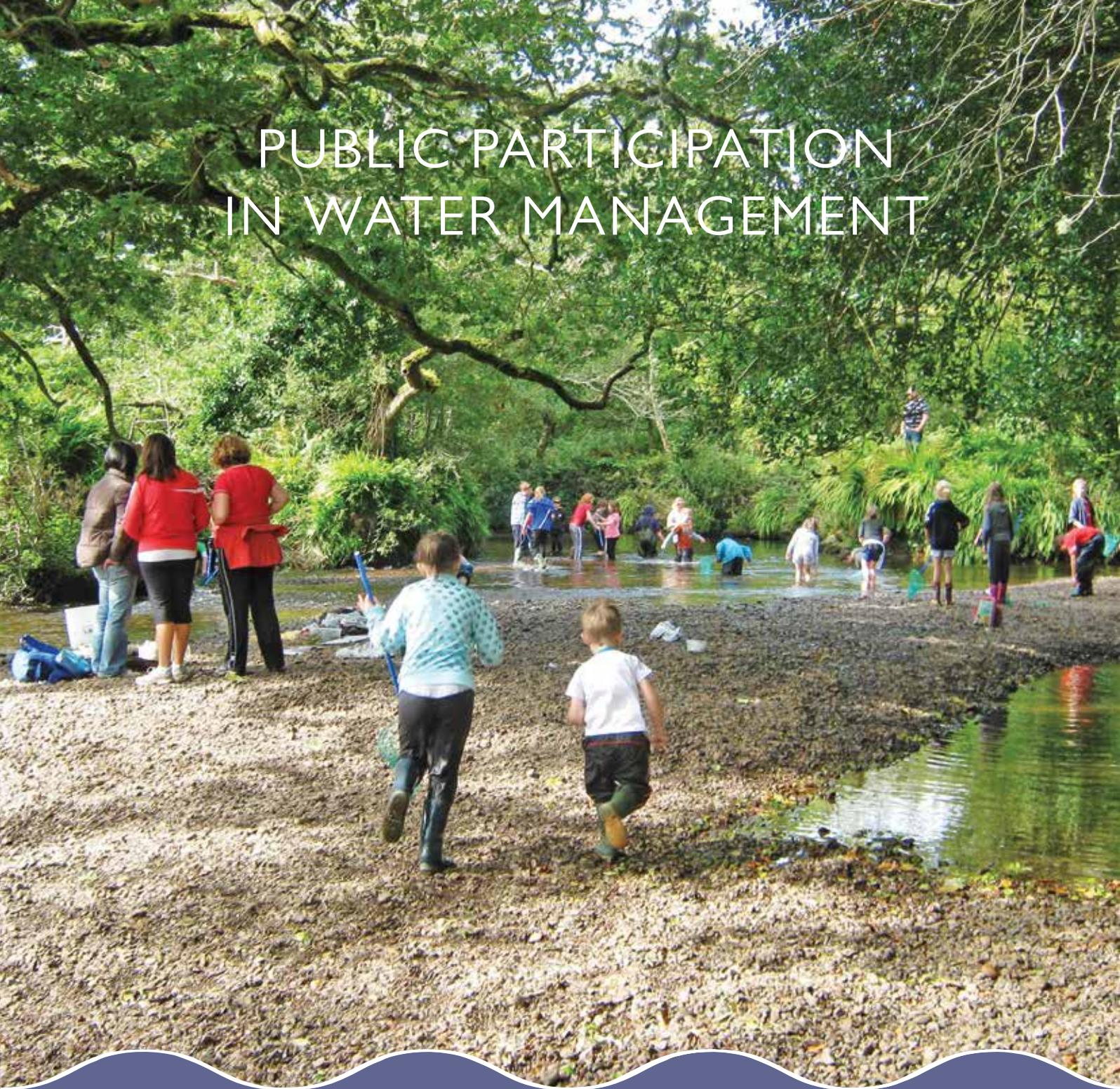


PUBLIC PARTICIPATION IN WATER MANAGEMENT



Introduction

The management of Ireland's water resources affects all Irish people. Every community and business relies on clean, healthy water for everyday functions and activities. However, these very activities, from flushing a toilet to abstracting groundwater for industrial processes, can themselves put significant pressure on the quality and quantity of the water they rely on. So any measures introduced to protect water, such as stricter regulations, may in turn impact on these day-to-day activities and on the communities, farmers and businesses concerned.

Therefore we must all be considered stakeholders when decisions are being made about how water is managed in Ireland. The involvement of all citizens in working towards a healthy water environment is vital to the successful stewardship of Ireland's water resources.

What is public participation?

Public participation can be described as an opportunity for the public to influence the outcome of a proposal or plan (e.g., County Development Plan). The distinction between different forms of participation reflects the degree of influence that those involved, i.e. the public, can have on the outcome (Fig.1).

There is a tendency for official decision-makers to focus on the types of public participation where only limited influence is possible or likely. Traditionally, this has often taken the form of providing a chance for public comment once plans or policies have already been developed, with little real likelihood of influencing the final outcome. Yet increasingly, internationally, the role of public participation has expanded to include public involvement in preparatory work as well as consultations on the implementation of plans, monitoring of outcomes and the revision of plans or processes.



Cookstown RIPPLE* meeting © BREA *RIPPLE-Rivers Involving People, Places and Leading by Example is a community-based project that helps manage and conserve the Ballinderry River, Co.Tyrone.

Principle 10 of the 1992 United Nations Rio Declaration stated quite clearly the importance of public participation in environmental decision-making. Principle 10 was then enshrined in international law in 1998 by the Aarhus Convention, ratified by Ireland in 2012. The Aarhus Convention secured the rights of citizens in the UNECE region to access environmental information, to involvement in environmental governance, and access to justice where these rights were not being upheld. The first two 'pillars' of the Convention have been implemented in the EU by two Directives; Directive 2003/4/EC on Access to Information on the Environment and

Directive 2003/35/EC on Public Participation in Environmental Decision-Making and Access to Justice.

These principles are particularly relevant to the EU Water Framework Directive (WFD) which attaches considerable importance to public participation, which it includes as necessary for achieving its objectives. It recognises that the provision of proper information and progress reports is essential to facilitate participation by the public and it requires that Member States actively encourage such participation in its implementation, specifically through the River Basin Planning process.



Fig. 1

Key elements of successful public participation:

- A firm commitment from relevant decision-makers to the public participation process, i.e. allowing stakeholders involved to meaningfully influence outcomes commensurate with the type of participation concerned
- The identification and inclusion of all stakeholders, which may require support for unprepared and/or unorganised interests
- The use of appropriate means and techniques of involving all interested parties, which will consider and respond to the characteristics and circumstances of the stakeholders involved, and the relevant form of participation to be applied
- Initiate public involvement as early as possible and ensuring sufficient advance notice of opportunities for engagement so that stakeholders have the capacity to participate at the early stages.



Claiming Our Future Event in Dublin, 2010
© Siobhan O'Donohue

The benefits of effective public participation in water management:

- Increased public awareness and understanding of water issues, together with ensuring a proper facilitation of stakeholders' contribution to decision-making, is amongst the most effective means of securing positive behavioural change (and possibly eliminating the requirement for financial inducements)
- The widest possible range of stakeholder viewpoints and concerns are identified, considered and addressed
- The knowledge, experience and initiatives of stakeholders are accessed to enhance plans and measures
- The public have an increased 'co-ownership' of objectives due to greater understanding between stakeholders with different interests
- Where people are involved in the management of something important, there is greater acceptance and support for decisions taken
- Incidence of misunderstandings, conflicts, litigation and costly delays are reduced
- Relationships are built between stakeholders and officials involved in the process, leading to long-term benefits
- Plans are more likely to succeed due to the increased buy-in and cooperation from stakeholders.

Challenges of public participation in water management

The lack of a culture of genuine public participation in decision-making in Ireland increases the likelihood of ineffective and largely tokenistic initiatives. Ironically, the frustration and negative reactions of the public who participate in such flawed

exercises are likely to reinforce the reluctance of many decision-makers to engage in further public participation and are also likely to discourage the public from becoming involved in future initiatives. There are a number of common challenges to effective public participation, none of which are unique to Ireland:

- It can be seen as threatening by decision-makers and experts who fear a loss of control
- Current systems of governance and deeply imbedded institutional structures can make meaningful public participation difficult to accommodate

- Poor experiences with past initiatives can make decision-makers doubtful of the benefits and reluctant to commit resources
- Where situations already involve conflict it can be hard to promote the idea of engaging in a collaborative approach.

SWAN believes that a combination of these challenges led to a failure on the part of the authorities to successfully implement genuine public participation in the development of the first River Basin Management (RBM) Plans.

Public participation & the WFD in Ireland

The Water Framework Directive establishes public participation in legislation. It specifies a number of consultation obligations at various timetabled stages in the development of River Basin Management (RBM) Plans as well as freedom of information requirements. It focuses on the following three forms of public participation:

- 1. Information provision** – Authorities are required to produce and share background information with the public
- 2. Consultation** – The public must be given an opportunity to respond to plans

or proposals developed by decision-making bodies

3. Active involvement of stakeholders in the development of plans/outcomes from the beginning must be 'encouraged' by Member States (but the Directive does not set out mechanisms for doing this).

The Water Framework Directive has acted as an impetus for some public participation in water management in Ireland. Before it came into law in 2000 there was little public involvement in this area. While greater efforts are required, the public authorities have complied with the minimum requirements of the Directive in carrying out limited public consultation to date:

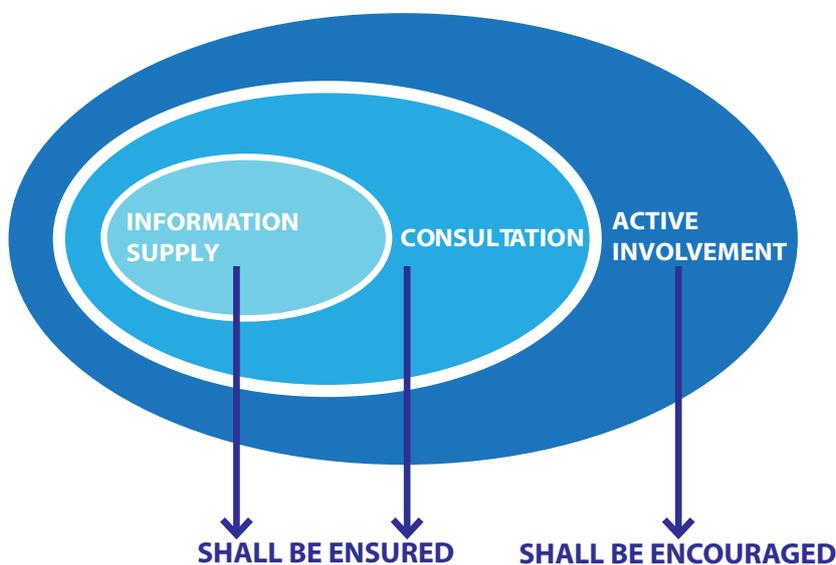
- **Background information** documents have been made available on www.wfdireland.ie. However access to this information remains difficult due to poor cataloguing and lack of clarity regarding document relevance. Also, a high-speed internet connection is required to download many files and the site is not regularly updated
- **Consultation** has been carried out when required by the Directive. Hard copies and digital downloads of the Draft River Basin Management Plans (and earlier documents) were published and a media campaign raised awareness of the public consultation. A number of public

meetings were held within each River Basin District (RBD) to obtain stakeholder feedback but this input was not reflected in the final RBM Plans

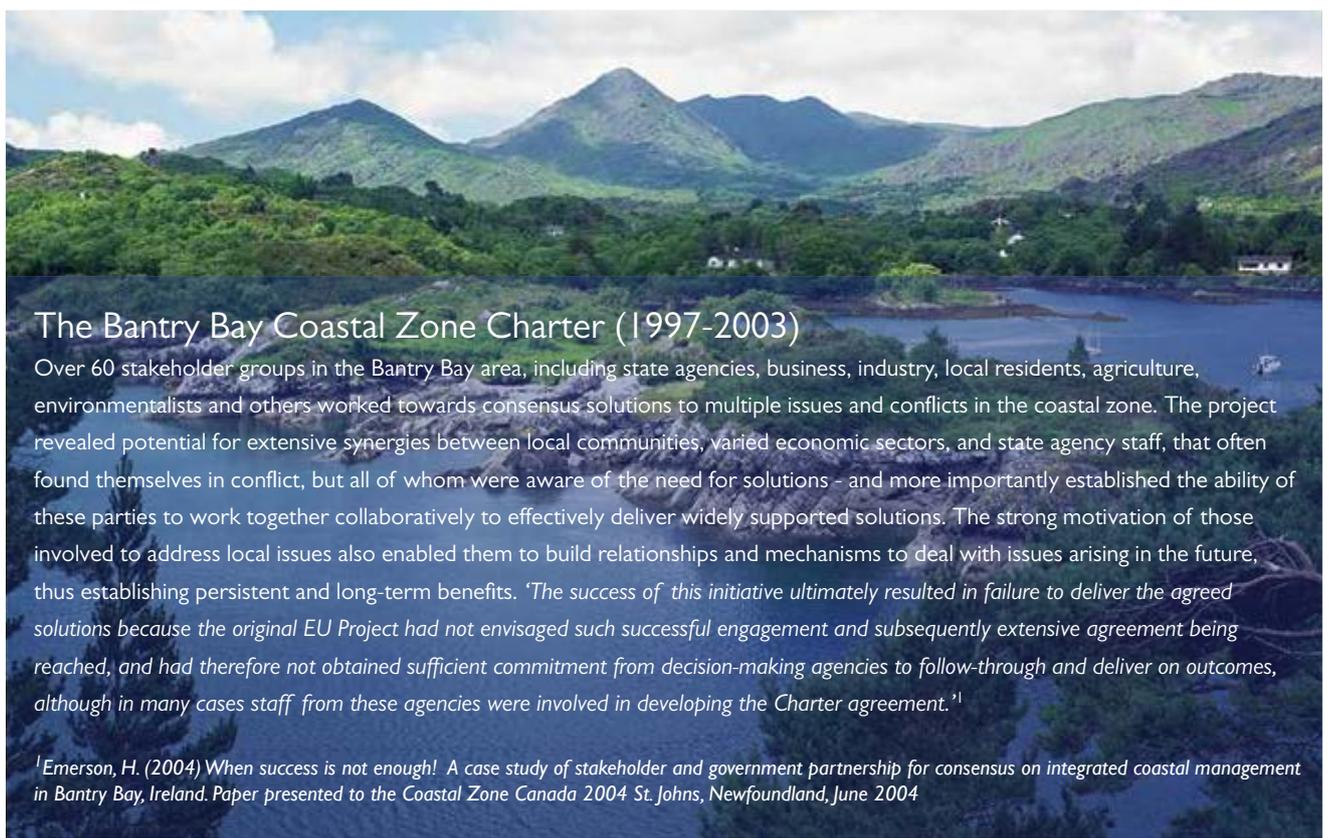


- There is little evidence that any **active involvement** of the wider community has been encouraged in Ireland. Stakeholder Advisory Councils within each RBD were set up to 'consider matters relating to the preparation of river basin management plans (RBMP) and other matters relevant to the protection and use of the aquatic environment and water resources' and to 'advise and make recommendations on these matters to the relevant public authorities.' While the establishment of the Advisory Councils was promising, there was little clarity as to how/who the Councils were to report to or advise, and experience suggests that the Councils have had little, if any, influence. Significantly, the Advisory Councils were dissolved in 2009 and have not been reinstated.

In summary, public participation makes demands in terms of understanding and commitment from decision-makers to allow time to involve stakeholders and to invest in knowledgeable and expert organisation and facilitation. The resources necessary to undertake meaningful public participation often appear excessive to decision-makers. However, it is important to recognise that these investments are front-loaded and generally represent medium/long term savings when compared with the costs of ongoing disputes.



Public participation requirements of the WFD



The Bantry Bay Coastal Zone Charter (1997-2003)

Over 60 stakeholder groups in the Bantry Bay area, including state agencies, business, industry, local residents, agriculture, environmentalists and others worked towards consensus solutions to multiple issues and conflicts in the coastal zone. The project revealed potential for extensive synergies between local communities, varied economic sectors, and state agency staff, that often found themselves in conflict, but all of whom were aware of the need for solutions - and more importantly established the ability of these parties to work together collaboratively to effectively deliver widely supported solutions. The strong motivation of those involved to address local issues also enabled them to build relationships and mechanisms to deal with issues arising in the future, thus establishing persistent and long-term benefits. *'The success of this initiative ultimately resulted in failure to deliver the agreed solutions because the original EU Project had not envisaged such successful engagement and subsequently extensive agreement being reached, and had therefore not obtained sufficient commitment from decision-making agencies to follow-through and deliver on outcomes, although in many cases staff from these agencies were involved in developing the Charter agreement.'*¹

¹Emerson, H. (2004) When success is not enough! A case study of stakeholder and government partnership for consensus on integrated coastal management in Bantry Bay, Ireland. Paper presented to the Coastal Zone Canada 2004 St. Johns, Newfoundland, June 2004

Recommendations



Cookstown RIPPLE meeting © BREA

The Water Framework Directive will only be successfully implemented in Ireland through river basin planning that includes genuine public participation and encourages stakeholders to feel ownership.



EPA public awareness video on septic tank maintenance and inspection ©EPA. Available at www.epa.ie

Public Awareness

Conditions must be established to achieve public understanding of the main water quality issues in Ireland if they are to engage effectively. A public awareness campaign on water is vital as a basis for further initiatives. A recent EU report on

attitudes of people to water found that the majority of Irish people surveyed (67%) believe that water quality problems are serious. However only 40% feel well or very well informed about the problems facing groundwater, lakes, rivers and coastal waters in Ireland.



© An Taisce

Access to background information

Access to background information must also be improved to enhance participation:

- Monitoring data, reports, up-to-date implementation progress reports and other information generated by the responsible agencies in executing the WFD must be made widely available as required under the Aarhus Convention
- Opportunities to communicate effectively with all the relevant agencies must be provided to enable citizens to raise issues, contribute information and knowledge, identify errors and examine measures in order to ensure that the data is complete and robust.

Consultation methodologies

Consultation methodologies for RBD Plans must be improved by implementing best practice and adequately resourcing the process.

Active involvement

Considerably improved active involvement of the public needs to be pursued:



• Stakeholder participation on RBD Management Groups:

RBD Management Groups should be established where stakeholders work with officials and decision-makers responsible for implementing the WFD. These Management Groups should be involved in ongoing assessment of RBM Plan implementation and in development of the 2015-2021 Plans

• Stakeholder participation at National Level:

A National Stakeholder Forum should be established with members drawn from national representative bodies e.g. farming, business, environmental, community and voluntary organisations. The Forum would be involved in more strategic decision-making at national level

• General public: sub-catchment level:

Active involvement and education initiatives (such as Coomhola Salmon Trust's StreamScapes Aquatic Education Programme) are essential at sub-catchment level, since it is at this scale that the wider public will relate to their local river or lake and will be willing to get actively involved



Citizens testing water, Ennereilly Beach
© Stephen Gillman, Coastwatch

• General public: citizen monitoring programmes:

Irish (e.g. Coastwatch surveys) and international experience has demonstrated the success of citizen monitoring programmes in

supporting scientific monitoring. The EPA should be encouraged to institute such a programme to fill data gaps. Training and systems for validating data and checking quality can be applied

• Involvement of stakeholders in awareness-raising activities:

Action by groups within particular sectors (e.g. farming; angling; business groups) represents one of the most effective ways of disseminating information and leading behavioural change. However, recruiting such groups will only be effective if they have been involved in the process from the outset.



Citizens learning about pond life and water quality monitoring © Kevin Delahunty, IWT

Further reading

Ticking boxes vs. delivering genuine public participation - Case study on water management in Ireland, Sustainable Water Network (SWAN), 2012.

Attitudes of Europeans towards water related issues, European Commission, 2012.

Learning together to manage together - Improving participation in water management, HarmoniCOP, 2005.

Public participation under the EU Water Framework Directive – processes and possible outcomes. NOLIMP Workshop, 2005.

StreamScapes Advanced-A Stakeholder's Handbook, Coomhola Salmon Trust, 2000.

Participatory processes: a tool to assist the wise use of catchments, Wise Use of Floodplains EU Life Project.