

The Dark Side of Governance

An introduction to the Special Issue

Kai Wegerich^a, Jeroen Warner^{b*}, Cecilia Tortajada^c

^a*International Water Management Institute – Nile Basin and East Africa Office
International Water Management Institute – East Africa and Nile Basin office. IWMI c/o ILRI,
PO Box 5689, Addis Ababa, Ethiopia. Phone: +251 11 617 2199; Fax: +251 11 617 2001
E-mail: K.Wegerich@cgiar.org*

^b*Social Sciences Group, Wageningen University
E-mail: jeroenwarner@gmail.com*

^c*Institute of Water Policy, Lee Kuan Yew School of Public Policy, Singapore
E-mail: cecilia.tortajada@gmail.com*

Anarchy and the ‘dark side’ in the water sector

This special issue on ‘the dark side of governance’ seeks to increase knowledge and reveal new understanding of governance in two meanings: its unknown, hidden side, as well as its darker, obscured side: apparent corruption, deviance, mismanagement, unaccountability and apparent anarchy, and what these do for whom: in the end, ‘who gets what, where, why and how’ (Lasswell, 1936).

What do we mean by the ‘dark side’? The first connotation is the dark side of the moon: the hemisphere of the Moon that is permanently turned away and not visible from the surface of the Earth—dark to the existing knowledge, as the hidden side of the moon is only dark from an Earth perspective. Metaphorically, it refers to what we cannot see or know, but also the ‘darkness (or different ideas) that can destroy all of the positive emotions and ideas that are a part of humanity’ (<http://music-and-art-45.hubpages.com/hub/The-Meaning-of-Pink-Floyds-Dark-Side-of-the-Moon>). The dark side can therefore also be a force for change. The final connotation of the ‘dark side’ is the downside of a grand scheme (e.g. http://tajikwater.net/docs/turkmenistan_lake.pdf).

In the field of water, the ‘dark side’ refers to what happens outside the control, or purview, of the formal governance arrangement. Contrary to ‘common knowledge’ in the water sector on large scale irrigation and the bulk of its governance literature, many areas still escape central planning and control (Lebel et al. 2005, Conrad 2006, Warner 2012), still lacking the ‘soft’ coordination of collaborative networks. This may bring violence

* Corresponding author.

and lawlessness, but—as we shall argue—also more constructive, productive forms of self-organisation. Water governance in turn refers to the political, social, economic, and administrative systems that are used to develop and manage water resources and the delivery of water services at different levels of society (Water Governance Facility 2014, Teisman *et al.* 2013). The Governance frameworks enable several actors to play roles as responsible stakeholders and as increasingly important forces for reform and development processes. However, engagement can be very complex politically, philosophically and technically because of the intrinsically multi-dimensional nature of governance. This is also the case because processes that involve dialogue, interaction and debate between stakeholders are enormously intricate (Teisman and Klijn 2008). It is equally complex to persuade the different actors to recognize and assume the responsibility they hold in the development process.

As important as a strong civil society organized in interest groups may be, it may also not be *the* solution to *all* governance problems or in taking over and providing State services to the public in *all* cases. This can be exemplified with the myriad of unfulfilled roles and expectations as well as accountability and transparency concerns with non governmental organisations (NGOs) and grassroot organisations (GROs). For example, water management has seen a steady increase in stakeholder involvement with the objective to promote decentralization, examples of which are included in several papers in this special issue. However portrayed as the ‘magic bullet’ by their supporters, poor transparency and accountability issues of NGOs and GROs may mean that their actions only reflect their own interests and agendas rather than the concerns of those they claim to represent. In many cases they have also contributed to the state of anarchy. This may mean that, inadvertently, the inclusion of multiple stakeholders has contributed to the state of anarchy, rather than reducing it as it would have been expected.

The more critical water literature, notably, has seen a guarded celebration of the local and anarchic escaping the unsustainable machinations of the ‘neoliberal state’ and prescriptions of multilaterals. It has moreover identified a tendency for anarchy to grow in light of state retreat. Shah (2009) for example distinguishes non-human (technical) from human (governance) anarchy and shows how informal arrangements, even *within* irrigation departments, bring about workable compromise (for some), rather than a ‘syndrome of anarchy’. Yet, while such ‘constructive anarchy’ has been celebrated for creating spaces for agency and sensible compromise, it may also fail to protect what should be protected in this case the groundwater sustainability—humane anarchy can also mean environmental madness.

For instance, water theft is a recurring concern in public irrigation systems (Rinaudo 2002), and unaccounted for water (UFW) and ‘deviance’ attests to the shortcomings of the modernist dreams even in the most controlling states. The evidence of ‘hidden (unreported) land or water’ highlights that there can be higher-level disorder (bureaucracies not communicating to each other or hiding information from each other). This calls into question whether a state and state bureaucracies really imply order.

Introduction to the papers

The concept of governance has largely replaced management in the water sector in response to the (purported) failure of management approaches (though see Earle *et al.* 2010 for a recent exception). However, even applying this concept has its own shortcomings and still struggles with the old problems of management. Looking at this shift of focus from a definition of anarchy would imply that anarchy actually takes precedence, since governance implies that no one rules alone (Kooiman 1993). The shortcomings of governance moreover imply that there is anarchy. However, since governance implies an additional layer of complexity to unresolved management problems (Tortajada 2010), the level of anarchy within is even increased (Wegerich, Warner and Tortajada 2014—this issue).

For this Special Issue we were fortunate to attract contributions from a wide range of contexts, from the global North and South, and from un- or ill-governed spaces in seemingly rock-solid democracies to so-called fragile states.

We start with cases lifting the lid on some undesirable externalities of apparent anarchy. The situation in the Doñana Valley, Spain much resembles a Tragedy of the Commons, where the unbridled overexploitation of water resources to grow berries is flying in the face of an ineffective state plan to regulate it. The practice appears to be socially and politically accepted but has serious environmental impact (Bea *et al.* 2014, this issue). The extent of this damage is not so widely known yet, but the democratisation of technology may shed more light on the ‘dark side’.

While ungoverned spaces are sometimes celebrated as hotbeds for ‘constructive anarchy’, they may also perpetuate inequities. Matthews and Schmidt (2014, this issue) show how ‘closed communities’ in contexts as disparate as communist Laos and liberal-democratic Alberta, Canada strategically espouse the ‘good governance’ principles espoused by their government and/or international aid organisations, yet in practice make sure they can keep doing what they do without external meddling, and quite unsustainably so. Paradoxically, what the authors show is how the very implementation of good governance creates these ungoverned spaces.

These examples are set in the shadowlands of otherwise stable environments with durable systems of rule. Other water systems do not have that luxury, and somehow survive in the middle of civil war and failed states as in Afghanistan (Thomas and Ahmad 2009, Wegerich 2010). Recurrent disaster and war (complex emergencies) but also political and economic transition (transition economies) overwhelm normality. Thomas and Warner (2014, this issue) present a study of drought-challenged water governance in the Lower Kunduz and Taloqan basins in North Afghanistan, in which traditional and modern forms of patronage, as well as informal dispute resolution coupled with venerable customary rights systems (*abandaz*) rather than externally invented and facilitated multi-stakeholder platforms tided water conflicts between provinces during dry years. This messiness can also become normalised and threaten environmental sustainability in a context where the spectre of violence is never far. The authors found that traditional and modern forms of

modern patronage, political interference from Kabul and informal dispute resolution coupled with venerable customary rights systems (*abandaz*) rather than externally invented and facilitated multi-stakeholder platforms that tided the conflictive Lower Kunduz and Taloqan (subbasins of the Panj-Amu basin in North Afghanistan) over dry years (Thomas and Warner, 2014). The authors however warn that this relative success is no hard and fast recipe that would work next time around in a drought.

After independence Uzbekistan liberalized and decentralized its agricultural governance. This has given rise to fragmentation bordering on anarchy at two levels: between state and provinces the latter using the spaces left by national government, and between provincial authorities and farmers. State-order crops compete with free-market crops. Platonov *et al* (2014, this issue) show the attempt of one province in Uzbekistan to regain control by an expansion and more rigorous planning process on state-order crops. The authors highlight that this policy approach has largely failed. The provincial policy failure appears to be socially and politically accepted within the province itself, however, this policy failure (and therefore the underreporting of water used) is not reported to the national level. In addition, the authors show that the infrastructure accessing the water resource determines to which extent farmers can engage in second-crop production. Hence, it is not so much a common inequity between head-enders and tail-enders that stands out, which would betray a 'dark side' of structural water theft. Rather, inequity arises due to water access infrastructure itself, and is therefore symbolic of how past water control infrastructure, which intended to promote equity, led to glaring inequities resulting from attempts at liberalization instead.

Also on Uzbekistan but at a lower water management level, Mukhamedova and Wegerich (2014, this issue) report on the experience of Water User Associations (WUAs). WUAs are seen as GROs. However, the authors show how the top-down creation of the GRO has mainly focused on one category of water users (farmers) and only weakly linked the majority of the rural population with the organisation. Due to economic hardship in rural communities which has led to an out-migration of male seasonal laborers, this weak link had particularly negative consequences for women who are responsible for kitchen gardens to support household livelihoods. Since village communities, as independent users of the water resource, are either not formally enfranchised or even formally excluded, they had to revert to informal practices of capturing water (*i.e.* water theft). Hence, the paper shows how the well-intended creation of a decentralised water governance model through GROs with the aim to increasing water efficiency and the productivity of farmers, can be fraudulent from the outset, since the focus is on main water users, but not on marginal users who happened to be the majority of the population. By putting the resource center stage, the focus turned to main water users only, and led automatically to the rise of informal and anarchic practices on the part of the excluded.

Venot and Suhardiman (2014, this issue) likewise show that the expectation that 'good governance' practices will be implemented simply ignores existing power relations and practices. By keeping their eyes, its Monitoring and Evaluation, trained on the achievement of predefined goals, interventions leave 'ungovernable spaces', falling

between the cracks—the blurred boundaries between formal and informal, which in the end becomes what really decides who gets what, where, why and how. It is in this opportunistic shadowland that actors adapt and shape external interventions to suit their needs, interests and power strategies.

Hoanh, Suhardiman and Anh (2014, this issue) show that it is these spaces that both bolster and undercut the polycentric network created by the Vietnamese state to incentivize higher production. They describe it as a patchwork of formal-informal, legal-illegal, cooperative-competitive, top down-bottom up, and centralized-decentralized processes.

Where official discourse and planning moreover does not bring us a comprehensive picture of available information, however, perhaps technology can suggest they can shed light on the ‘dark side’ effects of non-regulatory tragedies? Bea, Lopez and Vay del Caño (2014, this issue) mention that while Geographic Information Systems (GIS) have long been an expensive expert tool, spatial information is rapidly democratizing and software more and more affordable. This brings a guardedly optimistic note to an otherwise mixed harvest of cases.

The coordinators of this special issue are well aware that the presented cases do not cover all aspects of the unknown, hidden or darker side of water governance and its relation to governance recipes. Hence, the framework and following cases studies should be considered only a start in lifting of the veil and to encourage more research on an area that is not yet known—and all too often formally ignored.

References

- Bea Martinez, M., E. Lopez-Gunn and L. Vay del Caño (2014) False Promises: The contours, contexts and contestation of good water governance in Lao PDR and Alberta, Canada. *International Journal of Water Governance*, this issue.
- Conrad, C. (2006). Fernerkundungsbasierte Modellierung und Hydrologische Messungen zur Analyse und Bewertung der landwirtschaftlichen Wassernutzung in der Region Khorezm (Uzbekistan). Wuezburg: Germany. Bayerischen Julius-Maximilians-Universitaet Wuerzburg.
- Earle, A., Jägerskog, A. and Öjendal, A (eds.) (2010). *Transboundary Water Management: Principles and Practice*. Earthscan.
- Hoanh, C. T., D. Suhardiman and, L. Anh. (2014) Irrigation development in the Vietnamese Mekong Delta: Towards polycentric water governance? *International Journal of Water Governance*, this issue.
- Kooiman, J. (1993). *Modern Governance*. London: SAGE.
- Lasswell, H.D. (1936). *Politics; Who Gets What, When and How*. Whittlesey House.
- Lebel, L., P. Garden, and M. Imamura (2005) The politics of scale, position, and place in the governance of water resources in the Mekong region. *Ecology and Society* 10(2): 18.
- Matthews, N. and Schmidt, J. (2014). False Promises: The contours, contexts and contestation of good water governance in Lao PDR and Alberta, Canada. *International Journal of Water Governance*, this issue
- Mukhamedova, N. and Wegerich, K. (2014) Integration of Villages into WUAs—The Rising Challenge for Local Water Management in Uzbekistan. *International Journal of Water Governance*, this issue.
- Platonov, A., Wegerich, K., Kazbekov, J. and Kabilov, F. (2014) Beyond the state order? Second crop production in the Ferghana Valley, Uzbekistan. *International Journal of Water Governance*, this issue.
- Teisman, G.R.& Klijn, E.- H. (2008) Complexity Theory and Public Management, *Public Management Review*, 10(3): 287–297.

- Teisman, G.R. M. W. van Buuren, J. Edelenbos, J. Warner. Water governance: Facing the limits of managerialism, determinism, water-centricity, and technocratic problem-solving *International Journal of Water Governance* 1(1): 1–14.
- Thomas, V. and Ahmad, M. (2009). A historical perspective on the Mirab system: a case study of the Jangharoq Canal, Baghlan. Case studies series. Kabul: Afghanistan Research and Evaluation Unit.
- Thomas, V. and Warner, J. (2014). River Basin Multi-Stakeholder Platforms: the practice of ‘good water governance’ in Afghanistan. *International Journal of Water Governance*. This issue.
- Tortajada, C. (2010). Water Governance: Some Critical Issues. *International Journal of Water Resources Development*, 26(2), 297–307.
- Venot, J.-P. and D. Suhardiman (2014) Governing the Ungovernable: Practices and Circumstances of Governance in the Irrigation Sector. *International Journal of Water Governance*. This issue
- Warner, J. (2012) The Toshka Project in Egypt, River diversion for political diversion? *Environmental Science and Policy*. 30(6): 102–112.
- Wegerich, K. (2010) ‘The Afghan water law: “a legal solution foreign to reality”?’, *Water International*, 35: 3, 298–312.
- Water Governance Facility (WGF), What is water governance? www.watergovernance.org/whatiswatergovernance accessed 1 August 2014.