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Lost in Translation: The Participatory Imperative and Local Water Governance in North Thailand and Southwest Germany

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ABSTRACT: Water management in Thailand and Germany has been marked by a command-and-control policy-style for decades, but has recently begun to move slowly towards more inclusive and participatory approaches. In Germany, the push for public participation stems from the recently promulgated European Union Water Framework Directive (EU WFD), while participatory and integrated river basin management in Thailand has been strongly promoted by major international donors. Drawing on case studies from two watersheds in North Thailand and Southwest Germany, this paper analyses how the participatory imperative in water governance is translated at the local level. Evidence suggests that in both countries public participation in water management is still in its infancy, with legislative and executive responsibilities being divided between a variety of state agencies and local authorities. Bureaucratic restructuring and technocratic attitudes, passive resistance on the part of administrative staff towards inclusive processes, and a trend towards the (re)centralisation of responsibilities for water governance in both study regions undermines community-based and stakeholder-driven water governance institutions, thus calling into question the subsidiarity principle. State-driven participatory processes tend to remain episodic and ceremonial and have not (yet) gone beyond the informative and consultative stage. Meaningful public participation, promised on paper and in speeches, gets lost in translation too often.

KEYWORDS: Water governance, command-and-control, public participation, North Thailand, Southwest Germany

INTRODUCTION

Participatory approaches to environmental governance have been increasingly promoted in recent years in developing, emerging and industrialised economies. They have also become a cornerstone of the concept of Integrated Water Resources Management (IWRM) and other normative approaches to water governance. The appeal for central governments to involve the wider public in decision-making processes with regard to managing water resources lies in (1) raising the legitimacy of water governance arrangements and outcomes, (2) enhancing public acceptance of projects aimed at improving water quality and water allocation among stakeholders, (3) making use of local knowledge in water resource management, (4) enhancing the accountability of institutions involved in water governance, (5) identifying alternative dispute resolution mechanisms for a resource that is marked by increasing complexity, competition and conflict, and (6) empowering marginalised groups who have been left out of environmental decision-making (e.g. Bruch et al., 2005; Faysse, 2006; Warner, 2006). These different objectives point to varying degrees and scales of public participation. In an influential and frequently quoted paper, Arnstein (1969) proposed a "ladder of citizen participation", ranging from manipulative and purely informative forms of participation at one end of the scale through more consultative types to partnerships and citizen control at the other end (see also Bruns, 2003).

The purpose of public participation varies significantly among the institutions that promote it. One faction emphasises the efficiency argument and sees participation as a means or tool for governments to achieve better policy outcomes; the other faction is primarily concerned with equity and empowerment issues and regards participation as a process of changing power relations between

public agencies and citizens. This resonates with the expanding literature on public participation in environmental governance, where natural resource sociologists appear to be more oriented towards outcomes of a participatory process (e.g. in terms of improved decision-making), whereas deliberative democratic theorists put more emphasis on the process itself and the 'deliberative spaces' that it creates for various stakeholders.¹ What both strands of literature have in common is that they are concerned with the gaps between political rhetoric and the practice of public participation in environmental governance, and that they question to what extent institutional reform towards enhanced public participation actually changes the power of individuals and communities to influence environmental decision-making at various levels (Bruns, 2003; Bruch et al., 2005; Warner, 2006; Molle, 2007).

While the spectrum of participatory approaches to environmental governance described above and the proliferation of scholarly work on the subject makes it difficult to define 'participation' neatly, (public) participation is best described as "a complex system of structure and processes, that builds and supports sharing of legitimate authority over participants and that pervades the way an organisation or institution views and relates to its members" (Bouwen and Taillieu, 2004).

It may appear far-fetched to compare an industrialised European country with an emerging economy in Southeast Asia with respect to public participation in water governance. However, both regions selected for the study share some important commonalities that promise to make a comparative analysis rewarding. First, the history of governance in the water sector in both countries has been marked by a lack of sectoral integration, a strong adherence to command-and-control approaches, and a policy style alien to collaborative types of water governance. Second, water management in both Germany and Thailand were previously organised along political-administrative boundaries rather than hydrological and geographic units, such as river basins. Third, policy-makers in both countries put much emphasis on public participation as a tool to improve the outcomes of water management, rather than regarding participation as an end in itself. Fourth, both study regions are part of a multi-functional landscape with a major share of the territory under 'protected area' status, thus featuring potentially conflicting sectors, such as agriculture, nature conservation, and tourism, as well as upstream and downstream interdependencies. Finally, both study regions are prominent pilot cases for the implementation of the concept of public participation in river basin management. In the case of Southwest Germany, the participation imperative stems from the recently promulgated European Union Water Framework Directive (EU WFD), while participatory and integrated river basin management in North Thailand has been strongly promoted by major international donors, such as the Asian Development Bank (ADB) and – more recently – the World Bank. Yet, the participation imperative and its high-flown objectives formulated at the national and regional level need to be transformed into human agency and local action. Drawing on case studies from two watersheds in Southwest Germany and North Thailand, this paper analyses how participation in water management is translated at the local level and how much of its original meaning and content is altered, reordered and 'lost in translation'.

The paper is organised as follows: first, the study areas in the two countries and the methodology are introduced. This section is followed by a discussion of recent trends in water policies under the EU Water Framework Directive (EU WFD) and the influence of international development banks in Germany and Thailand, respectively. The paper then scrutinises the translation of the participatory imperative at the local level, using three analytical categories, namely (1) attitudes of stakeholders towards participatory water resource management, (2) stakeholder representation and organisational composition, and (3) power relationships, social trust and decision-making mechanisms. The findings are synthesised in a comparative discussion that concludes the paper.

¹ See Parkins and Mitchell (2005) for a detailed comparison of deliberative democratic and natural resource perspectives on public participation.

STUDY AREAS AND METHODOLOGY

Study area in Southwest Germany

The study in Southwest Germany was carried out in the Jagst watershed in Hohenlohe district of Baden-Württemberg, with a population of about 110,000 inhabitants. Since the Jagst is one of the least disturbed rivers of Germany, many nature protection zones (so-called Flora-Fauna Habitats – FFH) and water conservation areas are located in Hohenlohe district, calling for the compliance and cooperation of various stakeholder groups with regard to environmental objectives. The Jagst valley was the target of the first regional public forum that was conducted in this federal state under the EU Water Framework Directive. For inquiries at the local level, the municipality of Mulfingen was chosen. The number of inhabitants was around 3,900 in 2002. The municipality covers an area of around 80 km² and consists of eight villages, three of which are located on the mountain ridges (the boundaries of the Hohenlohe plain) and five in the Jagst valley. About 60% of the municipality's territory is devoted to agriculture – although there are only a few full-time farmers remaining – and 30% is covered by forest.

Study area in North Thailand

The study in North Thailand was carried out in the upper part of Mae Sa watershed in Mae Rim district, Chiang Mai province. The watershed covers an area of 142.2 km² and extends from 20 to 45 km northwest of the northern city Chiang Mai. The watershed is intensively used for market-oriented agriculture, mainly fruit, flower and vegetable production, and is also a favourite tourist destination for day trips from Chiang Mai. The upper part of the watershed is covered by the sub-district Pong Yang. The population of the sub-district – estimated at around 7,200 – comprises northern Thai (*khon muang*) and the Hmong ethnic minority group, distributed in ten villages, seven of them located upstream on the mountain ridges and sloping hillsides and three situated in the mountain valley. The upstream communities are located either within the Doi Suthep-Pui National Park or in protected watershed areas. Nearly 80% of the watershed is classified as forest area and around 18% as agricultural land.

Methodology

The two case studies are mainly based on primary data collected with qualitative research methods, such as semi-structured and open-ended interviews and participant observation. Respondents were selected by purposive sampling with the aim of representing the perspectives of major stakeholder groups and of obtaining a rich picture of the structures and processes under study. In the study region in North Thailand, semi-structured interviews were carried out with staff of government line agencies, representatives of the sub-district (*tambon*) administration organisation (TAO), and private sector representatives to analyse attitudes towards public participation in water resource management and decision-making processes at the local level. The data was complemented by field notes taken during sessions of a working group established to coordinate conservation and development activities in an upstream part of Pong Yang sub-district. In addition, meetings of newly established basin and sub-basin committees were attended. In the study area of Southwest Germany, data was gathered through semi-structured interviews and unstructured research conversations with individuals and groups, representing the most important stakeholder groups at the district, municipality and village level. Participant observation was applied when attending public meetings of the municipality council in Mulfingen and watershed committees in Mae Sa watershed. As these were public events, it is not expected that our presence altered the course of the meetings. Field notes were taken during or directly after the interviews and observed events. Qualitative data analysis followed a procedure of coding according to selected analytical categories.

To make the analysis of public participation operational, various categories derived from the emerging literature on multi-stakeholder governance of natural resources are used, such as power

relationships, decision-making mechanisms and stakeholder representation (Blomquist and Schlager, 2005; Parkins and Mitchell, 2005; Faysse, 2006), and social trust (Focht and Trachtenberg, 2005). Attitudes towards participation have been identified as a further important factor in determining how more deliberative and inclusive policies in the field of water governance are translated at the local level. Government authorities may or may not change their perspectives on the value of involving local stakeholders in decision-making and implementation. The attitudes of local stakeholders towards participation, on the other hand, are often determined by the history of previous attempts to involve them in participatory processes.

RECENT TRENDS OF WATER POLICIES IN SOUTHWEST GERMANY AND NORTH THAILAND

From command-and-control systems to more deliberative approaches to water governance in Southwest Germany

According to Blackbourn's detailed account of the history of water management in Germany, the period from 1800 to World War II was characterised by a slow, but steady trend towards a centralised system of water governance and a fervent belief in experts' knowledge and in the human mastery of water resources (Blackbourn, 2006). This trend continued in post-war West Germany where the economic miracle and rising food supplies were paid for by extractive use of natural resources, and water in particular. In the early 1970s, however, the ecological costs of river regulation, drainage of wetlands and pollution of surface waters had become all too apparent. As a consequence, environmental groups emerged at the national, regional and local level, lobbying for a more natural environment and cleaner, where possible undisturbed rivers. A myriad of regulations concerning the protection of water sources, the treatment of effluents and the use of chemicals in agriculture, households and industries were promulgated under federal and state legislation (Feldwisch and Schultheiß, 1998; Neef, 2007). This command-and-control system had strikingly positive effects on the quality of German water bodies, but left little room for public participation in water management.

The early steps towards European water legislation began in 1975 with the promulgation of standards for rivers and lakes serving drinking water purposes. Five years later, binding quality targets for drinking water were set, including quality objectives for fish and shellfish waters, bathing waters and groundwater bodies (EC, 2006). Since then, a whole set of European Water Laws have been promulgated, such as the Nitrates Directive, and a new Drinking Water Directive, to name but a few (e.g. Feldwisch and Schultheiß, 1998; RCS, 2006a). Following ministerial consultations and public hearings a 'widespread consensus' emerged that "the current [European] water policy was fragmented, both in terms of objectives and means" and that "a single piece of framework legislation" was needed "to resolve these problems" (EC, 2006). Under the slogan "Getting Europe's waters cleaner, getting the citizens involved" (ibid: 8), the European Union Water Framework Directive (EU WFD) was adopted in late 2000.² Under the heading "Public information and consultation", Article 14 of the EU WFD places explicit emphasis on public participation by demanding that "[EU] member states shall encourage the active involvement of all interested parties in the implementation of this Directive" (EC, 2000: 16). It is further stated that the information and consultation process for the development of river basin management plans had to be instigated by the end of 2006 (Kastens and Newig, 2008). While the EU WFD defines about 34 different technical terms, such as 'surface water status' and 'good ecological potential' in its second article, the definition of 'active involvement of the public' is left to various interpretations by the EU member states. Yet, the Directive subscribes explicitly to the subsidiarity principle, stating that "decisions should be taken as close as possible to the locations where water is affected and used" (EC, 2000).

² For a complete history of the making of the EU WFD, see Kaika and Page (2003).

The EU WFD is a binding framework that forces the administrations of member countries to define a single and comprehensive responsibility for each water body. Given the complex institutional context of water governance, Moss (2004) has raised questions of spatial and institutional fit between the ambitious aspirations of the EU WFD and the reality of sectoral and administrative segregation of responsibilities for water management in Germany. In fact, the creation of river basin districts – implemented in several other European countries, such as Italy – was vetoed by Germany in the negotiations over the EU WFD. Instead, responsibility for implementing the EU WFD in Germany was placed with the existing state water authorities. In the case of the federal state of Baden-Württemberg, it is the Regional Council of Stuttgart that acts as the 'River Basin Authority' (*Flussgebietsbehörde*) for all water bodies within the state's boundaries.

In accordance with the timetable, Germany has translated the EU WFD into national legislation with a new Water Balance Law in 2003. Yet, the federal states (*Bundesländer*) have a more important role to play in the implementation process of the EU WFD (Kastens and Newig, 2008) and approaches differ widely among the 16 states. In Baden-Württemberg, major administrative restructuring processes have been carried out since the promulgation of the EU WFD that will directly or indirectly affect its implementation. According to its President, the recently formed Regional Office for Environment, Measurements and Nature Protection of Baden-Württemberg was the result of a merger of two separate offices in 2005 and now concentrates the environmental competences in this southwestern state (RCS, 2006b). At the district level, the so-called 'Special Offices' (*Sonderbehörden*), which were formerly responsible for special tasks, such as flood and emissions control or quality control of surface waters, were dissolved and their staff incorporated into the District Office Headquarters.³ Responsibility for the Neckar, a major tributary of the Rhine and located almost entirely in Baden-Württemberg, has been assigned to the Regional Council of Stuttgart, which has subdivided this water body into 10 sub-management areas (one of which is the Jagst river basin) and 55 sub-water bodies. In a recent speech at the University of Hohenheim, Stuttgart, the director of the project group 'EU Water Framework Directive' at the Ministry of the Environment, Baden-Württemberg and executive manager of the 'German Commission for Keeping the Rhine Clean' emphasised that "the planning and determination of measures [under the EU WFD] have to follow a *top-down process*. This means that first all the problems concerning the whole river basins and the sub-management areas have to be considered, before regional and local aspects can be addressed" (Bley, 2006; translation and emphasis by the author).

This statement underscores the strong adherence of German state officials to vertical decision-making processes and raises the question whether citizens at the local level will have a major voice in the planning and implementation of measures under the EU WFD. Yet, formally, the Regional Council of Stuttgart (RCS) has fulfilled the somewhat fuzzy demand for public information and consultation in the EU WFD, first, by setting up a website with detailed information on the timetable for implementation of the WFD and on the quality of water bodies in the various sub-management areas, and, second, by organising regular 'information circles' for regional stakeholder groups and line agencies (once per year from 2003-2005) and public forums in six of the ten sub-management areas (between September 2006 and March 2007). The representative at the RCS conceded in an interview in early May 2008 that the implementation of the EU WFD has not yet gone far beyond the informative stage, and that the process has been delayed by a shortage of personnel and the challenge of coordinating the various stakeholder groups at the district and river basin level.

³ Interview with the director of the District Office for Environment and Construction, Künzelsau.

Under the grip of international development banks and autocratic governments in North Thailand

Rising political consciousness and the emergence of a civil society in Thailand's young democracy was influential in supporting a modest decentralisation process during the 1990s in a country that had been dominated by a quasi-monopoly of the central government in Bangkok for decades (Arghiros, 1998; Nelson, 2003). This process was reinforced by Thailand's Constitution of 1997, which explicitly emphasised the involvement of local people in decision-making processes related to environmental management. The trend towards devolution of decision-making power to local government agencies in natural resource management is particularly expressed in the following principles included in the so-called 'People's Constitution':

- Local authorities have powers and duties in managing, maintaining and utilising natural resources and the environment.
- Local communities have the right to participate in the maintenance and management of natural resources and the environment (Rayanakorn and Kongsiri, 1998).

The constitution also provided the basis for the enactment of the Decentralisation Law of 1999, which stipulates that the Thai government shifts 35% of state revenues to local administrations by 2006, starting with 20% in 2001 (Suwanmala, 2002). Apart from a huge transfer of public funds, which would have given a high degree of financial autonomy to local governments, other objectives of the Decentralisation Law included the gradual transfer of public services from the central government to local administrations. The Thaksin administration (2001-2006) declared decentralisation to be a major policy priority, although much of it was branded mere lip-service by academia and the urban middle class.⁴

The Ninth National Economic and Social Development Plan (2001-2006), which strongly built on the King of Thailand's 'Philosophy of Sufficiency Economy', put great emphasis on empowering communities and participatory development (cf. NESDB, 2001). In early August 2004, a draft of the Water Resource Bill was presented to the public. Elaborated by a group of law academics and commissioned by the Department of Water Resources, it was based on consultations with grassroot groups and local people in 25 river basins throughout the country. Its people-centred principles, however, which include a balance of state officials and grassroot organisations in a national water resource committee and the nationwide creation of river basin committees, have already faced strong resistance from officials in various powerful government agencies, such as the Royal Irrigation Department. The influence of these line agencies would be drastically curbed by the Water Resource Bill, once endorsed by the Thai legislative bodies.

In a pilot phase for the planned nationwide introduction of river basin committees, these new institutions have been tested in the Upper Ping river basin of which Mae Sa watershed is a sub-unit. The implementation of river basin and sub-basin committees in the Upper Ping region has been marked by uncertainties over bureaucratic restructuring processes, policy inconsistencies, domination by people with vested interests and upward accountability of committee leaders (Neef et al., 2006). A first attempt, financially supported by the Asian Development Bank from 2000-2001 under the Technical Assistance (TA) for 'Capacity Building in the [Thai] Water Sector', tried to achieve better coordination of the 30-odd agencies in eight ministries involved in the sector, by strengthening the Office of the National Water Resources Committee as the main coordinating body for water management in Thailand. Under this project, it was agreed to set up three working groups to prepare basin plans and conduct public relations and awareness-raising campaigns, and to divide the Upper Ping river into 15 smaller sub-basin watershed working groups (Thomas, 2005). Line agencies such as the Royal Irrigation

⁴ In fact, the Thaksin administration fell far short of the target for a local government share of 35% in total public spending for the year 2006 foreseen by the Decentralization Law of 1999.

Department, however, were reluctant to include projects of the working groups, since they had already drafted their own plans. Most NGOs, on their part, refrained from supporting the project and did not join the TA workshops because of concerns about the imposition of irrigation fees, which they thought "would negatively affect the poor and cause inequitable distribution of water" (Arriëns, 2001). The ADB assistance was not extended into a second phase. With the establishment of the Ministry of Natural Resources and Environment (MoNRE) in 2002, river basin programmes were assigned to the newly established Department of Water Resources (DWR). The establishment and testing of pilot sub-basin management organisations was continued in 2005 by the World Bank-funded TA project 'Participatory Watershed Management for the Ping river basin' regarded by many stakeholders as "yet another wave of planning for river basin activities" (Thomas, 2005).

The military coup that toppled the increasingly autocratic Thaksin administration in September 2006 became another turn in the country's approach to water management. While the military-installed administration declared water resource management to be a major government priority, academics and environmental groups voiced concern over the lack of public participation in drawing up water management plans. The new constitution endorsed through a national referendum in August 2007 was also criticised for putting too little emphasis on the inclusion of the wider public in issues of natural resource management. In one of the last legislative sessions of the military-appointed National Legislative Assembly (NLA), ten activists stormed parliament on 12 December 2007 and demanded that the legislators stop the passing of new laws, among them the controversial Community Forestry Bill (CFB) and the Water Resource Bill. While the CFB was approved by the NLA just before the national elections on 23 December 2007 against severe criticism by rural activists and the academic community, the fate of the Water Resource Bill remains unclear as of early 2008. The newly elected government under Prime Minister Samak Sundaravej, who took office in February 2008, has yet to declare its stance on public participation in water governance.

THE TRANSLATION OF THE PARTICIPATION IMPERATIVE AT THE LOCAL LEVEL

In the selected study areas in Southwest Germany and North Thailand, various new organisational arrangements have been set up since the late 1990s that deal with issues of water governance and involve local stakeholders at different administrative, geographic and socio-political levels (see table 1). A major distinction is made between state-, stakeholder-, and community-driven arrangements. State-driven arrangements in this context are defined as new political frameworks established at the national or regional level which need to be implemented by institutions at the district and municipality/sub-district level. Stakeholder-driven arrangements are the result of a resource conflict at the watershed level that brought different parties together to find a solution. Community-driven arrangements refer to situations where community-based institutions, such as Local Agenda 21 groups or water user associations, meet on a more or less informal and regular basis to discuss issues of water management within the community or between neighbouring villages. These institutional arrangements exist alongside the more established democratic institutions that traditionally have been in charge of local water management, such as the district administration and municipality councils in the case of Southwest Germany and the provincial and district governments, watershed and irrigation networks and water user groups, as well as, more recently, the sub-district (*tambon*) administrative organisations (TAOs) in North Thailand. These new institutional arrangements are scrutinised below using three major analytical categories that are regarded as crucial for determining how the participatory imperative is translated at the local level:

1. Attitudes of stakeholders towards participatory water resource management;
2. Stakeholder representation and organisational composition;
3. Power relationships, social trust and decision-making mechanisms.

Table 1. Features of new institutional arrangements for water governance in the study areas

Name of organisation	Administrative/ geographic coverage	Date of establishment	Major drivers	Institutional setup
Study area in Southwest Germany				
Jagst-Commission	Jagst Valley, 3 districts	1999	Stakeholder- driven	Round-table
Local Agenda 21 Mulfingen	1 municipality	2000	Community- driven	Working group
EU WFD – Sub- management Area 48 (Jagst)	Jagst Valley, 3 districts	2006	State- driven	Public forum
Study area in North Thailand				
Mae Ta Chang Watershed Project	Mae Ta Chang River, 2 districts	1998	Stakeholder- driven	Round-table
Muang Kham – Pha Nok Kok MAS group	Mae La Ngun sub- catchment, 2 villages	2004	Community & research- driven	Working group
Mae Sa River Basin Pilot Project	Mae Sa River, 4 sub-districts	2005	State- driven	River basin committee

Source: Own compilation based on field surveys in both study regions

Attitudes of stakeholders towards participatory water resource management

It is generally assumed that participatory processes of water governance are welcomed by all stakeholders. In reality, different actors might have diverse attitudes towards and dissenting expectations from participation. Prospective participants that are socially and politically marginalised may fear that their voice will not be heard in a public space; institutional actors may be afraid of losing their control over resources and processes; and other stakeholders may have had negative experiences with previous 'participatory' processes that turned out to be extractive or time-consuming rather than empowering and did not bring about the expected changes.

Mae Sa watershed, North Thailand

Most interviews in our study area confirmed that public participation in water resource management at the local level was a new concept introduced by the first minister of the newly established Ministry of Natural Resources and Environment (MoNRE), Praphat Panyachartrak, in 2003. However, the paternalistic attitude of government officials, particularly at higher administrative levels, has remained resilient against the change in policies and rhetoric as stated in several interviews. The following, rather typical statement, is an excerpt from an interview with the chairman of the government-initiated Mae Sa Mai working group. "The establishment of the TAO has changed something, villagers are now more involved in decision-making. The TAO gets more financial resources and now they think they can do what they planned. But we still have to control the activities of the Hmong people in the National Park". The same person also alleged that "highland farmers just connect [their pipes] to the [irrigation] canal and use water like they want, they waste water. We have to convince them to use new technology, such as drip irrigation".

Most government representatives are sceptical about the value of local knowledge and do not believe in the capacity of communities to govern their own natural resources. Some also fear that

established agencies and their staff would lose their influence in more inclusive decision-making processes. Other respondents stated that they just lack the knowledge of how to moderate participatory events such as round-tables and working groups, having only been trained in technical issues.

The statement of a representative of the Royal Irrigation Department's mobile unit responsible for Mae Sa watershed is rather atypical. He suggested that there is a new openness on the part of his agency towards increased participation by local communities, and acknowledged the capacity of villagers to manage water resources by themselves, while his agency only supports them in this endeavour. The elected head of the sub-district, the *kamnan*, however, stated in an interview that these changes are still not being felt by local people: "The situation is still the same, there is no progress. (...) Yes, the possibilities for the people to participate in resource management have increased in recent years, but I feel that they have decreased again. (...) lately the people feel neglected and don't cooperate any more".

A similar perspective was presented by the headman of the Hmong village Buak Chan who was asked whether he felt any changes in the behaviour of government officers since the new decentralisation policy was introduced. While he acknowledged that communication between local people and government officials had improved, he complained that their right of participation is still not anchored in Thai legislation.

On the other hand, other stakeholders raised doubts as to whether farmers are actually willing to engage in participatory processes. The marketing manager of a tourist resort in Mae Sa watershed, for instance, stated in an interview that "the farmers are not so interested [in participating in meetings of watershed committees], they just do their work".

In fact, the opportunity costs for farmers to participate in the various meetings of watershed committees are relatively high, given their reliance on labour-intensive agricultural production. Particularly among the politically and socially marginalised Hmong minority group there is a feeling that these opportunity costs do not outweigh the benefits of cooperation, particularly in the state-driven types of working groups and river basin committees. Those members who attended several meetings became increasingly frustrated about the outcome, citing predetermined objectives, fruitless discussions and changing compositions of the committees due to bureaucratic restructuring.

Jagst watershed, Southwest Germany

Among the local authorities interviewed at the district and municipality level in the study area in Southwest Germany there was a general consensus that citizens are only interested in making their voices heard when they are directly concerned.⁵ The mayor of Mulfingen stated that participatory processes are costly and time-consuming. Previously, major stakeholder groups were informed in writing about the plans at later stages of the planning process and given the opportunity to formulate any complaints. Under the new EU regulations, the municipality is obliged to inform all citizens prior to the planning process and invite them to a public hearing. The mayor felt that this form of participation went too far and that too many people were involved in decision-making processes.

The director of the District Office for Environment and Construction in Künzelsau voiced her concern that citizens might get tired of being invited to meetings and public hearings, since the EU WFD is only one of a whole set of EU directives that call for increased public participation "In the end, we will stand alone in big halls because nobody will bother to come to our meetings". A member of the municipality council of Mulfingen confirmed this view by stating that "people don't have time and are mostly frustrated by endless discussions". The executive manager of the Farmers' Association Schwäbisch Hall-Hohenlohe also stated that the bottom-up approach taken by the EU WFD goes too far in terms of stakeholder participation and would prolong the time for decision-making.

⁵ Interviews with the Head of the District Office for Environment and Construction (Künzelsau), the Mayor of Mulfingen and a member of the Municipality Council of Mulfingen.

Most interviews with district and municipality authorities confirmed the strong reliance on expert advice that remains prevalent in water management. Water quality is measured at regular intervals according to clearly defined thresholds. Probes at the local level are sent to the laboratories of the state health office which decides, for instance, whether a bathing spot should be closed to the public. Experts determine where to designate Flora-Fauna-Habitats and how to protect water conservation zones. Planning and implementation of water management measures are also assigned to experts, usually to the company or consulting agency submitting the lowest cost calculation. The connection of the municipality of Mulfingen to a regional water supply network, which is currently under way, was also primarily based on advice by scientists and other experts, who convinced the municipality council that mixing the local water with water from Lake Constance would significantly reduce the hardness of the drinking water, resulting in less carbonate residues in washing machines and water pipes. The reliance on expert knowledge and scientific information is also reflected in the information provided on the relevant websites informing the public about the water conditions in the Jagst river and other sub-management areas of the Neckar basin under implementation by the EU Water Framework Directive (EU WFD). Most documents contain a wealth of very detailed information presented in highly technical terms with a complex scientific vocabulary that few in the general public could be expected to understand.⁶

Notwithstanding the continued faith in expert advice and scientific expertise, and the scepticism of authorities at the municipal and district level with regard to enhanced public participation in water governance, ordinary citizens appear more interested in engaging in issues of water management and would welcome more space for public involvement. A former school teacher⁷ in one village of the municipality of Mulfingen was very outspoken on this issue during the interview: "The local authorities have begun to realise that we are customers, not just followers. (...) People do not believe in the authorities as much as they did before. Nowadays villagers go to court if their rights are not respected; this would have been unimaginable 50 years ago".

Yet, this positive assessment was not shared by all local stakeholders. A farmer and his wife expressed their frustration in the interview that, as farmers, they have no voice in the process of establishing environmental policies, but must follow a myriad of regulations from the EU and from national, state and district level. He had written anonymous letters to a weekly agricultural journal to express his frustration about the lack of farmers' participation in environmental decision-making, but said he did not expect any change to result from this. "In Germany, the image of the farmer – and agriculture in general – has deteriorated. There is nothing we can do about it".

This apathetic statement and the feeling of being powerless in the political arena was a recurring issue among the few farmers left in the Jagst valley. This self-assessment was underscored by the findings under the categories 'stakeholder representation' and 'power relationships and decision-making processes' discussed below.

Stakeholder representation and organisational composition

Adequate stakeholder representation⁸ and a balanced organisational composition of multi-stakeholder arrangements for water governance are crucial for both the processes and the outcomes of such institutions. The major question in this respect is whether all those individuals and groups who affect and/or are affected by policy decisions are given the opportunity to obtain sufficient information, attend consultative meetings and engage in long-term, deliberative processes (cf. Faysse, 2006). The findings presented below show how stakeholder representation differs between the three types of institutional arrangements, namely community-, stakeholder- and state-driven (cf. table 1).

⁶ The inherent contradiction in the EU WFD between the science-based top-down model on the one hand and citizen participation and local knowledge on the other has been discussed by Peuhkuri (2006).

⁷ This person had repeatedly taken recourse to legal action against the municipality over his rights to water resources.

⁸ Deliberative democratic theorists prefer the term 'inclusion' rather than 'representation' (cf. Parkins and Mitchell, 2005).

Mae Sa watershed, North Thailand

During individual interviews and focus group discussions in Pong-Yang sub-district, respondents unanimously rated stakeholder representation in the sub-district (*tambon*) administrative organisations (TAO) as fair and equitable. Since all members – aside from the permanent secretary who is appointed by the district chief – are elected, the TAO council feels accountable to the local communities. In the Pong Yang sub-district there is now relatively balanced representation of Thai and Hmong members, though the current chairman and the permanent secretary are Thai. However, most people appreciate the impartiality of the Thai TAO chairman, reflected in the fact that he was recently re-elected for a second five-year term and also made the following statements about the Hmong people in his constituency: "For the Hmong it is easier to share water because of their clan system. (...) they cooperate better. In the beginning problems occurred because Hmong people occupied upstream areas, but now these problems are solved".

Several Hmong villages in Pong-Yang sub-district have also been involved in an action research project on water management in the neighbouring Mae Ta Chang watershed.⁹ The stakeholder-driven project was set up by local people and NGO activists in 1998 – following severe water problems and conflicts – and brought together representatives of all actors involved in water issues in this watershed. The project was supported by the Thailand Research Fund and by academics from Chiang Mai University. In an unprecedented manner, the commission gave the local people the opportunity to express their concerns and opinions and reduced tension among them through establishing dialogue and organising joint field visits (Heyd and Neef, 2006). The satisfaction of upstream people with the decision-making process is expressed in the following statement from an interview with one of the Hmong representatives in the water committee: "The good thing about the water committee and the participation of the people is that now the people sit together and talk and solve the problems together. We didn't have this before. It is the first project of its kind".

This statement contrasted sharply with his view on the activities under the newly established, state-driven river basin and sub-basin committees for the Upper Ping River Rehabilitation Project and, more specifically, on the Mae Sa River Basin Pilot Project. He had attended several meetings during which "people were appointed for different offices and sub-committees". He described the meetings as "very chaotic" and stated "that the people always change like the Minister of Natural Resources and Environment¹⁰ and the Deputy Prime Minister" who oversaw the project. Asked about possible improvements relating to these problems, he answered: "The idea of the government is to set up different committees at sub-district level along the river, but this doesn't make sense. In that way there are many different committees and they all fight against each other. It should be only one committee for one watershed".

Apart from the difficulties involved in coordinating the committees at sub-district level and the frequent changes of government representatives in the committees, the composition of the committees appears highly problematic (see table 3 in annex 2). Selection of stakeholder groups is sometimes arbitrary; representatives of major water users (and polluters) are often not invited to the meetings. While the elected sub-district representatives of the villages are automatically included in the watershed sub-committees, the leadership is always exercised by non-elected, i.e. appointed, government officers, which casts doubt on their downward accountability towards the local communities whose interests they are supposed to represent. The Mae Rim sub-committee, for example, has been chaired by the district chief officer – who is appointed by the provincial governor – while the Pong Yang sub-district working group was headed by his designated assistant. The *kamnan*, elected head of the sub-district, was excluded from the sub-committee after voicing strong criticism

⁹ Since Pha Nok Kok is situated on a mountain ridge, villagers have fields and fruit orchards in both the Mae Sa and the Mae Ta Chang watersheds.

¹⁰ From its establishment in October 2002 until March 2008, the Ministry of Natural Resources and Environment was headed by a succession of five (!) ministers.

about the plans during the meetings (Neef et al., 2006). In a meeting of all committees in Mae Sa watershed in May 2005, the representative of the Water Resources Department suggested assigning key positions in the committee to the permanent secretaries of the TAO, who are accountable to the head of the district. He claimed that the continuity of the work could not be ensured if elected representatives played a major role in the committee (Heyd and Neef, 2006).

Another problem of the new institutional structure of river basin committees and their various sub-committees is that they increasingly undermine customary, community-based water management schemes. In the Mae Sa watershed, such local irrigation systems have been in place since the first Thai villages settled around 100 years ago. Even the Hmong – often labelled as slash-and burn farmers under rainfed conditions – have engaged in wet-rice cultivation in this area since the early 1970s. When rice cultivation was replaced by more profitable cash crops, such as fruits, flowers and vegetables, traditional irrigation systems were transformed, but their underlying institutional setup often remained intact. Today, nearly every creek, reservoir or pond used by several farmers is managed by a water user group with clearly defined, but flexible rules and regulations for water use. Yet, representatives of these water user groups are never appointed as members of the river basin committees and their various sub-groups. Similarly, NGOs and academics supporting local communities in their efforts to gain stronger control over their own natural resources are excluded from the river basin committees and their various sub-groups.

Jagst watershed, Southwest Germany

While public participation in urban and rural development has a long-standing tradition in Germany, natural resource management in general and water management in particular was subject to a rigid command-and-control system until the mid-1990s. A turning point was the Rio Conference in 1992, which triggered the programme 'Local Agenda 21' which was taken up very actively by many towns and municipalities in Germany. Citizens formed local action groups determined to improve the local environment, clean up rivers and work towards sustainable development. In the municipality of Mulfingen, implementation of the 'Local Agenda 21' in March 2000 led to the establishment of three local working groups, two of which deal directly or indirectly with water resource management, namely 'Settlement, Energy and Resources' and 'Sustainable Landscape and Agriculture'. These working groups make direct suggestions to the municipality council¹¹ on various topics, such as substitution of drinking water through rainwater collection, which are then discussed in the regular public meetings of the council. While members of the municipality council were initially sceptical, environmentally active citizens who were approached on an individual basis by the municipality administration rapidly became involved in the process (Beuttler et al., 1999). Members of the municipality council have remained relatively passive, however, as is reflected in a lack of representation in the Agenda working groups. The resistance of members of the municipality council can be explained by the fact that the environmental interests of citizens may not always be compatible with the economic interests of the municipality. Drinking water substitution by rainwater, for instance, can bring economic disadvantages to the municipality's budget if the municipality is the major drinking water supplier, as in the case of Mulfingen (cf. Beuttler et al., 1999). Notwithstanding the reserved attitudes of established democratic institutions towards such grassroot platforms for environmental governance, the latter have succeeded in becoming an important factor in the socio-political landscape of the municipality.

An example of a participatory decision-making process with regard to water governance at the district level based on compromise and consensus is the so-called 'Jagst Commission'. The Commission was set up in 2000 to reconcile nature conservation and tourism, in particular canoeing, along the river Jagst.¹² The Commission is chaired by the director of the District Office for Environment and Construction and meets on an irregular basis. According to the manager of the Tourist Association

¹¹ The municipality council is a democratically elected body that is supposed to represent the interests of its citizens.

¹² Ecologists regard canoeing as detrimental to fish populations and water-dependent bird species.

Hohenlohe, the starting point of the Commission was a case when several priests went on an illegal canoe trip and had to be stopped by police officers. The district administration, concerned about the negative publicity associated with such a clash between clergy and local police, brought together various stakeholder groups, namely municipalities, representatives of the tourism industry, canoeing associations, fishing clubs and environmental associations. Strikingly, farmer representatives were not invited to the meeting, since "they don't have any stake in this aspect of river protection", as the head of the Jagst Commission stated.

The first phase of involving the wider public in achieving the objectives of the EU Water Framework Directive (EU WFD) began with a public forum at the district office of Schwäbisch-Hall for the sub-management areas of the two rivers Kocher and Jagst in September 2006. Although the meeting was open to all interested citizens living within the boundaries of the two river basins (probably encompassing more than 500,000 inhabitants), only five participants were individual citizens with no affiliation to state organisations, non-governmental organisations, private corporations, media or consultancy agencies. The municipality of Mulfingen, for instance, was only represented by its mayor. Ironically, the biggest group among the 107 persons attending the meeting comprised members of the convening 'River Basin Authority', and the Regional Council of Stuttgart (see table 4 in annex 2).¹³ The example of this first public forum shows how difficult it is – if one assumes that it was the intention of the Regional Council to mobilise as many citizens as possible – to motivate civil society beyond the various non-governmental associations and clubs that represent the interests of ordinary citizens. It also appears to confirm the statements of government officials that citizens will only participate in a public forum when they are immediately affected by the issues discussed.

Power relationships, social trust and decision-making mechanisms

Proponents of participatory processes in water governance tend to downplay or even ignore power differentials between stakeholders. Yet, multi-stakeholder 'platforms' are rarely 'a level playing field', as their name would imply (Faysse, 2006). Power relationships may be played out between different political levels, among stakeholders with conflicting agendas, and between groups with different social and/or economic status. Closely related to the issue of power relations is the issue of social trust (Parkins and Mitchell, 2005; Focht and Trachtenberg, 2005) which refers to both trust among stakeholder groups and between individual actors and trust in institutional arrangements. Social trust can be created through the intervention of mediators and facilitators that reduce the power differentials between groups (Edmunds and Wollenberg, 2001). Finally, the degree of decision-making power of stakeholder groups in the new institutional arrangements for water governance, such as river basin committees, needs to be considered in the analysis. The decision-making mechanisms within these institutions play an important role in enhancing meaningful and long-term participation of stakeholders (cf. Faysse, 2006).

Mae Sa watershed, North Thailand

While the focus in water governance in Germany and in the EU WFD is primarily on water quality, water quantity has been much more of a concern in North Thailand. Agricultural transformation and expansion of irrigated areas in both upland and lowland areas have increased the pressure on the management of water resources in northern Thai catchments (e.g. Walker, 2003; Neef et al., 2006). In recent years, water conflicts have become more frequent in many catchments, and have even turned violent in some locations. In many cases the underlying issue on the one hand involves water scarcity during the dry season and excess water during the rainy season, resulting in floods and landslides, and on the other hand, communities with conflicting perspectives regarding water management (Becu et al.,

¹³ The public forums conducted in five other sub-management areas of the RCS showed similar stakeholder representation.

2008). Resource tensions are further aggravated by attempts to define some highland groups – the so-called hill tribes (*chao khao*) – as less legitimate users of highly valued natural resources (Walker, 2003).

The mainstream, simplistic view of government agencies about ethnic minority – natural resource relations that continue to dominate the transformation of national policies at the local level in the Thai highlands is expressed in the following quote from an interview with an officer at the Department of Land Development: "In the future they [the hill tribes] will have even more problems because they don't use birth control, so land and water will become even scarcer, and they no longer have any forest to absorb the water, so they will not have water for irrigation any more".

Underlying this statement is the claim that water shortages in North Thailand are caused by watershed degradation triggered by non-sustainable practices, such as slash-and-burn agriculture, by upstream farmers. Policy-makers and environmental NGOs have persistently asserted that maintaining forest cover in mountainous regions is crucial for securing water supplies downstream (Walker, 2003). Hence, highlanders practicing agriculture differently from lowland farmers are commonly portrayed as undermining the basis of irrigated lowland agriculture (Laungaramsri, 2000; Walker, 2003). Cash crop production by highland people has put them in increased competition with lowland communities over scarce water resources. An interview with the headman of the Hmong village Buak Chan in Mae Sa watershed illustrates the increasing tensions associated with the struggle for water:

A few years ago we had a conflict with villagers from Hang dong district [in a lowland area further downstream]. The people there accused us of using too much water and then they came to cut our litchi trees, about 300 trees; they came several times, including people from government agencies. The forest officers also supported the [Thai lowland] people from Hang Dong.

Such conflicts over water in Mae Sa watershed, however, have not always turned violent. In some cases, they have been resolved through negotiations between upstream communities (mostly the Hmong ethnic minority group) and downstream people (northern Thai). One such negotiated solution was recorded between the Hmong village Pha Nok Kok and the northern Thai village Muang Kham who share water from three creeks. In 1999/2000, one creek used by farmers from both villages fell dry, leading to severe tensions between the two communities. Villagers of Muang Kham initiated meetings with representatives of Pha Nok Kok where the issue of water distribution was discussed. Regulations were set up that would satisfy both parties, such as standardisation of the diameter of pipes (Neef et al., 2006). However, meetings between representatives of the two communities continued to be tense due to the persistent power differentials between marginalised ethnic minority groups in the uplands, such as the Hmong, and the mainstream Thai society of the valleys and lowlands. In a meeting between the two communities at which researchers presented them with an animated computer model to show the effects of land use and climate on water scarcity, the Hmong of Pha Nok Kok were reluctant to engage in open discussion on scenarios to improve water supply. A positive outcome of this meeting, on the other hand, was that all participants started to realise that both communities were suffering from water scarcity in similar ways and that researchers were considered to be neutral mediators by both parties (Becu et al., 2008).

This was also the case in another, stakeholder-driven type of institutional arrangement, the Mae Ta Chang River Project, mentioned above. Round-table discussions moderated by researchers and NGO workers, regular field surveys and a participatory water monitoring system helped to reduce prejudices against upland farmers by showing that tourist resorts located mid-stream actually used more water than the litchi orchards of the Hmong upstream. Further, an agreement was arrived at for water use between upstream and downstream communities, basically by determining the diameter of pipes for irrigation purposes and the establishment of a water committee with equal representation from the stakeholder groups.¹⁴ Since information on actual water use was jointly collected and presented to all members of the group in a transparent way, the outcomes were accepted by all stakeholders.

¹⁴ Interview with the former village headman of Pha Nok Kok.

The success of such stakeholder- and research-driven institutional arrangements with regard to 'levelling the playing field' and reaching acceptable outcomes for multiple stakeholders stands in stark contrast to the state-driven river basin committees and its various sub-groups. Most participants feel that there is not much space for negotiation of plans and procedures and that the meetings only serve to legitimise preconceived government action, as exemplified in the statement by the sub-district head of Pong Yang:

They invited the [elected] representatives from the sub-district administration and me as *kamnan* to agree on the plan, but the plan was already finalized beforehand. (...) The plan was an order from above, we could not say anything any more, and some projects that were demanded by the people were cancelled.

Following the military coup of 2006 and the installation of a military-backed, non-elected government, the work of many government-driven arrangements for water governance had been in political limbo, with most government officials at provincial and district level waiting for clear new policy directions. Meetings of river basin committees and working groups throughout the year 2007 were marked by the ceremonial character of participation and the issue of improved water management was replaced by other, seemingly more pressing topics, such as the problem of haze caused by forest fires.

Jagst watershed, Southwest Germany

The inhabitants of Hohenlohe are known to be an independent and self-confident people. Over the centuries they have resisted external interventions and tried to find their own way of community life. They also have a long history of collective action, e.g. in establishing a communal drinking water supply, but this did not go far beyond the village borders. Having been historically linked to different principalities, villages are often distinct from neighbouring communities through their religious affiliation, being either Catholic or Protestant. Within the communities, however, there is a strong sense of egalitarianism, reflected in the discussions in the municipality council meetings where the director of a large, globally operating industrial concern has the same voice as the caretaker of the local school. The decision-making process in these formal meetings builds largely on sometimes lengthy deliberations, consensus and compromise. This not only holds true for this traditional form of representative democracy at the local level, but also for more informal types of participatory democracy, as exemplified by the Jagst-Commission – a stakeholder-driven institution – which was established primarily to deal with a conflict between canoeists and environmentalists. After a few meetings, the Commission came up with the so-called 'level-solution', allowing canoeing in certain areas of the Jagst river as long as the water level does not fall below 40 cm. This compromise was incorporated into a binding directive at district level, whereas the neighbouring 'Jagst districts' (Schwäbisch Hall located further upstream and the downstream district Heilbronn) prohibited canoeing categorically within their district borders. The head of the District Office for Environment and Construction and representative at the RCS stated that cooperation between the three 'Jagst districts' would need to be significantly improved once the EU WFD is completely implemented.

Most interviewees in Mulfingen and at the district office in Künzelsau complained about EU bureaucracy, which sets binding frameworks for all kinds of water uses. The director of the District Health Office stated that due to EU regulations set up in the early 1990s, 1,600 customary bathing places in the state of Baden-Württemberg had to be taken off a former list of 3,800, because they did not comply with the standards. She mentioned that people oppose these regulations insisting on their traditional rights by saying "my family has always bathed here [in this river], I don't care about EU regulations". She criticised the fact that the EU applies the same standards to a small lake of the size of a football field in Hohenlohe district as to large bodies of water such as Lake Constance or Lake Garda. Community leaders stated in the interviews that the regulations set by the EU are often topped by additional national and federal state directives and rules by the district. The Mayor of Mulfingen, for instance, stated that Germany – unlike other EU member countries – adds even more rules to the EU

legal framework, thus regulating '80% of daily life'. Local communities, on their part, do not have much scope for action in water governance, but are simply responsible for enforcing EU, national and state regulations, such as the maintenance of bathing places and protection of water sources. For instance, they have to ensure that farmers respect a protection 20 m wide zone around rivers and lakes. They also have to regulate the use of natural resources, including water, in so-called Flora-Fauna-Habitats, although they did not have a voice in determining the boundaries of these protection zones. On the other hand, a local environmental activist from the NABU, one of the major environmental NGOs in Germany, claimed that it is easy for citizens to counter the establishment of protection zones, simply by presenting their objections to the municipality council.

Most local people remain deeply suspicious of environmental NGOs and their activism in water resource protection. Several respondents cited the case of an important industrial company – which provides the municipality with much-needed non-farm income opportunities for its citizens and corporate taxes for its budget – that wanted to expand its estate by changing the natural course of a nearby creek. This plan met with fierce resistance from conservationists who feared that the habitat of the kingfisher – an endangered bird species that finds refuge in this valley – would be destroyed. A member of the municipality council and part-time farmer – whose sons were employed by the company – expressed her disapproval of the activism of environmentalists and suggested that the kingfisher should find other breeding grounds: "Why does he need to settle exactly along this creek? That bird should find another place to live!" She complained that external people (i.e. environmental groups) are too heavily involved in municipality-internal affairs: "They do not have to live in the area and bear the consequences of nature protection in terms of loss of income opportunities. If we [the farmers] hadn't protected the environment here for decades, environmentalists would have nothing left to preserve". Farmers in the region claimed to suffer most from the ecological movement and EU, federal, state and district regulations with regard to water protection. According to their own perception, they have to spend a great deal of their time filling out forms to receive subsidies from the EU for reducing their impact on the environment and reading new regulations, such as increasing slurry storage capacity and prohibition of washing equipment on bare soil. In watershed conservation zones they have to follow a whole catalogue of rules and regulations which they regard as unnecessary since "we know best how to protect the environment". Most non-farming citizens, on the other hand, regard farmers as the main culprits for problems associated with water quality. This was particularly evident in the interviews with district officers and municipality leaders, who described farmers as defiant against regulations, exemplified by cases of farmers washing their machinery in the lake, discharging fungicides into the creek, taking water illegally from the river Jagst and polluting drinking water sources by over-application of fertilisers. The head of the district's Office of Environment and Planning regarded farmers as privileged, since they can easily apply for the right to use water from the river and to dig groundwater wells, and she expressed concern about water quantity and groundwater tables in the future. These contrasting perspectives reflect the tensions between livelihoods and conservation objectives that are hardly addressed in legal documents and political speeches, but will need to be negotiated in the implementation of the EU WFD at various levels and scales.

The implementation of the EU WFD is supposed to enhance transparency and to give a voice to all interested citizens in the development of water management plans. It foresees three stages of public participation ranging from information and consultation to active involvement (EC, 2000; Kastens and Newig, 2008). The first public forum organised for the sub-management area of Kocher and Jagst in September 2006 was primarily of an informative character. It consisted of presentations by invited experts, a short round of questions and answers, and a so-called 'active phase' during which the participants – organised into upstream and downstream residents – could write suggestions for specific measures to improve the quality of the two river basins on numbered cards. The approximately 100 suggestions – which were not further discussed in the meeting – were later integrated into the websites of the RCS. These suggestions were to be included in the draft water management plan, due to be presented to the public by the end of 2007, yet by May 2008 this draft had still not been published.

Confronted with this delay and asked about the extent to which stakeholders' proposals are to be considered, the responsible officer at the RCS stated that most suggestions put forward by stakeholders who attended the public forum were 'too localised' to be considered in the plan. He claimed that "in the end it is the responsible agencies that have the knowledge of how to achieve the quality standards of the EU WFD effectively". This statement is underscored by the fact that the first measure, implemented in February 2008, to restore the ecological functions of the Jagst river within the boundaries of the community of Dörzbach, was not based on the suggestions collected in the public forum, but was proposed and designed by the respective line agency under the RCS.¹⁵ On interviewing the head of administration at the Mayor's office in Dörzbach about this issue in May 2008, she stated:

This measure has been decided and implemented by the state authorities in Stuttgart. We were not consulted about it, there was no public hearing; we just received a notification. The river Jagst is a water body of first order¹⁶ and does not fall under the responsibility of the municipality. All decisions related to the management of the river Jagst are taken at the state level; we have no voice in such matters.

SYNTHESIS AND CONCLUSION

Notwithstanding their different historical, cultural and socio-political trajectories, recent developments in the field of water governance in Germany and Thailand reveal some striking similarities. Environmental policy-makers and administrators in both countries have recently left the safe haven of a command-and-control style of water management and have embarked on an upstream journey towards more participatory approaches to water governance. Not surprisingly, this trip has been turbulent, leading through territory that is largely unknown to technocratic experts in administrative agencies. The participation paradigm has to go a long way from its conception at the international and national level to its translation at the local level. The fluid character and fuzzy meaning of 'public participation' leaves much scope for interpretations and ambiguities.

In the process of adopting the new participatory imperative and the 'management by river basins' as the "best model for a single system of water management" (EC, 2006), both countries have attempted to restructure their segregated, piecemeal approach to water management. Responsibilities for water management have been streamlined at the national, state and district level. Each river basin has been placed under one governing body, the river basin authority in the case of Germany and the river basin committee in the case of Thailand. These state-driven institutions are now in charge of involving the wider public in water governance. To date, they have done this by involving a higher number of stakeholders in information and – to a lesser extent – consultation processes, rather than deepening participation towards more deliberative, face-to-face engagement of stakeholders. The episodic and ceremonial character of many participatory exercises, such as public hearings, under the state-driven approaches fails to enhance two-way communication processes and to build trust among stakeholders with varying – and often dissenting – perspectives. Rather than incorporating local initiatives into a broader decision-making effort at the river basin levels, these state-driven institutions have created a parallel universe, in which 'participation' is used as a label to gain legitimacy for preconceived objectives and implementation plans (in the case of Thailand) or as a cost-effective means of gathering stakeholders' proposals for improving water governance (in the case of Germany).

The apparent risk in both countries is that community-based and stakeholder-driven water governance institutions are increasingly undermined by such centralised, state-driven institutions, thus jeopardising the subsidiarity principle, where decisions with regard to water management ought to be

¹⁵ Studies on the implementation process of the EU WFD in the German federal state Lower Saxony also found that non-state actors are thus far not allowed by state institutions to participate in planning concrete measures (Kastens and Newig, 2008).

¹⁶ In Baden-Württemberg, water bodies of first order – transcending municipality and district boundaries – belong to the federal state, whereas water bodies of second order, such as tributary creeks and small lakes, are owned by towns and municipalities.

taken at the lowest administrative level possible. Local stakeholders in both study regions are convinced that their interests are best taken care of by democratically elected bodies at the community level, i.e. the sub-district (*tambon*) administration organisations (TAOs) in the case of Thailand and the municipality council in the case of Germany. The TAOs have played an increasingly important role in local decision-making processes with regard to water governance since the end of the 1990s. The study in Mae Sa watershed confirms that the TAO is respected as a local political representation and that it provides a legitimised platform for balanced negotiations between the majority Thai population and ethnic minority groups, such as the Hmong. Likewise, farmers in Southwest Germany – who have also become a minority group in many rural areas – can make their voices heard through their representatives in municipality councils, but feel increasingly bypassed when it comes to decision-making processes at higher administrative levels.

The examples of the stakeholder-driven approaches from both countries (the Jagst-Commission in the case of Germany and the Mae Ta Chang Project in the case of Thailand) have shown that citizens are also willing to participate in water governance arrangements that go beyond the borders of their communities, if there is a salient problem that affects them directly (a conflict between tourism and ecology in river management in the case of Germany and a conflict concerning the allocation of water resources in the case of Thailand). In both cases, the initiators and conveners of such relatively informal multi-stakeholder platforms (NGO workers and academics in the case of Thailand and the director of the District Office for Environment and Construction in the case of Germany) were able to level out the power differentials between the conflicting parties and were considered as legitimate and neutral mediators between the interests of the various stakeholders.

Both Thai and German citizens increasingly expect to participate in planning processes that affect the quality of their local resources and their livelihoods. Among local stakeholders, there is growing discontent with purely informative forms of participatory exercises and with prescriptive types of citizens' engagement in water governance. The irony of 'participatory' water governance in both study regions, however, is that the groups which may play the most decisive roles in contributing to the goal of more sustainable water management, i.e. the farmers in the case of Southwest Germany and the ethnic minority groups in the upper watersheds of North Thailand, suffer most from negative stereotyping by other groups in society and have been widely excluded from environmental decision-making processes in state-driven institutional arrangements.

A major question for the further implementation of the EU WFD in Germany and the donor-driven IWRM approach in Thailand continues to be how much 'deliberative space' and room for manoeuvre in water governance will be created for civil society in general and for local stakeholders in particular in the drafting of the water management plans. Meaningful participation of local stakeholders would imply a shift in decision-making power from central agencies to local governments and/or local civil society groups. Yet, while Thai government agencies have adopted participatory policies in their rhetoric, most government officials are reluctant to devolve power to lower levels and doubt the capacity of local communities to manage water resources in a sustainable way. When it comes to planning procedures at watershed and river basin level, a lack of coordination between the agencies involved, ongoing bureaucratic restructuring processes and the deeply-rooted paternalistic attitudes of government officers and experts towards local people remain major hindrances for more inclusive decision-making processes in the water sector. Likewise, in Southwest Germany, the confession of policy-makers that they adhere to a strictly vertical line of decision-making under the EU WFD and the unshakeable belief in the superiority of experts' judgement in water management matters is at odds with collaborative processes that involve citizens at various levels and in major steps of the planning and implementation process. Hence, the time and effort of citizens engaging in state-driven arrangements appear not to be sufficiently honoured, as they are not endowed with any real influence over the decision-making process. The rules of the game and the allocation of power are still controlled by decision-makers at higher administrative levels; there is no 'contract' with the participants at the local level that ensures that their voices will be heard and their suggestions will be heeded (cf. White,

2008). Hence, there is a high probability that the hegemony of technocratic decision-making in water governance will remain unchallenged, that marginal groups will continue to be excluded and that power differentials will be perpetuated in state-driven approaches to 'participatory' water governance. Active involvement of the public, promised as a process of sharing control and influencing decisions, all too often gets lost in translation.

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REFERENCES

- Arghiros, D. 1998. The dilemma of democratic decentralisation in Thailand: Between bureaucratisation and local powers. Paper presented at the 14th International Congress of Anthropological and Ethnological Sciences in Williamsburg, US, 26 July-1 August 1998.
- Arnstein, S.R. 1969. A ladder of citizen participation. *Journal of the American Institute of Planners* 35(4): 216-224.
- Arriëns, W.L. 2001. Technical Assistance Completion Report for 3260-THA: Capacity building in the water sector. Manila: Asian Development Bank.
- Becu, N.; Neef, A.; Schreinemachers, P. and Sangkapitux, C. 2008. Participatory computer simulation to support collective decision-making: Potential and limits of stakeholder involvement. *Land Use Policy* 25(4): 498-509.
- Beuttler, A.; Lenz, R. and Billen, N. 1999. Ökobilanz Gemeinde Mulfingen. *Landschaftsökologie und Umweltforschung* 33(1999): 41-44.
- Blackbourn, D. 2006. *The conquest of nature: Water, landscape and the making of modern Germany*. New York, London: W.W. Norton Company.
- Bley, J. 2006. Anforderungen der EU-Wasserrahmenrichtlinie (WRRL) an die Gewässerbewirtschaftung. In Regional Council (Regierungspräsidium) Stuttgart (Ed), *Zukunftsperspektiven für ein integriertes wasserressourcenmanagement im einzugsgebiet des neckar*, p. 7. Stuttgart: Regional Council Stuttgart.
- Blomquist, W. and Schlager, E. 2005. Political pitfalls of integrated watershed management. *Society and Natural Resources* 18(2): 101-117.
- Bouwen, R. and Taillieu, T. 2004. Multi-party collaboration as social learning for interdependence: Developing relational knowing for sustainable natural resource management. *Journal of Community and Applied Social Psychology* 14(3): 137-153.
- Bruch, C.; Jansky, L.; Nakayama, M.; Salewicz, K.A. and Cassar A. 2005. From theory to practice: An overview of approaches to involving the public in international watershed management. In Bruch, C.; Jansky, L.; Nakayama, M. and Salewicz, K.A. (Eds), *Public participation in the governance of international freshwater resources*, pp. 1-20. Tokyo: United Nations University Press.
- Bruns, B. 2003. Water tenure reform: Developing an extended ladder of participation. Paper presented at the International Conference on Politics of the Commons: Articulating Development and Strengthening Local Practices, Chiang Mai, Thailand, 11-14 July 2003.
- Edmunds, D. and Wollenberg E. 2001. A strategic approach to multi-stakeholder negotiations. *Development and Change* 32(2): 231-253.

- EC (European Commission). 2000. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. Official Journal of the European Communities (22.12.2000).
- EC (European Commission). 2006. *Introduction to the new EU Water Framework Directive*, http://ec.europa.eu/environment/water/water-framework/info/intro_en.htm (accessed 24 July 2006)
- Faysse, N. 2006. Troubles on the way: An analysis of the challenges faced by multi-stakeholder platforms. *Natural Resources Forum* 30(3): 219-229.
- Feldwisch, N. and Schultheiß U. 1998. Rechtliche Regelungen. In Frede, H.-G. and Dabbert, S. (Eds), *Handbuch zum Gewässerschutz in der Landwirtschaft, 2. korrigierte Auflage*, pp. 384-392. Landsberg, Germany: Ecomed.
- Focht, W. and Trachtenberg, Z. 2005. A trust-based guide to participation. In Sabatier, P.A.; Focht, W.; Lubell, M.; Trachtenberg, Z.; Vedlitz, A. and Matlock, M. (Eds), *Swimming upstream: Collaborative approaches to watershed management*, pp. 85-135. Cambridge, Massachusetts and London: The MIT Press.
- Heyd, H. and Neef, A. 2006. Public participation in water management in northern Thai highlands. *Water Policy* 8(6): 395-413.
- Kaika, M. and Page, B. 2003. The EU Water Framework Directive: part 1. European policy-making and the changing topography of lobbying. *European Environment* 13(6): 314-327.
- Kastens, B. and Newig, J. 2008. Will participation foster the successful implementation of the water framework directive? The case of agricultural groundwater protection in northwest Germany. *Local Environment* 13(1): 27-41.
- Laungaramsri, P. 2000. The ambiguity of "watershed": The politics of people and conservation in northern Thailand. *Sojourn* 15(1): 52-75.
- Molle, F. 2007. Irrigation and water policies: Trends and challenges. In Lebel, L.; Dore, J.; Daniel, R. and Koma, Y.S. (Eds), *Democratizing water governance in the Mekong region*, pp. 9-36. Chiang Mai, Thailand: Mekong Press.
- Moss, T. 2004. The governance of land use in river basins: Prospects for overcoming problems of institutional interplay with the EU Water Framework Directive. *Land Use Policy* 21(1): 85-94.
- Neef, A. 2007. Historical legacies and contemporary perspectives of participatory water governance in Southwest Germany. In Proceedings of the International Conference Water Resource Development of the International Association for Science and Technology for Development (IASTED), pp. 91-97, Honolulu, Hawaii, 20-22 August 2007.
- Neef, A.; Chamsai, L. and Sangkapitux, C. 2006. Water tenure in highland watersheds of northern Thailand: Managing institutional pluralism and stakeholder complexity. In Lebel, L.; Jianchu, X. and Contreras A. (Eds), *Institutional Dynamics and Stasis: How crises alter the way common pool natural resources are perceived, used and governed in Asia*, pp. 64-88. Chiang Mai, Thailand: RCSD Monograph Series.
- Nelson, M.H. 2003. Chachoengsao: Democratizing local government? In Molle, F. and Srijantr, T. (Eds), *Thailand's rice bowl: Perspectives on agricultural and social change in the Chao Phraya delta*, pp. 345-372. Bangkok: White Lotus.
- NESDB (National Economic and Social Development Board). 2001. *The Ninth National Economic and Social Development Plan (2002-2006)*. Bangkok: National Economic and Social Development Board, Office of the Prime Minister.
- Parkins, J.R. and Mitchell, R.E. 2005. Public participation as public debate: A deliberative turn in natural resource management. *Society and Natural Resources* 18(6): 529-540.
- Peuhkuri, T. 2006. Knowledge production and citizen's participation in the implementation of the EU Water Framework Directive in Finland. In *Proceedings of the Fifth Global Conference on Environmental Justice and Global Citizenship (3-6 July 2006)*, pp. 119-132, Oxford, UK: Inter-Disciplinary Press.
- Rayanakorn, K. and Kongsiri, P. 1998. Public participation in water resource development in Thailand. In Kaosaard, M., Rayanakorn, K., Cheong, G., White, S., Johnson, C.A. and Kongsiri, P. (Eds), *Towards public participation in Mekong river basin development*. Bangkok: Thailand Development Research Institute.
- RCS (Regional Council Stuttgart). 2006a. *Die Zukunft unseres wassers – Fachinformationen zur umsetzung der europäischen wasserrahmenrichtlinie im neckar-einzugsgebiet*. Stuttgart: Regional Council.
- RCS (Regional Council Stuttgart). 2006b. *Zukunftsperspektiven für ein integriertes wasserressourcen-management im einzugsgebiet des neckar*. Stuttgart: Regional Council.
- Suwanmala, C. 2002. Fiscal decentralization in Thailand. Paper presented at the Inter-governmental Fiscal Reform Workshop in Bali, Indonesia, 18 January 2002.

- Thomas, D. 2005. Developing watershed management organizations in pilot sub-basins of the Ping river basin. Final Report to ONEP. Bangkok: Office of Natural Resources and Environmental Policy and Planning (ONEP), Ministry of Natural Resources and Environment.
- Walker, A. 2003. Agricultural transformation and the politics of hydrology in northern Thailand. *Development and Change* 34(5): 941-964.
- Warner, J.F. 2006. More sustainable participation? Multi-stakeholder platforms for integrated catchment management. *Water Resources Development* 22(1): 15-35.
- White, S. 2008. Pathways to deliberative decision-making: Urban infrastructure and democracy. Paper presented at the UNITAR-Yale Conference on Environmental Governance and Democracy, New Haven, US, 10-11 May 2008.

ANNEX 1. INFORMATION ON DATA SOURCES

Table 2. Stakeholders interviewed at district, subdistrict/municipality and village level in the two study regions

	North Thailand	Southwest Germany
District level	Assistant to the District Head (Mae Rim) Officers of the Royal Irrigation Department (Mae Rim) Representative of the Agricultural Extension Office (Mae Rim) Representative of the Office of Highland Development (Mae Rim)	Head of the District Office for Environment and Construction (Künzelsau) Head of the District Health Office, with inspector for water quality (Künzelsau) Manager of Farmer Association (Künzelsau and Schwäbisch Hall) Manager of Tourism Association (Künzelsau)
Sub-district/ municipality level	Head of sub-district Pong Yang Chairman and Vice Chairman of Pong Yang TAO and sub-district representatives of Pang Lung and Buak Toey Representative of sub-basin working group Pong Yang Officer of upstream management unit in Mae Sa watershed	Mayor of municipality of Mulfingen Vice-Mayor of municipality of Mulfingen Representative of environmental NGO in Mulfingen-Eberbach
Village level	Village leaders of Buak Chan, Buak Toey, Pang Lung and Mae Sa Mai, village leader assistant of Pong Yang Nai and his wife Women group and village committee of Buak Toey Officers at Royal Project Station in Mae Sa Mai Manager of drinking water company	Village leaders of Hollenbach (together with member of village council), Eberbach and Zaisenhausen Farmers in Mulfingen and Ochsenbach Fisherman and crayfish breeder in Eberbach

ANNEX 2: COMPOSITION OF SELECTED STATE-DRIVEN INSTITUTIONAL ARRANGEMENTS FOR WATER GOVERNANCE IN THE STUDY REGIONS

Table 3. Composition of the local working group for the Mae Sa river basin pilot project (as appointed by the Upper Ping River Basin Committee on 19 May 2005)

Stakeholders	Gov't officials at district level	Gov't officials at sub-district level	Representatives of government line agencies	Elected sub-district representatives
Number of participants	2	4	8	8
Stakeholders	Representatives of the civil sector	Representatives of Royal Projects	Representatives of private sector (e.g. tourism)	Representative of the military
Number of participants	4	2	4	1

Source: Upper Ping River Basin Sub-Committee Order (translated by S. Kanjina)

Table 4. Composition of the first public forum for actively engaging the wider public into the implementation of the EU Water Framework Directive in the sub-management areas 47 Kocher and 48 Jagst (as published by the Regional Council Stuttgart)

Stakeholders	Government officials at state and district level	Representatives of towns and municipalities	NGOs (associations and clubs)	Representatives of corporations (e.g. energy suppliers)
Number of participants	46	38	10	4
Stakeholders	Media representatives	Consultants	Individual citizens	of which farmers
Number of participants	2	2	5	2

Source: Website of the Regional Council Stuttgart (www.rp.baden-wuerttemberg.de/servlet/PB/menu/1195269/index.html)