Corruption in Use and Management of River Resources.

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A river as the most visible water entity in an entire basin, immediately gives a clearly identifiable physical dimension that lends itself to management interventions, which also help to backstop the concepts of RBM/RBO as a logical road to IWRM. However the hydrological parameters/ characteristics in a drainage basin do not in themselves provide an isolated management and independent, self-sufficient entity as sectoral and national and even international imperatives (international basins) often determine the legal/regulatory basis and management operations. Thus when considering a cross cutting issue such as corruption, it is inevitable that the issues of governance in general and water governance in particular are considered in tandem. In fact the world water crisis is now considered a crisis of governance with corruption as the root cause and needs to be addressed in context.

Good Governance requires certain criteria to be met. This requires ability to exercise power and make good decisions over time, across a spectrum of economic, social, environmental and other areas. There is general acceptance that these would include the following factors, viz: Technical and managerial competence, Organizational capacity, Reliability, predictability and rule of law, Accountability, Transparency and open information systems and Participation of stakeholders.

River Basin Management (RBM), River Basin Organisations (RBO) and River Management (RM).

The hydrological management based institutional concepts of RBO/RBM have been promoted as ideal (rational) models for reaching the goal of IWRM. Nevertheless, even if fully implemented are themselves influenced by factors such as national policy decisions and interface with other management entities. In fact rivers bisect (**divide**) a drainage basin and considering the usual political, social and cultural issues and local power domains that exist, a fully integrated RBM model covering an entire basin appear to be difficult to establish and sustain. Several “Command and Control” models have (TVA) and do exist (MASL, BRANTAS etc) but mostly focused on infrastructure with limited influence and operations in a full basin. There appears also the difficulty in such models to transform into” Ecosystem Models” once main objectives have been met. Nevertheless, many viable RBO/RBM resource allocation and planning models that set principles of use and allocation exist at many levels including the international and provide resolution of conflicts in sharing etc. It holds true even beyond national boundaries as behavioral norms with respect to water resources to be collectively implemented can be agreed on (Recent EU directive). Therefore the role of RBO/RBM is valid but not all encompassing. RM on the other hand allows for a more tangible physically identifiable basis for management of a water body. It provides a suitable interface for relating to external factors and the management functions more realistically. It is an intermediate model that holds significance to not only basins and rivers that have international relevance, but to even insular nations, especially ones that do not have a comprehensive integrated water policy and law and use of water is mostly determined by administrative fiat and land based rights regimes. For eg Israel with 3 rivers has a River Authority, while Sri Lanka with 103 and a land based administrative/management system could do with one at least for the national rivers.

Water Corruption and River Management.

Corruption in Irrigation and Drinking Water seem rather well documented, but not in IWRM. IWRM is complicated both conceptually and practically, with complex linkages to more complex environmental systems. The scale and technical complexity of many WRM projects render oversight difficult. The involvement of many entities including public and private, donors, contractors add to the complexity and often inability of public authorities (sometimes due to lack of special expertise) to be effective. It is at the local level that at least beneficiaries as participants can intervene and address corruption issues if any, that too dependent on organized civil society. Broad areas of corruption in WRM/RM are mainly linked to issues of water allocation and sharing, Licensing/tendering of services, Pollution (Regulation/enforcement) and public works management. These in turn affect economic efficiency, social equity and environmental sustainability.

Mobilizing for corruption is also difficult and complicated. Diversity of stakeholders and interests amidst often competing and sometimes conflicting interests vying for the same resources and operating on different value frameworks compounded by the influence thresholds of the various stakeholders make for this complication.

This requires addressing corruption issues concomitantly at all levels. At the top with political commitment (often driven by civil society and even donors) leading to institutional reforms backstopped by enabling policies and laws. There is need to ensure checks and balances with respect to decision making. Conditions outlined in the **Klitgaard Equation** where **Corruption = Monopoly + Discretion - Accountability** should not prevail.

At the local level full participation of stakeholders including civil society with acceptable operational principles such as social accounting make for an environment that can combat corruption. The media and the web, with ability to Blog/Podcast by sharing real time information, Spotlighting negative or corrupt behavior, Naming and shaming especially of polluters and Enabling awareness among communities and making them alert, play a major role in corruption reduction through highlighting.

However, in setting up an enabling environment, defining institutional roles within which IWRM can be optimized, care has to be taken to ensure that that overly tight anti- corruption institutional models (over regulated) unlikely to be optimal, most practicable and cost effective are not instituted. These may in themselves be counterproductive with respect establishing IWRM as apriority.

In many cases there is a wide gap between perception of corruption and the actual as shown by many studies. It is imperative that interventions should be after careful study and focused, rather than across the board, resulting not only an overkill but may ultimately prove be counterproductive. Therefore further research on WRM corruption appears in order.

Corruption in use of river resources.
(Case of Unregulated/Illicit River Sand Mining (RSM) in Sri Lanka.)

Sri Lanka has over 51 Acts and over 40 Agencies dealing with water, often resulting in duplication, confusion and inaction- fertile grounds for corruption. Though a Comprehensive Water Resources Policy was approved over a decade ago, policy is in limbo, and no umbrella enabling law was adopted to backstop due to lack of political will. Ad hoc policies based on sectoral needs such as drinking water and non-controversial issues such as rain water harvesting have been set in place. Thus the main operational framework for water sector operations remains within the ambit of sub sector laws and regulations.

Historically and legally the institutions and laws relating to land administration have as a prerogative determined the use and control of water resources. A rights regime that is land based though accommodating appropriative rights and decision making rights to water has been the basis of water administration. Colonial revenue districts/provinces (non-hydrological) determine the water agenda. Though water courses and rivers generally form the basis of such boundaries there are many exceptions. Even in the case of water courses and rivers it is the centre of the water course or river that serves as demarcating boundary. This sometimes has caused what would be considered hilarious situations, though tragic from a water resource management perspective. For example if sand mining is banned in one district/province relating to a river, exploitation may happily continue on the other side (half of the river) falling within another district/province.

Licensing concessions for sand mining till the latter part of the last century was within the ambit of the District Administration. With increased demand on sand, sometimes exploitation without concern for the river environment as whole, led to setting up a single regulator and licensing authority the Geological Survey and Mines Bureau (GSMB) which had hitherto looked after aspects such as mines and resource surveys.

At first sight the decision appears rational from a resource management perspective. However, making the GSMB the sole authority with respect to extraction and transport of river sand created a monopoly situation. This was compounded by the fact that regulation which in most other cases is delegated to the local District Administration Head did not occur and GSMB set up its own network of out posted field staff to monitor and regulate RSM. Thus lower level functionaries with no oversight arrangement (check and balance) by the district administration that comprised senior and transferable officers, led to situation where licensing of sites and transport was often subject to political and other pressures and monitoring and regulation least effective. The Tsunami imposed a major draw on river sand and the concomitant building boom saw unregulated and illicit RSM reach unacceptable levels. The adverse impacts of RSM were now being felt and lowered water tables affecting local agriculture and rural livelihoods, adverse impacts on drinking water supplies and issues of infrastructure damage by heavy vehicles and other social issues led to public outcry. The involvement of several environment groups and SLWP in creating awareness in communities and mobilizing them under AWP helped institutional responses to be made and local responses up streamed to provincial and national level.

Public outcry and public interest litigation meanwhile helped communities seek help of the judicial process to intervene. Sand mining was banned in two rivers that were heavily mined (Maha Oya and Deduru Oya) and Mechanized Mining from rivers was banned forthwith on a decision by government.
The bugbear of a monopoly authority and regulator GSMB and poor enforcement by Police (assumed as highly amenable to graft) was yet mainly unresolved. To be fair the GSMB was rapidly expanding its field staff and was through a learning process setting up checks and safeguards to reduce corruption and illegal exploitation. The police were however left to their own devises.

It was always the conclusion of a few of us in IWRM that ***the problem is often part of the solution***. Since 2006/7 SLWP and NetWwater had carried out a series of awareness programmes for police personal especially where rivers were being hugely exploited through RSM, under its Goal 3 efforts with Core funding from GWP. With considerable impact and interest shown by the police authorities, a proposal was submitted in 2008 to WIN which was approved and allowed this activity to be conducted as a programme to cover both the regulators and enforcers. It became increasingly clear that the perception of police corruption especially with respect to RSM was somewhat exaggerated. While corruption was some part of transactions within the national ethos, it was more a lack of awareness of the importance of conserving natural resources, the lack of understanding of the laws and regulations pertaining to water (beyond Penal code) and lack of a forum to discuss RSM issues with the district/local administration and GSMB that was absent, till this programme came on board. In 2011 Police Headquarters again requested SLWP to brief the Police Special Task Force (STF) that has been specially charged with conservation of natural resources (STF is unlikely to be influenced by local political and business interests unlike the local police as they directly come under Police Headquarters and Defense Ministry) and several programmes conducted have had very good results from an enforcement perspective. 8 Important RSM/ Natural resources conservation districts have been covered to date.

As river sand use is usually outside the basin in construction centers unlike most water resources use, the policy domain outside the purview of local communities, police and even the regulator GSMB can yet be seen to take decisions contradicting standing policy and rules. Recently a decision was made (purportedly to reduce the high price of river sand) to remove all restrictions to transport including transport in the night which was not allowed under regulations. Thousands of cubic meters of sand moved to construction centers (only with slight reduction in prices), but heavy damage to extraction sites. Fortunately due to public interest litigation, this was stopped by the courts and the regulator was informed to have the law amended first if this was to be given effect. An embarrassed GSMB which undoubtedly caught in the middle is now faced with issuing contradictory regulations. Often RM even if instituted would be subject to such policy reversals that can undo many years of good work in conservation and maintaining sustainability of river resources.