

## **Scottish Experiences: Lessons to learn for stakeholder involvement in River Basin Planning**

by

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## Abstract

*River Basin Management is a central aspect of the implementation of the Water Framework Directive (WFD) (EC, 2000). Active involvement by stakeholders is advocated in order to achieve sustainable river basin management. This paper reports on the process used to develop the Spey Catchment Management Plan (SCMP), using interviews with participants involved in the process of preparing the plan. The research was designed to help those involved learn from this experience and to draw out lessons for future catchment-level planning processes, relating these to the implementation of the Water Framework Directive (WFD) in Scotland. The discussion is organised around the substantive, instrumental and normative reasons for engaging in a deliberative inclusive process. Our findings suggest that the development of the SCMP does illustrate the substantive, instrumental and normative benefits of such approaches. However, they also highlight important challenges, such as managing conflicting perspectives; ensuring trust between partners and managing expectations, that have to be considered when planning and managing river basins.*

## Introduction

The Water Framework Directive's (2000/60/EC) (WFD) overall objective is to bring about the effective co-ordination of water environment policy and regulation across Europe in order to: prevent deterioration and enhance status of aquatic ecosystems, including groundwater; promote sustainable water use; reduce pollution and; contribute to the mitigation of floods and droughts. These objectives will be met through River Basin Management Plans (RBMP), which will contain a programme of measures to attain good ecological status for all water bodies (see articles 11 and 13). Article 14 calls for 'active involvement' of interested parties in the 'production, review and updating' of RBMPs to be encouraged by the competent authorities in each member state. Under the WFD timetable, the plan for producing the RBMP must be published for consultation in 2007; with the final RBMP being published in 2009. The RBMP process will mean a radical change to the way that the Scottish water environment is planned and managed, as it requires a collaborative approach to managing water resources, rather than the traditional single agency command and control approach to regulating pollution (Kirk *et al.*, 2004; Sherlock *et al.*, 2004). Thus it is important to learn from existing examples of deliberative and inclusive approaches to catchment management planning.

Deliberative Inclusive Processes<sup>1</sup> (DIPs) (Smith, 2001; Pimbert and Wakeford, 2002) are useful for substantive, instrumental and normative reasons (Stirling, 2004; Pellizzoni, 2001) (see discussion below). Our project sought to discover to what extent the Spey Catchment Management Plan (SCMP) process achieved these ideals; and how future processes could build on these foundations. This is particularly important in the Scottish context, because Scotland lacks the relatively long history of catchment management enjoyed by England and Wales due to its different legislative and institutional history. The National Rivers Authority<sup>2</sup> developed CMPs in England and Wales and the Environment Agency<sup>3</sup> (EA) also has experienced stakeholder involvement through their Local Environmental Action Plans and Catchment Abstraction Management Schemes (Patel and Stehl, 2004). However, the SCMP is one of only a handful of plans in Scotland, and has

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<sup>1</sup> I avoid the term 'participation', which generally refers to both active involvement in processes and influence over process outcomes, which is not necessarily the case in many river basin management plans. The term 'deliberative inclusive process' highlights the importance of reasoned group dialogue with a broad spectrum of stakeholders without promising empowerment. Patel and Stehl (2004) highlight how public participation is used to mean many different things to different people in Europe, explaining my reluctance to use the term.

<sup>2</sup> The NRA had its powers transferred to the Environment Agency under the Environment Act (1995).

<sup>3</sup> Although the EA is the competent Authority for England and Wales, and SEPA the competent Authority for Scotland, I draw on the EA guidance at times as Scotland, England and Wales have agreed to work together on implementation processes; and this national guidance is subservient to UK guidance from the Technical Advisory Groups.

been identified as an innovative process to learn from with regard to managing Scotland's water resources (pers. Comm., SEPA, 2002). These lessons are opportune, given the uncompromising timetable of the WFD, which advocates the active involvement of stakeholders in the planning and management of River Basin Districts by 2007. Thus, it is timely that the lessons learnt from the Spey CMP are fed into this foundation stage, in order to ensure that the RBMP is developed according to current best practice.

## Deliberation, Inclusion, River Basin<sup>4</sup> Planning and WFD

River basin planning (the process of evaluating management measures in order to achieve the objectives of the WFD within prescribed timescales) is followed by implementation of the programme of measures and the combined activities are often referred to as river basin management. The WFD (Article 13 and 15) requires Member States to produce a management plan for each River Basin District that will record the current status of water bodies within the River Basin District, summarise what measures are planned to meet objectives and act as the main reporting mechanism to the Commission and the public. The plans are to be reviewed and revised every six years. Thus, "River Basin Planning can perhaps be best defined as the operational implementation of the WFD" (EA, 2004:2, quoting the Common Implementation Strategy (CIS) guidance "Best Practice in River Basin Planning"). The programmes of measures are likely to shape management of water resources in Scotland for some time to come, particularly given early indications from the Scottish Characterisation report, which suggests that 85% of transitional waters, 50% of rivers and lochs (lakes), 40% of ground waters and 20% of coastal waters are considered to be at risk of failing good ecological status (SEPA, 2004).

River basin management plans are important as they are the mechanism for delivering sustainable solutions to water resource dilemmas. River basin ecological systems have complex, non-linear and dynamic interactions and any negative impacts on the river basin may be irreversible as many life supporting functions can not be restored if critical thresholds are breached. Furthermore, RBMP must contend with uncertainty due to

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<sup>4</sup> The discussion uses catchment when discussing the Spey Catchment Management Plan, but generic observations use the WFD term 'river basin'. The scale of river basins within the European Union varies considerably, from basins such as the Danube that cross national boundaries, to smaller basins in places like Northern Ireland. Scotland has been divided between two River Basin Districts. The Scotland RBD lies wholly within Scotland whilst the Solway, Tweed and Northumberland catchments form part of cross-border RBDs which are shared with England. Within the Scottish basin there are likely to be eight sub-basins. River Basin means the area of land and sea, made up of one or more neighbouring river basins together with their associated ground waters and coastal waters, which is identified under Article 3(1) (of the water framework directive) as the main unit for management of river basins ([http://glossary.eea.eu.int/EEAGlossary/R/river\\_basin\\_district](http://glossary.eea.eu.int/EEAGlossary/R/river_basin_district); 1st June, 2004). This definition suggests a larger area than the British understanding of a catchment, which generally means the area of land (and including the streams, rivers, wetlands and lakes) from which water runs off to supply a particular location in a fresh surface water system. ([http://www.nalms.org/glossary/lkword\\_c.htm](http://www.nalms.org/glossary/lkword_c.htm) 1st June 2004)

imperfect scientific knowledge and the indeterminacy of complex processes. These factors mean that the RBMP process must be open to various forms of knowledge and embrace a plurality of values (after Van den Hove, 2000; Pellizzoni, 2003, Smith, 2001). For these reasons, science has become just one of many competing knowledge claims with regard to sustainable management of natural resources; and other stakeholder perspectives are also required in order to manage river basins effectively.

Good river basin governance has been defined as “a sustainable way of guaranteeing a good water status in the river basin (according to the WFD) in such a way that all interests and perspectives of the relevant stakeholders in the river basin are dealt with adequately, and without an excessive cost or burden for society as a whole” (Craps and Maruel, 2003: 8). The emphasis on stakeholder involvement in river basin planning has been identified as part of an on-going European initiative to involve stakeholders in governance, particularly natural resource management (EA, 2003). Governance can be described as a complex web of interdependencies between key actors in policy formation and implementation (Goodwin, 1998; Pierre, 2000), which often requires new practices whereby multiple interests, groups and organisations interact to make and implement policy, rather than traditional modes of government whereby elected representatives act on behalf of interest groups and citizens. As the OECD (2001) recognises, active partnerships between citizens and government is new and requires governments to share the agenda setting and take account of citizen generated ideas. This in turn raises questions with regard to power sharing between stakeholder organisations, and elected officials, unelected technocrats and citizens.

It has been argued that technocracy (the process whereby the State governs on the basis of advice from a ‘closed’ circle of ‘experts’;) is no longer considered an appropriate form of environmental governance for Europe (Warren, 2002; Fischer, 2000; Kramer, 2000), requiring new forms of deliberative democracy (O’Neill, 2001). The shift from technocracy to a more inclusive and deliberative form of policy making also reflects the growing disillusionment with regulatory and market solutions to environmental management problems. State regulation, using legal and financial sanctions to discourage certain actions, incurs high compliance costs. These not only include the opportunity cost of human and financial resources employed to monitor and enforce the sanctions, but the combative atmosphere of ‘command and control’ regulation does not foster collaborative

learning or encourage individuals to become better environmental citizens (Koontz, 2003; Beirle and Konisky, 2001). Market incentives are equally problematic, given the combination of non-market goods provided by river basins, and the externalities associated with non-sustainable use of water resources (ibid). The problems with applying the 'polluter-pays' principle given the spatial and temporal stretch between cause and effect in hydrological systems make intervention more difficult (Warren, 2002). As Fletcher (2003) summarises, if partnership is the key mode to make and deliver environmental management policy, then integrated stakeholder involvement is imperative.

**Table One: Reasons for adopting Deliberative Inclusive Processes**

<b>Substantive</b>	Encouraging multiple perspectives improves understanding and therefore decision making
<b>Instrumental</b>	Encouraging collaborative relationships assists with implementation by sharing resources and defusing conflict
<b>Normative</b>	Encouraging social and individual learning enriches both society and individual citizens

These points, the challenge to technocratic governance and the disillusionment with existing management tools, highlight the reasons for Deliberative Inclusive Processes for river basin management. The first, *substantive*, reason for active involvement of interested parties in river basin planning is to improve understanding for sustainable river basin management. River Basin problems are rarely entirely bio-physical, or solutions purely technological. Instead, it is the complex interaction of social and ecological systems that provide both the problems and the solutions for sustainable river basin management (Tippett, 2005). Ensuring that a wide variety of viewpoints are considered when defining the problem will assist decision-makers in understanding the interlinked nature of problems in river basins and therefore selecting appropriate solutions (Beirle and Konisky, 2001). DIPs, with their emphasis on combining multiple perspectives and knowledges, can assist with improving this understanding (WFD, 2001). In short, the active involvement of those involved in and/or affected by catchment management<sup>5</sup> should lead to the more accurate understanding of problems underlying management conflicts and therefore better solutions.

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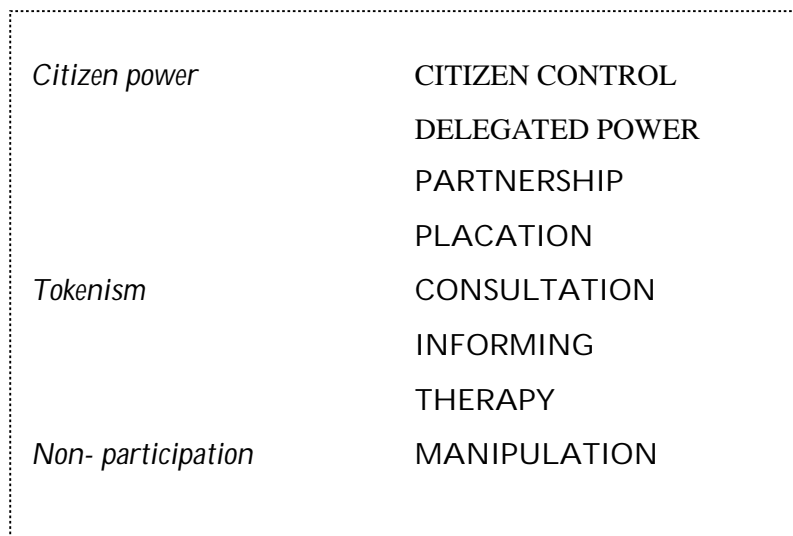
<sup>5</sup> The substantive reasons for DIPs invite a discussion about representation, but this issue is not addressed in this paper for the sake of clarity (see Blackstock and Richards, forthcoming).

The second, *instrumental*, reason for using DIPs in RBMP arises because attempts to resolve problems by implementing a decision or a policy will be more effective if a broad coalition supports the plan and works together to deliver it. The findings from the HarmoniCOP synthesis of European case studies highlight the importance of establishing and maintaining collaboration in order to deliver integrated river basin management (Patel and Stehl, 2004), in turn reiterating WFD's conclusions (EC, 2001). This also echoes findings from development studies (Singh, 2002; Pereira *et al.*, 2003) whereby technically competent solutions fail due to inadequate institutional, organisational and political support (see also Cowie and Borrett, 2004). Thus, integrated and interdisciplinary water resource management that takes account of complexity and uncertainty (see above) requires active partnerships (Craps, 2003, Kramer, 2000). In contrast to previous command and control approaches to management, a partnership approach to planning and managing river basins are predicted to lower long-term implementation costs (WFD, 2001; Water Conservation, 2004). Furthermore, a transparent process in which conflicting claims and views are considered can increase public trust in the final outcome, and therefore public acceptance of policy implementation and its associated public expenditure (OECD, 2001). In short, collaborative relationships developed through DIPs aid implementation of management plans by increasing the perceived legitimacy of the final plan and defusing conflicts through collective discussion.

The third, *normative*, reason for DIPs illustrates that they not only enhance the effective implementation of the plan but also have broader implications for building an active civil society. Baber (2004) highlights how decisions based on deliberation should be both more environmentally rational and more socially just; and how a shared ecological vision can assist in creating social solidarity. Active involvement in DIPs highlights our individual rights and responsibilities within the governance of our society (OECD, 2001). Bloomfield *et al.* (2001) draw on Habermas to illustrate how deliberation improves society by stimulating individual and collective self knowledge. As Benn (2000; quoted in Craps, 2003) highlights, democracy requires citizens to be enabled to participate fully in social, political and economic life in order to shape their own futures. In short, engaging in processes that meet the criteria of equity; fairness; competency; freedom and legitimacy (Webler *et al.*, 2001) enriches both individual participants and society, as it enables participants to become active and engaged citizens in a deliberative democracy.

All three reasons for adopting DIPs have implications with regard to power dynamics within and between stakeholder groups. Arnstein's (1969) schema of public and stakeholder inclusion illustrates the spectrum of power relationships between the initiating authority and the stakeholders, ranging from citizen power to manipulation (see figure one). The WFD, whilst a welcome step forward in advocating involvement, does not go as far as citizen control. Three forms of involvement are required under Article 14 of the WFD: public access to background information; consultation on planning the RBMP and active involvement of all interested parties in implementing the WFD (Saunders and Tickner, 2001; EA, 2003). As Pereira *et al.* (2003) highlight, access to information and consultation must be ensured, but active involvement only *encouraged* by member states.

**Figure One: Arnstein's Ladder of Participation**



These arguments for adopting DIPs, and their implications for the governance of river basins, will be considered in light of our findings from the SCMP process, in order to highlight the appropriate lessons to be learnt.

### The Spey Catchment Management Plan<sup>6</sup>

The River Spey is the seventh largest river in Britain, with a catchment area of over 3, 000 sq. km of which 67% is within the Cairngorms National Park (see map one). In 1998, the main stem of the River Spey was notified as a Site of Special Scientific Interest and has

<sup>6</sup> All information on the Spey catchment is taken from the SCMP (SCSG, 2003) unless stated otherwise.



since been proposed a Special Area of Conservation (SAC) on the basis of its internationally important population of Atlantic salmon, sea lamprey, otter and freshwater pearl mussel. Its candidate SAC status has since been extended to its tributaries, illustrating its importance as a European nature conservation area.

The catchment is also home to approximately 23,000 permanent residents and attracts many more visitors who enjoy the recreational opportunities afforded by the National Park and the river system itself (particularly sport fishing, canoeing and walking along the Speyside Way). The predominant land uses are farming, sporting estates and forestry, and the catchment also supports around 30 malt whisky distilleries and other food processing plants, all of whom rely on water from the Spey. The river provides local drinking water, a disposal route for treated effluent and raw material for hydro-electric power schemes. The nature of the river and its floodplain, combined with episodic rainfall, has resulted in regular historical flooding of low lying areas in the river valley. Unsurprisingly, these different aspects of the river create a number of catchment management challenges.

The SCMP evolved in five stages. The first stage was an initial public consultation seeking people's views on the key water resource management issues within the catchment, in 2000. The second and third stages were the consideration of some of these key issues in more depth by five topic based working groups<sup>7</sup>. The fourth stage comprised a public consultation on a draft Plan containing recommendations from the five Working Groups. The fifth and final stage was a review of the draft Plan in light of feedback from the consultation, followed by publication of the final Catchment Management Plan in June 2003. The process was overseen by a small steering group of the five competent authorities<sup>8</sup> involved in the designation of the Spey as a Special Area of Conservation (SAC), and supported by a project officer. The entire process, from the initial decision to develop a CMP to the publication of the final plan, took four years.

The SCMP contains 45 management objectives, each specifying a time scale and suggested lead/supporting implementing partners. Whilst the SCMP has no statutory status, the local planning authorities (Highland Council and Moray Council) must have regard to it when considering planning applications and developing their Local Plans.

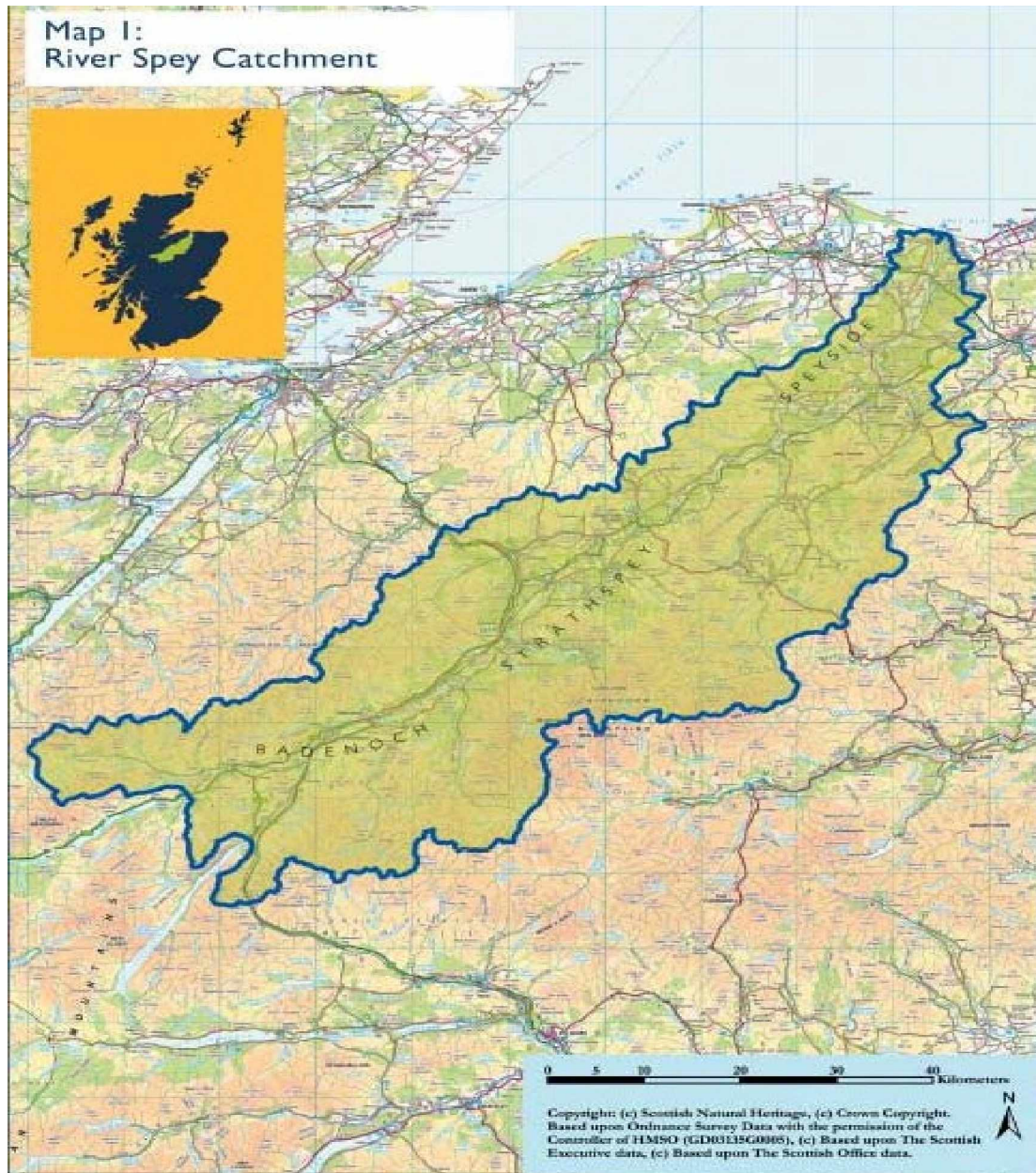
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<sup>7</sup> The groups were: Water Quality; Management and Control of River Waters; Fisheries Management; Nature Conservation, Agriculture and Forestry; Community Economic Development and Recreation; each with between 8 – 15 members.

<sup>8</sup> Scottish Natural Heritage, Scottish Environment Protection Agency, Spey Fishery Board, Highland Council and Moray Council

There are several other plans that intersect with the catchment, including local biodiversity action plans and strategic plans by public agencies such as Forestry Commission Scotland, and Scottish Water. The SCMP has been 'adopted' by each of the five organisations represented on the Spey Catchment Steering Group (SCSG) and other organisations are encouraged to adopt the various objectives. These multiple players involved highlight the complexity of catchment governance.

To place this in context of implementing the WFD, Scotland will have one national river basin advisory body supported by a grouped catchment based network of eight area sub-basin advisory groups (based on a combination of catchment, coastal, local and planning authority boundaries, SEPA, 2004a). SEPA intend to convene the advisory groups in 2005 in order to deliver the first RBMP in 2009, again allowing four years for the development of the plan (although it should be noted that dialogue first began with the consultation on the transposing legislation for the WFD in 2001). These groups are nested within plans for broader consultative processes whereby any interested parties will be kept informed of developments and given opportunities for comment. This proposed hierarchy illustrates the trade offs between subsidiarity and centralized, efficient management, reporting and monitoring structures. Interestingly, the UK has been identified as having a highly centralized political structure, which could make implementing regionally based decision making by stakeholders and citizens within RBMPs (the participatory ideal) extremely difficult (Patel and Stehl, 2004: 7 -10; see also Bloomfield *et al.*, 2001). The SCMP provides a case study with which to consider this proposition.



## Sample and Methods

We aimed to interview as many as possible of those who had been directly involved with the SCMP process (N = 58; 78% of the total involved). Of those who did not take part in our research, three said that they had only attended one meeting and could not comment on the process, while the others could not be contacted for various reasons; but overall the sample was a good representation of the people involved. The majority of participants were interviewed by telephone, although the steering group members were interviewed in person, resulting in longer and more detailed discussions. We sought to explore the intersection between the reasons for adopting a deliberative and inclusive process and the actual implementation of this process. We asked participants to reflect on the planning process in order to analyse how this had reflected the substantive, instrumental and

normative reasons for taking a DIP approach. We also asked participants to recommend what could be done differently in future to deliver the maximum benefits for integrated river basin management. The interviews were open ended and semi structured, so not all participants commented on every subject. The interviews took place between September 2003 and February 2004; roughly six months after the final plan was launched. The transcripts of our interviews were qualitatively coded and analysed using a combination of themes that emerged from participants' discussions as well from our initial research questions.

## Findings

Table two summarises the main themes arising from our participants' comments. The majority of participants were broadly positive about the deliberative approach, particularly in comparison to other planning processes they had been involved in. When asked to expand on the reasons for their praise, participants picked out very similar positive aspects of the process but provided a more varied selection of criticisms. Very few (three people) were wholly negative about the process, with the rest of participants commenting on any drawbacks in the spirit of improving future exercises, rather than criticising the process in itself.

In terms of the *substantive* reasons for adopting this kind of approach, three quarters praised the fact that the iterative, discursive process encouraged the problems and potential solutions to be assessed from a number of perspectives. They felt that this approach ensured that the plan considered the wider land and water use issues, rather than restricting comments to narrow definitions of water quality. Often these participants highlighted the social learning aspect of the iterative approach, in the words of one participant '*it was positive that they were not speaking to people singly but that it was a group situation, so issues were aired and discussed collectively, allowing a group exchange of views*'. They also felt that the ongoing process allowed time for the involvement of a variety of stakeholders, whose different perspectives enriched the understanding of the catchment. For example, understanding potential problems arising from competing recreational water uses (canoeing, salmon fishing, coarse fishing, water bird watching) were greatly enhanced by discussion involving people from each of these recreational groups, some of whom joined the process part way through. This evolution

and reframing of the 'problem domain' illustrates a social learning process (Craps and Maruel, 2003)

However, some participants (n = 20) commented on the difficulties encountered when engaging with a broad spectrum of different stakeholders covering a broad range of subjects. As one person put it: *'this kind of process is always limited by trying to govern through the rule of compromise which means that no one is ever wholly satisfied'*. This theme can be linked to the participants (n = 16) who argued that the plan was trying to be 'all things to all people'. Some of these participants felt that the final outcome had failed to adequately integrate all the themes and issues, remaining a document full of aspirations rather than a commitment to action. Also, 15 participants felt there were gaps in the analysis, or issues that weren't developed in enough depth (such as the conflict between protecting wading birds and the salmon fishery). Many of the comments about the time consuming nature of the process were linked to the inclusive and iterative nature of plan preparation as this necessarily takes more time than a 'top down' approach. This time commitment is particularly problematic for those engaging in their own time or at their own expense.

In terms of the *instrumental* reasons for adopting the approach, a large number (n = 34) felt that taking the iterative and inclusive approach helped to subdue conflicts of interest between stakeholders, particularly as they came to understand and respect the different points of view. Many of these participants argued that it was unusual to take such an inclusive approach, such as this participant: *'it was brave to have brought so many different interests together - this was the main strength of the process, and one which in my experience was unique'*. Furthermore, the process of deliberation, particularly within the working groups, aided the development of consensual solutions. One example was the publication of guidance on 'control of river waters'. This exercise provided a forum for resolving long standing disagreements over how to handle river engineering works in the catchment. Approximately half of our interviewees identified the formation of good working relationships and the ability to listen and learn together as the benefits of the process. One in five explicitly stated that the process created a sense of ownership, which was likely to lead to successful implementation of the management actions: *'The people I worked with all were signed up to the process. This attitude has carried through with people already*

*using the plan and trying to put the action points in place. The fear with this sort of approach is that it just sits on the shelf and is never referred to; but it is not so in this case'.*

However, many argued that it was too early to judge whether the process had succeeded in building relationships for effective implementation. But the references to lack of funding, being a 'talking shop' and the lack of representation or 'buy in' by non-public sector stakeholders does suggest that there may be difficulties with ongoing catchment governance. Furthermore, 21 participants claimed they were sceptical that the named partners would fulfil their responsibilities identified in the plan; and linked their comments to concerns about partnership working, arguing that delivering the actions was dependent on the will and resources of the organisations involved to take these forward. Some participants (n = 10) commented on the plan's non-statutory nature, commenting that the SCMP identifies what *ought* to be done, rather than what will be done.

The most frequent criticism of the process was the number of unresolved conflicts, particularly with regard to balancing the requirements of an SAC (ensuring that 'there should be no deterioration in the conservation status of the species for which the site qualifies' SCSG, 2003:10) and other pressures on the catchment. Thirteen people also pointed out that being inclusive was problematic if it allowed pressure groups to 'capture' the process – as explained by one participant: *'the purpose of the whole exercise was to be as inclusive as possible, but this could present a real problem in that certain people were therefore able to obstruct the process'*. As partnerships rely on cooperation, trust and consensus, these obstructive individuals offer a real threat to the process.

Very few participants explicitly referred to *normative* reasons for taking a deliberative inclusive approach to catchment planning. Only seven participants directly discussed how they had enjoyed the process; and equally few spoke explicitly about their *own* learning experiences during the process. However, many praised the enjoyable inter-personal dynamics of the working group processes (n = 34). Most of the discussion around the themes of multiple perspective and conflict resolution implicitly linked these substantive and instrumental reasons for using a DIP with normative reasons. Personal and collective empowerment was achieved through learning to listen and understand one another; recognising the multiple forms of expertise and knowledge that must be combined to achieve truly integrated river basin management. Many participants compared their

experiences developing the SCMP to past projects, and talked about wishing to apply the lessons they had learnt to other processes in the future. Participants were also keen that the lessons learnt were disseminated in time to influence the implementation of the WFD and other projects requiring the input of active citizens.

The apparent contradictions illustrated by the data in the table highlight the complexity of the lessons to be learned. For example, whilst some felt that it was a strength that the necessary time had been allowed to achieve an integrated approach to catchment management, others were concerned that the process had taken so much time to complete. Often, those who felt the planning had been time-consuming believed that it had been a good process, but questioned whether it could be implemented and supported throughout Scotland. Similarly, whilst many praised the inclusive approach the process had adopted, saying that they had learned from hearing the views of others, they also recognised the challenges this created when it came to integrating and prioritising the many different issues. Equally, the benefits of partnership working have to be set against comments about tensions between individuals and different constituencies; and the constraints created by the wider policy and organisational contexts within which the partners have to work. A consistent message from participants was the importance of personal relationships to the success of the process, including the personal and professional qualities of the project manager. Almost three quarters knew one another prior to the process, and whilst some commented on 'baggage' from previous history, most thought that this familiarity had assisted the planning process.

**Table Two: Analysis of key themes emerging from interviews**

Positive Comments*	N**
Benefits of having many different views	44/76%
Benefits of seeking consensus/resolving problems	34/59%
Formed good working relationships with partners	31/53%
Participants prepared to listen & learn together	26/45%
Broad definition and involvement of stakeholders	24/41%
Organised project officer - good interpersonal skills	22/40%
Taking a holistic view, integrated approach	20/34%
Attractive, professional & useful final document	19/32%
Process took necessary time to build relationships	18/31%
Process generated ownership of plan & action points	11/19%
Plan helps to attract funding for future projects	9/15%
Participants enjoyed the process and learnt from it	7/12%
Can't think of any drawbacks to the process	6/10%
Negative Comments*	N**
Unresolved tensions between some issues or participants	31/53%
Time-consuming process, too resource-intensive	26/45%
Not sure that action points are being implemented	25/43%
Comments ignored by other participants or not included in plan	21/36%
'Talking shop' rather than commitment to action	21/36%
Over-representation of 'usual (public agency) suspects'	19/32%
Poor integration between working group topic areas	18/31%
Lack of focus, trying to be all things to all people	16/28%
Gaps identified in issues paper and plan	15/26%
Too early to judge efficacy of the plan	13/22%
Process impeded by personality or value clashes	13/22%
Process does not provide blueprint for WFD RBMP	12/21%
Lack of funding to implement action plan	12/21%
Too many different stakeholder groups impeded progress	10/17%
Voluntary status of plan 'lacks teeth'	7/12%
Participatory approach constrained by statutory requirements	7/12%
Action points not prioritised or weighted adequately	7/12%
Certain participants involved too late in process	5/9%
<i>*Themes regarding the process selected by the researchers arising from the discussion transcripts</i>	
<i>**No of participants who mentioned this in their discussion (percentages rounded to nearest whole number)</i>	



## Lessons to be learnt for future deliberative inclusive river basin management processes

This section considers the lessons that can be learnt from the preceding findings. Under the themes of substantive, instrumental and normative issues (see table one), we assess whether the reasons for using DIPs to plan and manage river basins were demonstrated by this case study. Furthermore, we consider how the Spey case study can illustrate areas that SEPA could and should pay particular attention to when developing the Scottish RBMP.

*Substantive reasons for DIPs:* The Spey process has demonstrated how DIPs can lead to more efficient problem definition, and in turn, more appropriate solutions. However, our findings suggest there are implications for the type of participants recruited to the process, as these processes are dependent on the creation and maintenance of both inter-personal and inter-organizational trust. Trust is nurtured through transparent, ethical and equitable interactions in which all participants feel valued. Participants must demonstrate the appropriate knowledge, which is not confined to 'expert' technical expertise but encompasses experiential and local-contextual knowledge (Craps, 2003; Fischer, 2000). The structure of the process needs to take account of these different types of knowledges; and the facilitators of the discussions need to be skilled in ensuring that all perspectives are given equal consideration in the discussion; as well as enabling participants to interpret and compare different knowledges.

Within face to face groups, fruitless debates and 'spoiling tactics' can be avoided if process rules are collectively agreed on and clearly specified at the start of the process. These include issues like whether it is a consensus or majority vote that decides issues; how to handle minority views; when and how to include new voices in the process; how meetings will be run and who shoulders the work between meetings. These issues are strongly highlighted by the HarmoniCOP best practice recommendation (Craps and Maruel, 2003) It may be appropriate to use decision support tools, including multi-criteria mapping or analysis, to help the group structure their decision making process. Furthermore, most guides suggest using a range of tools to stimulate active involvement (Patel and Stehl, 2004, OECD, 2001; Greening, 2002; Wilcox, 2003). Best practice from UK (Fox *et al.*, 2004; Cuff, 2002; Cuff 2003) and Europe (WFD, 2001; Craps and Maruel,

2003) highlight the benefits of using virtual and in-person interactive tools; plus more passive transfer of information to potentially interested stakeholders. For example, the SCMP might have benefited from implementing a household questionnaire to identify citizens' values and perceptions with regard to river basin planning to complement the working group process (see Fox *et al.*, 2004).

Our findings also demonstrate the need for the active engagement of individuals representing the spectrum of opinions on the issue (see Davies *et al.*, forthcoming). Achieving this engagement is constrained by the fact it was a very time consuming process, requiring an ongoing commitment from participants, which is hard to sustain, particularly for citizens and private sector stakeholders. DIPs suffer from a paradox whereby they are responding to the demand for more meaningful engagement in the context of increasing consultation fatigue (Fischer, 2000; Richards *et al.*, 2004; Wilcox, 2003; Patel and Stehl, 2004). Whilst the Spey area was particularly hard hit by a rash of consultative processes during the Spey CMP process, consultation fatigue is likely to be a burden for RBMP processes throughout Scotland. The best strategy to resolve this involves illustrating how individuals who make the time and effort to participate are listened to and how their views are reflected in the final decision (Pellizzoni, 2003; Bloomfield *et al.*, 2001). For example, the initial evaluation of the Ribble pilot RBMP suggests that early and extensive involvement has increased the motivation of stakeholders in the basin (Fox *et al.*, 2004; see also Water Conservation, 2004).

Whilst the Spey CMP has been praised for its inclusive and iterative development process, many felt that integration remained elusive. Thus, the Spey study highlights the importance of integrating these diverse views in order to achieve the synthesis that lies at the heart of the substantive rationale. This requires a structure that enables the exploration of the issues; facilitates the process of social learning; and allows sufficient time for integration. River basin management conflicts, particularly when they lead to expensive litigation and ongoing conflict, illustrates the costs of not achieving agreed consensus on the planning and management process (Warren, 2002). Thus, whilst integration of different knowledges is likely to be a highly contentious, and political, process, failing to achieve integration creates difficulty when seeking to implement management objectives.

The main lesson from the Spey appears to be that the process of gathering and reconciling diverse perspectives has to be well planned and supported (see also Fox *et al.*, 2004). It is rare that all the relevant interests will be actively involved from the very beginning of the process; therefore the process must be flexible enough to incorporate new perspectives throughout. This can be achieved by ensuring the approach is process as well as goal orientated, incorporating the best principles of social learning and reflexive analysis through feedback loops. In turn, this emphasises communication between all players, which highlights the importance of adequately resourcing the process with support staff.

*Instrumental reasons for DIPs:* Our findings suggest that DIPs can assist with building collaborative relationships to improve ongoing river basin management, which are expected to lower implementation and enforcement costs for the responsible authorities (WFD, 2001). However, sustained collaboration requires maintaining onward momentum, which can be achieved through efficient and effective communication; particularly highlighting 'early runs on the board' (see Saunders and Tickner, 2001). Setting clear process milestones, and celebrating their achievements, both within the groups and within the wider community of stakeholders, is an important strategy to maintain commitment to the process. A strategy for ongoing communication, monitoring and evaluation that is not resource demanding yet creates a positive feedback loop for catchment learning should be integral to the overall planning strategy. This is identified as crucial to RBMP implementation by Patel and Stehl (2004) and more generally, as crucial to social learning through knowledge exchange in policy making (Craps, 2003; Pereira *et al.*, 2003; Cuff, 2002; OECD, 2001; WFD, 2001).

The Spey process suggests that successful implementation can only be achieved if all the stakeholders have ownership of the plan (Fox *et al.*, 2004; Tippett, 2005). The Spey case study also illustrates the problem with many inclusive processes, whereby building long term relationships takes time but generally projects are funded in order to produce fast results (Water Conservation, 2004, Jiggins, 2002). Although the WFD timetable allows time to develop the RBMP, there is only six years between its implementation and the analysis of whether the plans have delivered good ecological status (2009 – 2015), emphasising the importance of having engaged stakeholders ready to implement the RBMP (EC, 2003). However, contributors to the HarmoniCOP project illustrate that often

the implementation of the WFD was seen to be the responsibility of the competent authority rather than all stakeholders in the river basins (Patel and Stehl, 2004: 62). The short time frames highlighted above generate the paradox whereby a sense of ownership is vital but the authorities lack time in which to build this ownership. Hence SEPA are sensible to allow plenty of time to develop the RBMP and must consider the role of the national and area advisory groups post 2009, given the ongoing nature of the RBMP cycle.

Engaging in a DIP will not ensure sustained action unless the process is planned and developed with implementation in mind. The majority of the Spey participants highlighted the need to consider management objectives in light of available resources and expertise. Given that most river basin governance takes place within a context of limited resources, the Spey experience suggests that it is useful to prioritise the management objectives in order to focus the effort to be expended. Again, learning from the Spey process, costing the measures (as achieved through Annex three of the WFD) will assist with helping the implementing bodies plan ahead and ensure they have set aside suitable resources for each action. It is likely that there the issue of resources and priorities will co-evolve, as the timing of actions may be dictated by the availability of resources as much as need or desires (SLIM, 2004a). The issues surrounding the different capacity of stakeholders to respond to the actions requested of them should be considered in advance, with some form of funding mechanism identified to aid potential partners be able to play an active role in improving the aquatic environment.

DIPs can assist with implementation by creating an inclusive partnership approach that can become a lever for generating more funding for river basin management. Partnership working can create ownership of the programme of measures, and taking an iterative and inclusive approach helps to align these measures with each organisation or constituency's needs and operational constraints. However, partnerships are time consuming and can not proceed without organisational support and commitment within and between the stakeholder organisations involved. The HarmoniCOP synthesis of existing best practice raises concerns that the WFD guidance fails to recognise the resources required to implement a deliberative and inclusive approach to the WFD (Patel and Stehl, 2004). The literature on cooperation suggests that the very initiation and implementation of collective action incurs transaction costs (Singleton and Taylor, 1992) including search costs (identifying possibilities for mutual gains from collaboration); bargaining costs (negotiating

agreements) and enforcement costs (ensuring that all parties keep to the terms of the agreement).

Furthermore, whilst DIPs can assist with conflict resolution between parties, no process can resolve conflicts if the underlying issues remain unchanged. It is unrealistic to expect that problematic relationships will be transformed simply through undertaking a planning process. As highlighted in the section above, governance is based on relationships between individuals and organisations; and future relationships are affected by stocks of social capital and previous history.

*Normative reasons for DIPs:* It may prove difficult to stress normative reasons for engaging in deliberative and inclusive river basin management processes in the current climate of corporate and State accountability and the drive for 'best value' (Newman, 1997). However, advocates DIPs work from a paradigm that makes a commitment to individual and collective empowerment explicit (Oxfam, 2004). Policy drivers such as the *Aarhus Convention* and *Agenda 21* help to consolidate the argument that effective governance of social and environmental systems requires informed and responsible citizenship (see Clark *et al.*, 2001) and commentators on environmental governance stress that educating and enabling environmentally aware citizens is a fundamental part of any environmental policy (WFD, 2001; Water Conservation, 2004). On a more practical note, it is easier to ensure the continued commitment of individual participants when they enjoy the process and feel they are personally benefiting from investing their time and energy.

To summarise, RBMP processes should consider:

- Recruiting participants who will respect alternative viewpoints; and project officers to facilitate this
- Establishing agreed process rules to ensure smooth functioning of advisory groups
- Sustaining commitment by acting on participants' concerns
- Planning how to integrate conflicting perspectives
- Enabling social learning through ongoing communication
- Building and supporting partnership arrangements
- Planning and budgeting for implementation
- Ensuring that participant enjoy the process; and
- Encouraging participants to act as environmentally responsible citizens

## **Increasing cooperation between State and other stakeholders in River Basin Governance**

The Spey process illustrates the importance of taking governance arrangements seriously and this final section reviews some of the lessons highlighted above in terms of this focus. Governance can be thought of internally, how the group(s) organise and relate to each other, and externally, how the group(s) relate to other actors in the policy arena.

In terms of internal organisation, those participants who commented on internal structures contrasted the Spey approach favourably with other processes that had much bigger advisory group structures. They argued that having a small group made it easier to get agreement on decisions, work through difficulties and develop a good rapport with one another. It also meant that it was easier to find a mutually convenient time to meet on regular intervals. However, the small numbers meant that each member had to commit a considerable amount of time and energy to fulfilling their tasks between meetings. The intense nature of small group working is more susceptible to changes in personnel, although the replacement of one steering group member with another during the Spey process seemed to go smoothly. Both the above issues highlight the importance of having committed, organized and positive thinking individuals fulfilling these roles.

Furthermore, almost half the participants (n = 22) stressed the importance of having a project officer for the Spey CMP process, arguing that they ensured that all participants stayed informed, engaged and on schedule. Many suggested that the final product would not have been achieved without the smooth organization of meetings and other administrative tasks; or the professional but personable demeanour of the project officer, who often smoothed over differences between participants or resolved problems regarding drafting the report. SEPA is sensible to ensure adequate project officer support for the RBMP planning process, but we would stress that the project officers require their own administrative support; and that the project officers require a rare blend of efficiency, patience, optimism, technical skill and charisma to fulfil their remit.

The staged process for developing the SCMP allowed for the broad and active involvement of multiple stakeholders, and it appears that the process was set up to give the maximum opportunity to develop consensus on the management objectives and actions within the plan. However, from discussions with participants, it appears that the

final decisions regarding which issues to take forward, the composition of the steering and working groups, and the final text of the plan were taken by the representatives of the competent authorities. Thus, whilst other participants were given the opportunity to make suggestions, they did not have the authority to insist on, or reject, the plan's contents. Goetz and Gavanta (2001) distinguish between having a *presence* at the decision making forum and having *influence* over the actual decision (see also O'Neill, 2001; Pellizzoni, 2003), highlighting why there also needs to be a clear remit and agreed process rules to ensure that all the views are heard and acted on.

Additionally, RBMP managers need to explain external constraints on group decision making. As the critics of technocracy highlight, the way in which knowledge is produced and utilised reflects power relationships in wider society (Fischer, 2000). River basin management has to maintain a delicate balance between being open and inclusive whilst firmly indicating where statutory duties mean that certain objectives, standards and actions are 'non-negotiable'. Beirle and Konisky (2001) and Baber (2004) advocate that where processes must lead to environmentally rational outcomes, these may be contrary to some stakeholder interests. This places limits on the ability of the competent authority to treat all claims equally; as illustrated by one Spey participant – *'many of the stakeholders were unable to compromise very much, they could listen and say they understood but at the end of the day, they would end up saying 'the law says we have to'*. Thus, it is vital to spell out constraints to participatory empowerment at the beginning of the process (WFD, 2001). In Scotland, the fact that the final decision rests with Ministers and as such, stakeholders only play an advisory, rather than decision making role in RBMP. As such, the process is likely to remain at the level of placation (see figure one) as the group members will only be able to suggest appropriate programmes of measures, rather than be empowered to decide and implement them.

This issue means that considering how RBMP processes intersect with other organisational and institutional policies, plans and actions will be vital.

The Spey example reinforces the importance of integrating with existing plans and policies in an attempt to develop positive synergies rather than duplicating existing policies or

planning regimes<sup>9</sup> (WFD, 2001; Harrison, 2002; EC, 2003; Patel and Stehl, 2004). Various initiatives, such as the Bathing Waters Management Strategy, National Waste Strategy, LEADER projects, Flood Liaison and Appraisal Groups, Local Biodiversity Action Plans and Community planning are providing useful experiences of partnership working between the competent authorities and stakeholders required to deliver RBMP in Scotland. The Draft Scottish RBMP Strategy identifies the need for reciprocal relationships between statutory development plans, the National Planning Framework, Strategic Environmental Assessment and RBMPs; and stresses the importance of linking with other policies and plans (ranging from local community plans to existing catchment management plans, such as the SCMP). Resolving potential misfits, including clarifying which plan takes precedence over which, will need to be clarified from the beginning of the RBMP planning process and clearly articulated to all those using the relevant plans.

The Spey example also illustrates how DIPS can highlight gaps in management regimes (substantive reasons). Recreation and tourism was the most common theme identified in terms of gaps in the issues informing the SCMP (reflecting similar findings in England, Saunders and Tickner, 2001). Equally, issues around land ownership and access and policies for renewable energy (particularly hydro power) are likely to be very important. The fact that many of these issues are not covered under Scotland's statutory planning powers and therefore will require collaboration to manage them effectively, also illustrates the instrumental reasons for using deliberative and inclusive processes for river basin governance.

Finally, a central theme underlying our findings is the importance of social learning amongst all the actors involved. This includes the implementing agencies, which often have a historically rooted technocratic culture that must be shifted in order to embrace this new approach to water resource management (see Sherlock *et al.*, 2004; SLIM, 2004a; Cowie and Borrett, 2004). As the SLIM project highlights, water resource management can be profoundly affected (or hindered) by institutional cultures and histories, often with the result of stifling creative solutions to problems (SLIM, 2004a). Thus, increasing cooperation will require changing organisational cultures and new priorities to be communicated from the State to their collaborators (see Sherlock *et al.*, 2004).

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<sup>9</sup> Many commentaries suggest working more effectively with, and learning from, local authorities who are already required to implement strategic environmental assessments and local community consultation (EA, 2003; Patel and Stehl, 2004; Tickner and Saunders, 2001).



## Conclusions

The novelty of the SCMP emphasises the challenge of developing RBMP in Scotland, although the competent authorities can take heart from the generally positive evaluation of the process. Our findings suggest that the considerable energy and resources expended on the planning process were recognised and appreciated by those involved. However, although this brief overview does not do justice to the complexity of our participants' reflections, it is clear that there was *qualified* praise for the process. We believe the findings do support the drive for deliberative inclusive river basin management processes but equally highlight the potential challenges arising from these processes.

Best practice illustrates the risks, and increased costs, of 'minimum compliance with Article 14 (WFD, 2001; Patel and Stehl, 2004). Whilst resource intensive, it appears that taking an inclusive and iterative approach to planning is worth the investment. The substantive benefits of such processes include a better, and more holistic, understanding of the underlying issues, leading to better conceptualisation of the management challenges and, therefore, better solutions. The instrumental benefits of such processes include improved relationships between the different organizations and stakeholder groups who jointly use, manage and/or regulate the river basin. If the final plan is perceived as legitimate by those required to implement it, it facilitates implementation (statutory requirements less likely to be appealed against and voluntary measures more likely to be adopted); and is also more likely to be seen as legitimate by those who have to fund the Programme of Measures. In terms of normative benefits, the process involves social learning, which is enjoyable for the individual participants, thus helping to maintain their engagement as well as contributing to a more active democracy.

However, the SCMP process raised questions about how best to combine different issues to create a holistic understanding of the River Basin, particularly how to manage conflicting or incommensurate perspectives. Associated with this is the broader issue of how to build trust and understanding between different groups, how to work towards conflict resolution, including repairing relationships soured through past history. Pragmatic concerns include how individual participants, and their sponsoring organizations, enterprises or communities, can resource their input and how to ensure implementation, including selecting the most appropriate monitoring and feedback processes. Finally, in terms of contributing towards deliberative democracy, difficult choices must be made about who

should be represented in the process, and how to engage them (see Blackstock and Richards, forthcoming); plus how to manage expectations with regard to limits to group members' authority (see EA, 2003), whilst ensuring that the process does not descend into placation, manipulation or therapy (Arnstein, 1969).

Thus, authorities developing and implementing deliberative and inclusive river basin planning processes should ensure that a broad range of stakeholders are involved, recognising that the increased time required for bringing together different ideas and resolving conflicts will improve relationships between stakeholders and their acceptance of the final plan. With regard to substantive benefits, integrating sector or topic-based approaches with implementation action is vital, and a process for achieving this integration should be developed at the start. Instrumental benefits arising from taking an inclusive approach to scoping issues and identifying actions should be linked to a strategy for resourcing and implementing the strategy (including considering whether the necessary financial and human resources are available) or these benefits will not be realised. Furthermore, RBMPs must take account of their wider policy context and other ongoing processes in the area; and pay attention to the particular spatial and socio-cultural context (see Patel and Stehl, 2004).

Finally, issues of equity and power are integral to the implementation of DIPs (O'Neill, 2001; Pellizzonni, 2003) yet are too often overlooked in the discussion of 'participatory' approaches (Cooke and Kothari, 2001). Effective DIPs ensure that all stakeholders have the opportunity to participate; the capacity to participate; the belief that their participation will be valued and that it will lead to a positive outcome. Thus, competent authorities should embrace this philosophy when implementing River Basin Planning under WFD, rather than paying lip service to the deliberative and inclusive element. Our findings focus on the process of planning river basin management, rather than ongoing management itself. They illustrate the potential power imbalances with regard to who is mandated to plan, which perspectives are considered, how these perspectives are reconciled and integrated, and to what extent the process contributes to fostering ongoing social learning and active citizenship. Although the process has provided a useful foundation for RBMP in Scotland, there will need to be ongoing engagement, deliberation and collaboration to sustain this fragile coalition of interests.

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