



A rights-based approach to improve water integrity. Experiences from the Netherlands

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Some Dutch cases



- Fraud and corruption are as old as mankind and happen everywhere
- Some Dutch examples:
- Reclamation of the Haarlemmermeer (1852)
- Building fraud scandal (2001)
- Environmental scandals (dumping of waste materials without treatment in surface water)
- Actual prosecution of two local politicians for administrative fraud

Water management and fraud

- Water management is very vulnerable for fraud and corruption: there's a lot of money going on and public and private parties meet
- For a good understanding two situations should be distinguished:
- Administrative fraud and corruption by politicians and civil servants
- Fraud by private companies the water authorities do business with

Legal provisions to prevent fraud (1)

- For preventing these situations, besides transparency, accountability and public participation, (legal) provisions are inevitable. Dutch legislation like the General Administrative Law Act, the Water Board Act and the Civil Servants Act offer some provisions:
 - A Code of Conduct for all politicians
 - Politicians and civil servants are not allowed to influence decision-making in cases in which they are personally involved (excluding from voting)

Legal provisions to prevent fraud (2)

- Board members are not allowed to do business with the Water Board and have to report their other functions
- A Code of Conduct for all board members and, before their appointment, an oath or statement in which they declare not having accepted (or accepting) any gifts from other persons or promises done
- The chair of the Water Board will be made legally responsible for the integrity of the Water Board

Legal provisions to prevent fraud (3)

- Yearly judgement of the financial report by an independent external accountant
- So-called Act BIBOB, which should prevent that public authorities do business with companies with a bad reputation or criminal record
- Regulations for so-called whistleblowers
- It goes without saying that compliance and enforcement of these (legal) provisions is extremely important

Relational aspects



Was Lenin right when he said:

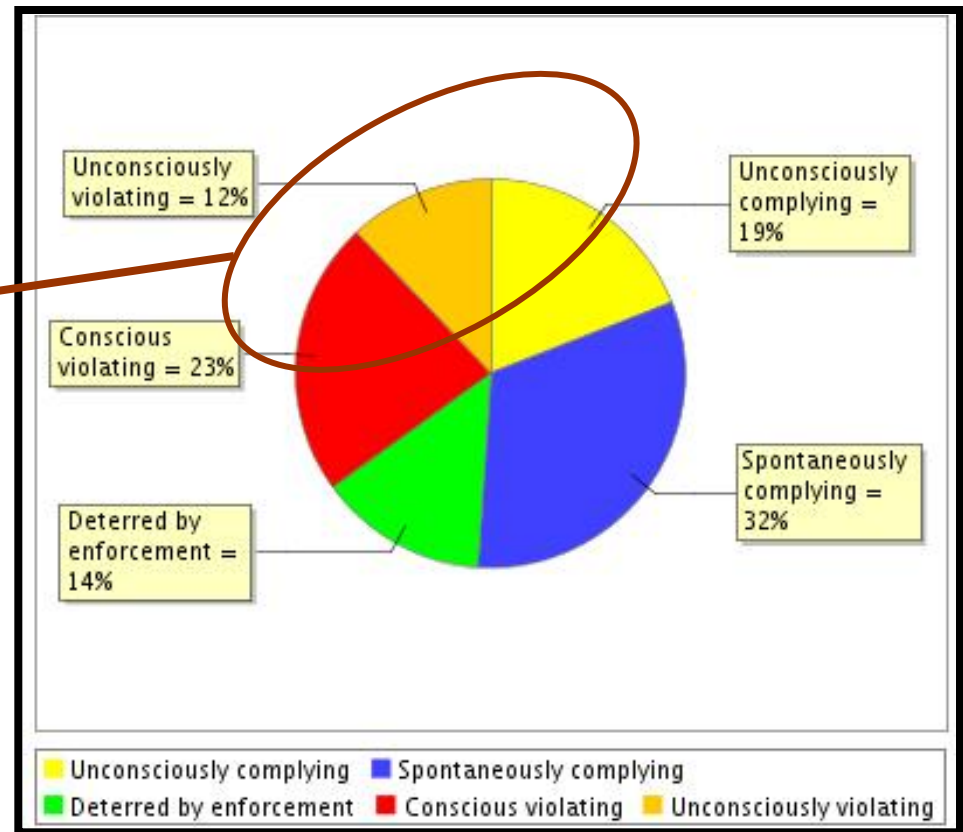
Trust is good, but control is better

Or should it be:

Control is good, but trust is even better

Table of 11: Compliance estimate

Require enforcement attention!



Three layer model of water governance

Content layer

Knowledge and experience/skills

Institutional layer

Organisation, legislation, financing

Relational layer

Culture, ethics, communication, cooperation, participation

Trust



Fukuyama:

- Successful economic societies are connected through trust.

James Coleman

- Uses the term “social capital”
- The ability to associate with each other, that is critical not only to economic life, but to virtually every other aspect of social existence as well.
- Shared values lead to trust, and trust has a large and measurable economic value
- Where trust is lacking high transaction costs may be the consequence.

See M.A. Hofstra: “Trust as a core element of good water governance”
www.watergovernancecentre.nl under other publications

Control



Castelfranchi and Falcone

- Control will increase trust, but they also warn: too much control may kill trust
- Control can be bad and self-defeating, in several ways
 - Mistakes by the controller
 - Producing anxiety in the trustee or by making him wasting time
 - Distrust creates distrust.
- Cees Kools studying the economic crisis: “Control is good, trust even better”



The reigning discourses of a society?

Moral	Controlmix	Authority/power	Mode of operation
<p>We Together</p> <p>→</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>Me ego</p>	<p>Trust</p> <p>→→→</p> <p>or</p> <p>→→→</p> <p>Control</p>	<p>Serving Leadership</p> <p>dialogue</p> <p>participation</p> <p>commands</p> <p>Dictatorial leadership</p>	<p>Own initiative and tuning</p> <p>Follow orders</p>



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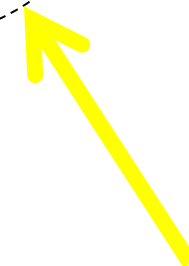
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	or	participation	
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Integrity



Capacity building



Responsible water management

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We- Together → + + + + Me ego	Trust →→→ or →→→ Control	Serving Leadership dialogue participation commands Dictatorial leadership	Own initiative and tuning Follow orders

Integrity

Capacity building

Responsible water
management

Implementation

- "In theory, there should be no difference between theory and practice, but in practice, there is." (William T. Harbaugh)

The relevant question than is: how to brdige the gap? How to increase trust?



Some ways to enhance trust

- Man as point of application
- Something about nature, nurture and system
- If nurture is the most promising way, than the question is how to win, create and restore trust
- Discuss the subject
- Be transparent



Focus on Integrity within Rijkswaterstaat

- Four important elements: Be
 - Responsible
 - Independant
 - Reliable
 - Careful
- Yearly integrity day