

## VU Research Portal

### **Integrated River Basin Governance: Learning from International Experience - by Bruce Hooper [Review of: (2005) Integrated River Basin Governance: Learning from International Experience]**

Gupta, J.

#### ***published in***

Review of European Community & International Environmental Law  
2007

#### ***DOI (link to publisher)***

[10.1111/j.1467-9388.2007.532\\_5.x](https://doi.org/10.1111/j.1467-9388.2007.532_5.x)

#### ***document version***

Publisher's PDF, also known as Version of record

[Link to publication in VU Research Portal](#)

#### ***citation for published version (APA)***

Gupta, J. (2007). Integrated River Basin Governance: Learning from International Experience - by Bruce Hooper [Review of: (2005) Integrated River Basin Governance: Learning from International Experience]. *Review of European Community & International Environmental Law*, 16(1), 115-117. [https://doi.org/10.1111/j.1467-9388.2007.532\\_5.x](https://doi.org/10.1111/j.1467-9388.2007.532_5.x)

#### **General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

#### **Take down policy**

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

#### **E-mail address:**

[vuresearchportal.ub@vu.nl](mailto:vuresearchportal.ub@vu.nl)

of the New Zealand delegation to the IWC since 1997.

The book aims to present in a systematic fashion a series of questions that have emerged at different stages within the IWC and which, in many cases, have differentiated the international debate on whaling from that on other issues of international environmental law. These topics have been organized in three sections. The first concentrates on 'number and threats', in order to provide a basic factual background to ensuing discussions. This first section, therefore, focuses on the conservation status of different whale species, the changing environmental threats to cetaceans and data on incidental capture. It also provides an overview of the early debate on whaling and introduces some key concepts, such as revised management schemes.

The second section, entitled 'Philosophy in International Environmental Law', groups what the author considers underlying ethical issues relating to cetacean questions at the IWC. These issues include scientific whaling, humane killing, non-lethal utilization and Aboriginal subsistence whaling. With respect to all of these questions, Gillespie seeks to counter claims that these issues are unprecedented in international law, outside the scope of the IWC and culturally relativistic, and to show instead how these controversies are of a fundamentally philosophic nature.

The third section is devoted to the 'mechanics of international environmental law'. It focuses on the inter-related operational and institutional questions pertinent to the IWC's work that are among the most debated in international environmental law and policy. Thus, the third section addresses sanctuaries, small cetaceans, the primacy of the IWC and related international organizations, compliance (inspection and observation), reservations to the

International Convention for the Regulation of Whaling, transparency (thereby including participation by non-governmental organizations (NGOs) and media, and secret voting), vote-buying, and finance.

One of the cross-cutting themes of the book is the complex institutional framework that has developed since the inception of the Commission and which now deals with the protection and management of whales. In several chapters, the author underlines the overlaps and lacunae of this web of international fora and instruments, sometimes concluding that the resolution of certain problems will be achieved in other issue-specific fora, which is 'unfortunate as the IWC may be losing part of its ability to fulfil its mandate' (at 45). This is asserted, for instance, when dealing with environmental threats to cetaceans and the limits of the IWC in tackling chemicals-infected whales, or the impacts of marine pollution and climate change on cetaceans.

The comparison of the IWC with other international environmental fora also leads to other interesting considerations. In some instances, Gillespie concludes that the IWC is lagging behind current developments in international environmental law. The most visible case is that of scientific whaling, for which a prohibition to use, for commercial purposes, whale meat obtained through scientific whaling was only agreed in 2003, while it was a much earlier practice in other marine living resources fora. Another instance is the current limitation to the accreditation of NGOs to the IWC, based on the fact that NGOs have 'offices in at least three countries', rather than on the basis of their usefulness as in other fora. Conversely, other cases show how the IWC is advanced as opposed to other environmental treaties. This is true, for instance, for the IWC's humane standards for wildlife killing by indigenous peoples, which

Gillespie considers more advanced than other international wildlife conventions in urging to move away from traditional killing methods that are more painful for animals.

Overall, *Whaling Diplomacy* is a very informative contribution to the international debate on whaling, providing both accessible explanations of the underlying scientific and factual data, and a reasoned account of the history and political and legal arguments before the IWC from an environmentalist perspective. The book may sometimes appear dry due to the wealth of arguments presented, or fragmented as it has been developed on the basis of previous, separate journal articles. But these shortcomings are balanced by the sense of urgency that emerges from Gillespie's pages.

In conclusion, this book will not only be a fundamental reference for international lawyers and activists engaged in the whaling debate, but also an interesting read for those fascinated by the evolution of international wildlife law, the philosophical aspects behind international debates and the interpretation of international law on the basis of subsequent practice.

Elisa Morgera  
FAO Rome

### **Integrated River Basin Governance: Learning from International Experience, Bruce Hooper,**

IWA Publishing, 2005, 316pp, £75.00, hardback.

I was drawn to this book by its title – it reassures the reader that it will provide inductive insights about whether integrated river basin governance is desirable and the conditions under which it could become possible. This is especially relevant as mid-career water professionals who study at the UNESCO-IHE Institute

for Water Education in Delft often claim that such integration is not feasible. This is also relevant as experts like Asit K. Biswas, World Water Prize laureate, have argued that nobody knows what integrated river basin management is and nobody knows how to do it. Thus, I read this book in the hope of securing answers.

Hooper starts by explaining the paradigm shift in water management from sectoral, single-goal approaches, which focused on not letting the water escape into the oceans, to the more integrated, holistic approach that is nowadays considered more appropriate and more consistent with ecosystem-based approaches. He cites the evolution of this term in a number of international declarations and believes that integrated water resources management (IWRM) and integrated river basin management (IRBM) are ideas whose time has come. He submits, on the basis of existing literature, that IRBM implies the use of systems approaches, strategic approaches, stakeholder approaches, partnership approaches and balanced approaches. He adds that in such interactive dialectical approaches incremental improvements are possible – all part of an adaptive response.

Hooper then moves on to explain that river basins evoke different responses in people. For some, it is a hydro-ecological unit, an economic production system, a place for peoples and cultures, landscapes of stakeholders decisions and/or the locus of common pool natural resources management. On the basis of an examination of river basin organizations worldwide, he concludes that some are essentially advisory committees (e.g. Verde Watershed Association), some are bodies with authority (e.g. Tennessee Valley Authority), some are associations (e.g. Missouri River Basin Association), and some are commissions (e.g. Great Lakes

Commission), councils (e.g. Fraser Basin Council), corporations (e.g. Damodar Valley Corporation), tribunals (e.g. Valencia Water Court), and trusts and federations (e.g. EU directives). The structure of these bodies influences their ability to take decisions and the nature of the decisions taken. He concludes his analysis by submitting that IRBM calls for the adoption of nine principles, which include the engagement of and ownership by relevant decision makers, improved management design, application of diverse institutional arrangements, clear definitions of the role of the river basin organization, strong advocacy, the need to prioritize action, accountability, partnerships with local government, and coordinated river basin management.

Hooper cites a table to distinguish between the realities in the developed and developing world. This was of immediate interest to me, although of course such a table is clearly subject to oversimplification. While I would argue that developing countries tend to face pluralistic legal systems in the area of water, combining religious, colonial and post-colonial elements (some of which exist in legal documents, while others exist at the ground level in countries), and that developed countries tend to have more unified, singular systems of law, the table indicates that the difference is that in the developed world rights are based on riparianism and prior appropriation, while in developing countries rights are to rainfall or groundwater. The table perhaps misses the point that the system of riparianism was exported to many parts of the developing world through the colonial process. But a key point in the table is that in developed countries there are small numbers of large stakeholders, whereas in developing countries there are large numbers of small stakeholders. This very point makes stakeholder participation very complex in developing

countries, which is often overlooked in other countries. While stakeholder participation is relatively easier and cheaper to promote in the developed world, promoting it in other parts of the world raises a number of issues. For example, who compensates the village woman for her loss of work hours when she participates in such processes and when her opinion is often dismissed as irrelevant to the discussion? Stakeholder discussions are romanticized in much of the literature, but power politics plays out in all different fora. Hooper compiles a list of tools for joint planning, conflict resolution and communication from diverse resources as suitable for river basin governance.

The author is a fan of adaptive management – management that responds to feedback and is based on exploiting the concept of best practice. He proposes a protocol of river basin management as a guidebook on how to carry out river basin management. He starts with recommending the establishment of a river basin organization and a stakeholder advisory group, the making of inventories, research and monitoring systems, prioritization of issues, scoping out the social decision system, identifying and prioritizing options, preparing a plan, then a programme, and then an implementation strategy, followed by implementation, monitoring, review and feedback – a fairly linear and straightforward process you would think.

He emphasizes the need for information systems, for choosing technologies and knowledge management systems in order to undertake tasks within the IRBM package. He emphasizes the role of geographical information systems, decision support systems, modelling and integrated modelling. He looks at communicative tools to share knowledge and the principles of information exchange (appropriate, affordable, accessible and

equitable). In doing so, not much cognizance is taken of the extensive theoretical work on science-policy communication, which shows many of the major challenges in the field of actually communicating the information so that it is internalized.

Hooper develops a prototype river basin information exchange programme to help those engaged in the process stay abreast of the knowledge and to be able to use it effectively. He submits that there is inadequate information about the social domains and that this is the major lacunae in IRBM. However, there is vast literature available in the anthropological, historical and social science sphere, but perhaps this material is not as readily accessible as natural science literature. He cites bottlenecks as including lack of funding, leadership skills, knowledge, burnout by volunteers, etc. However, these are precisely some of the problems that integrated approaches need to take into account. How does one develop a system of management within one's resources – human, intellectual, financial and technological? How does one manage one's resources within one's means? In that sense, his book does not integrate the social dimension into the problem definition.

The strength of the book is in its tables, figures and communicative approaches that help the reader understand the processes being recommended. There are a number of case studies and comparative assessments of river basin organizations. It is clearly written and has a direct communicative style with little repetition as it races through its contents. It would be an extremely valuable source of information for anyone who wishes to have a complete grasp of the subject. However, if one were to take a more critical stand, there are several unanswered questions in the book. The author talks of

accountability, but who is to be held accountable in such a diffuse process of policy making and by whom? While participatory processes do ensure legitimacy, participation cannot imply inclusion of all. Thus, participatory processes are by their very nature exclusive. Furthermore, if there are truly participatory processes at different levels of governance, and the results reflect the local values and views, there is always the risk that the governance instruments will not in the end be coherent and coordinated. How are trade-offs to be negotiated? Although the author lists a number of dispute-resolution options, which are inevitable since, as he puts it himself, water problems are often 'wicked' problems, i.e. problems where the benefits and costs are not evenly distributed, he does not show how the processes could lead to results. He does not refer to the need for rules of procedure that exist in legal forums to ensure that there are processes for coming to consensus or majority decisions. He does not adequately refer to the role of courts in finding fair solutions where local actors wish to externalize the impacts on others further downstream. There is a naïve belief that good dialogue is always possible and if everyone talks to everyone else we will get well-coordinated policies that ensure integration of values. The book is written by a believer and in good textbook style. This may go down well with students and possibly researchers, but is often extremely difficult to explain to those working in the field, especially in developing countries. It is also not very reflective. However, for those looking for a 'how to' book, this book is a useful starting point.

*Joyeeta Gupta*

Professor, Institute for Environmental Studies  
Vrije Universiteit Amsterdam; and  
UNESCO-IHE Institute for Water Education, Delft

**Trade and Environment: Theory and Policy in the Context of EU Enlargement and Economic Transition**, edited by *J.W. Maxwell* and *R. Reuveny*, published by Edward Elgar, 2005, 346pp, £75.00, hardback.

Since the discovery of the hole in the ozone layer over Antarctica in 1982, animated discussions regarding the impacts of international trade liberalization and industrialization on the global environment have become commonplace in academic, political and civil society circles. In an attempt to contribute to this broad 'trade-and-environment' debate, *Trade and Environment: Theory and Policy in the Context of EU Enlargement and Economic Transition* assembles a collection of essays exploring the interplay between international trade liberalization and global environmental protection from both theoretical and policy perspectives. The proposed added value of this volume comes from its focus on the enlargement of the EU to Central and Eastern Europe (CEE) as a concrete example of how common policies may be developed in order to constrain the impact of industrial production on the natural environment. This focus on EU enlargement is presented as a microcosm of the wider global 'trade-and-environment' debate, and particularly of its North-South dimension. In effect, the 2005 accession of CEE countries represents a unique environmental challenge for the EU given the unprecedented degree of heterogeneity amongst its Member States in terms of both their levels of economic development and their environmental conditions.

Before turning to specific questions related to the EU enlargement, the volume starts with a general section. The first part seeks to place the ongoing international debate on trade