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Participation and marginalization in water governance: probing the agency of powerholders

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ABSTRACT. There is growing awareness that both the practice and science of participation in water governance continue to suffer from blind spots with regard to questions of power and equity. We present an analytical frame that helps explore how participatory processes initiated by water reforms can better address the needs and interests of marginalized groups. We build on recent arguments about the potential to enrich adaptive governance theory from a critical institutionalist perspective, combining power-sensitive concepts with a multi-level analysis. The key insight advanced is about the potential to apply critical institutionalism to unpack structural obstacles to the participation of marginalized groups in water governance and to illustrate how such obstacles are (re)created by the agency of powerful actors. We draw on two cases: the situations of Black smallholder farmers in South Africa and the Indigenous Sámi people in Sweden, in the context of the participatory water policies they are subjected to. The analysis shows how the agency of powerholders can purposefully block the inclusion of marginalized groups in two very different political and historical contexts and provides important insights into some of the main stumbling blocks that hinder the advancement of an adaptive water governance system in both countries. On this basis, we suggest opportunities to advance this research direction analytically and empirically. Our larger argument is about fundamentally recasting our view on the purpose of participatory processes in water governance; rather than primarily being instruments to deliver specific policy outcomes, they should allow marginalized groups to center their concerns about the structural roots of the experienced marginalization into the water governance discourse. It requires acting upon the right-claims of marginalized groups and re-evaluating dominant narratives of acceptable societal tradeoffs as well as cost-benefit distribution based on the inputs from these groups. Otherwise, powerful actors will continue to co-opt water governance processes to their advantage and use their agency to undermine the effectiveness of participatory initiatives.

Key Words: *adaptive water governance; institutional bricolage; power; stakeholder participation; marginalized communities; water reforms*

INTRODUCTION

Since the end of the 20th century, governments and development agencies have sought to improve water governance via the incorporation of participatory processes and collaborative policy measures (Von Korff et al. 2012). The intended degree of participation varies along a spectrum from simple information sharing to deeper forms of partnership (van Buuren et al. 2019). The list of participatory institutional arrangements is long, but examples include river basin councils, watershed partnerships, and catchment management organizations (e.g., Grassini 2019).

The rationale varies but tends to be about instrumental benefits of participation, such as increased policy effectiveness, legitimacy of decisions and hence “better” implementation (Papadopoulos 2016). Arguably, governments and privileged actors, such as large water companies, international investment banks, and development agencies, may at times have vested interests in water reforms that promote participation. Yet, the formal intention tends to be that participation allows for water policies and actions that more accurately represent people’s needs and create trust both in governments and among stakeholders, ultimately contributing to more equitable and sustainable water governance (Hassenforder et al. 2019).

Furthermore, challenges related to the complex bio-physical nature of water resources and the rise of various forms of water crises have demonstrated that the traditional centralized, top-down modus operandi is ill-equipped to achieve effective water governance (Rogers and Hall 2003, Huntjens et al. 2011). The limited capacity of governments (e.g., inadequate resources, knowledge, and authority) to deal adaptively with the inherent

complexity and uncertainty linked to water resource management, and to effectively address water issues has, therefore, been another driving force toward participatory and collaborative modes of water governance (Cosens et al. 2014). This is based on the premise that the sharing of power and responsibilities with non-state actors will enhance problem-solving capacities, strengthen collective action, and improve service delivery (van Buuren et al. 2019).

A central source of inspiration for the institutionalization of participation in water governance during the end of the 20th century has been integrated water resource management (IWRM) (Mehta et al. 2014). Guided by the outcomes of the 1992 International Conference on Water and the Environment in Dublin, the paradigm of IWRM added a new recognition of the need for better integration across sectors through collaboration and participation (Lubell and Edelenbos 2013). This includes attention to the messy stakeholder processes that often determine what happens on the ground (Warner 2005).

Adaptive water governance theory has evolved in large part in response to the failures of IWRM to fulfill its stated purpose, namely the inability to “handle processes of change characterized by nonlinear dynamics, threshold effects, cascades, and limited predictability” (Karpouzoglou 2016:7). Deriving mainly from the resilience scholarship, a key offering of adaptive (water) governance is its attention to the interactions taking place both across multiple scales and levels in social-ecological systems (Chaffin et al 2014, Termeer et al. 2010). The cross-scale perspective has provided important understanding of the interdependence and co-evolution of social and ecological

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systems and their functioning as complex adaptive systems (e.g., Dietz et al. 2003, Folke et al. 2005). The concept of panarchy, for example, describes how all complex systems function “at multiple scales of space, time, and social organization” (Resilience Alliance). Hence, they display a “nested, interconnected hierarchy in various stages of growth, collapse, innovation, and reorganization” (Cosens et al. 2018:3). Cross-scale interactions, then, are important in determining the potential for “transformations into new regimes in both ecological and social system configurations” (Cosens et al 2018:3).

An important component of adaptive governance for dealing with complexity and uncertainty in social-ecological systems (SES) is the notion of multi-level governance i.e., having multiple centers of decision-making nested across the governance system. The desire to ensure participation of diverse sets of stakeholders operating at and across various levels is expressed, for example, in the concepts of adaptive co-management (Olsson et al. 2004) and polycentricity (Huitema et al. 2009). Formal and informal networks are seen as the connecting infrastructure that allows for knowledge integration and iterative learning, system’s redundancy, power sharing, and coordination of actors across levels (Chaffin et al. 2014).

Despite these analytical benefits, though, there is growing awareness among scholars that adaptive (water) governance theory still suffers from gray areas with regard to questions of power and equity (Karpouzoglou et al. 2016, Sharma-Wallace et al. 2018). Underlying this is a positivist-realist epistemology inherited from social-ecological systems theory and resilience thinking, which, for example, manifests in the search for a single desired state for socio-ecological systems, including desirable social and governance outcomes (Chaffin et al. 2014). Yet, this notion effectively ignores the fact that stakeholders may hold multiple and potentially competing visions of what constitutes a “desirable state” for a water system and related social and ecological outcomes (Kløcker Larsen et al. 2011).

Relatedly, critiques have piled up against blind spots underpinning efforts to institutionalize participation in water governance, i.e., in the actual “practice of participation” (Reed 2008, Grassini 2019). One of the problems recurrently identified is that participatory mechanisms lack, both in theory and practice, an adequate consideration of power relations (Nightingale 2011, Brisbois and de Loë 2016). Similar arguments have been made in a range of critical water studies concerned with political economy and ecology, hydro-politics, and critical anthropological studies (Marionville and Harris 2014, Mollinga 2019).

One of the most poignant critiques of adaptive governance has been offered, in this journal, by Cleaver and Whaley (2018), arguing that it tends to assume that social systems are analogous to ecological ones and is overly optimistic about the possibilities for developing common understanding and achieving collaboration. With this premise, and informed by the epistemological issue noted previously, participation may instead, as Gosnell et al (2017:5) state, “perpetuate structural inequalities and reduce the participation of marginalized groups in environmental and resource governance.” This is partly since the biases that are built into institutions are overlooked, allowing some actors to impose ideas or decisions on others (Nightingale 2017).

In sum, there is a growing awareness that the promotion of participatory processes in the practice of water governance, as well as the theoretical underpinnings of adaptive water governance theory, can work counter to espoused objectives - resulting in perverse outcomes for marginalized groups but also jeopardizing overarching goals of policy effectiveness, legitimacy, and sustainability.

Objective

Our purpose was to present an approach that contributes toward improving the understanding of how participatory processes initiated by water reforms can better address the needs and interests of marginalized groups. Analytically, we applied a critical institutional lens to critique the efforts to mainstream participation in water governance. The key insight advanced is about the potential to apply critical institutionalism to unpack structural obstacles to the participation of marginalized groups and to illustrate how such obstacles are (re)created by the agency of powerful actors.

In so doing, we are inspired by earlier discussions about the possibilities to enrich adaptive governance theory from a critical institutionalist perspective (Franks and Cleaver 2007, Cleaver and Whaley 2018). What we aim to add is a deeper understanding of the distorting agency of powerholders and the implications for marginalized groups through combining power-sensitive concepts with a multi-level analysis. We believe that such understanding is an important step toward a more nuanced discussion on how participatory processes can facilitate adaptive water governance in systems where populations are marginalized. Rather than claiming to offer a final framework or definitive conclusions, our intention is to indicate what we consider a promising future research agenda if we are to seek a greater understanding of the working of power in participatory processes in water governance.

We first introduce key concepts and frameworks used by critical institutionalism to interrogate the working of power in institutional arrangements. We then combine these power-sensitive concepts with a multi-level analysis to investigate two cases, namely the situations of Black smallholder farmers in South Africa and the Indigenous Sámi people in Sweden, in the context of the participatory water policies they are subjected to. These two cases are of comparative interest for several reasons.

First, while water reform in both countries has had a strong emphasis on increasing participation and societal involvement, widely different logics have driven them: South Africa has explicitly aimed at inclusion of marginalized groups, in particular those disadvantaged under the apartheid system. In contrast, Sweden, subject to European water legislation, has aimed more generally at public participation.

Second, water reform takes place in two distinct settings: Sweden is an affluent country known for strong democratic standards, a well-functioning state apparatus, and high levels of public trust. In contrast, South Africa is an emerging economy, a comparatively weaker state, and trust in government is limited due to incidents of corruption in all spheres of government as well as the legacy of apartheid.

Importantly, we do not claim that the reform processes in the two cases are necessarily examples of adaptive water governance.

However, looking at the two cases from an adaptive governance perspective can provide important insights into some of the main stumbling blocks that hinder the emergence of an adaptive water governance system in both countries. We suggest that understanding these reforms and their participatory measures will help finetune adaptive water governance theory as well as practice.

A CRITICAL INSTITUTIONALIST PERSPECTIVE ON PARTICIPATION AND POWER

In the words of Frances Cleaver, critical institutionalism emerged “to understand how institutions work in practice and consequently, why the outcomes benefit some people and exclude others” (Cleaver 2012:1). Institutions, such as those crafted to promote participation in water governance, are here understood as complex interactions, entwined in everyday dynamics, shaped by historical formation, and in continuous evolution (Cleaver and de Koning 2015). They are, on one hand, formalized arrangements based on legal rights, often introduced by governments, and on the other hand, arrangements dictated by culture, social organization, and everyday practices (Cleaver 2002). Institutions are hence explicitly seen as “outcomes of dynamic social processes in which authority is contested, negotiated, and reaffirmed” (Kemerink 2015:5).

Critical institutionalism recognizes the importance of structural features of institutions such as norms and rules (Hall et al. 2014). However, it also emphasizes social practices and the importance of people’s agency in actively shaping and navigating a complex pluralism of institutions (de Koning 2011). Hence, the scholarship places importance on both structure and agency: Individuals are both constrained by the rules and norms of the social system (structure) and at the same time innovate and negotiate them (agency) (e.g., Cleaver and Whaley 2018). Here, institutions are the product of the interplay between the exercise of agency as well as the effects of the wider social environment (Cleaver and de Koning 2015).

For our purpose, what is attractive is that critical institutionalism attends to the messy everyday situations where people, through myriad practices, seek to navigate multiple and often conflicting institutional realities created by participatory interventions in water governance. This is what Cleaver and de Koning (2015:7) refer to as the “blending, layering and piecing together” of institutional norms through bricolage. The notion of institutional bricolage is employed to refer to the ways in which institutional arrangements emerge as combinations of social practices and bureaucratic rules (Cleaver 2002). Hence, the “blending, layering and piecing together” of institutional norms always takes place in a particular context according to social-ecological histories, legacies, politics, and power relations. Viewing agency broadly as the capacity of actors to choose and act (Kemerink 2015:5) based on the resources they are able to deploy, the literature acknowledges that this capacity is often distributed highly unequally among actors (de Koning 2011, Hall et al. 2014, Sadiki and Ncube 2020) and consequently delineates the space for actors to maneuver disparately (Whaley 2018).

Indeed, a recurrent finding has been that, in comparison to more powerful actors, marginalized groups or individuals find it more difficult to shape both formal rules and rules in use (Cleaver and de Koning 2015). The costs of participation are high and their room to maneuver is restricted (Morinville and Harris 2014). From this perspective, Cleaver (1999:609), over twenty years ago,

already argued for research, including on water resources, that analyzes “whether and how the structures of participatory projects include/protect/secure the interests of poor people”. Among others, she has called for the need to specifically interrogate the conditions, e.g., resources and structures that play a role when participatory processes further marginalize already weak groups in society.

One framework used to interrogate the working of power in water governance is that proposed by Franks and Cleaver (2007), focusing on the linkages between resources, access mechanisms, and outcomes that are mediated through a range of actors and processes. They state that “resources are drawn upon in differing ways by actors (individuals, groups, the state) to construct particular context-specific arrangements for organizing access to water which are the ‘mechanisms’ of water governance” (Franks and Cleaver 2007:293). In this framework, agency is considered linked to power through the capacity to deploy material and non-material resources.

Another framework has been proposed by Cleaver and Whaley (2018) to distinguish three domains in which people negotiate and blend institutions, namely process, power, and meaning. In brief, process refers to the everyday negotiation and practices among actors. Power refers to the way some actors can command resources, set agendas, and strategically legitimize actions and institutions. Finally, meaning is about sense-making, i.e., how worldviews and values shape the way actors ascribe cause and effect as well as perceptions of legitimacy and definitions of what is relevant knowledge.

SCRUTINIZING AGENCY OF POWERHOLDERS ACROSS LEVELS

As outlined, it is clear how critical institutionalism may help, among other things, to understand the role of human agency in piecing together what becomes reified as discriminatory and exclusionary institutional structures in water governance. However, we discern two additional opportunities to further nuance the added value from applying a critical institutionalist perspective.

First, despite critical institutionalism acknowledging the importance of cross-scale and multi-level interactions in shaping governance processes and outcomes, the attention has largely been confined to local- and meso-level dynamics in governance systems (notable exceptions include, e.g., Jones 2015 and Whaley et al. 2021). Here, adaptive water governance theory offers a more nuanced understanding of the value of attending to both cross-scale and cross-level interactions, which is critical to understand complex water reforms. Work on the “scale and level politics” in water resource management (Dore and Lebel 2010:78, Moss and Newig 2010) helpfully reminds us of the various temporal and spatial scales that potentially can play a role, including the interactions across levels that may exist within each scale. In this paper, our focus is on a multi-level analysis, attending to what Dore and Lebel (2010) define as the administrative scale.

Second, while the power-sensitive frameworks, such as those described previously, help understand differentiated agency and its influence in shaping institutions, neither centers the agency of powerholders and their discriminatory, and arguably often unethical, modes of bricolage. With this recognition, our suggestion is that greater attention must be paid directly to how

structural obstacles to the participation of marginalized groups in water governance are (re)created by the agency of powerful actors. To probe this question, we draw on parts of the critical institutionalist framings highlighted previously.

To explore how the critical institutional lens may infuse a critical view on power and agency in the type of multi-level analysis that is central to adaptive water governance, we look at how powerholders are able to undermine the working of participatory institutions, often known as access mechanisms, at the *micro*, *meso*, and *macro* levels within an administrative scale. Whereas, boundaries are invariably fluid, we define the micro level as constituting dynamics between community members and/or other actors operating at the local level. The meso level represents the juncture between local and national administrative institutions. The macro level hosts the institutions that may address water issues but equally interlace with wider political concerns outside the water sector per se, such as human rights and environmental justice.

Access mechanisms can range from formalized organizational (e.g., water user associations) and legal arrangements (e.g., water rights), through socially embedded norms of “proper” use, to use of technologies (e.g., irrigation pumps)(Franks and Cleaver 2007). In this study, we are particularly interested in access mechanisms initiated by governments through water reforms to create opportunities for enhanced participation. The ability to engage with and benefit from these participatory mechanisms is, in turn, underpinned by both material (e.g., natural, economic, technological) and non-material (social, entitlements, human) resources (Franks and Cleaver 2007).

The method is essentially a literature review based on previously published research about the two selected cases. We do not pretend to have conducted an exhaustive or systematic review. Rather, the purpose is to undertake a test-run of the proposed approach, demonstrate the suggested research direction, and offer ideas for more substantive empirical and analytical work. The retrieval of documents and organizing of our argument has been guided by a considerable background understanding of the two cases, though, owing to long-term immersion as both scholars and policy advisers.

The two cases invariably involve simplification and do not adequately convey the diversity of the people and groups involved in the two water reform processes. The South African case study is focused on Black smallholder farmers, but many Black South Africans residing in rural villages and urban and peri-urban townships also continue to experience inequality in access to water (Peters and Woodhouse 2019, Yates and Harris 2018). In the Swedish case, we focus on the impact of the exploitation of rivers for hydropower on reindeer herding districts that hold the recognized rights to practice reindeer herding, fishing, and hunting. However, these units are partly colonial constructs that exclude many Sámi from exercising Indigenous rights to land and resources, causing internal divides in the Sámi population (Lawrence and Åhrén 2016).

Case 1: Access to water for productive uses for Black smallholder farmers (South Africa)

The inclusion and representation of historically disadvantaged individuals are central to South African post-apartheid water governance (Movik 2014). These groups are comprised of Black

African ethnic groups as well as other people of color (such as descendants of mixed “racial” groups categorized as “colored” during the apartheid regime) many of whom were dispossessed through the discriminatory policies imposed by the apartheid system (1948–1994) and, by its predecessor, the British colonial rule (1906–1948). Black smallholder farmers represent one of the major groups whose access to water and land for productive use has been denied. To redress past injustices rooted in racial discrimination, post-apartheid South Africa implemented a range of policies, including the water sector. South Africa’s water reform was expected to generate more equitable social outcomes by reallocating water from the “haves” to the “have-nots” (Peters and Woodhouse 2019). The establishment of water management organizations at regional and local levels (catchment management agencies and water user associations respectively) was, among other things, intended to foster inclusive, decentralized decision-making in the water sector, and to improve the access to water for smallholder farmers, and their meaningful participation in decision-making at local and catchment scale (e.g., Kemerink et al. 2013, van Koppen and Schreiner 2014b).

Case 2: Hydropower on traditional Sámi lands (Sweden)

Hydropower accounts for about 45 percent of Sweden’s total electricity generation, with most of it (about 80%) located in Sápmi, the Sámi homeland (e.g., Swedish Energy Agency and Swedish Agency for Marine and Water Management 2016). Establishment of dams took place during the first half of the twentieth century as part of the “industrial colonization” of Sápmi, a process that generally ignored impacts on Sámi people or their rights to land and resources (Össbo and Lantto 2011). During the past centuries, hydropower has brought immense harm to the Sámi, Sweden’s only Indigenous people, including loss of culturally important sites, destroying fisheries, flooding reindeer pastures, fragmenting pastures, and obstructing migration routes. Most hydropower permits were granted before the introduction of the current Environmental Code (law 1998:808) according to the 1918 Water Law (Rudberg et al. 2015). This legislation was designed to enable rapid hydropower development (Vedung and Brandel 2001), ignoring impacts on the Sámi people and granting perpetual licenses without an end date. The EU Water Framework Directive (2000/60/EC) has, during the last two decades, promoted a new generation of water governance based on IWRM-type principles, combining participatory and multi-level governance measures with devolution of management responsibilities to catchment and sub-catchment levels (Newig and Koontz 2014). Public participation through water councils and water boards is here expected to enable more effective and legitimate policy implementation to achieve “good water status” as outlined by the environmental quality standards (Söderasp and Pettersson 2019:265).

DISCUSSION

Macro level

The South African National Water Act (1998) stresses the need for inclusive stakeholder participation. In particular, the participation of historically disadvantaged individuals was seen as one of the cornerstones to redress the racially discriminating water policies of the past (Kemerink et al. 2013). More recent policy developments, such as the Water Allocation Reform Strategy (2008), have proposed additional measures, including the Compulsory License process requiring water users to voluntarily

give up their water rights and reapply for new, and supposedly more equitably distributed, licenses (van Koppen and Schreiner 2014b). Yet, privileged groups such as white commercial farmers, forestry, and mining companies have successfully defended their entitlements using exemptions in the legislation (i.e., the existing lawful use provision) and a narrative of national interest in economic productivity (Movik 2014, Kemerink 2015). While this kind of exemption was intended as a transitional arrangement, it now authorizes the biggest volume of water used in the country (van Koppen and Schreiner 2014b). Moreover, Black smallholder farmers are discriminated against in the formal licensing process because they often lack legal literacy, time, and finances to engage meaningfully in the highly bureaucratic licensing process (Sadiki and Ncube 2020). It is, therefore, not surprising that the Compulsory License process intended to make water available to previously disadvantaged groups has had little impact. The national Department of Water has also been slow and reluctant to establish key water management organizations intended to foster cooperation and benefit sharing at the catchment and local level. Of the 19 catchment management agencies planned for the country, only two are in operation (van Koppen and Schreiner 2014a). Another key stumbling block at the macro level has been the unwillingness of the South African government to adequately acknowledge that access to water for Black smallholder farmers requires action outside the water sector as the issue of water is closely linked to the issue of land reform (Funke and Jacobs 2011, Cousins 2016).

In Sweden, new regulations have been applied to hydropower from 1 January 2019, with the aim of securing modern environmental permits according to Sweden's Environmental Code and thus the rules that follow from the Water Framework Directive. A review of existing hydropower permits has been scheduled in accordance with the new regulations, following a plan developed by government agencies, with solicited inputs from concerned stakeholders. In June 2020, the plan was approved by the government (an appeal over the plan was filed by an environmental non-governmental organization in autumn 2020, but it was rejected on technical grounds in May 2021 by the Supreme Administrative Court). This seemingly benign participatory approach embodied in the Swedish environmental legislation and guided by the European directive has only served to perpetuate the exclusion of the Sámi people. Notably, while general recognition of the Sámi as Indigenous people and the associated duty of government to protect Sámi rights are indeed written into the Constitution and other parts of the legal regime, the government has refrained from concretizing what these mean for the hydropower sector (Kløcker Larsen and Raitio 2019). The planned review of licenses is similarly set to continue the tradition of marginalization. The government has chosen not to place any expectation on its agencies to ensure Sámi participation or attention to Sámi rights at any stage of the process (Wikland et al. 2019).

Meso level

In the two South African regions where catchment management agencies have been established, their presence has had little impact on smallholder farmers' access to water and decision-making (Brown 2011, Denby et al. 2016, Ncube 2018). The authority of these agencies is undermined by prevailing ambiguity about their boundaries and functions. The lack of support, vision, and

cooperation from the national Department of Water and the limited acceptance of the catchment management agencies by other government organizations has made it difficult for them to mature into functioning water management organizations. The resulting inadequate financial and human resourcing has hampered the ability of the agencies to facilitate collaboration between water users that differ widely in their interests, needs, and resources, with agency personnel lacking competence to support smallholder farmers and hence level the playing field (Sadiki and Ncube 2020). Another stumbling block has been that neither the catchment management agencies nor other support organizations are fully aware of the diverse needs of Black smallholder farmers.

Following the European water legislation, one supposedly important opportunity for stakeholder involvement is in the preparation and implementation of river basin management plans. However, the water boards in Sweden have paid little attention to inequities and tended to privilege participation of actors that are better resourced (Söderberg 2016:95). For instance, to date, there appears to have been no representation from Sámi organizations among the appointed experts. The environmental legislation is shaped so as to define Sámi organizations as part of the general public and other interest organizations, i.e., treating them as any other stakeholder while disregarding their status as representatives of rightsholders in line with Indigenous rights law (Sarkki et al. 2021). One underlying reason is that parliament long proved unwilling to legislate a duty to consult, a key ingredient of international Indigenous rights law, wherein the state must have a special mechanism to ensure Indigenous influence in decisions affecting them (Allard 2018). In March 2022, a law on such a consultation duty was finally passed (bill 2022:66); the future is to show what practical effect it will have in the practice of water governance.

Micro level

In many localities in South Africa, white commercial farmers continue to remain in a position of privilege with regard to land, water, knowledge, as well as water storage infrastructure (Méndez-Barrientos et al. 2016, Mukuyu et al. 2020). Most commercial farmers have been part of irrigation boards or farmer associations that over time became well-established, powerful structures with a strong collective identity in the water sector. In contrast, smallholder farmers are a heterogenous group with differing agricultural ambitions and capacities, who often lack the finances, affordable access to land appropriate for agricultural production, and engagement in water governance (Sadiki and Ncube 2020). Hence, centuries of dispossession and dependence have left many with limited self-esteem and various kinds of traumas that prevent them from challenging the pre-existing inequities and from collectively claiming their rights (Kemerink et al. 2013). It is, therefore, not surprising that the transformation of irrigation boards into water user associations "was met with much resistance and dragging of feet on the part of the already established commercial farmers" (Movik et al. 2016:467). In situations where irrigation boards have been converted, this has typically been on the terms of the commercial farmers (Méndez-Barrientos et al. 2016). The need for adequate facilitation at the local level so that powerful interests can be counterbalanced in the process of establishing water user associations has so far not gained a lot of attention in government (Kemerink et al. 2013).

Table 1. Summary of key participatory access mechanisms and the agency of powerholders (illustrative examples only).

		Access mechanism <i>Provided with water reform, aimed to enable participation</i>	Agency of powerholders <i>Actions that effectively serve to coopt the access mechanism(s)</i>
<i>Macro level</i>	South Africa	The National Water Act No. 36 of 1998 emphasizing redress and participation; The Water Allocation Reform strategy (2008) and the Compulsory License process intended to make water available to previous disadvantaged groups; Establishment of key water management organizations for inclusive decision making.	Privileged water users utilize “temporary” exemption clausal to delay Compulsory License; Narrative of economic productivity by privileged water users and the government negates the needs and interests of small holder farmers inside and outside the water sector; Department of Water lacks the required commitment and vision for the establishment of key water management organizations critical for inclusive participation.
	Sweden	Public consultation to prepare new policy and legal proposals for water/hydro-reform; Stakeholder inputs invited to prepare national plan for the revision of the hydropower licenses.	Government unwilling to integrate Sámi Indigenous rights in environment/water legislation; Government refrains from placing explicit requirement on public authorities to involve affected Sámi groups in review of licenses.
<i>Meso level</i>	South Africa	Catchment management agencies to enhance inclusive decision making at catchment level.	Lack of support and cooperation by the Department of Water for existing catchment management agencies affects their performance and ability to facilitate between better resourced water users and small holder farmers; Catchment management agencies and other support organizations ill equipped for supporting small holder farmers.
	Sweden	Water District Boards, consulting stakeholders for river basin management plans (RBMPs); Regional cooperation in water basins to prepare review of hydro permits.	Parliamentary foot-dragging in legislating a duty to consult Sámi organizations in line with Indigenous rights; Implementing agencies treat Sámi organizations on par with other stakeholders (ignoring their Indigenous rights).
<i>Micro level</i>	South Africa	Water User Associations and the transformation of Irrigation boards for equitable benefit sharing among users.	Strong collective identity of white commercial farmers has hampered transformation of irrigation boards; Control over water infrastructure, land, and knowledge ensures that the interests of commercial farmers dominate local decision-making processes ; Government remains absent in the facilitation of interests at local level;
	Sweden	Water councils and other self-organized stakeholder forums.	Hydro companies engage Sámi reindeer herding districts in patron-client relationships via negotiated agreements.

Faced with these interacting barriers from multiple levels, the option of bricoleuring remains minimal for smallholder farmers and many of them opt to withdraw from the participatory processes or remain passive bystanders (Sadiki and Ncube 2020).

At local levels, the European and Swedish water reform has few explicit mechanisms except public participation through water councils or other self-organized stakeholder forums, (e.g., Söderasp and Pettersson 2019). However, ignored by government regulation and practice at macro and meso levels, Sámi reindeer herding districts have found themselves without alternative but to accept the damage wrought by hydropower and, often-times, enter into confidential impact-benefit agreements with the companies to at least obtain some means of compensation for damages. While research on this matter remains limited, such agreements have created highly problematic patron-client relationships with herding districts, due to contract clauses, being prevented from trying their rights claims in court (e.g., Kløcker Larsen 2017). The options for bricoleuring available to Sámi organizations within this highly disabling institutional landscape hence comprise generally of seeking to challenge hydro-licenses via court actions and other forms of protest via media, e.g., in collaboration with environmental activists. As noted, the license review provides few opportunities for Sámi organizations to raise challenges at the local level unless pursuing direct court actions, something that is costly and demands resources that Sámi organizations seldom have (Wikland et al. 2019)(Table 1).

CONCLUSIONS

Our purpose has been to argue for a renewed and more explicit focus on the agency of powerful actors in water governance, specifically, how the agency of powerholders undermines the ability of marginalized groups to benefit from participatory mechanisms created through water reforms. We have built on previous critiques of adaptive governance regarding its blind spots to issues of equity and power (e.g., Karpouzoglou et al. 2016) and found inspiration in the power-sensitive frameworks of critical institutionalism (e.g., Franks and Cleaver 2007, Cleaver and Whaley 2018). An added value of the type of analysis outlined, is that it speaks to cross-level and scale interactions central to adaptive water governance but with a more critical view on power. Simultaneously, our application of critical institutionalism goes beyond the local or meso levels of administrative governance systems, attending to higher level political dynamics that often underpin the fate of water reforms.

While only comprising a first operationalization, our analysis of the impacts of water reforms on the participation of marginalized groups in South Africa and Sweden has demonstrated important insights. Notably, the contrasting of the two cases shows how the agency of powerholders can block inclusion of marginalized groups in two very different political and historical governance contexts. In both cases, the multi-level analysis helped unpack how meaningful participation is constrained, or entirely blocked, due to structural obstacles located and reinforced *within* and

across the levels of the administrative scale, often amplified through political and historical factors operating at the macro level, which have their roots far beyond the water sector itself.

In South Africa, the participatory water governance mechanisms have been unable to deliver for Black smallholder farmers due to the hijacking of those mechanisms by powerful water users and the lack of political will and capacity of the South African government (inside and outside the water sector) to recognize the needs and interests of smallholder farmers and to provide the required supporting structures. Meanwhile, in Sweden, the government organizations arguably have substantial resources and ability to forcefully regulate and implement, yet the establishment of participatory measures has been guided by an underlying political worldview that ignores colonial injustices and rights of the Sámi people. In both cases, the agency of marginalized groups remains significantly hampered, because critical material and non-material resources that allow for bricolage continue to be controlled by the most powerful water users (e.g., commercial farmers or hydropower companies). The lack of genuine political will by government to support the rights-claims of the Sámi people and Black smallholder farmers amplifies the situation and, in our cases, partially explains the perpetuation of pre-existing institutionalized inequities.

So, how can adaptive water governance literature help spell out ways for participatory processes to facilitate inclusion in systems where populations are marginalized? As we noted earlier, whereas the critical institutional lens vividly brings to life how the agency of powerholders may impede the participation of marginalized groups in water governance, this is a perspective that has little prominence in adaptive water governance literature. Put bluntly, in our view, it is time that adaptive water governance research shows more genuine commitment to unraveling and addressing injustices in water systems. This requires explicit attention both to the recrafting of social relations and engaging in often tough debates that increase the pressure on powerholders, such as governments, to strengthen accountability and protection of the rights of marginalized groups.

Adaptive water governance scholarship can make such advances by tailoring and applying the power-sensitive frameworks outlined to specific contextual needs. For instance, in South Africa, attention to the grip of powerholders over resources has already been provided by Sadiki and Ncube (2020) who utilized the Franks and Cleaver (2007) framework in a specific region of South Africa. This could be complemented by cross-scale sensitive analyses that use Cleaver and Whaley's (2018) treatment of process, power, and meaning to illustrate how specific actions become legitimized over time by drawing on dominant narratives and worldviews that silence certain experiences and rights claims in rural and urban settings. Similarly, in Sweden, more attention must be paid to underlying ideological sense-making of powerholders that suppress problem framings linked to Sámi rights, hence potentially making the Cleaver and Whaley (2018) framework relevant.

More research is needed into the oppressive agency of powerholders. However, those in power tend to leave a clearer paper trail that lends itself to scholarly analysis via literature review. Exploring the agency of the marginalized groups will often require firsthand engagement, including field work. One

important avenue to explore further might be how marginalized groups navigate the oppressive agency of powerholders through forms of resistance and alliance building. As Cosens et al. (2014) have commented, more research is needed into people's capacities to participate in adaptive water governance, including via access to judicial processes and assertion of rights claims. This could find inspiration in studies such as that of de Koning and Cleaver (2012), showing the improvisation and rule-bending enacted by poor groups in response to imposed management institutions. Similarly, Wang et al. (2018) have documented resistance from villagers to water management institutions in rural China. Moreover, our analysis has, for illustrative purposes, focused on a subset of powerholders (dominant water users and the government). We encourage future studies to engage in context-sensitive multi-level and cross-scale analyses, e.g., illuminating the agency of traditional leadership or the gendered power dynamics in water governance processes.

Notwithstanding the need for enhanced scholarship, what relevance does this kind of analysis hold for policy and practice? This is a central question to answer, especially given that critics have been concerned that critical institutionalism often has fallen short of making findings legible for policymakers (Williams 2018). As Hall et al. (2014:83) stated, since the critical literature is usually unaccompanied by practical guidelines, it means that "even profound reflections on institutional complexity remain largely illegible to policymakers". While only indicative in nature, we suggest that the analysis has provided examples of its policy relevance, notably, into how critical analysis of participation in water governance may inform structural reforms, including the recognition of rights of marginalized groups and the equitable (re)distribution of resources such as water and land.

In brief, what policymakers can do for fostering inclusive and adaptive water governance is to focus less on seemingly benign participatory access mechanisms and more on the political and historical factors operating across administrative levels and often with their roots far beyond the water sector. For Black smallholder farmers this could mean more meaningful support by government in terms of enforcing the National Water Act by establishing and adequately resourcing key water management organizations and equipping them with the means and skills to integrate smallholder farmers into local and regional decision-making processes. It also necessitates a context-sensitive understanding of the needs, constraints, and aspirations of smallholder farmers. For the Sámi people, what is urgently needed is for government to give recognition of Indigenous rights in the environmental legislation, to firmly remind its water agencies about their duty to protect these rights, and to meaningfully involve affected reindeer herding communities in decisions about hydropower.

In sum, the research direction proposed here is about fundamentally recasting our view on the purpose of participatory processes and associated access mechanisms in water governance. Rather than primarily being instruments to deliver more equitable and sustainable water governance, they can help policymakers gain insight into the underlying problems in their governance systems. Notably, this involves taking note of unintended impacts and responses from marginalized groups and manifestations of power but, specifically, unequal power relations that reinforce marginalization. This view would, in fact, square well with the

original aspiration in adaptive governance literature about the importance of learning and reflection (Blackmore 2007). Participatory initiatives will only become meaningful to marginalized groups if they enable these groups to center their concerns about the structural roots of the experienced marginalization into the water governance discourse. It requires powerholders, as well as researchers, to act upon the rights claims of marginalized groups and to re-evaluate dominant narratives of acceptable societal trade-offs as well as cost-benefit distribution based on the inputs from these groups. Otherwise, powerful actors will continue to co-opt water governance processes to their advantage and use their agency to undermine the effectiveness of participatory initiatives.

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All three authors are co-authors and have contributed equally to this paper.

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Data Availability:

Data/code sharing is not applicable to this article because no data/code were analyzed in this study.

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