

# Participation and Social Learning in the Dordogne River Basin France

## Stakeholder Workshop Report



This report has been produced as part of  
Workpackage 5 of the HarmoniCOP Project

**Authors :**

Bernard Barraqué (LATTS –CNRS), Jean- Pierre Le Bourhis (Paris I – Sorbonne University)  
Pierre Maurel, Richard Raymond (CEMAGREF, Montpellier).

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**Place and date of the workshop**

Headquarters of EPIDOR, Castelnaud la Chapelle, France  
Thursday, December 9<sup>th</sup> 2004, 14:30 to 17:45 h.

**Facilitation of the workshop**

- Roland Thieleke - Vice Director of EPIDOR
- Guy Pustelnik - Director of EPIDOR
- Bernard Barraqué - Coordinator of HarmoniCOP for LATTS CNRS
- Pierre Maurel – Project Member for HarmoniCOP for Cemagref

**Objectives of the workshop**

- To inform the persons and organisations directly involved in the case study about the main findings of the LATTS / Cemagref report on the Dordogne.
- To discuss jointly with the participants the main learning conclusions and improvements that can be drawn from this study.
- To contribute to the relevance and transfer of the learning conclusions of this study to the river basin management and to the implementation of the Water River Directive in Dordogne river basin.

**Participants to the workshop**

A list of persons was invited by EPIDOR to attend the workshop representing a wide range of stakeholders interests with the Dordogne river and its distributaries.

The complete list of organizations and functions of the persons that attended the workshop, and those whose excused their absence, can be found in attachment nr. 1 in this report.

**Program of the workshop**

- Introduction and presentations
- Presentation of Harmonicop and first discussion
- Discussion on Framing/reframing and SL in the basin
- Discussion on the IC Tools used and their quality

## 1. Introduction

The difference between the Dordogne case and other cases covered by Harmonicop partners is that the public participation process of EPIDOR (the *interdépartementale* institution managing the river) is now 12 years old, while other cases are more recent since they are linked to the implementation of the WFD ; so that our survey gives the opportunity to see how framing/ reframing and social learning processes took place over the years, and in particular how the Dordogne stakeholders now face the WFD participation process. According to Sabatier and Jenkins- Smith (1993), policy change occurs very slowly, like « a decade or more », because it's the time needed for learning to take place.

The scheduling of Harmonicop will lead to effective results too late to be used for ongoing public consultations in the present implementation phase of the WFD (inventory or *état des lieux*), but conversely, we can take advantage of following this process to incorporate the results in our research. French partners have followed several local meetings held in 2004 to discuss the inventory : some were organised by the *Agence de l'eau* through its geographic committees, the others were by EPIDOR through its *départements'* committees. The CEMAGREF is also involved in a national task force between the 6 *Agences* and the Water Directorate in the ministry, in charge of defining a standard method of public consultation.

The following report derives from these various observations, but we felt the need to present our WP5 report to the stakeholders of Dordogne in a dedicated meeting organised with EPIDOR. Due to calendar problems this meeting took place only on December 9th, but now we can make a better appraisal of the way stakeholders view EPIDOR achievements, and today's problems in implementing the WFD consultation.

## 2. Participants' introduction and Harmonicop project presentation

Guy Pustelnik, head of EPIDOR, introduced the workshop, and kept his leading role along the presentations and debates. Both his senior assistants were also quite active in the debate, conversely to the 2 river maintenance staff who kept silent through the whole meeting. Attendance by the delegate from the *Agence de l'eau* was both unexpected and welcome, and everybody agreed that the Harmonicop study on EPIDOR was an opportunity to think how to go further in public involvement than what is done by the *Agence*, at both levels of its hydrographic district board, and of its geographical committees<sup>2</sup>. From the start it could be felt that stakeholders in the room were critical of the way central Government and the *Agence de l'eau* were pushing a quick but rather formal concept of public involvement. Harmonicop representatives first mentioned that some of the stakeholders certainly had met one of our younger colleagues, Richard Raymond and Jean-Pierre Le Bourhis during the case study, who were unfortunately unavailable for this meeting.

Then we presented the Harmonicop project, its link with the implementation of article 14 of the WFD, the aim of a guidance document, the other countries involved and local case studies. The Dordogne basin is certainly smaller than the Elbe's, but it is larger than most other case studies; its rural character corresponds to a population size similar to the Ribble.

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<sup>1</sup> This NGO is a centre for reinsertion of long-run unemployed persons.

<sup>2</sup> One of the problems with these committees is that stakeholders represented are usually quite passive, conversely to what is taking place in EPIDOR's committees.

Clearly, the major difference lies in the pioneering character of EPIDOR, which was set up back in 1991. Conversely, the Muga for instance is still in an early phase where stakeholders are trying to set up an institution in charge of developing social learning. In the French case, there has been plenty of time for enthusiasm and frustrations, for framing and reframing, for learning about the river as a policy object, and discovering the limits of stakeholders' power.

This presentation gave the opportunity to some stakeholders to recall the birth of EPIDOR and the large support it had in the beginning : to supplement the WP5 report, they said that in the Bergerac summit, not only were the 6 presidents of the *département* councils present, but the prefect of Dordogne *département* was there too, which meant that the government at the time had given him instructions : Roland Dumas, then elected as MP in Dordogne, was member of the government, and supported the experiment. This really helped to make the Bergerac summit an important policy event. But from the beginning, civil servants were worried because the EPIDOR alternative dispute resolution approach was very new to them. Then, over the years, significant policy change over the river was difficult to obtain, because the new approach was based on water sharing between users, and was at odds with the traditional status (and management) of banks, which is still much a question of ownership rights : the State for public domain rivers (and Dordogne itself), and riparian landowners for the other rivers (tributaries).

But stakeholders expressed again what they had said in previous occasions during the case study: they are really interested in learning how public participation experiments are developed in other countries, what are the successes and the failures and eventually what are the causes. As we'll see below, they are also curious to know which tools are employed by other partnerships. But they fear to have to read or listen to fastidious theoretical presentations. They also are usually concerned about their real representativity: the wider public is not really involved in the discussions, and they remain quite passive, and do not change their attitudes for the sake of a better and integrated river management.

### **3. Discussion of our findings in the Dordogne case**

The debate can be summarised in 3 broad topics: framing/reframing, social learning, and the issue of facilitators.

#### *Framing/reframing*

Conversely to the impression we had during the case study elaboration, stakeholders think that, apart of course for climate change which is a recent issue, all the issues that frame the participation process of EPIDOR were present from the beginning in 1992, in particular the issue of hydroelectric dams' discharges. The initial fight against the « ransacking » of sand and gravel in the minor bed corresponded to the preliminary movement which led to the creation of EPIDOR ; but in the Bergerac summit, all issues were raised and actions were decided, even though implementation was sometimes slow : e.g. concerning water quality problems due to point source pollution, which implies important investments to upgrade municipal sewage works in small and poor communes. With the limitations on aids from the Agence de l'eau, local councils consider they cannot undertake this investment. In fact this is also because French local councils have always been in the financial dependence of the government ; which installs the debate on investment financing rather than operation and management. Similarly, the farmers' representative argued that agriculture was difficult when no water is available, which is the case of Céou river ; but rather than mentioning overdrafts

by various users in the summer, and the impending water losses due to karstic geology, he preferred to recall that a reservoir could have been built to enhance low flows, but wasn't for lack of funding.

However, for many other actors, the water flows issues have been widened, and low flows in the river are considered as important as discharges ; they are accepted as natural phenomenon, but EDF has been led to consider relieving water stress periods through summer or early autumn discharges ; this happens more on other rivers and is a national contractual policy (including compensation for loss of hydropower), but might be extended to Dordogne. This is one example of the subtle reframing taking place over the years, adding more dimensions to the political visibility of the river. But as we'll see below, the process is limited by the institutional and legal regime, which prevents to give full status and priority to water and usership over land and ownership.

### *Social learning*

Stakeholders have mixed feelings on social learning: on the one hand they clearly feel that they participate to a learning process where they have they say, but on the other, they also clearly talk about several limitations: private landowners' resistance along the Céou, huge financial issues involved in the modification of the hydroelectric dams' operation, etc. In that particular case, there has been a real learning process, with the anthropological survey of water uses in upper reaches and its mapping of issues acting as a facilitation mechanism. EDF and fishermen associations have finally had meetings where they invited each other, which is typically an ADR technique. And the outcome is the present installation of an early warning system on discharges in Corrèze and Maronne, which can be efficient for reaches which are not immediately downstream the dams.

The EDF representative is quite positive about the EPIDOR experiment, and conversely to other stakeholders, he thinks that despite the difference in size (his company operates at european level), there is local arbitration taking place. He however points the limitations imposed by the incoherence and uncertainty in the State's regulations. The government gives them a mission to produce electricity, under the constraint to respect the *débit réservé* (minimal flow for the sake of the ecosystem) created by a fishing law of 1984. But these minimal flows have not yet been fixed ! He thinks that many of the law suits that have been filed against EDF could have been avoided if local stakeholders could count on their elected representatives to get involved in the bargaining process. But these apparently prefer to avoid politically hot subjects and let the government representative (the prefect) decide. In the worst cases, local councillors add a level of complexity with partisan politics debates, and this is confirmed by the regional councillor in the meeting. In the end, the potential frustration felt by stakeholders which have been active would come from lack of decentralisation rather than from financial issues. Most participants consider that EPIDOR, or *département* councils, should be granted a full decentralisation of the *domaine public fluvial* (i.e. direct control on navigable rivers and their banks), including the hydroelectricity concessions control and of course the eventual royalties paid by EDF.

### *Facilitation issues*

This led us to discuss the present and possible role of EPIDOR. When we ask stakeholders if they consider their river institution as legitimate to develop social learning, they agree, but they are not sure that the *département* councils which created it share this view; they rather consider EPIDOR as their internal consultant.

One of the outcomes is that EPIDOR can stimulate local actions, but has to be very prudent, in particular when public authorities are at stake, or when these institutions have their own facilitators. By facilitators, they mean animators having a specific role in participation, and not the press. The director of EPIDOR understands very well the difference between mediation and the media (strangely enough, this is not the case with many politicians in France), but within the mediation task, he tries to keep a minor role : changing a policy takes a lot of time and patience of the facilitators, and EPIDOR staff is too small to do this all the time. Besides facilitators have to respect each others' know-how and involvement.. Typically, if a chamber of agriculture has hired its own facilitator, he will obviously be in a better position to build trust from the farmers than EPIDOR. It is better to just bring him support, in such a way as to reduce the risk of his capture by the farmers. In the end, bringing in a mediation specialist from Quebec, as was done for the Bergerac summit, cannot be generalised. Stakeholders rather agree on the need to provide a training to facilitation methods and spirit to river maintenance staff, young people in charge of river contracts preparation, etc. Taking advantage of other Harmonicop case studies, we have suggested that EPIDOR could have a more permanent small board of stakeholders at the level of the whole Dordogne, who could be invited to witness facilitation meetings organised on local projects, and then stimulate a benchmarking of good practices at the level of the river basin.

Vis-a-vis elected representatives, EPIDOR also has to remain very prudent. For instance it is still difficult to convince town mayors that bacteriological contamination is a serious issue, and should not be minimised : the Dordogne has an image of natural river where people can swim, but some beaches are downstream sewage works with insufficient performance. On top of the *Agence de l'eau* aids, small towns and rural communes can get financial support from *département* councils, and indeed Lot and Dordogne are both quite active, trying to do a systematic programming of sewage works construction. But this local funding is not devoid of partisan politics influence, and since the initial situation at the beginning of EPIDOR was characterised by the small number of existing sewage works, their construction is a long process, and mayors have difficulties to explain their constituencies why they pay the agencies water levies since 1971, and still have no realisations.

Clearly, EPIDOR is not yet in a position to influence local planning so that land uses be more compatible with water issues (e.g. vulnerability reduction to floods). It is also short of money to make regular analyses of water contamination by pesticides ; which means that diffuse pollution from agriculture is not yet really on the agenda.

To conclude this point, we note that EPIDOR is in a sort of internal contradiction : on the one hand, in order to gain more power and legitimacy, it should get more involved into the direct management of the river, like some of the other French EPTB (river-basin institutions), including, why not, the operation of some hydroelectric reservoirs when the EDF concession ends in 2012. On the other hand, in that case they would become a stakeholder, and could be accused of manipulating other stakeholders through facilitation techniques for the sake of their interests. But we can also note that this kind of criticism is usually done to new and innovative policies and institutions, not to the strongholds of administrative power ...

#### **4. Discussion of Information and Communication Tools**

The detailed presentation by Pierre Maurel of tools used in Harmonicop countries, and in the Dordogne case, did not attract many comments. Apparently, stakeholders who had come to

the meeting had never undertaken a systematic reflection on the tools. Then the presentation drew interest, and stakeholders are eager to see the guidance document which Harmonicop will provide. It is probably EPIDOR itself which is most interested in reflecting on tools, e.g. which kind of maps are better to use under which circumstances.

EPIDOR GIS and the documentation centre are open to the stakeholders, but the web site is not yet completely interactive (it is only 2 years old)<sup>3</sup>. It then operates as an information tool for a wider public, and this is why EPIDOR uses it to advertise documentation, films etc. made by others (e.g. advertising a video-cassette made by secondary school classes on eels).

The comparison between the Céou and Cere rivers contracts reveals that the production of technical knowledge cannot be entirely subcontracted to external experts in the form of technical studies. It's a long term task that has to be intertwined with the social dimension of the participative process, involving all the stakeholders.

Field animators generally made studies in environmental sciences, geography, etc..., but are not trained to use IC tools and animation techniques in an optimal way. Such a kind of training should be developed for day to day animation, even if professional facilitators could be hired for important events.

To be comparable at the water district level and at national level, the Commission asked the French, i.e. the *Agences de l'eau* to standardise the data used for reporting activities related to the WFD. A positive effect is to build up highly qualified technical observatories and procedures for data acquisition, processing and dissemination. But conversely, that leads to eliminate numerous non qualified data (in particular, profane knowledge given by local stakeholders) or to delay the delivery of data under the pretext of first checking and evaluating their validity (e.g. through metadata). A compromise between data quality and their availability will have to be found in the future, in particular by distinguishing data used for reporting and those used to support local participative processes. In this second case, all the data and local knowledges should a priori be accepted, at least in a first round, to develop trust and to maximise the amount of knowledge available to understand the complexity of the river basin system.

## **5. General concluding comments**

The Dordogne stakeholders share with EPIDOR staff a relatively pessimistic view on two related issues concerning legal and institutional matters.

First, over the years they have learnt that at some point, policy change cannot just rely on stakeholders involvement, and needs some legal and institutional change. In particular, the dual status of public domain rivers / other watercourses tends to block innovative policies. In the case of a river like the Céou, which is not navigable, the river contract will remain limited in its ambition as long as riparians will have landownership rights prevail on the collective will to make water uses environmentally concerned. Conversely, in the case of public domain rivers, stakeholders and in particular elected representatives are trapped into a long tradition to let the government decide. And in the present decentralisation movement, this is terrible

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<sup>3</sup> The email of EPIDOR is given, but there is no direct incentive to write. And few people do write.



since central government has less and less staff to care about the territory and take responsibilities.

In the meeting, B. Barraqué has answered that the upcoming water law should decentralise the water public domain at the level of *département* councils except for the largest bodies of water. And also, that the 1992 water law, defining water as the Nation's common property (*patrimoine commun de la Nation*), does separate rights to use water from ownership rights, and gives precedence to uses over ownership. But everybody agrees that the real implementation of this policy change will take many years.

Second, stakeholders observe that administration officers in charge of rivers, who usually have a good technical training, tend to fear the development of social learning and public participation as time consuming, and sometimes even as in contradiction with the need to decide authoritatively and to act efficiently. Officers' decisions are supported by legal rules and technical studies, so they would like social learning to provide just a confirmation of their "right" policies. And they eventually come to wish to separate the two sides of social learning (knowledge building and bargaining decisions), while for Harmonicop, and also for EPIDOR, it is clear that the socio-political dimension and the technical knowledge dimension are intertwined. Dordogne stakeholders are indeed particularly shocked at the way the public consultation is presently organised by the *Agence de l'eau* Adour Garonne : for lack of time and/or pre-established tradition to consult a wider public than their own river basin boards and geographic committees, the *Agences*, willing to implement article 14 on time, are led to reduce the consultation to a series of closed questionnaires in a manner which is compatible with the top down request coming ... from the Commission, but makes no room for the observations gathered by EPIDOR during its own geographic meetings. This is a latent but clear conflict between top down planning and bottom up innovation of EPIDOR, where of course the latter appears as "too activist" (which corresponds in fact to its limited power). We should probably warn the Commission that fixing deadlines and pre-defining the subjects for the public consultation is conflicting with what we are trying to develop in terms of social learning. For instance, the French national task force to implement article 14 (the *Agences de l'eau* and the Water directorate in the ministry) clearly said they were not interested in Harmonicop project, because it is beyond their capacity to answer on time to the WFD requests. Would they respect bottom up processes, anyway, they would never have systematic reporting.

In conclusion, Dordogne stakeholders are convinced that their river institution has been the seat of important reframing and social learning. But they consider that there are many limitations, the most important of which being the difficulty for public institutions to change their traditional legal and authority vision of water and rivers. In the end this tends to exhaust the will to participate and certainly gives no possibility to involve more stakeholders. Paradoxically, participation tools developed to face the deadlines of the WFD are de facto aiming at the wider public, which is always absent, in the Dordogne case as in all the other WP5 case studies. So, even though stakeholders refrain from directly blaming the *Agence de l'eau*, they express their hope that Harmonicop guidelines will help changing this formal consultation into a real one ... next time (6 years from now).

## 6. Operational results of the stakeholders meetings

Main learning conclusions	Practical implications	Commitments
Policy change needs some legal and institutional change, in particular land and water ownership vs usership	The 1992 water law does separate rights to use water from landownership, but implementation will take many years	This question will be highlighted in the report of the workshop. It might well concern other countries
Administration officers are reluctant to SL and PP. Difficult to change their traditional legal status and authority vision of water and rivers	Permanent efforts to promote the benefits of participation processes and to involve stakeholders in the technical elaboration. Long term goal since it concerns cultural way of doing things.	
Preventing stakeholders fatigue	Mark process with practical field realisations and show them to the stakeholders. Give clear information on the governance structure; avoid ambiguity on real influence and length of PP process.	Recommendation to be made in the HarmoniCOP handbook
Very low reflection on the IC tools and animation techniques among all the participants	Before starting a participatory process, try to negotiate the role of IC tools and animation techniques and guarantee the availability of needed funding and staff.	Contributing to the HarmoniCOP handbook
Hiring professional facilitator should not / cannot be generalised	Technical staff involved in the WFD has to be trained to facilitation methods and IC tools	Developing a training in SL and IC tools for water management
Low know-how and no tools for public consultation at a very large scale	Develop tools based on questionnaires and semi-automatic approach to process the content of the answers	Contribute to the TORs of such tools on behalf of the French National Steering Committee for Public Participation in the WFD
Data and knowledge used in local participation processes cannot be limited to the highly qualified data used for reporting to the Commission at the district level.	When starting a participation process, it is important to give room to local knowledge and “non-expert” data, so as to explore the diversity of representations and to build trust	Recommendation to be made in the HarmoniCOP handbook

## **Attachment 1 :**

### **Participants of the workshop**

- A representative of the Dordogne bureau of the Agence de l'eau Adour-Garonne (hydrographic district institution).
- An elected representative of the regional council of Limousin (upstream)
- The deputy-mayor of a small commune of the middle reach
- The river maintenance specialist of a joint board of communes (upstream reach)
- The river maintenance specialist of an NGO, Centre social de la Bouriane<sup>4</sup> (middle reach)
- The representative in EPIDOR of Electricité de France (EDF), head of the region Centre production unit
- The representative of the chamber of agriculture of Lot (upper-middle reach)
- The representative of an environmental NGO, GADEL
- The president of an anglers' association (middle reach)
- Three senior staff from EPIDOR, including the director
- Harmonicop was represented by B. Barraqué (LATTIS) and Pierre Maurel (Cemagref)

Three other invited persons did not turn up :

- The head of water and environmental services of one *département*
- The representative of another environmental NGO
- The president of an association of riparian landowners and mill owners

## **Attachment 2 :**

### **List of documents that the participants of the workshop received in their folder :**

- Letter of invitation, workshop program and list of participants
- Draft WP5 report for Dordogne case study (French version)
- Main findings of the Dordogne case study : the slides presented during the workshop have been given to EPIDOR

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<sup>4</sup> Centre social de la Bouriane This NGO is a centre for reinsertion of long-run unemployed persons. It gives a skill and a sense of usefulness through river maintenance work.