

Report Part Title: Water Governance and Water Diplomacy

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# Water Governance and Water Diplomacy



As illustrated in the preceding case studies, water governance is inherently conflictual. By its nature, water cannot be managed only for a single purpose in isolation. All water management must assimilate the contending demands and competing interests of multiple sectors and stakeholders across different geographic scales, time frames, and levels of government.

Major water uses are themselves bound up with the management of other vital resources. Water managers characterize these interdependencies as composing the water-food-energy nexus.<sup>126</sup> Water represents an essential input for agriculture, fisheries, and food supply chains. It is used extensively in energy generation, for hydro-electricity, and cooling thermal power plants. Likewise, growing, preparing, preserving, and distributing food requires energy. So does treating and transporting water. Agricultural practices—what crops to grow, how, and where—substantially affect local water cycles. And many common crops can be turned into energy as biofuels. Relationships among the water, food, and energy systems are complex, and policy aims and choices at different points in the water-food-energy nexus may compliment or conflict with objectives and impacts at other points.

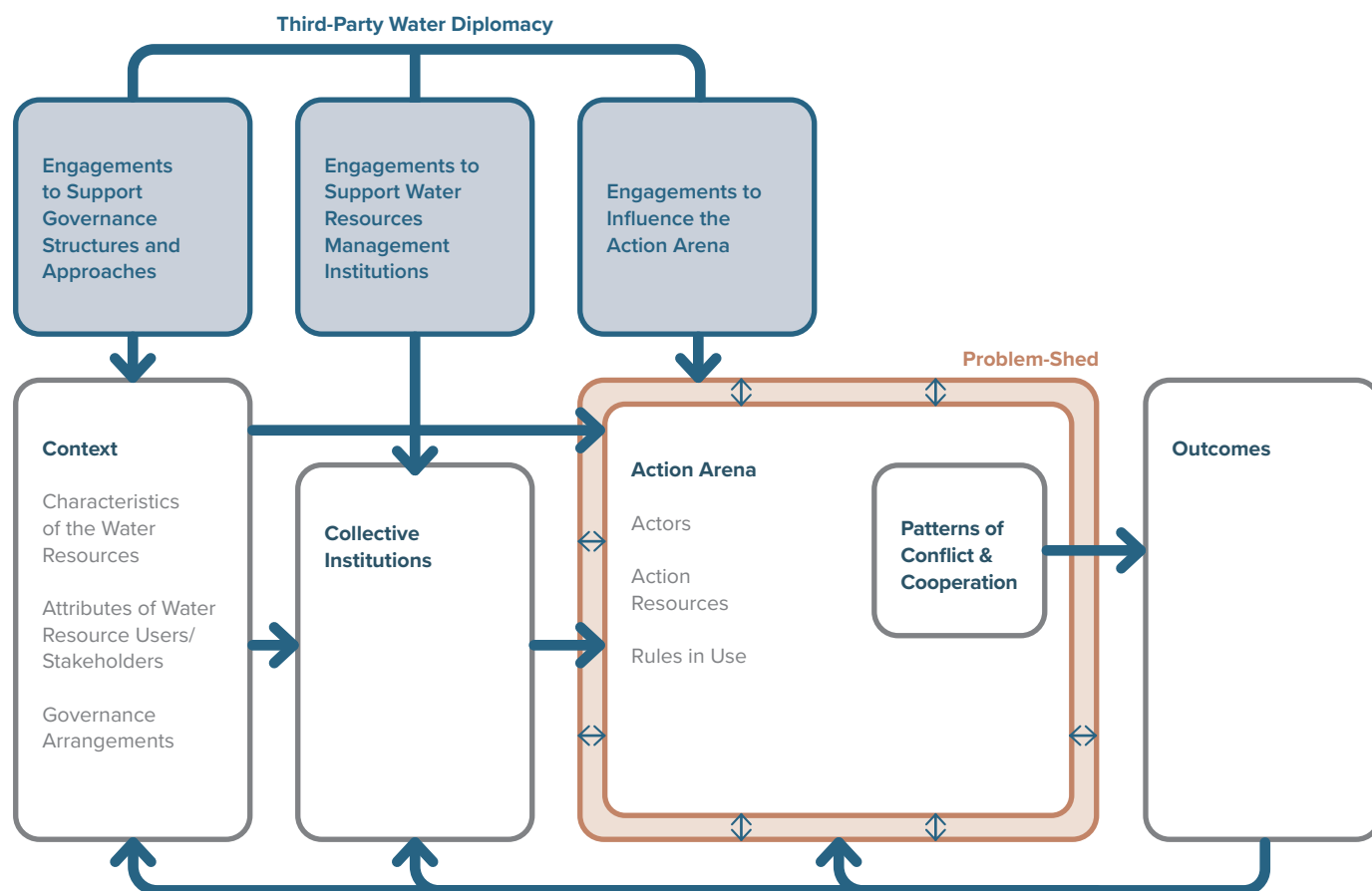
Recognizing the interdependent and multidimensional character of water governance, policymakers have striven to forge the tools to realize more coordinated management of water and related resources. These policies take various names—integrated water resources management (IWRM), adaptive water management, nexus approaches, ecosystem-based strategies—and differ in their particulars, but all espouse the common

objectives of more holistic and sustainable water governance.<sup>127</sup> Though individual solutions must be tailored to specific places, polities, and policy contexts, certain central tenets emerge from these integrated paradigms.

First, policymaking should be participatory and transparent to ensure public legitimacy. To secure the commitment and contribution of relevant actors and navigate trade-offs among competing users and demands, authorities should promote stakeholder dialogue and input to policy design and implementation. Second, policy must be scientifically informed and evidence based to be effective. Authorities should produce, share, and use timely, consistent, and comparable water data and information to guide, evaluate, and improve resource management. Third, policy must be adaptable and adjustable to meet the complexities of the water-food-energy nexus and manage risks such as climate change that will evolve in uncertain ways over varying time frames. Fourth, authorities should embrace policy learning, iteratively assessing policy impacts, incorporating new information and experience, and revising implementation accordingly. Most important, policymaking should recognize the basin as a hydrological unit and manage the ensemble of water uses at functionally appropriate scales within integrated basin governance systems. Where political or sectoral boundaries nest within or intersect at various scales across the basin, management practices should foster cooperation and cross-sectoral coordination among users and levels of government.<sup>128</sup>

Enhancing effective collaboration will be essential to achieving global water security. Indeed, goal six of

Figure 2. Third-Party Water Diplomacy and Collective Water Governance



Adapted from Elinor Ostrom, *Understanding Institutional Diversity* (Princeton: Princeton University Press, 2005) and Blake D. Ratner et al., “Addressing Conflict through Collective Action in Natural Resource Management,” *International Journal of the Commons* 11 (2017): 884.

the United Nations’ Sustainable Development Goals—“ensure availability and sustainable management of water and sanitation for all”—expressly commits the international community to increase water cooperation, expand collaborative institutional arrangements, and implement IWRM at all levels.<sup>129</sup> To that end, a growing number of analysts point to strengthening water diplomacy.

### THIRD-PARTY WATER DIPLOMACY

Water diplomacy can be broadly defined as the processes and activities undertaken by state and nonstate actors to promote cooperation and to prevent, reduce, or peacefully resolve conflicts within or between states related to the availability, access to, or management of shared water resources.<sup>130</sup> Enacting integrated governance approaches raises intrinsically *political* and often

contentious questions.<sup>131</sup> Rarely will the hydrological boundaries of a basin or watershed correspond to the practical parameters of what Allen Kneese called the “problem-shed” of a given policy challenge.<sup>132</sup> Exactly how are the policy issues defined? What sectors should then be integrated at what scales, which stakeholders involved by what processes, what institutions engaged and empowered at what levels of government? What costs and benefits (for whom) should decision makers weigh? When must adaptable policies be revised, what risks and uncertainties need to be assessed and which accepted? Water diplomacy consists in the dynamic strategies and interactions that parties employ to navigate these questions across stakeholders, scales, and governance levels.<sup>133</sup> Cooperative water diplomacy enables the realization of integrated water governance.

**Many of the world's shared waters most vulnerable to rising water stress are marred by a dearth of collaborative mechanisms, deficits of institutional capacity, and distrust and dissension among users that frustrate sustainable cooperation.**

Even so, many shared waters lack effective cooperation. Half of the global population lives within the world's 310 transboundary river basins, which are shared by 150 countries.<sup>134</sup> Most of these basins are not covered by collaborative accords. Where international agreements are in place, few fully embody integrated management principles. Many don't include all the basin countries. Many want for dispute resolution procedures, mechanisms for data exchange, or provisions to address varying river flows.<sup>135</sup> In other cases, riparians may regard existing treaties not only as inadequate but as unfair, enshrining historical inequities or uneven power relations between participants.<sup>136</sup> Global surveys of national water governance systems report that, though many countries have drawn up integrated policy frameworks, actual implementation lags, especially in developing states.<sup>137</sup>

Many of the world's shared waters most vulnerable to rising water stress are marred by a dearth of collaborative mechanisms, deficits of institutional capacity, and distrust and dissension among users that frustrate sustainable cooperation.<sup>138</sup> In such cases, third-party actors can play important roles promoting water diplomacy to mitigate existing or emerging water conflicts. Third-party involvement may come from neighboring governments or other nonriparian states, intergovernmental organizations, development agencies, NGOs, or other actors who are neither direct stakeholders in the shared water resource nor participants in a given water conflict. Third-party engagement may entail fostering official diplomacy between state actors, or it may take the shape of facilitating different forms of unofficial or "multitrack" dialogue or interactions between state or nonstate parties.<sup>139</sup>

Third-party water diplomacy, conflict management, and peacebuilding can be described as shaping the context and decision framework for the collective

governance of shared water resources. Water policymaking, whether in a transboundary basin or local irrigation association, takes place within a surrounding context defined by several exogenous factors. These factors include the characteristics of the water resource (scarcity, spatial and temporal distribution, rates of renewal); attributes of the resource users or stakeholders (socioeconomic characteristics, access to and dependence on the resource); and existing governance arrangements (societal systems of legal and political structures, as well as the particular formal and informal institutions, laws, and customary rules governing resource access and use).

This overarching context in turn informs the specific decision-making forum or "action arena" for bargaining and policymaking around a given issue, and may be defined at many levels and scales, from the local to international.<sup>140</sup> An action arena consists of actors, resources, and rules. Actors may be individuals or collective entities such as government ministries or civil society organizations. Resources represent the tangible and intangible assets and capabilities that allow actors to exercise agency, engage in decision-making processes, and influence other actors. These encompass financial and material capacities, political and legal authorities, and factors such as legitimacy, allies and constituencies, and information and cognitive schemata (for example, nexus governance paradigms), enabling actors to mobilize knowledge and resources. Rules concern the particular procedures and "rules-in-use" in a given action arena. These include the formal and informal rules, norms, and customs that determine what actors and roles have standing to participate, how resources may be used, and how decisions are reached. In an action arena defined by an international treaty, for example, statutory rules-in-use might confer actor standing only to states, and stipulate decision making by consensus.

Action arenas are dynamic stages. For many water conflicts, an established institution or procedure—a government agency, court, village council—will constitute the recognized action arena, with attendant actor roles and rules-in-use. For many issues, however, no clear forum or process for decision making and conflict resolution may be readily apparent or agreed upon, requiring actors to adapt existing arrangements or articulate new ones, collectively negotiating the participants and parameters creating the action arena.

Typically, multiple different potentially applicable rule sets coexist (international laws, national regulations, customary routines, cultural norms) and multiple different actors and institutions could claim a role. Different actors will appeal to the authority of different rules-in-use, depending on their interests, and argue for the inclusion or exclusion of other actors and roles according to their advantage. In practice, the action arena and the problem-shed will often prove mutually constitutive. How parties define the problem-shed will shape which participants and what rules they prefer to form the action arena, while which actors and what rules-in-use form the action arena will shape how the problem-shed will be collectively defined. Problem-sheds are not fixed but fluid. Most action arenas are not found but forged.

The outcomes produced in action arenas, cooperative or conflictual, in turn feed back into the context

and action arenas for water governance. For example, should riparian countries sharing a transboundary waterway agree to create a joint river basin organization, the mandate, membership, management mechanisms, and decision procedures established by the accord will shape the context, actors, resources, and rules for subsequent policymaking.<sup>141</sup>

Water diplomacy can act at multiple points to promote cooperative collective action. (See figure 2 on page 23.) Third-party engagements, such as to strengthen national resource management structures, support regional organizations, and advance the implementation of international conventions and objectives, can help institutionalize collaborative governance approaches and shape the surrounding contexts in which contending groups enact water conflict and cooperation.<sup>142</sup>

Third-party diplomacy can also address specific action arenas. Through means such as mediating formal negotiations and facilitating informal stakeholder dialogues, problem-solving workshops, and capacity-building trainings, external third parties can encourage conflict reduction, enhance actor capabilities, augment resources, promote cooperative and inclusive rules-in-use, and help conflicting parties to structure the collective problem-shed so as to create and realize opportunities for mutual benefits.