Water Security and Peace Conference


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Foreword

Rob Swartbol
Director-General for International Cooperation
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Last November the Netherlands was proud to host the International Conference on Water Security and Peace as part of the International Year of Water Cooperation. We know that water, or its lack, is one of the pivotal challenges of our time. It is of the utmost importance that water challenges be given due attention. This conference enabled parties to do so across borders and across continents, inspiring many of the participants to take additional steps toward the post-2015 agenda.

Political tensions will grow as the pressure on water resources mounts. In this time of climate change and political turmoil in water-sensitive regions, water policy is no longer about water alone. The other ‘nexus aspects’ – energy, food, and ecosystems – also need to be taken into account. To face these challenges, rigorous scientific analysis and an appropriate international legal framework are needed. Cooperation and good governance are key to strengthening international law and its instruments. As we learned through the conference, dialogue between scientists, policymakers, civil society and diplomats is needed to build trust in and between states.

The year of water cooperation has brought us new insights and helped raise the profile of water issues on the political agenda. It is important not only to continue setting ambitious goals for the years ahead and the post-2015 agenda, but also to keep strengthening and supporting current diplomatic activities around water issues. The Netherlands has increased its focus on water diplomacy in recent years, as demonstrated by activities such as this conference and our support for transnational water cooperation programs. We strongly believe in water diplomacy and water cooperation, and we hope the conclusions from this conference will inspire future action.
The Case for Water Diplomacy

*Henk van Schaik, Patrick Huntjens, Rens de Man and Joop de Schutter*

Over the years, increasing uncertainties in the availability and quality of water have increased the risk of conflict. The number of negative influences on these two factors has only been rising: population growth and economic development; increasing wastewater flows due to domestic/industrial use and pollution; and changes in the hydrological cycle due to phenomena like climate change... all of these affect water security.

In this light, the view that “...water is mostly a shared resource that can be a catalyst for cooperation if we work together” (Kofi Annan, January 2002) may need revisiting in the coming decades. While this view maintains its aspirational value, its realization will require all stakeholders to step up efforts towards cooperation. On 23 July 2013, the Council of European Union declared in a special press communiqué on water diplomacy that “During the next decade, tensions and conflicts over access to water are likely to become more frequent and could endanger stability and security in many parts of the world. This could also have a direct bearing on European interests, as on international peace and security.” Also the “Global Water Security” report by the Intelligence Community of the United States of America (2012) states that “During the next 10 years, many countries important to the United States will experience water problems—shortages, poor water quality, or floods—that will risk instability and state failure, increase regional tensions, and distract them from working with the United States on important US policy objectives”.

Water issues are complex because of their intricate coupling with multiple issues within the natural and societal domains. In cases of (potential) conflict, societies will have to interact with each other to frame and resolve water issues, in order to maintain peace. The processes of framing the issues and constructing solutions are preferably legalized and institutionalized, based upon validated
systems of knowledge and ensured of public understanding and support.

Many local, national, regional and international organizations are working on the development and application of legal frameworks, economically validated resource assessments, technical solutions, and institutional arrangements and processes at sub national, transboundary and global levels. So much so that the plurality of actors and instruments that are emerging to enhance water security has become a complication in practice.

In addition to the challenge to deal effectively with the plurality of instruments and arrangements, the more important factors determining the outcome of water conflicts are the socio-economic conditions and the political contexts. In practice, water-related conflict resolution is mostly the outcome of processes of negotiation, mediation and conciliation that are rooted in an in-depth understanding of the social/cultural/economic conditions and political contexts.

Water diplomacy is broadly defined here as all measures that can be undertaken to prevent or peacefully resolve conflicts related to water availability, allocation or use between and within states. Water diplomacy can take place at several levels. It could involve high-level diplomatic delegations of riparian states solving transboundary water allocation issues through formal discussions, or building relationships through unofficial dialogues. It could also involve individuals and private groups building people-to-people relationships at the grassroots level. When these different tracks of diplomacy are activated simultaneously, it is known as “Multi-Track Diplomacy”.

The Case for Water Diplomacy
On the 14th and 15th of November 2013 the various forms of diplomacy were discussed during the International Conference on Water Security and Peace held at the Peace Palace, The Hague, The Netherlands. The conference was organized to mark the first Centennial of the Peace Palace and was a contribution to the International Year for Water Cooperation. The two-day conference brought together over 200 professionals from various disciplines including law, governance, the sciences, diplomacy, politics-, all involved in Water Diplomacy at local, national or international levels.

The conference was organized by the Water Diplomacy Consortium (comprising of The Hague Institute for Global Justice, Clingendael Netherlands Institute of International Relations, UNESCO-IHE Institute for Water Education, UPEACE Center The Hague, and the Water Governance Center). The consortium aspires both to become a knowledge hub for water diplomacy, governance, and law; and to contribute to conflict prevention and conflict resolution in relation to water management across and within international borders. The conference outcomes would help guide the consortium in working towards these goals.

Taking into account the different types of diplomacy, the conference addressed three perspectives on conflict prevention and resolution:

- The legal/institutional perspective
- The system analytical perspective
- The multilevel perspective

There were three working groups corresponding to the three themes. Over a number of sessions, they discussed the role of water diplomacy through evidence-based cases, with the aim to enhance the understanding of water diplomacy and capabilities of water specialists (in the legal, technical, financial, and social sectors).
Another aim was to raise the awareness of water specialists as to how they could contribute to processes of water diplomacy, and of what is the role of diplomats themselves. The conference also intended to improve the understanding and capabilities of formal and informal water ‘diplomats’ about formal legal and institutional arrangements; scientific assessments to provide credibility and evidence to decision makers; and participatory, multilevel approaches to ensuring public support. The outcomes of the conference are meant to contribute towards coordinating and strengthening the existing support programs and mechanisms of water diplomacy. In the following chapters the results of the conference will be presented, covering the three key perspectives it focused on.

The opening ceremony
The opening plenary was inaugurated with a welcome address by Rabin Baldewsingh, The Hague’s Deputy Mayor and Alderman for Public Health, Sustainability, Media and Municipal Organization. He reminded the audience that The Hague is home to numerous international organizations, and stressed that water cooperation is essential for peace and sustainable development. He added that the impact of climate change further increases the need for collaboration and for managing water conflicts. In this respect, Baldewsingh emphasized the commitment of The Netherlands to international peace and that a conference on Water Security and Peace could not have been located better than at the Peace Palace.

Conference Chair Henk van Schaik from UPEACE Center The Hague, thanked Baldewsingh for his motivating words and introduced a short film before it was screened. The film collated statements and views on water diplomacy by heads of the Water Diplomacy Consortium’s member institutions. Central to these statements was the focus on water as a solution and not just as a cause of conflict. The institution heads invited all participants to actively engage in the conference and come up with practical recommendations on the way forward for the Water Diplomacy Consortium (You can see the film via http://hague.in/1nF0pD7). In response, the key note speakers started off by highlighting their views on and experiences with water related conflicts and diplomacy.

**Water diplomacy from a hands-on perspective**

*Prof. David Grey – University of Oxford (ex-Senior Water Advisor of the World Bank)*
Prof. Grey described himself as a practitioner, not an academic. He told stories and drew lessons from experience of working on water in all continents over 40 years. “Not only can water float a boat, it can sink it also” - he used this ancient Chinese proverb to illustrate the point that nature can help you, but at the same time harm you. As water can be productive, yet destructive at the same time, it is important to realize that water security doesn’t only mean secure access to water, but also managed risks of water-related shocks.

We live in a divided world, where water security, defined as ‘tolerable water-related risk to society’, has been achieved by less than half of the world’s population. While Africa has a mean annual rainfall of 700mm, the same as Europe, the variability and unpredictability of its rainfall and runoff is much higher. This ‘complex hydrology’ endowment results in substantial risk, whose mitigation requires investment in information, institutions and infrastructure – the greater the complexity, the higher the investments needed. Most (but not all) rich countries today – such as in Europe, faced low risk, yet nevertheless invested considerable resources in reducing vulnerability to become water secure. “Evidence shows that most of the regions of the world with complex hydrology comprise the world’s poorest countries, which have little capacity to invest in risk reduction and are therefore deeply water insecure. Inadequate information and weak institutions on shared surface water and groundwater resources lead to misperceptions and fears, which destabilize international relations, and intensify political risks”, Grey continued. This is precisely where water diplomacy is needed.

To illustrate these points, Grey described several significant cases, starting with the Nile River Basin. This is characterized by highly variable river flows, numerous cultures and languages among its 11 riparian states and very limited investment in information, institutions and infrastructure. Despite many years of dialogue and the current engagement of leaders in seeking cooperative solutions, there is a long history of mistrust and a fear of uncertain futures. The news media makes a sensitive situation worse by writing about water wars. The way forward is to keep talking, as Grey puts it: “The only way to find a robust solution is to argue about options, trade-offs and solutions”. Other examples raised were the South Asian river systems of the Indus, Ganges and Brahmaputra, which rise in the Himalayas. Here there is little cooperation, little shared understanding and widespread water insecurity, caused by the highly
variable and unpredictable monsoon. In 2010, Pakistan recorded its worst-ever flood, which killed 2 thousand and seriously affected 20 million people. Upstream China does not have agreements with most of its many downstream neighboring countries. The absence of cooperation threatens regional security and building knowledge together and sharing facts are key to reducing the threats.

“Perceptions matter; ‘everyone is entitled to their own opinion, but not their own facts’, Grey continued, quoting US senator Daniel Moynihan. Water ignores political boundaries and different perceptions make cooperation very difficult – moreover policy makers want clear answers and predictability, but complex water systems that characterize many poor regions of the world do not allow this, without major investments in information and institutions. These investments are essential, starting with good communications and strengthened relations between upstream and downstream states, and going on to build the strong institutions needed for successful negotiations. It is imperative to get behind positions and identify interests, to adopt rules at all levels (such as rules of procedure for meetings), and to learn and analyze together. Grey ended by emphasizing that “water knowledge is, for the first time in human history, a global public good – it is ‘non-excludable and non-rival’, due to remote sensing tools and massive computing power. Governments can no longer argue that their water data is secret. Water insecurity in significant parts of the world is a threat to the whole world – and water security is essential in order to ensure political security. Water Diplomacy has a key role to play.”

Challenges to water security now and in 2050-A scientific outlook

“How is it possible that 3.5 billion people on the planet suffer from water insecurity?” Kabat wondered. After all, enough knowledge and ideas exist, which are also shared through conferences and
lectures. Water insecurity is even perceived to be one of the top five risks for business leaders, as presented at the 2013 World Economic Forum. Is the issue then one of miscommunication between water science and water management? Even though one expects information and data about water insecurity to be clear, scientists and water managers often find it difficult to present them in such a manner. Proper investments to create a bridge between science and management therefore seem to be essential.

Statistics show that a possible explanation of why more and more people suffer from water insecurity lies in the increase in worldwide use of water by sector and by region. “Agriculture, industry, households and reservoirs will intensify their usage, with agriculture taking up the largest portion, namely 70% of the total increase. As part of this increase, Asia is responsible for the lion’s share due to its fast population growth. In 2020, Asia will house half of the world population”, Kabat explained. The hydrological cycle might change due to these massive shifts. Moreover, the building of large dams, for example in China, results in less water flowing downstream. This means that there is less water to flush out saline water. Saline water will thus further intrude inland, which for example is the case in the city of Khulna, Bangladesh. This issue has not got due consideration thus far, and is largely absent in agreements. Groundwater is another important issue that is often ignored. “Some regions fully rely on groundwater for all uses. What will happen if political rules restrict its availability? There are no studies at present which deal with such circumstances and their consequences”, he continued.

Kabat agreed with Grey that the poorest countries indeed face the greatest water vulnerability and complexity of challenges. He put forward the crucial question: “How do we make real progress in addressing water as one of the most pressing issues of our sustainable future?” In order to properly respond to the challenges and to go beyond the current local approach, it is imperative to revisit the paradigm of water governance and to seek a substantial part of the necessary solutions at the global level. He argued that positive narratives are essential to causing real changes; and for creating opportunities for development, business and science. Water should be seen as cross-sectoral and multi-disciplinary as water issues are inextricably linked to other problems related to poverty and equity, food, health and energy and climate change.
A negotiated approach to managing complex water issues

Prof. Shafiqul Islam – Tufts University

Building on Kabat’s considerations, Islam proposed a framework to make real progress in addressing water disputes. He opened his presentation by referring to the essence of the three working groups in the conference. He stressed that conflict over water resources are complex, non-collaboration is likely to result in worse outcomes for all parties, and that change is an outcome of constant negotiation between the many stakeholders at different levels.

The continuously changing character of water, shifting between that of a public resource and a private resource, lies at the heart of the complexity of water networks. Moreover, when water is perceived as a resource – instead of a mere study object – it becomes even more difficult. It begs the question: who has more right to a certain resource? “Relationships need to be redefined, for which we could use a framework to conceptualize and operationalize water diplomacy,” he said, proposing a framework consisting of three key concepts: values, interests and tools. It is important to realize that how we think affects how we act. Stakeholders’ interests need to be served if we want tools to be effective. “We often use the tools we know that worked in a certain context and assume it will work in other contexts as well, generating similar outcomes. However, we usually do not know the values and interest of stakeholders in this new context and so actual outcomes are usually not what we expected them to be”, Islam explained.

Islam stressed that water is a flexible resource. He highlighted four issues which should be taken into account to create flexibility and manage water conflicts over competing needs: domains, systems, sheds and uncertainty. The natural domain contains variables such as quantity, quality and ecology and the societal domain contains variables such as governance, assets and values. Depending on the example within which the level of governance is being studied, sub-variables can be developed. Interdependencies
between these variables and processes in the natural and societal domains - within a politically real world - create the complexity of a given water network. Depending on the reality and how political processes/dynamics unfold, some variables may become more important than others. In reality, this importance depends on the context. “Although water is a global good, water politics is local. Those local politics will be dictated by the political spin that goes on”, he clarified.

Talking about systems, Islam argued that they can be characterized as simple, complicated or complex. “For example, we need to recognize that the Jordan water dispute is so much more complex than a simple system, such as designing a flushing toilet... or than a complicated system, such as a water treatment plant. What distinguishes the complex system is that multiple domains are connected to each other. These complex problems cannot be solved with tools which are made for the simple and complicated systems” Islam said.

Further, he emphasized the need to distinguish between the watershed, the policy shed and the problem shed. A watershed defines the area of land draining into a common body of water. A policy shed reflects the jurisdictional entities and boundaries involved in a given water-related dispute. A problem shed defines an area large enough to include relevant issues and stakeholders, but small enough to make implementation feasible. However, these sheds do not always match and negotiations in water conflicts may fail – for example in the case of disputes over the Jordan River. Here, the political process was not properly addressed and only two out of the five riparian countries were involved in negotiations for the 1994 treaty.

Finally, uncertainty is at the heart of management problems and exists in information, action and perception. “The question is how to create flexibility in dealing with uncertainty of information. In other words: we need to create a dynamically adaptive process to respond to variations,” Islam said. Regarding uncertainty of action, he mentioned that just because one has information does not mean one will act upon it. Further, just because one has the necessary information does not mean that their perception will change. Perception is rooted in trust and that has to develop over time.

In conclusion, Islam highlighted three key distinguishing features of the water diplomacy framework he proposed.
Firstly, it is essential to acknowledge key assumptions: water networks are open and continuously changing; water networks managers must take into account issues related to uncertainty, non-linearity and feedback; and water professionals should be reflective and need to use a mutual gains approach towards negotiation. Secondly, water networks need to be characterized properly. This means learning to distinguish between simple, complicated and complex networks, to identify appropriate domains and levels and their interconnectedness. Thirdly, water networks should be managed properly: stakeholders should be well represented and scenario planning and joint fact finding should be incorporated. According to Islam – and in addition to Kabat’s ideas on how to make progress in addressing water issues – all three features need to be taken into account if an actionable effort is going to be made to resolve world water problems with measurable outcomes.

**Mediation as a tool for solving water-related disputes**

“Water disputes actually will never be resolved. As Islam mentioned, water management is conflict management, it is always multi-stakeholder. We use the continuous conflict to facilitate dialogue and to help craft solutions which might have a contribution to the process of peace building”, Wolf said. “Borders get in the way of water management and this brings in a conflict dimension. However, it is a reality we have to deal with”, he continued. Dialogues on water disputes should be facilitated by water managers. This is where mediation comes in a as a tool for working on water-related disputes.

Taking a step back, Wolf posed the question as to what international water conflict management and transformation actually means. “This can be approached from a realist theoretical perspective, which has a strong focus on the sovereignty of the nation state and the necessity to simultaneously solve high political
issues at the national level when trying to tackle water disputes on the lower level. This can also be approached from a functionalist perspective: which implies that you should tackle issues such as water and electricity from the ground level. This will then move up as a process of peace building and impact high politics”, he explained. Nation states will transfer sovereignty over matters of public concern to a common authority and water issues can thus lead to broader political gains. Both approaches are two sides of a coin and bring high and low politics together, albeit in different directions.

In his presentation, Wolf had four lessons to convey. First, it is imperative to know water and related processes. He said: “If there is not political will to cooperate, it will be very difficult to improve international water management.” Therefore, it is necessary to understand the internal political processes behind any negotiation. Wolf cited examples such as the Peace Canal in the Golan Heights, the Himalayan International Basins and the Jordan River Basin.

“Second, if you get stuck, take a broader view”, Wolf added. This means that it is important to be aware of the multi-layer issues that relate to water. “Many opportunities can emerge from negotiations on energy, agriculture and infrastructure. These negotiations can create a basket of benefits”, he elaborated.

Coming to his third lesson, Wolf said: “The issue is never the issue. It is not about water, it is about people. Negotiators that represent stakeholders are people too. People matter.” This means that negotiations cannot only be about water; other benefits or interests are needed in order to make people act. In other words, an internal political interest is essential.

Wolf’s final lesson was: education matters and it will shape the next generation of water leaders. Wolf pointed out that the framework set out by Islam could be very useful in thinking about such education. “It is essential to take into consideration the training of people involved in negotiations and policy-making as well. The joint collaboration between UNESCO-IHE, UPEACE and Oregon State University (OSU) is a good example of this. Universities are therefore at the core of this challenge and should be involved in shaping the leaders of tomorrow”, he concluded.
Arbitration and legal processes regarding water-related disputes

“Our concern today is not with sea water, salt water, but with the three percent which is, or should be, fresh. The scope of my task in respect of water is limited to disputes about water, international disputes and the settlement of these disputes by adjudication and arbitration”, said Judge Keith, opening his presentation. He discussed a number of cases from three specific perspectives: their subject matter, the law applied, and the limits of adjudication and arbitration.

With respect to the subject matter, Keith mentioned that some water disputes are related to boundaries. “An example is the dispute between Malawi and Tanzania over Lake Malawi or Lake Nyasa, which is the subject of negotiations and other procedures and may one day be the subject of arbitration or adjudication. A second category of disputes concerns the allocation of water, for example the waters of the Nile. The 1929 Agreement between Egypt and the UK provides Egypt with a great amount of water, while leaving the upper riparian states with the obligation to obtain Egypt’s consent for every action that could have adverse effects on Egypt” he elaborated. A third category of disputes, he explained, related to the rights of navigation as in the 2009 case involving Costa Rica and Nicaragua. In this case, Costa Rica’s right of free navigation of the San Juan River was to be weighed against Nicaragua’s sovereign power to regulate the use of the river. Judge Keith mentioned that disputes also arise over commercial uses as in the Pulp Mills case, and that some cases are institutional such as those related to the Danube River Commission.

Coming to his second point of analysis- the law applied- Keith highlighted how treaties already play a role in many cases. A great number of treaties establish water regimes at multilateral, bilateral and regional levels. Disputes may arise within those arrangements
and their interpretation. One issue may be whether the treaties are binding on successor states, as in the Nile case mentioned earlier. Also, the understanding of treaties might change over time. “For example, in the 2009 case of Nicaragua versus Costa Rica, Nicaragua was allowed to regulate the river for environmental purposes – something which would not have been contemplated by those drafting the 1858 Treaty.” The Gabčíkovo–Nagymaros case is another example: Hungary contended that it could unilaterally suspend and later abandon certain works provided for in the Treaty. “One of the arguments was that since 1977 new requirements of environmental law had arisen and precluded the Treaty’s performance”, Judge Keith explained. Treaties may therefore not be static, but adaptable to new norms of international law.

The third perspective dealt with the limits of adjudication and arbitration. The broad principles of law which Judge Keith mentioned – for example respect for the environment of other States and preventing and controlling pollution – pose a challenge when it comes to their application to real-life situations. “The difficulty lies in the general character of the law. Rather than applying general principles through adjudication or arbitration, mediation or management might be more fruitful in settling disputes. On the other hand, difficulties arise when treaties – especially old treaties – are too specific and are seen as out of date”, he elaborated. Yet another complication is that those considering the resolution of an international water dispute by adjudication or arbitration realize that they lose control over the resolution of the dispute. This can be a reason for parties not to turn to adjudication or arbitration. At the same time, in some cases this can also help parties who cannot settle a dispute by agreement. Those considering litigation must also think carefully of, for instance, the choice of court or tribunal, the choice of counsel, and the costs that would be incurred.

**Multilevel water diplomacy**

Dr. Mark Smith – Director IUCN
Global Water Programme
“How does multi-level water diplomacy relate to systems and to change in systems?” Smith asked. “We can incorporate the notion of change and interdependency of water issues into systemic thinking. So the question is: how can we use water diplomacy to provoke change in systems for water management and so produce better results?” Water issues are now mainly dealt with using an engineering approach, whereas in reality those issues are complex social, political and ecological problems. Water diplomacy therefore needs to help people solve such complex problems. Working across multiple levels will help achieve that.

“Why does IUCN have an interest in water diplomacy? We are known as an organization dealing with biodiversity, but our vision incorporates justice, equity and sustainability when talking about benefits for and from nature”, Smith said. IUCN uses water diplomacy through a multi-level approach in order to contribute to implementation of sustainable and equitable water management. “In our support for water diplomacy, we facilitate and help to broker across scales, stimulating communication and advocacy, and sharing of data and information. In this way, IUCN can build bridges between networks at the grassroots-level and intergovernmental relations. This makes it possible to change systems”, he continued.

Smith illustrated how multi-level water diplomacy works by presenting two case studies, starting with a water conflict in Nigeria where the government called in the support of IUCN. “It was important to build trust among all stakeholders, by including them in the negotiations and the drafting process of the general plan of action. Also, they had the space to exchange information about their needs and interests.” This resulted in the empowerment of communities, as they were included through a bottom-up approach. “Change was always present during the whole process; agents changed, and also the political process changed”, he said. What exactly caused these changes? Smith named a few reasons, including that the institutional setup was rebuilt, communities were able to take action and the federal state established a trust fund. This led to real changes on the ground and created space for innovation. It took good leadership from real champions to make negotiations happen, to connect governments across scale and to form new coalitions.

Another example Smith mentioned was of the Volta River Basin. Here, IUCN worked with partners from Ghana and Burkina Faso on transboundary water management. The local institutions did not
have the mandate to work across the border. “IUCN helped the communities to come together and to take practical measures, at the same time they worked with the technical agencies at the national level to restart a bi-national technical committee”, he explained. The national agencies worked with stakeholders to create a code of conduct and lived up to it. In the meantime, all six riparian countries were negotiating the convention on the status of the Volta River and setting up the Volta Basin Authority. “The code of conduct provided a base for cooperation in the Volta. The local successes were brought into the strategic planning of the authority and created support for forthcoming institutional agreements” Smith said.

“These examples show that we can shake the system”, Smith continued. “We’ve learned that it is important to create room for experimentation where we can benefit from knowledge sharing, that we can connect and broker across scales where stakeholders meet and municipalities become involved, and that we can mobilize leadership.”

Multi-level diplomacy really is a process of change. While water diplomacy works under the authority of governments, it does need assistance from water users for its implementation. It requires sound strategic thinking to how to incorporate them into the process effectively.
A legal and institutional perspective -

Report of Working Group 1
Water is a scarce resource. Where demand supersedes availability (in quantity and quality) water needs to be fairly allocated in order to avoid conflict. Pressure on water and conflict risks increase due to rise in consumption as a result of population growth and economic development, pollution, and the effect of climate change on the hydrological cycle.

A large number and variety of actors from local, national, regional and international organizations are working on the development and application of legal frameworks, validated resource assessments, technical solutions and institutional arrangements at various levels. So much so, that the plurality of actors and instruments has become an additional complication.

Conflicts over water resources are complex because of their intricate coupling with the natural and societal domains. As a result, conflict resolution has to take into account specific socio-economic conditions and political contexts.

Session outlook

This working group aimed to take stock of the existing tools and methods applied in institutional, legal and diplomatic processes of conflict prevention and resolution, focusing particularly on the international/transboundary level. It will discuss ways in which these processes could enhance cooperation and consider a possible future agenda of how they could or should play a greater role in this regard. This requires a better understanding of the processes
underlying water cooperation as regards trust building, conflict prevention and resolution, and pursuit of social justice among parties differentially vulnerable to water scarcity (in terms of quantity and quality). The working group also focused on the need to optimize present arrangements and on the need for additional diplomatic tools, particularly to remove political bottlenecks and to address recurring conflict. To improve the understanding of the processes underlying water cooperation, a collaborative effort will be made to identify and develop new analytical tools that can deal with issues of institutional change and conflicting identities/interests.

**Key questions**

The key questions of this working group were:

- What legal, institutional and diplomatic methods are available for water conflict prevention and resolution as well as the peaceful management of shared water resources?
- How are these methods being applied?
- If their current application is not effective, in what ways can they and should they be improved?
- What are the needs of and for diplomacy concerning legal instruments and institutional arrangements?

**1 International Water Law and its implementation**

International conventions and regional agreements are important tools in international law. By sharing ideas and practical experiences with international law and its application, the participants addressed the benefits of international law and the obstacles to creating and implementing it. The guiding questions were: ‘What mechanisms for dispute settlement does international water law offer?’ and ‘What particular role do fact-finding processes play in the settlement of water-related disputes, as compared to other mechanisms?’. The latter question is inspired by the fact that the 1997 Convention on the Law of Non-Navigational Uses of International Watercourses that will soon enter into force has a fact-finding mechanism.
Summary of presentations

The session began by investigating and understanding international law: does it provide the right tools to solve international water disputes? It was noted that international law recommends or provides a wide range of options, from diplomatic (negotiations or third party interventions) to legal mechanisms (such as arbitrations, and judicial settlement). However, as regards establishing new agreements or implementing certain tools, some hurdles remain. The first obvious challenge is that the consent of states is needed before international law can be implemented. There is no way to force sovereign states to comply with it, and there is no obligation to settle disputes. This also constitutes an important issue with regards to the entry into force of some legal instruments. For instance, the UN Watercourses Convention was discussed for almost thirty years before being adopted and has taken over fifteen years to be ratified by 31 countries out of the total 35 needed for its entry into force.

The lack of champions and leaders in the international community was seen by some as one of the reasons why international law is at times perceived as lacking force. Another issue was that some instruments were designed such a long time ago that they are no longer appropriate in the contemporary context; or that agreements were made to facilitate processes that never occurred or are already over, such as the building of an oceanic channel between Nicaragua and Costa Rica. (In this particular case, some outcomes of the judgment by the International Court of Justice in the case between the two countries could not become effective due to an obsolete legal framework designed by the two countries.) Also, new political situations, modern techniques, or the importance of environmental protection, are sometimes not incorporated in older agreements. Adapting instruments of international law is often a long process, while modern management demands a modern legal framework.

There have been new developments in the way disputes are being considered by international tribunals. The case of the Kishanganga Hydroelectric Plant between India and Pakistan, brought before the Permanent Court of Arbitration in May 2010, has witnessed the inclusion of a hydrologist as a member of the arbitral tribunal with equal rights as the other arbitrators who are all lawyers. This may offer new perspectives and different angles on the process.
Through conventions and agreements, international law can also provide an entry point for various stakeholders to get their voice heard. This creates scope for multidimensional elements in the process (such as for instance multilevel-dialogue), that are much needed to support international law. For example, the UNECE Water Convention provides options for strong participation of non-parties and regions. The intergovernmental platform of the Convention has been particularly successful in attracting non-member parties.

An interesting example was provided, highlighting what the guiding principles for states should be when considering how best to solve a dispute: the Rhine arbitration case concerning transboundary pollution between France and the Netherlands. After seventy years of negotiations, the two countries turned to the Permanent Court of Arbitration as a political gridlock had previously prevented a successful resolution through diplomatic means. The lesson learned is that when a good legal framework is in place, countries should not be afraid to use it; and that they have to choose the option which is most affordable and strains diplomatic relations the least.

Despite the obstacles identified, participants at the session were optimistic about the influence and options international law offers. Provided that states are willing to comply with it, international law provides a wide range of conflict resolution tools. Examples were cited from among cases before the International Court of Justice and the Permanent Court of Arbitration, international conventions such as the UN Watercourses Convention (UNWC), the UNECE Water Convention, and bilateral agreements (illustrated with examples of Nicaragua-Costa Rica and Pakistan-India). There was much emphasis on the importance of creating an arena, based on trust, in which parties can safely come and work towards improving cooperation. Fact finding missions were seen as an important tool for the purpose, as they allow parties to establish trust and a common baseline to work from.

**Lessons learned**

International agreements and conventions often reflect the period in which they have been created, offering legal frameworks and guiding principles but not always providing solutions to specific cases. It would therefore be appropriate to work towards developing specific instruments (bilateral or multilateral legal instruments) that
incorporate modern needs, specificities of local cases, and current scientific concerns. Moreover, the international scene is changing. States are no longer the only actors in the international community. Politicians and diplomats are joined by large number of local and national stakeholders, such as NGOs, businesses, lawyers, scientists and technical experts. International law and tools need to adjust to this and facilitate multilevel and context-specific dialogue. Within these processes, third-party involvement can be a key to successful cooperation or to finding a way out of conflict. To ensure a positive influence of international law, champions are needed to take the lead in the adaptation, creation and ratification of tools and agreements; and their implementation at the national level.

**Conclusions and way forward**

Discussions concluded that international law does indeed provide a practical set of conflict resolution tools, with emphasis on the fact that its implementation depends principally on the willingness of states to comply, ratify and endorse it. The willingness of states constitutes the very essence of international law. In such a context, building trust among stakeholders, especially between states that are in dispute over shared water resources, is vital. Joint fact-finding and agreement on technical and scientific information were seen as one of the means to establish this trust. Besides its importance to states, science can be of vital value to the courts. Inputs from experts and information about the context (through site visits) can be a valuable support to those judging cases within international law. For stakeholders, international law could still be difficult to fully comprehend. Therefore, visible expressions of the application of international law- such as organizations like river basin organizations- are strong ways of establishing common frameworks or platforms for stakeholders to meet, establishing trust and creating/strengthening binding commitments.
2 Middle East Multilateral Negotiations on Water Resources

“The question ‘what gets water to the people who do not have it’ should keep us up at night”

Water is scarce in the Middle East. Twenty years ago, it was thought that the first water wars would be fought in this area. This opinion has changed. It can be seen that countries more often seek peaceful solutions to water issues rather than conflict, even in a water scarce area such as the Middle East. The key question asked in this session was: what legal, institutional and diplomatic methods are available for water conflict prevention and resolution as well as the peaceful management of shared water resources in the Middle East; how are these methods being applied; if their current application is not effective, in what ways can they and should they be improved? The question was answered through sharing of experiences from the Middle East by Jordanian, Israeli and Palestinian experts and diplomats.

Summary of presentations

It was stressed that while water is important in the Middle East context, it is not the single most important issue in bilateral or multilateral relations. It should be seen as only one part in a set of jigsaw pieces. Also, political reality can impede positive cooperation over water. It was stressed that Jordan and Israel are taking in many refugees who increase the pressure on water availability, but without effecting any conflict. By increasing supply (desalination), and decreasing demand (drip irrigation, new crop types), the pressure on water availability has been reduced, increasing water and food security.

The role of politics and politicians was a subject of debate. Some participants felt that the effectiveness of simple technical solutions was obscured by political issues. Others emphasized that political consensus and support is needed to solve water problems, and that politics is not an issue but the answer. Amid the discussion on
technical and political solutions, it was stressed that water issues are not like others, as water is a source of life. It was stressed that for negotiations to reach successful conclusions, equality in terms of access to resources must be secured for all parties, whether through politics and science. In International Law, the focus is on multilateral agreements and watershed solutions. However, the various parties in the Jordan basin hardly meet each other. The watershed is governed through several bilateral agreements. This shows that integration is not an imperative for cooperation, and that we have to adopt a long term vision, focusing on gradual steps.

Examples and lessons from the Middle East were compared with experiences from India and Bangladesh, through a discussion around the Blue Peace project, which aims to increase data sharing among the Middle Eastern countries. Positive experiences have been used to set up a similar project in India and Bangladesh. If the governments agree to implement the project, it would be an important step towards building trust and enhancing the efficiency of the India-Bangladesh joint water committee.

When governments are not cooperating, or are experiencing obstacles to cooperation, confidence building measures become critical. Lack of information, misconceptions about activities or viewpoints of other parties, and a lack of people/institutions to carry messages can be obstacles to building trust. It is advisable to involve all relevant stakeholders in confidence building measures. Additionally, involving the media can be an innovative step, as was experienced in the case of India-Bangladesh relations. Media that partner in the process can place issues in various contexts, bring knowledge and information across borders and inform a wide range of stakeholders.

Creating trust (e.g. through joint fact-finding and dialogue) was seen by the participants as the main method to prevent and resolve conflict. There are many ways to bring riparian parties together, either voluntarily or through coercion. Meetings, facilitated through bilateral and multilateral agreements, came under special discussion as a practical tool to arrive at a peaceful management of shared water resources. An idea that came forth was that it is not essential that all riparian countries join the multilateral agreement, as long as every party is connected to every other party in the basin one way or another.
Lessons learned

People are resourceful. In areas where water is under pressure—whether because of scarcity or low quality—practical solutions to manage it are often found. These solutions need to be identified and shared. For instance, sharing water across time and space is possible, as has been learned from the relationship between Israel and Jordan, but trust is needed to implement such arrangements. This is also why building trust needs to have the full attention of the various stakeholders. Beyond the states, other partners can contribute towards increasing this trust. It can be fruitful to discuss how various stakeholders can be involved to work on trust-building and fact-finding. For instance, including media-representatives to help disseminate positive narratives, success stories, and de-bunk myths can go a long way.

Conclusions and way forward

It was again stressed in this session that trust is key for all projects to succeed. Especially in an area where water is scarce and dependency is high, trust is needed in order to foster cooperation. Conventions were acknowledged as valuable tool to provide a framework for cooperation, but it was also seen that it is not always possible to bring all parties in a basin together in one institution, especially in politically challenging areas. In such cases, creating several bilateral agreements can be a valuable step forward. Within these conventions and agreements, joint fact finding can be a valuable step towards agreeing upon a common baseline. Especially in regions where trust needs to be built, and data is not readily shared or available, agreement over the quality/authenticity of the data used is a crucial step towards increased cooperation. The role of politics at the national level was heavily debated at the session. Politics is perceived differently by the various actors: some see it as an obstacle to solutions, some see it as the main pathway to solutions, while others see it as a possible solution, but not a necessity.
Water Security and Peace Conference 2013

3 Water Diplomacy in the Mekong Region

Water resources lie at the heart of development in the Mekong Region – the territory, ecosystems, people, economies and politics of Cambodia, Laos, Myanmar, Thailand, Vietnam and China’s Yunnan Province and home to about 260 million people. Future quality of life in the region is strongly linked to the choices made about sharing, developing and managing water to produce food and energy, maintain vital ecosystems, and sustain livelihoods. Many water resource projects have been completed, are underway, or are being planned. Dams, river diversions, inter-basin transfers, thirsty cities and irrigation expansion are all in the mix. While some projects have been celebrated, others are subject to disputes and protests. The transboundary and interconnected nature of the Mekong’s waters adds a critical dimension. There are many rivers in the Mekong Region, but the iconic Mekong River is at the center of current debates about water resource development in the wider region. This session focused on security and diplomacy issues with regional/transboundary water resources development in the Mekong Region. The participants were guided by the following questions:

- Which security and diplomatic issues can be identified with regard to transboundary water resources development in the Mekong Region, especially with regard to dams, diversions, and irrigation intensification or canal projects?
- What are the procedures for notification, consultation, maintenance of flow, transboundary impact assessment, decentralization etc, in theory and practice in the Mekong basin?
- What are the limits of “legal” recourse vis-à-vis the need for cooperation and trust?
- How can regional water governance be made more inclusive and effective?
Summary

Governments, at various levels, are the main transboundary water governance actors in the Mekong region. But, as elsewhere, there is a plethora of others jostling for space in decision-making arenas: non-government organizations (NGOs), media, business, financiers, policy research institutes, universities and networks.

Figure 1: Countries of the Mekong Region

The Mekong River Commission has a contested mandate – embodied in the 1995 Mekong River Agreement – for the mainstream, tributaries and the lands of the Mekong river basin (just one of the basins in the region) within the territories of the four lower Mekong countries – Laos, Thailand, Cambodia and Vietnam. It also now includes the two upper countries – China and Myanmar – in some of its activities and outreach. This Mekong cooperation was originally catalyzed via the United Nations and has a 50+ year history. Article 1 of the Agreement commits the four member countries to cooperate in all fields of sustainable development, utilization, management and conservation of the Mekong River Basin in fields such as irrigation, hydro-power, navigation, flood control and fisheries.
The implementing organization is the MRC, led by a governing Council at ministerial level, which meets once per year, and a Joint Committee (JC) of senior government officials, which meets formally twice per year, and informally as the need arises. The Council and JC are serviced by the MRC Secretariat (MRCS), which is responsible for implementing Council and JC decisions, advising and providing technical and administrative support. Although not specifically mentioned in the agreement, there are also National Mekong Committees (NMCs) established in each member country, set up differently in each country depending upon national government preferences. The heads of the NMCs represent their countries on the Joint Committee. NMCs are serviced by NMC Secretariats (NMCSs).

There is a political dynamic between each of these five parts – that is, there is no homogeneous single ‘MRC’. Any joint position needs to be collectively negotiated between the Council and JC members. Moreover, the MRCS must also manage its working relationships with the NMCSs, who are quick to object if they feel
left out of MRCS activities, or if they perceive the MRCS to encroach into their national space. In turn, the NMCSs also have to establish their own role and working space within their national polities, with their functional power much less than key water-related ministries and agencies in each country. As in any large family, it is not possible for all the interaction to be smooth. The vaunted ‘Mekong spirit’ of cooperation often seems optimistically overstated; but that is not to deny the importance of doing everything possible to encourage a constructive spirit between the countries sharing precious water resources, risks and opportunities.

Figure 3: The organization of the Mekong River Commission
Lessons learned

The Mekong Region water diplomacy story is much more than the MRC. There are also networks across the Mekong Region that play a role in transboundary water diplomacy. For example, the M-POWER network has been working since 2004 implementing a Mekong Program for Water Environment and Resilience. The vision for the network is for the region to realize an internationally accepted standard of democracy in water governance. A core objective is to make it normal practice for important national and transnational water-related options and decisions to have been examined in the public sphere; another is to support the development of governance analysts with experience across the region. M-POWER takes a broad view of democratization, interpreted as encompassing issues of public participation and deliberation; separation of powers; accountability of public institutions; social and gender justice; protection of rights; representation; decentralization; and dissemination of information. Network members believe that action-research, facilitated dialogues and stronger knowledge networks can help societies explore and adaptively reform water governance – rather than assuming that a single model fits all social and resource contexts.

Oppositional advocacy in (parts of) the Mekong region is also well-developed. Local, national or transnational networks of activists that are organized to resist dominant institutions, interests and discourses can play a large role in decision-making or decision-influencing processes. Under the slogan of “Our River Feeds Millions”, the Save the Mekong Coalition’s campaign is catalyzed and galvanized by the resurgent interest in planned dams for the Lower Mekong mainstream.
Transboundary diplomacy is required and deliberation – debate and discussion aimed at producing reasonable, well-informed opinions – has been in short supply, despite decades of ‘cooperation’. Deliberation is an important process because it requires supporters of policies and projects to articulate their reasoning and identify which interests they serve or risks they create. Decision-support tools that support deliberation are increasingly being used to inform Mekong water-related diplomacy.

Figure 4: Example mega projects in the Mekong Basin
Conclusion and way forward

Core decision-making processes about water in the Mekong Region are still often opaque to all but privileged insiders. Meaningful public deliberation is still the exception rather than the rule. Nevertheless, more recently, we observe a deliberative turn and hopeful signs of water governance change, for example: vibrant elements in the Chinese media interested in understanding and reporting the water-related perspectives of neighboring countries; a pause and reconsideration of future development in a new era for Myanmar; an increasingly inquisitive National Assembly in Laos; bold inputs to public policy-making debates by Vietnamese scientists; increased space for civil society analysts in Cambodia to engage in state irrigation policy debates; peoples’ environmental impact assessment in Thailand building on villager-led Tai Baan participatory action research; and, resulting in more participatory analyses of project merits. Finally, Lower Mekong mainstream dams are now being examined more openly. This is a result of many factors, including an MRC-commissioned strategic environmental assessment, and a subsequent, formal, prior consultation process facilitated by the MRC, that has yielded various technical contributions, and opened an inter-government window for more informed discussions between Lower Mekong countries. Each of these processes has been improved by advocacy from civil society, science, academia and governments.

Transboundary water diplomacy is not only the province of state actors. Across the Mekong region, there is much diplomacy underway with multiple actors maneuvering to try and shape development directions and decisions. This is increasing the likelihood that decisions will be the result of informed and negotiated processes that have assessed options and impacts, respected rights, accounted for risks, acknowledged responsibilities and sought to fairly distribute rewards – the essence of deliberative water governance.

The presenters and panelists in this Mekong session were Hans Guttman, Diana Suhardiman, Chaiyuth Sukhrsi, Lalita Rammont, Nga Dao, Yumiko Yasuda, Khin Ni Ni Thein, Marko Keskinen, Alex Marks and John Dore. This Mekong summary is drawn from the work of John Dore and Louis Lebel in Free Flow published by UNESCO in 2013. Figures 1, 2 and 4 were kindly provided by Nikolai Sindorf.
4 Perspectives from International Organizations & Water Diplomats, agenda for further work

The last session in working group 1 focused on the role of water diplomacy in general under the conventions and institutional arrangements. What should be done to enhance this role? What are the needs of and for diplomacy concerning legal instruments and institutional arrangements? How to improve multi-level governance, for instance, finding a balance between top down and bottom up approaches, persuasion versus enforcement, diplomatic interventions, etc.

Furthermore, the participants reflected on the lessons learned, key issues discussed and set an agenda for further work on water diplomacy.

Summary of presentations

Water diplomacy and water cooperation mean different things to different actors. Small countries may focus on different issues than large countries, as do upstream and downstream users. Also, stakeholders change with changing situations within diplomatic processes. Are NGOs allowed to join at the table? Do local stakeholders have influence on what is being discussed between states?

Why would different parties cooperate, despite their different foci and interests? Countries have their own development goals; cooperation is often necessary to reach those goals and therefore they need to work together. If the perceived risks are too high, parties will refrain from cooperation. The pooled approach, which aims to bring various actors and different types of knowledge at the table, was brought up as a solution that would reduce risk. By strengthening and aligning messages, introducing expert knowledge and experiences, a more complete picture can be drawn and risk can be reduced.

It was stressed that technical knowledge is important and that new technologies, increased availability of information, and innovations can make cooperation more appealing. However, diplomatic processes take time- to build trust, to develop shared
perceptions and to reach agreement. ‘Three Is’ were suggested as ingredients for effective implementation of international law: Information, Institutions and Investments.

‘Information’ is needed to build trust and to take the right decisions. The information needs to be regularly updated and should be accessible and understandable to all parties involved. Capacity development is key to providing the parties involved with the necessary tools to understand, gather and interpret information; and also to share, discuss and negotiate with their counterparts. Capacity development needs constant attention and needs to be done with every new generation. ‘Institutions’ need to be strong. They form an arena where parties can create shared visions. Also, the institutions, agreements and deals should have a certain amount of flexibility, as contexts change fast and deals are often only temporary. ‘Investments’ are needed to support the institutions and activities to strengthen and implement agreements.

A key idea that emerged was that water governance, and not technical issues, should be at the core of water diplomacy. Better governance is critical for better policy outcomes. But setting up good governance is usually a long and difficult process. As a result governance projects are less popular with donors, despite their importance.

The session was concluded with a debate, which highlighted that the most important feature of water diplomacy was that it enables various parties to come together, talk, and exchange experiences/values. Even if the short term impact is not always clear, the meetings serve to build trust, develop common understanding and enable the addressal of opposing views in a safe environment. Lobbying and diplomacy are important to create the groundwork for cooperation. Focusing on the Water, Energy and Food Nexus, it was said that the water sector needs encouragement and input from outside. One of the conclusions drawn was that more rules are not necessarily needed; but existing rules need to be observed and frameworks need to be flexible enough to deal with changing realities and incorporate new insights.
Lessons learned

With regards to water diplomacy, it is not enough to focus on the national level alone. A multi-level approach is needed, aimed at strengthening and harmonizing global, regional, national and local cooperation. There are pitfalls of focusing too much on global principles as that can easily result in neglect of local needs, norms and traditions. We need a paradigm shift: water is a global issue that is inextricably linked with food, energy and poverty. It requires us to act locally, but think globally. There is also a need to replace outdated institutions, frameworks and agreements, or to adapt them to current situation and needs. What is needed more than strict legal frameworks are guiding legal frameworks which provide space for adaptation and inclusion of new states or non-state stakeholders. Strengthening governance is crucial for better policy outcomes.

Conclusion and way forward

Several forms of water diplomacy have been discussed. With many different actors on the stage with different views, there is not one single approach to water diplomacy. For instance, the matter of who can join the debate- whether it should only be accessible to states or also other actors- is a widely debated question. At the session, however, it was felt that the local level is a crucial aspect of water diplomacy. Actions at the international level should facilitate development at this level. How to best foster multilevel governance and vertical integration is a big, complex question and there have been no definitive answers yet. Discussions saw capacity development emerge as a key tool. It was stressed that this is an ongoing process important to each stakeholder, right from the state level actors to those at the local level. Flexibility is mandatory for rapid and targeted interventions so they can remove bottlenecks in the processes. This means operating at various scales and levels i.e. international, national and local.
Water diplomacy and the resource
System analytical approaches for sharing international waters

Report of Working Group 2
How can system analytical approaches improve the dialogue between politicians, diplomats and system analysts in a transboundary context and lead to fair sharing of international waters? Working group 2 addressed the link between diplomacy and systems analysis. The topic is introduced here by briefly examining emerging water challenges, the emerging field of water diplomacy, and its potential links with systems analysis. In subsequent sections, discussions in the Working Group 2 sessions were summarized.

**Emerging challenges**

In its recent conclusions on water diplomacy, the European Council notes that managing the effects of climate change, demographic changes and economic development; and reconciling various uses of water resources such as for drinking water and sanitation, agriculture, food production, industry and energy, pose major water security challenges. The Council also highlights the potential of water diplomacy to help safeguard security, development, prosperity and the human rights related to water and sanitation. According to the United States’ Intelligence Community Assessment of “Global Water Security” (2012), many countries will experience water problems in the coming 10 years — in the form of floods, droughts and depleted water quality — which may create instability by effecting state failure and increasing regional tensions. Water problems will constrain the production of food and energy
and the maintenance of security. This poses a big risk to global food markets, economic growth and, in effect, to the most vulnerable members of society.

**Water diplomacy**

According to Keskinen et al. (forthcoming), water diplomacy is not merely a process aiming at water cooperation, but one with a wider set of objectives that includes improved regional security and stability, improved trade relations and regional integration. Water diplomacy can thus promote geopolitical relations between countries sharing water resources.

Water diplomacy can be successful if it recognizes that while there will always be competing and even conflicting interests in water, non-collaboration is likely to result in a worse outcome for all parties (Keskinen et al., forthcoming). Sharing international waters should be approached from a perspective of shared opportunities for regional benefits that can outweigh the optimum national benefits, in the form of energy pools or good trade relations for example. The aim of water diplomacy should therefore be to look for and strengthen mutual benefits in bilateral, regional and international contexts.

**Linking water diplomacy to systems analytical approaches**

Systems analysts model and analyze water systems and their functions in all their complexity, adopting increasingly holistic approaches that combine biophysical and socio-economic elements. Integrated hydro-economic models have been used to demonstrate the consequences of alternative development scenarios, frequently demonstrating benefits of collaborative approaches. However, few (if any) systems approaches have been able to incorporate geopolitical elements. The Water Diplomacy Framework proposed by Islam and Susskind (2013) may help integrate political and diplomatic elements in systems approaches. The framework assumes water to be a flexible resource (its nature changes depending on the use and user values in question) and is based on three key assumptions about water systems and networks:

- Water networks are open and changing as a function of the interactions among natural, socio-economic and political
forces. Adopted conventions and laws may lead to different user options at different values;

- The characterization and management of water networks must account for uncertainty, non linearity and feedbacks. Water crosses multiple (natural, societal, political) domains at different (space, time, jurisdiction, institutional infrastructure) scales;

- The management and development of water networks ought to be adaptive and negotiated using a “non-zero-sum” approach. Participation of multiple stakeholders for assessment, fact-finding, scenario-planning and mediated problem-solving are key to the diplomacy process. A mutual gains approach is vital to value creation, multi-party negotiation, coalition behavior and informal problem solving eventually leading to non-zero sum negotiations.

**The political, diplomatic and systems analytical triad**

The balanced sharing of transboundary water resources is a complex process because water sharing agreements affect a variety of sectors in the riparian countries, with various socio-political outcomes. Analytical models and tools have improved the understanding of the impacts of alternative scenarios for the different interest groups, through formalizing of the linkages between water and various sectors. Working group 2 at the conference provided a platform to debate the role that system analytical models can play – with their capabilities but also their limitations -in negotiating water sharing agreements. Specifically discussed were the roles of three key actors in these negotiations: (a) policy makers and politicians, (b) negotiation support experts (e.g. diplomats), and (c) water systems analysts. It was assumed that the current level of dialogue between these actors is not always effective. Also, a shared hypothesis was that an improved dialogue between them will lead to better negotiations and better outcomes. This is because if systems experts and diplomats understand the priorities of policy makers and politicians better, they will be able to provide more appropriate advice.
Reflection on the outcomes

Following are some key outcomes of discussions within the working group:

- The interaction between politicians, diplomats and system analysts is indeed perceived as problematic. The process of developing models seems to be as important as the model itself. Where possible and feasible, water diplomats should be trained in water management and water modelers should develop their models interactively with policy makers and diplomats.

- It is important to identify the translators on each side of the negotiation table. They have to translate the models and results into information that is legible to ministers. The translators may be scientists, people in regional technical bodies or diplomats.

- It is important for modelers to keep in mind political priorities and sensitivities as well as orders of magnitude. Responses by the public and the domestic implications of proposed policies often overrule other, perhaps more subtle, considerations.

- The discussions highlighted that the science-policy interface should be better organized. Events like the Water Security and Peace conference that facilitate dialogue between policy makers and scientists can contribute towards that. The working group of the UN Economic Commission of Europe that aims to quantify the benefits of water cooperation might be a good example of the type of dialogue that is much needed.
Two case studies (Aral Sea Basin and Eastern Nile Basin) were used to demonstrate different approaches to how the dialogue between politicians, diplomats and system analysts develops in practice. The working group participants represented a variety of backgrounds. This was reflected in the discussions and suggestions as to how such dialogues could be made more effective.

1 Introduction to the Topic

Both modelers and diplomats believe that they act rationally, but they both do so at their own terms. An important question when starting modeling is “What to include in the equation?” Another important question is about the scope. Not only do we need to acknowledge and define the boundaries of the water system, but those of the political-administrative system as well. Water diplomacy needs to be practiced from a broad perspective and needs to include (for example) energy, infrastructural networks, regional/ national socio-economic development and geopolitical interests.

Hydro-economic models are node-link networks that connect water availability and water demands. They can estimate how benefits of water use can be optimized in the socio-economic sense. This can be done at local, national or international levels. Benefits can be calculated in terms of welfare or socio-political indicators. A caveat, however, is that water is not only a good that is vital to life but also a very contentious one - water issues can easily become politicized and trigger the emotions of people and entire communities. The latter aspect is not well captured in hydro-economic models.

General Equilibrium Models are system-wide marginal benefit functions of water use. In these models different uses of water are attributed different values – domestic water supply, for example, is often given a high value. Such models can calculate the value of water for each riparian party. Theoretically, the optimal situation is one in which the marginal value of water is equal for all, so that no water needs to be traded or re-allocated (Figure 2a). On the other hand, a non-zero sum situation means that the marginal value of water for both parties is different (Figure 2b). In the latter case, reallocating the water may increase the total benefits; and a country that has to forgo some current water benefits can be fully compensated by another country that can make better use of the reallocated water.
A non zero-sum approach may not always be possible and a win-win solution may not always be found or agreed upon. This also depends on the deepest motives of the parties and whether they are willing to think beyond the status quo and the existing allocation regime, and consider alternative, more optimal allocation scenarios. This willingness is often correlated with the level of symmetry between countries and the existence of options for linking a variety of issues. It is frequently informed by deep-seated beliefs about justice and fairness, and the extent to which parties allow existing uses and vested rights to be re-negotiated. Economics may thus provide a basis for political/diplomatic negotiations. However, sometimes the negotiation is inevitably a zero-sum game, with one party’s gain implying a loss for the other party.

Politicians’ way of looking at water-related challenges could differ from the economic perspective. Firstly, politicians consider political boundaries and not necessarily the boundaries of other types of systems. Secondly, politicians tend to or are forced to give short-term gains higher weight than longer-term benefits – such weight is often built into the political system and may be considered a design flaw which is difficult to mend. Diplomats have to serve their politicians and therefore may be forced to favor decisions that lack a long-term perspective. An interesting question in this respect is why climate change has made it to the political arena and water has not.

The aims and background of diplomacy and planning, as illustrated above, are very different: the former deals with national security whereas the latter with water security. It is a challenge for system analysts and modelers to ensure that their models can address the type of questions that politicians have.

Figure 2: Two different situations of General Equilibrium Models: an optimal (left) and a non-zero-sum (right) situation
When constructing a model, it is important to ask and understand what the problem is that needs to be solved. Modelers are used to structuring and simplifying the nature of problems, but uncertainty around the representation of the problem structure—especially in the face of uncertain future developments—must be taken into account. This significantly affects the reliability of modeling results. Such uncertainties also need to be understood and valued by politicians and should be taken into account in the decision-making process. Some decision makers may, however, be reluctant to take the full complexity of problems into account and prefer simple narratives. Yet it is they who are entrusted to take decisions that define our future. This presents a key question: what level of complexity can politicians cope with as they make decisions? This answer is difficult. It may partly lie in developing the right indicators and aggregating them at appropriate levels, and spending enough time on consultation with decision makers at various levels.

A possible pitfall for both diplomats and water experts is that both the groups tend to talk among themselves. It is difficult to organize meetings where diplomats and water experts communicate and exchange views meaningfully.

Another challenge is that there is usually little discussion between system analysts and other stakeholders in decision making processes. This is well illustrated by the following case: politicians of two countries had to agree upon the outcomes of extensive consultations with stakeholders over a water issue. At the end of the consultations they went back to the system analysts who had developed the case, who then disowned the outcomes despite having been consulted and agreeing with the outcomes earlier. This dented the confidence that had been placed in the system analysts as guides of the consultative process. A model is therefore only a starting point for a decision-making process. Developing a shared vision for the future at the beginning of a negotiation process can be equally or even more valuable and important.

Finally, politicians tend to be cautious and conservative in their decision making; they may therefore be reluctant to change existing agreements. This means that diplomats need a good baseline at the start of the diplomatic process. They need the right data and insight in the components and structure of the system in order to get the facts right and map relationships accurately. Diplomats also need a good understanding of the context of the situation, and a communication strategy to (among other things) involve the media.
They face the challenging task of having to link the scientific and the public environments in order to arrive at proposals that can be shared with a wide range of stakeholders. Diplomats thus need to have many skills, including those of political leadership.

2 Aral Sea basin

Shortly after the independence of the Central Asian states following the fall of the Soviet Union, interstate institutions were established for managing the Aral Sea basin. Existing river basin organizations related to Amu Darya and Syr Darya - the two main rivers in the Aral Sea catchment - continued to function. Heads of state proposed setting up the Interstate Commission for Water Coordination of Central Asia, which was eventually established in 1993. It is currently incorporated in the overall institutional structure that plans and controls the Aral Sea Basin, with a central role in the International Fund for Saving the Aral Sea (IFAS) (Figure 3).

Relations between the different Aral Sea basin countries are complicated – there are tensions, and yet there is a common vision for development. Jointly developing data collection and monitoring structures, and system analysis approaches are understood to be key to constructive negotiation on future use and management of the Aral Sea basin waters. Establishment of the Interstate Commission, including a scientific information center, should therefore be considered an important achievement in itself. However, the current lack of inter agency coordination and transparency, low financial sustainability and often short-term focus are important challenges for IFAS and the other commissions. Given the complexity of the problems that need to be solved and the required human resources, the interstate commission’s regional training center and some universities have an important role to play in capacity development.
The Aral Sea Basin management model (ASBmm) is a fine example of the role of systems analysis in planning and decision making. The model was jointly developed by regional institutions over a number of years, and serves as an integrated modeling framework. The model, a version of which is also freely accessible online (http://www.asbmm.uz/), can be used by researchers, students, journalists, policy makers and the interested public to study and appreciate the implications of various scenarios (for e.g. irrigation, hydro power development and the operation of reservoirs in the Aral Sea Basin). The model evaluates various water management options under a number of scenarios on the basis of a large number of indicators. Examples include evaluation of trade-offs between irrigated agriculture and hydro power production, and gauging the influence of policy measures such as how a liberalized market for agriculture products may trigger farmers to discontinue the cultivation of cotton and turn to higher-value crops.

A source of controversy in the river basin is the competition between the use of water resources for hydro power generation in upstream countries (Kyrgyzstan and Tajikistan) and for irrigation in downstream countries (Uzbekistan, Turkmenistan and Kazakhstan). With the ASBmm model it is possible to analyze the consequences of various water management strategies. This could helpful in planning infrastructure development and designing policy. Model outcomes can be generated over a planning zone, at regional (basin-wide) level and at country level. Use of a jointly established and updated
regional database and monitoring system has proven to be critical to creating transparency in planning development and creating trust in decision making.

From a country perspective it is important that the model shows how food security, energy security and water security are interconnected. This is particularly significant given that regional cooperation is necessary for optimizing water-use in various sectors in individual countries. Regional cooperation is difficult to achieve because it demands human resources and expertise, not only from the ministries of water but also from ministries of foreign affairs and from cabinets of presidents.

Diplomats are the communicators between science and politics. To play their role in the diplomatic process, they need to have a deep understanding of the situation and of any models developed to facilitate the process. If they are not involved in the development of the model, if they do not understand the indicators used, or are not trained in interpreting the results, the model’s effectiveness gets much limited. Interaction between modelers and diplomats over the model’s development therefore serves the diplomatic process very well.

The ASBmm model has facilitated cooperation between the Central Asian states. For example, it contributed towards the preparation of the joint statement of the five presidents during the 2009 IFAS-conference in Almaty. However, while the model was useful to the negotiations, validity of the data feeding the model remains a cause of concern for the riparian countries.

Decisions over the operating rules of reservoirs and over water allocation to different users depend heavily on the broader political relations between the countries. Nevertheless, a jointly developed system model has served as a starting point for the identification and analysis of shared interests and win-win scenarios.
3 Nile basin

The Nile Basin Initiative (NBI) and the policies and models developed under the NBI’s Subsidiary Action Program for the Eastern Nile (implemented by ENTRO - the Eastern Nile Technical Regional Office) have assumed a central role in water management in the Nile basin. Several new initiatives - both by governments and by the civil society – have emerged following the construction of the Grand Ethiopian Renaissance Dam (GERD) in 2011. One notable civil society initiative is the creation of the Water Institute of the Nile (WIN).

The NBI is not just about water, but about the nexus of water, food, energy, peace, and sustainable socio-economic development. An important achievement since the establishment of the NBI in 1999 has been the involvement of high-level delegates from all riparian countries in discussions on Nile basin development issues. At the same time, ENTRO researchers and students from Eastern Nile countries (Ethiopia, South Sudan, Sudan and Egypt) have been working together on improving their shared understanding of the basin.

Not all issues have been resolved, however. The most contentious issue is that upstream Nile countries have signed, and some even ratified, the Comprehensive Framework Agreement, while the two most downstream countries have not. This stalemate seems insurmountable. Nevertheless, countries have found new avenues to negotiate, even if outside the gaze of NBI and the World Bank. Interestingly, unilateral decisions on building dams (with the Grand Ethiopian Renaissance Dam (GERD) being the latest and biggest example) have led to the opening of new platforms of negotiation in the Eastern Nile. Examples include the International Panel of Experts which Ethiopia agreed to upon request of Sudan and Egypt, and the Tripartite Eastern Nile Ministerial Meetings (such as the one held in Khartoum on November 4, 2013).

Negotiations over the Nile are informed more by subjective risks than subjective risks. Negotiators are aware that the negotiations are about much more than water. Nile diplomacy is nexus diplomacy rather than water diplomacy. That is why prime ministers and presidents have been directly involved in the process over the years. However, they have so far been unable to develop a shared vision, and the NBI has not been able to facilitate them enough to develop
one. Comprehensive decision support tools have been developed, however, which serve as a second-best substitutes for a shared vision. These tools are up and running, and support the ongoing decision-making process.

Negotiations take place at various tables and none of the riparian countries will show all their cards during the process. Cost effectiveness is a central concern for most players, but risks and uncertainties play an even more prominent role, determining greatly the positions adopted by the various countries. The most promising combinations of options determine the negotiation domain. Eventually, countries do not debate model results and their interpretations, but discuss their (political) interests.

Figure 4: Moving from risk to opportunity (“Reaching Across the Waters”, World Bank, Subramanian et al., 2012)

An important element of Nile Basin diplomacy is that stakeholders remain involved, and that benefits from projects such as GERD are widely shared. The challenge is to enhance the evidence base for shared benefits and political opportunities under conditions of uncertainty (Subramanian et al., 2012). Whereas for Egypt it is crucial to move from neutralizing risks and securing supplies to identifying opportunities, for upstream countries it is of principal interest to enhance the benefits they derive from Nile water resources (Figure 4). Finding a balance between both agenda is the central issue in the negotiations.
Interesting to note is that while universities and regional technical offices like ENTRO play an important role in capacity building, knowledge exchange and track-two diplomacy, civil society organizations have not been actively involved with the NBI so far. This may be why the general public is not well-informed about the negotiations. NGOs can play a much more prominent role in raising awareness and understanding the issues at stake, by involving the mass media and social media for example. NGOs are well placed to clarify arguments and to debunk myths perpetuated by governments for political reasons. Grassroots pressure can be key to political breakthroughs, as has happened in many river basins including the Rhine.

Exchange of information between the riparian countries is often imperfect. For downstream countries, information about upstream infrastructure development and irrigation potential is critical to assessing their water security. Information of this kind is often classified, making it difficult for system analysts to develop realistic models and for civil society organizations to communicate latest developments to the wider public. Withholding relevant data and information undermines trust-building. Public domain data, and in particular data derived from satellites, can fill this void. Besides, all nations should have the capacity to analyze such data. The role of system analysts in the Nile Basin and their interactions with politicians has been important. Scientific institutions have been at the forefront throughout the process, developing and testing system analytical models in particular. Within ENTRO, a suite of models have been developed that are unique in two ways:

1. They are jointly owned, which is crucial for knowledge sharing and trust building;

2. They are not limited to one particular software. In fact, at least three different system models have been developed independently which compete with each other for credibility and are used simultaneously to review possible outcomes of various development scenarios.
Whereas progress has been made with respect to systems understanding, questions have been raised about the lack of engagement of both civil society organizations and politicians in the modeling process. Critical questions are:

- For politicians: how can stakeholders and the broader public engage better in the process of transboundary river basin management?
- For scientists: to what extent are the models useful in answering questions that politicians are expected to answer?

Finally, we must keep in mind that system understanding and models are only one of many factors that play a role in water diplomacy. Other factors include perceptions of equity, fairness and security and principles of sovereignty.

The working group concluded that the future of peace and prosperity in the Nile basin is driven by four imperatives: environment, security, socio-economy and legality. Thus, maximizing mutual benefits in the Nile Basin is much more than maximizing water use.

4 Discussion

System analysts and politicians are driven by completely different forces. This is a trivial observation, but it is rarely acknowledged and does not inform the design of the negotiation process.

Modelers often see great potential in a system, which inspires them to develop a model. They may be triggered by the art of the impossible. Politicians often have a much more pragmatic outlook and typically focus on the art of the possible. Obviously, both perspectives need to be aligned. The modeler must be seriously interested in the position of the politicians and the type of questions they have, however off the mark they may sometimes seem. Models should provide answers to questions that politicians pose.

Therefore, a key condition for system analytical models to be useful in negotiations is that politicians are engaged in the modeling process. This requires two distinguishable types of models:

1. Models for decision making as part of political processes. These need to be simple, easy to explain, and provide information on indicators that are directly relevant to the process;
2. Models contributing to scientific understanding of systems, capable of analyzing a large variety of indicators and development options. These would be complex models requiring extended, detailed data and expertise.

Models are a means to arrive at an end. It is important that they are flexible and provide an array of modeling options so that decision makers can make balanced decisions.

It should be acknowledged that neither information nor decisions can be fully objective or undisputed. The great challenge is to move from contentious and subjective knowledge to inter-subjective knowledge that is shared.

An interactive discussion among conference participants showed knowledge gaps and opportunities for action. A selection was later presented at the plenary feedback session.

**Knowledge gaps**

- Much is unknown about risk and uncertainty: careful identification, assessment and communication about risks will improve water diplomacy;
- Scientists have to develop new indicators that are useful for politicians, for example indicators that can measure fuzzy concepts such as peace and prosperity. The models’ output needs to be connected to water law principles such as reasonable and equitable use.
- We have to move from contentious and subjective knowledge to inter-subjective knowledge that is shared.

*Figure 5: Identification of knowledge gaps during the final session.*
Opportunities for action

- Call for more transparency: open access of data and models (e.g. Blue Nile);
- Organize the science-policy interface: enhance the dialogue between modelers and politicians;
- The role of civil society and media in water diplomacy should be given more attention;
- Train politicians in water management, and water managers in politics;
- Train a new generation of water leaders (both technical and political).

Figure 6: Identification of opportunities for action during the final session.
Multilevel Water Diplomacy: Creating the links - Working Group 3
Working Group 3 - Multilevel Water Diplomacy: Creating the links

Leads working group: Rens de Man (The Hague Institute for Global Justice) in cooperation with Henk van Schaik (UPEACE Center The Hague) and Herman Havekes (Water Governance Center)
Rapporteurs: Andrea van der Kerk, Eline Bötger, Eva Maas

Since the 1980s, resource management, including water management, has fundamentally been changed by a drive towards decentralization caused by: a) neo-liberal approaches requiring a diminished and different role for governments; b) increasing awareness of environmental problems, which shifted the focus from a single resource to ecosystems, requiring integrated approaches; c) growing attention for the right to be involved in decision-making, which resulted in a shift from top-down organized control towards participation.

As such, within the tripartite of market – citizens – government, the role of the government has become the central object of contestation. However, governmental change towards supporting markets, integrated policy domains, and positive rights is not established by declaration. Change is a process of constant negotiation among many stakeholders at different levels. In this process, multi-level diplomacy facilitates and connects top-down, bottom-up, and horizontal interactions (see figure below). This function of water diplomacy as a connector of various levels was the subject of this working group.

Thus, state and non-state actors are claiming their role in the decision-making process. These actors have different knowledge bases, interests, and understandings of the way the world functions and the principles according to which water should be distributed,
used, priced, and treated. Multilevel water diplomacy can facilitate among these actors to, for example, establish a process of decentralization. This kind of diplomacy can also be essential in linking grassroots work with central government processes for legitimation.

![Water Diplomacy Diagram](image)

**Figure 1: Water diplomacy as the connector**

**Session outlook and key questions**

The working group brought together practitioners in multilevel diplomacy (diplomats, NGOs and river basin authority representatives, government officials, academics, and representatives from banks and intergovernmental organizations) to contribute to the identification and design of strategies to improve conflict prevention and resolution mechanisms.

The following overall questions were addressed in all sessions:

- Why is multi-track diplomacy needed and what are its characteristics?
- What are the main obstacles to cooperation that local level civil society organizations and governments encounter?
- Which tools and instruments create effective linkages between the decision making level and the grassroots level?
- Why is cooperation so difficult? What lessons can be learned?
- What incentives are there for hegemonic actors to cooperate with civil society?
In addition, each individual session addressed specific questions:

Session 1: Can best practices of decentralized water governance arrangements be translated and implemented in different physical, socio-economic, and political contexts?

Session 2: How do international NGOs succeed in connecting the grassroots level to national decision-makers? What lessons can be learned from them?

Session 3: Donors can support development programs based on their own agendas, which allows them to target the interests of social groups that are not targeted by the recipient government. Do these donors link the activities at the grassroots level that they finance with local government? If so, how?

Session 4: What can we learn from grassroots practitioners who, confronted with conflicting interests of the direct water users, establish the connection and create the trust for cooperation?

1 Water diplomacy in the process of decentralization

“There is enough water for everybody’s need but not for anybody’s greed”

Mahatma Gandhi

The session discussed the characteristics of multilevel water diplomacy in addressing today’s complex water issues. Which modes of operation help to translate the interests from the top to the bottom and vice versa? The session focused on a number of case studies in which decentralization processes play an important role: The Netherlands, South Africa, Ethiopia, and Mali. Representatives of the Dutch Union of Waterboards, Hoogheemraadschap van Rijnland, Waterboard Groot Salland, the Ethiopian Ministry of Water and Energy, and the Netherlands Water Partnership discussed their experiences with the participants. The central question in this session was: Can best practices of decentralized water governance arrangements be translated and implemented in different physical, socio-economic, and political contexts? Furthermore, the session explored how stakeholders can really connect across levels. What challenges are ahead of us and how do we move forward?
Summary of lessons learned

“Water diplomacy is about connecting multiple levels, people, sectors, and countries and is also about linking up with the political agenda”

Connecting levels and translating best practices

Connecting top-down and bottom-up processes was identified as one of the key challenges for bringing about multilevel diplomacy. Participants argued that decentralization helps in translating interests from top to bottom and vice versa, and as such helps to connect these processes. Decentralized systems enable the involvement of local stakeholders in decision-making and help to bring their interests into discussions at the top-levels. Also the decisions taken at the higher level can be more easily explained and discussed at the local level in decentralized systems. As such, a common understanding can be reached, preventing and reducing conflicts. Clear communication, including the use of understandable language, is essential throughout these processes.

Furthermore, decentralized systems can lead to decreased bureaucracy and increased efficiency, distribution of administrative powers, use of local knowledge of the involved stakeholders, and better checks and balances due to increased opportunities to control decision-makers. Participants agreed that decentralized water governance arrangements cannot be copied and pasted into different contexts, but they highlighted some water governance building blocks that have proved to work well in different contexts: a powerful administrative organization of water management; a legally embedded system of water management; planning; adequate financing of water management and economic analyses of water measures; and a participatory approach (Consult the publication “Building Blocks for Good Water Governance” by the Water Governance Center for more information).

Regional water authorities (RWAs) are examples of decentralized water governance arrangements, since they work with local stakeholders and are also connected to regional and national levels. Some key conditions were identified that are required for the RWAs to function effectively. RWAs need to have legal and administrative powers, the power to collect their own taxes to be
financially independent, a democratically elected board, a clear focus on water management tasks, close collaboration with other levels of government, and strong relationships with stakeholders. Furthermore, the authorities need to be big enough to be efficient and small enough to recognize local stakeholders and issues.

**Engaging stakeholders across levels is daily work**

Engaging stakeholders at various levels in cooperation processes requires a well thought-out participation strategy and an open mind. As one participant illustrated, stakeholders should be approached “with a blank sheet of paper.” Starting with involving stakeholders at a small scale and then scaling up good practices was considered a useful approach. In this way, participation becomes an iterative and incremental process that can be improved by learning from failures and successes. Make cooperation with stakeholders “daily work” was the advice of one of the participants. Successful examples of participation processes were shared, such as the creation of a water management system from scratch with the active involvement of communities and municipalities. In this case, the stakeholders now feel responsible for the water management system and are also involved in the development of the catchment management strategies.

> “Everything should always start with getting the people involved”

**Common knowledge is a common ground for cooperation**

The different knowledge bases of the stakeholders involved can form an obstacle for inclusive cooperation processes, since common ground for reaching agreements is lacking. Capacity building of local actors such as NGOs and entrepreneurs can be useful in overcoming these obstacles. Overall, credible information and knowledge pools to inform decision-making were considered key ingredients to successful water diplomacy. Setting up joint research teams with researchers from different countries can help to identify and apply common tools and to collect data to build this information base. Applying the same tools on both sides of the borders—such as shared measuring stations or remote sensing systems—improves joint transboundary water management. A common information base and research cooperation process also helps to build trust between the countries involved.
Conclusions and way forward

The key word in the session was connecting. Water diplomacy is about connecting multiple levels, people, sectors, and countries and is also about linking up with the political agenda. In the end, political will is essential to push for changes in the system. Participants advocated for a practical approach towards water diplomacy—to make it “daily work” and to start with taking no-regret measures to deal with life-threatening situations in hot spots. Decentralization can help to prevent and reduce conflicts, but this is only possible if funds are allocated for decentralization and stakeholders are being taken seriously. The importance of meaningful participation of stakeholders, especially at the grassroots level, was a key element in the discussion. Engaging a broad range of stakeholders and fostering a common understanding of problems and solutions can help to prevent conflicts. As one of the participants stressed in the debate, “Everything should always start with getting the people involved.” Furthermore, building trust between different stakeholders was considered crucial for linking the different levels in top-down and bottom-up processes. Furthermore, participants identified the need to continue developing the necessary tools, procedures, and guidelines, hence capacity, for water diplomacy.

2 Multilevel water diplomacy- experiences from international NGOs

“Hopefully in the future transboundary water will rather bind states than divide states”

Water diplomacy includes building relations between the grassroots and the decision-making level. How can these relations be established and what obstacles do we need to tackle? This session reflected on the experiences of international NGOs in water diplomacy processes. How do international NGOs connect the grassroots level and national decision-makers? What lessons can be learned from these experiences? A number of initiatives were discussed to reflect on these questions, including Ecosystems
for Life: A Bangladesh – India Initiative (E4L) by the IUCN (Asia Regional Office); experiences of Green Cross International; UPeace case studies of participatory processes; and a number of IUCN experiences from the Meso-American region.

**Summary of lessons learned**

The session focused on the broad range of actors that have entered the water diplomacy scene and specifically reflected on experiences of international NGOs. The key lessons learned from their experiences can be summarized in the following step-wise approach to establishing an inclusive process of multilevel diplomacy:

**Step 1 - Connect to decision-makers**

All participants highlighted the broadening range of actors involved in water diplomacy and the crucial role that states still play in international diplomacy. After all, it is governments that sign the (inter)national agreements that provide the legal basis for (inter)national policies and plans. Political will remains essential for the adoption and implementation of international law principles.

Examining the position and interests of the interested politicians and diplomats is thus essential when lobbying for a specific solution. Attention should be paid to the following questions: What can the politicians win or lose? What challenges and risks are they facing? Based on the answers to these questions, actors at all levels can start sensitizing the politicians and influencing public opinion to advocate for the desired solution. Understanding the political context and being aware of political sensitivities is crucial in negotiation processes; even the title of a project can be sensitive. Once the political context is mapped, the right (political) momentum to push for action can be recognized and captured.

One participant stated: “Diplomacy is the pursuit of national interests,” indicating that the government will only sign a treaty if it serves its interests. However, a strong focus on national security and national interests can make negotiations a zero sum game, in which one wins and the other loses, or no one gains. However, states are often interdependent. Insecurity in one state leads to insecurity in another state, and prosperity in one state will increase the prosperity in another state. Once negotiating parties start
understanding these interdependencies, a shift can be made from a narrow focus on sharing water quantities towards a broader vision of sharing benefits. This can change the negotiations from a zero sum game towards a mutual gain situation.

Given the important role that states still play, it was advised to involve government officials at an early stage and to, for example, take them on board in advisory committees of non-governmental projects. As a member of such committee, the government representative can clarify and explain the perspectives of the Ministries involved and help to reduce distrust among the different parties.

**Step 2 – Set up multi-stakeholder dialogues to build a shared vision and trust**

“No grassroots participation = no water diplomacy = no peace”

“Transboundary cooperation is an emotional issue”

Multi-stakeholder dialogues (MSD) can be instrumental in connecting the grassroots and decision-makers, since MSDs create a space for information exchange, awareness-raising, and building common understanding and a shared vision of problems and solutions. The dialogue process helps key stakeholders to ‘think differently’ by working together and to find practical solutions for water-related problems. However, power disparities among the stakeholders influence the process and outcome of any participatory dialogue, leading to unbalanced voicing of issues, concerns, and possible solutions. Power disparities are expressed through differences in knowledge and training, unequal procedures for decision-making, the financial and practical ability to attend meetings, etc. Also, the use of techno-scientific language, for instance, might be understandable for many water experts, but can make other (grassroots) stakeholders feel alienated from the debates and can augment power disparities.

Building the capacities of local stakeholders to bridge knowledge gaps can help to address power asymmetries, but reaching a level
playing field remains difficult. Also, sustainable MSDs require mutual trust, clear communication, and persistent patience from all actors involved. NGOs can act as the trusted man-in-the-middle, and foster effective grassroots participation in the process by mobilizing and empowering local stakeholders. There is also a risk of using participatory methods too often; this is commonly referred to as “stakeholder fatigue.”

“NGOs can form the glue between top-down and bottom-up processes”

Step 3 – Joint fact finding

A lesson learned in various cases was that joint research projects are essential to avoid distrust about the source and bias of the research. In one case, a lack of transparency initially obstructed negotiations. The parties were unwilling to share information. In response, a joint research team of excellent scientists from the involved countries was set up, who initiated joint fieldwork and organized scientific discussions. The team produced joint reports that were accepted by both countries, thus creating a common base of knowledge and information. This enabled the development of science-based and reasonable policy recommendations to bridge the gaps between policy makers and grassroots issues.

Step 4 – Verify results

After several moments in the process, the scientists and negotiators need to touch base with their constituency to verify that all stakeholders agree with the details of the reports and to enhance their knowledge and strengthen their awareness of the issues and possible solutions. Otherwise, the scientists and negotiators risk that those they represent will not accept the negotiated results.

Step 5 – Build ownership

When the research results have been verified with the stakeholders, the joint report should be delivered to high-level decision-makers, bringing knowledge and information on the local situation to the table. As such, the report helps to raise awareness of local problems and connects bottom and top levels. A prerequisite for success is that both the top-level decision-makers
and the grassroots actors feel ownership of the decisions and their implementation.

**Conclusions and way forward**

Participants in the session reflected on the experiences of international NGOs and how they can fill the gap between the top and grassroots levels. The key lessons learned from the session can be summarized in a step-wise approach: (1) connecting to decision-making; (2) setting up multi-stakeholder dialogues; (3) engaging in joint fact finding; (4) verifying results; and (5) building ownership of the decisions. To establish this step-wise process, both clear communication and mutual trust are essential. Power disparities, for instance as a result of knowledge gaps, should be addressed to achieve sustainable cooperation processes. International NGOs can address these challenges by empowering grassroots stakeholders and building their capacities. As such, NGOs can form “the glue between top-down and bottom-up processes.” The lack of financial resources from donors to foster grassroots participation makes this difficult. Furthermore, it was stressed that a lack of interest among stakeholders (“stakeholder fatigue”) can also hamper grassroots participation.

### 3 The support of international bi- and multilateral financial support agencies to build effective linkages in multilevel water diplomacy

“Water links development issues together”

This session brought the donors to the table to discuss their role in facilitating multilevel water diplomacy. International financial support agencies, such as donor countries, UN-agencies, and development banks, have considerable experience in facilitating change. They support development programs based on their agendas, which allows them to target the interests of vulnerable groups that are not always heard by their governments. Key questions that were reflected on in this session were: How do international bi- and multilateral financial support agencies finance activities at the grassroots level? How do they contribute to effective linkages
between decision-makers and the grassroots? What is role of the traditional diplomat in multilevel diplomacy?

**Summary of lessons learned**

Representatives from international bi- and multilateral financing agencies and donor countries reflected on the role of donors in multilevel water diplomacy and discussed challenges and lessons learned with session participants. The following key elements and lessons learned were highlighted in the debates.

**Connecting the broadening range of actors**

Philanthropic organizations, such as the Bill and Melinda Gates Foundation, and the business sector are becoming increasingly involved in water governance. They realize that they must improve water governance in order to achieve development goals, but that a thorough understanding of water issues is required. The business sector increasingly acknowledges that a profound understanding of the political and social situation in countries is required to avoid potential risks for the company and to minimize business costs. Cooperation across the broadening range of actors is required to work towards sustainable water governance.

While new actors are getting involved, governments remain the lead stakeholders in water diplomacy processes. Given the key role of government agencies, understanding the position of decision-makers and politicians (at all levels) and their risks can help to successfully influence water diplomacy processes. What does the politician or decision-maker risk and/or gain by acting? Risks should not only be measured from a water perspective but also from a political perspective.

Also, the European Union is entering the field of water diplomacy. This summer, the EU Council of Foreign Affairs published the Council conclusions on EU water diplomacy, recognizing the threat of tensions and conflicts over access to water for stability and peace in the world and the EU. With the document, foreign ministers highlighted the political dimension in engagement with water. The document further emphasizes the importance of the nexus approach (food, energy, water) in the context of transboundary cooperation and identifies actions and policy objectives at the regional (river basin) and global level (water conventions).
Connecting across sectors

Although an increasing number of players are entering the field of water governance and water is, in a natural way, connecting all sectors, not all sector representatives realize the importance of good water governance and sustainable water management. In order to address the current challenges of food insecurity, unsustainable water management, and poverty, donor representatives stressed that the water sector needs to link up with other sectors. Water professionals have to think ‘out of the traditional water box’ and engage with, for instance, the energy sector to make these sectors ‘water smart.’

Water professionals can help to make urban plans and energy policies robust and sustainable. These sectors need to be convinced that taking water into consideration in their plans and policies is good for their businesses and helps to avoid social conflict. However, it is important to be aware of power asymmetries between a Water Ministry and other ministries such as the Ministry of Energy, which is traditionally more powerful and might be reluctant to cooperate. How can the water sector engage with these powerful sectors? A concrete recommendation is to build business cases for every sector showcasing how much these sectors (e.g., the energy sector, urban planning) gain or avoid losses by sustainable water use.

Challenges

In their efforts to support water diplomacy processes, donors encounter a number of challenges. For example, donors mentioned that sometimes it is difficult to support grassroots actors, because their goals and activities are often politically sensitive. Furthermore, when donors decide to support grassroots organizations and dialogues, it is difficult to select which ones to engage with. After all, these choices influence the power balance at the grassroots level and beyond.

Another challenge is connecting the grassroots level with high-level decision-making processes. Empowering the grassroots is insufficient—they need to be linked to higher decision-making levels. Participants suggested that spaces should be created wherein high-level political actors meet with grassroots level organizations and exchange information and raise awareness on mutual water-related challenges.
Finally, the issue of integrity was discussed, especially in relation to the aid-to-trade agenda. How can conflicts of interest in the development and implementation of aid/trade be prevented? How can we ensure that donors are honest about their agendas?

“Water professionals have to come “out of the water box”

Conclusions and way forward

We are moving into a rapidly changing global setting with new partners, such as companies and philanthropic organizations. A general conclusion of the session was that teaming up with this broadening range of key players (targeting both usual and unusual suspects) is crucial for influencing policies and bringing about change. The debates in the session reflected the potential for cooperation and mutual learning across levels and sectors. To facilitate a level playing field for the different actors involved, there is a need to create connections between the layers. This includes giving new actors access to the fora where decision-making takes place and action is being initiated. Mapping power relations and decision-making structures can contribute to clarifying and leveling the playing field.

To realize cooperation across sectors, water professionals have to come “out of the water box” and think along with the professionals in other sectors. Building business cases to showcase the gains and losses in terms of sustainable water use can help to create cross-sector linkages and stimulate sustainable practices. Finally, the session highlighted the need for integrity at all levels. Donors need to assess themselves critically: do we influence water sector development in the right way and how can we learn more from successes and failures?
4 Creating trust: hands-on grassroots diplomacy

This session brought the role of active citizens to the fore, as they can be instrumental in establishing long term and sustainable change. What can we learn from grassroots water diplomacy practitioners who, confronted with the conflicting interests of the actual water users, create trust for cooperation? Experiences from initiatives in South Africa, Colombia, Myanmar, and the Netherlands were presented and discussed to extract lessons learned and to identify ways forward.

Summary of lessons learned

The presentations and discussions with participants made clear that nature restoration and water development projects can create friction and distrust among stakeholders. Trust was considered a key element for establishing sustainable agreements among water users. However, traditional diplomatic and participatory methods are often insufficient to establish trust, and mediation skills are required to make stakeholders aware of mutual beliefs and values. For mediators, knowing and understanding the socio-cultural and political-economic context of the project is essential to work towards sustainable solutions.

Sustainable solutions also require the involvement of a wide range of stakeholders, including the government, on an equal footing. Taking into account the needs of the least powerful players was considered important to keeping all partners on board. A sense of urgency and common awareness of the seriousness of problems further helps to mobilize stakeholders. Bringing different stakeholders together in meetings facilitates the creation of a common pool of credible information and can help to formulate a shared vision.

“The bottom-up approach and receptiveness to grassroots initiatives led to high levels of public support”
Participants stressed that national government authorities, as important stakeholders in the realization and implementation of new policies and plans, need to take local ideas and initiatives seriously. Political will was regarded as a condition for successfully taking up projects. This can, at times, be difficult to achieve, since politicians are not always interested in listening to grassroots voices.

However, in some of the presented cases the national government adopted the outcomes of local stakeholder participation processes, bringing the highest political decision-level and grassroots level together. This bottom-up approach and receptiveness to grassroots initiatives led to high levels of public support for the project and resulted in few court cases initiated by complaining citizens. Civil society organizations and networks can help to mobilize and bring the ideas of grassroots communities into the debates. Starting with a small project and scaling up over time can help to mobilize and engage local stakeholders. Building local ownership of the process will help to ensure implementation of the solutions.

Lastly, the practitioners discussed the financing of multilevel dialogues: to make the process sustainable, it was recommended that multiple funding sources be sought.

**General conclusions and way forward**

The focus in this working group was on multilevel diplomacy. How can we cooperate and create links between stakeholders at different levels? Experiences from cases in Africa, Asia, Europe, and Latin America were shared and discussed to reflect on these questions. The working group included perspectives from civil society organizations, intergovernmental organizations, financial agencies, governments, and universities and involved participants working at local, regional, and international levels. In an informal atmosphere, presentations on experiences were combined with group discussions and interesting insights on practical water diplomacy experiences were brought forward. The general conclusion was that **multilevel diplomacy can connect** levels, people, sectors, countries, and can also connect these actors to the political agenda.

The broadening range of actors joining the water diplomacy scene and the need to team up with a wide variety of actors was central to the discussions. The private sector and philanthropic organizations increasingly see the importance of the topic and often also have
the resources to facilitate change. Still, governments play a central role and political will remains essential to pushing for changes in the system. Carefully analyzing the interests, concerns, and risks for the involved politicians and decision-makers and capturing the right political moment was considered as a crucial prerequisite for success.

Creating links also requires connecting sectors. Water professionals have to come “out of the waterbox” and think along with the professionals in other sectors, such as the energy and urban planning sector. Building business cases to showcase the gains and losses for other sectors in terms of sustainable water use can help to create cross-sector linkages and stimulate sustainable practices. Connecting across levels and sectors also brings conflicts of interest and hidden agendas to the fore. Participants therefore stressed the need for integrity in multilevel cooperation.

Successfully engaging grassroots actors in water diplomacy processes is not always easy due to power disparities, knowledge gaps, lack of resources to organize or participate in meetings and dialogues, and even “stakeholder fatigue”. Overcoming the pitfalls of participation requires joint fact-finding, information exchange, clear communication, and, above all, trust building. Successful participation processes give both top-level decision-makers as well as grassroots actors a sense of ownership of the outcomes.

Multi-stakeholder dialogues can form useful platforms for exchanging information and ideas on various levels and can create spaces for building trust between groups. Joint fact-finding by researchers from different countries can help to create credible and acceptable knowledge and information bases to sustain these dialogues. Mapping decision-making structures and power relations can aid understanding and level the playing field in the multi-stakeholder platforms.

Also, capacity building at the local level to bridge knowledge and skills gaps and to empower local stakeholders can help to level the playing field. There is still a need to develop useful tools, procedures, guidelines, and capacity for water diplomacy at all levels.

Finally, water conflicts are complex but are also real and practical problems that can lead to life-threatening situations across the world. Therefore, participants advocated for a practical approach to water diplomacy, making cooperation “daily work” and “everybody’s business.”
In the closing plenary, organizations that chaired each working group presented the outcomes and next steps as that their groups had arrived at. The working groups reflected three key perspectives on prevention and resolution of water-related conflicts: the legal/institutional approach, the system analytical approach, and the multilevel approach. The presentations were followed by reflective discussions between a panel of water experts and diplomats and the audience. The session was followed by a discussion on building upon the results. Finally, Mr. Rob Swartbol, Director-General for International Cooperation at the Netherlands Ministry of Foreign Affairs, presented the concluding remarks.

**Working group 1: Making cooperation work**  
*– A legal, institutional and political perspective*  
*Presentation by Patrick Huntjens, The Hague Institute for Global Justice*

The key questions discussed during the first working group were: What legal, institutional and diplomatic methods are available for water conflict prevention and resolution as well as the peaceful management of shared water resources, how can they be improved, and what are the needs of and for diplomacy concerning legal instruments and institutional arrangements?

Working group 1 looked at water diplomacy from a legal, institutional and political perspective. By discussing partnerships and water diplomacy initiatives in the Mekong Delta, Jordan Basin and the San Juan Basin, several legal and institutional instruments were examined. The discussions showed that international law provides many opportunities to build cooperation between different actors. Bringing different parties together in the same room was seen as an especially important tool. However, international law still has to be implemented by states. If they do not want to cooperate, there is often little that can be done against their veto. Also the possibility for non-state actors to contribute their views is subject
to the approval of states. Moreover, many treaties and conventions are old and inflexible, and they do not account for new technology or urgent concerns such as the environment. It was concluded that good governance at all levels is crucial to strengthen international law and its instruments.

In the closing discussions, it was remarked that while water diplomacy is a current buzzword, it should not be forgotten that people have been engaged in diplomatic activities around water issues for many years. It was emphasized that there have been a variety of initiatives and they need to be coordinated in order to move forward. This remark related to what was said earlier during the panel discussions. A view emerged that as a community of practice we seem scared to use current legal principles in our daily work, even though legal tools can greatly enrich the water professional’s toolbox. An advocated plea was made not to move away from the idea that there is no agreement on water. “We should be moving towards implementation and see what is happening on the ground, because there is so much going on. We need to surpass the information void at the global level, because the situation on the ground is completely different. Countless projects which are developed contain information that could be used in everyday practice.” A panelist argued that it was important to take stock of what has been done in the past. He added that water diplomacy is a common denominator of all these past initiatives, and that the Water Diplomacy Consortium is a stepping stone to fully harnessing the added value of diplomacy.

Working group 2: Water diplomacy and the resource—System analytical approaches for sharing international waters
Presentation by Pieter van der Zaag, UNESCO-IHE

The leading question in the second working group was: how can system analytical approaches improve dialogue between politicians, diplomats and system analysts in a trans-boundary context, and lead to fair sharing of international waters?

The question was discussed in the context of cases of the Aral Sea and the Eastern Nile. The emphasis was on improving the international dialogue between politicians, diplomats and system analysts. One of the recommendations was therefore to look at
“translators” who can make the connection between the technical world of water and that of environmental policy. A water-training for politicians and a political training for water managers can contribute to a constructive two-way dialogue. Furthermore, the important role of civil society and media in transboundary water management was emphasized and the participants called for more transparency, and open access to data and models.

Local implementation emerged as a focal point in this working group. In this regard, an audience member presented an example related to the adoption of biofuels. She said that while she was very enthusiastic about one of the presentations on a model developed jointly by scientists and a government related to the use and production of biofuels, she had learned that local people did not buy into the models and therefore could not use the knowledge it offered. She asked how such challenges should be addressed. A panelist answered that first of all, water management is about water balance. “You figure out what the water budget is and then you think about what to do, what are the political and social decisions that are made which then influence the water balance?” The same goes for biofuels as well. But this has a scientific component too: it needs to be calculated how much energy goes into producing the plants and the extent of the resultant pollution. In other words: what is the net water and economic balance of producing the biofuels? Addressing this challenge is therefore a matter of social and political will, and should ideally take into account all the impacts, costs and benefits.

In the concluding session of this working group, discussions focused on the risk of ignoring uncertainties in water diplomacy processes. “Politicians are not too comfortable with uncertainty”, a participant stated. “But isn’t it the other way around? I believe that people do not like certainties, such as the current degradation of water sheds, the uncontrolled economic development in water basins and mining areas, the rapid growth of cities in river water basins, and global population growth. How should we make these uncertainties a subject of discussion in terms of water diplomacy?” This question was only replied to in a rhetoric way, as a panelist quipped: “Politicians hate the unknown certainties, but the known certainties they like.”
**Working group 3: Multilevel water diplomacy**

– *Creating the links*

*Presentation by Rens de Man, The Hague Institute for Global Justice*

Working Group three focused on multilevel diplomacy. How can the various water cooperation processes be brought together? And how can stakeholders across the different levels be connected? These questions were discussed on the basis of ten case studies from Africa, Asia, Europe and Latin America. Reflections on these questions by several international players such as NGOs and donors were discussed with participants at the session. It was emphasized that multilevel water diplomacy requires connecting levels, people, sectors, countries and connecting to the political agenda. Creating these links calls for information sharing, trust building and clear communication. In addition, analyzing the interests, concerns and opportunities for stakeholders and choosing the right political momentum is essential. Giving voice to grassroots players is crucial for sustainable cooperation, but also difficult given the power differences between the parties. Multi-stakeholder platforms can contribute by creating space for building trust between parties at various levels. Research teams with experts from different countries can provide the processes with a credible information base.

In the light of the presented outcomes of this working group, an audience member commented on the idea that we should connect to the political agenda or, in other words, it is important to take into account the interests of politicians. “Should we as water people not tell the politicians which direction we want them to go, and then we promise we will keep voting for them. It is us who create political will.” However, another audience member countered that this would not work at all: water experts are simply not numerous enough to weigh upon politicians significantly, in terms of votes. They could guide politicians in a certain direction, but in the end, it is the politician who signs the papers. After all, politicians represent the people, the majority consensus. As the chairing organization of this working group mentioned: connectivity is the key.

A remark from the audience contended that the session had not included all stakeholders, for instance water user groups were missing. It was suggested that some stakeholders who were subject of the debate, but not represented well enough during the conference, should be represented better the next time.
Experiences from the conference were then linked to the Sustainable Development Goals and the post-2015 agenda. One of the participants suggested that it might be a good idea to integrate targets from different sectors such as food and energy into the water goal. “Because the other way around, having a water target in different sectors, means that we will be everywhere. And when we are everywhere, we are nowhere.” In other words, water should not be incorporated into other goals but it should be the other way round. A panelist responded that she was not sure whether that would be a good idea. Going about it one way or the other, water security is the essential link in targeting other goals such as climate change, food security and disaster risk reduction. The solution lay in making this message clear to the other sectors too.

In response to the presented outcome that related to dealing with power disparities between people at the grassroots level and decision makers, an audience member said that power imbalances occur even at the grassroots level. “We spoke a lot about top-down and bottom-up approaches, but barely about the institutional mechanisms at the middle level. How to further develop them? How to target that center stage?” he added. Indeed, there is a gap between top-down and bottom-up approaches in development aid. Connecting the local level to the national or the international level is a challenging task, in which intermediate levels can become the glue that connect ideas and views. There is a whole range of institutional frameworks that can serve as intermediate steps between the two extremes. These comments were met with the recommendation to take a first step towards creating opportunities for interaction between these stakeholders, so they can get insights into each other’s interest.

**Carrying the results forward: reflections by participants**

Alexandros Yannis from EEAS mentioned that the previous summer, the EU Council of Foreign Affairs had published its conclusions on EU water diplomacy, recognizing the threat of tensions and conflicts over access to water, to the stability and peace in the world and in the EU. For the first time at the level of foreign ministers, member states adopted a common position on the principles and objectives of the European Union’s engagement in water diplomacy. Yannis mentioned three key-elements regarding the EU Council’s position: (1) the nexus approach, which focuses
on the connection between water, energy, climate change and food; (2) the centrality of the political dimension; and (3) the focus on transboundary water cooperation. This element has a regional (i.e. river basin) and a global dimension, and includes the promotion of water cooperation based on international agreements, conventions and partnerships.

Following Yannis, Therese Sjömander Magnusson from Sida emphasized that when including formal diplomats in water cooperation, it is important to think about the background of the diplomat and the level of operation. She also underlined that sometimes the role of riparian diplomats is underestimated. It is sometimes forgotten that those diplomats play a very important role as mediators and negotiators. She emphasized that there is an enormous potential in diplomats to assist their partners in interpreting conventions and agreements, and in understanding the language of politicians.

Giuseppe Reibaldi from Rotary International explained the connection between the Rotary, water and peace. Basic humanitarian support and support to peace are at the forefront of Rotary’s agenda. The organization has eight peace centers around the world and is connected to several universities through partnerships, supporting many Rotary Fellows worldwide. The Rotary also finances many water projects. Moreover, the philanthropic branch of Rotary has teamed up with UNESCO-IHE and founded a number of fellowships. The Rotary Club, The Hague Metropolitan (RCTHM) also focuses on peace-related activities and is partnering with a number of NGOs, including GPPAC (Global Partnership for the Prevention of Armed Conflict).

Lena Salamé of UNESCO-IHP conveyed a message by the Director of the UNESCO Division of Water Sciences and Secretary of the International Hydrological Programme, Mrs. Blanca Jimenez Cisneros. She mentioned that UNESCO has been an important supporter of water cooperation for a long time, helping member states prevent conflicts. The closing ceremony of the International Year of Water Cooperation would take place on December 5 and 6 (2013) in Mexico, where Mrs. Blanca Jimenez Cisneros will convey to the participants the messages of the Water Security and Peace conference, as a contribution towards the global effort for water cooperation. (The full text of the UNESCO Statement can be found in Annex I.)
Mark Smith, leader for the thematic process towards World Water Forum Seven (WWF7) in South Korea in 2015, said that the thematic framework for WWF7 would be decided upon shortly. It would be no surprise if a theme was dedicated to water cooperation and peace, building on the work done during the previous Forum in Marseille (2012). The next step in the process would be the second stakeholder meeting in February 2014, in South Korea. In that meeting, the most important goal for the thematic commission would be to identify organizations and institutions that would lead the various themes/sessions. Smith extended an open invitation to organizations represented in the audience to do so. He said that messages and lessons from the Water Diplomacy and Peace Conference would certainly inform the agenda of World Water Forum 7.

Concluding the proceedings, Rob Swartbol, Director-General for International Cooperation at the Netherlands Ministry of Foreign Affairs, highlighted the importance of water to sustaining security, development and the economy. “Our future is linked to water, or the lack thereof, and so there is an urgent need for water cooperation. The Netherlands has focused on this by promoting water diplomacy and being increasingly active in transboundary water projects.” Swartbol stressed that it was important to have an ambitious water goal within the post-2015 development agenda and that this goal should continue and complete the work started under the Millennium Development Goals. The Netherlands would keep working on clear targets related to integrated water management, water quality, resilience to water disasters, and access to water and sanitation. Because water scarcity is increasingly being approached from a geo-political point of view, new diplomatic challenges arise and the need for a nexus approach becomes all the more apparent. In this respect, the Dutch Ministry of Foreign Affairs has decided to combine all divisions working on water, energy, natural resources and climate within a single department dealing with global issues. Soon they will be joined by food security experts as well. Swartbol concluded by saying that the conference had contributed to a better understanding of water diplomacy and had added a new chapter to developments around the theme.
Closing ceremony
Afterword

Patrick Huntjens and Henk van Schaik

The Water Security and Peace conference addressed three perspectives on conflict prevention and resolution, namely the legal/institutional perspective, the system analytical perspective and the multilevel diplomacy perspective. The three working groups attracted participants from various disciplines, and diplomats from several countries working on water conflict prevention and resolution.

The relevance of all three perspectives was clearly endorsed by the participants. Water diplomacy requires an approach that diagnoses water problems, identifies intervention points, and proposes sustainable solutions that are sensitive to diverse viewpoints and values, ambiguity and uncertainty, as well as changing and competing needs.

An important lesson from the conference is that there is no one-size-fits-all solution to water diplomacy. It entails various processes, often simultaneously, at different levels and across levels, to foster cooperation. It was highlighted on several occasions that conflicts over water resources are complex because of their intricate coupling with natural and societal domains. As a result, conflict resolution has to take into account specific socio-economic conditions and political contexts.

Water diplomacy can be successful when parties with conflicting interests recognize that non-collaboration is likely to result in a worse outcome for all. Sharing international waters should be approached from the perspective that shared opportunities can exceed the optimum national benefits. The aim of water diplomacy should therefore be to identify and strengthen such mutual benefits.

Another important conclusion of the conference was that focusing on the national level alone is not enough. A multi-level approach is needed, strengthening and harmonizing global, regional, national and local cooperation, and integrating the numerous interests and agendas. This idea highlights the importance of vertical integration, which can be achieved by organizing multi-level interactions (e.g.
by means of multilevel water diplomacy and fine-tuning centralized control with bottom-up approaches).

Connecting various actors, or horizontal integration, is important as well. This can be achieved by organizing multi-sector interactions (e.g. by means of participatory planning processes, adaptive and integrated management approaches, stakeholder alignment, and harmonization of policies, particularly those related to the land-water-food-energy nexus). Achieving successful cooperation over water depends upon the involvement and collaboration between many interdependent actors, each having their own ambitions and preferences, responsibilities, problem perceptions and resources.

Reflection upon deliberations at the conference would suggest that the main challenges for water diplomacy are:

- The ability to build trust among competing stakeholders. Stakeholders have different and sometimes conflicting claims with regards to water. Moreover, there is often insufficient communication between the various actors involved, who often also adopt inflexible positions.
- The ability to organize multi-sector interactions and harmonizing policies related to the land-water-food-energy nexus;
- The ability to organize multi-level interactions, in particular the fine-tuning of centralized control with bottom-up approaches and challenges related to decentralization;
- The ability to manage a growing multi-actor policy environment. The international arena is not exclusively the domain of Ministries of Foreign Affairs and diplomats anymore. Many local, national, regional and international organizations are working on the development and application of legal frameworks, economically validated resource assessments, technical solutions, and institutional arrangements/ processes at sub national, transboundary and global levels. So much so that the plurality of actors and instruments that are emerging to enhance water security has become a complication in practice.
- The ability to deal with uncertainties. Conflict and cooperation over water resources is afflicted with uncertainties: unpredictability of developments; incomplete knowledge; or conflicting views on the seriousness of a problem, its causes
and potential solutions. Nowadays, uncertainties related to water resource management are on the rise since the pace and dimensions of changes (e.g. climatic, demographic) are accelerating and are likely to do so even more in the future. The conference also highlighted the phenomenon of political uncertainties, or when political decision making does not necessarily follow a rational path (assuming such a path exists) but is laden with emotions. It is crucial to find pragmatic ways to deal with this in water management practice.

Overall, the key challenge is the lack of capacity to deal with complexity and uncertainty related to conflict and cooperation over water resources. In response to these challenges, the Water Diplomacy Consortium (WDC) is developing several working papers, conceptual approaches, and tools. The outcomes of the conference and working papers strengthens this work of the WDC.

Drawing upon the combined expertise of its members, the WDC offers the following services to governments and public entities at all levels, intergovernmental organizations, civil society organizations, and other stakeholders that need assistance in the field of water diplomacy (broadly defined):

- Conflict tracking and conflict prevention advice, including on improving water governance and management systems
- Capacity development and training in water governance and water management, as well as conflict resolution
- Advice on conflict resolution methods, ranging from facilitation to mediation, conciliation, arbitration and adjudication
- Direct assistance as an “honest broker” in conflict resolution, using a number of methods ranging from facilitation to mediation, conciliation, arbitration and adjudication, as appropriate for each case
- Advice and/or direct assistance with post-conflict peace building in/through the water sector
- Research and publications, including case studies and good practices, on all of the above
- Organization of conferences and other events on water diplomacy for experts and the general public
Afterword
# Organizing Committee

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<tr>
<th>Name</th>
<th>Function &amp; Organisation</th>
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<tbody>
<tr>
<td>Patrick Huntjens</td>
<td>Head of Water Diplomacy, The Hague Institute for Global Justice</td>
<td>Conference Manager, Co-Chairman of Conference, and Lead Working Group 1</td>
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<tr>
<td>Henk van Schaik</td>
<td>Lead Water, University for Peace Centre, The Hague</td>
<td>Conference Coordinator, Co-Chairman of Conference</td>
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<tr>
<td>Pieter van de Zaag</td>
<td>Professor of Integrated Water Resources Management, UNESCO-IHE Institute for Water Education</td>
<td>Lead Working Group 2</td>
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<tr>
<td>Joop de Schutter</td>
<td>Senior Advisor Business Strategy and International Cooperation, UNESCO-IHE Institute for Water Education</td>
<td>Lead Working Group 2</td>
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<tr>
<td>Rens de Man</td>
<td>Researcher, The Hague Institute for Global Justice</td>
<td>Conference Management, Lead Working group 3, (commissioned by the Water Governance Center)</td>
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<tr>
<td>Herman Havekes</td>
<td>Strategic Advisor, Water Governance Centre</td>
<td>Co-lead working group 3</td>
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<tr>
<td>Barend ter Haar</td>
<td>Clingendael, Netherlands Institute for International Relations</td>
<td>Member of Organising Committee and Moderator</td>
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<tr>
<td>Louise van Schaik</td>
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<td>Researcher, The Hague Institute for Global Justice</td>
<td>Conference Management and Logistics</td>
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<tr>
<td>Alida Pham</td>
<td>Press Officer, UNESCO-IHE Institute for Water Education</td>
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<td>Zaki Shubber</td>
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<tr>
<td>Hasan Aloul</td>
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<tr>
<td>Petra van der Ham</td>
<td>Operational Director, University for Peace, The Hague Center</td>
<td>Venue logistics</td>
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Part I
Opening Plenary - Water Diplomacy Challenges November 14

Welcome address
Deputy Mayor Rabin Baldewsingh, The Hague’s Alderman for Public Health, Sustainability, Media and Municipal Organization

Introduction of the Water Diplomacy Consortium, the Conference Program and Outputs.
Henk van Schaik, UPeace Center The Hague (Conference chair)

Keynotes

Water diplomacy from a hands-on perspective
David Grey, University of Oxford

Challenges to water security now and in 2050 – A scientific outlook
Pavel Kabat, International Institute for Applied Systems Analysis (IIASA)

A negotiated approach to managing complex water issues
Shafiq Islam, Tufts University, USA

Mediation as a tool for solving water-related disputes
Aaron Wolf, Oregon State University, USA

Arbitration and legal processes regarding water-related disputes
Judge Kenneth Keith, International Court of Justice
**Multilevel water diplomacy**

Mark Smith, Director - IUCN Global Water Programme

**Part II  Thematic Working Groups**

**WORKING GROUP 1: A legal and institutional perspective**

Lead Working Group: Patrick Huntjens, Head of Water Diplomacy, The Hague Institute for Global Justice

Note-takers: Rozemarijn ter Horst, Natalija Milicevic

**Session 1**: Introduction: Making water cooperation work

Chair & Moderator: Lena Salamé, UNESCO

**Session 2**: Middle East Multilateral Negotiations on Water Resources

Chair & Moderator: David Grey, Oxford University

**Session 3**: Mekong Region

Chair: Marko Keskinen, Aalto University, Finland

Moderator: John Dore, Australian Department of Foreign Affairs and Trade

**Session 4**: Perspectives from International Organizations & Water Diplomats, wrap-up  WG1 and agenda for further work

Chair & moderator: H.E. Bas ter Haar, Netherlands Institute of International Relations ‘Clingendael’

**WORKING GROUP 2: A system analytical perspective**

Leads working group: Pieter van der Zaag and Joop de Schutter, UNESCO-IHE

Note takers: Roel Blesgraaf and Hermen Smit

**Session 1**: Introduction

Chair: Pieter van der Zaag, UNESCO-IHE

Moderator: Diego Rodriguez, World Bank
Session 2: Case 1 – Aral Sea Basin
Chair: Pieter van der Zaag, UNESCO-IHE
Moderator: Daene McKinney

Session 3: Case 2 – Nile Basin
Chair: Eugene Stakhiv, UNESCO-ICIWaRM
Moderator: Pieter van der Zaag

Session 4: Discussion and Recommendations for Next Steps
Chair: Eugene Stakhiv, UNESCO-ICIWaRM
Moderator: Maarten Gischler

WORKING GROUP 3 – Multilevel Water Diplomacy: Creating the links
Leads working group: Rens de Man, The Hague Institute for Global Justice, in cooperation with Henk van Schaik (UPEACE Center The Hague) and Herman Havekes (Water Governance Center)
Note takers: Andrea van der Kerk, Eline Bötger, Eva Maas

Session 1: Water diplomacy in the process of decentralization
Session chair and moderator: Lida Schelwald-Van der Kley, Heemraad Waterschap Zuiderzeeland

Session 2: Multilevel water diplomacy by international NGOs
Session chair and moderator: Sibylle Vermont, Swiss Federal Office for the Environment

Session 3: The support of international bi- and multilateral financial support agencies to effective linkages in multilevel water diplomacy
Session chair and moderator: Therese Sjömander Magnusson

Session 4: Creating trust: Hands-on grass root diplomacy & Looking for complementarity of the presented approaches
Session chair and moderator: Jan Jaap de Graeff, Water Governance Center
**Part III  Final Plenary**

***PRESENTATIONS OF THE OUTCOMES and next steps by the chairing***
organizations in the form of an Action Agenda. Responses by
a selection of water experts and diplomats, including plenary
questions and answers.

Moderated by Louise van Schaik, Clingendael

**Working Group 1**: Patrick Huntjens, The Hague Institute for
Global Justice

Responses: Balázs Heincz, Alexander Verbeek, Anton Earle

**Working Group 2**: Pieter van der Zaag, UNESCO-IHE

Responses: Eugene Stakhiv, H.E. Enayatullah Nabil

**Working Group 3** Rens de Man, The Hague Institute for Global
Justice

Responses: Shiv Mukherjee, Jane Madgwick, Shafiqul Islam

***CARRYING THE RESULTS FORWARD: reflections by participants,***
moderated by Henk van Schaik, UPeace Center The Hague (Con-
ference chair)

**Reflections by:**

Alexandros Yannis, EEAS

Therese Sjömander Magnusson, SIDA

Giuseppe Reibaldi, Rotary International

Lena Salame

*(representing Mrs Blanca Jimenez Cisneros UNESCO-IHP)*

Mark Smith, IUCN

**Concluding remarks**

H.E. Rob Swartbol, Director-General for International
Cooperation, The Netherlands Ministry of Foreign Affairs

**Closing of the conference**

Patrick Huntjens, The Hague Institute for Global Justice
Closing statement by UNESCO-IHP

Blanca Jimenez Cisneros
Director of the UNESCO Division of Water Sciences
and Secretary of the International Hydrological Programme

Ladies and Gentlemen,

UNESCO was appointed by UN-Water to lead the preparations for both the 2013 International Year of Water Cooperation and World Water Day, in collaboration with the United Nations Economic Commission for Europe (UNECE). UN-Water called upon UNESCO to lead the 2013 International Year of Water Cooperation in view of the organization’s multi-dimensional mandate and its significant and long-standing contribution to the management of the world’s freshwater resources.

The year focused and is still focusing on raising awareness around the following messages:

- Water cooperation builds peace;
- Water cooperation is key to socioeconomic development, poverty eradication, social equity, gender equality and environmental sustainability;
- Water cooperation creates tangible economic benefits;
- Water cooperation is crucial to preserve water resources, ensure their sustainability and protect the environment.

Water touches indeed upon all aspects of life. This understanding is rooted in UNESCO’s core mandate and overarching vision for the creation of a “Culture of Peace” through promoting dialogue among Nations. By assisting its member states in preventing conflicts and promoting dialogue among countries, people and communities, UNESCO creates an important basis for water cooperation. In the last 20 years, UNESCO has paved the way to the concept of “water diplomacy”. Through its different programs devoted to freshwater resources (IHP and WWAP), its water-related centers (IHE and
Category II Centers), and its networks of Chairs, the Organization provides the scientific basis for water related decision making. Through one of IHP and WWAP’s associated program, the PCCP, the organization provides support needed in cooperation processes through building capacities and cutting edge research in dispute resolution and cooperation building. Another UNESCO-IHP activity, the International Shared Aquifer Resources Management (ISARM) program, is developing a thorough and multidisciplinary assessment of transboundary aquifers globally, thus contributing to their peaceful and sustainable management.

UNESCO pulls together experts from around the world and creates a unique network of excellence capable of supporting its target audiences in addressing the complex areas of water cooperation. It develops new information and knowledge; it builds capacity and raises awareness at the global level on the challenges and opportunities at stake when it comes to managing water resources. From individuals, teachers, project managers, up to decision-makers and politicians UNESCO is provides training and ammunition for policy decisions on water related matters for the peaceful and sound management of water resources.

The international community increasingly recognizes the importance of peacefully managing shared natural resources, in particular water resources, and this conference brought a fundamental contribution towards the promotion of this awareness.

Developing a solid understanding of the main ingredients required for good water governance is essential if we want to succeed in sustainably and effectively managing our water resources. Governance of transboundary waters is especially important because it adds an extra layer of international complexity and needs to be combined with a high degree of diplomacy and political sensitivity and readiness. UNESCO is actively supporting several activities on water governance with several partners such as the Global Environment Facility and the OECD.

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention) and the Convention on the Law of Non-Navigational Uses of International Watercourses (‘97 Water Convention) provide comprehensive global legal instruments for the management of transboundary water resources. At the last Meeting of the Parties of the UNECE Water Convention held in Rome in 2012, the UNECE fully integrated model provisions on transboundary aquifers thus
taking full attention to all transboundary systems, both surface and groundwater. UNESCO and UNECE are jointly providing support to Member States outside of the UNECE region that wish to join this Convention.

We hope that the messages formulated during this International Year of Water Cooperation will feed into the global debate on the post-2015 agenda and that the stamp of the IYWC will survive beyond the Year itself to be reflected in the Sustainable Development Goals. We need to look at the management of water resources in a holistic fashion, we need to raise awareness about the risks of not responsibly protecting our water resources, both surface and groundwater. The period between 2015 and 2030 will be crucial to determine whether we can really find a way to live on this planet without exhausting its capacities. In some cases, we have already gone beyond the so-called “planetary boundaries”. We need to rethink our priorities and strengthen our cooperation at all levels.

The future phase of IHP from 2014 to 2021, will focus on: WATER SECURITY: RESPONSES TO LOCAL, REGIONAL, AND GLOBAL CHALLENGES. UNESCO-IHP is looking at the results of this Conference and stands ready to pledge its full support to the implementation of its outcomes in its future phase in order to contribute to the implementation of concrete activities on water diplomacy.

I am delighted to invite you all to participate in the closing ceremony of the International Year of Water Cooperation that will take place in Mexico on 5 and 6 December 2013. On this occasion, I will convey the messages of today’s event to the delegates convened in Mexico as a contribution to the global effort on water cooperation.

Thank you.