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WORKSHOP

***Water: A factor of instability or
an opportunity for cooperation?***

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Event report

CONCEPTUALISING WATER AS A SECURITY CHALLENGE: GLOBAL TRENDS AND REGIONAL CHALLENGES

Speakers included **Ambika Vishwanath**, Senior Program Manager, Strategic Foresight Group, and **Gareth Price**, Senior Research Fellow, Asia Programme, Chatham House.

Global trends: a comprehensive overview

Understanding the connection between water and other resources has regional and global relevance. Water issues cannot be addressed in isolation, but should rather be tackled by linking water to other topics such as energy, food security and climate change. These all have implications for quantity and/or quality of available for water. There is no regional or global institution tackling the water challenge at the moment in a holistic way: while legal frameworks already abound, what is still missing is a clear political and security global agenda targeting the water challenge. A new analytical approach should be developed for assessing the water challenge in those regions, moving from a 'water security' to a 'water and security' angle. Common institutions and rules addressing water disputes can greatly reduce the risks of violent outbreaks in those areas.

A regional focus on Southern Asia

Water relations between India and Pakistan have clearly been 'securitised' in the wider context of potential 'water wars' in Asia, and given that both India and Pakistan are currently facing water stress, not least due to the effects of climate change. Some positive transboundary cooperation initiatives in the region, e.g. between India and Bangladesh, have nonetheless taken place in the past few months. There are different types of water conflicts in the region such as: the ampler geo-strategic interaction between India and China and between India and Pakistan, which affect practical water cooperation on the ground; the unbalanced power relation between India and some smaller states, e.g. Nepal and Bangladesh; the 'political economy of water', where politically powerful farmers are

generally given much more water than poorer operators, e.g. in India; and the 'worst case scenario' of Afghanistan, where prolonged internal conflicts have deprived that country from the basic water infrastructure needed, and many downstream countries retain more or less hidden interests in having such an upstream country in a weak negotiating position.

The issue of 'too much water', i.e. floods and their far-reaching consequences, was raised, as an additional aspect compared to the more traditional emphasis being put on 'water scarcity'. Another comment was made on the issue of international bodies dealing with water: while mixed experiences have been developed at the regional level, e.g. the good examples of the Mekong or in some sub-regional cases in Africa 'versus' lack of regional cooperation in the Middle East, any 'global commission on water' might aggravate the existing overlapping of international actors involved in this topic, notably at the UN level. The importance of sustainable water management and information-sharing was recognised, both at the internal and international level, stressing the need for regional water agreements in Southern Asia, especially between India and Pakistan, to adapt to changing political circumstances and emerging technical or environmental problems. The need for more knowledge-sharing exercises among distant regions, bringing regional experts together, was also highlighted. It was also noted that normally, if a country's *domestic* water management system is in a bad state, this will likely affect the quality of *international* cooperation negatively, as witnessed in Southern Asia. Some also stressed the importance of coupling a top-down, inter-governmental approach with bottom-up cooperation mechanisms, both in Asia and elsewhere. Some participants noted that more conceptual novelty and political efforts are needed to bridge these policy gaps in the post-2015 UN MDGs agenda.

WATER DIPLOMACY: SUCCESS STORIES, LESSONS LEARNT AND CHALLENGES AHEAD

Speakers included **Daniela Scheetz**, Policy Officer, Ministry of Foreign Affairs of Germany, **Niels Vlaanderen**, Senior Policy Adviser, Ministry of Infrastructure and the Environment and Ministry of Foreign Affairs of the Netherlands, **Therese Sjömander Magnusson**, Director of the Transboundary Water Management Team, Stockholm International Water Institute (SIWI), **Alexandros Yannis**, Policy Coordinator, European External Action Service (EEAS), and **Stathis Dalamangas**, Head of Sector Water, DG for Development and Cooperation-EuropeAid, European Commission.

Water diplomacy in Central Asia

The salience of Central Asia for this topic was highlighted. The region is characterised, by uneven distribution of water resources, having two upstream countries, Kirghizstan and Tajikistan, being at the same time very poor in other resources, and downstream countries such as Turkmenistan, Uzbekistan and Kazakhstan which are water-poor but rich in other natural resources, like gas and oil. Normally it would be make good sense for those countries to exchange natural resources like in Soviet times, but the 'mind-set' of the new states in the region remains adverse to international cooperation and benefit-sharing, which results in lack of a basin-wide strategy and data-sharing among those countries. In this context, Germany is trying to encourage regional governments to introduce best practice management and favour stability and security in the whole region, also thanks to its perceived status of a 'neutral' deal-broker. Successful outcomes of such diplomatic approach include the starting of talks between Afghanistan and Turkmenistan over the

Murgab River, the creation of an integrated basin management concept between Uzbekistan and Kirghizstan, and other small-scale examples, although more work needs to be done on a larger scale, including for the Amu Darya and the Syr Darya Rivers. There seems to be higher awareness in regional capitals that, in order to be fit for the future, they need to divert their productive patterns from agriculture to more advanced outputs: for example, cotton, a water-intensive agricultural product being produced in Uzbekistan and other countries, should be gradually phased out. The need to include local populations in the projects is also crucial in order to use water in a more rational and ultimately modern way.

Lessons learnt in transboundary water management

A point was made that water challenges are *not* an inevitable source of crises, since rational and strategic approaches may lower risks significantly. The trade-off between different uses in transboundary river basins calls for a very strong role by water diplomacy, and the experience gained by the Netherlands in several river basins, such as the Zambesi and the Mekong Rivers, shows that transboundary water management critically depends on many different factors, from the legal framework to operational and technical capacities. The issue of effective interventions by external actors in water-related disputes remains crucial, and no 'one size fits all' solution is conceivable, although multi-level governance is a crucial element. Also, providing a platform for technical and socio-economic experts and diplomats is very useful, as well as support to data and information-sharing and monitoring, which is in turn a key step for building trust and cooperation among local players. Coordination is also paramount and needs to be looked at, given the considerable number of actors involved in this topic. Water diplomacy should insist on long-term commitment, and the UNECE 'Task Force on Water and Climate' can provide a good example of an effective multi-sector and multi-stakeholder approach in that regard.

Another speaker noted that water cooperation does *not* occur in a political vacuum, but rather entails the issues of actors and ownership. A key issue is mapping actors and challenges in water diplomacy: *between* states, looking at the relations between riparian countries and the political and economic changes affecting those relations; *within* states, focussing on national politics and economics and on the way those influence water and foreign policies; and the *external relations* of the countries and regions involved. A number of challenges to be overcome in transboundary water management include: increasing demand for water; interdependencies beyond the basin; economic development/globalization/security/new alliances; changes in the economic and political 'power balance'; the fact that unilateral development projects are likely to continue; as well as the 'institutionalisation' of a new legal and institutional framework. Water diplomacy can support the unlocking of the full development of a basin, the new 'type' of broader cooperation which moves more and more from water cooperation to development cooperation (i.e. involving other sectors such as agriculture or trade, for example), demonstrate better the costs of non-cooperation, how a stable region benefits national economies, and the importance to study, plan and prepare investment projects to enhance optimal utilisation of resources, and incentivise and encourage collaboration with external investors and players. Looking at some possible options for transboundary engagement, the need for discussing regional economic cooperation or integration as an 'entry point' for water cooperation, or else tackling that via sectorial cooperation, were mentioned.

The role of the EU in water diplomacy and cooperation

Water diplomacy can mean different things to different people, and be influenced by their specific expertise, which makes this term often used and abused. It should not be seen as something standing alone from the more general scramble for natural resources in the 21st century, although it has become *à la mode* recently because of its association with war and peace, and this is how the issue is being increasingly perceived. The EU has developed its water diplomacy approach in the past couple of years, reflecting the new 'peace salience' of the issue, with a focus on transboundary water cooperation. In that context, some policy directions have been developed towards specific regions and the promotion and ratification of international water conventions has been included as an important goal. The efforts to focus on conflicts and cooperation need to go hand in hand with development and climate change, including via the on-going process at UN level, so that water issues are mainstreamed in other goals and targets. The challenge for European water diplomacy is liaising with the geographic areas affected and the actors involved, putting the political leadership to 'talk water' with interlocutors, and should *not* be about building 'water teams' within national administrations. Water is also an old issue, because it is so essential for everything: therefore, sovereignty is such an important aspect, despite the EU being more 'post-modern' than others in these matters, and this also explains why the future of water diplomacy should 'start at home'. The prospects for European water diplomacy will not be so much about 'going and resolving other people's problems', but rather building on successes and lessons learnt in transboundary cooperation *within* Europe, sharing best practice with external actors.

From 2004 to date, nearly 400 million euros per year have been spent by the EU on water-related programmes, most notably on sanitation, in line with the UN SDGs. In terms of geographic distribution, the majority (69%) of EU development aid was concentrated in the Africa-Caribbean-Pacific (ACP) region, with 22% being devoted to the EU neighbourhood. In the next policy context from 2014 to 2020, water is conceived as a cross-cutting issue, as also foreseen in the 2011 UN 'Agenda for Change', which emphasises the importance of water as a factor for regional integration and as part of the wider 'resource nexus'. In this new policy context, the EU will work on access to water and sanitation via a nutrition-sensitive action, water for economic growth, also taking into account the 'resource nexus' with energy and agriculture and involving the private sector, as well as water governance, meant here as the management of transboundary waters for peace and security. A special programme on 'Global Public Goods and Challenges' (GPGC) has been developed recently, and its water component aims at supporting regional 'nexus dialogues' and plans of action, cooperation on international waters and promotion of Water Centres of Excellence in Africa.

During the 'question-and-answer' session, there was discussion on the international, non-traditional donors in water-related development cooperation. It was noted that the infrastructural and agricultural sectors, particularly in Africa and Asia, have become targeted areas for land acquisition by countries, non-traditional financial institutions and multinational companies. It was also noted that the Commission does *not* impose themes on partner countries, but projects are rather the outcome of continuous discussions with local stakeholders. The implementation of the 2013 EU Foreign Affairs Council Conclusions on Water Diplomacy is ongoing and the geographic Directorates within the European External Action Service (EEAS) have already raised the importance of the water factor in their political engagement, particularly in Central Asia, where water has become a component of the wider EU strategy for the region, and the Nile, where the EU Special

Representative (EUSR) for the Horn of Africa has become engaged in facilitating political dialogue in the region. On the UN Water Conventions, the EU has launched a *demarche* last summer vis-à-vis over 50 countries to ask them to adhere to the UN and UNECE Conventions, making a strong case for rule-based solutions. All this falls within EU's comprehensive approach to water diplomacy, which is also accompanied by joint programming by the EEAS and the European Commission, based on the guidelines provided by the 2013 FAC Conclusions. The EEAS and the Commission's DG Environment are also working together on the socio-economic dimension of the current ratification process by EU member states. The EU is also reaching out to the wider public and the major stakeholders, notably on the follow-up of its recent *demarches* on the ratification of the water conventions, including with the World Wide Fund for Nature (WWF), the Green Cross and other actors involved in advocacy. There was a warning against some recurring temptations, in the international community, to accentuate water-related crises for raising the political attention of policy-makers, and defined those approaches as often counter-productive. More efforts should rather be put in 'preventive diplomacy'.

CONCEPTUALISING WATER AS A COOPERATION FACTOR: MULTILATERAL INSTRUMENTS AND REGIONAL PLATFORMS

Speakers included **Zaki Shubber**, Lecturer in Law and Water Diplomacy UNESCO Institute for Water Education, **Juha Pyykkö**, Director of the Unit for International Environment Policy, Ministry of Foreign Affairs of Finland, **Sonja Koepfel**, Environmental Affairs Officer, Secretariat of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, **Pedro Cunha Serra**, Member of the Portuguese Water Resources Association, and **Susanne Schmeier**, Coordinator, Transboundary Water Management, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Multilateral instruments: legal issues

The international legal framework of transboundary water cooperation includes the 1997 UN 'Convention on the Non-navigational Uses of International Watercourses', engaging 35 signing parties and in force since August 2014, and the 1992 UNECE 'Convention on the Protection and Use of Transboundary Watercourses and International Lakes', involving 40 signatories and in force since October 1996. Looking at the *legal features* of the two Conventions, both instruments have global reach, are framework instruments that support water cooperation via guiding principles, and are *not* therefore immediately implementable by partners, but should rather inspire *ad hoc* bilateral, regional or basin-level agreements. In terms of their *provisions*, the definition of watercourse differs, being surface water *or* groundwater under the UNECE Water Convention and surface water *and* connected groundwater under the UN Watercourses Convention, and that, while the UNECE Water Convention puts forth an obligation to enter into new treaties or harmonise existing watercourse agreements and joint arrangements, this is just a recommendation under the UN Watercourses Convention. Looking at the *substantial norms* of the two Conventions, both put some emphasis on the equitable and reasonable utilisation of transboundary waters, but also on the conservation and restoration of ecosystems. *Procedures* are generally more detailed in the UNECE Water Convention, but the UN Watercourses Convention provides more details on notification and consultation among signatories, and, when it comes to the institutional framework, provisions on meetings of the parties and the set-up of a Secretariat and implementing and legal bodies are included in the UNECE

Water Convention but *not* in UN Watercourses Convention. Overall, both Conventions support cooperation between states, although there remains considerable room on how to reconcile effectively the two instruments. The main challenges for the two Conventions are given by the *pre-ratification/promotion* phase, since non-parties generally know very little about the two instruments, but also due to the way they understand (or not) their legal framework, which presents opportunities for external actors, including the EU, to support informative exercises in potential signing countries, particularly in Africa and South America. *Post-ratification/implementation* represents another challenging issue, since once states have signed up to the Conventions, particularly the UNECE, they need to harmonise their pre-existing agreements or enter into new agreements, and while they are currently being helped by the UNECE Secretariat and the bodies attached to the 1992 Convention, the 1997 instrument still presents some unknowns on the way states should implement its provisions, despite some assistance such as a 'User Guide' created by the University of Dundee. Looking at the prospects, these are critically linked with the further ratification of the two instruments by non-signatories, the need for further capacity-building and information and dissemination campaigns in the signing countries, the actions which will be put in place by countries on the implementation of the UN Watercourses Convention, as well as the possible, first-ever gathering of the parties to the UN Watercourses Convention.

Multilateral instruments: politico-diplomatic issues

Finland has been one of the forerunners in international water cooperation, including via the creation of the UN Water Conventions and other legal instruments. One of the keys to strengthen water cooperation is the application of international conventions, which is why Finland actively encouraged all non-signatories to ratify both the UN Conventions, and argues in favour of rules-based solutions. In addition to the *global* level, it is very important to encourage the implementation of international conventions at the *national* and *regional* level, given the 'framework' features of those instruments. In that respect, capacity-building is key, and Finland has long been engaged in regions such as the Mekong and Central Asia, together with other actors. At the *bilateral* level, for the past 50 years Finland has actively advanced cross-border cooperation with Sweden, Norway and Russia, and a concrete example of that is the very successful cooperation with Russia dating from the 1950s, which was originally motivated by the need to improve hydroelectric power sources and water protection, but then gradually expanded to other topics such as fisheries and transport. The core of such collaboration is the 1964 Agreement on the Watercourses between the two countries as well as the establishment of a Joint Finnish-Russian Commission as the main framework for that cooperation, which was extremely important in order to build up trustful relations and implement the Agreement itself. One of the key lessons learnt of that bilateral cooperation was, indeed, the importance of well-functioning joint bodies like the Commission, which successfully managed to balance different and potentially competing interests such as hydropower, fisheries and environmental protection via constructive negotiations. Another lesson is the usefulness of a step-by-step approach: while Finnish-Russian water cooperation started with some common monitoring of transboundary waters, it ended up in framing sophisticated rules on the management of water levels and discharges. Nonetheless, such an in-depth cooperation admittedly requires decades of dialogue and common interests, but also provides an encouraging example in this domain.

Regional platforms: case studies

The Danube, Eastern Europe and Central Asia

The advancement of transboundary water cooperation in Europe is enshrined in a network of bilateral and regional agreements. The Danube River Protection Convention adopted in 1994, with 19 signing countries out of which 13 in the EU, led to the establishment of the International Commission for the Protection of the Danube River (ICPDR), created in 1998. A key element of its success is due to its well-developed organisational structure, including a permanent Secretariat based in Vienna, a number of Working/Task Groups and regular Meetings of the Parties, which in turn highlights once again the importance of joint bodies in transboundary water cooperation. Another interesting case of water cooperation is the one on the Dniester basin between Moldova and Ukraine, in the framework of a long-term process supported by several international organisations, including UNECE and OSCE. This bilateral collaboration started from a very technical level, e.g. in fisheries and meteorological services, and then evolved into a fully-fledged Dniester Basin Treaty in November 2012, covering the entire basin and capitalising on the principles set forth in the UNECE Convention. Moving to Central, another example is given by the case of the Bilateral Commission on the Chu and Talas Rivers between Kazakhstan and Kirghizstan, whereby downstream (and richer) Kazakhstan is supporting upstream (and poorer) Kirghizstan to maintain and finance some of its water infrastructure. While the agreement was initially focussed on pure cost-sharing aspects, the two countries are now discussing environmental aspects as well. Again, the creation of a joint body, i.e. the 2006 Bilateral Commission, helped advancing cooperation in the region, despite Kirghizstan's non-membership of UNECE. A last practical example was made about the cooperation on hydrology and the environment in upper Amudarya, between Tajikistan and Afghanistan, which was encouraged and sustained by international organisations, and entailed the creation of bilateral working groups, exchange of hydrological data, visits to hydrological monitoring stations, cooperation with border guards and in the area of flood management and emergency situations, as well as a recent agreement on cooperation on hydrology. Some lessons learnt for transboundary water cooperation were highlighted, including: the idea that climate change can be an incentive for transboundary cooperation, as witnessed by UNECE's recent involvement in fostering cooperation between Lithuania, Russia and Belarus on the Nemunas River; the importance of agreements, joint bodies (e.g. Commissions etc.) for sustainable transboundary water cooperation; the need for constructive dialogue and identification of common interests among riparian countries and with partners; the establishment of contacts and technical cooperation for building trust among riparian countries; acknowledgment that developing effective transboundary cooperation takes time and that long-term engagement and patience are most critical; the centrality of political willingness for progress, which also implies that windows of opportunity have to be identified and smartly exploited; and that the UNECE Convention served as a basis and spring-board for basin cooperation, as well as for sharing experience through its intergovernmental platforms.

The Iberian trans-boundary waters

A presentation on cooperation on the Iberian transboundary waters was also delivered. Such cooperation is very old, starting in 1857, and it affects a considerable number of shared river basins between the two countries. The first agreement in 1927 concerned the partaking of the hydropower potential of the mainstream border portion of the Douro River in equal shares, which nonetheless generated considerable environmental impacts, while

a Convention was signed in 1968 in order to share the hydropower of the other transboundary rivers such as the Minho, Lima, Tajo and Guadiana. Since the best technical solution was no longer the sharing of the hydropower potential of the border stretch of each river in two equal parts, the final agreement was based on the sharing of the joint *potential* of the border stretches of all rivers. Between 1960 and 1993, the construction of new dams and the accompanying regulation of river flows and water consumption, mainly in irrigation and water transfers in Spain, hugely increased, and this contributed to diminish the amount of water flowing into Portugal, which adopted the same policy on a smaller scale. As a consequence of that, but also as an effect of the new legal and regulatory obligations deriving to both countries from their EU membership, a new agreement became necessary. This led the two governments to launch negotiations for a new water convention, the 1998 Convention on the Cooperation for the Protection and the Sustainable Use of the Waters of the Spanish-Portuguese River Basins, based on the concepts of environment protection and sustainable use, encompassing all the transboundary watercourses, the whole river basins and all the water uses. The key issues included cooperation, coordination, environmental protection, sustainable development, exchange of information, consultation, impact mitigation and flow guarantees. A number of practical solutions were found in order to tackle significant challenges such as water demand and allocation, quality and biodiversity and scarcity, through a cooperative framework made up by a legal *volet* (i.e. the two pre-existing bilateral treaties, several EU Directives and two UNECE Conventions) and institutionalised cooperation (i.e. a pre-existing Joint Commission, high-level ministerial meetings and a working group in charge of drafting the new agreement), but also via sharing of information and mutual monitoring, sharing of benefits for regulation of river flows, a mediation and dispute-settlement mechanism, and good relations and trust among administrations and citizens of the two parties. Several factors helped the negotiations of the 1998 Albufeira Convention to succeed, i.e. openness and flexibility, availability and mutual exchange of key information, a common legal and institutional framework also given by EU membership, a solid tradition of cooperation and good relations between the two sides, engagement of hydraulic engineers, law experts and diplomats in the negotiations, as well as political willingness and engagement. Some lessons learnt for other possible cases of transboundary water cooperation included: engaging diplomats as soon as possible, bringing international law to the table, involving multidisciplinary experts in the drafting of the agreement, a general effort to accommodate each party's interests and concerns, avoiding postponement or delaying tactics, as well as depriving the final text from ambiguities which might hamper its implementation.

The Mekong

Some remarks on the experience from the Mekong River Basin were also delivered. The basin, which flows 4,900 km through Southeast Asia, is shared by 6 countries (China, Myanmar, Thailand, Laos, Cambodia and Vietnam), is inhabited by more than 80 million people and is characterised by a high dependence on its resources by riparian communities and countries. This is also why varying interests in water development across riparian states can easily lead to disputes and conflicts. However, some encouraging examples of cooperation have taken place in the past two decades, in particular in the framework of the 1995 Mekong Agreement. This treaty commits all signatories to cooperate on sustainable development and on all aspects of water management, and it enshrines two key principles: the equitable and reasonable utilization of shared water resources and the obligation not to cause significant harm, as well as the principle of prior notification and consultation on water infrastructure projects. An enabling factor of cooperation is given, in

this context, by the Mekong River Commission (MRC), which institutionalises cooperation between Cambodia, Lao, Thailand and Vietnam, and is in charge of implementing the 1995 Agreement through decision-making, operational activities and technical guidance and advice. The Mekong cooperation has long been supported by external parties and international partners, starting with the UN and US in the 1950s. This makes the nowadays basin highly reliant on external support (90% of the MRC's budget) and is also leading several donors to establish alternative cooperation mechanisms, such as the 'US Lower Mekong Initiative' or support to the Association of South-East Asian Nations (ASEAN). Hydropower has become the major driver of conflicts in the Mekong basin and a key component of wider pressure on water resources for socio-economic development, which also includes food security (agriculture, fisheries), navigation, household and industrial use. While 35 hydropower projects already exist, more than 100 new projects are planned on tributaries, 11 of which on mainstream, being thus likely to generate considerable consequences in the region. The uneven distribution of costs and benefits of those projects remains problematic, and conflicts between riparian states over the potential impacts of hydropower have risen further, particularly for the Xayaburi, the Don Sahong and the Lower Se San II projects. Research findings on the development of water-related conflicts in the region, from mid-1990s to nowadays, demonstrate that, while an overall trend of decreasing conflicts in the region (and increasing intensity of cooperation) is observable from 1995 to 2008, due to the enabling role of the MRC, since the late 2000s an increase in conflict events has occurred, both in numbers and intensity, showing in turn that MRC's influence on hydropower-related conflicts remains limited because of unilateral development agendas. Two main concluding points were highlighted. Firstly, wondering whether cooperation on the Mekong may serve as a success story in transboundary water governance, the fact that cooperation was institutionalised despite past and current conflicts, and accompanied by concrete initiatives on the ground, significantly contributed to make MRC's experience a positive one. Yet, recent unilateral developments and interests have nonetheless challenged the MRC, and are therefore likely to put its relevance to test. Secondly, four lessons learnt from transboundary governance in Mekong were identified: cooperation can be established and maintained in complex circumstances; cooperation is challenged if (perceived) unilateral interests outweigh benefits of cooperation; lack of coordination among donor and external actors, including in Europe, might hamper effective results; and that, once opportunities for 'forum shopping' are created via alternative platforms, this can reduce the effectiveness of the current cooperation mechanisms in place, especially vis-à-vis controversial dam-building projects like those developed by Laos and Cambodia.

During the 'question-and-answer' session, participants discussed the role of local communities in transboundary water cooperation, the importance of ownership, the common concerns raised by countries invited to adhere to the two UN Conventions, the resilience of the institutional context vis-à-vis contextual challenges and changes, and the centrality of cultural sensitiveness when operating in local communities affected by water issues. A speaker highlighted three recurring factors preventing non-signatories to join the UN Conventions: their lack of knowledge of the two instruments' provisions, doubts on the practicalities of their legal co-existence, and the fact that some countries affected by water conflicts tend to underestimate the helpfulness of cooperation-oriented principles. Several countries, e.g. in Africa, sometimes fail to see the added value of global legal instruments vis-à-vis bilateral and regional arrangements, and they often misperceive accession to the Conventions as harmful for their national interests. This, however, can be countered via capacity-building, training and information campaigns, while respecting the sovereign

competence of those countries. On the evolution of the two UN Water Conventions: adaptation to local or changing circumstances is more easily achievable via the creation of joint bodies or soft law instruments, e.g. guidelines or recommendations, rather than through time-consuming amendment processes. Populations were not involved during the period of negotiations of the Albufeira Agreement, because of the inherent difficulties that this would have entailed in diplomatic trade-offs on the five river basins concerned, and due to the technical and legal intricacies of the issues at stake, but after the treaty was signed, regular meetings with citizens and other stakeholders such as non-governmental organisation (NGOs) have taken place on a regular basis. On the capacity of the 1997 Water Convention to resist 'legal obsolescence': future implementation by signatories will be key in defining its very endurance, but since the Convention was deemed already in 1997 to reflect customary principles, such as the principle of equitable and reasonable utilisation of transboundary waters, this will certainly contribute to achieve some uniform application of its key provisions and principles. On the resilience of the MRC against changing circumstances: the Commission has been criticised recently because of its poor leverage on some countries in the region, e.g. Laos, and some exposure to the specific agendas and interests of donors, but at the same time like many other international organisations, the effectiveness of the MRC ultimately depends on the availability of the parties to comply with the principles and rules of the 1995 Agreement.

SHAPING A COOPERATIVE AND MULTI-LEVEL SYSTEM OF WATER GOVERNANCE: SUCCESS STORIES, LESSONS LEARNT AND CHALLENGES AHEAD

Speakers included **Delphine Clavreul**, Junior Policy Analyst, Organisation for Economic Co-operation and Development (OECD), and **Maarten Hofstra**, Senior Advisor Policy Analysis and Water Governance, UNESCO Institute for Water Education and Water Governance Centre.

OECD's role in water governance

While solutions to water-related challenges are mostly well-known, implementation of rules and principles by governments remains difficult, and local circumstances matter significantly. There is no 'one size fits all' solution, but some overarching guidelines 'to get institutions right' are available. A number of multi-level governance gaps in the water sector exist, such as: administrative (stemming from the fact that water cuts through competence boundaries), policy (relating to a high degree of institutional fragmentation), information (which is marked by a high degree of asymmetry among all actors involved), capacity (spanning from human to infrastructure, as witnessed by lack of expertise in some case studies), funding (because of unstable revenues, especially at the sub-national level), objective (with vested interests often monopolising water projects) and accountability (notably due to risks of monopolistic behaviour in the water sector). Twelve *draft* and voluntary principles on water governance have been developed by the Organisation for Economic Cooperation and Development (OECD) and are being discussed among member states in the coming months: establishing legal and institutional framework; creating a coherent and integrated basin governance system; encouraging cross-sector coordination between water and other related policy fields; strengthening capacity among all the actors and stakeholders involved; producing, updating and disclosing data and information; matching financial resources with the required level of responsibilities; ensuring the quality

of regulatory frameworks; identifying and removing barriers and bottlenecks to innovation and steering innovative practices; enhancing integrity and transparency practices across policies and institutions; engaging with public, private and non-profit stakeholders; designing and implementing a water policy that fosters equity across users, territories and generations; as well as conducting regular and thorough monitoring and evaluation of water governance.

A three-layer model of water governance

'Governance' is a very popular concept nowadays, but also that many definitions of water governance currently exist. A three-layer model of water governance can be conceptualised, based on the *content* (whereby good water management practice needs knowledge and skills), the *institutions* involved, covering organisational, financial and legislative aspects (whereby water management practice can only be successful if the institutional aspects are properly set), as well as a *relational layer*, which involves culture, ethics, communication, cooperation and participation. A systematic discussion of these issues provides a good basis for water governance solutions, and five building blocks for good water governance should include a powerful administrative organization, a legally embedded system of water management, a planning system, adequate financing and a participatory approach. Ultimately, while the content of water cooperation and governance remains important and all the institutional pre-requisites need to be met, it is even more vital that enough investment is put in the relational dimension of water governance.

In the final 'question-and-answer' session, it was noted that the principles enshrined in the UN Water Conventions can be applied everywhere in the world, based on local circumstances and needs. However, no 'copy-paste' approach by Europeans is desirable, and European operators should focus on practical support and concrete advice for local actors. It was stressed that the history of cooperation between riparians in the Rhine basin can provide, in itself, some interesting ideas and approaches for other areas in the world. It was also highlighted that cooperation can work when water is the main source of conflicts, but when an underlying political conflict exists, lessons learnt can be applied only to some extent and cannot really 'change politics'. Politics, some argued, can nonetheless be a driver for change, if far-sighted politicians are willing to seize the opportunities of cooperation, while others noted that cooperation is still possible even when political disputes are present, especially when external assistance is in place, like in the case of the Nemunas River or for the Sava Basin in the Balkans. Moreover, it was highlighted that water cooperation normally resists even when relations between countries 'degrade' politically, as demonstrated by talks between Israel and Jordan or between Senegal and Mauritania.