

# SETTING THE STAGE FOR COLLABORATION OVER SHARED WATERS

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**Rome was not built in a day and neither were the Mekong River Commission or the Nile Basin Initiative. The comparisons between Rome, which arguably once sat atop the pinnacle of human civilization, and two water resource management (WRM) institutions should not be stretched too far, although those who were closely involved in their development might also argue that the challenge of establishing them was equal to that of building the Eternal City.**

The Mekong River Commission (MRC) and Nile Basin Initiative (NBI) may not stand as examples of absolute perfection in transboundary water management (TWM) but they do represent substantial progress towards making cooperation possible between countries that have not always seen eye to eye. While the process involved in each organisation's development has been time consuming and difficult at times, it is hard to imagine a worthier endeavor than efficiently managing and developing two of the world's largest and most precious river systems.

There are currently more than 260 river basins that cross the political boundaries of two or more countries. These rivers account for roughly 60 per cent of the global freshwater flow and approximately 40 per cent of the world's population lives within international river basin boundaries. Beyond surface water, there are approximately 2 billion people who depend on the groundwater sourced from over 300 transboundary aquifer systems. There is also a concerning lack of developed infrastructure that could greatly benefit the populations within these basins.

The need to cooperate over these shared resources is easily seen, but unfortunately only one-third of these river basins feature any cooperative agreement. Even fewer feature basin-wide agreements that in-



clude every riparian nation within the basin boundaries.

As sobering as these statistics are, they only tell half of the story. There has been a trend within the water community to focus on establishing a comprehensive cooperative framework agreement (CFA) before any further steps towards development are taken. While basin-wide CFAs are always desirable, the tangible outputs of development such as hydropower production and flood/drought management are often put on hold until agreements are reached. There is no guarantee that having a basin-wide CFA will result in substantial development projects of a high quality. If attention and resources are solely ap-

propriated to creating framework or management structures, there is a risk of them becoming empty shells with little or no effect on the long-term vision of healthy and useful cooperation within a basin capable of producing the tangible outputs and outcomes that are sorely needed. Thus the process of building frameworks and management institutions of a high quality, those that feature equitable sharing of risks and responsibilities along with accrued benefits, should be prioritised even it means moving forward without a basin-wide CFA. A sub-basin agreement can be better than having no agreement.

2013 has been designated as the "year of water cooperation" by the United Nations and as the international community rallies for a final push to achieve the Millennium Development Goals by 2015, the efforts to achieving these goals must be bolstered through supporting the development processes of transboundary waters at every scale.

## Taking one step at a time

There is no clear roadmap for riparians within a basin to achieve ideal levels of cooperation over shared waters. Each basin is unique and the steps taken to develop a cooperative approach to managing transboundary waters should reflect the individual concerns and priorities at play.

Painting with broad strokes, TWM involves the three closely linked stages depicted in the illustration. The intent to cooperate at the transboundary level is usually but not necessarily formalised by establishing a CFA. The process required to reach a mutually agreeable framework within the basin always requires negotia-

tions between the riparian stakeholders so that risks are identified and mitigated and trust between all parties can be established. In most cases, the development of a CFA involves a balancing act between recognising state sovereignty and working towards what works best for the entire basin at large. The national interests of up-stream riparians are often diametrically opposed to their down-stream neighbors so reaching an agreement that satisfies all parties can be extremely difficult – and in many cases highly unlikely. The political risks to cooperation, either real or perceived, by riparians should not be discounted. In many situations, less wealthy nations or those with less access to information are hesitant to cooperate with their neighbors for fear that they will be taken advantage of or even ‘bullied’ into agreements that aren’t equitable. This can be a major impediment to cooperation and is a prime example of why there is a need for external support early on to catalyse cooperative efforts. If one riparian perceives the risk to cooperation to be too great, the process can stagnate or deteriorate. An obvious result of this

would be the lack of a basin-wide CFA, which could hinder attempts to leverage funding for further development activities.

A second stage of TWM can be described generally as water resource management (WRM). Gathering and sharing basin data, developing decision support tools, establishing a river basin organisation, ecosystems management, and dispute resolution are all examples of typical WRM features. It should be noted that the processes involved in both of these stages of TWM could take place concurrently and are mutually reinforcing. There are no rules that disallow one step being taken before the other in order to reach the third stage of cooperation, which would be the development of water resources within the basin. However, if any meaningful process is to be made in a basinwide approach there needs to be at least a minimum level of trust between the riparians – at technical as well as political levels.

This third stage might include building water storage infrastructure or energy production/transmission systems that would lead towards tangible benefits of cooper-

ation within a basin. In a well-developed basin it may entail concrete steps towards improving and maintaining ecosystems and the services they provide. While the first two stages of cooperation can occur simultaneously or at differing paces, the third stage usually requires some form of CFA and management structure within the basin even if they aren’t basin-wide. The sustainable development of water resources within any basin in an efficient and equitable fashion is the ultimate goal and represents the product of cooperation and the reason it should be encouraged in the first place. High quality water resource development projects have life changing and life saving potential through their impacts across a range of sectors from water/food security, environmental management, and energy production. When development projects stall, for any reason, the potential for change remains untapped.

To handpick just one indicator, energy production, it can be noted that the entire continent of Africa has only harnessed 3 per cent of the economically viable hydro-electric potential. For some African basins,

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this may be due to the absence of a CFA or well-functioning management institutions that prohibit outside infrastructure investment from risk-adverse banks and donor institutions that require basin-wide consent (at minimum in the form of a “no objection” statement). However, there are instances where infrastructure investment has been made in the absence of a basin-wide consensus that should receive greater recognition from the TWM donor community. One such example is the Kariba dam between Zimbabwe and Zambia. The Kariba has generated electricity for millions of people in the region and has displayed an incredible resiliency through times of violent conflict and economic collapse while largely being the product of cooperative efforts between only two of the eight riparian countries (World Bank Group, 2009).

The Rhine River has long been pointed to as a model of basin maturity and how riparians should cooperate. In fact, the Central Commission for Navigation on the Rhine (CCNR), established in 1815, is the oldest European organisation still

active today. However, it is worth noting that the cooperative management of the Rhine progressed for years without a basin-wide cooperative framework agreement that included all aspects of international water governance. An all-inclusive CFA has been established, fairly recently, with the adoption of the EU Water Framework Initiative in 2000 but the waters were managed and developed for years without basin-wide participation on every issue and were still able to provide tangible benefits from drinking water to hydropower for millions of people (Frijters and Leentvaar, not dated).

Whether a basin features a CFA, a capable river basin organisation, or exists in a less advanced state along the cooperation spectrum, there is a great need for continued support to help the basin achieve its maximum potential for the benefit of the public good. The academic community involved with TWM has published a significant amount of research that supports the notion that cooperation is direly needed; the response hasn't been as forthright as one might expect. While there are initiatives, such as the UNDP Shared Waters Partnership hosted by SIWI, that are willing to provide TWM support at every scale, there are many institutions who either can't or won't.

Beyond the lack of CFAs in the majority of basins around the world, there are a number of reasons donor institutions and development agencies balk at providing support to the processes linking basin cooperation and development. One major

issue is that these processes can be incredibly time consuming.

Donors have to be willing to provide support for periods of time that often extend beyond traditional funding cycles for outcome or output based initiatives. A second reason has to do with the challenge of supporting actions that could be directly and clearly attributable to progress. Donors expect clear outcomes and outputs from their project portfolios, which can be difficult to predict in the processes of cooperation. It can be equally difficult to point to any individual activity as the single tipping point that leads to substantial progress. A third reason is that many of the larger donor institutions are used to supporting projects with budget lines of millions of dollars. In some situations, the challenge to cooperation is simply getting the right group of people to sit around a table and communicate with each other – this does not have to be incredibly expensive.

#### Making a lasting commitment

The key to supporting cooperative processes involving shared waters is in understanding that every basin is intrinsically unique in the type of support needed and the amount of time that will be required to establish the high quality and long-lasting frameworks and institutions that lead to effective development. There needs to be a flexibility and willingness on behalf of the donors to engage basins, even if there is not unanimous support, and to continue providing support for the long haul. Remember... Rome was not built in a day. ■

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