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MODULE FOUR

STAKEHOLDERS AND CONFLICT RESOLUTION IN IWRM

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MODULE 4 STAKEHOLDERS AND CONFLICT RESOLUTION IN IWRM	
RATIONALE	<p>The IWRM approach stresses the “Participatory Approach”, where water is a subject in which everyone is a stakeholder, as well as “Conflict Resolution”, where stakeholders’ water use and needs are recognized, differences weighed and possible water sharing solutions are negotiated. Participation and conflict resolution issues are evolving in most sectors of society where there is a fundamental awareness that developed institutional roles for management and decision-making need greater involvement of societal elements. Stakeholders need to be defined on a setting/project basis with appropriate perspective as to long-term mechanism and means of sustaining involvement. Conflict is a natural by-product of shared use of a finite resource such as water as well as diversity in participation in managing a shared resource. Conflict resolution therefore becomes a natural partner of inclusive participation. Perspective engagement is not as effective as participatory methods for involvement to make the effort sustainable. Whatever amount of time expected to have this involvement is commonly well underestimated and complexities and conflict in stakeholder involvement can be facilitated at the outset by involving those with some experience already dealing with similar situations in local setting. Almost daily water professionals are faced with conflict or conflict-prone situations. Procedures for consensus building and conflict management are central to successful IWRM. Increasingly, skills in conflict resolution are seen as an essential part of water professionals’ skills, and that each one of us should learn, understand and apply day-to-day. In this module the issues of stakeholders participation within the context of IWRM are presented and discussed, and aspects of conflict resolution are presented. An exercise involving stakeholder identification, their level and stage of involvement in a selected project is given, and is followed by an exercise on formulating a conflict management strategy between different project stakeholders.</p>
OBJECTIVES	<ol style="list-style-type: none"> 1. To define stakeholders and participation and appreciate their relevance to IWRM 2. To identify issues/constraints in stakeholders participation in ESCWA region 3. To practice in identification of stakeholders in water related projects 4. To learn the methodology on how to resolve conflicts 5. To expose participants to the procedures and strategy of effective conflict resolution
REFERENCES & BACKGROUND MATERIAL	<ul style="list-style-type: none"> - GWP. (2000). <i>Integrated water resources management</i>, TEC Background Paper No. 4. - World Bank/UNDP/FAO, FAO. (1995). <i>Water sector policy review and strategy formulation – a general framework</i>, Land and Water Bulletin 3 - ESCWA. (1997). <i>Water Legislation in selected ESCWA member countries</i>, E/ESCWA/ENR/1997/2. - ESCWA. (1999). <i>Current water policies and practices in selected ESCWA member countries</i>, E/ESCWA/ENR/1999/15. - Water Issues Team, ESCWA. (2003). <i>Local ownership and leadership as vehicles for effective capacity building in IWRM</i>, paper presented at the Third World Water Forum, 16-23 March, 2003, Kyoto. - ESCWA. (1999). <i>Updating the assessment of water resources in ESCWA member countries</i>, E/ESCWA/ENR/1999/13. - ESCWA, BGR, GTZ. (2004). <i>Manual for ESCWA member countries on dispute resolution of international water resources</i> - ESCWA, BGR, GTZ. (2004). <i>Enhancing negotiation skills on international</i>

	<i>water issues in the ESCWA region.</i>
SUGGESTED INTERNET LINKS	<ul style="list-style-type: none"> - http://www.worldbank.org/participation/ - http://www.worldbank.org/wbi/sourcebook/sbhome.htm - http://www.iclei.org/ - GWA: http://www.genderandwateralliance.org/english/main.asp - UN: http://www.un-instraw.org/en/research/gaemsd/index.html - Women's Environment and Development Organization: http://www.wedo.org/
DELIVERY OPTIONS	
DIRECTLY RELATED MODULES	3, 7, 11, 14, 15

SESSION TOPIC SYNTHESIS	
QUESTIONS FOR DISCUSSION	<ol style="list-style-type: none"> 1. What is a stakeholder? Why is stakeholder analysis necessary? 2. Who are the stakeholders and what is their role in IWRM? 3. How are stakeholders identified, engaged, maintained and encouraged? 4. To what extent should stakeholders and participation concepts be included in IWRM capacity building programs? 5. In your country, to what extent are stakeholders involved in the management and development of water resources? How? If not, what do you think the main constraints for their involvement are? 6. What is conflict resolution?
1. Stakeholders & Participation	
<p><i>What is stakeholder analysis?</i> Stakeholder analysis refers to the identification of a project's key stakeholders, an assessment of their interests and the ways in which these interests affect a project or policy's risk and viability. It is important to undertake stakeholder analysis in the IWRM context to ensure viability of projects and policies.</p> <p><i>What is a stakeholder?</i> A stakeholder refers to a person or group of people who share a common interest, namely the use of a shared water resource. Types of stakeholders may include the village, local authorities, farming associations, the ministry of water, etc. There are many categories of stakeholders with differing interests, which may or may not be compatible with those of the collective general interest. Stakeholders can be divided into two very broad groups:</p> <p><i>Primary stakeholders</i> are those stakeholders who are ultimately affected either positively or negatively by the project or policy. These are the groups or individuals who will be most impacted by the change you are pursuing. Primary stakeholder examples include the village, farmers, consumers, or even riparian nations at the international level.</p> <p><i>Secondary stakeholders</i> are intermediaries in the water management process. They can be divided into funding, implementing, monitoring, and advocacy organizations, or simply as governmental, NGO and private sector organizations. Examples include public service unions, local leaders, politicians, and riparian nations.</p> <p><i>Key stakeholders</i> are those stakeholders who can significantly influence the outcome of the participation/conflict resolution process. They are important to the success of the IWRM process. Key stakeholders are often used to create coalitions of support for change within the IWRM context, at the local, provincial, national and international levels.</p> <p>There are several categories of stakeholders within the integrated water resource management framework. In the ESCWA region, these include:</p> <ol style="list-style-type: none"> 1. Women 2. Refugees 3. Villages sharing a water resource 4. Farmer Associations 5. Communities within a watershed 6. Water user associations 7. Ministries of Water, Environment, Public Works 8. Municipal Administrators 9. Youth 10. Consumers 11. Riparian nations 	

12. Funding agencies
13. Monitoring institutions

What is participation?

Participation is a rich concept that means different things to different people in different settings. For some, it is a matter of principle; for others, a practice; and for still others, an end in itself. Within the context of IWRM, the definition of stakeholders participation (i.e., GWP, 2000) is in line with the World Bank Participation Sourcebook, which is stated as:

“Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them”

There are four levels of stakeholders’ participation:

1. Information: one-way flow of information
2. Consultation: two-way flow of information
3. Collaboration: shared control over decision-making
4. Empowerment: transfer of control over decisions and resources

Adequate stakeholder participation is another important aspect that further distinguishes the process of developing an integrated water strategy formulation from other planning exercises. It ensures that the views of all those who have an interest in water (users, suppliers, developers, operators, researchers, decision-makers, politicians, other riparian nations, and others) are presented and taken into account in water management and strategy formulation. The more that individuals and social groups are involved in the decision-making process, the more probable it is that the desired outcome will be attained. By adequate stakeholders participation, it is meant that stakeholders are part of the decision-making process, that effective collaboration occurs, and stakeholder contributions are incorporated; not merely a consultation where stakeholder participation is sought to legitimize decisions already made to defuse political opposition. Furthermore, a participatory approach is the only means for achieving long-lasting consensus and common agreement. Participation is about recognizing the impact of water use actions on other water users and aquatic ecosystems, accepting the need for change to improve the efficiency of water use by all water users to allow for the sustainable development of the resource by all users and ecosystems. Governments at national, provincial and local levels have the responsibility for making participation possible, which would involve the creation of mechanisms for stakeholder consultation at all spatial scales; such as national, basin or aquifer, catchment and community levels.

One of the main issues of IWRM is the necessity to communicate the decision-making process to make it more comprehensible and inclusive of stakeholder concerns. In other words the objective is to increase the transparency of decision-making. Effective stakeholder participation paves the road for improved ***transparency and public accountability*** in integrated water resource management projects. A transparent participation process, on-going dialogue and advocacy mechanism will ensure that all voices are heard, that needs and concerns of the stakeholders are recognized and to the extent possible incorporated. Governments at the national, provincial and local levels will benefit from the increased transparency such a process imparts. Transparency and public accountability lends legitimacy to the program within the IWRM context. For these reasons, many tools have been developed over the last decades to increase public participation and support to decision-making systems within the IWRM context. However, translating technical and scientific information and value preferences to the public and stakeholders have made assessing public participation and stakeholder support to decision-making systems difficult. Large knowledge gaps still exist which make the participation process problematic. IWRM is characterized by the involvement of a large variety of decision-makers and stakeholders at multiple levels. This makes policy development and implementation complex. Adequate ***methodologies and tools*** become necessary to measure how policies meet the interests of stakeholder, to identify potential conflicts that may arise between stakeholders and preventive courses of action, and finally to measure public participation. Tools have been developed to convey scientific, technical and environmental valuation concepts to the stakeholders and public, and to measure the extent of their participation and awareness of relevant issues.

These tools include indicators, conceptual frameworks, environmental impact assessments, public surveys, interviews, participatory rural appraisals, and census data, to name a few. Due largely to issues related to the technical and scientific nature of IWRM, **balancing stakeholder involvement** becomes a complex task. However, two crucial considerations should be observed in this respect. First, the number of stakeholders should be restricted, in order to keep the process manageable; second, a more selective inclusion will be required when the topic of investigation becomes more specific and/or more technical and specialized. The level of stakeholder involvement and at what point in the project implementation process it would be appropriate to include the stakeholder should be determined at the outset of any project or strategy formulation. Different stakeholders are suitable for different levels of involvement.

2. Conflict Resolution

What is conflict?

Conflict is a product of differences and diversity. Conflict emerges from perceived divergence of interest where the parties' perceived interests and needs couldn't be met simultaneously. Conflict often involves emotions, power, principles and cultural values and differences, and is influenced by perceptions of needs. Conflict is not always negative – it is often the seedbed that nourishes social change; it can facilitate the reconciliation of parties' legitimate interests; and it can foster group unity.

What is conflict resolution?

Conflict resolution denotes a state of attitude change by the parties, reflecting an understanding of the diversity of interests behind a conflict or potential conflict, which effectively brings about a new understanding to bring an end to the conflict. This awareness of needs and interests of other parties to the conflict, or shared water resource users, is generally brought about through negotiation. As such negotiation becomes an integral method of resolving conflict and changing behavior in ways to make conflict settlement or resolution possible. Negotiation is a long process, which includes preparation for negotiation, strategic choice, tactics, gender and cultural considerations, long-term relationships, adherence to international principles, and often mediation. Long-term conflict resolution requires hard work and perseverance. Without both parties commitment to negotiation and a negotiated outcome, no conflict will be resolved. Having said that, there are techniques that make a difference. There are 9 steps to conflict resolution:

1. Understanding positions
2. Setting the stage
3. Identifying shared interests
4. Focusing on the positive
5. Developing options
6. Focusing on the practical
7. Building "Win-Win" arrangements
8. Learning from the past
9. Establishing follow-up and implementation mechanisms

Stakeholders Participation and Conflict Resolution in the ESCWA Region

In the ESCWA region, the role of stakeholders in water planning and distribution is still very weak or absent. In some countries, such as Egypt (case study on Water User Association, WUA, is presented here), the Syrian Arab Republic and Oman, attention was directed toward involving NGOs, such as WUA, Farmers Unions, etc., in coping with the O&M problems and assisting in some distributional and financial responsibilities. Furthermore, most of the significant freshwater resources of the region have multiple users and cross international boundaries. As such, shared use and management of these scarce international water resources requires the cooperation of riparian nations, as its international nature limits the extent to which water issues may be solved at the national level. Enduring water sharing agreements in the region are few, and water-sharing negotiations are often highly complex and charged, particularly in the conflict-prone Jordan River Basin. There is a great need for basin-wide management for these international water resources, and therefore a great need for negotiation and conflict resolution among the riparian nations.

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MODULE 4 STAKEHOLDERS AND CONFLICT RESOLUTION IN IWRM

A. INTRODUCTION

The IWRM approach stresses the “Participatory Approach”¹. Water is a subject in which everyone is a stakeholder. Adequate stakeholder participation is an important aspect that distinguishes the process of developing an integrated water resources management approach from other management exercises. It ensures that the views of all those who have an interest in water (users, suppliers, developers, operators, researchers, decision-makers, politicians, riparian nations and others) are presented and taken into account. The more that individuals and social groups are involved in the decision-making process, the more probable it is that the desired outcome will be attained. Therefore, it is vital to include all stakeholders in a broad-based discussion of the “WHY” and “HOW” of water use and management (Briscoe, 1997).

In the ESCWA region, most of the major waterways are shared by multiple nations. As such, water policy in one country impacts water use and water policy in riparian nations. Successful water resource management effectively requires the participation of the entire river or aquifer basin. Therefore participation in water resource management in the ESCWA region adopts an international dimension. Management of these scarce international water resources requires the cooperation of riparian nations, as its international nature limits the extent to which water issues may be solved at the national level. Stakeholders then must include not only those at the local, provincial and national levels, but also riparian nations at the international level.

This module primarily addresses stakeholder participation and conflict resolution in integrated water resource management at the local, provincial and national levels, with the aim to improve national water policies and resource management. Improved and coherent national policies and management can only enhance international negotiations on water resource management.

Real participation only takes place when stakeholders are part of the decision-making process. At the local and national levels, this can occur directly when local communities come together to make choices on water supply, management and use. Participation also occurs if democratically elected or otherwise accountable agencies or spokespersons can represent stakeholder groups. At the international level, participation is hampered by political complexities which make real participation and on-going dialogue by basin riparian difficult. However, in the ESCWA region, the Nile Basin Initiative is an example of real and successful participation by all riparian nations of the Nile River.

Participation is more than consultation. Participation requires that stakeholders at all levels of the social structure have an impact on decisions at different levels of water management. Consultative mechanisms, ranging from questionnaires to stakeholder meetings, will not allow real participation if they are merely employed to legitimize decisions already made, to defuse political opposition or to delay the implementation of measures which could adversely impinge upon a powerful interest group.

A participatory approach is the only means for achieving long-lasting **consensus** and common agreement. However, for this to occur, stakeholders and officials from water management agencies have to recognize that the sustainability of the resource is a common problem and that all parties are going to have to sacrifice some desires for the common good. Participation is about taking responsibility, recognizing the effect of sectoral actions on other water users and aquatic ecosystems and accepting the need for change to improve the efficiency of water use and allow the sustainable development of the resource. As participation will not always achieve consensus, arbitration processes or other **conflict resolution** mechanisms will also need to be put in place. This becomes particularly important at the international level once an agreement has been

¹ Second Dublin Principle: water development and management should be based on a participatory approach, involving users, planners and policymakers at all levels. i.e. water management should engage all stakeholders and decisions are made close to them.

reached. Conflict resolution or arbitration mechanisms must be in place to effectively fulfill implementation of water-sharing agreements.

Governments at national, provincial and local levels have the responsibility for making participation possible. This involves the creation of mechanisms for stakeholder consultation at all spatial scales; such as national, basin or aquifer, catchment and community levels. However, while the creation of consultative mechanisms is necessary, it will by itself not lead to real participation. Governments also have to help create participatory capacity, particularly amongst women and other marginalized social groups. This may not only involve awareness raising, confidence building and education, but also the provision of the economic resources needed to facilitate participation and the establishment of good and transparent sources of information. It has to be recognized that simply creating participatory opportunities will do nothing for currently disadvantaged groups unless their capacity to participate is enhanced.

Participation is an instrument that can be used to pursue an appropriate balance between a top-down and a bottom-up approach to IWRM. For some decisions the lowest appropriate decision unit is the household or the farm; participation depends on the provision of mechanisms and information to allow individuals and communities to make water sensitive choices. At the other end of the spatial scale the management of international river basins will require some form of cross-national coordinating committees and mechanisms for conflict resolution (GWP, 2000).

B. CAPACITY BUILDING AND EMPOWERMENT OF CIVIL SOCIETY TO PARTICIPATE IN WATER RESOURCES MANAGEMENT

If appropriately organized, the public (civil society) can become a central partner in IWRM. They can therefore become fully responsible for some elements of water management. Hence, effective IWRM requires that government institutions will enable and enhance the active participation of the public - as water users, as voters, as tax/charge payers and/or as providers of labor. For people to perform management tasks and influence overall management, they need to be organized, e.g. in water users' associations (WUAs). Other groupings include consultative groups, community groups and advocacy and lobby groups.

Such organizations are necessary to give voice to the public. Initially their sustainability may well require external financial and structural support, e.g. to cover traveling costs, set-up a secretariat or finance external expertise. Water users' associations are usually small and deal with only one or a few aspects of water management. To ensure an integrated approach, they must form an integral part of the broader organizational framework. This is especially so in large and complex water systems with many geographical and cross-sectoral interdependencies. In such cases, WUAs may form an "association of associations". The level of participation depends on the context.

Participatory management has been shown to be most successful if the public is involved enough to be aware of the general goals and needs. Therefore, individuals and civil groups need information, skills and "water awareness".

Participatory management can be helpful in almost all efforts to implement IWRM, particularly in cases of competing use or geographic disputes. Stakeholders and interest groups may need formal training in some activities – for example in managing a community-based system, or in measuring and monitoring water use in participatory irrigation approaches. They also require support in the form of access to information and technical knowledge.

B.1. Water User Associations (WUAs)

One aspect of water management currently under experimentation is that of water user associations. The establishment of water user associations may contribute to enhancing the welfare of farmers and improving

the development of irrigation and drainage services. Whatever methods are applied to achieve reform, success will depend on diligent administrative monitoring and effective law enforcement.

Water user associations have been suggested as an alternative to public utilities in some circumstances. In the Republic of Korea, the establishment of water user associations has led to full user participation in water resource management. Room for improvement still exists, however, since water subsidies have not been entirely eliminated owing to the fact that charges are not based on volumetric pricing. In Mexico, the new strategy for water management relies heavily on the constitution of local water user associations. These groups are responsible for the operation and maintenance of irrigation systems at the district level, and for the design and implementation of pricing schemes to achieve financial self-sufficiency. Although water prices vary from one area to another, depending on the source, these associations have been able to fully recover operation and maintenance costs in most districts (World Bank, 1994). Water user associations have also proved successful in countries such as Argentina, Indonesia and the Philippines (ESCWA, 1994). In France, each water basin has its own management committee consisting of consumer, professional, academic and government representatives. The basin committees fall under the jurisdiction of the ministries of environment and finance.

In the Arab region, a form of water association has been initiated in Egypt, Morocco and Tunisia (Ahmad, 1994). The farmers in Morocco and Tunisia participate in water distribution. It is too early to draw any conclusions about the performance of these associations, however. In the ESCWA region, experimentation with small-scale farmer associations in Egypt, representing a simple form of water user association, has resulted in the overall improvement of farm management skills. Overall irrigation efficiency has increased by 10-15 per cent and productivity by as much as 30 per cent (Stiles, 1996). Experience in various developed and developing countries suggests that involvement of local communities in the measuring and pricing of water, as well as the maintenance of the water system, can help increase the acceptability of higher water charges and promote conservation.

Most countries in the Arab region extensively rely on their governments for water collection, treatment, conveyance, distribution and disposal. As a result, the central agencies have become overwhelmed with the size of their administrative and financial responsibilities. Consequently, the quality of water services has continuously deteriorated in many countries, such as Yemen, Jordan and Egypt. The role of stakeholders in water planning and distribution is still very weak or absent. In some countries, such as Egypt, the Syrian Arab Republic, Oman and Yemen, attention was directed toward involving NGOs, such as WUAs, Farmers' Unions, etc., in coping with the O&M problem and also assisting in some distributional and financial responsibilities. Several countries, like Jordan and Egypt, began to design and implement special programs to enhance public awareness on the need for serious action, but they will take a long time to bear fruit (Refer to Box 1 and 2 for two case studies).

BOX 1: CASE STUDY 1: EGYPT- THE ROLE OF WATER USERS' ASSOCIATIONS IN REFORMING IRRIGATION

The case describes the institutional and management changes involved in introducing participatory irrigation management in Egypt, in the context of wider policy changes. The government of Egypt is now committed to a long-term irrigation improvement program, which will continue for the next 15 years.

Main Tools used

- [A2.3](#) Reform of existing legislation
- [B2.1](#)
- [C3.1](#)
- [C4.2](#)
- [C4.6](#)

Description

Egypt's water resources are severely constrained, at less than 1000m³ per person. This calls for increasing

user of water resources. Much of the irrigation infrastructure is old and in need of rehabilitation. The irrigation improvement program (IIP) is one of the large-scale projects to help Egypt advance into the 21st century in order to sustain its ambitious national development plan. The program involves a combination of technical changes and infrastructure investment, together with institutional and organizational changes in the way irrigation water is managed. Of key importance, Water Users' Associations play a major role in decision-making, controlling the operation and maintenance of the pumps and "Masqa" (irrigation ditches) by themselves, with minimal assistance from the Irrigation Advisory Service (IAS). The fundamental change introduced by the irrigation improvement is to replace individual farmer pumping at multiple points along the "Masqa" by collective single point pumping. The project also aims to provide intensive training for water users, the IAS, and key personnel at multiple levels within the ministry, as well as special studies, seminars and workshops to facilitate the implementation of the program.

Lessons Learned

- The new program has been built on the experience of earlier irrigation programs; there is a body of knowledge that has been tested and piloted which provides underlying strength to the new reforms.
- In order to increase the efficiency as well as the performance of the system, users' participation in the management is required since ideas and participation in decision-making would assure the sustainability of the system.
- Increased crop production and achievement of real water savings in the system is dependent on the awareness and understanding of users, operators and managers of the system.
- Increasing the capacity of users, operators and managers requires intensive training. Presently the concept of users' participation in water management is widely accepted and the MWRI has legalized the formation of water users' association.

Importance of case for IWRM

The case clearly shows the importance of building appropriate institutional structures in parallel to the introduction of technical changes, and sets the irrigation reforms in a broader policy context – e.g. general agricultural and economic liberalization. It also illustrates the importance of testing and piloting programs over several years as a basis for strengthening institutional structures.

Source: GWP ToolBox – Case Study No. 110, 2003

**BOX 2: CASE STUDY 2: MOROCCO- COMMUNITY MANAGEMENT OF WATER RESOURCES IN THE IMLIL VALLEY
NEAR MARRAKECH**

The case highlights approaches to improving traditional institutions in 5 villages and the value of local indigenous solutions and technologies. It shows that failure to set issues in an IWRM context, taking the whole river basin into account, led to continued pressure on water resources.

Main IWRM Tools

- A2.3 Reform of existing legislation
- B1.09 Civil society institutions and community based organizations
- B2.1 Participatory capacity and empowerment in civil society
- C3.3 Improved efficiency of water supply
- C7.1 Pricing of water and water services

Description

In a situation of water shortages, seasonal fluctuations, and long distances for fetching water from rivers and water points, five communities came together to improve availability and regularity of water supply with the support of Amrash, a Moroccan NGO. The project called for elaboration of a water code, drawing on the “J’maa” tradition of community-based water organization. The new code defined conditions of access to and use of water either in writing or verbal agreement, and defined priorities of water uses, lists of water committee members, rights and responsibilities, and fines. Consultation helped to resolve conflicts over the location and type of water supply systems, between private and collective lands, and the type of organization that should be in charge of water management. Training was provided to local associations, which gained knowledge and skills in technical, legal, health and communication matters. As a result of payments, local associations were able to provide credit facilities to villagers.

Problems encountered:

- Increasing demand for water due to better availability created stress on water resources during the dry season.
- Women were insufficiently involved in decision-making.
- Improved availability of water was not linked to management of wastewater and created diseases and filth.
- People from higher mountains are migrating to the valley so there is a larger population to be served by the water resources.
- Some conflicts arose when a foreign NGO overcame the “Jmaa’a” system and installed a water point in the house of the president of the association. Amrash NGO did not have enough experience on integrated water management.

Lessons Learned

This experience shows both positive and negative lessons.

On the positive side: It shows the importance of setting up clear regulations at the outset (water codes) and building on existing institutions such as “Jmaa’a”, mutual aid and solidarity mechanisms.

On the negative side: It demonstrates the importance of looking at water resource management from a river basin perspective and not on a village base, and to link water supply and management of wastewater. Gender issues were not dealt with early in the process, because of resistance from elders and conservative segments of villages, which meant that women were little involved.

Importance of case for IWRM

The experience highlights the need to plan for increased water consumption when water supply is improved, and to set localized reforms in a wider socio-economic context.

Source: GWP ToolBox – Case Study No. 77, 2003

C. CONFLICT RESOLUTION - MANAGING DISPUTES, ENSURING SHARING OF WATER ²

Procedures for consensus building and conflict management are central to successful IWRM. Conflicts can occur for many reasons. Areas for potential conflict include: interdependence of people and responsibilities; jurisdictional ambiguities; functional overlap; competition for scarce resource; differences in organizational status and influence; incompatible objectives and methods; differences in behavioral style; differences in information; distortions in communications; unmet expectations; unmet needs or interests; unequal power or authority; misperceptions, and others. Conflicts are inevitable in IWRM but need not end in polarization or impasse. Conflicts can also be positive. For example, conflicts may help in:

- Identifying real problems needing solutions;
- Bringing about needed change;
- Permitting adjustments to be made without threatening the basis of a relationship;
- Helping to build new relationships;
- Changing the way we look at issues, clarifying purposes and identifying what is most important.
- Identifying what is most important.

Conflict management refers to a broad array of tools used to anticipate, prevent, and react to conflicts. Which tool to select depends on the root causes of the conflict, as well as its type and location. Conflict management tools can be classified into three types (*refer to Annex A for more details*): interventions for conflict management (facilitation, mediation, fact-finding, and arbitration), decision support/modeling tools (optimization modeling, shared vision modeling), and tools for consensus building.

A conflict management strategy will involve a combination of these types of tools. In most water resources cases the tools encourage parties to move beyond positional bargaining and the claim/counter-claim process. The tools try to help parties identify which interests lie behind each side's position, and to jointly construct "win-win" solutions based on meeting the parties' interests. It must be stressed, however, that not all situations can be resolved with win-win outcomes - at least not in the short term. Trade-off and compromise is often the necessary outcome. Conflict management involves both social change and social learning. It has many benefits, including its voluntary nature. It can develop quick procedures and solutions to dispute settlement, more control over solutions by those closest to the issues, greater flexibility for crafting solutions than is offered in formal legal mechanisms and time and cost savings. These tools are applicable in almost all aspects of IWRM. They are especially useful in early stages of IWRM planning and design. They are least useful in situations where major legal precedent is being set. It is most important to stress that the ultimate mechanism for conflict resolution is the law and legal procedures. This section focuses on voluntary mechanisms for conflict management, but in many cases beneficiaries of this techniques would not participate without the knowledge that there is ultimate recourse to compulsory adjudication.

C.I. Conflict resolution strategy³

Conflict is a product of differences and diversity. Conflict emerges from perceived divergence of interest where the parties' perceived interests and needs couldn't be met simultaneously. Conflict often involves emotions, power, principles and cultural values and differences, and is influenced by perceptions of needs. Conflict is not always negative – it is often the seedbed that nourishes social change; it can facilitate the reconciliation of parties' legitimate interests, and it can foster group unity.

Conflict resolution denotes a state of attitude change by the parties, reflecting an understanding of the diversity of interests behind a conflict or potential conflict, which effectively brings about a new

² See module 14, where conflict resolution involves a stronger element of hydro-diplomacy and requires structured national strategies involving inter-ministerial / inter-sectoral teams involving ministries of water, environment, foreign affairs, legal departments, agriculture and other sectors having a direct stake in the shared water resource.

³ from a lecture by Vahid Alavian, World Bank Institute, 2003

understanding to bring an end to the conflict. This awareness of needs and interests of other parties to the conflict, or shared water resource users, is generally brought about through negotiation. As such negotiation becomes an integral method of resolving conflict and changing behavior in ways to make conflict settlement or resolution possible. Negotiation is a long process, which includes preparation for negotiation, strategic choice, tactics, gender and cultural considerations, long-term relationships, adherence to international principles, and often mediation. Long-term conflict resolution requires hard work and perseverance. Without both parties commitment to negotiation and a negotiated outcome, no conflict will be resolved. Having said that, there are techniques that make a difference. There are 9 steps of conflict resolution:

1. Understand positions and underlying interests
2. Set the stage
3. Identify shared interests
4. Focus on the positive
5. Develop options
6. Focus on the practical
7. Build “Win-Win” arrangements
8. Learn from the past
9. Establish follow-up and implementation mechanisms

Let us take a closer look:

Step 1. Understand Positions and Underlying Interests

- Understanding positions will help you appreciate why the other party may be taking a certain course of action. What are your needs? Those of the other party? What are your underlying interests? The interests of the other party? What are your objectives or goals? Those of the other party? Can the interests and goals of each party be prioritized? These are the type of questions that you need to ask prior to negotiations. In better understanding the other party’s interests, you will be better able to gauge possibilities for an agreement.
- Preparation for negotiation is critical. Pre-negotiation preparation allows a party to define the problem in concrete terms, determine its position, interests and negotiation objectives as well as those of other riparians, study agreement models, study sensitive issues, and brainstorm for options.
- In the international context, pre-negotiation allows the parties to assess non-water related linkages and interests to better gauge possible outcomes of negotiations. Pre-negotiation also allows the parties to brainstorm for options, study other international water-sharing agreements, and possibly develop a draft agreement to ensure understanding of all related technical, political and legal issues and maintain cohesiveness within the negotiating team. (Module 14)

Step 2. Set the Stage

- Setting an appropriate atmosphere to resolve conflict makes a difference.
- Make a conscious effort to choose the time and place to talk about a conflict. Allow for sufficient time to talk, discuss and develop options in a non-threatening environment. The location should be one where all participants feel comfortable. At the international level, the stage for negotiations is very important, particularly if the parties are in a protracted conflict.
- Open your meeting with frankness and sincerity, demonstrating awareness of the participants’ concerns and interests, and the intension to resolve the conflict to the benefit of all.
- Make the objective clear, stressing that all can benefit from conflict resolution, while prolonged conflict takes a heavy toll.
- If possible, establish mutually agreed-upon ground rules or negotiating principles. This will allow you to establish an enabling environment for open discussion and negotiation progress.

Step 3. Identify Shared Interests

- Discussion is key to revealing all parties’ concerns, needs and interests. Discussions should be fair, rational and two-way.

- Your objective is to establish an on-going dialogue on interests and needs for the purpose of identifying shared interests and needs.
- Remind the parties that resolution is to the benefit of all. If possible, think of ways to expand the pie – to create positive linkages to increased benefits of cooperation in integrated water resource management. At the international level, the Nile Basin Initiative serves as an example of increased basin-wide development benefits of cooperation and agreement.
- “Shared” interests and needs, those that have something in common with each other, are the building blocks for success.

Step 4. Focus on the Positive

- Avoid the negative. Although negative feelings may need to be vented, negative feelings may prevent the conflict resolution process from moving forward. Once the negative feelings are vented and acknowledged, redirect the discussion to the positive aspects of the conflict resolution process.
- Your job is to focus on the positive: what has been achieved, what the parties can agree on, shared interests, and the potential of a future settlement.
- Look for and draw out the positive feelings of others. Bring a positive aura to your meetings.
- Keep the objectives clear each time, and continue to remind the parties of the benefits of a joint resolution, while focusing on shared interests.

Step 5. Develop Options

- Developing options is key to the conflict resolution process. Developing several options allows the parties to “think outside the box” and develop resolution possibilities in which both parties benefit, or “win-win” solutions.
- When thinking about options, put yourself also in the shoes of other parties, and focus on shared interests and needs. Consider these shared interests and needs as your building blocks. Develop options that can satisfy all parties' priority interests and needs.
- Options are not binding solutions, but only brainstormed possibilities, or starting points toward resolution. If you have narrowed your options, inform the others how you came to your conclusions.
- Options are not solutions in themselves. Options are a platform from which further negotiation can take place.
- Try to develop options that expand the pie; that focus on shared interests, which may or may not be water-related. Often times, developing options that create beneficial linkages to other issues may advance the conflict resolution process, and bring about a solution which benefits all parties and garners the commitment of all parties.

Step 6. Focus on the Practical

- Assess the options presented by all parties, focusing on the practical and what can actually be achieved.
- Those practical and achievable aspects of the options generated should:
 - Meet one or more shared needs
 - Be able to be accomplished
 - Be used to build trust
 - Benefit all

Step 7. Build Win-Win Arrangements

- Win-win agreements reflect an understanding by all parties of mutual interests, and a concern about the other parties' outcomes, as well as your own. Win-win agreements allow the parties to be better off than they would be in the absence of an agreement. Win-win agreements can only be achieved by adopting a problem solving approach and abandoning zero-sum thinking.
- Any agreement or understanding that resolves a conflict should be seen as a new beginning.
- Win-in agreements generally foster long-lasting relationships that benefit all in the future. Regional international water-sharing agreements demonstrate that those agreements made in the spirit of participation and cooperation, bearing win-win solutions are those that endure.

- Win-win arrangements do not mean, however, that responsibilities need not be clarified. While building trust, an agreement should specify responsibilities. Commitment to the agreement is key to its success.

Step 8. Learn from the Past

- History and past events can affect a conflict and interrupt the resolution process. At the international level, most water conflicts in the region possess non-water related linkages, which often hinder negotiation progress. It is important to assess these linkages and find ways to move beyond them.
- The key here is to focus on the present, the “HERE” and the “NOW”, and the future.
- Understanding the lead up of events to a present conflict is important to better understand positions. But at some point, the past must give way to the present, and the present to the future.
- COST: participants to a resolution process must be brought to see that the cost of prolonged conflict is not worth it when compared to the costs and benefits of resolution.

Step 9. Establish Follow-up and Implementation Mechanisms

- In the post-agreement phase, conflicts may still emerge over interpretation and implementation of the agreement. Negotiators must pay attention to events that may transpire after an agreement has been reached. As such follow-up and implementation mechanisms should be a part of the agreement.
- Integrated water resource management is highly technical and complex. Follow-up and implementation mechanisms may consist of technical committees, oversight committees, shared data banks, and others, which may help to resolve technical disputes.
- The key to the long-term success of an agreement is in its fair implementation. A jointly established body can ensure fairness and legitimacy in implementation.
- A jointly established implementation mechanism ensures commitment by the parties to fulfill the agreement. This is particularly important at the international level.

D. EXERCISE: STAKEHOLDER IDENTIFICATION AND CONFLICT RESOLUTION (ROLE PLAY)

The exercise is divided into two parts, the first is an exercise on stakeholder identification and the second is on formulating a conflict resolution strategy. The session instructor will work as a facilitator for the exercise, and will give a short presentation explaining the exercise, and selecting the project case study.

Part A: Stakeholders Identification

1. The following projects are recommended for the exercise, and to be selected by the instructor:
 - Construction of Dam to meet water supply and power requirements (e.g., Lebanon)
 - Total watershed management (e.g. Syria, Jordan, Oman)
 - Development of a new settlement in a rural area with groundwater and surface water resources being used in irrigation (e.g., Saudi Arabia)
 - Shared water resources management and development, in the following three cases
 - On-going development of groundwater resources by one party located downstream, while the other up-stream party has plans for water supply development, which will affect the other party, located down-stream.
 - Both parties are developing their shared surface water and groundwater resources with no coordination, but environmental and sustainability concerns as well as water quality deterioration issues are raised about their development.
 - Both downstream and upstream parties have agreed primarily on future plans for development of their surface and groundwater resources that will benefit both (e.g., Syria and Lebanon).
2. The participants identify stakeholders (who should be involved using the provided checklist: **A Guide to Help Projects Identify Stakeholders**, in case of shared water resources modify the checklist as required to include other stakeholders).

3. The participants decide on the main stakeholders and discuss the required level of their involvement and at what stage, and discuss the importance of the involvement of each.
4. Through discussion the participants identify the main interests and positions with regard to the project of each selected stakeholder.

Part B: Conflict Resolution Role Playing

1. The facilitator divides the participants into groups representing the main stakeholders groups of the project.
2. Each group plays the role of identifying its position and interests and what compromises it can make, and then makes a presentation of it to the participants.
3. The participants, through an interactive discussion and facilitated by the instructor, design a conflict resolution strategy using the 8 steps for conflict resolution strategy indicated above.

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<h1 style="text-align: center;">A Guide to Help Projects Identify Stakeholders</h1>	Employees/Unions	Government	Regulations	NGOs	Academics	Think Tanks	Customers	Suppliers	Religious groups	Indigenous People	Youth/Women	Media
	Who needs this innovation											
Who is directly responsible for issue decisions												
Who will be affected by any issue decisions												
Who will benefit												
Who will be harmed												
Who cares												
Who should care												
Who is not touched												
Who is afraid												
Who is representative												
Who is asking questions												
Who is impacted												
Who is concerned												
Who has the perceived power												
Who has the real power												
Who are the potential competitors of alternatives												
Who are potential aliens or opponents												
Who has been involved in the past												
Who has not been involved in the past												
Who holds positions of responsibility in SH organizations												
Who will promote a decision												
Who will obstruct a decision												
Who is influential in the area community organization												
Who speaks for future generations												
Who/which group is underrepresented?												

J. Dormann & C. Holliday, 2002, *Innovation, technology, sustainability and society*, WBCSD, Geneva

ANNEX A: CONFLICT MANAGEMENT⁴

Conflict management refers to a broad array of tools used to anticipate, prevent, and react to conflicts. Which tool to select depends on the root causes of the conflict, as well as its type and location. Conflict management tools can be classified into three types: interventions for conflict management, decision support/modeling tools, and tools for consensus building.

1. Intervention or Conflict Management

There are four intervention tools for dispute management: *facilitation*, *mediation*, *fact-finding* and *arbitration*:

Facilitation is often used in situations involving multiple parties, issues and stakeholders, and where issues are unclear. An impartial individual participates in the design and conduct of problem-solving meetings, to help the parties jointly diagnose, create and implement jointly owned solutions. Facilitation works best in low to medium-level conflicts. In such cases it can be used for definition of problems and goals and identification of personal and institutional support. Facilitation may be the first step in identifying a dispute resolution process.

Mediation is an interest-based negotiation process. The parties choose an acceptable mediator to "guide" them in designing a process and reaching an agreement on mutually acceptable solutions. Parties often share the costs for mediation. The mediator tries to create a safe environment for parties to share information, address underlying problems and vent emotions. Mediation is also often undertaken at the suggestion of outside parties. It is more formal than facilitation and is used when there is some relationship among parties, even if it is acrimonious. It is useful when the parties have reached an impasse. Mediation can also introduce other factors influencing an outcome, such as introducing pressure tactics, evening a power imbalance, or adding incentives for an agreement.

Fact-finding seeks to clarify and make recommendations regarding differences over data or substantive disagreements using one or more outside expert. Fact-finding becomes particularly useful in a technical environment, such as water resource sharing. It has proved useful in site-specific construction cases, complex issues such as groundwater movement, and the clean up of waste. *Dispute review boards and panels* are a special form of fact-finding, providing parties to a conflict or dispute with a more objective evaluation of the dispute and all its dimensions by qualified and recognized experts. Fact-finding approaches are most often used in the earlier stages of a conflict, e.g. before initiating legal actions or negotiations, and are most appropriate in technical or scientific disputes where specialized knowledge is involved.

In **arbitration** the parties submit arguments to an arbiter who acts as a judge, and accept to abide by the arbiter's decision. In arbitration, the parties turn over the formation of a solution to an outside party and as a result, the final solution tends to produce less satisfactory solutions than mediation or facilitation, with most of the debate centered on claims and counter-claims. Arbitration is often used in the business world or where there is a need for a quick solution between a few parties. It is also useful where there is weak judicial authority, as in many international situations. Within countries arbitration is mostly voluntary and non-binding. Few nations agree to international arbitration.

Water experts often view disputes as factual problems of information and misunderstanding of data. But in practice, disagreements are usually over interests and values rather than facts. **Fact-finding** in such cases is of limited use. This is especially true when the task at hand covers broad IWRM issues rather than specific project related issues.

⁴ Excerpts from GWP IWRM ToolBox

Dispute panels have been successful where the number of parties is small and the issues tend to be technical, even in very acrimonious situations. They also offer a useful model for forming disputes clauses in agreements among parties who will be working with each other.

2. Shared vision planning

Recent advances in interactive modeling tools now allow parties to jointly create sophisticated yet inexpensive models of water flows and quantities in river basins, rivers and groundwater aquifers. Such models produce a simulation tool that is owned by the parties and is manipulated and used in a visual way. Since the stakeholders themselves create the model, they are more willing to engage in scenario analyses.

Optimization modeling goes beyond simulation and produces ideas on the best investment or best options given certain assumptions. It should be used carefully in conflict situations.

Valuation is an important tool to support conflict management, and can facilitate the process of sharing benefits (rather than simply sharing water). Even if valuation may not be possible in monetary terms it helps to determine it implicitly.

Shared vision modeling is best used in multi-stakeholder, multiple-issue situations. As parties begin to confront the need to plan for growing scarcity of water under competing demands, it is highly useful to bring sectors together. The process of building a shared vision helps to build a common language about the water resource issues among parties. It is also useful where there is no common database and data sharing is difficult, and where there is little shared knowledge of the resources.

The best modeling applications try to show parties an overall picture of the situation and to put the water conflict situation in context. A shared vision can also be useful to begin to illustrate how benefits can be generated from cooperation and thus begin to push parties towards a focus on sharing benefits, rather than simply sharing flows. Valuation supports this approach.

3. Consensus building

Consensus building is a strategy or approach that is used for intersectoral water policy dialogue. It is best used in situations of low to medium conflict and tension. However, it can sometimes be useful where parties are in major conflict and have unsuccessfully tried legal or other high-cost approaches.

It usually includes the following steps:

- Starting by defining the problem rather than proposing solutions or taking position;
- Focusing on interests;
- Identifying numerous alternatives;
- Separating the generation of alternatives from their evaluation;
- Agreeing on principles or criteria to evaluate alternatives;
- Expecting agreements to go through refinements;
- Documenting agreements to reduce the risk of later misunderstanding;
- Agreeing on the process by which agreements can be revised and the process by which other types of disagreements might be solved;
- Using the process to create agreement;
- Creating a commitment to implementation by participation in decisions;
- Accepting the legitimacy of feeling.

Associated tools are:

- **Joint training**, which brings parties in conflict together to jointly learn about dispute management, consensus building or IWRM;

- **Policy dialogue**, which brings stakeholders together with some end in sight, e.g. to write major policy or regulations. This follows the principle that participation in policy formulation (in a facilitated series of meetings) will yield less conflict and more rapid implementation.
- **Strategic Conflict Assessments**, which can be used as early intervention systems, for intervening in ripened conflict, and for designing systems to prevent conflict. In situations of relatively low tension, but competing interests, such as in early IWRM institutional design efforts, these assessments can be done collaboratively. They help parties to learn about each other, and create realistic expectations toward the process. Participating in strategic conflict assessments can change the views of senior officials in complex situations.
- **Interest-based negotiations**, which are sometimes undertaken by unassisted individuals, but more often employ a neutral party to create and manage the process. Such negotiations have been successful in many situations, including project construction claims settlements, agreements to cost sharing and allocation formulae, regulatory implementation, operations of water infrastructure and realignment of purposes and use, and planning for IWRM.

It should be noted that:

- Consensus building is most useful in low to medium conflict situations where the parties have some familiarity with each other.
- It is a good "first step" tool in new problem areas.
- It can be used at local, regional, provincial or even national levels.
- It is an effective tool for raising *awareness of issues*.