



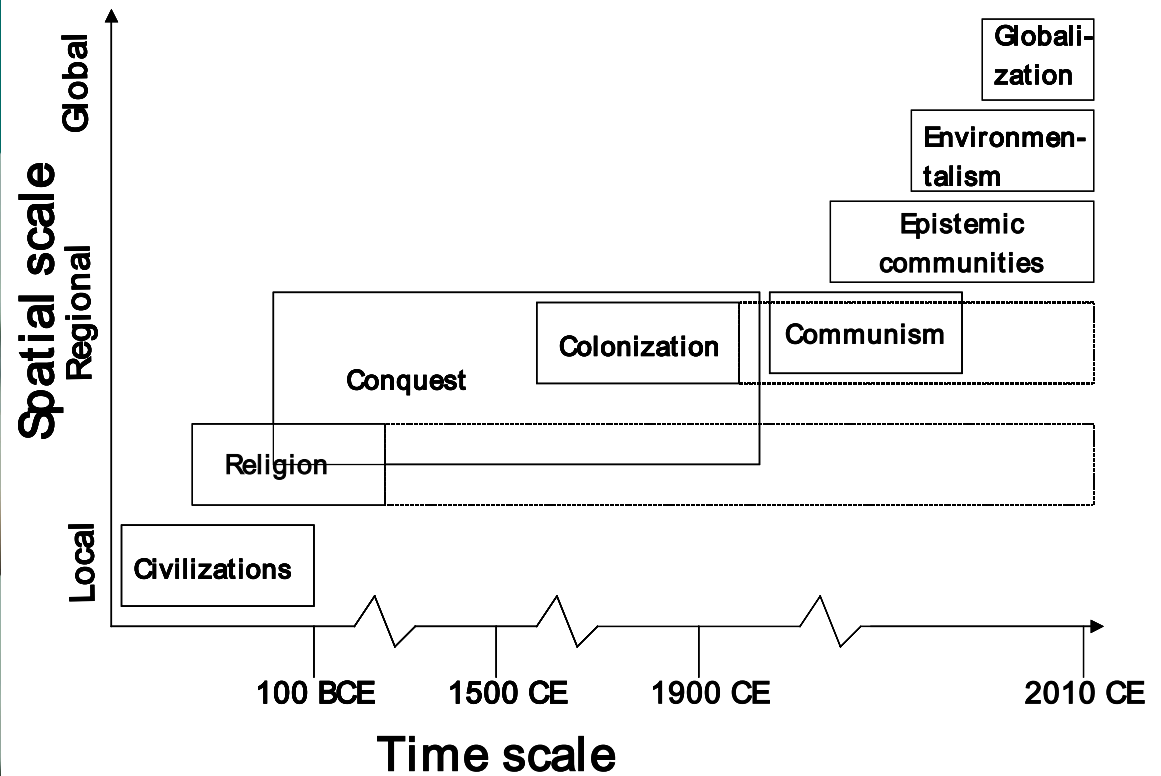
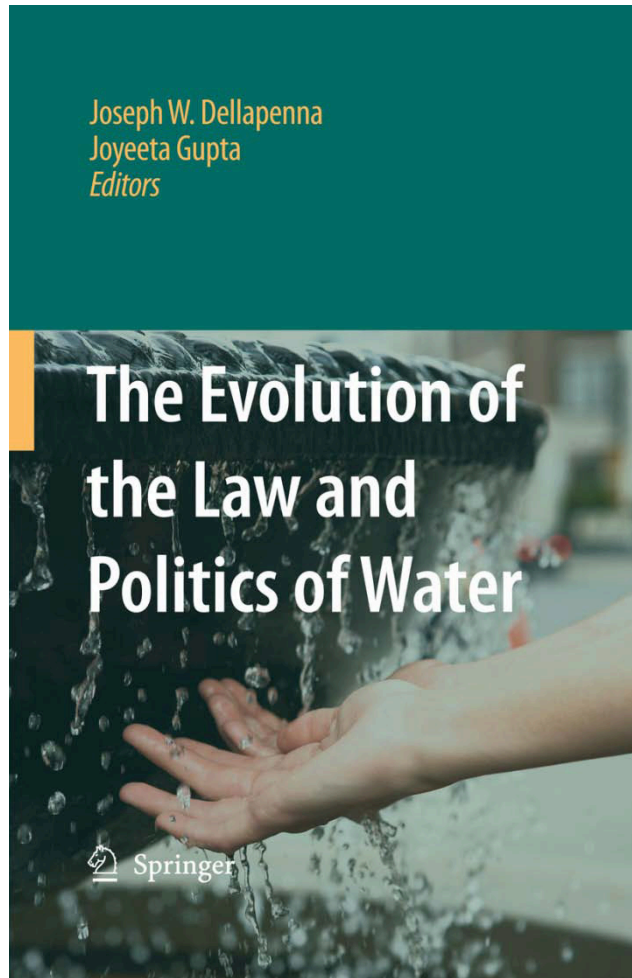
Global Water Governance (GWG) and Prospects

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The need for global water governance

- Why global?
 - Hydrological system
 - Global environmental change and related socio-economic phenomenon is global
 - Local challenges lead to global trends
 - Direct and indirect impacts of water use may have global implications
 - Need to structure global water science
- Question irrelevant: Obsolete, because its happening; and it is inevitable?

Is GWG inevitable as an evolutionary phenomenon over time?



The politics of scaling: Why scale up?

Reasons	Example/ policy implication
1. To understand the global hydrological system	Need for coordinated science
2. To address GEC & related socio-economic phenomenon	Need for coordinated science
3. Because local challenges have cumulative global impacts	e.g. WCD
4. Because global problems can impact on local water, drinking water, hydro power	E.g. Danube
5. To determine global limits for the use of resources	
6. To ensure effective governance (politics occurs outside the basin)	E.g. develop common principles of water management/ sharing
7. To determine liability for impacts	To allocate responsibility
8. Because national and local authorities may not be able to take action alone	E.g. UNGA Human Right to Water
9. To influence ideological factors that drive pro & con. patterns	

Why scale down ?

Reasons	Key policy goal
1. To enhance an understanding of local bio-physical and chemical processes; to enhance understanding of the local contextual issues	Understanding of the bio-geo-physical processes; Understanding the impacts
2. To exercise sovereign control over water in national jurisdiction	To avoid sharing
3. To avoid responsibility for pollution or other such impacts elsewhere	To avoid liability
4. Since some decisions can only be taken at local level	To enhance effectiveness
5. To gain greater influence on other countries through lateral means	Bypasses international processes
6. To understand the institutional challenges	Understanding existing rules and regulations
7. To mobilise local people and their support	Effectiveness and legitimacy

Global Governance: Trends and impacts

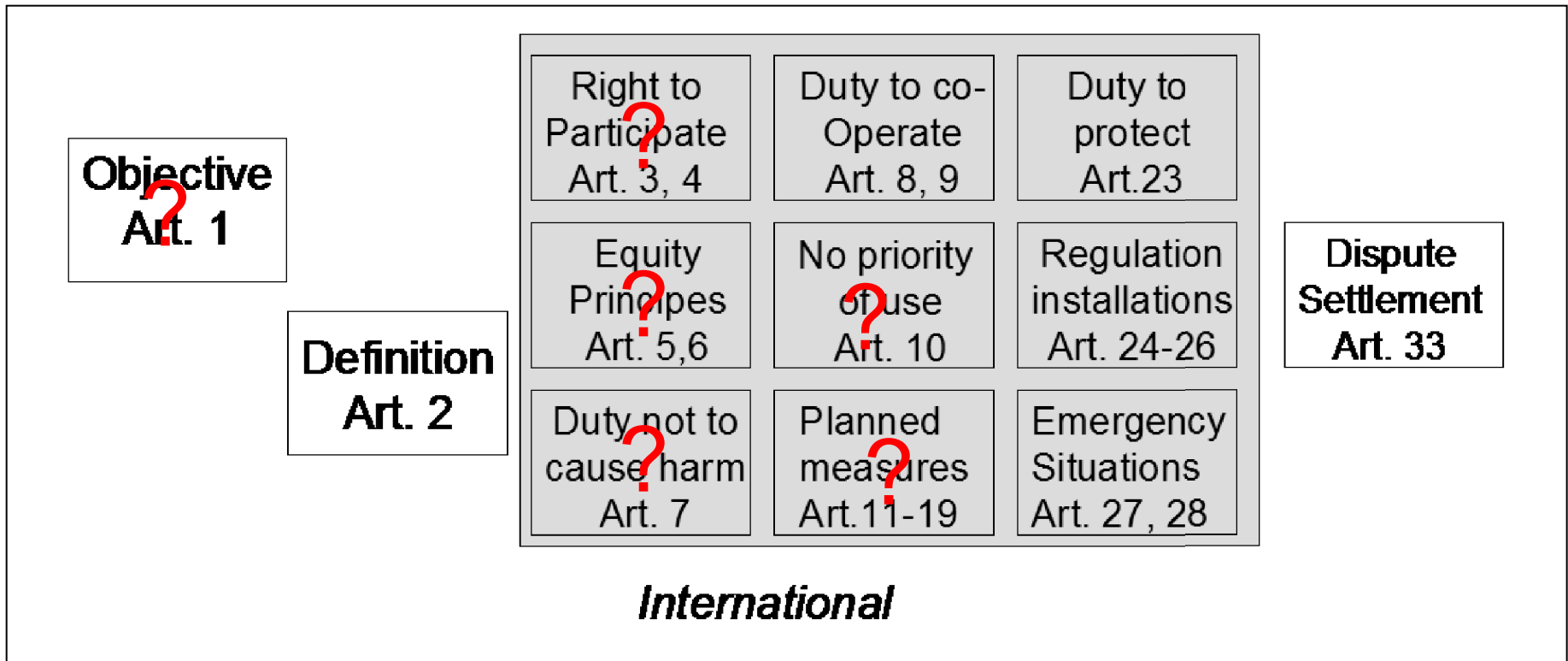
Shift towards	Characteristic	Impact
Administrative law	Neither legislative, nor judicial	Legitimacy questionable Rules of procedure not applied 'Consensus' may not be context relevant; may aggravate situation
Legal pluralism	Multiple levels of governance Multiple actors	Domestic rules have extra-territorial impacts; Export of good governance ideas to countries without understanding their contexts and needs; Multiple forums are expensive; forum shopping possible for rich actors; Legality; accountability?
Public-private law merger	Privatizing public law?	Public/ political goods privatized; Policy freezing; Involuntarily sucked into private international law

Global Water Governance: Shifts

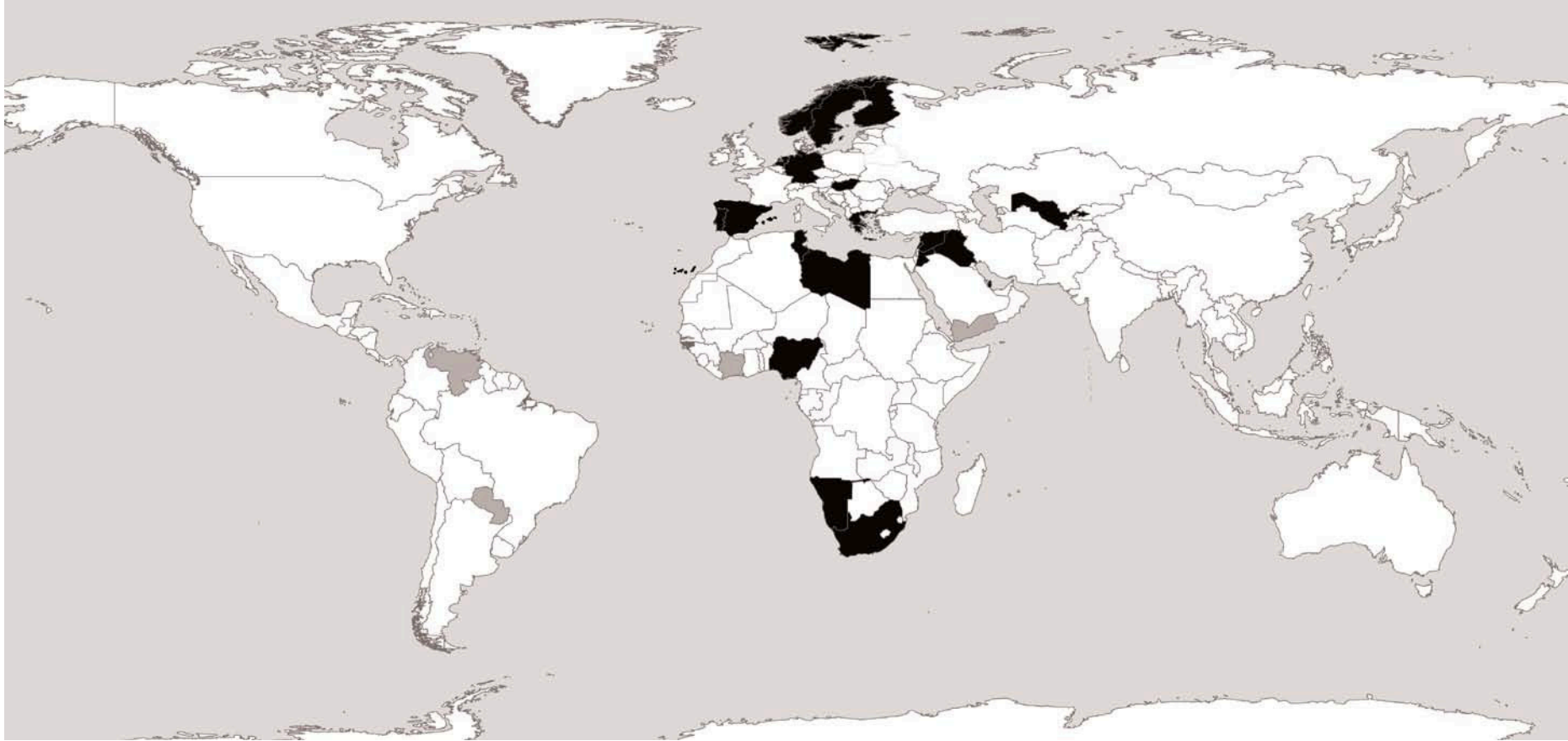
- From UN Watercourses Convention to aid agencies; development banks; UN agencies and non-UN agencies;
- Treating water as a commodity has led to public-private law interactions and the use of bilateral investment treaties, trade and investment law, and international arbitration;
- Instead of a consensus based centralized system, multiple forums for decision-making are being created!

GWG Architecture: Contested Water Principles

UN Watercourses Convention, 1997



GWG Architecture: Contested water principles - Ratification of Watercourses Convention



Status as of 2010

GWG Architecture: Contested principles

- Ownership
 - Absolute Territorial Sovereignty
 - Absolute Integrity of State Territory
 - Limited Territorial Sovereignty
 - Historical rights/ Prior Appropriation
- Nature of water
 - Water as a heritage
 - Water as a community/ political good
 - Water as an economic good
- Management
 - Sectoral priority
 - IWRM

Architecture: Contested Environmental Principles

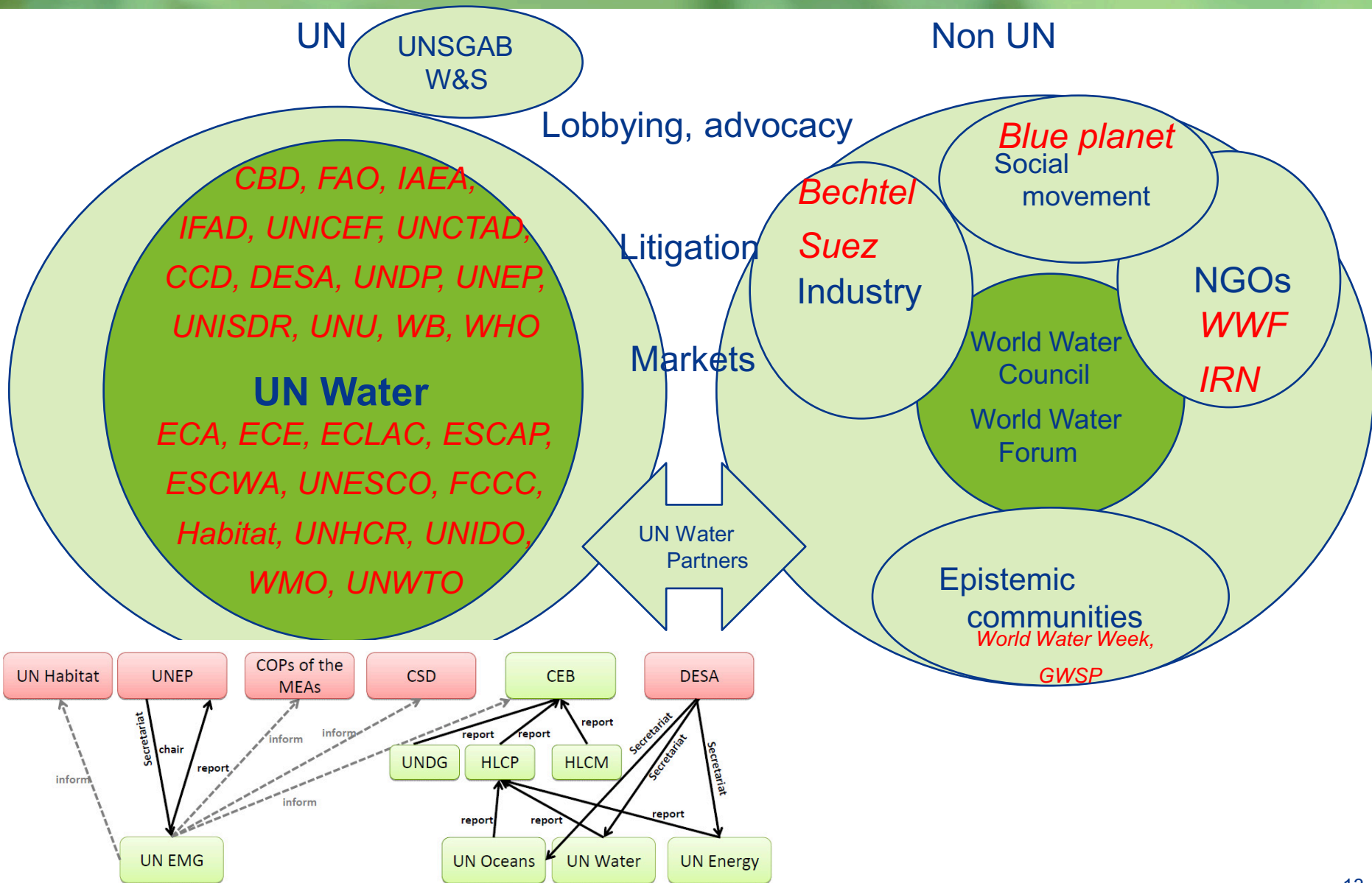
The Rio Declaration 1992

1. Humans at centre	2. sovereignty & responsibility?	3. sustainable development ?	4. integration of environment ?	5. remove poverty
6. priority to vulnerable countries	7. common but differentiated responsibilities?	8. consumption & demographic patterns	9. capacity building and tech. transfer	10. subsidiarity
11. effective environmental legislation	12. open international economic system ?	13. liability and compensation ?	14. prevent relocation	15. precautionary approach
16. polluter pays principle	17. E.I.A.	18. disaster notification	19. planned measures ?	20. women 21. youth 22. indigenous
23. oppressed people	24. protect environment during war	25. peace, development & environment	26. dispute resolution	27. cooperation in good faith

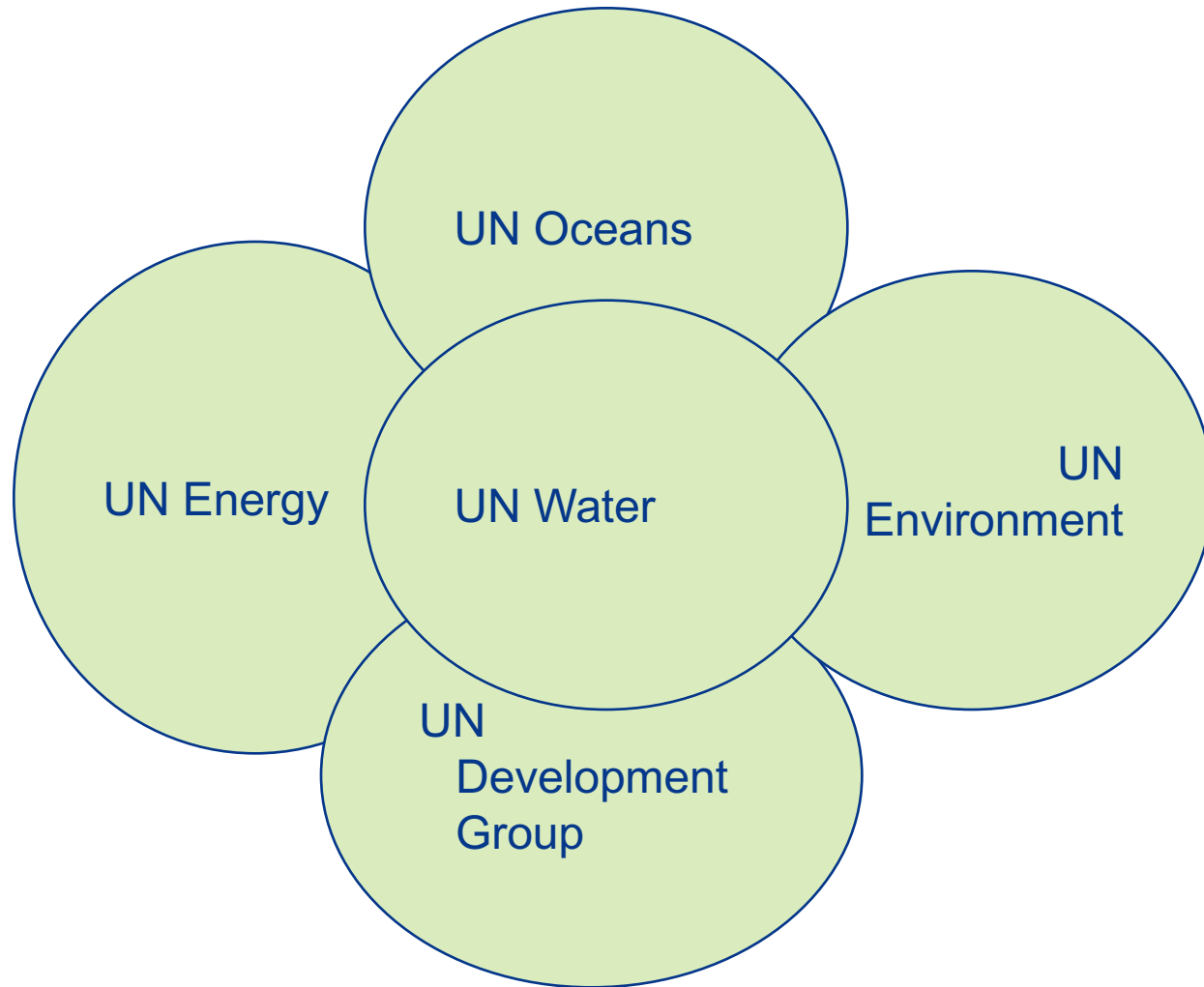
Architecture: Contested human right to water

Year	Declarations (D), Resolutions (R), Comments (C) and Treaties (T)	Consensus?
1979	Convention on the Elimination of All Forms of Discrimination Against Women (T)	186 (excluding US, Iran, Somalia, Sudan, Nauru, Palau, and Tonga).
1989	Convention on the Rights of the Child (T)	192 (excluding US and Somalia)
1994	Cairo Population Conference (D)	177 countries
1996	Habitat II (D)	171 countries
2001	Committee of Ministers on the European Charter on Water Resources	
2002	Agenda 21	All participating countries
2002	General Comment (C)	145 countries
06-09	Non Aligned Conference (D)	All participating countries
2006	First Africa-South America Summit (ASA) (D)	65 countries
2007	1st Asia-Pacific Water Summit (D)	37 countries
2008	3 rd South Asian Conference on Sanitation (D)	8 countries
2010	UNGA Resolution (R)	122 countries

Global Water Governance: Competing Actors?



Issue explosion: Competing and Cooperating Actors



How can global water governance be organized?

Theoretical design options

- Hierarchical integrated: W.S.D.O ?
- Hierarchical single issue: W.S.W.D.O?
- High level advisory body on water
- Non-hierarchical focal point
- Collaboration body
- Strengthening individual bodies
- Promoting coordination through law
- Regime clustering
- Decentralized network organization
- Business-as-usual - Mobius web system

How is global water governance organized?

Theoretical design options

- Hierarchical integrated: W.S.D.O ?
- Hierarchical single issue: W.S.W.D.O?
- High level advisory body on water: UN SG AB on Water and Sanitation
- Non-hierarchical focal point
- Collaboration body: UN Water
- Strengthening individual bodies
- Promoting coordination through law: UN Watercourses Convention, Human Right
- Regime clustering
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UN Water: Coordination dilemma

Identify issues for system-wide action	+
Communicate with actors	+
Elaborate system-wide positions	+
Enhance visibility of UN system	+
Consider links with other fields	+
Completeness (members)	+
Facilitate synergies	+/_
Facilitate coordinated responses	+/_
Enhance credibility	+/_
Disseminate system wide responses	+/_
Promote policy dialogue	+/_
Maximise coherence and effectiveness	+/_
Cooperation with other coordination bodies	+/_
Completeness: partners	+/_

(I)

Decentralisation

(II)

Globalisation

World Water Forum
Type II Partnerships
Private Sector investments
Pluralism

UNECE agreements
EU Water Directive
Regional institutionalism

Regionalisation

UNCLOS
UNLNNUIWC
ILA Rules
Supranationalism
Neo-institutionalism

State-centred
Unilateral initiatives
Neo-realistic frame

(III)

Centralisation

(IV)

Inferences

- GWG is already happening – politics of scale determines which issues are on the agenda and which out; Need to be clear about which issues ‘should’ be on the GWG agenda and which not;
- GWG tends to not meet the good governance criteria;
- Many design options; the easiest political options have been selected; Coordination mechanisms can be subtle, collect and share information, but can they guide and channel governance? Do they have the authority?
- Should there be aquacentric governance or should sustainable development governance be central?
- Or should we promote competition between different governance approaches?