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Urban water conflicts

Are they fatally bad?

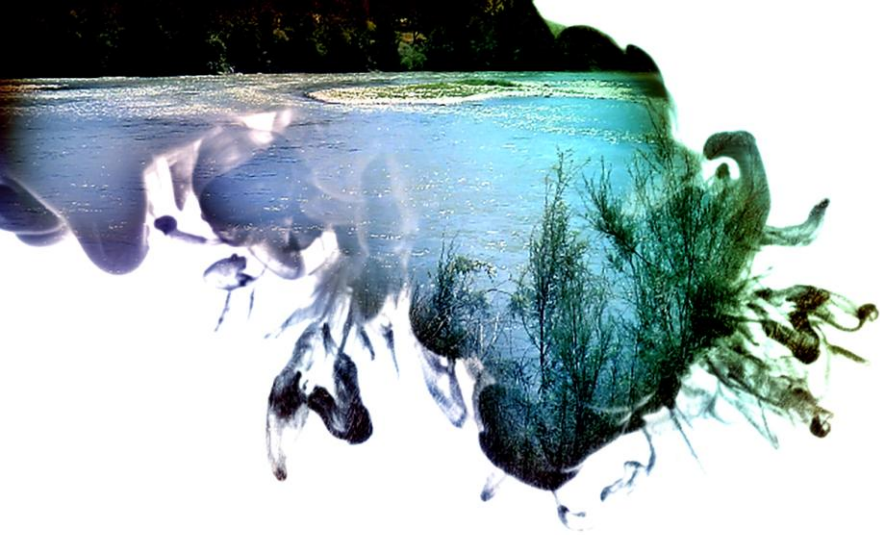
This text is based on excerpts from Salamé, L., Swatuk, L., and van der Zaag, P., (2009) 'Developing Capacity for Conflict Resolution Applied to Water Issues', Chapter 6 in Blokland, M.W., Alaerts, G.J., Kaspersma, J.M. & Hare, M. (Eds) *Capacity Development for Improved Water Management*, Taylor and Francis, London

RESUMEN DE CONTENIDOS

Dada la importancia central del agua para el desarrollo humano, es natural que surjan conflictos en torno a su acceso, asignación, desarrollo y gestión. Sin embargo el conflicto es con frecuencia un paso necesario hacia la cooperación. Para facilitar que situaciones de conflicto deriven en resultados positivos para todas las partes, es fundamental que todas tengan los conocimientos y las capacidades necesarias para alejarse colectivamente de acciones y comportamientos potencialmente destructivos. Esta ponencia defiende la necesidad de utilizar enfoques alternativos de resolución de conflictos hídricos (*alternative dispute resolution*). Reflexiona sobre las experiencias que se están desarrollando en distintos contextos para mover la gestión del agua lejos de su potencial inherente de conflicto y hacia comportamientos cooperativos, partiendo siempre del conocimiento de los contextos sociopolíticos y culturales concretos y la potenciación de las capacidades locales.

FRASES

Existen disputas en torno al agua entre usuarios, prioridades y sectores (urbanos/rurales; industria/agricultura; humanos/medio ambiente; ricos/pobres) en distintos ámbitos geográficos: dentro de la cuenca, entre cuencas hidrográficas, entre jurisdicciones administrativas, en el ámbito de la ciudad, etc.



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Mientras que no todas las disputas se convierten en conflictos, cambios en las condiciones de contexto (cambio climático, sequías, modificaciones legislativas, cambios en el modelo de ciudad etc.) pueden hacer emerger conflictos latentes.

Es importante formar a las partes interesadas en enfoques alternativos de resolución de conflictos que faciliten procesos de negociación cuyos resultados sean sostenibles, equitativos, eficientes y sirvan las necesidades sociales en el largo plazo.

Los problemas del agua son tanto problemas de gobernanza como problemas de escasez (ya sea estacional, absoluta, natural o resultado de la acción del hombre)

Una buena gobernanza del agua requiere: participación pública, transparencia, equidad, efectividad y eficiencia, cumplimiento de la ley, rendición de cuentas, coherencia, capacidad de respuesta, integración, y ética.

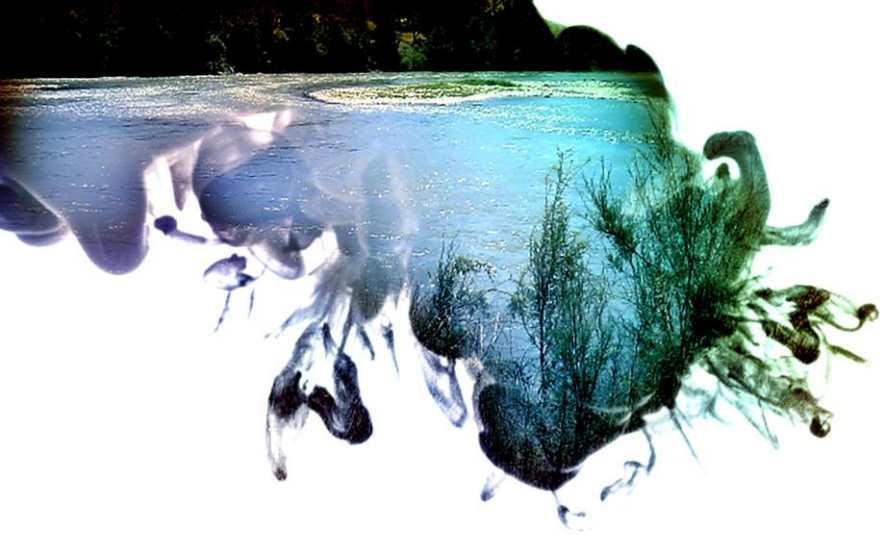
Mala gobernanza es aquella que resiste cambiar los patrones de asignación, uso y gestión del agua a pesar de claras evidencias de degradación del recurso, desigualdad y resultados no equitativos.

Los conflictos presentan oportunidades para cambiar, adaptarse, innovar y crear, pero solo si tenemos las habilidades necesarias para generar sinergias y espacios de cooperación entre las partes.

Los mecanismos alternativos de resolución de conflictos incluyen un amplio abanico de enfoques: negociación, facilitación, mediación y arbitrio.

La participación pública es un elemento esencial de los enfoques alternativos de resolución de conflictos en la medida que permite anticipar y prevenir la aparición de futuros conflictos mediante la creación de espacios permanentes de diálogo entre partes interesadas donde expresar y debatir intereses, necesidades y posiciones.

Los procesos de resolución de conflictos deben tener en cuenta el contexto sociopolítico y cultural en el que se desarrollan para potenciar las capacidades sociales y experiencias locales que puedan facilitar estos enfoques alternativos.



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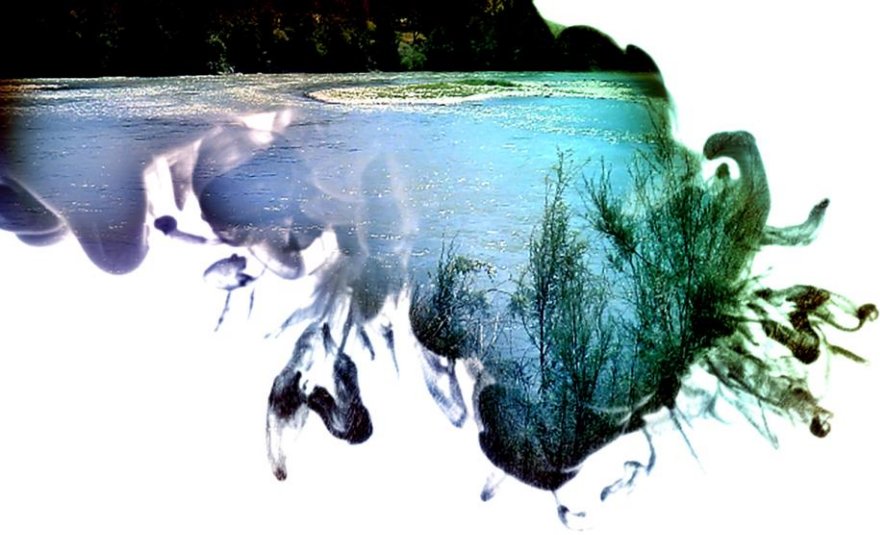
TEXTO

Conflict may be defined as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns. Conflict is an unavoidable aspect of human social systems. Indeed, many argue that conflict is a necessary fact of life, for it is only through struggle that lasting and meaningful change can be brought about.

Given the central importance of water resources to all human communities, it is natural that conflicts arise with regard to their access, allocation, development and management. It is equally clear, however, that necessity is not only the mother of invention, but also the basis for extensive cooperative activities concerning the management of water resources. Thus, both conflicted and cooperative behaviours—across time and space, and at all levels of human social organization—constitute the norm where water resources are concerned.

Water resources of all types are under increasing pressure from a number of actors, forces and factors manifest in the early 21st-century world. Of particular concern is the impact of population growth; by 2050 the world's population will have increased by 50%. Also of concern is the way in which sovereign states will deal with increasing (seasonal, absolute, natural, man-made) scarcities in transboundary river basins. Geography is thought to play a special role, with location in the basin (upstream/downstream) and in the environment (arid/semi-arid ecosystems) regarded as key factors in future water conflicts. Global warming is also thought to pose particular challenges to water-stressed societies and communities that must develop adaptation and mitigation mechanisms in order to survive. At the national level, important questions have arisen concerning the optimal use of limited resources.

Debates and disputes are now popping up between and among a wide variety of users (e.g. urban/rural; industry/agriculture; humans/the environment, rich/poor people) within and across watersheds, ecosystems, basins, political jurisdictions and increasingly crowded cities. Given the diversity of needs and interests that surround water, disputes over the resource are normal. That is to say, they are to be expected. Not all lead to conflict, however; and, not all conflicts turn violent. Some fester perpetually beneath the surface and, as with limited access to potable water in many parts of urban areas, are part of settled social relations. However, a change in the setting – such as an unexpected drought or flood, or a change in government policy –



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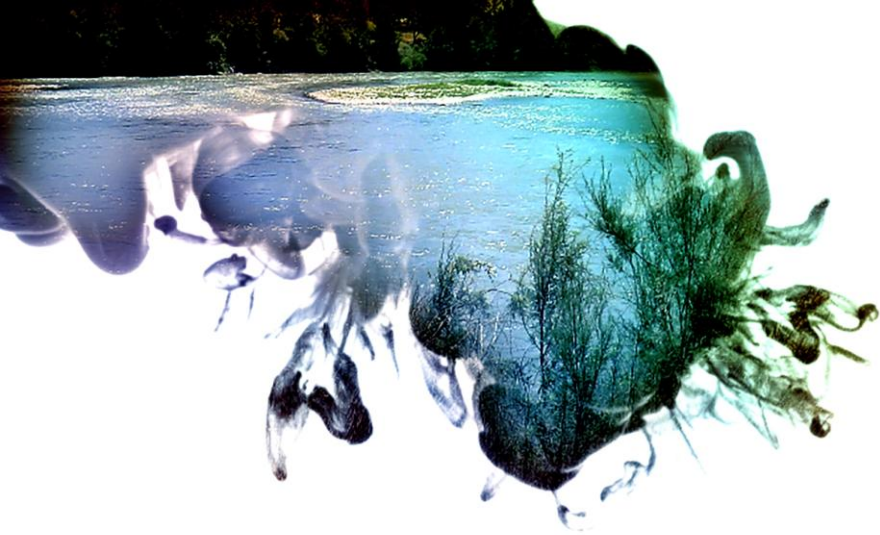
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can bring long suppressed grievances to the surface. At the same time, other longer-term changes, such as population growth, urbanization, land use, and climate variability, can create new grievances or worsen already existing ones in a slow and creeping manner.

What is to be done about such events and eventualities? Clearly, we must be prepared to anticipate, prevent and address water conflicts as and when they arise. The intention of this paper is to reflect on the many and varied efforts to move water resources management away from its inherent conflict potential toward cooperative behaviours. Within the field of conflict resolution and negotiation for water resources management, there has been consistent emphasis on training actors in Alternative Dispute Resolution (ADR) skills, in particular, principled negotiation: an approach that seeks to embed outcomes and processes that will serve sustainable, equitable and efficient long-term social needs.

Today we face a world water crisis, some characteristics of which are as follows:

- Water resources are increasingly under pressure from population growth, economic activity and intensifying competition among users;
- Water withdrawals have increased more than twice as fast as population growth, and currently one third of the world's population live in countries that experience medium to high water stress;
- Groundwater withdrawals frequently exceed natural recharge levels, leading to the lowering of water tables and depletion of aquifers;
- Pollution is further increasing water scarcity by reducing water usability at the source and downstream;
- Shortcomings in the management of water, a focus on developing new sources rather than managing existing ones better, and top-down sector approaches to water management result in uncoordinated development and management of the resource;
- More and more development means greater impact on the environment; and,
- Current concerns about climate variability and climate change demand improved management of water resources to cope with more intense floods and droughts.



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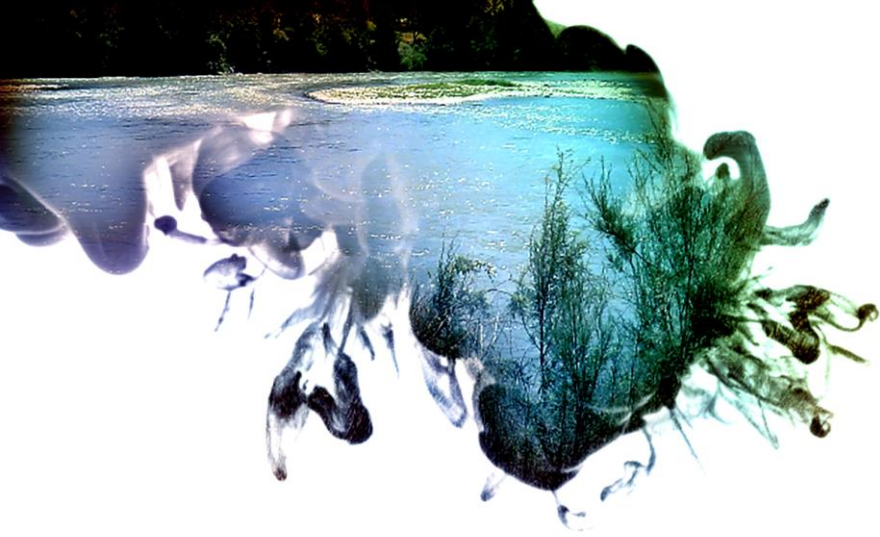
Access to water is fundamental to human survival, health and productivity and cities' development. But, there are many challenges related to ensuring the sustainability of people's access to water for various purposes. Many development projects have not viewed water within the environment as being an exhaustible supply and the approach has been mostly sectoral and non-integrated, causing many pressures on the limited resource. The results of this approach, together with external factors (most notably population increase and climate change), have produced situations in which the water source has either run out or is severely stressed. These situations include disasters such as pollution, the overexploitation of aquifers, the drying-up of springs, floods, and funds being wasted on many inappropriate projects.

While an understanding of water resources, their dynamics and limitations on abstraction is considered to be essential to permit the development of sustainable water management strategies, the problems of today and tomorrow are as much a consequence of poor governance as they are of absolute scarcity (see UN, 2006, Chapter 2 for details).

Governance is both an outcome and a process, involving a variety of legitimate and authoritative actors. As an outcome it reflects settled social relations. If it is good, it suggests widespread – if not universal – social approval of its practices. Good governance can never reach an end point; as a process it depends on the reiteration of activities that deepen trust.

With regard to water governance, a commonly accepted definition comes from the Global Water Partnership: 'Water governance refers to the range of political, social, economic and administrative systems that are in place to develop and manage water resources, and the delivery of water services at different levels'. According to the authors of the UN *World Water Development Report 2*, water governance has four dimensions: a social dimension concerned with 'equitable use'; an economic dimension concerned with 'efficient use'; an environmental dimension concerned with 'sustainable use'; and, a political dimension concerned with 'equal democratic opportunities'. Each of these dimensions is 'anchored in governance systems across three levels: government, civil society and the private sector'. To realise 'effective governance', the UN Report proposes a checklist that includes the following:

- participation;
- transparency;
- equity;



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- effectiveness and efficiency;
- rule of law;
- accountability;
- coherency;
- responsiveness;
- integration; and,
- ethical considerations.

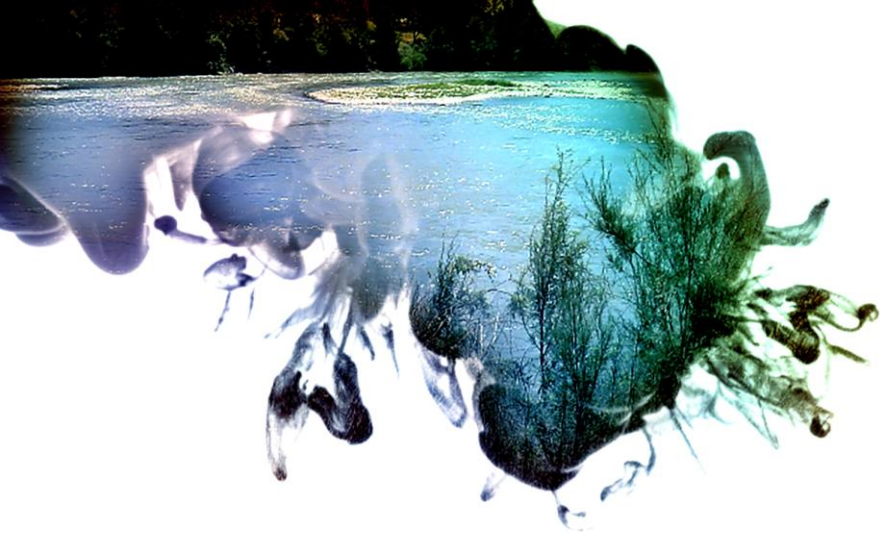
The absence of some or all of these practices is supposed to result in ‘bad’ or ‘poor’ governance, a simple definition of which is the inability and/or unwillingness to alter patterns of resource allocation, use and management despite clear evidence of resource degradation, uneconomic behaviour, and abiding poverty and social inequality.

While conflict may be difficult, it is by no means only a destructive process. Conflicts often have positive functions, and may be key drivers of constructive change. Conflict also helps to define boundaries, clarify who and what belongs where, and helps to establish procedures for managing resource access, allocation, use and management (albeit not always in an equitable or sustainable fashion). Conflict often brings with it creative potential that helps social groups, organizations, communities and entire states to (re)define themselves, to change and adapt, and to innovate and create.

However, conflict has a positive role to play if only we have the necessary skills to create the synergy for the well-being of all contending parties. There are many techniques, both formal and informal, to manage conflicts. The following are the most commonly known methods of conflict resolution. However, it must be said that conflict resolution is more art than science.

The formal and ultimate mechanism for conflict resolution is taking recourse through the legal system of the country. In a legal proceeding, the parties to a dispute are heard by a court of law which decides upon the case on the basis of existing laws in force in the country. In many instances, this is the only way to resolve a conflict, but in many other cases, it may not be so.

ADR developed in the West in the 1970s as an acceptable alternative to the dominant approach of litigation, with its focus on confrontation and ‘winner takes all’. We continue to use this term, ADR while recognizing that it, too, has become rather ‘mainstream’ over the last three or more decades. Today, truly **alternative** methods of



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conflict resolution are inspired by indigenous practices, such as forgiveness rituals, strategies for face-saving, reconciliation, re-establishing harmony– being forward looking (i.e. how, from now on, we can find a way of collaborating without fighting) rather than looking in the past (i.e. who was the culprit?, who is to blame?). Experiences outside the water world are relevant, such as the Truth and Reconciliation Commissions of Uganda and South Africa, including the latter's emphasis on the importance of *Ubuntu* ("humans are humans through/because of other humans"); the role of traditional tribunals called *gacaca* in Rwanda after the genocide; and, the role of spirituality in social organizations across Africa. Perhaps a key challenge for knowledge and capacity building, then, is for those of us trained in Western modes of ADR to develop capacities to operate with local vernaculars and approaches that may or may not be compatible with our own – largely secular – approaches to dispute resolution and conflict management.

ADR covers a broad spectrum of approaches.

Negotiation

Facilitation

Mediation

Arbitration

Stakeholder participation is key to sustainable resource use and management. Conflict resolution techniques are generally employed once a dispute has already arisen. However, anticipating and preventing the forms of future conflict is an important element of conflict resolution itself. In the context of a river basin, where disputes arise from time to time, it is useful to give a home to these issues through the creation of a setting where stakeholders can regularly meet and communicate with each other regarding interests, needs and positions. While there are no uniform methodologies for undertaking the process, the important thing is to create an enabling environment whereby the stakeholders are able to actively participate in the policy dialogues and subsequent planning and design processes.

The techniques discussed above need to fulfill certain conditions for successful outcomes. Some of these are:

Willingness to Participate

Opportunity for Mutual Gain

Opportunity for Participation



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Identification of Interests
Developing Options
Carrying out an Agreement

Parties engaged in conflict management should also learn from their specific setting. As highlighted above, there may be truly *alternative* and relevant approaches to conflict management specific to a particular cultural and socio-political setting unknown to outside facilitators.

Cooperation on water may have a positive spinoff to the governance of other sectors of a society. This is because water is widely considered to be 'special' and acknowledged as vital in all societies and cultures.