

The Enabling Environment

Synthesis Report of Theme 3 of E-Forum of the FAO/Netherlands International Conference on Water for Food and Ecosystems

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1 Introduction

Achieving sustainable water management is a difficult and complex process, requiring the involvement of many stakeholders at multiple scales and negotiated agreements for often conflicting interests. Causes and effects, and costs and benefits are often separated across time and space, which complicates motivating actors to change current water use practices. This gives rise to many questions regarding the institutional framework needed to create an enabling environment for sustainable water management. This document summarizes current experiences of good practices, new ideas and major challenges as discussed during the E-Forum “Theme 3: The Enabling Environment”, from 6 to 10 December 2004, in preparation for the FAO/Netherlands International Conference on Water for Food and Ecosystems.

The discussions during the E-Forum concluded that there is an international trend towards collaborative water management, away from the command-and-control administration characteristic of centralized management by a single authority. Sound national policies and institutions are essential for successful water management by stakeholders, and for framing and aggregating local arrangements in a consistent way. Sectoral structures that characterize most existing institutions are often ill-suited for providing an effective forum for stakeholders to manage water for food security and ecosystems in an integrated and sustainable way. While institutional reforms have been implemented or are being planned in various countries, there is no universal blueprint for their successful design.

New policies and institutional arrangements to enable sustainable uses of water are currently being crafted in an international environment stimulating decentralization, privatization and liberalization. Lessons from international experience, however, often question market based solutions as an appropriate way to safeguard public goods, especially where it concerns water. At the same time, many contributions to the E-Forum pointed to the inability of the state to deal with problems of integrated water management in an effective way. In line with international discussions on governance and democracy this suggests that instead of more markets or less state, what is needed is better and more participatory forms of governance, able to deal with rapidly changing environmental, social and economic circumstances (Beck 1992; Beck et al. 1994; Giddens 1994; Held 1996). But how to reach this is intensely debated on practical and moral grounds (Held 1996).

“Which institutional arrangements and policies enable stakeholders to manage water in a sustainable manner and to accommodate multiple users and uses of water?” This was the central question of Theme 3 of the E-Forum. The remainder of the document will summarize and discuss case studies and practical experiences from policy makers, researchers, practitioners and NGOs. Section 2 outlines the central issue of governance in the reform of water institutions as raised during the E-Forum, and clarifies some important concepts. Section 3 provides an overview of important experiences with institutional arrangements within as well as outside the state that aim at stimulating sustainable water use and stakeholder involvement. Section 4 ground-truths the points raised in section 3, using practical examples of case studies and contributions to the E-Forum discussion. The concluding section summarizes the findings and ends with a discussion of how institutions affect the daily reality of water management practices.

2 The Importance of Governance Issues for Water for Food and Ecosystems

There is wide consensus that, as competition for water intensifies, profound changes in water governance are needed to reconcile the water needs for food production and ecosystems, and to move towards an ecosystem approach for agriculture and a services approach for ecosystems. Compounding this challenge is the widespread poverty in developing countries, and the pressure this creates to reallocate water to the poor for productive uses. The following issues stand out:

- The overexploitation of primary water sources (waters tapped from rivers, lakes and aquifers) leads to environmental degradation through the destruction of aquatic ecosystems, the depletion of aquifers and the generation of wastewater flows. The only way to reverse these trends is to consume less primary water and to make judicious use of derivative water (industrial/urban effluents and agricultural return flows).
- Alleviating poverty through the creation of new water infrastructure becomes very difficult if primary water sources are already fully committed, and frequently under the control of the relatively better-off. Creating new water entitlements for the poor must then be sought in renegotiating water rights to primary water, and in increasing the productivity of “green water” (water stored in the soil profile).
- Increasing the productivity of green water by poor farmers in upper catchments may have significant impacts on runoff and water availability in lower catchment areas.
- Without recognized water rights and impartial enforcement, the danger exists that the poor and the environment will continue to lose out, threatening social stability and ecological sustainability.
- The integrity of the water cycle is threatened if the environment is seen as just another sector that needs water. As nature is the source of water, restoring and maintaining the integrity of the water cycle should be at the heart of all water policies and programs.

These issues show that water governance involves often contradictory and complex water dilemmas. Water dilemmas are clusters of interrelated problems, characterized by high levels of uncertainty and a diversity of competing values and decision stakes. Crucially, these dilemmas cannot be solved by any single organization acting alone and are intractable, since what constitutes a solution for one group of individuals entails the generation of a new problem for another. Water dilemmas are characterized by:

- complexity of interconnected biophysical, social, economic and political factors;
- uncertainty of future consequences;
- multiple stakeholder interests at multiple scales;
- causes and effects and costs and benefits are often separated across time and space with significant implications for human motivation;
- strong vested interests in the allocation and use of water resources both within and between nations;
- need for coordinated action across political boundaries.

During discussions in the E-Forum it was widely accepted that the state is responsible for putting in place the policy framework that can underpin equitable and sustainable water management. After all, the legitimacy of any state stems from its ability to deal with the long-term interest of society as a whole. Still, many argued that the state is not doing a very good job at fulfilling this core function, due to short-term electoral interests, the influence of powerful economic players, corruption or bureaucratic inertia. Therefore, there is a growing

attention to civil society, deliberative democracy, good governance and stakeholder participation. Improving governance requires a shift in focus from outputs/effects to process (procedures, communication, decision-making, participation, etc).

It is important to not confuse broader ideas of participation with only local-level community participation. Local participation has often been undertaken with the ambition to empower local people, however, given that many of the root causes of poverty or environmental degradation lie with higher level institutional deficiencies, these attempts have often failed. When we talk about multi-stakeholder participation, we are talking about more than “local stakeholders”. It is about how different key groups from business, local community, civil society organisations, scientists, policy makers and politicians engage with each other to improve democratic governance.

“Governance” is then about much more than “the government” or “the state”. “While governments generate compliance through formal prerogatives such as sovereignty and constitutional legitimacy, the effectiveness of governance rule systems derives from traditional norms and habits, informal agreements, shared premises, and a host of other practices that lead people to comply with their directives” (Rosenau 2002:72). Enhancing governance, then, is all about creating transparent and accountable processes and procedures that create authority, trust and legitimacy within and beyond formal state institutions.

New water management arrangements are emerging, ranging from decentralization of authority to provinces and municipalities to the transfer of tasks and responsibilities to civil society organizations, water user associations, and river basin agencies. These new institutional arrangements imply changing roles and responsibilities for state organizations, such as informing, stimulating, coordinating, monitoring, legislating, regulating and/or enforcing. It also requires the development of a coherent and robust regulatory and legal framework at the national level, which enables and stimulates more participatory forms of governance.

Institutional arrangements and policies, as specified by public authorities may differ substantially from the application of those rules in practice. Moreover, local rules, such as those governing the allocation of water, for example, may be quite different than the formal set of rules promulgated by state authorities. Water management organizations and institutions structure and mediate these interactions, but in turn are also reshaped by water use in practice. This difference between the formal rules and the set of rules-in-use which operate on the ground (Ostrom 1992) point to the need to tailor formal rules based on what is happening on the ground.

During the E-Forum, emphasis was placed on the importance of definitions when discussing “institutional arrangements”. The term “institution” covers a wide range of manifestations, and may include:

- Legislation detailing rights and responsibilities over water
- Public policies setting objectives and mechanisms for water management
- Decision-making and/or consulting institutions
- Public agencies to carry out mandated functions
- Cultural norms and values underlying the way different actors think and act
- Informal/traditional institutions underpinning historical water management practices
- Financial arrangements for water charging, taxation, water markets, sanctions, etc.

The terms “institutions” and “organizations” are often used interchangeably, but it is useful to distinguish between them. In mainstream institutional theory, institutions are understood to be “the humanly devised constraints that shape human interaction” (North 1990:3), and consists of complexes of norms, values and behaviours that persist over time and inform action (Uphoff 1986). In this view, institutions provide structure and regularity to everyday life by reducing uncertainty and providing a guide to human interaction. But institutions are not only “the rules of the game” or “sets of working rules or rules-in-use” (cf. North 1990; Ostrom 1990) but are reproduced, transformed, and subverted through interactions and negotiations between actors (Cleaver 1999; Metha et al. 1999; Mosse 1997).

Organizations are defined as “groups of individuals bound by some common purpose to achieve objectives” (North 1990:5). Other definitions highlight the importance of seeing organizations as “structures of recognized and accepted roles” instead of only groups of individuals (Uphoff 1986). Organizations are created intentionally within an existing web of institutions. Hence, what types of organizations exist and how they evolve are fundamentally influenced by the broader network of institutions in which they are embedded. Organizations, in turn, influence how institutions evolve over time. Organizations constitute a subset of institutions, and are distinguished by their purposive origin and maintenance and their hierarchically organized roles.

Now we also come to a fundamental stumbling block. By definition institutions (and policies) are the more stable features of society, but in fact what we are dealing with is the need for institutions (including policies) to be much more responsive to rapidly changing environmental, social and economic circumstances. This leads us to the central issue of the Theme 3 discussion: which institutional arrangements can stimulate more participatory approaches to water management and enhance “good governance”?

3 Institutional Arrangements for Water for Food and Ecosystems

The key question for the E-Forum discussion of Theme 3 was: Which institutional arrangements help enable stakeholders to manage water resources and accommodate diverse users and uses of water? Drawing on the cases database and E-Forum contributions this section draws the contours of an answer to this question. In particular, emphasis is placed on the interaction between state and non-state actors and multi-stakeholder processes. When do such processes only provide input and advice to state decision making structures, or when at the opposite continuum is the state devolving power to some new multi-stakeholder body or platform and what lies in-between. Underlying the challenge of water for food and ecosystems is the urgent need for poverty alleviation, discussed at the end of Section 3.

3.1 The public sector and institutional arrangements for water for food and ecosystems

The state clearly has an important role to play in new institutional arrangements and policies for participatory forms of water governance. During the discussions it was stressed that it is crucial to clearly distinguish between strategic policy making (as a state function) vs. administrative management and service delivery. There are very different issues related to these functions in terms of what can be delegated or decentralized and what sort of stakeholder input is appropriate. Important insights from the E-Forum are summarized below.

- Public policies for setting objectives and mechanisms for WFE were clearly identified as government roles. Although there was consensus over the role of government related to strategic policy making, there was less clarity about stakeholder participation in policy making. In general we can say that participatory policy making and water management could be enhanced by more facilitative roles of the state, stimulating, supporting or even creating platforms or forums for more participatory forms of policy making. This would enhance a “reality check” for existing and new policies and stimulate learning processes on a societal level.
- Current legislation is often perceived as not appropriate for current water management problems. The state system is identified as the right place for law making and enforcement. Still, in a similar vein as with participation in policy making, law making should reflect existing rights and realities, and can improve from consultation with different stakeholders in the legislation formulation process.
- It is important to differentiate between enforcement, administration and service delivery when changing the organisational set up of public agencies. While enforcement is seen as a strategic task for a government authority, other tasks are more and more transferred to e.g., municipalities, water user organisations, the private sector, or new public-private bodies. In many weaker developed state systems strengthening (or even creating) intermediate-level coordination bodies can improve coherence and support for lower level multiple stakeholder water management.
- Another important government role should be the coordination between sectors and/or scale levels. Multiple stakeholder platforms can play an important role in informing, coordinating, creating consensus or even taking over responsibilities of the state. These platforms need to be properly supported financially and with clear definitions of tasks and authorities.
- Change of government roles for more participatory water management often requires far reaching changes of the institutional culture of government organisations. It also requires different ways of collecting, monitoring and processing information. This implies employment of different kinds of staff and the development of new training programs.
- While valuing of water was discussed in a separate theme discussion (II), the importance of the state for guaranteeing the long term public good of water services was stressed during the E-Forum. This includes the long-term financial viability of any choice made for the organisation of water management and service delivery, be it private, public, or anything in between.

3.2 Non-state actors and institutional arrangements for water for food and ecosystems

Not only the state is important for crafting the enabling environment for water management for food and ecosystems. Also non-state actors are constantly re-inventing, reproducing, transforming and subverting state and non-state “rules of the game” and their institutional settings. What non-state institutional arrangements are important to consider when talking about participatory water management?

- When we talk about changes in the enabling environment of water management we have to consider first the daily reality of informal/traditional institutions underpinning historical water management practices. Any new policy has to take these existing practices in consideration. This requires involvement of local stakeholders in changes through for example Multi-Stakeholder Platforms (MSPs), water user associations, adapting existing management through local research of traditional institutions, or by responding positively to political activism from civil society or representative groups.
- Involvement of multiple stakeholders in policy making and legislation. These stakeholders include different key groups from business, local community, civil society organisations, NGOs, scientists, policy makers and administrators from different sectors and scale levels.
- Capacity building of NGOs and pressure groups to improve their knowledge position and negotiation capacity with government, private sector or in MSP processes.
- Long term cultural and educational change to transform the dominance of “expert thinking” into an approach focussing on contextualised problems and societal learning.

Because different actors have different interests, norms and institutional backgrounds (and backing) the issue is not just one of participation but rather one of creating effective processes and procedures of learning and reflexive decision making by the engaged actors. Such processes need to lead to underlying value positions becoming explicit, assumptions being questioned and particular positions being tested against the best knowledge and experience available. It also means going past more traditional modes of “negotiated agreement” where groups do not necessarily learn about the long term consequences of their positions and are not challenged / supported to “reframe” their perspectives. This may lead to the questioning of existing economic power structures and will require very different approaches to the engagement of science with society. Bringing about institutional change requires a fundamentally different conception of knowledge processes. What becomes important is not knowledge itself, as some sort of commodity that can be easily transmitted, but rather the ability of particular groups of actors to conceptualize problematic situations and come to an informed agreement about the best ways to act.

3.3 Water for the poor

While stakeholder processes and representation in water management are important, they need to be twinned with a focus on securing water entitlements for the poor. This points to an important role for government, both in drawing up and enforcing water laws that explicitly safeguard customary water rights and contain provisions for reallocating water rights to the poor.

Access to water for productive uses is crucial for the poor to build sustainable livelihoods. The challenge this poses is balancing the allocation of water for poverty reduction with allocations designed to meet the needs of proven productive capacity (i.e. industry, commercial agriculture, mining) and the environment. The introduction of market principles in water allocation tends to favor proven productive use. Thus questions may be raised with respect to the usefulness of market based solutions in attempts to redress existing inequities in access to water. This may make it necessary to redistribute water rights in favor of the poor,

but also calls for a judicious use of water and innovations in land and water management technologies.

- Rights as a way out of poverty. To craft pro-poor water policies an understanding of the processes that create poverty is needed. While individuals experience poverty and can work their way out of poverty, there is also truth in the statement that societies produce poverty through processes of exclusion. The deprivation commonly associated with exclusion is not only related to a lack of economic resources but also a lack of recognition and entitlements. In this sense, access to water can be viewed as a potential vehicle to achieve economic and political rights. These are prerequisites for full citizenship, which in turn open opportunities for political participation. The state has an explicit role to play in this. Still, implementing a rights based approach is not a straightforward thing, because it will conflict with vested interests and unintended consequences of such an approach have to be assessed.
- The above mentioned institutional arrangements of 3.1 and 3.2 can also be used for stimulating pro-poor policies and changes. Because pro-poor policies often explicitly challenge the status quo, government policies have to go together with capacity building and strong social action initiatives from below.

4 Examples of Changes in the Enabling Environment for Water for Food and Ecosystems

The summary presented in section 3 draws on the many contributions made to the E-Forum and the cases database. However, it does little justice to the diversity and depth of these contributions. The following delves deeper into the e-mail contributions and submitted cases, to illustrate how changes in institutional settings are implemented in real world situations. The numbers in brackets refer to the case studies, which are posted on the FAO E-Forum website (see Annex), while the names in *italic* point to e-mail contributions made to the E-Forum (also listed in the Annex).

Participatory policy making and policies for participation

Most participants of the E-Forum agreed that participatory water management and/or decentralisation has to be combined with simultaneously strengthening central (state) and intermediary organisations and regulating authority (*Lankford, van der Werf, Pant, Ganz, Mollard, Meijerink, Hermans*). Examples indicated however that institutional change was slow, context dependent and not always successful.

Cases in which national governments have been setting up forums or platforms informing policymaking were discussed in the cases of Ukraine (15), the CEE WFE (5 and 6), the “Multi-Stakeholder Platforms for Integrated Catchment Management” project (11) and Tanzania (8). These cases report better communication between administrative levels and with civil society, but are less clear about to what extent participation is required in policy-making itself.

In contrast, state bureaucracies and governments are sometimes reported to be uneasy with relinquishing control to participatory processes (11, 12), or even constraining participation in policy making (22) (*Zhovtonog a&b*). Stimulating change requires

changing short-term goals of governments (*Woodhill*) and/or value changes (3) of the institutions currently involved. Some argue that it is unwise to change something radically if it is already working well, and that change has to be integrated in existing institutions (*Mollard, Hermans*).

Processes of change within the state often require long term commitment from civil society (*van der Werf*), pressure from outside (20, 22), or extreme events such as natural disasters (*Bolding, van der Werf*). IFAD evaluated several cases (9 and 17) with participatory approaches, in which international agencies contributed to stimulating national governments to change policies, through international aid and support of national dialogue with civil society. In Honduras a National Water Platform (12) (consisting of civil society groups, government and International Cooperation) successfully stimulated institutional change for integrated water management. *Hofstede & Schrevel* argued that international expert panels can also speed up learning and adoption of new approaches.

Two cases pointed to successful pressure from international lending organisations for cost saving motivating the Mexican government to decentralise water management and stimulate participatory approaches (10, 20). A Moroccan case study (22), however, warns for simple generalisations, as the Mexican success was highly context dependent. In Mexico pressure on the national state went together with real engagement of the bureaucracy that was aware of insufficient funds due to the financial crisis (22) and an active civil society that saw chances for gaining influence through water user associations (20) (Rap, 2004). The case suggests that in Morocco, due to the combination of a strong state with a weakly developed civil society, similar policies would lead to economic problems in the agricultural sector (22).

Legislation and enforcement

Existing legislation is often perceived as inappropriate for dealing with water management for food and ecosystems (12). The case studies on Water Law and Indigenous Rights (4 and 18) highlight the richness and diversity of institutions underpinning historical water management practices in the Andes, and lament the ease with which new water reforms ignore these institutions. Extensive research under WALIR shows how national legislation and reform processes obstruct and negate indigenous and peasant communities' customary water management systems, and exclude these stakeholders from water policy and planning processes. They conclude that securing and recognizing local and indigenous water rights and management rules, for example through collective water rights, will importantly contribute to more stable and sustainable water management practices and to alleviating not just rural but also urban poverty.

Several cases and contributions pointed to the failure of enforcement of rules and regulations during institutional reform (8, 10, 16, 18,) (*Ganz, Mollard, Meijerink*). *Ganz* and *Mollard (b)* pointed to the importance of defining (and defending) clear legal responsibilities and roles for the state during reformulation of existing laws and institutional changes. Without it the danger of neglecting well-intended new rules and legislation looms big, leading possibly to corruption and power abuse, with unwanted environmental and social consequences (16). *Guasa* and *van der Werff* discuss the importance of non-state actors stimulating local enforcement.

Several cases highlighted interesting experiments with participatory legislation processes. The Chilean and Bolivian WALIR cases (4, 18) showed how involvement of civil society groups can improve formulation and implementation of legislative processes. Actors within the policy-making process forged alliances with farmers and indigenous groups to promote institutional change. In Costa Rica (23), Honduras (12), and Nepal (*Pant*), NGOs, local governments and international donors stimulated experiments with local change influencing national legislation for integrated and environmentally friendly legislation for watershed management. In all of these cases state officials worked together with civil society groups in setting important examples and creating room for manoeuvre during legislative processes.

Public Organisations for WFE

Functioning state agencies that carry out their mandates are important for integrated water management. A strong consensus arose during the E-Forum concerning the need to build on existing institutions and organizations, both those officially recognised and more informal/traditional institutions. The authors of the Tanzania case study (8) take a balanced view, arguing that while existing institutions may not be equipped to facilitate decentralization and water management on hydrological boundaries, the formation of “new” institutions for IWRM should be grafted on the existing ones. *Bolding*, from an African context, proposes to not only focus state agencies and argues for the importance of “on the ground” local water management institutions, which frequently function quite well with little state presence.

The question to the E-Forum on which specific administrative and service delivery tasks could be decentralised or deregulated was not explicitly answered during the discussion. *Hofstede and Schrevel*, as well as *Hermans* argue for a subsidiarity principle guiding reform: decentralise as much as possible and appropriate, to stimulate direct contact of administration, service delivery and policy making with concerned actors in civil society. *Van Vuren* warns however, that decentralisation of water management should not be stimulated when all other issues are dealt with by central government. The Tanzanian case study (8) shows how decentralised governance can be stimulated by parallel strengthening of mid-level bureaucracy (see also *Vallee*).

Many cases reported difficulties in coordination and overlap between different levels of government administration and sectors (8, 12, 16, 20). *Lankford* argues that to create direct impact a variety of (mid-level administrative) “new style river basin transition panels” should be established, made up of open-minded multi-disciplinary “chartered” water managers, working together and cross checking each other. Instead of focussing too much on large Integrated Water Resource Management, these panels could break large problems into smaller building blocks and create “credible dialogues” with users and between administrative government levels. Governments and donors should finance sufficient staff numbers and disciplines represented to ensure solutions that are technically sound and stage relevant. *Lankford* adds that multi-stakeholder platforms and river basin panels would require:

1. setting up mechanisms of communication for local solutions to be fed upwards,
2. flexible service delivery systems by higher institutions that tackle problems of local users, and
3. cross-checking mechanisms between different panels and forums.

Stakeholder involvement in coordination and administration

Some examples were given of forums or platforms that stimulated coordination and participatory decision making and/or consultation (11, 12, 23). Most gains were reported from multi-level discussion platforms, communication games and communication improvements for integrating administrative government levels (5, 6, 15, 23). Involvement of other stakeholders in water management platforms was widely discussed. Points of contention were level of involvement, and the mandates. *Mollard* comments that we do not have many successful examples. “In fact we have patent failures. We have to recognise that we do not know if it works elsewhere than in developed countries”. Still, some cases showed the promise of multiple stakeholder involvement.

Van der Werff (and *Schrevel* during theme 1) argued that negotiating water and land use all stakeholders should be involved. *Warner* warns that MSPs only work if there is an urgency and acute awareness that if stakeholders do not join disaster looms. *Guasa* gave an example of how involvement of non-state stakeholder can help local government achieving better water management and enforcement of environmental laws. The problem was that not all (powerful) stakeholders wanted to come to the negotiating table. He argued that even in those cases (of non-participation or conflict between stakeholders) there are 'non-negotiable' aspects that should be enforced anyway (such as guaranteeing healthy drinking water).

Information and capacity building

Lankford warns that many decisions currently are taken without sufficient field data, based on conventional and often normative judgements, without relevant field checks and reflection. Too often decisions are taken by someone in authority, without being properly challenged by others, counter observation and field-data. *Schrevel* and *Hofstede* agree that decisions should be based on sound expert judgement and sound information and data, instead of relying only on opinions of stakeholders, possibly dominated by emotions and economic gain. *Guasa* gives the example that expert information is necessary to empower local stakeholders. “The fear that scientists with vested interests can soften the position of local stakeholders is just a bogey. These vested interests can be exposed only by groups who are properly equipped with information.” Donors and governments should therefore invest in better and accessible information and monitoring systems, for both state and non-state agents.

Zwarteveen, *Bolding* and *Woodhill* argue that also a cultural change is needed. They plead for changing experts' (and governments') roles in decision making towards facilitating contextual knowledge and answering explicit questions such as: how to achieve certain goals?; with whom?; and through which means? This requires investments in capacity building and training of government administrators, technicians and new “river basin managers” (*Lankford*).

Financial aspects of WFE

Because valuing of water was addressed during the Theme II discussions on the E-Forum not a lot of attention was given to financial discussions. Most importantly, however, were the remarks that participatory approaches and multi-stakeholder involvement in policy-making and water management requires long-term (financial) support (*van der Werff*, *Guasa*) (11, 20). Participatory approaches are not necessarily more costly than state-run water management schemes (20, 22). Still, the outcomes of

multi-stakeholder discussions can have consequences for discussing current subsidiary policies and the need for other financial arrangements. If not anticipated and dealt with properly, failing to deal with new demands can hamper the participatory process (*Zhovtonog*) (11). Participation, however, can lead to irresponsible or short term decisions, as demonstrated in *Mollard's* example of participatory demands for free drinking water, leading to bankruptcy of water services institutions. Therefore, guaranteeing the long term financial viability of any choice made for the organisation of water management and service delivery is part of the public tasks of the state (16, 18).

Water for the poor

During the E-Forum, the question was posed which implementation strategies exist to improve the access of the poor to water for food production that also maintain and improve the integrity of the water cycle. Unfortunately, it was concluded that examples of changes in water policies, regulations and management practices that are pro-poor and geared towards the sustainable management of ecosystems are rare. It was also concluded that pro-poor redistributive changes can not be achieved through government action alone, and require a sandwich strategy in which social action and struggles from below both challenge and mesh with government policies to achieve change (*Boelens, Ganz, Gentes*).

Drawing on the Andes experience, *Boelens* argues that on a daily basis many communities struggle to define and gain recognition for their own regulations and water rights systems. He highlights that peasant and indigenous movements in the Andes successfully strengthened their provincial and national confederations. These confederations were strong enough to establish alliances with national and international forums. In several countries (Bolivia, Ecuador and Peru) this resulted in active participation of local representative groups in legislation processes. This led to greater legal justice in water access, more democratic representation at all levels of formal water resource administration and negotiations on current water rights property structures. Similar multi-level initiatives from water users and civil society need to be welcomed and encouraged by governments to secure water rights for the poor.

Another one of the rare practical examples with the implementation of a rights based approach for the poor and the environment is that of the new water law of South Africa, as presented by Stef Smits (case and contributions under theme 2). The experiences in South Africa, as argued by Smits, clearly show that the implementation of a Basic Human Needs Reserve (BHNR guaranteeing 20 l/day/person for domestic purposes) and an Ecological Reserve (guaranteeing the ecological status of the river) have profound effects on water resources allocation and development options. In many rivers in South Africa the available water resources are completely allocated to the BHNR, the ER and existing agricultural and industrial uses. As argued by Smits, guaranteeing the poor access to a basic water supply for domestic use is an important first step. However, to be fully effective in terms of poverty alleviation, supplementary policies and programmes need to be targeted at specifically raising the productivity and income generating activities of the poor derived from water use.

5 Discussion and conclusions

This document presents a synthesis of an E-Forum in which practical experiences were shared concerning the enabling environment for water for food and ecosystems. While the challenge of water governance for food and ecosystems is clearly “beyond the state”, in many ways the state remains a key player and without the state little can be achieved. There are many dilemmas and contradictions around this issue reflected in the E-Forum contributions, pointing to the need for much better and rigorous synthesis of field experience and case studies to inform future practice. International agencies and discussion forums can stimulate participatory governance through stimulating implementation of international treaties, exchange of experiences and supporting capacity building. It depends strongly on the context and the nature of the state system, however, what and how this should be done.

Because institutional arrangements are often the more stable features in our societies changing these is often a gradual and slow process. In our globalizing world, reductions in state bureaucracies are often more inspired by international pressure from lending organisations or investors than by the need to deal with sustainable development. However, the challenges of water for food and ecosystems points to the need to strengthen state capacities at all levels, and to foster collaboration with non-state actors. On the one hand, this calls for clear decision-making structures which facilitate coordination and management. Often urgent immediate needs are best dealt with through traditional well-known methods of central command structures. While in some ways this guarantees continuity and coherence, new ways have to be found to deal with the uncertain future problems of water availability for food and ecosystems. In nations with strong states this implies transforming bureaucracies, capacity building for new roles and employing new people (and disciplines) to make government more receptive to participatory governance arrangements.

In weak states, where the influence of state policies are limited or even absent, changes in water management practices can only be reached through institutional strengthening at the local, intermediate and national level. This means building on practices that are developed, mediated and contested by actors outside “official state regulation”. These local governance structures can be improved through capacity building programs for all involved stakeholders, be it private, public or civil agents at municipal or provincial level.

Day to day water management is based on local rules and practices, which often differ from official policies, legislation and mandates. Differences can co-exist “peacefully”, but also can lead to challenges for both “official rules” as well as the “rules of practice”. If new official tasks and organisations are being created these should be based on experience from the reality of daily water management in the field. Without this reality-check environmentally friendly legislation, for example, can be formulated without any relevance on the ground. Alternatively, also more attention could be given to bottom-up processes of water management practices. Successful local stakeholder experiences can be used to influence regional and national decisions. These local processes can in this way stimulate implementation of an integrated approach to water management and help the evolution of appropriate legal frameworks and participatory platforms. This suggests that more attention should be given to “non-state” stakeholders in processes of institutional change.

Changing institutional arrangements implies dealing with multiple interests, conflict and conflict resolution. It is important to explicitly recognize that finding solutions to “water dilemmas” is a political process, where choices are made between values, and relations of power are constituted, negotiated, reproduced or otherwise shaped. This implies that there will always be winners and losers and demands attention to questions of enforcement and (local) authority in negotiated decisions.

Building an enabling environment for collaborative water management, therefore, requires a shift in focus from an output/effects approach to a process approach to stimulate transparent procedures, communication, democratic decision making and participation. Procedures to change existing local institutional reality can only be successful if this contextual reality is taken into consideration.

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Annex

This annex contains lists of cases, user contributions and background documents that have been used as a basis for this synthesis report. The complete texts of these documents are available on the E-Forum website: http://www.fao.org/ag/wfe2005/eforum_en.htm

Theme 3 - The enabling environment: List of case studies from cases database

- 1 [Selected Case Studies and Success Factors](#)
Bron/Ortiz Rendón/Karar/Fehér
- 2 [The "Dead Sea" Project: Is a More Sustainable Water Management in the Dead Sea Basin Possible?](#)
Clive Lipchin
- 3 [Culture, Irrigation, and Ecosystems in the northern Rio Grande Basin, New Mexico \(USA\)](#)
David J. Groenfeldt
- 4 [Integrated Water Resource Management Organized Under Local Rights Framework: Some Lessons Learned for the Andean Region](#)
Dr. Ingo Gentes
- 5 [Water, Food and Environment Dialogue on the Implementation of the EU Water Framework Directive in Agricultural Water Management in the CEE Region](#)
Dr. Istvan Ijjas
- 6 [Water, Food and Environment Dialogue on the Implementation of the EU Water Framework Directive in Agricultural Water Management in the CEE Region](#)
Dr. Istvan Ijjas
- 7 [Efficiency in Canal Irrigation Water Management Through Water Users Association\(WUA\): Karnataka State, India](#)
Gangadharappa/Ganesamoorthi/Shivamurthy/Ranganatha
- 8 [Supporting Local IWRM in Mkoji Sub-Catchment, United Republic of Tanzania: Some Lessons on Water Valuation and Institutional Development](#)
Hermans/van Halsema/Kadigi/Sokile/Mahoo
- 9 [IFAD and Pro Poor Water Development in the Context of PRSPs](#)
IFAD
- 10 [Placing Institutional Interventions in Their Context: Groundwater Management in Guanajuato, Mexico.](#)
Jaime Hoogesteger
- 11 [Still waters run deep: \(Non-\)Participation in Multi-Stakeholder Platforms](#)
Jeroen F. Warner
- 12 [Honduran Water Platform](#)
Kenneth Rivera A.
- 13 [Success Factors in Self-financing Local Water Management](#)
Lazaroms/Koemans/Uijterlinde/van Dijk/Raven
- 14 [Governance Issues and National Water Law: National Case Studies in Governance](#)
Lazaroms/Poos
- 15 [Case study project: Watermuk in Ukraine](#)
Olga Zhovtonog
- 16 [Watershed Management Coordinating Council \(WMCC\) Advocacy on Saving Davao City's Present and Future Domestic Water Supply](#)
Patrick Guasa
- 17 [Linking Land and Water Governance](#)
R.Cleveringa/ A.Nepveu de V.
- 18 [Water Law And Indigenous Rights: Towards recognition of indigenous and local water rights and management rules in national legislation.](#)

- Rutgerd Boelens
- 19 [Consequences of success: widespread adoption of ndiva \(night storage reservoirs\) technology in Pangani, Tanzania](#)
SSI Consortium researchers
 - 20 [Learning Lessons from Surface Water Conflicts in Mexico](#)
Sergio Vargas
 - 21 [Interest, pay and say of farmers and nature conservers in Dutch local water management](#)
Uijterlinde/Poos/Lazaroms
 - 22 [Participatory Irrigation Management in Morocco](#)
van Vuren/Papin/El-Haouari
 - 23 [A Common Central American Policy for Water Initiated in the Grande de Tárcoles River Basin in Costa Rica](#)
van der Werff/Mora
 - 24 [Negotiated River Basin Management in the Bhima River Basin, India](#)
van der Werff/Paranjpye
 - 25 [The Save the Sand Project: A negotiated River Basin Management Initiative in South Africa](#)
van der Werff/Pollard
 - 26 [Negotiated River Basin Management in the Cotahuasi Basin, Arequipa, Peru](#)
van der Werff/Tejada

Theme 3 - The enabling environment: Contributions to the E-Forum

[Discussion paper](#)

01_Gerardo Van Halsema

[Moderator's Intro Theme 3](#)

02_Jim Woodhill

[Constraints to Collaborative Water Management](#)

03_Eric Mollard

[Institutional Constraints and Strategies](#)

04_Olga Zhovtonog

[Strategies For EU Water Framework Implementation](#)

05_Ivstan Ijjas

[Water Rights, Sectoral Policies and Competition](#)

06_Dhruba Pant

[Centralization and Decentralization](#)

07_Bruce Lankford

[Collaborative Water management and Institutional Failure](#)

08_Gerdien Meijerink

[Centralisation vs Decentralisation](#)

09_van Vuren

[Moderator - Day 1](#)

10_Jim Woodhill

[Roles of Gov. and Stakeholders in Polycentric Governance](#)

11_Olga Zhovtonog

[Administrative Management, Governance and Governments](#)

12_Eric Mollard

[Constraints and Strategies in Environmental Regulation](#)

13_Patrick Guasa

[Water Laws and Ecosystems](#)

14_Patrick Guasa

[Negotiated River Basin Management](#)

15_Maria José van der Werff

[State, Power and Paradigm](#)

16_Leon Hermans

[Disempowerment of the State](#)
17_Katharina Ganz
[Moderator Day 2 \(7 Dec\)](#)
18_Jim Woodhill
[Dynamics of Institutional and Policy Environment](#)
19_Flip Wester
[Enabling Environment: What, How and By Whom?](#)
20_Jim Woodhill
[Stakeholder Engagement](#)
21_Olga Zhovtonog
[How to Meet Challenges for Food Security?](#)
22_Wester/vanHalsema
[Science, Technology and Institutional Change](#)
23_Hugo Vos
[Non-negotiable Aspects of IWRM](#)
24_Patrick Guasa
[Multi-stakeholder Processes](#)
25_Jeroen Warner
[Meeting Future Challenges \(1\)](#)
26_Bruce Lankford
[Meeting Future Challenges \(2\)](#)
27_Douglas C. Olsen
[Water Rights for the Poor](#)
28_Moderator
[Localized Problems Require Localized Knowledge](#)
29_Margreet Zwartveen
[No Governance Without Authoritative Governor](#)
30_Eric Mollard
[Polycentric vs Centralised](#)
31_Alex Bolding
[Meeting Challenges \(3\)](#)
32_Hofstede/Schrevel
[No Authority But Power](#)
33_Gerdien Meijerink
[Transparency and Power, Durable Change and Calamities](#)
34_José María van der Werff
[Water Rights for the Poor \(1\)](#)
35_Rutgerd Boelens
[Authority and Power Based on Knowledge and Understanding](#)
36_Patrick Guasa
[Water Rights for the Poor \(2\)](#)
37_Katharina Ganz
[Water Rights for the Poor \(3\)](#)
38_Ignacio Gentes
[Moderator - Day 4 \(9 Dec\)](#)
39_Jim Woodhill
[Meeting Challenges \(4\)](#)
40_Michel Ferry
[Synthesis and Conclusions \(1\)](#)
41_N.R. Gangadharappa
[Synthesis and Conclusion \(2\)](#)
42_Domitille Vallee
[Synthesis and Conclusions \(3\)](#)
43_José María van der Werff

List of background documents and links for Theme 3

[Discussion paper Theme 3](#)

[Facilitating Multi-Stakeholder Processes](#)

[Multi-Stakeholder Platforms](#)

[WALIR web link](#)

[Water Resource Management](#)

[Water for Food and Ecosystems](#)

[Participation](#)