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# Regional Level Workshop

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Transboundary Policy Dialogue for Improved Water Governance in Yarlung Tsangpo-  
Brahmaputra-Jamuna River Basin



October 27, 2016

Nanyang Executive Centre (NEC), NTU, Singapore

## Acknowledgement

We would like to extend heartfelt thanks to Institute of Defence and Strategic Studies, S.Rajaratnam School of International Studies (Singapore) for helping us in organizing the workshop at Nanyang Executive Centre (NEC), Nanyang Technological University, Singapore along with Indian Institute of Technology, Guwahati (IIT-G).

We are also grateful to South Asia Water Initiative (SAWI) for funding the workshop. Further we would also like to thank all the participants who helped in making this workshop a great success.

## Key messages:

Poor management of water resources especially of the shared river water resources of the region will lead to a horrendous problem in the future if not managed properly. The slowly increasing water scarcity and degrading water quality will augment the tension both within and between the countries of the region. The purpose of the regional level workshop was to bring in the discussions and concerns of the riparian countries on one platform. Few of the key messages of the day long workshop are:

- **Limited political interest** in the region is one of the major hurdle leading to poor water resources management. Generating political will and interest to co-manage the River should be the top priority of the dialogue.
- The creation of a **level playing field through the dialogue** is important to reduce the power asymmetry in the region in order to stimulate trust and confidence among the riparians.
- As the need for water varies across countries, the issue of **state sovereignty** becomes an important concern in transboundary context. The dialogue should be able to foster cooperation by ensuring that states are able to sacrifice some of its sovereignty for the better management of the River.
- Conducting **joint research** in the basin can promote the concept of co-management in the basin. It can also help in the identification of the economic opportunities and other avenues of cooperation.
- **Institutional architecture** is not a panacea for all that impedes the good governance of international watercourses but having no institutional structure at all is also not a solution.



Picture 1: **From L to R** Dr. Tsering Gyeltshen, Prof. Ainun Nishat, Prof. Asit Biswas, Dr. Zafar Ahmed Khan, Mr. A.K. Mitra and Prof. Lu Xing

## Where did we start out from?

The main aim of this dialogue process is to create a platform to discuss issues, challenges, and opportunities for improved co-management of the river basin and in turn build trust and



*Figure 2: Dr. Anamika Barua*

confidence of the stakeholders across the riparian countries. The dialogue through knowledge sharing also aims to build capacity of the various stakeholders across the basin countries for informed decision making related to the river. It focuses on bringing on board Track 3, 2 and 1.5/1 diplomats of all the four riparian countries. The workshop brought in the discussions and concerns raised during the country level workshops by multiple stakeholders into the common regional platform for further deliberations. Various experts from the region shared their views and scientific knowledge related to

Brahmaputra Basin. It also provided a platform for members or researchers from other basin institutions (e.g. Mekong and Nile) to share their experience and knowledge on need for transboundary cooperation.

The workshop also highlighted the prominence of having a basin level institutional framework. It aimed to build the capacity of the diplomats so as to inform them about the importance of establishing this framework. Institutional architecture is not a panacea for all that impedes the good governance of international watercourses but having no institutional structure at all is also not a solution. Nonetheless, the design of transboundary institutions for the good governance of international watercourses remains more art than science. Drawing on lessons learned and



*Picture 3: Dr. Aditya Bastola*

experiences from throughout the world, this session of the workshop offered some preliminary observations regarding the good governance of international watercourses from an institutional architecture perspective.

Hence, the overarching aim of this workshop was to enrich the existing knowledge base on transboundary interaction and cooperation through experience and knowledge sharing, which in turn can enhance knowledge and confidence of the Brahmaputra riparian countries to develop a joint mechanism for management of the Yarlung Tsangpo – Brahmaputra - Jamuna river basin.

“We need logic, knowledge and also the moment in order to push this agenda in the right direction”

- K. S. Murali

## What have we found?

### **Political willingness:**

One of the major challenges in transboundary water resources management is generating political willingness.. It is ultimately the political willingness of the countries which enforces the adoption of any treaty or agreement or institutional framework and the extent of its effectiveness.



Picture 4: **From L to R** Dr. Tsering Gyeltshen, Prof. Ainun Nishat

Having an understanding of the way in which the water resources are governed in each riparian country collectively reflects upon the transboundary water management of the Brahmaputra basin. The Brahmaputra river basin is relatively pristine and less developed as compared to the other river basins. So there is a good opportunity to manage the basin economically and sustainably through a strong

political will.

### **Challenges:**

Lack of prolonged political interest in most of the countries of South Asia is one of the major hindrances in the sustainable development of the water resources in the region. The political interest appears at the time of the crisis and disappears or reduces after the crisis is resolved. We

need to start thinking about better governance of the river water resources within the country which will ultimately reflect upon overall transboundary water management. As a result of limited access to the decision and policy makers, an integrated and holistic policy and decision making is not taking place.

### ***Solutions:***

To make an impact of these deliberations on the overall decision making process, it is crucial to develop close linkages and contacts with the policy makers. Apart from producing articles in high impact journals which are read only by a fraction of the people, they should be transformed in a way that reaches them easily, for example through newspapers. **Media** can also play an important role in a way that the ministers and the politicians (i.e. the policy makers) are conscious of the how the media portrays them in front of the public. This ultimately prompts them to think rationally and for larger public good.

“Dialogue is slow but it helps in building relationship”  
- Partha Jyoti Das

### **Sovereignty:**

According to the theory of limited territorial sovereignty, recognizes the rights of both upstream



Picture 5: From L to R, Mr K. S. Murali Dr. Yumiko Yasuda

and downstream countries. According to this theory, “the co-riparians have reciprocal rights and duties in the utilisation of the waters of their international watercourse and each is entitled to an equitable share of its benefits.” Any activity of one state affects the others and ultimately their sovereign rights. One state might have to sacrifice some of its sovereignty in order to not to undermine another state’s sovereignty to

stimulate cooperation in the basin.

### ***Challenges:***

Each country has different needs and issues to deal with, because of which the conflicts are bound to happen. No riparian country owns the water, rather they have the right to reasonable and equitable share the benefits of the river water. All the political audiences do not adhere to this because of which the management of the transboundary river water becomes a matter of concern. There is no international law or treaty (neither bilateral nor multilateral) on the Brahmaputra basin to deal with such conflicts. Moreover for a country like India where water is a state subject, it is important to deal with the sovereignty issues within the country also to enhance the overall basin cooperation.

### ***Solutions:***

It is very important to develop mechanisms through which we can reach the politicians and also the common people of not only our own country but also of the riparian countries. The key is to reach out to and engage the government and the people of all the riparian countries in such dialogue initiatives. Riparian countries have their own aspirations and needs for which they need to align together to reach a consensus. It is important to understand how any developmental intervention taking place in any of the riparian countries would affect the others. The riparian



*Picture 6: From L to R Dr. Tsering Gyeltshen, Prof. Ainun Nishat, and Dr. John Dore*

riparians. It would enhance the sustainability and intervention.

countries should come together to mitigate the issues by learning from each other and bringing on board the best practices from each country. Exposure visits to understand the functioning of any successful transboundary case can help not only in the dissemination of information

but also creating a common vision and understanding among the productivity of any developmental

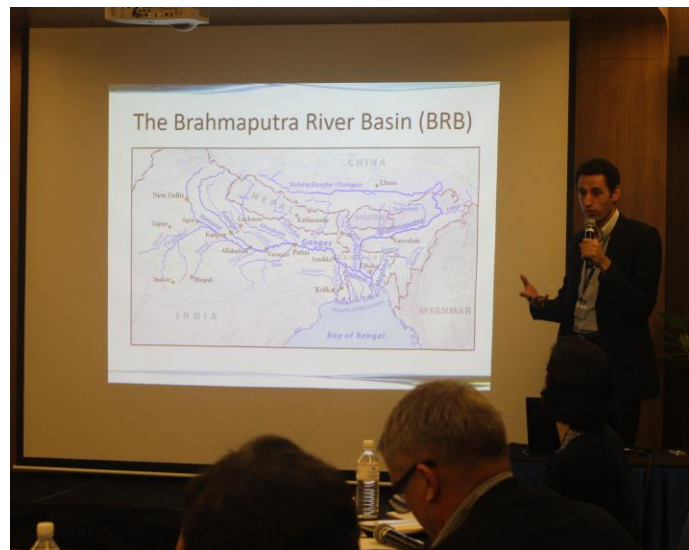
### **Level Playing Field:**

Often the outcome of any transboundary interaction is determined by the most powerful riparian. This leads to unbalanced interaction between the ‘stronger’ and the ‘weaker’ riparians and eventually asymmetric treaties/agreements. One of the options to deal with it is to level the playing field for example through strong legislative regulations or strengthening of international laws and treaties. To attain effective regional and sub regional cooperation, it is imperative for the riparian countries to reach one level playing field.

“We should aim for a water informed, water resilient and water productive river basin”  
- Abedalrazq F. Khalil

### **Challenges**

Any Transboundary cooperation without recognizing and analyzing the power asymmetry will be skewed and in most cases will benefit the hegemon. The weaker side signs the treaty although they are skewed and asymmetric in order to remain in the game, then resign and not participate. Such cooperation through asymmetric treaties have become source of conflicts rather than source of cooperation and often brings new source of tension between the riparian countries. Therefore there has to be a mechanism in place, to level the players (the riparian countries) and also create a level playing field for the riparian countries before any negotiation takes place.



Picture 7: Dr. Abedalrazq F. Khalil

### **Solution:**

To avoid such asymmetric cooperation, dialogue between riparian countries before negotiation can create an enabling environment for cooperation by bridging the information gaps and by building trust and confidence. Dialogue enables bringing about sustainable change by changing the way people talk, think and communicate. Although dialogue as an approach is long drawn,



however, the resulting confidence and trust that it builds, is enduring.

### **Importance of Dialogue:**

A dialogue forum like this provides a platform to the riparian countries for sharing their concerns, issues, experience and best practices to learn from. It plays an important role in understanding the present and future needs of the riparian countries. Upper riparians undertaking water resources development activities need to understand the concerns and requirements of the lower riparians for sustainable and equitable development. The regular interaction of the representatives of each of the four riparian countries through these dialogues is helping in increasing the understanding among them. It is a slow process but it helps in identification of the constraints and concerns, thereby finally the opportunities. Since the past few years, the quality of these deliberations has improved considerably. Initially people were more focused on issues like floods and erosion and were not much interested in such dialogues and negotiations. But the scenario has changed now, with the riparian countries being interested in not only sharing their concerns but also in listening to the issues of the co-riparians. To encourage the more participation of the representatives of the riparian countries, the identity of the dialogue should be kept neutral. In this way, the diplomats would be able to meet more frequently and would exchange their ideas and concerns freely.

“There is willingness to come together and talk irrespective of what the outcome would be.”  
- Anamika Barua

### ***To improve the quality of dialogue:***

- It is crucial to conduct multi-lateral and multi-stakeholder dialogues more frequently to enhance the level of trust and confidence among the riparian representatives.



Picture 8: From L to R Prof. Ainun Nishat, Prof. Asit Biswas, Dr. Zafar Ahmed Khan and Mr. A.K. Mitra

- Most of the time, the transboundary concerns are about the equal distribution of water with a very less focus on the ecological aspect even at the local or provincial level within the country. We should try and find not only the avenues of identifying and reducing risk but also the avenues for harnessing the opportunities available within the basin.
- A simultaneous discussion of combination of two or more issues and opportunities can help in motivating the hydro-hegemon in reaching a joint agreement and remaining committed to it. The aim should be to promote basin wide cooperation among the riparian countries in conjunction with economic cooperation and other avenues for cross sectoral cooperation to avoid getting caught between the dichotomy of upstream and downstream.
- Through dialogue we can create a knowledge base since a lot of disputes in South Asia are framed in vacuum or on the basis of biased information.
- Further we need to promote joint research in the basin, to unpack the trajectories of effective co-management of Brahmaputra River. The research should integrate the physical, social and ecological aspects of the basin.

“It’s high time that the dialogue should be brought to the public domain”  
- A.K. Mitra

- The policy makers of each country through these dialogue meetings meet frequently and can know and understand each other with the technical people like the academicians in the background providing them with various alternatives and their implications.
- Media needs to be brought on board since it plays a vital role in creating impressions. Many times the problem arises because of ill-informed and inefficient media reporting. This is the right kind of forum to handle such controversies through critical and scientific examination of the issues.

### **Institutional Framework:**

Basin level institutional framework can help in enhancing trust and confidence within the riparian countries and promote co-management of the Brahmaputra Basin. Such an institution through



Picture 9: Dr. Richard Kyle Paisley

political will and appropriate bureaucracy can provide the means, mandate, and resources necessary to employ formal and informal agreements, reflecting the needs and interests of the concerned stakeholders.

### **Challenges:**

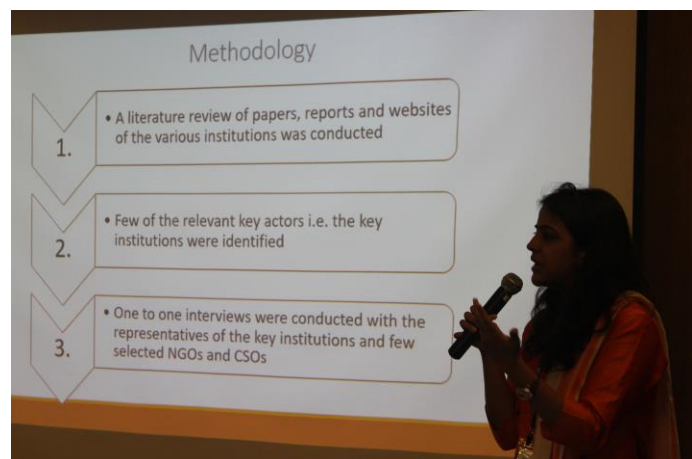
There is a need for both information and policy changes within each country to make the required changes permanent to enhance the overall transboundary cooperation in the basin. There are two phases of policy making; one is the technical phase and the other is the political phase. Politicians and the ministers (i.e. the decision makers) are the ones who will finally give a solution, the ultimate decision. It is the job of the technical people to come up with the alternative solutions and their implications. It is important to facilitate communication and create a political space which would allow the policy makers to decide what actually needs to be done.

“There is a need to accelerate the process by which the decisions are taken”  
-One of the Workshop Participants

It takes a long time to learn and build upon an institutional design. In an age where everyone expects instant gratification, 40-45 years seems to be an awfully long period. But it is a time consuming process and this time period is not unreasonable if we want to build a sustainable and equitable framework. Also the institutional structure cannot be copied from other river basins, it is important to figure out the requirements and the objectives of each basin individually. Moreover it is important to show the involved parties the benefits of their involvement in promoting cooperation in the basin.

### **Solutions:**

The present need is to build consensus and opportunities for joint policy formulation and an institutional framework that will further co-



Picture 10: Ms. Vishaka Gulati

management in the basin. While a basin level institution may require new planning, management tools and models, it can only be delivered through the relevant institutions. To do so, we need to **map out the existing institutions** within the basin and analyse their functional and geographical boundaries. It will help in recognizing whether we can need a new institution or we can build the capacity of the existing ones. **Power mapping** exercise will help in understanding the existing distribution of power within the basin. To move from a country/ state level institution to a basin level institution for the River, will require changes in the way they function, and how they perceive each other and this exercise will help in assessing it.

An **institutional framework** with two platforms: one political and other technical, should be set up at the basin level. Technical people come up with different alternatives and suggestions, with the final decision being taken up by the politicians and the ministers. It is not possible to achieve a sustainable and useful institutional structure without the inclusion of the voices of the local people (Civil Society Organisations, NGOs etc.). Further, it is vital to include the subsidiarity principle. According to the **Subsidiarity principle**, the social and political issues should be dealt with at the most local level possible depending upon the objectives. The inclusion of this principle in the institutional structure can lead to more governance success. Adoption of **Active adaptive Management** will help in designing the structure in a way, which would evolve as and when required. It would also be able to absorb any kind of uncertainty like political disturbance etc.

“Do not over sell the concept of institution being the panacea for all the issues”  
- Richard Kyle Paisley

In case of Brahmaputra it might not be necessary to form a new institution. There are so many existing institutions within the basin, so it is crucial to figure out the objectives and proceed accordingly.

### Way Forward:

For effective management, basin wise and basin wide planning is required, which is not happening in the present scenario. We should try and find not only the avenues of risk identification and reduction but also the avenues for harnessing the opportunities available within the basin. There is a need to achieve a common understanding between the riparian countries and also improve the knowledge base of challenges and opportunities that each country in the river

basin has. The actual information does not trickle down to those who really get affected, and the information which reaches out to them is mostly biased and unscientific. To build a better understanding of successful transboundary cases, exposure visits can be organized which will help in developing a common vision by bringing together the representatives of all the four riparians. Multi-stakeholder and multi-lateral dialogues among the representatives of the basin countries can also help in the dissemination of right kind of information in the desired direction. These dialogues can not only help in building a good knowledge base but can also help in building capacity of the representatives (Track 3, 2, 1.5/1). Data sharing should move beyond the hydrological data, the emphasis should also be other socio-economic and environmental aspects of transboundary river management. Riparian countries can share their expertise and knowledge on issues like disaster management or prevention and control of pollution etc. which would also build trust among them. It can help in building capacity of the CSOs and communities so that they can engage with the government more adequately and effectively and vice versa. In turn this can also capacitate the policy makers to make more informed decisions based on both the scientific information and the views of the local communities.

Environmental decision making should be based upon the scientific information, but good decision making is not dependent on scientific information only. Having a good knowledge base will contribute in better decision making only if appropriate decision making structures are put in place. There are various institutions available but it is imperative to focus on what kind of framework would be suitable for the Brahmaputra basin. Institutional and power mapping exercises can help in figuring out the kind of basin level framework required. To sustain the trust and confidence in the basin, the dialogue needs to be sustained. It needs to be more structured and continuous. Through these discussions the ultimate aim is to come up with a basin level institutional framework which continues to move ahead, evolves with time and is a source of cooperation rather than conflicts.

## Annexure-1: List of the Participants

<b>S No</b>	<b>Name</b>	<b>Organisation</b>
1	Prof. Asit Biswas	Visiting Professor Lee Kuan Yew School of Public Policy
2	Dr. Richard Kyle Paisley	Director, Global Transboundary International Waters Governance Initiative, UBC
3	Dr. Zafar Ahmed Khan	Senior Secretary, Ministry of Water Resources, Government of Bangladesh
4	Mr. Anup Kumar Mitra	Technical Advisor, Water resources Department
5	Dr. Partha Jyoti Das	Head, Water Climate and Hazard Division, Aaranyak
6	Mr K. S. Murali	Senior Program officer, IDRC, Delhi
7	Prof. Dr. M. Monowar Hossain	Executive Director Institute of Water Modelling
8	Prof Ainun Nishat	Professor Emeritus Centre for Climate Change and Environmental Research
9	M. Md. Mahmudur Rahman	Executive Engineer Joint Rivers Commission
10	Prof Yu Hongyuan	Professor and Director Institute for Comparative Politics and Public Policy
11	Prof. Yan Feng	Professor Asian International Rivers Centre
12	Dr. Wenlin Wang	Director-Great Mekong Sub-Region Study Center School of International Relations

13	Prof Lu Xing	Director, Great Mekong Sub-region Study Center School of International Relations Yunnan University
14	Dr Kinley Tenzin	Executive Director Royal Society for Protection of Nature
15	Dr. Tsering Gyeltshen	The Chief Forestry Officer Ministry of Agriculture and Forests, Bhutan
16	Dr. Li Mingjiang	Associate Professor, RSIS
17	Mr. Zhang Hongzhou	Research Fellow China Programme, Institute of Defence and Strategic Studies, RSIS
18	Dr. Cecilia Tortajada	Senior Research Fellow Lee Kuan Yew School of Public Policy
19	Dr. Selina Ho	Senior Research Fellow Lee Kuan Yew School of Public Policy
20	Dr. Anamika Barua	Associate Professor IIT Guwahati
21	Dr. Aditya Bastola	Senior Fellow SaciWATERS
22	Ms. Vishaka Gulati	Research Associate SaciWATERS
23	Mr. Sumit Vij	Ph D Researcher Wageningen University
24	Dr. Abedalrazq F. Khalil	Sr. Water Resources Specialist, World Bank
25	Dr. Yumiko Yasuda	Stockholm International Water Institute, Uppsala University, The Hague Institute for Global Justice
26	Dr. John Dore	Senior Specialist – Water Resources Australia’s Department of Foreign Affairs and Trade