

Contending Water Uses and Users and Inter-Sectoral Equity in South Asia: Cases and Learnings for a New Policy, Legal and Institutional Framework

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"The unfolding scenario for water use in many parts of the world is one of increasing concern about access, equity and the response to growing needs. This affects relations between rural and urban populations; upstream and downstream interests; agricultural, industrial and domestic sectors; and human needs and the requirements of a healthy environment" (World Commission on Dams 2000ⁱⁱ).

The Context

The above quote from the report of the World Commission on Dams succinctly sums up the increasing conflicts over water. Fortunately, the 'water wars', a chance remark by the then UN Secretary General that later became a media phrase have not materialised. War did take place, but over oil, not water, though it is true that some of the literature available globally, especially on the Middle East, sees water conflicts more in terms of wars, peace and survivalⁱⁱⁱ. Though water wars may not have taken place, water is radically altering and affecting political boundaries all over the world, between as well as within countries. Indications are that water conflicts are likely to get worse before they begin to be resolved. Till then they pose a significant threat to economic growth, social stability, security and ecosystem health. And under threat are the poorest of the poor as well as the very sources of our water – our rivers, wetlands and aquifers (Joy et al 2008^{iv}).

Contending water uses and users: issue of allocation across uses and equity amongst users

Though there are different types of water conflicts unfolding all over South Asia, the focus of this thematic session would be conflicts over contending water uses and users and the issue of water allocation.^v This broad theme deals with conflicts that are related to contention between *different* kinds of uses and range from drinking/domestic vs. agriculture, agriculture vs. industry, urban vs. rural, ecosystem use vs. consumptive use, etc. The theme also includes conflicts between different users but *within the same kind of use*, say, for example agriculture. Contestation over and between old and new water rights, old and new projects, tailenders and head-reachers in an irrigation service (command) area, interbasin transfers, dalits and upper castes, etc., are all examples of this. Thus one can say that the core issue here is allocation across different uses and equity amongst different users.

Conflicts are taken to be bad or negative, but they are logical developments in the absence of proper democratic, legal, institutional and administrative mechanisms to handle issues that are at the root of water conflicts. Part of the problem stems from the specific nature of water as a resource or the bio-physical and social peculiarities of water: for example, (i) water is divisible and amenable to sharing; (ii) but it is a common pool resource so that a unit of water used by someone is a unit denied to others; (iii) it has multiple uses and users and involves resultant tradeoffs; (iv) excludability is an inherent problem and exclusion costs involved are often very

high; (v) it requires a consideration and understanding of nested expanding scales and boundaries from the local watershed to interbasin transfers; and (v) the way water is planned, used and managed causes externalities – both positive and negative, and many of them are unidirectional and asymmetric.

Also water conflicts are not about water alone: they are very often located both in the historical and existing social relations characterised by class, caste, ethnicity and patriarchy and also the unequal relations that exist let us say between the urban and the rural, or the tribal versus the non tribal. Also the liberalisation, privatisation and globalisation (LPG) agenda unleashed in most of the South Asian countries and the new policy regime emanating from this has also given rise to new conflicts. However, the contours of these conflicts can be narrowed down through a process of dialogue within the framework of deliberative democracy.

The South Asian Context

Thus the effort in this thematic session would be to try to understand the increasing conflicts and contestation over water allocation and sharing amongst different uses and users in South Asia in all their nuances and complexities in the varied and diverse bio-physical and socio-cultural setting of South Asia. It covers a diversity of ecosystems and agro-climatic conditions that range from tropical and temperate forest to dry deserts and from vast drought prone regions to flood affected plains and areas with the highest rainfall in the world. It is also one of the most populous regions the world and since it would take another couple of decades before the population in this region stabilizes, the demand for water – both for domestic water use and for production and processing – is expected to go up significantly in the near future. More than half of the world's poorest people live here and almost 40% of its population falls below the poverty line. It has the lowest average Gross Domestic Product (GDP) compared to any of the world's major geographic regions. (Rural Poverty Report, 2001 as cited in Kulkarni and Rao, 2002^{vi}). It is also one of the most strife-stricken regions in the world – strife between the neighbouring countries and also civil unrest within the countries themselves. The region is also unique in terms of the varied political regimes^{vii} and social systems^{viii} that exist.

ⁱ Forum for Policy Dialogue on Water Conflicts in India (hereafter referred to as Forum), would be coordinating this theme. Forum is a collaborative initiative of various organisations and individuals, was set up towards the end of 2005 under the aegis of the 'Dialogue on Water, Food and Environment', a World Wide Fund (WWF) project. The main achievement of the Forum in its first phase was the publication of the book "Water Conflicts in India: A Million Revolts in the Making" published by Routledge in 2008. The Forum is in its second phase now with a focus on "understanding, resolution and prevention of conflicts". SOPPECOM functions as the nodal organisation.

ⁱⁱ World Commission on Dams, 2000, *Dams and Development: A New Framework for Decision Making*, London & Sterling: Earthscan

ⁱⁱⁱ For example see some of the representative titles like Bulloch, John and Darwish Adel, 1993, *Water Wars: Coming Conflicts in the Middle East*, London, Gollancz; Murakami, Masahiro, 1995, *Managing Water for Peace in the Middle East: Alternative Strategies*, New York, United Nations University Press; Starr, Joyce Shira, 1995, *Covenant Over Middle Eastern Waters: Key to World Survival*, New York, H. Holt; Allan J. A., (edited), 1996, *Water, Peace and the Middle East: Negotiating Resources in the Jordan Basin*, New York, St. Martin's; Myles, James R., 1996, *U. S. Global Leadership: the U.S. Role in Resolving Middle East Water Issues*, Carlisle Barracks, PA, US Army War College. Periodicals like *Studies in Conflict and Terrorism* have published articles on water conflicts more or less from the same standpoint. Peter Gleick, 1993, *Water and Conflict: Fresh Water Resources and International Security*, **International Security**, 18:79-112, discusses the history of water-related disputes and water resources systems as offensive and defensive weapons.

^{iv} Joy, K. J., Biksham Gujja, Suhas Paranjape, Vinod Goud and Shruti Vispute. 2008. *A Million Revolts in the Making: Understanding Water Conflicts in India*. in K. J. Joy, Biksham Gujja, Suhas Paranjape, Vinod Goud and Shruti Vispute, eds., 2008

^v For broad typologies of water conflicts see Joy et al 2008; Brisco and Malik 2006 (Brisco, John and R. P. S. Malik. 2006. *India's Water Economy: Bracing for a Turbulent Future*. London: Oxford University Press)

^{vi} Kulkarni, Seema and Nagmani Rao. 2002. Gender and Drought in South Asia: Dominant Constructions and Alternate Propositions. Jairath, Jasveen and Vishwa Ballabh (ed.) *Droughts and Integrated Water Resource Management In South Asia - Issues, Alternatives, and Futures*. Forthcoming publication from Sage, New Delhi

^{vii} For example countries like India, Pakistan, Bangladesh and Sri Lanka, and recently, Nepal have elected “democratic” governments whereas in Bhutan it is the hereditary “rule” of the Royal family with limited powers to the elected representatives. Afghanistan is a post-war society in transition and the political system is still evolving.

^{viii} One can also say that, broadly, the social systems in India, Pakistan, Bangladesh and Sri Lanka are more “modernist” in their outlooks and their social relations are more capitalist in nature as compared to Nepal, Bhutan and Afghanistan where feudal relations and value systems are much stronger. Nevertheless there is tremendous regional and sectional variation in all these societies and caste, ethnicity and religion too play an important role in the social, economic, political and cultural spheres.