



# “Good” water governance models in Afghanistan: Gaps and Opportunities

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## Introduction: The Holy Trinity as the New Model of Water Governance for Afghanistan

Since 2004, policymakers and international donors have introduced and promoted “good” water governance concepts in the course of attempts to reform Afghanistan’s water sector. As a consequence, the Water Sector Strategy (WSS) of February 2008 and the Afghan Water Law of April 2009 formally adopted the “holy trinity”<sup>1</sup> of integrated water resource management (IWRM), river basin management (RBM), and participation via multi-stakeholder platforms (MSPs). These formed part of a push toward greater devolution of decision-making power, both from the central government to sub-basin platforms, and from the government to water users.

In the early years following the fall of the Taliban, there were virtually no comprehensive studies on existing water management practices and governance at the river basin level.<sup>2</sup> Consequently, there was little grounded understanding of what problems the introduction of IWRM, RBM and MSPs would address, and what added value the model would bring to the institutional arrangements already in place. Consequently, attempts to justify the introduction of this new governance model relied mainly on broad and often vague generalisations. Afghan officials in charge of piloting water sector reform argued that it was necessary because three decades of war and years of droughts had left, “a shortage of efficient institutions, organisational capabilities of staff and effective rules and regulations in regards to water use.”<sup>3</sup>

Beyond this, however, few efforts were made justify why IWRM, RBM and MSPs—as compared to other possible approaches—were best suited to tackle the specific problems of post-Taliban Afghanistan. In fact, when reforms were being considered during the early 2000s, foreign advisors and donors tended to view water governance in Afghanistan as a blank slate. Consequently, they assumed that new, “good” models would—given enough capacity building and support—inevitably improve on existing, “defective” institutions. This would in turn lead local and national actors to accept them as a logical improvement.

The introduction of the “holy trinity” framework to Afghanistan is explained by the fact that it was—and remains—a hegemonic norm<sup>4</sup> for many water governance practitioners. Its adoption represents a classic case of “global norm entrepreneurs”<sup>5</sup> exporting governance models and norms because they are deemed to be universal. This assertion thus legitimises a process of institutional change that is based on external models, rather than local cultural values and traditions.<sup>6</sup>

However, evidence on institutional reform in various international contexts has shown that models rarely unfold as expected. Institutional design is not easily applied in practice, especially when those doing so are unfamiliar with the complexity of local contexts. Local actors and organisations tend to resist institutional change, or adapt it to established traditions.<sup>7</sup> They also tend to adapt their institutions to past and current experiences rather than imported models.<sup>8</sup> In most cases, processes of externally driven institutional change become locked in a particular pattern that reinforces

<sup>1</sup> Jeroen Warner (ed.), *Multi-Stakeholder Platforms for Integrated Water Management* (Farnham, UK: Ashgate, 2007).

<sup>2</sup> With the exception of a few studies such as J. Lee, “Water Management, Livestock and the Opium Economy: Social Water Management” (Kabul: AREU, 2006).

<sup>3</sup> Sultan Mahmood Mahmoodi, “Integrated Water Resources Management for Rural Development and Environmental Protection in Afghanistan,” *Journal of Developments in Sustainable Agriculture* 3, no. 1 (2008): 9-19.

<sup>4</sup> Hegemonic norm refers here to an ideology that dominates all alternative discourses on water governance to the extent that it becomes considered as a universal and unquestioned reference.

<sup>5</sup> Douglas Merrey, “African models for transnational river basin organizations in Africa: An unexplored dimension,” *Water Alternatives* 2, no. 2 (2009): 183-204.

<sup>6</sup> Although the reform does acknowledge the importance of the “mirab system” at the canal system level.

<sup>7</sup> J. Sehring, “Path Dependencies and Institutional Bricolage in Post-Soviet Water Governance,” *Water Alternatives* 2, no. 1 (2009): 61-81; P. Pierson, “Increasing Returns, Path Dependence, and the Study of Politics,” *American Political Science Review* 94, no. 1 (2000): 251-67

<sup>8</sup> F. Cleaver and T. Franks, “How Institutions Elude Design: River Basin Management and Sustainable Livelihoods” (Bradford, UK: Centre for International Development, 2005).

the status quo, with unequal local-level power structures trumping liberal principles of equality, accountability and participation.<sup>9</sup> As the evidence below suggests, Afghanistan has proved to be no exception to these trends.

This policy note draws on evidence from recent EU-funded AREU field research to explore how “good” water governance principles—as piloted by the EU-funded Panj-Amu River Basin Programme (PARBP)—have been applied in practice. Focusing on water allocation in the Taloqan sub-basin (TSB) and the lower Kunduz sub-basin (LKSB) during the dry year of 2011, it highlights major gaps between current policy frameworks and their implementation on the ground. In particular, it demonstrates how ad hoc responses grounded in existing institutional arrangements rather than “best” practice still led to relatively positive outcomes, such as ensuring minimum water access for downstream water users. These factors point to a need to rethink Afghan water governance policy in a way that takes greater account of local realities, although the prospects of a major course change at this point remain bleak.

## 1. Reality Check: Facing the Implementation Gap

A comparison between models of “good” water governance and the actual practices of water allocation during the 2011 dry year in the TSB and LKSB suggests that very limited buy-in exists at both local and national levels. In practice, the water allocation and conflict management arrangements that emerged also bore little resemblance to the hoped-for “ideals” of decentralisation and devolved decision-making.

While institutional reforms have emphasised the devolution of decision-making power to water users, ground realities in the LKSB illustrate that seven years after the introduction of the “good” water governance principles, it is still local government institutions that play the main role in shaping decision-making. These actors—including both Water Management Departments (WMDs) and provincial governors—are also eager to impose their decisions, and tend to bypass participatory processes whenever the power balance tips in their favour. However, they are also generally perceived as legitimate actors in the decision-making process, as they have been throughout the history of the sub-basins.

The governance model behind the Water Law also stresses a need for decentralised decision-making. However, reality in the TSB shows that downstream water users still see mobilising power-brokers in Kabul as a more effective and efficient way to address their water allocation constraints when local solutions fail. During the 2011 dry year, parliamentarians, central ministries, and even the president himself all played a key role in dealing with water allocation issues. For example, President Karzai recently attempted to impose a fixed water right for each province within the TSB through the issue of a presidential decree. Not only did the decree itself contravene the core principle of decentralisation as promoted in the law, but its content also contradicted long-established traditional water allocation practices. Although some informal compromises between local practices and the decree prevented the escalation of tensions between upstream and downstream provinces, the top-down intervention embodied in the presidential decree stands in stark contrast with the anticipated role of the government as a technical advisor alone.

Additionally, although decentralised MSPs in the form of sub-basin working groups have been under development in both basins as early as 2005 (as embryos of future Sub-Basin Agencies (SBAs) and Sub-Basin Councils (SBCs) envisioned by the Water Law—see Table 1), none of them were functional during the 2011 dry year. Instead, “water allocation commissions” (WACs) were formed as ad-hoc, local MSPs in order to handle the water allocation crisis as it developed. Significantly, membership selection practices for these improvised MSPs diverged significantly from those outlined in national policy. In contrast to most recent draft regulations, which envision SBCs organised along hydrological boundaries with a fixed composition of members based on water use categories, the WACs that emerged were flexible in their composition, adaptive to the shifting challenges of water sharing, and shaped by practical problems rather than theoretical assumptions. Instead of addressing multiple sectors at once, the WACs focused on irrigation alone, each addressing water allocation issues at a specific scale. Moreover, these organisational arrangements showed a clear demarcation along provincial lines rather than hydrological boundaries.

Despite defying the “good” governance principles of the Water Law, the institutional arrangements at work in 2011 led to an acceptable (if limited) performance in terms of water access for downstream users, who are normally the most affected during dry years. These arrangements were also widely seen as the most effective way to curb potentially violent disputes between different sets of upstream and downstream communities. This suggests that a strict application of the “good” water governance principles of decentralisation and devolved decision-making may not be the most productive way to water access for downstream areas in the current context. For instance, water users in downstream Kunduz Province generally felt that leaving decision-making to users alone would likely constrain their ability to secure water access. Similarly, despite the top-down imposition of the presidential decree defining water allocation in the TSB, the vast majority of water user representatives acknowledged that it had been influential in ensuring improved downstream water access.

<sup>9</sup> Jeroen Warner (ed.), *Multi-Stakeholder Platforms for Integrated Water Management* (Farnham, UK: Ashgate, 2007).

*Table 1: Models versus practices in water allocation in the TSB/LKSB during the 2011 dry year*

SBA / SBC model	Sub-basin	Actual practices observed in 2011
SBC as single formal decision-making platform for water allocation at sub-basin level	LKSB	No specific sub-basin level platform Flexible composition of WACs Various arrangements with demarcations along provincial boundaries Borders of participation in decision-making shaped by geographical and political borders of the “problem-shed”
	TSB	Water allocation mediated through WACs, with a clear demarcation along provincial boundaries.
WMD staff as technical advisors in SBAs Undefined role of governors	LKSB	Central importance of governors and WMD in shaping or imposing decisions
	TSB	Central importance of governors and WMD in balancing national and local interests
Water users as key decision makers via SBCs.	TSB and LKSB	Limited or non-existent direct discussion between water user representatives from both provinces
	LKSB	Composition of ad-hoc platforms and level of water user participation shaped by local political interests and power dynamics Participation of water users only when WMD unable to impose its decisions.
Decentralising decision-making from national agencies/actors to sub-basin institutions /actors	LKSB	Pressure from central Ministry of Energy and Water (MEW) on local WMD to shape water allocation decisions
	TSB	Significant influence of MPs, senior MEW and the president’s office in shaping water allocation Presidential decree defining water rights of provinces issued after a non-participatory process
Composition of SBCs covering the whole watershed (or sub-basin) area	TSB	Various MSP arrangements with demarcations along provincial boundaries (different WACs in Kunduz; No WAC in Takhar but joint-WAC at interprovincial level) Flexible composition of the WACs in Kunduz
	TSB and LKSB	Borders of participation in decision-making shaped by geographical and political borders of the “problem-shed” Borders of decision-making stretching as far as Kabul
Representation of multiple water sectors in sub-RBCs	TSB and LKSB	Irrigation the only water sector represented

## 2. Filling Gaps and Exploring Practical Alternatives for Water Governance

The issue highlighted by the research is not so much that IWRM, RBMs or MSPs do not function according to the ideal models, as in practice they rarely do. Rather, it is that the initial model of “good” water governance and its relevance and adaptability in post-civil war Afghanistan has never been genuinely questioned over the past seven years, whether in practice or in theory. In light of the evidence, there is a clear need for the actors and institutions involved in piloting water reform to take stock of the gaps between models and reality, and of whether and how these should be filled. Possible ways forward include:

- *Collectively identifying compromises between ideal models and local realities*

After years without any real collaborative assessment, a first step would be for the EC and the MEW to place more emphasis on such social learning processes. In order to be legitimate, these should encompass as wide a range of actors as possible, from small farmers to national ministry staff. Their outputs would ideally lead to more consensual compromises between “best” practices and local preferences, producing common agreements on practical governance and management arrangements.

The first priority of these collaborative processes should be to establish how far both devolution and decentralisation of decision-making should be extended in practice. Regarding devolution, reflection should focus on how best to balance decision-making authority between government and water users, since limiting the state to the role of technical advisor appears unfeasible in the current context. Regarding decentralisation, it is important to establish how much engagement with powerbrokers in Kabul is appropriate when it comes to breaking local deadlocks. The challenge is to find a balance between beneficial use of their ability influence decisions and actions on the one hand, and upholding principles of transparency and inclusive participation on the other.

- *Measuring performance rather than organisational structure*

Current performance indicators for water governance focus on the development of policy documents, the number of trainings delivered, and the registration of SBAs and SBCs. However, none of these elements have much to say about real changes in either performance, or in behaviour and attitudes regarding water management at the river basin level. Currently, there is thus little incentive for the consultants in charge of implementing water reforms to take greater consideration local realities. In practice, they have preferred to avoid the complications of participatory processes at local level, focusing instead on more manageable tasks such as the development of policies. There is thus a clear need to define a set of new indicators, grounded more firmly in performance, that will allow donors and the MEW to better understand divergences between governance goals and ground realities. These should then be used by independent organisations to assess local practice—and hold implementing consultancies to account—with the results shared openly among all stakeholders.

- *Facilitating action research*

More broadly speaking, the PARBP and the EC should facilitate independent, regular action research and collective diagnosis in order to assess the strengths and weaknesses of current river basin management practices. This could help ensure future plans for action are rooted in existing arrangements and add practical value where there is a demand for it.

- *Identifying and working with powerbrokers*

More stakeholder power analysis is needed to ensure that both local and national-level powerbrokers active in conflict resolution are identified and included in project interventions. These stakeholders may not necessarily be the most prominent practitioners of good governance. However, their ability to break or create deadlocks cannot be ignored. In order to create more champions for reform, these individuals should be the focus of awareness raising and advocacy concerning its merits.

### 3. Conclusion: Wishful Thinking?

Despite the need for a re-think of Afghanistan's water reforms, a number of significant obstacles currently exist. First, the unquestioned acceptance of hegemonic norms such as IWRM, RBM or MSPs itself poses barriers to the emergence of alternative models.<sup>10</sup> Related to this, there is the problem of donors needing to "sell" a successful model. In the case of Afghanistan, the post-2001 "blank slate" offered an opportunity for the EU to directly import elements of its "EU Water Framework Directive," forming mainstay of its development portfolio in the country. Consequently, the EU may be wary of any major course change, since this could represent an indirect acknowledgment of the limits of its model.

On top of these structural elements, the current political environment also poses an additional set of challenges. As 2014 approaches, many donors in Afghanistan—including the EU—seem to be more on lessening their footprints in the run-up to "transition" than on committing to long-term governance programmes. Perhaps most importantly, it is also doubtful that the Afghan government is even interested in water governance reform. Originally, governance changes were adopted as part of a package that also included a substantial infrastructure rehabilitation component. This was—and still is—the main priority of MEW.<sup>11</sup> During a January 2013 national water conference held in Kabul, the ministry was keen to assert its focus on water resources development through large-scale infrastructure projects. By contrast, issues of water governance reform were largely absent from the agenda.

<sup>10</sup> Merrey, J.D. 'African models for transnational river basin organisations in Africa: An unexplored dimension'. *Water Alternatives* 2(2): 183-204, (2009).

<sup>11</sup> Khwaga Kakar and Vincent Thomas, "Water Governance Reform in Afghanistan: Early Lessons for a Water-secure Future," in Harriet Bigas, Tim Morris, Bob Sandford and Zafar Adeel (eds.), *The Global Water Crisis: Addressing an Urgent Security Issue*, 110-19 (Hamilton, Canada: United Nations University—Institute for Water, Environment and Health, 2012).