

A NEGOTIATED APPROACH TO MANAGING COMPLEX Water Networks



SHAFIQUL ISLAM AND LAWRENCE E. SUSSKIND

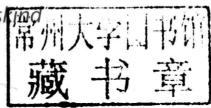




WATER DIPLOMACY

A Negotiated Approach to Managing Complex Water Networks

Shafiqul Islam and Lawrence E. Sussi





First published 2013 by RFF Press Routledge, 711 Third Avenue, New York, NY 10017

Simultaneously published in the UK and ROW

by RFF Press

Routledge, 2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

RFF Press is an imprint of the Taylor & Francis Group, an informa business

© 2013 RFF Press

The right of Shafiqul Islam and Lawrence Susskind to be identified as the authors of this work has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

The findings, interpretations, and conclusions offered in RFF Press publications are those of the authors. They do not necessarily represent the views of Resources for the Future, its directors, or its officers. Similarly, any geographic boundaries and titles depicted in RFF Press publications do not imply any judgment or opinion about the legal status of a territory on the part of Resources for the Future.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

Library of Congress Cataloging-in-Publication Data

Islam, Shafiqul, 1960-

Water diplomacy: a negotiated approach to managing complex water networks / Shafiqul Islam, Lawrence Susskind, and associates.

p. cm.

Includes bibliographical references and index.

1. Water-supply—Management. 2. Diplomacy. 3. Water-supply—

Political aspects. 4. Water-supply—Government policy.

5. Water-supply—Environmental aspects. 6. Water resources development. I. Susskind, Lawrence. II. Title.

TD345.I84 2012

333.91-dc23

2011053475

ISBN: 978-1-61726-102-2 (hbk) ISBN: 978-1-61726-103-9 (pbk)

Typeset in Bembo by Cenveo Publisher Services



Printed and bound in the United States of America by Edwards Brothers, Inc.

WATER DIPLOMACY

Water is the resource that will determine the wealth, welfare, and stability of many countries in the twenty-first century. This book offers a new approach to managing water that will overcome the conflicts that emerge when the interactions among natural, societal, and political forces are overlooked. At the heart of these conflicts are complex water networks. In managing them science alone is not sufficient, but neither is policy-making that doesn't take science into account, Solutions will only emerge if a negotiated or diplomatic approach—that blends science, policy, and politics—is used to manage water networks. The authors show how open and constantly changing water networks can be managed successfully using collaborative adaptive techniques to build informed agreements among disciplinary experts, water users with conflicting interests, and governmental bodies with countervailing claims. Shafiqul Islam is an engineer with over twenty-five years of practical experience in addressing water issues. Lawrence Susskind is founder of MIT's Environmental Policy and Planning Program and a leader of the Program on Negotiation at Harvard Law School. Together they have developed a text that is relevant for students and experienced professionals working in a variety of engineering, science, and applied social science fields. They show how new thinking about water conflict can replace the zero-sum battles that pit experts, politicians, and stakeholders against each other in counterproductive ways. Their volume not only presents the key elements of a theory of water diplomacy, it includes excerpts and commentary from more than two dozen seminal readings as well as practice exercises that challenge readers to apply what they have learned.

Shafiqul Islam is the first Bernard M. Gordon Senior Faculty Fellow in Engineering and Professor of Water Diplomacy at the Fletcher School of Law and Diplomacy at Tufts University. He is the Director of the Water Diplomacy Initiative. His research group—a diverse network of national and international partners—integrates theory and practice to create actionable water knowledge. He has published over 100 refereed journal and other publications.

Lawrence E. Susskind is Ford Professor of Urban and Environmental Planning at the Massachusetts Institute of Technology. He has served on the faculty for 40 years. He is also Vice-Chair for Instruction at the Program on Negotiation at Harvard Law School, which he helped found in 1982, and where he heads the MIT–Harvard Public Disputes Program, and teaches advanced negotiation courses. In 1993, Susskind created the Consensus Building Institute.

ABOUT RESOURCES FOR THE FUTURE **AND** RFF PRESS

Resources for the Future (RFF) improves environmental and natural resource policymaking worldwide through independent social science research of the highest caliber. Founded in 1952, RFF pioneered the application of economics as a tool for developing more effective policy about the use and conservation of natural resources. Its scholars continue to employ social science methods to analyze critical issues concerning pollution control, energy policy, land and water use, hazardous waste, climate change, biodiversity, and the environmental challenges of developing countries.

RFF Press supports the mission of RFF by publishing book-length works that present a broad range of approaches to the study of natural resources and the environment. Its authors and editors include RFF staff, researchers from the larger academic and policy communities, and journalists. Audiences for publications by RFF Press include all of the participants in the policymaking process—scholars, the media, advocacy groups, NGOs, professionals in business and government, and the public.

Resources for the Future

Board of Directors

Board Leadership

W. Bowman Cutter *Chair*John M. Deutch Vice *Chair*Frank E. Loy Vice *Chair*Lawrence A. Hinden *Treasurer*Philip R. Sharp *President*

Board Members

Vicky A. Bailey Anthony Bernhardt Trudy Ann Cameron Red Cavaney Preston Chiaro Mohamed T. El-Ashry Linda J. Fisher Deborah S. Hechinger Peter Kagan Sally Katzen Rubén Kraiem Richard G. Newell Richard Schmalensee Robert N. Stavins Lisa A. Stewart Joseph Stiglitz Mark R. Tercek

Chair Emeriti

Darius W. Gaskins, Jr. Robert E. Grady

Editorial Advisers for RFF Press

Walter A. Rosenbaum, University of Florida Jeffrey K. Stine, Smithsonian Institution

CONTRIBUTORS

Shafiqul ("Shafik") Islam is the Director of the Water Diplomacy Initiative at Tufts University. He is also the first Bernard M. Gordon Senior Faculty Fellow in Engineering and Professor of Water Diplomacy at the Fletcher School of Law and Diplomacy at Tufts. His research group, a diverse network of national and international partners, integrates theory and practice to create actionable water knowledge. Dr. Islam maintains an active national and international consulting and training practice ranging from flood forecasting in India and national water planning in Bangladesh, to water policy planning for ExxonMobil and advising the South Asia Consortium for Interdisciplinary Water Resources Studies. He has published over 100 refereed journal and other publications.

Lawrence ("Larry") E. Susskind is Ford Professor of Urban and Environmental Planning at the Massachusetts Institute of Technology and Director of the MIT Science Impact Collaborative. He was one of the founders of the inter-university Program on Negotiation at Harvard Law School, as well as the founder of the Consensus Building Institute, a not-for-profit provider of mediation services in complicated public disputes around the world. Professor Susskind is the author or co-author of more than 20 books, including *Breaking the Impasse*, *Environmental Diplomacy*, and *The Consensus Building Handbook*.

Catherine ("Cat") M. Ashcraft is a Visiting Assistant Professor in the Environmental Studies Program at Middlebury College. She has also served as a Visiting Assistant Professor at Pratt Institute, as a Visiting Instructor in the Government Department and Environmental Studies Program at Colby College, and as a Senior Consultant with the Consensus Building Institute. Catherine did

her PhD research at the Massachusetts Institute of Technology focused on the adaptive governance of two international river basins, the Danube and the Nile.

Paola Cecchi-Dimeglio is an attorney-mediator and currently a post-doctoral researcher at the Program on Negotiation at Harvard Law School. She received the JAMS Foundation Weinstein Fellowship for her research on Alternative Dispute Resolution (ADR). She is Co-chair of the American Bar Association's IC Subcommittee on the Future of ADR and has served as an expert advisor for several EU projects on ADR. In addition to her academic career, she serves as a consultant for organizations in international partnerships.

Peter Kamminga is an Associate Professor of Law at VU University Amsterdam and postdoctoral researcher at the Program on Negotiation at Harvard Law School. He is a trained mediator and is currently consulting for organizations involved in infrastructure development. Prior to his academic career he practiced law at one of the Netherlands' largest law firms. He has published several articles and co-authored books on the subjects of dispute resolution and cooperation in complex multi-party situations.

Elizabeth ("Betsy") Fierman is an associate at the Consensus Building Institute. She holds a Master of Arts in Law and Diplomacy from the Fletcher School at Tufts University, and a Bachelor of Arts from Haverford College. A native of the Boston area, she has lived and studied in Chile.

Maia Majumder is a dual-degree student at Tufts University's School of Engineering and School of Medicine. Her graduate studies are concentrated in engineering science, epidemiology and biostatistics. She is the co-founder of The Village Zero Project: an initiative that synthesizes epidemiology and engineering, using mobile health technologies to spatially and temporally track the origination and propagation of endemic infectious diseases to better inform cost-effective prevention strategies.

PREFACE

To address the emerging realities of our globalized world, we can no longer rely on the popular twentieth-century paradigm to which we have become so accustomed: scientists innovate; politicians make policy; and people respond, especially when they are unhappy. We offer a twenty-first-century approach to water management that acknowledges the complexity and uncertainty of natural and societal systems, accepts the increasing interconnectivity and consequences of important decisions, and rejects the unquestioned authority of hierarchical governance structures.

Our views have been shaped by a number of important books—The Consolation of Philosophy (Boethius, 525AD), The Reflective Practitioner (Schon, 1983), Managing the Unknowable (Stacey, 1992), At Home in the Universe (Kauffman, 1995), The End of Certainty (Prigogine, 1996), The Science of the Artificial (Simon, 1996), The Third Side (Ury, 1999), The Black Swan (Taleb, 2007), Thinking in Systems (Meadows, 2008), Working Together (Poteete, Janssen, and Ostrom, 2010), Practical Wisdom (Schwartz and Shapiro, 2010) and Water Wisdom (Tal and Rabbo, 2010).

Our approach to water diplomacy starts with a question: How can we ensure effective management of water as a common pool resource given that we can neither predict nor control many of the forces involved in its allocation and use? We think of diplomacy as the process of defining and resolving water issues at every level—from the design of a small-scale sanitation system in a village, to the development of a contested hydroelectric facility in one region of a country, to formal treaty negotiations among different nations.

Water problems are shaped by many natural, societal, and political interactions that create complex water networks. As population growth, economic development and climate change put increasing pressure on water resources, the management of these networks becomes increasingly important. Science cannot

provide all the answers. Policy-makers must take what scientists have to say into account, but beyond that, they also need to empower the relevant stakeholders to help formulate and implement solutions. To do this, we believe it will help to think of water as a flexible, even an expandable resource.

In our assessment, the most vexing water management problems are neither simple nor complicated. Simple problems are easily understood and manageable. Complicated problems, while not simple, involve interactions that are still knowable and predictable. Complex problems—and that is what most water management problems are—involve interactions that are both unknowable and unpredictable. Complex problems like these are not easily controlled. They involve too many variables, too many interactions and too much feedback.

For centuries we have taken nature apart and analyzed its components in ever-increasing detail. Now we realize that such "reductionism" can only provide limited insight. Water systems are more than the sum of their parts. "Systems engineering," which water managers have relied on for years, does not work well when natural, societal, and political boundaries are mismatched and cause–effect relationships are ambiguous.

We view water networks as an interconnected set of nodes representing natural, societal, and political variables. The flow of information among these nodes is what enables them to evolve and adjust. Our challenge is how best to manage the flow of information to formulate and achieve desired outcomes. It is in this context that we propose a new Water Diplomacy Framework (WDF) rooted in ideas from complexity theory and non-zero-sum negotiation. Water users and managers can use this Framework to link scientific objectivity and contextual understanding.

Throughout the development of this book, Shafik Islam has had the help of an extraordinary set of mentors, students, and friends. Several deserve special mention including A. Akanda, R. Bras, A. Chassot-Repella, E. Choudhury, Y. Gao, A. Jutla, P. Mollinga, I. Rodriguez-Iturbe, W. Moomaw, K. Portney, M. Reed, D. Small, and R. Vogel. Shafik also wants to acknowledge the love, support, and encouragement of his parents, his wife (Naaz), and their two wonderful daughters (Maia and Myisha). Without their unyielding support and their wise and diligent criticism during never-ending dinner-table conversations, this work would not exist.

Larry Susskind wants to thank Sossi Aroyan, Carri Hulet, Peter Kamminga, Paola Cecci-Dimeglio, Elizabeth Fierman, Todd Schenk, Noah Susskind and Nina Tamburello for their unstinting assistance in preparing this manuscript.

Shafik Islam Larry Susskind March 12, 2012

References

- Boethius, A.M.S. (575 AD). *The Consolation of Philosophy*, English Translation by H.R. James, Signature Press Edition.
- Kauffman, S. 1995. At Home in the Universe: The Search for the Laws of Self Organization and Complexity. Oxford: Oxford University Press.
- Meadows, D.H. 2008. Thinking in Systems: A Primer, D. Wright (ed.), Chelsea Green Publishing.
- Poteete, A.R., Janssen, M.A., and Ostrom, E. 2010. Working Together: Collective Action, the Commons, and Multiple Methods in Practice. Princeton, NJ: Princeton University Press.
- Prigogine, I. 1996. The End of Certainty: Time, Chaos, and the New Laws of Nature. New York: The Free Press.
- Schon, D.A. 1983. The Reflective Practitioner: How Professionals Think in Action. New York: Basic Books.
- Schwartz, B. and Shapiro, K. 2010. Practical Wisdom: The Right Way to do the Right Thing. New York: Riverhead Books.
- Simon, H.A. 1996. The Science of the Artificial. Cambridge, MA: The MIT Press.
- Stacey, R.D. 1992. Managing the Unknowable: Strategic Boundaries Between Order and Chaos in Organizations. San Francisco, CA: The Jossey-Bass Management Series.
- Tal, A. and Rabbo, A.A. 2010. Water Wisdom: Preparing the Groundwork for Cooperation and Sustainable Water Management in the Middle East. New Brunswick, NJ: Rutgers University Press.
- Taleb, N.N. 2007. The Black Swan: The Impact of the Highly Improbable. New York: Random House.
- Ury, W. 1999. The Third Side: Why We Fight and How We Can Stop. New York: Penguin Books.

ACKNOWLEDGEMENTS

Excerpts from the following materials have been reprinted in various chapters with the permission of the copyright holders. We would like to express our gratitude to those who have made it possible for us to include these works in this volume.

- Allen, P. 2001. What is complexity science? Knowledge of the limits of knowledge, *Emergence*, 3(1), 24–42. Reprinted by permission of the publisher.
- Ashcraft, C.M. (2011). Indopotamia: Negotiating Boundary-Crossing Water Conflicts. Program on Negotiation, Harvard Law School. Reprinted by permission.
- Berkes, F. 2006. From community-based resource management to complex systems. *Ecology* and *Society*, 11(1): 45. Reprinted by permission of the publisher.
- Bloschl, G. and Sivapalan, M. 1995. Scale issues in hydrological modeling: A review, *Hydrological Processes*, 9: 251–290. Reprinted by permission of the publisher.
- Brooks, D. & Trottier, J. 2010. Confronting Water in an Israeli–Palestinian Peace Agreement, Journal of Hydrology, 382(1-4): 103–114. Reprinted by permission of the publisher.
- Burkhard, R., Deletic, A., and Craig, A. 2000. Techniques for Water and Wastewater Management: A Review of Techniques and Their Integration in Planning Review, Urban Water, 2(3); 197–221. Reprinted by permission of the publisher.
- Cash, D.W., Adger, N., Berkes, F., Garden, P., Lebel, L., Olsson, P., Pritchard, L., and Young, O. 2006. Scale and cross-scale dynamics: governance and information in a multilevel world, *Ecology and Society 11*(2): 8. Reprinted by permission of the publisher.
- Cohen, A. and Davidson, S. 2011. The watershed approach: Challenges, antecedents, and the transition from technical tool to governance unit, *Water Alternatives*, 4(1): 1-14. Reprinted by permission of the publisher.
- Coman, K. 1911. Some unsettled problems of irrigation, American Economic Review, 1(1): 1–19. [Reprinted in American Economic Review, 101 (February 2011): 36-48]. Reprinted by permission of the publisher.
- El-Sadek, A. 2010. Water desalination: An Imperative Measure for Water Security in Egypt, Desalination, 250(3): 876–884. Reprinted by permission of the publisher.
- Fuller, B. 2006. "Trading zones: cooperating for water resource and ecosystem management when stakeholders have apparently irreconcilable differences." Dissertation, Massachusetts

- Institute of Technology, Department of Urban Studies and Planning. Reprinted by permission of the author.
- Fuller, B. 2009. Surprising cooperation despite apparently irreconcilable differences: agricultural water use efficiency and CALFED, *Environmental Science and Policy*, 12(6): 663–673. Reprinted by permission of the publisher.
- Gibson, C.C., Ostrom, E. and Ahn, T.K. 2000. The concept of scale and the human dimensions of global change: a survey, *Ecological Economics 32*: 217–239. Reprinted by permission of the publisher.
- Guan, D. and Hubacek, K. 2007. Assessment of regional trade and virtual water flows in China, *Ecological Economics*, 61: 159–170. Reprinted by permission of the publisher.
- Kallis, G., Kiparsky, M., and Norgaard, R.B. 2009. Adaptive governance and collaborative water policy: California's CALFED Bay-Delta Program, *Environmental Science and Policy*, 12(6): 631–643. Reprinted by permission of the publisher.
- Kiang, J.E., Olsen, J.R., and Waskom, R.M. 2011. Introduction to the featured collection on "Nonstationarity, Hydrologic Frequency Analysis, and Water Management." *Journal of the American Water Resources Association*, 47(3):433–435. Reprinted by permission of the publisher.
- Liu, J., Dietz, T., Carpenter, S.R., Alberti, M., Folke, C., Moran, E., Pell, A.N., Deadman, P., Kratz, T., Lubchenco, J., Ostrom, E., Ouyang, Z., Provencher, W., Redman, C.L., Schneider, S.H., and Taylor, W.W. 2007. Complexity of coupled human and natural systems, *Science*, 317: 1513–1516. Reprinted by permission of the publisher.
- Luijendijk, J. and Arriëns, W.L. 2007. Water Knowledge Networking: Partnering for Better Results. The Netherlands: UNESCO-IHE. Reprinted by permission of the publisher.
- Mitleton-Kelly, E. 2003. Ten principles of complexity and enabling infrastructures, in E. Mitleton-Kelly (ed.) Complex Systems and Evolutionary Perspectives on Organizations: The Applications of Complexity Theory of Organizations (pp. 23–50). Oxford: Elsevier. Reprinted by permission of the publisher.
- Narayanan, N.C. and Venot, J.P. 2009. Drivers of change in fragile environments: Challenges to governance in Indian wetlands, *Natural Resources Forum*, 33: 320–333. Reprinted by permission of the publisher.
- Odeh, N. 2009. "Towards improved partnerships in the water sector in the Middle East: A case study of partnerships in Jordan's water sector." Dissertation, Department of Urban Studies and Planning, Massachusetts Institute of Technology. Reprinted by permission of the author.
- Ostrom, K. 2011. Reflections on "Some Unsettled Problems of Irrigation," *American Economic Review*, 101: 49–63. Reprinted by permission of the publisher.
- Pahl-Wostl, C., Craps, M., Dewulf, A., Mostert, E., Tabara, D., and Taillieu, T. 2007. Social learning and water resources management, *Ecology and Society*, 12(2): 5. Reprinted by permission of the publisher.
- Pollard, S., du Toit, D., and Biggs, H. 2011. River management under transformation: The emergence of strategic adaptive management of river systems in the Kruger National Park, *Koedoe, 53*(2). No permission required to reprint.
- Radosevich, G. 2010. Mekong River Basin, Agreement & Commission. IUCN Water Program Negotiate Toolkit: Case Studies. Reprinted by permission of the publisher.
- Rittel, H.W. and Webber, M.M. 1973. Dilemmas in a general theory of planning, *Policy Sciences*, 4: 155–169. Reprinted by permission of the publisher.
- Saravanan, V.S. 2008. A systems approach to unravel complex water management institutions, *Ecological Complexity*, 5(3): 202–215. Reprinted by permission of the publisher.

- Sgobbi, A. and Carraro, C. 2011. A stochastic multiple players multi-issues bargaining model for the Piave river basin, *Strategic Behavior and the Environment*, 1(2): 119–150. Reprinted by permission of the publisher.
- Sivapalan, M., Thompson, S.E., Harman, C.J., Basu, N.B., and Kumar, P. 2011. Water cycle dynamics in a changing environment: Improving predictability through synthesis, *Water Resources Research*, 47. Reprinted by permission of the publisher.
- Tapela, B.N. 2006. Stakeholder participation in the transboundary management of the Pungwe river basin, in A. Earle and D. Malzbender (eds.) Stakeholder Participation in Transboundary Water Management (pp. 10–34), Cape Town: African Centre for Water Research. Reprinted by permission of the author.
- Velázquez, E. 2007. Water trade in Andalusia, virtual water: An alternative way to manage water use, *Ecological Economics*, 63(1): 201–208. Reprinted by permission of the publisher.
- Werick, B. 2007. Changing the rules for regulating Lake Ontario levels, in *Computer Aided Dispute Resolution*, *Proceedings from the CADRe Workshop* (pp. 119–128). Institute for Water Resources. Reprinted by permission of the publisher.

LIST OF ACRONYMS

ACF Apalachicola-Chattahoochee-Flint

BATNA Best Alternative to a Negotiated Agreement

CALFED Bay-Delta Program (CA and Federal agreement)

CAM Collaborative Adaptive Management

GWP Global Water Program

IWRM integrated water resources management

JFF joint fact-finding

MRC Mekong River Commission

PON Program on Negotiation at Harvard Law

PON Program on Negotiation at Harvard Law School RCN research coordination network

USACE
WDN
Water Diplomacy Network
WDF
Water Diplomacy Framework
WDW
Water Diplomacy Workshop
ZOPA
Zone of Possible Agreement

CONTENTS

List of Contributors

	face enowledgements of Acronyms	xii xv xviii
1	A Water Management Fable for All Time (with Maia Majumder)	1
2	Challenging the Conventional Wisdom about Water Management The Evolution of Water Resources Management 4	4
	Integrated Water Resources Management (IWRM) 6 Reflections on Some Unsettled Problems of Planning in Managing Common Pool Resources 7 Water Problems are Complex 8 Water is a Flexible Resource 10 Thinking in Terms of Water Networks Rather than Systems 10 Acknowledging the Complexity of Water Networks 12 A Synthesis of Natural, Societal, and Political Domains 13 Water Diplomacy Framework: Three Propositions 14 Selected Readings with Commentaries 18 References 37	
3	Understanding and Characterizing Complex Water Management Problems The Properties of Complex Systems and Water Networks 42 Domains, Scales, and Levels 46	41

	Watersheds are Disconnected from Problem-sheds and Policy-sheds 51 Selected Readings with Commentaries 53 References 84	
4	Addressing Complex Water Management Problems From Certainty and Consensus to Uncertainty and Disagreement 89 Identifying Issues that Fall into the Zone of Complexity 91 Implementation in the Zone of Complexity 94 Adaptive Learning: A Key to Handling Evolving Complex Water Management Problems 97 Selected Readings with Commentaries 98 References 121	89
5	A Non-Zero-Sum Approach to Water Negotiations (with Peter Kamminga and Paola Cecchi-Dimeglio) From Competition to Value Creation 131 Mediating Conflicting Claims 133 The Dangers of Zero-Sum Thinking 134 An Alternative Problem-Solving Approach 137 A Non-Zero-Sum Approach 138 Convening Problem-Solving Forums 139 Important Lessons 150 Selected Readings with Commentaries 150 References 189	128
6	The Practice of Water Diplomacy in a Nutshell (with Elizabeth Fierman) Stakeholder Representation 198 Joint Fact-Finding and Scenario Planning 199 Value Creation 200 Convening 201 Collaborative Adaptive Management 202 Societal Learning 202 Conclusion 203 Selected Readings with Commentaries 204 References 264	197
7	The Indopotamia Role-Play Simulation (with Catherine M. Ashcraft) Introduction 269 Teaching Notes 270 Segment I: Exploring Interests and Building Coalitions 275	269