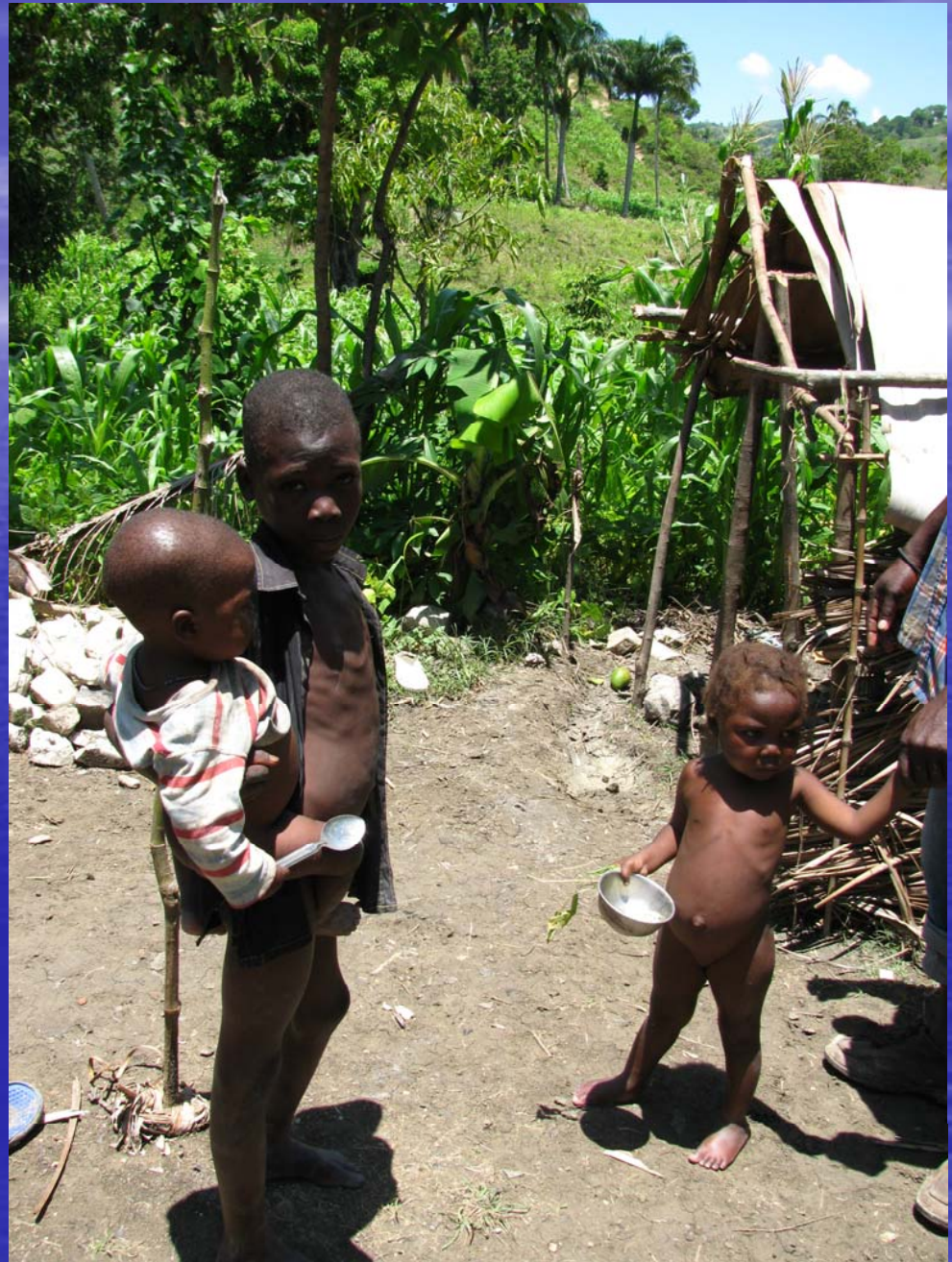


Using Community Management  
of Water Resources  
to Improve Environmental Governance  
in Failed, Failing and Fragile States

Susan L. Smith  
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Willamette University

Today I don't speak for  
the Lorax: I speak for  
these children of Zabriko  
and the more than 2  
million other children  
around the world who  
will die this year  
from dirty water.

More than from war,  
malnutrition, and AIDS  
combined ....



# Facilitating Community Water and Sanitation Projects in a Failed State: the Haiti Experience

- Widely regarded as a failed state or at best a fragile state
  - HDI: 149/182
  - Governance:
    - critical failed state (FSI);
    - low WB rating on CPIA;
    - consensus WB World Governance Indicators below 10<sup>th</sup> percentile for political stability/violence, rule of law; and corruption; below 25<sup>th</sup> percentile for regulatory quality and government effectiveness;
    - Until June 2009, US warned against all but essential travel, and continues to place restrictions on US government travel
  - Water availability: 147<sup>th</sup> of 147 developing countries with respect to availability of clean drinking water
- Remarkably socially resilient due to traditional peasant organizations that provide leadership – Haiti does not suffer from a dearth of leadership but rather from the dearth of power and money of its natural leaders

# Chavannes Jean-Baptiste

## Leader of Mouvement Peyzan Papay (MPP), the Peasant Movement of Papay



2005 Winner of Goldman Environmental Prize for MPP's Reforestation Efforts;  
Chavannes passed on offer from Rene Preval to be Prime Minister of Haiti  
to continue his work with MPP on behalf of the peasants of the Central Plateau.

# MPP leaders of Kolasigi and Twa Koch



Leaders of women's farming collectives that won prizes on National Reforestation Day for their reforestation efforts



Mis Gislaine, full-time volunteer coordinator of MPP health promotion education program

# Twa Koch community leaders



# MPP leaders of Dlo Pol and Papay



MPP leader who brought clean spring water to Dlo Pol almost 20 years ago



MPP leader who set up health clinic in Papay along with Dr. Agathe Jean-Baptiste



Community leaders currently bringing clean water to the Cherival neighborhood of Hinche

# Leaders of Zabriko



Faustin, the MPP community activist who heads the association of 400 family, womens and youth farming collectives in Zabriko



One of the first MPP leaders – now represents 3 areas including the Zabriko area

# A short story: Faustin's home in Zabriko



## A modest claim:

Supporting community leaders and groups who create and manage water resources in rural communities (generally according to traditional or customary law) represent our best chance to improve environmental and other governance in developing countries with severe governance problems (“failed states”) and in serious danger of experiencing such governance problems (“failing” and “fragile” states).

# Overview of Presentation

- I. The Dilemma of Failed States
- II. Why Prefer Community Management of Water Resources in Failed States
- III. How to Change Law and Policy to Facilitate Community Management in Failed States
- IV. Transferability of Community Management of Water Resources to Better Environmental Governance as well as Better Overall Governance in Failed States

# I. Failed States

- **Identifying failed states and the causes of failure**
- **Failed states and environmental governance**
- **Failed states and human development**
- **Failed states and water resources**

# What are failed, failing, and fragile states?

**Not a small universe: roughly 50 of 200+ nations fit into these categories**

**Failed – national government unable or unwilling to perform essential functions such as security and transportation infrastructure and to facilitate the ability of its people to meet basic needs (e.g. food, water, sanitation, health care, education)**

**Failing states – in serious danger of failing and declining in their capacity**

**Fragile states – in serious danger of failing and stagnant or gradual upward trend in capacity**

# What causes governments to fail?

- **Unique aspects, common threads:**
  - Internationalized conflict (pawns of foreign/economic policy of other countries) fuels internal or regional conflict leading to refugees and internally displaced persons
  - Transnational corporate natural resources exploitation replaces colonial exploitation of natural resources
  - Land-locked, small geographic territory, or other key developmental asset missing
  - Slow economic growth and poverty lead to dependence on poorly designed international aid, with perverse effects (e.g. food aid impact on prices), imposition of harmful “conditionalities” (e.g. structural adjustment programs, tariff reductions), and adverse incentives (corruption and impairment of indigenous capacity)
- **Cause and effect? Continued downward spiral?**
- **Missed the development boat?!?**

# Beyond environmental governance to sustainability: a quick aside on addressing causes

- **Internationalized conflict:** all countries must stop manufacture and trafficking of conventional arms (including China) and make national contributions to human development the basis for international competition (or better cooperation).
- **Transnational corporate exploitation:** international chartering of sustainable corporations – see my article from the Mexico City colloquium. Here the comments yesterday of our UNDP speaker are apt. Chinese transnational businesses must contribute to an ecological civilization by avoiding the mistakes of the West.
- **Poorly designed international aid:** see my forthcoming article on a new paradigm of international aid – village to village.
- **Land-locked:** we're not God! Don't build canals or dam rivers; negotiate a framework treaty recognizing equitable access to ocean ports as international law

# More Elaborate Definitions of Failed States

- **Over 140 governance indices**
- **Chose three examples**
  - **Failed States Index (Foreign Policy and Fund for the Poor)**
  - **Paul Collier (used WB Country Policy and Institutional Assessment)**
  - **WB World Governance Indicators Project (compilation of 35 data sources from 33 organizations)**

# Failed States Index Factors

- **Demographic pressures**
- **Refugees/Internally displaced persons**
- **Group grievances**
- **Human flight**
- **Uneven development**
- **Public services**
- **Human rights**
- **Security apparatus**
- **Factionalized elites**
- **External intervention**

# CPIA Factors

## A. Economic Management

1. Macroeconomic Management
2. Fiscal Policy
3. Debt Policy

## B. Structural Policies

4. Trade
5. Financial Sector
6. Business Regulatory Environment

## C. Policies for Social Inclusion/Equity

7. Gender Equality
8. Equity of Public Resource Use
9. Building Human Resources
10. Social Protection and Labor
11. Policies and Institutions for Environmental Sustainability

## D. Public Sector Management and Institutions

12. Property Rights and Rule-based Governance
13. Quality of Budgetary and Financial Management
14. Efficiency of Revenue Mobilization
15. Quality of Public Administration
16. Transparency, Accountability, and Corruption in the Public Sector

# World Governance Indicators

- **Voice and accountability**
- **Political stability/violence**
- **Government effectiveness**
- **Regulatory quality**
- **Rule of law**
- **Control of corruption**

Failed States	FSI	Collier/CPIA	WGI
Somalia	1	X	6/6 factors < 10 <sup>th</sup>
Zimbabwe	2	X	6/6 factors < 10 <sup>th</sup>
Sudan	3	X	6/6 factors < 10 <sup>th</sup>
Chad	4	Spill-over conflict	6/6 factors < 10 <sup>th</sup>
Dem.Rep.Congo	5	X	6/6 factors < 10 <sup>th</sup>
Afghanistan	7	Complicated by external conflict	5/6 factors < 10 <sup>th</sup>
Central African Republic	8	X	4/6 factors < 10 <sup>th</sup>
Guinea	9	Recent increase	4/6 factors < 10 <sup>th</sup>
Ivory Coast	11	Recent decline	4/6 factors < 10 <sup>th</sup>
Haiti	12	X	3/6 factors < 10 <sup>th</sup>
Kenya ("fragile"?)	14	Recent conflict	Mostly 25-50 <sup>th</sup> , <10 <sup>th</sup> on political stability/violence

Another measure? – all countries that have US State Dept on-going travel warnings

Omitted due to pre-9/11 development status: Iraq, Pakistan

WGI: other factors were below 25<sup>th</sup> percentile

# Failed States and Environmental Governance

Failed States	CPIA Governance Index (2008)	CPIA Environmental Governance (2008)
Somalia	No score	No score
Zimbabwe	1.4	2.0/6
Sudan	2.5	2.0
Chad	2.5	2.0
Dem.Rep.Congo	2.7	2.5
Afghanistan	2.6	2.5
Central African Republic	2.5	2.5
Guinea	3.0	2.5
Ivory Coast	2.5	2.7
Haiti	2.9	2.5
Kenya ("fragile"?)	3.5	3.5

The range of CPIA overall scores for countries eligible for IDB grants is 1.4 (1) to 4.4 out of 6; CPIA environmental scores range from 2.0 to 4.5 – only 30/75 are 3.5+

# Failed States and Human Development

- Some co-linearity: since many indices of governance include some measure of how successfully the government provides basic human services, obviously failed governance and lack of human development are by definition interrelated
- However, beyond that, virtually every failed state has an incredibly low level of human development – in other words, their people their short, harsh lives under extraordinarily difficult and dangerous conditions

# Failed States and Water Resources

- Not like oil: no absolute global scarcity, just dramatically variable geographic distribution and economic scarcity that cause severe impacts on the poor
- Virtual water footprint of developed countries enormously exacerbates water scarcity
- Failed states:
  - Differential distribution at root of some conflicts and conflicts in turn cause many to live w/o water
  - Dramatically different access to improved water source (as demonstrated in table)
  - Substantially more subject to various water stress factors: population, climate change, natural disasters, and conflict (refugees/IDP)
- Due to anticipated increase in nations experiencing water stress, management of water resources will become the key to sustainable natural resource management and environmental governance

<b>Failed States</b>	<b>2008 HDI</b>	<b>2004 - rural pop without improved water access</b>
Somalia	<b>(161/182)</b>	<b>No data</b>
Zimbabwe	<b>(151)</b>	<b>No data</b>
Sudan	<b>150</b>	<b>36%</b>
Chad	<b>175</b>	<b>57%</b>
Dem. Rep. Congo	<b>176</b>	<b>71%</b>
Afghanistan	<b>181</b>	<b>69%</b>
Central African Republic	<b>179</b>	<b>44%</b>
Guinea	<b>170</b>	<b>65%</b>
Ivory Coast	<b>163</b>	<b>26%</b>
Haiti	<b>149</b>	<b>46%</b>
Kenya	<b>148</b>	<b>54%</b>

Compare:

India –

China –

India – 17% China – 33%

## II. Community Management of Water Resources in Developing Countries

### “Competing models”

- top-down Integrated Water Resources Management (IWRM)
- bottom-up Community Water Resources Management (CWRM)

# Integrated Water Resources Management

- “The solution”, stresses
  - state “ownership” of water,
  - administrative permits allowing individual rights to use water,
  - rational comprehensive water basin planning,
  - integration of
    - surface water and groundwater regulation,
    - water allocation and water quality regulation,
    - land use/water regulation,
  - user charges and other economic incentives to promote efficiency,
  - water resources development and water services infrastructure funded, by national government or private capital investment
- **Transnational corporate role** – providing water services “regulated” by local gov’t, with water resources planning & development done primarily by national or regional governments.
- **Limited community role** – “public participation” with traditional water user associations having a voice, but not a vote

# IWRM in Failed or Fragile States

Standard top-down model of IWRM infeasible:

- National “ownership”/exclusive control of water does not protect the public’s rights in water because national governments cannot be relied upon to administer water resources in accordance with public interest or public trust
- Administrative permitting schemes are difficult for rural communities and poor to use to protect their use of water, while easily abused by elites and foreign corporations seeking to dominate water use.
- Comprehensive rational water basin planning is typically beyond the capacity of the national government; again apt to be abused by elites and foreign corporations.
- Integrated resource management is essential, but difficult to structure national and regional governments to facilitate integration and capacity for integrated management limited – while integration is natural at community level

# Community Water Resources Management

- In rural areas of developing countries, CWRM has generally involved acquisition, operation, maintenance, and management of water resources for domestic uses and irrigation through self-help (including NGO funding), rather than government provision
- Projects tend to be small-scale, are managed by the community, use appropriate technology, and are diverse in nature dependent on community's needs and resources
- Contrast with earlier international NGO efforts that frequently installed small-scale water resources projects such as shallow without securing community commitment to the project, failed to use appropriate technology, and frequently imposed their views about community needs and priorities.
- Sustainability is dependent upon community commitment, appropriate technology, and long-term viability of the resource (e.g. avoiding excess groundwater withdrawals). If the national or regional government has the capacity to assess resource availability, that is a helpful role. E.g. Kenya & Narok District
- Community planning and management can be scaled up by affected communities participating in watershed problem-solving

# How can international law and institutions facilitate CWRM?

- Define the human right to water to include broader domestic uses and small subsistence irrigation, not just drinking water
- Promote recognition of community water rights  
(Elinor Ostrom's Nobel Prize winning work demonstrates that recognition of community property rights can be superior to individual property rights)  
Elinor Ostrom has challenged the conventional wisdom that common property is poorly managed and should be either regulated by central authorities or privatized. Based on numerous studies of user-managed fish stocks, pastures, woods, lakes, and groundwater basins, Ostrom concludes that the outcomes are, more often than not, better than predicted by standard theories. She observes that resource users frequently develop sophisticated mechanisms for decision-making and rule enforcement to handle conflicts of interest, and she characterizes the rules that promote successful outcomes.
- Provide development funding directly to communities

# How can national law and policy be structured to foster CWRM?

- Recognize customary water law, with limits to prevent discrimination and protect ecological sustainability
- Grant preference to domestic and small-scale irrigation uses
- Recognize water user association rights and community water rights without requiring permit
- In administration of national water law, devolve decision-making power to communities
- Provide funding/grants directly to community water resources managers for community projects
- Create meaningful WRM jobs in communities so that trained personnel can stay in their community (and implement other strategies to create and maintain community capacity and expertise)

# Transferability of CWRM to Broader Environmental Governance

- **Already significant piece of environmental governance:** water increasingly significant in environmental governance
- **Readily expanded to all aspects of community development:** community leaders care about all of the issues facing their community
- **Capacity-building:** provides natural training ground for local/regional/national leaders
- **Models decentralization and devolution:** demonstrating the capacity of communities to manage their own water resources makes devolution of significant power to local and regional governments more attractive