

3rd World Water Forum, Kyoto Japan

Water and Governance Theme – Wrap up Plenary

Organized by: Global Water Partnership

Contribution by: IUCN – The World Conservation Union

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1. Something about IUCN

IUCN, established in 1948, is an intergovernmental organisation and the only conservation organisation in the world with UN Observer status.

IUCN has 79 State members, over 750 NGO members and 120 government agency members and a volunteer network of over 10,000, including the IUCN Commission on Environmental Law with more than 800 members in 130 countries.

2. Congratulating GWP

We would like to congratulate GWP for its tireless efforts to entrench ‘water governance’ on the agenda at all levels.

While there have been healthy and sometimes passionate debates about what is involved with ‘good’ water governance, the importance of the theme is now agreed.

A bit of passion and debate is a good thing and is what the GWP led dialogues have helped stimulate.

3. Commending GWP

We commend GWP for taking a regional and national focus, rather than a global focus.

The debates do need to be aware of global developments and their potential domestic implications, but national governance and regional transboundary governance is where the focus should remain.

4. Encouraging GWP

We encourage GWP to continue to focus its efforts at the regional and national levels (and within this context at sub-national levels where possible).

We are heartened to learn of GWP’s focus on moving from principle to practice, while also recognizing that an ongoing dialogue is a critical part of this transition.

The principles are well known, we need to move to practical and pragmatic solutions – this is not an academic exercise.

It is time to move to *applied* governance and IUCN is a ready and willing partner.

5. Ongoing dialogue is important

The importance of an ongoing dialogue is critical to achieving ‘good’ water governance.

‘Good’ governance includes the manner in which legal frameworks are developed, which must be an open and participatory process.

GWP dialogues can play an important role in this process.

6. Recognizing the challenges ahead

The challenges ahead are great and they have been the subject of much debate.

States have made recent commitments to seriously tackle poverty and the global water crisis (ie see the Millennium Development Goals, the Monterrey Consensus and the WSSD Plan of Implementation).

We must recognize the enormity of the challenge that is confronting us— principled pragmatism is needed in progressing ‘good’ governance.

7. The suite of tools for IWRM

There is a well developed set of tools available to address IWRM (ie see the GWP Toolbox).

These tools include decentralization/devolution, public private partnerships, the use of pricing to help drive efficiency, and the use of other market mechanisms, including domestic trade in water in some instances.

This is happening and it is essential to actively and constructively engage in this process.

Not every tool is well suited to every nation or community, and not every tool will be applied in the same way in every instance.

However, given the magnitude of the challenge, every tool should be on the table for consideration.

8. The changing role of government

We are witnessing a changing role of government in service delivery and resource management and the greater use market based instruments in water management.

This does not mean that the role of government is becoming less important, in many instances it becomes more important, in particular in relation to the development and effective implementation of a sound legal framework.

It is for governments/parliaments to identify and adequately protect the public interest.

9. The importance of sound regulatory frameworks

The changing role of government has highlighted the importance of sound legal frameworks that adequately protect the public interest.

Legal frameworks must clearly address equity, sustainability, transparency, participation and accountability issues. Just by way of example:

Equity: ensuring access to sufficient quantity and quality of water, adequately recognizing customary and other rights.

Sustainability: making provision for environmental flows for healthy river systems and preventing and reducing pollution on a basin wide level.

Transparency: providing for open and transparent subsidies where necessary or desirable, and clearing setting out roles and responsibilities. Reference was made to “connected decentralization” during the Opening Plenary.

Participation: making provision for the genuine participation of civil society, including all water users.

Accountability: as authority is devolved, accountability must be provided for, including for example reporting to parliaments.

10. The importance of capacity building

The importance of strong legal frameworks cannot be looked at in isolation from the need to build domestic capacity for the effective implementation and enforcement of such frameworks.

We need to address critical development issues today while systematical building capacity for the future.

Where capacity is currently limited proper care needs to be taken to ensure no one is unfairly disadvantaged. Targeted capacity may need to be developed/provided in innovative ways to ensure negotiating positions are as fair and equitable as possible.

11. ‘Good’ governance applies to everyone

‘Good’ governance is not just about government, but ‘good’ governance within governments and parliaments is clearly of great importance.

The need for ‘good’ governance applies to every sector, the business sector and the non government sector included.

IUCN itself must ensure good internal governance, including openness and transparency in how it addresses issues falling within its mandate – and this is something we invest much effort in.

Thank you again to GWP and congratulations on organizing such an interesting, stimulating and rewarding two days on the theme ‘Water and Governance’.

John Scanlon

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Note: The IUCN Environmental Law Centre has produced a series of 12 ‘water law’ issues papers to help the non-lawyer better understand the role of the law in IWRM. These issues include ‘Human Rights and Water’, an issue that was addressed during the wrap-up panel question session. A copy can be found at the IUCN Environmental Law Programme website at: www.iucn.org/themes/law