

Background Paper:

Stakeholder Roles in Rio Grande Basin Management¹

David Groenfeldt²
June 2011

River Basin organizations take a 'big picture' perspective and serve as the leading voice on basin-wide water issues. There are many different kinds of basin organizations, The key distinguishing features are whether the basin organization is a formal government body enshrined in law, a temporary official arrangement but with limited legal powers, or an informal or non-governmental body with no legal powers. Other features are in the functions of basin organizations: whether they own dams, canals, water ways, hydroelectricity power plants, dykes and irrigation works and build, operate and maintain such water infrastructure, or, whether the basin organizations are only responsible for non-technical tasks.

Types of Basin Organizations³

Commissions. Commissions are normally established by formal government statements or rulings and may or may not have a permanently staffed office. They often define common rules (e.g. for navigation) or decide on allocations of the available resources between the categories of uses or regions. The Rio Grande Compact Commission, for example, defines rules for water allocation between the three basin states (Colorado, New Mexico, and Texas). Commissions may also coordinate flood and drought prevention, and measures to reduce pollution, and prepare and implement multi-year plans to co-ordinate and reinforce activities at the basin level. In the European Union, international commissions are coordinating the implementation of the Water Framework Directive in riparian EU member states. In federal countries (e.g. Brazil, Australia), such commissions can be established by the central government and states, provinces or regions to co-ordinate policies and activities on a shared river or aquifer.

Basin Directorate or Agency. A basin directorate or agency makes planning decisions and has statutory responsibilities. They may set and enact regulations, or have authority to give consent for developments and are usually founded on civil service principles to serve the public with some autonomy within a national legal framework. They may have an arbitration role, which the interested parties refer to for decision making on any conflict that arises. They are usually in charge of carrying out tasks for medium-term planning and for collecting taxes on water abstractions and discharges to finance or support the investments needed to achieve

¹ Excerpted from a report, by the same author, commissioned by New Mexico Audubon. Helpful comments from Beth Bardwell (NM Audubon) are gratefully acknowledged.

² Director, Water-Culture Institute, www.waterculture.org. Email: dgroenfeldt@waterculture.org.

³ Adapted from GWP and INBO 2009.

set objectives. In some cases they can also be responsible for water policy, studies, data collection or production, information sharing and public awareness.

Basin Councils. A basin council may be a formal or informal group, comprising government officials, parliamentarians, NGO workers and lay people who get together to discuss water management issues. Councils are usually set up to advise government. A council, unlike a commission, which is also a body of experts, has no regulatory powers. Basin associations or councils (also called syndicates) often exist alongside the formal administration and represent different categories of users, NGOs or local community groups. Such associations or councils can have a variety of roles, for example providing advice, raising awareness, educating and stimulating ownership of basin natural resources management and promoting exchange of information. They can also play a watchdog role. They are sometimes set up to solve a specific problem or for a specific basin.

Stakeholder Advisory Groups. An independent group, such as a stakeholder advisory group that advises on key water issues, can make basin management more effective. Stakeholder advisory groups are government-private sector-community groups made up of representatives of basin landowners, relevant state government agencies, local government councils, local water supply authorities and other utilities, economic sectors such as agriculture and energy, and other groups with an interest in land and water management. The role of the advisory group is to advise the basin organization on major basin problems and possible solutions. The group can voice local concerns, provide local knowledge, help quantify and prioritize issues, as well as identify options to address these issues and provide a reality check on how options are likely to work in practice. Another important role is to advise on developing and implementing a monitoring system.

Workshops and field trips can help both stakeholders and basin organizations appreciate the array, size and extent of land and water resources issues in basin management, as well as how local actions impact other parts of the basin. The advisory group may be supported by a technical committee that advises on the engineering, ecological, economic and social aspects.

Basin-level Water Planning⁴

Basin Management Strategy. This sets out the long-term goals and aspirations for water resources management, and how these goals are to be realized. A strategy usually covers a ten to twenty-year period. The strategy determines the overall directions for basin management and is the basis for developing detailed action plans. Sometimes plans can be derailed by unforeseen events or changes in political priorities or personalities. It is therefore advisable to build some resilience into the plan to cope with such external shocks or pressures.

Identifying Management Options. Once priorities for basin management have been agreed, the next step is to determine what management action is necessary to address these priorities. In this step, identifying and targeting action needs to take place at several levels:

⁴ Adapted from GWP and INBO 2009.

- at the local level, for specific farms, properties or neighborhoods, municipalities and industries, tourism areas, or fragile ecosystems, such as site management plans;
- at the sub-basin level, where there are cross-cutting issues which require a broader scale of management, such as storm water management plans, pollution control;
- at the whole basin level, where government and other institutions need to take action, on for example cost-sharing, tax incentives, laws to abate pollution, poverty reduction, building the capacity of water user groups.

Developing Basin Action Plans. The basin action plan sets out the goals, objectives and programs for managing water resources for a specific period, usually between three and six years. This plan is brokered by decision makers in the basin – government agencies, local authorities, municipalities, private firms, farmers, individuals and community organizations – and 'signed off' by the basin organization. The agreed plan will specify responsibilities for action, how costs will be shared, lines of accountability and channels for exchanging and distributing information. The plan will most likely contain a mix of infrastructure, maintenance and non-structural tasks such as changes to laws and procedures, regulations, pricing, institutional development, training and other 'soft' interventions

Setting Objectives for River Management

Stakeholders should be involved in the process of setting river management goals and developing the governance structure. However, regardless of the governance history of a river basin organization (and even if it is a top-down bureaucracy with little prior regard for stakeholder inputs), it is never too late to invite stakeholders to the table. Identification of stakeholders and inviting their participation is itself a subjective process. How much representation should be given to environmentalists vs. business interests? The answer depends on the implicit values driving the river basin organization, which in turn depends on which stakeholders are already represented in the governance arrangements.

“... it is becoming increasingly evident that river basin management requires strengthened mechanisms for transparency, public participation, and accountability to ensure that local concerns are incorporated into transboundary decision-making. The absence of such mechanisms may lead to inflexible or unenforceable basin-wide decisions that fail to engender local support or draw on local knowledge. The Murray-Darling Basin Commission has established channels for public participation, including an 18-month public consultation with river communities on three different plans for ensuring environmental flows in the river. A recent survey found that 95 percent of stakeholders surveyed supported the principle of returning more water to the river for environmental purposes, but that support dropped to less than 40 percent if the community was not actively brought into the decision-making process”⁵

⁵ Quoted in, An Institutional Framework for Stakeholder Participation in Transboundary Basins, by Barbara Schreiner et al. Water Research Commission (South Africa) 2010
<http://governance-iwlearn.org/wp-content/uploads/2010/09/An-Institutional-Framework-for-Stakeholder-Participation-in-Transboundary-Basins-July-2010.pdf>

Can stakeholders play a role in basin-wide governance in the absence of a basin-level organization? The answer, which is directly relevant to the case of the Rio Grande basin, is that the stakeholders could, in theory, organize themselves into a basin-wide council and thereby represent their interests. But to whom? Without an already established basin-level governance authority of some kind, the stakeholder council would need to relate to the myriad of federal, state, and local authorities which collectively “govern” the river.

Towards a Stakeholder Organization for the Rio Grande?

A river basin serves as a frame within which the various and sometimes competing stakeholder groups can express their interests, and seek management solutions that meet the individual interests of all the groups. While the process can quickly become complicated, broad stakeholder participation is essential for achieving the right balance of interests, and ensuring popular support for the inevitable hard choices that will need to be made. There are many good models for formal stakeholder arrangements that can represent the diverse interests of basin residents, and can also do justice for the interests of the silent “elephant in the room”, Nature herself. Ultimately, river management needs to work within natural laws, so there should not be a conflict between economic and ecosystem interests over the long term.

Can an advisory basin-level stakeholder organization operate successfully without a basin-level management authority to give direction and legitimacy to the organization? This question becomes important for considering governance options for the Rio Grande, where there are multiple overlapping federal and state agencies, some limited basin-level authorities, e.g., the Rio Grande Compact Commission, and some limited basin-level coordination, e.g., the Rio Grande Watershed Coordinating Committee. The complexity of the basin’s governance context would suggest both greater challenges in establishing a stakeholder organization, but also greater value in establishing such an organization which could help to harmonize planning, development and water management within the basin.

What kind of stakeholder organization would be most effective for the sustainable management of the Rio Grande? What would its roles be? Who would oversee such a organization? These issues would need to be worked out through a consultative process involving the agencies already active in water management within the basin, and representatives of the many stakeholders not represented by these agencies. The process will be challenging, but the rewards will be well worth the effort.

Selected References

CAPNet, 2008. *Performance and Capacity of River Basin Organization*.
http://waterwiki.net/images/0/05/Final_RBO_Performance_and_Capacity.doc

Falkenmark, M. 2003. *Water Management and Ecosystems: Living with Change*, GWP Background Paper No. 9 (2003)
http://www.gwptoolbox.org/images/stories/gwplibrary/background/tec_9_english.pdf

GWP and INBP 2009. *A Handbook for Integrated Water Resources Management in Basins*.
<http://www.riob.org/IMG/pdf/GWP-INBOHandbookForIWRMinBasins.pdf>

IWMI 2007. *Developing and managing river basins: Strengthening institutional arrangements: The need for adaptive, multilevel, collaborative institutional arrangements*, IWMI 2007 water for food, water for life issue #12 brief,
http://www.iwmi.cgiar.org/assessment/files_new/publications/Discussion%20Paper/CA_Issue_Brief_12.pdf