

**PLEASE SEND YOUR COMMENTS BEFORE 30 OCTOBER 2004 TO  
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## **The Water Cooperation Facility (WCF)**

The Facility seeks to promote cooperation among stakeholders in water basins as a means to anticipate, prevent, and/or resolve water-related conflicts at national or international level. In doing so, it helps to build a culture of peace through the management of water.

### **Introduction**

Water is widely recognized as fundamental for all aspects of life, and access to water is a prerequisite for the realization of a long list of human rights. With almost half of humanity sharing the resources of international river basins, competition over this vital resource often arises, thus creating, as history has shown, real opportunities for collaboration and development. However, when this competition grows faster than the innovative processes and institutional capacities required for cooperation, diverging interests become more pronounced, and potential or even real conflicts can appear, hindering any possible progress. Furthermore, in most cases, achieving cooperation among riparian countries of an international basin requires years of effort and is a costly process. Therefore, long-term commitment from the affected states as well as from external donors and professionals is needed.

There exists a strong potential role for international and regional institutions, which already facilitate and promote cooperation over shared water resources, to address issues that arise from competing interests.

What is needed is a setting where these institutions can coordinate their moves and jointly develop tools for and share their expertise on water conflict resolution in ways that:

- a. Reduce overlap in services,
- b. Build coordinated and sustainable environments that are conducive to conflict resolution; and
- c. Make these means and tools known and available to those involved in potential or real water conflicts.

### **Description**

The Water Cooperation Facility (WCF) is an initiative originally conceived by UNESCO, the World Water Council (WWC), the University Partnership for Transboundary Waters, and the Permanent Court for Arbitration (see annex 1). Following comments by a number of interested parties, the original concept has been revised as described in this paper. The WCF offers the desirable setting described above by linking a number of pivotal organizations, which – responding to demands of parties – can collectively provide distinct and complementary services to aid transboundary waters governance.

The WCF would provide interdisciplinary and international expert outreach, relying on global networks of the best professional individuals and institutions involved in water conflict management. It would offer language capabilities to serve the purposes of all involved parties. It would have distinguished convening power and outstanding facilities to respond to all parties' needs. The WCF would be a neutral, non-governmental alliance of institutions already active in the management of shared water resources. It will, however, be multilateral and linked to the United Nations System.

## **Objectives**

The Facility would contribute to the overall objective of fostering peace and cooperation among stakeholders using shared water resources.

It would be managed by a coalition of institutions active in cooperative sharing of water resources. It would pull its strength from its members and put the sum of their assets and experiences at the service of:

(a) Those of its own member-institutions, already involved in the management of shared water resources in a given region, and needing support in their regional or local actions.

The Facility would aim at reinforcing existing actions by encouraging and managing communication among involved institutions, coordinating their data and tools, supporting their objectives, and, where pertinent, evaluating their efficiency. Through these services, the Facility would uphold transparency, help avoid overlaps, and allow the achievement of fruitful partnerships.

(b) Parties facing difficulties in managing their own shared water resources. Upon request of the parties, the Facility would guide them to work together to diagnose the problems, define their respective perceptions of a given situation, explore their interests, create options for managing difficult shared water issues, reach reasonable and achievable goals, produce agreements they feel ownership for, and implement these agreements. The Facility partners believe that the best agreements are those that the parties generate themselves. Parties are much more likely to keep the promises they reach themselves rather than to comply with decisions imposed on them.

The WCF would advise the parties who request its support to explore ways to reconcile their diverging interests before resorting to expensive and often unproductive approaches such as litigation or continued struggle.

*WCF will provides support for the management of shared water resources, based on an underlying principle of 'solidarity'. It offers realistic process options and helps parties implement processes they may choose and suggests other options should these not work.*

To be able to provide such services, the WCF would keep a small, core staff that leverages worldwide networks of professionals, both individuals and institutions, which can be called upon to serve individual cases.

When solicited, these professionals would exclusively use **voluntary mechanisms** to address the difficulties faced by the parties, and provide them with any **professional guidance** they might need as requested.

### Structure and functioning

As shown in Figure 1, the Facility would be composed of:

- The Advisory Board,
- The Facility Partners,
- The Core Staff,
- *Ad hoc* Response Teams.

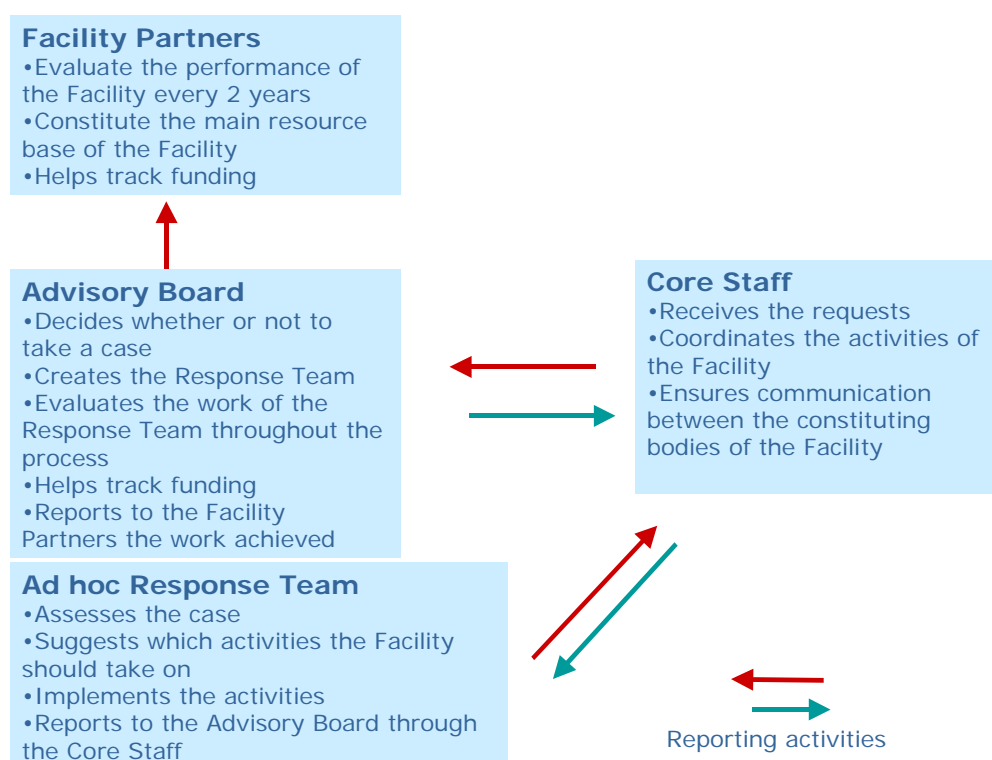


Figure 1

In the Facility's vocabulary, a 'Case' could be:

(a) A situation where institutions, already actively involved in the management of shared water resources in a given region, request that the Facility reinforce their actions, by providing support that could include: the management of communication among player-institutions, the coordination of their data and

tools, the reinforcement of their policies, the evaluation of their achievements etc.

(b) A situation where Sovereign States, facing difficulties in managing shared water resources, request the Facility's assistance in guiding cooperation, diagnosing problems, and exploring ways to reconcile diverging interests, before possibly resorting to expensive and unproductive approaches.

### The Facility Partners

The Facility Partners would comprise representatives from IGOs, national governmental institutions and NGOs that are active in water conflict management, have proven to be efficient in this field, and are willing to join this alliance of sister institutions.

They would constitute the main resource base of the Facility. The Advisory Board may call upon them to constitute the Response Teams required in specific cases, according to their regional and essential competences.

The Facility Partners would communicate electronically, meeting every two years to assess the Facility's achievements and performance in responding to parties' requests.

They would collaborate with both the Core Staff and the Advisory Board in seeking and managing funding packages targeted to the needs of the basin in question.

### The Advisory Board

This board would comprise approximately 10 representatives of institutions elected among the Facility Partners. It would be chaired by the representative of one of its members, on a two-year-rotating basis.

The Advisory Board would receive the requests of the parties through the Core Staff. It would decide whether the Facility would accept a given case according to the following criteria:

- The relevance of the request to the Facility's objectives,
- That **all** parties concerned agree to refer the case to the Facility,
- The probability that the necessary funding is forthcoming,
- The capacity of the Facility to respond to the request in terms of time and human resources.

The Advisory Board would create a Response Team for each case, and recommend it to the parties. It would evaluate the progress achieved by the Response Team through regular reports submitted by the Core Staff.

The Board would collaborate with the other constituent bodies of the WCF in fundraising.

### The Core Staff

The Core Staff would consist of a director and some professionals. One option is for the Core Staff to be funded by UNESCO and the WWC. If accepted, then the Facility could be housed at either UNESCO headquarters in Paris, UNESCO-IHE in Delft, or the headquarters of the Council in Marseilles. Moreover, if this approach is accepted, the Director would be nominated by UNESCO's Director General in consultation with the WWC's Board of Governors. The Core Staff would report to the Advisory Board.

The Core Staff would:

- Create, manage and update the databases of experts and professional institutions involved in shared water management issues.
- Support the Advisory Board members and the Facility Partners in keeping track of funding sources and coordinating the creation of funding packages for different cases.
- Receive the requests of parties and conduct a primary investigation on their positions and interests, as well as their objectives and expectations.
- Forward the requests to the Advisory Board. When a case is accepted by the Advisory Board, the Core Staff would convene a meeting for all stakeholders during which, actions to be taken by the Facility and implemented by an *ad hoc* Response Team, would be clearly defined and agreed upon (see *Response Team* for more details).
- Maintain contact with the parties, coordinate the work of the *ad hoc* Response Team, and ensure liaison between the Advisory Board and the Response Team throughout the process.
- Act as a platform for knowledge transfer and communication. Currently, information on water conflicts and cooperation is scattered with limited public access, thus making cross-comparison difficult. The Facility would fill this gap by providing information on successful cases for conflict prevention in the shape of short policy briefings accessible to policymakers.
- Bridge the gap between science and policymaking. A multitude of networks currently exist with the intention of bridging the gap. The Facility, working through this body, would seek to provide an overall platform for the coordination of the specific advantages of each of these initiatives.

### The *ad hoc* Response Team

As each problem is unique, the Advisory Board would create an *ad hoc* Response Team for each individual case. The team could comprise:

- Individuals and/or professional institutions chosen from the databases managed by the Core Staff, as well as
- Individuals and/or institutions – who are Facility Partners or members of the Advisory Board – for whom the case falls within their area of competence.

In almost all of the basins of the world, there are institutions already in place, dealing with different issues and disciplines<sup>1</sup>, and aiming at achieving sustainable water resources management. Even when called upon, by Sovereign States, **the Facility's objective is not to duplicate the services that already exist but to capitalize on existing efforts and goodwill in order to move things forward.** It would therefore assess each situation on an individual basis. It would identify and evaluate the actions that have been initiated in the basin; identify the major constraints and shortcomings of ongoing donor activities; identify and assess the human and financial resources that have been invested, and the players who have been involved. It would make recommendations on how to improve ongoing initiatives, which additional players should be involved, and to what extent. It would suggest how to address overlaps, and how to fill in gaps, where they exist.

Following this investigation, the Response Team would prepare a report for submission – during a meeting convened by the Core Staff – to the stakeholders concerned with the issues in question. The objective of the meeting would be to identify, on the basis of the report, which of the Facility's services are required, which would be well received by the concerned parties, and how these would be directed and implemented by the Response Team.

Depending on the requests in each case, the Response Team would then offer support in areas where needs have been identified and agreed upon.

### **Guiding principles**

At least initially, the Facility would not have a strict set of rules dictating its activities. It would proceed on a case-by-case basis and upon request from the parties involved. In doing so, the Facility, however, would comply with the following main principles:

#### Voluntariness

This principle acknowledges the parties' right to freely access the services offered by the Facility, and to enter any agreement reached through the process conducted by the Response Team. The parties have the right to withdraw from the process at any time.

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<sup>1</sup> Such as improving transparency and communication, establishing cooperative mechanisms, building trust among the parties, fostering data sharing, strengthening institutions, capacity building, conflict and peace assessment etc.

### Informed consent

This principle affirms the parties' right to information about the process as well as their legal rights, before consenting to participate, or to the terms of any agreement resulting from the process.

### Self-determination

This principle recognizes the parties' ability and right to define their issues, needs and solutions, and to determine the outcome of the process, with advice from the Response Team only if, and as, they request it. The parties have the final say as to the terms of any agreement reached through the services offered by the Facility.

### Impartiality & Neutrality

This principle affirms the parties' right to a process that serves all parties equally and fairly. This principle equally applies to the Facility members (Core Staff, Advisory Board and Response Team) who must refrain from perceived or actual bias or favouritism either by word or by deed.

### Confidentiality

This principle guarantees that all information received from the parties will be kept confidential by the Response Team and Core Staff, in order that parties feel free to explore issues and potential solutions. Any exception to this principle shall be made clear to the parties prior to their consent to participate in the process.

## **Funding**

In order to be able to respond to parties' requests, the Facility would keep track of funding sources for transboundary issues through its constituent bodies (the Advisory Board with the help of the Facility Partners and the coordination of the Core Staff).

The Facility would coordinate communication and cooperation scheme with multilateral and bilateral donors. It would facilitate communication among donors and between donors and stakeholders.

In particular cases, if after the parties and Facility have explored the financial resources already raised or made available to support the case and these are found to be insufficient, the Facility would help find additional funds from interested institutions such as Regional and International Banks, United Nations agencies, national governments and intergovernmental institutions as well as the private sector.

If the core staff is provided through UNESCO and the World Water Council, the financing would be managed through trust funds at UNESCO-IHE.

## **Annex 1: Background to the Creation of the Facility**

During the Second World Water Forum, held at The Hague, the President of the WWC proposed the creation of the World Commission on Water, Peace and Security in response to the many recommendations indicating the need for an international facility to assist in promoting co-operation between riparian states sharing water resources in transboundary river basins. The role of the proposed Commission would be to independently assist nations with current and potential transboundary water issues. The goals were: to help bridge the gap between concerned parties and both develop and promote common interest for 'win-win' solutions. The Council recognized that the lead in some of these areas lay within the United Nations family.

On 28 January 2003, the President of the WWC addressed a letter to UNESCO's Director General suggesting the foundation of an international water mediation facility by UNESCO and the World Water Council. On 12 March 2003, UNESCO's Director General replied accepting this proposal.

On 21 March 2003, during the closing session of the Third World Water Forum in Kyoto, the Director General announced the creation of the Water Cooperation Facility in keeping with a recommendation of the Statement to the Ministerial Conference adopted in the Water and Peace Theme of the Forum. This enabled the coordinating agencies to demonstrate to the international community their devotion to the issue of water cooperation through a concrete commitment.

The announcement was well received. The media and other stakeholders recognized it as one of the most significant results achieved through the Forum. It confirmed that UNESCO and the WWC were ready to undertake concrete action in helping the sustainable and sound management of water resources. The announcement was also widely supported by the 58 Member States that participated in the latest session of UNESCO's Executive Board.

The initial proposal recommended the creation of the Water Cooperation Facility with four main partners: UNESCO, the WWC, the Permanent Court of Arbitration and the Universities Partnerships for Transboundary Waters. It was, however, recognized that such a Facility should be inclusive of other initiatives, institutions and programmes that have a similar and/or complementary mandate. The current structure described in this paper, was therefore suggested and adopted. The four initiating institutions are now equal partners in an open forum (as Facility Partners). UNESCO and the WWC are also the facilitators and hosts of this initiative.

## **Annex 2: Some tasks that could be carried out by the Response Teams**

The steps described below indicate some of the typical tasks that could be carried out by the Response Teams, in cases where parties request the facility to help them reconcile their diverging interests:

- a. Preparing the process:
  - Preparation of the parties for the process;
  - Modelling effective communication;
  - Clarifying the process and engaging the parties;
  - Alerting the parties to their 'own problem-solving' role and the Team's 'supporting' role.
  
- b. Defining the issues:
  - Determining whether the data needed to address a given situation is available and if not, how to collect it;
  - Defining the right level of information to be considered and shared;
  - Drawing out the parties' perceptions;
  - Identifying the stakeholders influenced by the process and inviting them to take part in the whole process;
  - Defining issues and an agenda;
  - Assessing the emotional climate if any;
  - Encouraging the parties to listen to one other and to identify differing and shared perceptions of issues.
  
- c. Identifying the interests:
  - Clarifying and confirming each party's interests;
  - Encouraging parties to see each other's perspectives;
  - Engaging parties in their own problem-solving mode;
  - Providing parties with professional advice, if and as requested by the parties;
  - Recommending appropriate training courses where relevant.
  
- d. Generating options for the future:
  - Helping parties to develop proposals that meet their own interests and needs (by encouraging them to think creatively and devise options based on their interests);
  - Assisting the parties in evaluating, selecting and packaging proposals (by making reality tests and discussing the best alternatives).
  
- e. Finalizing the outcome(s) of the process:
  - Helping parties to finalize wordings of long-term resolutions;
  - Recommending parties to put their agreements in writing – if parties are in accordance;
  - Obtaining parties' approval;
  - Assisting in implementation of steps agreed by the parties – if parties are in accordance.