

Water rights, water distribution and water conflicts



META
META



Flood-Based Livelihoods
Network Foundation



Why pay attention to water rights and water distribution

- To optimize the use of water
- To mitigate risk of conflicts and 'voids'
- To define access to resources and protect weaker parties
- To discuss further management responsibilities that come with water rights

Water rights and water conflicts

- Why more attention to water rights and water distribution rules
- Case Afghanistan: understanding water conflicts
- Example: Codifying water rights
- General observations

Examples from flood based farming systems

IMPROVED WATER MANAGEMENT

After the disastrous 2010 floods
with support of local NGO

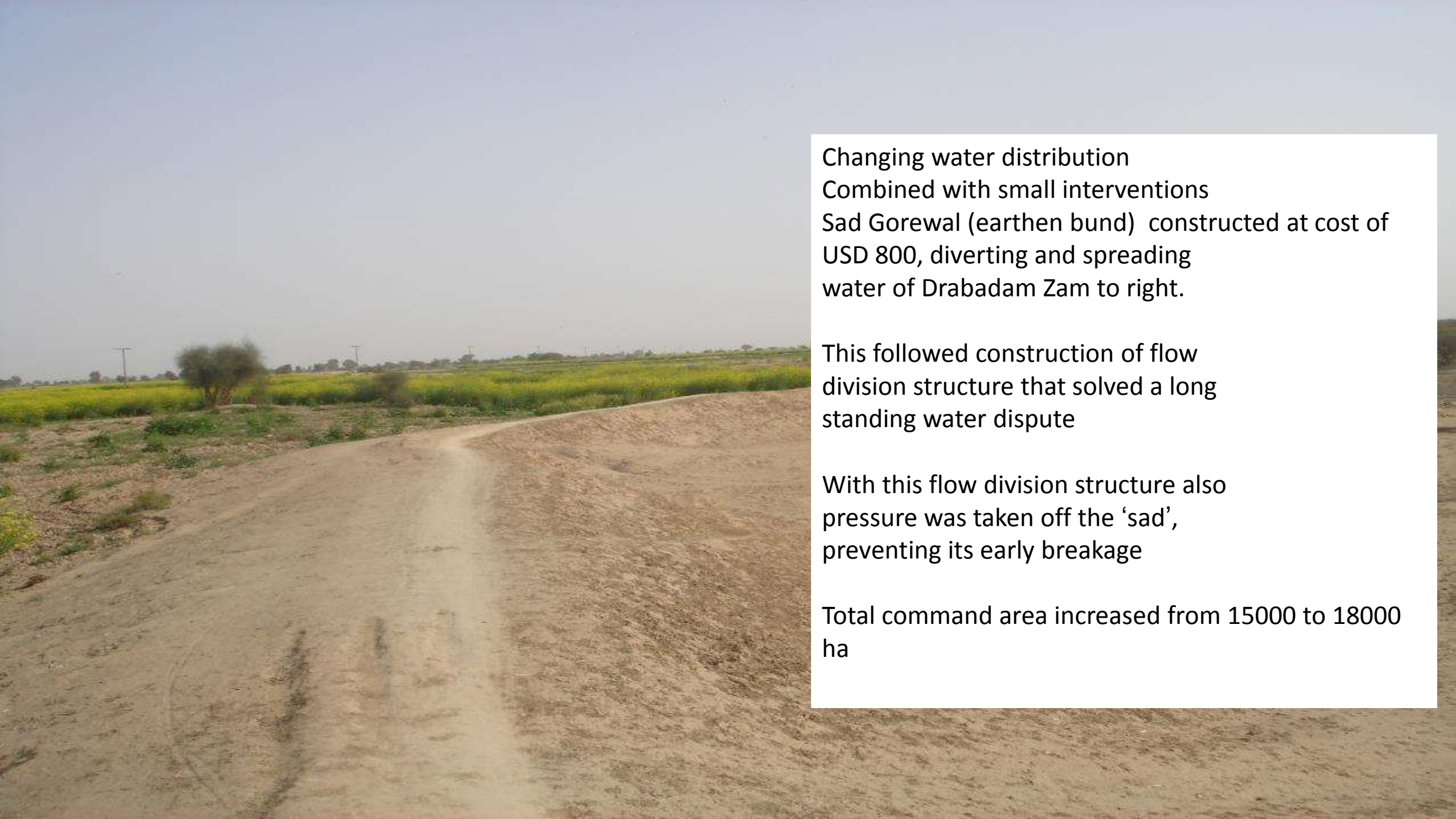
the decades old system of water

Distribution by WUAs was discussed and modified:

As a result the command area could increase

With 15%





Changing water distribution
Combined with small interventions
Sad Gorewal (earthen bund) constructed at cost of
USD 800, diverting and spreading
water of Drabadam Zam to right.

This followed construction of flow
division structure that solved a long
standing water dispute

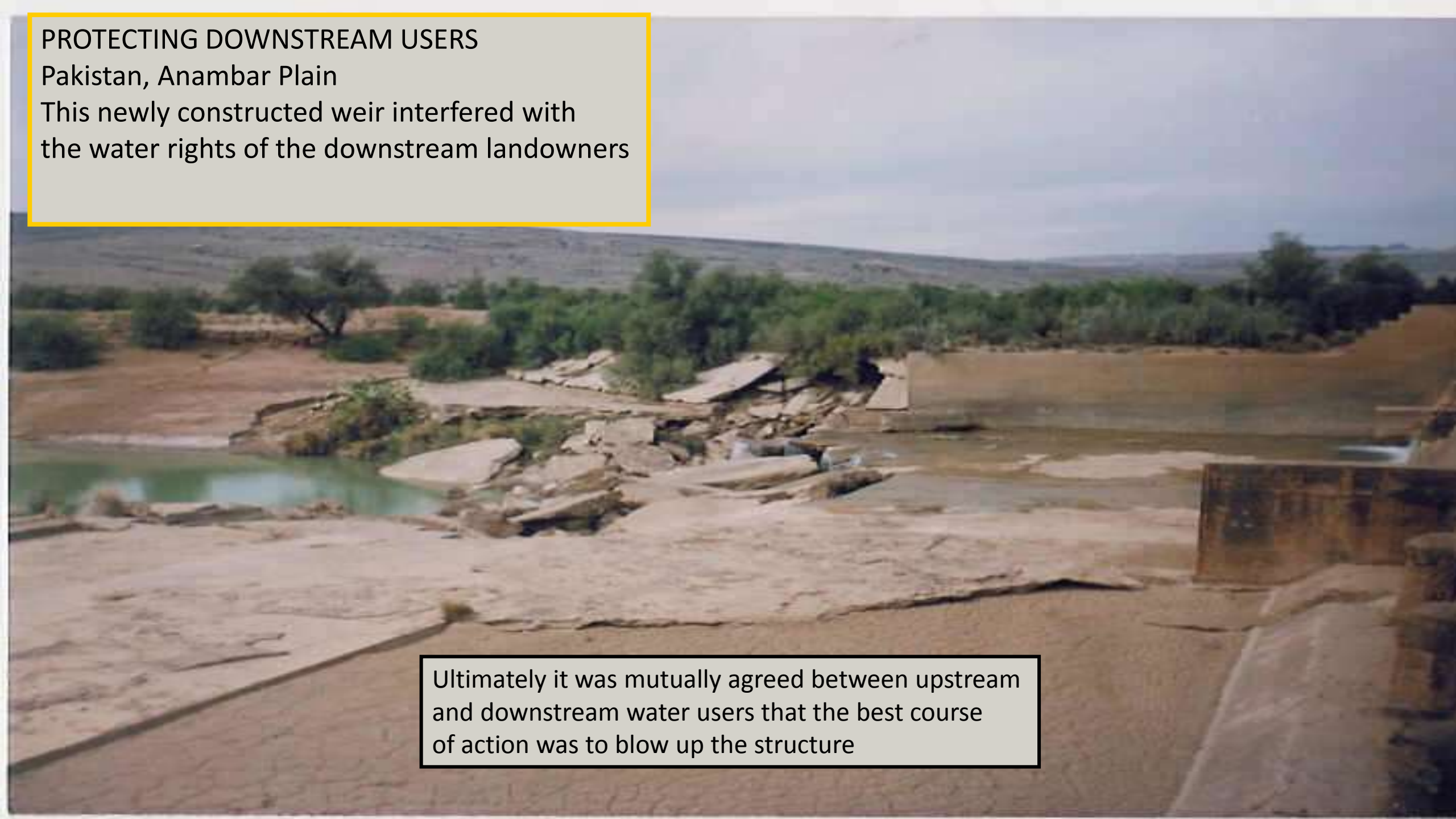
With this flow division structure also
pressure was taken off the 'sad',
preventing its early breakage

Total command area increased from 15000 to 18000
ha

PROTECTING DOWNSTREAM USERS

Pakistan, Anambar Plain

This newly constructed weir interfered with the water rights of the downstream landowners



Ultimately it was mutually agreed between upstream and downstream water users that the best course of action was to blow up the structure

In areas in coastal Tihama 60% of population left after sand dune formed
because of loss of recharge from spate irrigation after upstream structures were built



Void:

Resource degraded without conflicts, without debate or issue – ‘silent destroyers

They occur:

- When resource use spread over large area
- New resources, new issue – no ’



Infrastructure development often:

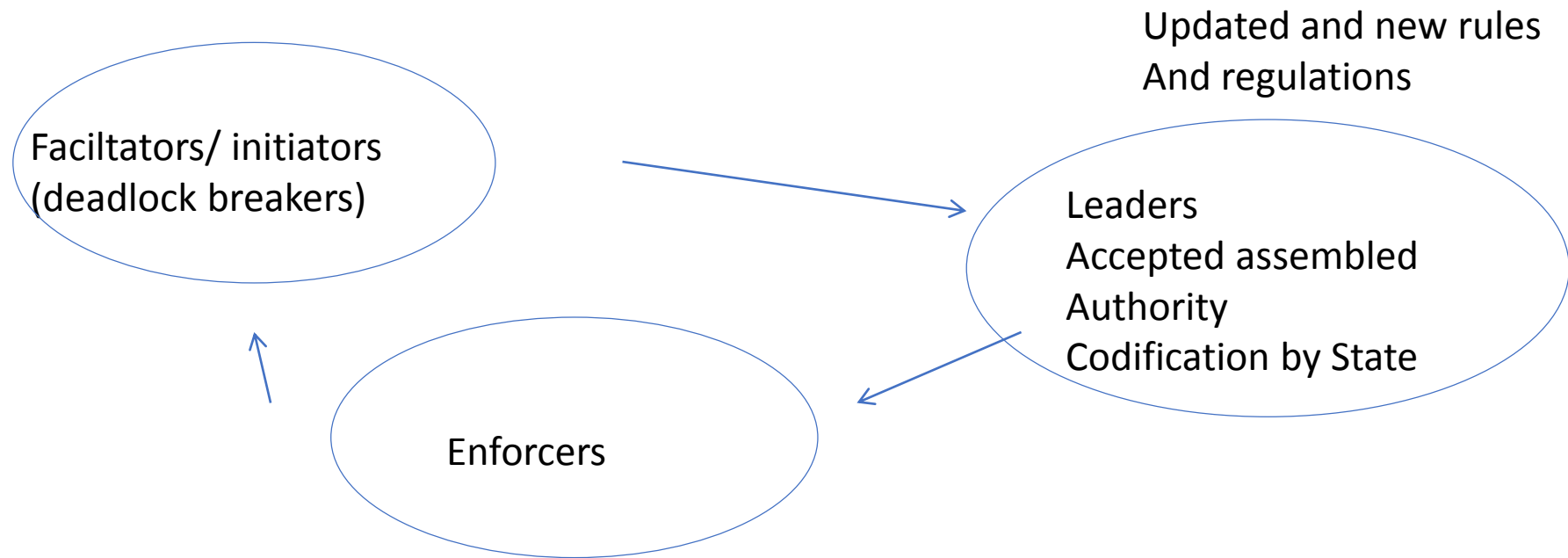
- Undermine existing (informal) water rights and water distribution
- - Overlook differences of water control (e.g. subsurface flows) – create voids
- - Typically do not include work on modifying water rights and water distribution



Codification?

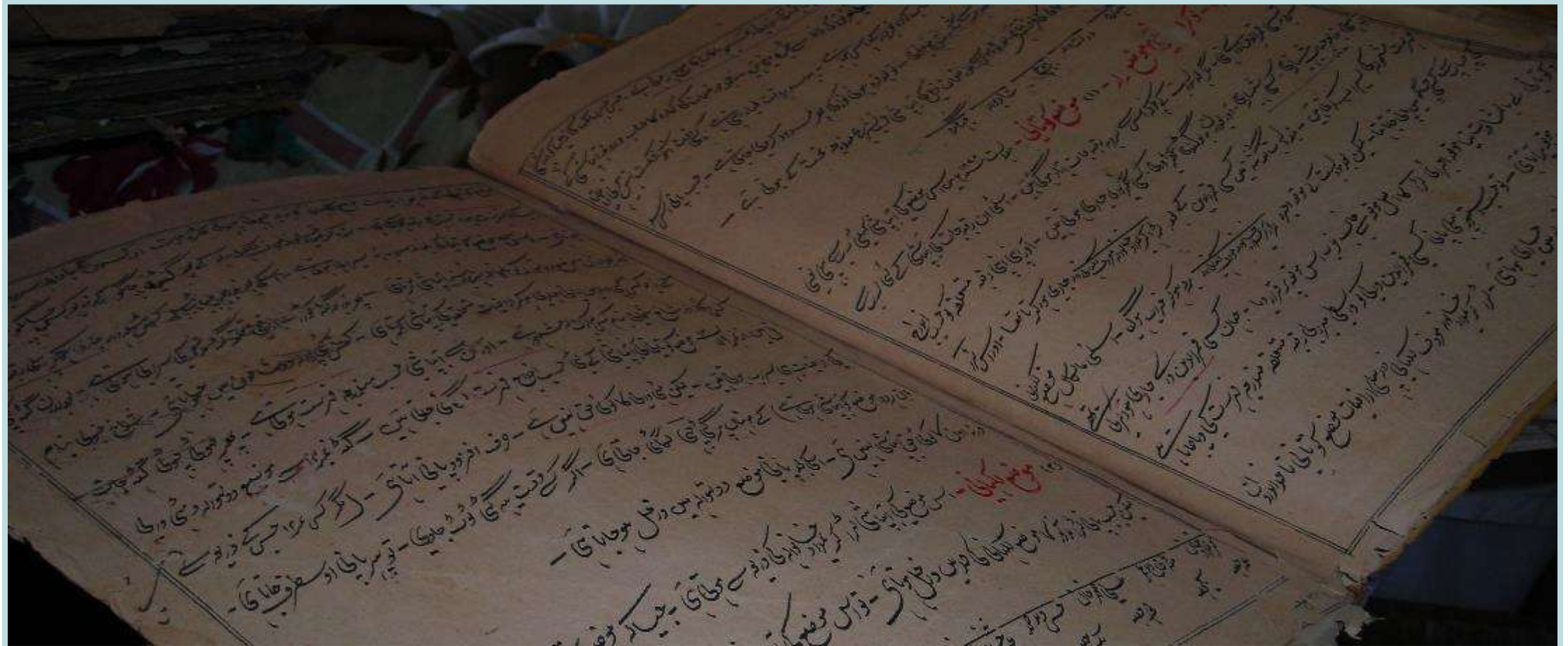
- There is a rising demand for land dispute resolution in Afghanistan; the percentage of stakeholders that search for outside support increased from 28 percent (2007) to over 50 percent in 7 years (Warren, 2014).
- Dispute resolution in Afghanistan is historically community-based and land disputes were mediated successfully in this way.
- However, after the 1979 coup, two decades of instability and conflict followed which weakened the social structures of the communities. Since 2002, the traditional community-based mechanisms have further weakened because of displacement, insurgency and socio-economic changes
- These community-based mechanisms are often not permitted and/or unable to provide documentation that is accepted by the government.
- Automatic mechanisms no longer

Conflict to be resolved
Voids to be addressed
More resilient water rights to create



Miraab
Codified water rights and rules

Codification experience from Pakistan



Improving water rights

- Codify and record of what is there
- Move further
 - Clear responsibilities in enforcing
 - Clear responsibilities in related responsibility such as maintaining system

Messages

- From conflict resolution to creating resilient water governance
- Making stronger water rights and rules
- Can we not invest in governance (with cost/benefit calculations) as we invest in physical infrastructure?

