Warner, J. And V. Thomas. 2013.
Paper. Water management, fact-finding and facilitation in Multi-Stakeholder Platforms in North Afghanistan.
Knowledge Management for Development Journal 9(3): 136-152
http://journal.km4dev.org/

Water management, fact-finding and facilitation in multi-stakeholder platforms in North Afghanistan

Jeroen Warner and Vincent Thomas

The article sketches the history and practice of multi-stakeholder platforms (MSPs) along the Amu-Panj river basin in Afghanistan. The MSP model, in the form of multi-stakeholder River Basin organisations was entirely externally driven, at the behest of the European Union and facilitated by European experts. Knowledge created during the Panj Amu River Basin Pilot (PARBP) programme, started in 2005, was of little use to stakeholders who were mainly interested in new infrastructural projects. This contributed to the enthusiastic response to PARBP's infrastructural focus and regulatory aspects of water sector reform through supporting the development of strategies, laws and policies. The project was not perceived as relevant and legitimate in resolving practical water management problems. Multi-stakeholder working groups, mainly composed of water users and line ministries, were formed by the facilitator for each sub-basin. These externally facilitated fact-finding groups however were not found to take on a meaningful role in sub-basin management, had rather varied participation and their dissolution in 2008 was greeted with general indifference, including the responsible Ministry of Water Resources and Energy. Meanwhile, local institutions such as the provincial governor and the *mirab* (traditional community water provider) continue to function or evolve independently, often developing outside of the water management reform framework proposed by the European Community. By contrast, local *ad-hoc* MSPs, so called Water Allocation Committees (WACs) emerged in 2011, and tackled several conflictual issues over water distribution and management between users. These processes were driven and facilitated by local power holders. A counterintuitive outcome is that the more power the Ministry for Water Resources and Energy was given, and therefore the less power delegated and participation allowed, the better the deal for people living downstream of the Panj-Amu's sub-basins.

Keywords: water management; multi-stakeholder processes; development aid; local institutions; agriculture; ownership; Afghanistan

Afghanistan is known as a 'fragile state' and a war-torn country, but it also has enormous agricultural potential. Our case study area, the Panj Amu watershed in the North, with the Lower Kuduz and Taloqan as important sub-basins, constitutes the granary of the country and is therefore of national importance. Settlement of the north dates mainly from the 1950s and 1960s, with strong ethnic identities remaining, compromising the degree of social cohesion and sense of interdependence.

While water is abundant in north Afghanistan in Spring, providing a plentiful first crop, each Summer brings long dry spells and every now and then very dry years necessitate irrigation in order to secure a second annual crop.

A European Commission-led drive for water reform led to the establishment of multi-stakeholder (sub)basin management platforms. A pilot project, the Panj-Amu River Basin Project, sought to establish such platforms on the Lower Kunduz sub-basin. One would expect these groups to be most useful in times of environmental stress, such as a very dry year such as 2011. How did these groups function, in terms of knowledge management, facilitation, and social learning?

At the same time, so-called WACs (Water Allocation Councils) were created at the provincial level. What was their role in the dry years? More generally, given the obvious Western provenance of the MSP concept as a mode of decision-making and dispute resolution, how well do MSPs, as a set of ideas on participatory decision-making translate into the Afghan context?

To assess this, we will apply the framework proposed by Warner and Verhallen (2007), see Table 1 below, provide a taxonomy for 'successful' MSPs. This may be used as a proxy to assessing its performance. Criteria are organised according to three categories: process, content and context, and includes Social learning, that is, the development of shared meanings and practices that characterize the social entity as a whole. Ultimately, such assessment facilitates the identification of the weaknesses and strengths of MSPs, as well as bottlenecks and opportunities for change. This framework will be preliminarily applied to the case study later on (Section 2.3).

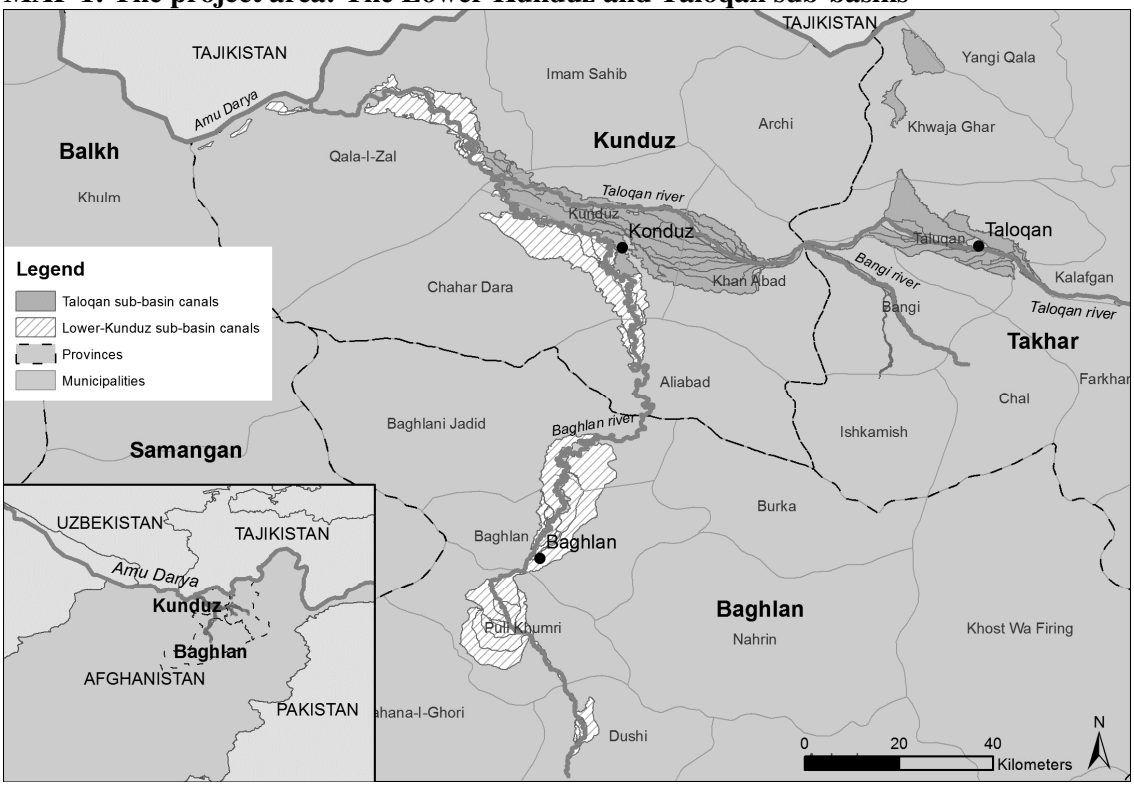
Table 1: Verhallen, Warner and Santbergen's (2007) quick-and-dirty assessment criteria for effective MSPs

Categories	***Composition and decision-making***
Assessment dimensions	Diversity of arenas / Domains
	Power balance
	Decision space
	Adaptability
	Favourable and conducive context
Outcomes and results	Generating results and support
	Issues and fact-finding
	Synergy

Warner and Verhallen (2007) moreover state that 'genuine MSPs represent multiple, relevant identities, facilitate 'real' negotiation and generate "real" outputs.' They propose that neutral facilitation is deemed critical to facilitate the possibility of a level playing field. However while many states in the West are relinquishing some decision-making power over basic resources through sub-contracting, decentralisation, and facilitation of self-governance, the Afghan government seeks to reassert itself after decades of *de facto* absence from the water sector.

The present article is based on a research project carried out by associates of the Afghanistan Research and Evaluation Unit (AREU), Kabul, focused on how devolution to the basin level and multi-stakeholder deliberation functioned in times of drought (result) – seven years after the "good water management principles" were being piloted on two sub-basins of the Panj-Amu: the lower Kunduz which flows from Baghlan to Kunduz and the Taloqan, running from Takhar into Kunduz. Over 100 interviews with a wide range of stakeholders in 2011/12. A review of WAC meetings minutes, direct observation of WAC meetings between August and September 2011 and field trips with WAC members during the monitoring of water allocation plans inform the study.

MAP 1: The project area: The Lower Kunduz and Taloqan sub-basins



The PARPB pilot project

With Afghanistan's government system ostensibly fragile, external funding makes up the vast majority of Afghanistan's budget; 97%, according to the World Bank (2012). Likewise it should not be surprising that reforms tend to be externally driven. After the fall of the Taliban in May 2002 the foundations were laid for an ambitious attempt at water sector reform, known as the 'Kabul Understanding on Water Resource Management and Development in Afghanistan'. In the years 2003-2004, representatives from the European Commission sought to promote a new water law based on what Warner, Wester and Bolding (2008) have termed the Holy Trinity of water management in the early 21st century (Warner 2007) in Afghanistan: Integrated Water Resource Management, the river basin as the 'natural' scale, and Multi-Stakeholder Participation.[1]

The Afghan Water Law indeed enshrined the 'holy trinity' in its new law in 2009. In the Afghani set-up, the Water Law sought to focus decision-making on the river-basin scale. It followed up on the 1981 and 1991 water laws, which were never really enforced (Wegerich 2010). The new law seeks to decentralise decision-making, creating a two-tier framework with (sub-)River Basin Councils representing water users, providing them decision-making authority; and (sub-)River Basin Authorities composed of government representatives, whose role would be as technical advisors. Fig 1 shows how this is embedded (Fig.1). Mindful of local tradition, however, the setup made space for including the *mirab*, the local water master in the MSP.

A Water Sector Strategy (WSS), completed in February 2008 proposed, among others, the development of sustainable water resources management policies and structures through the progressive implementation of Integrated Water Resource Management (IWRM) principles. The Afghan Ministry of Energy and Water accepted this as part of a package that would include large-scale water infrastructure rehabilitation (intakes, headworks, etc. but not dams). It was consequently housed in the 'Infrastructure and Natural Resources' pillar of the Afghanistan National Development Strategy (ANDS) rather than 'Good Governance' or 'Agriculture and Rural Development'. Some 80% of its total funding (EUR 3.7 billion) were invested in infrastructure.

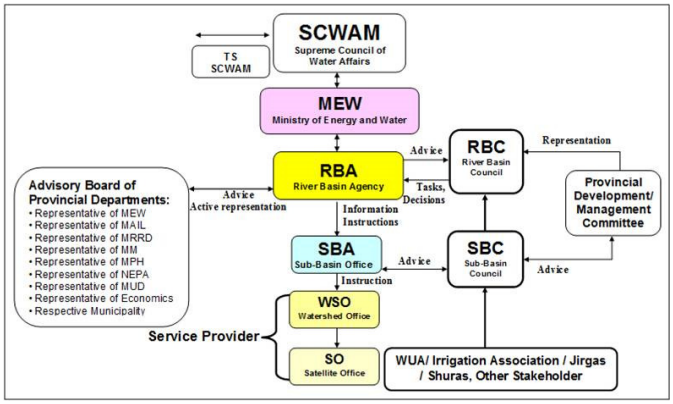


Fig. 1 River basin governance under the new Water Law - organigram

To start the implementation of these new water policies, the European Commission funded a pilot project implemented by the Government of Afghanistan: the Panj-Amu River Basin Programme (PARPB), also funded by the European Union. The pilot, aimed at (a) major infrastructure rehabilitation/development; (b) water institution building at the canal (Water User Associations, irrigation associations) and middle levels (River Basin Associations and River Basin Committees); (c) on-farm water management; and (d) upper-catchment rehabilitation and conservation. The project was run by a European consultancy, Landell Mills, Ltd (LML) who set up sub-basin working groups. The working groups, which set about their work meeting on a monthly basis until 2008, were composed of water users, *mirabs* and local government staff related to line ministries such as the Ministry of Energy and Water. Similarly, the sub-basin working groups created under the PARPB integrate different stakeholder groups, government agencies, users and different sectors: energy and agriculture

(Varzi & Wegerich 2008). They were designed to represent a diversity of actors: seats are allocated to a wide range of stakeholders and decision-making is usually not based on majority rule but on consensus.

As part of the PARPB, the Kunduz River Basin Program (KRBP), started in 2005 as a pilot project for the Kunduz river basin along the same principles as the PARPB. In July 2005, KRBP started to form sub-basin working groups with pre-identified and selected stakeholders from the sub-basins.

However, as we shall see, the involvement and impact of these groups in attempts to deal with the dry years of 2008 and 2011 turned out to be effectively zero. In one interview, a key stakeholder blames this on the facilitation:

> *…forming RBAs and RBCs is not easy. It requires training from expert people with clear plans and knowledge of how to implement the plan, how to make the presentation on time, how to collect feedback etc. But in PARBP they don't have such people and they don't pay attention to it.*

Nobody at local or national level commented when the sub-basin working groups stopped meeting for three years from April 2008, and the registration of Water User Associations (WUA) in Kabul was delayed indefinitely. Only when construction of the new building for the River Basin Agency (line ministry staff) ran into delays in 2009-2010 did the Ministry of Energy and Water Resources complain to the European Commission in Kabul. This was obviously not a desirable outcome for the EU, for whom there was much at stake, considering PARPB was a flagship project.

We now briefly zoom in on how the pilot project's design impacted on facilitation, role distribution and social learning, before contrasting this set-up with the *ad-hoc* platforms emerging in 2011.

Table 2: Problem types and related resolution strategies (after Hisschemöller & Hoppe 1996)

		Consensus on values	
		Low	High
Certainty on data/ knowledge	Low	Unstructured ('wicked') problem *Policy as learning/ joint fact-finding*	Poorly structured problem *Policy as negotiation*
	High	Poorly structured problem *Policy as pacification*	Structured problem *Policy as regulation*

Facilitation of a joint fact-finding exercise

The ascent of MSPs in water management as common-pool resources occurred around the turn of the century. In a conflictive context MSPs can facilitate a form of Alternative Dispute Resolution (Ramírez 1999). But if a sense of interdependency among actors is not in place, Verhallen *et al.* (2007) argue, solutions such as courts of justice or mediation may be more

appropriate than negotiating water allocation through an MSP. Where values are far from unanimous and facts are in doubt, a learning approach to problem-solving is in order (Table 2, top left corner).

When conflicts are intense and uncertainties are great, as is the case in 'wicked problems'[2] this can make the MSP irrelevant unless careful joint fact-finding is undertaken. A desirable decision or plan starts with joint fact-finding or diagnosis and continues with open, accessible and inclusive information exchange.

An EU-sponsored pilot project, PARBP (Panj Amu River Basin Pilot Project) sought to improve the knowledge base and participatory structure. It started in a context in which control infrastructure was limited, and measuring devices even more so. This made it hard to know how much water is in the system, and who got how much. The LML consultancy was mandated by the EU to design a process to improve the knowledge base especially on mountain snowmelt, which in the end decides how much water will be discharged by the river. Workshops were held to discuss the resulting forecasts on the anticipated intensity of floods and dry years in the upcoming irrigation season (May to September).

During the period of July 2005 to April 2008 (34 months), 19 meetings were held in each basin. The PARBP-Team Leader (TL), who had a technical engineering background and no specific social facilitation or education background or experience, prepared all agendas and facilitated the meetings with a local translator.

For the first six meetings (July 2005 to March 2006), the agenda proposed by the PARBP-TL was mainly about establishing a river basin profile. The TL basically conducted Powerpoint presentations about what a river basin profile was, its purpose (i.e. basic tool for planning) and the data requirements. The kind of data required included canal discharge, status of infrastructure, amount of land, local of wells, etc. This was considered as a basic necessity for future planning to be handled by the River Basin Organisations. Yet, data collection was invariably delayed and postponed to the next meeting; participants argued that the data required did not exist and that the departments did not have the capacity (technical, financial and human) to collect such data.

By March 2006, a few data had been produced; clearly not enough to be useful for planning. The PARBP-TL mentioned that these would be a starting point for future planning and he gave the responsibility to the heads of Department to continue collecting data, despite the fact that these heads of department raised concerns about their capacity to do so. The director of the Water Management Department warned PARBP-TA that most data were outdated anyway. The same data were provided in 2011 to the President Karzai commission, and that the issue of lack of reliability and accuracy of the data was part of the reason for conflicts between Provinces).

In the same meeting of March 2006, the PARBP-TL decided to introduce a new topic on the agenda: the rules, regulations and composition of the future River Basin Organisations (RBOs i.e. RBA and RBC). Basically, PARBP-TL would provide presentations about the model developed officially by GIZ (with the help of the PARBP-TL) and would give time for small group discussions during which participants would have to answer general questions such as

'what should be the water usage categories represented in the RBC?', 'how many people (from each category) should sit on the council?', and 'what should be the procedure for decision-making?' By this time, heavy staff turnover made it difficult to develop a certain pace and direction. A lot of participants explained that they did not know anything about these RBOs and that they needed more explanation. Again, no decision was taken.

While the meetings were somewhat informal at the start, from mid-2006 on decisions were supposed to take a more official and formal turn. From August 2006 to June 2007, the PARBP-TL attempted to introduce some group work and planning exercises. The exercises took the form of group discussions around questions given by the facilitator. For instance, groups were supposed to reflect on 'what to do in years of water shortage?'. Examples of options were given (e.g. 'reduce all water uses by a given percentage?'; 'prohibit rice cultivation?' (rice is highly water-intensive); 'sanction delinquent farmers financially?'). The results of the discussion were a long wish list including 'building dams', 'lining canals', 'equipping headworks', 'watershed rehabilitation'. PARBP realised that the results focused on 'technological fixes' which were unlikely to happen in full and would take a very long time anyway. PARBP requested to focus on short- to mid-term solutions as well, with more of a management and institutional focus. The participants explained that solutions such as 'forbidding rice production' or 'fining farmers' were unrealistic in the current technical status of the basis (i.e. poor technical control) and the poor capacity of individuals and institutions. For participants, such discussions seemed like a waste of time. Thus, discussions on institutional arrangements were seen as irrelevant until technical control was achieved. In the end, such exercises were not followed-up by any action plan.

Similar exercises happened on topics such as water use planning (i.e. how much for each water use category). Also in June 2007, PARBP-TL introduced presentations and group discussions on the issue of funding the River Basin Council, proposing a per-hectare fee. Discussions were proposed regarding the right fee depending on the activities the RBC would require. But for participants such discussion would not make sense as it was considered practically impossible to collect fees from farmers – who don't even pay land taxes. Furthermore, in absence of demonstrated results (which would require first infrastructure development according to participants) it was expected that no farmer would accept paying. Once again, the exercise remained very remote from participants' interests (i.e. infrastructure development).

In November 2006, PARBP brought back the issue of RBA/RBC composition as the main item on the agenda. PARBP-TL requested the departments to reflect on these questions, but none of the participants really worked on them. Decisions kept on being postponed. Instead, the sub-basin working group forum became more and more a place were participants would raise their 'real' concerns regarding the slow pace of technical work, various issues with contractors, issues of logistic (i.e. transport to attend meetings), per-diem, issues of turn-over, etc. Many times, such 'secondary discussions' (in the eyes of PARBP-TL) would take almost the entire session. Because of turnover, certain presentations had to be repeated again and again. PARBP-TL also complained about 'lack of discipline' of participants: participants would come unprepared to the meetings, not doing their 'homework' or raising issues which were not part of the overall agenda (i.e. developing River Basin Organisations).

In March 2008, PARBP-TL tried to re-initiate a data collection process in order to work on water allocation planning. But once again, the participants from different departments mentioned that they did not have data and that they required technical assistance, financial compensation, transport, etc. in order to conduct these tasks. Nothing changed. In the same session, a consultant from GIZ came in from Kabul to introduce a role-play on conflict resolution. The idea was for participants to get more familiar with the RBO model and the new responsibilities of different actors. The participants did not see the point of such an exercise, because of the remoteness from their concerns at the time (i.e. slow progress of technical work). The director of the water management department of Baghlan left the meeting arguing that such exercise was just a way of 'killing time'. PARBP-TL also provided a presentation on 'snow cover-river flow' modelling, but farmers complained that they did not understand what was said as it was too technical.

Role distribution in the MSP

In the MSP design, the role of the government was supposed to be that of facilitator. Yet while the institutional reforms emphasise the devolution of decision-making power to water users, with the government taking the role of advisor and facilitator, the reality in the Lower Kunduz Sub-basin[3] shows that the local government—the provincial Water Management Department (WMD) and governors at district and provincial level—are the actors shaping and regularly steering decision-making. While external actors were peripheral to the set-up, in fact their influence turned out to be decisive.

The provincial governor, the interviews revealed, is universally seen as the 'father' of the province – everything ultimately comes back to him. This makes it logical for disputants to turn to the governor for guidance and support. The strongly technical heritage of water management moreover also put its stamp on the success of the MSP process. The Water and Energy Ministry was only really interested in governance if it brought in new infrastructural projects. Everything else about the water reform they ignored with equanimity, so that the sub-basin committees had very little ownership and little knowledge of. Only when something got built or rehabilitated, both the Ministry of Energy and Water and *mirabs* (local water lords) started showing up in the meetings. However because the Ministry is such a strong actor, they too were a powerful actor at the central and regional levels. As Varzi and Wegerich concluded in 2008, 'it may not even be in the Ministry's interest to make the … sub-basin working groups more functional, since this would imply that the Ministry would lose power in the long run.'

Social learning?

Our case confirms Borowski's (2008) finding, based on her work on participatory platforms on the river Elbe, that multi-stakeholder processes established as an element of formalized institutional settings may *impede* social learning. A lack of facilitation, monitoring and regular evaluation of the PARPB stakeholder processes moreover did not make for a promising start. More highly qualified facilitators would have been required to transform sub-RBCs into a social learning platform. The spatial misfit between the hydrological and administrative levels can also get in the way (Borowski 2010) and indeed it did in North Afghanistan. Major deficiency areas in the PARPB: institutional capacity, human resources and a knowledge base, denoting poor buy-in and an institutional development that is unresponsive to expressed stakeholder needs (Varzi and Wegerich 2008). Subsequent

comparative analysis (Thomas 2012) showed that in the dry year of 2011 the working groups failed to learn from past experiences such as the 2008 dry year, and in fact they did not play any role whatsoever in addressing the drought.

A rough performance assessment ('quick-scan') of the PARPB process, see Table 4 below, shows at a glance that the pilot was not very successful in terms of MSP indicators. The facilitators must have come to the same conclusion when they shored up the working groups in 2008 to concentrate on policy-making in Kabul.

Table 3. PARPB performance assessment based on Warner and Verhallen's (2007) criteria

Categories	***Composition and decision-making***	***Finding in Afghanistan***
Assessment dimensions	Arenas / Domains	Multiple arenas promoting forum shopping / Wide representation of (agricultural) domains
	Power balance	Unequal power balance
	Decision space	Little decision space
	Adaptability	Low institutional adaptability but accepts complementarily of *ad-hoc* arrangements
	Favourable and conducive context	Unfavourable and non-conducive context
Outcomes and results	Generating results and support	Few results. External donor support, mobilising political support
	Issues and fact-finding	Little fact-finding
	Synergy	Little synergy

The drought of 2011: *Ad-hoc* multi-stakeholder responses to crisis

From April 2008 to January 2011, the PARPB project was mainly busy making regulations; its working groups stopped meeting. This was not problematic in 2009 and 2010, when water was abundant enough in the river basin to forestall major stakeholder conflict, but 2011 was a very dry year, in which one would expect stakeholder coordination to be most crucial.

The formally established working groups were non-functional when they were needed most, to deal with the effects of the drought of 2011. The governor and key actors (including the Water Management Department and water user representatives) at the time clearly did not consider them relevant when they formed alternative fora. So-called Water Allocation Committees emerged in June and September of 2011 to tackle several conflictual issues over water distribution between users within the sub-basin.

As is so often the case in shared basins, there is asymmetric interdependence between those living upstream and those situated downstream of the river basins under scrutiny here. Since downstreamers under Afghan law cannot make a formal claim to upstream water, they depend on the voluntary release (non-use) by stakeholders, in line with traditions of *abandâz*. *Abandâc* is a temporary voluntary restraint on the part of upstreamers to allow access to downstreamers, as a humanitarian gesture; it does not grant water rights (*haqabah*). During *abandâz* negotiations, upstream water users remain in control of how much water they are ready to release. This procedure is not based on codified rights, but on custom and Islamic duty. With its lack of formalisation, *abandâz* fuels asymmetric power relations and inhibits participation on an equal level.

Let's take a quick look at two sub-basins, the *Lower Kunduz* and the *Taloqan* (Map 1). In 2011 following requests from water users' representatives such as *mirabs*, WUA members and elders, the governor formed a WAC on the *Lower Kunduz*. It contained a mix of stakeholders: representatives from the Governor's office, the Water Management Department, the Department of Agriculture and Irrigation, the Provincial Council, and water user representatives from irrigation canals in Kunduz. They were to request *abandâz* water from the upstream province of Baghlan. (While Baghlan did not form a WAC, informal *ad-hoc* MSPs were formed there too.) This request was granted, if implemented with varying degrees of success. As the drought persisted, the WAC decided to request a second *abandâz* one week later. This however was not forthcoming: the Baghlan governor left the matter to the provincial WMD who dragged its feet, aware that Baghlan water users would show much stronger resistance this time to granting more water to downstreamers; a potentially conflictual situation.

The same upstream-downstream issue is at play within the provinces. The internal implementation of the *abandâz* in Kunduz and Baghlan provides a varied picture, but generally can be said to reflect local power balances, especially that between governor and water ministry. Low monitoring and implementation capacity on the part of the government and insecurity in the field bred conflict between districts.

On the *Taloqan* basin in 2008 the Members of Parliament in turn actively tried to raise the issue at Ministry of Energy and Water Resources level, as well as with the Presidential office leading to a decidedly non-participatory presidential decree on the water situation, issued in 2009. In 2011 the issue of *knowledge* once again came to the fore. The Presidential decree for the Taloqan drawn up in 2009 included a number of technical flaws or impossibilities reflecting the lack of local input. For example, it made little sense to decree a percentage of almost two thirds of the Taloqan's surface flow going to Kunduz, if gauging stations are not operational. Allocation to rice and other crops was based on out-dated field data.

This particular issue became relevant in 2011 when a downstream Kunduz WAC was formed on the Taloqan (similar to the one described in the Lower Kunduz Sub-Basin case but composed of entirely different individuals) and went to upstream Takhar to demand water allocation. The Taloqan however had a different history, as there had been a presidential decree to resolve water conflict there in 2009, so that there was a formal document to guide water allocation on that sub-basin. A meeting was convened, comprising the formal Kunduz WAC and an informal group of Takhar water users, the governor, line ministries and

provincial councillors. While the Kunduz WAC pushed for applying the official decree, Takhar provincial councillors and water users' representatives strongly opposed this, arguing that the decisions of the presidential commission that drafted the decree were biased and misinformed. As noted, there is something to be said for this view.

After fruitless talks, in the end both parties agreed to leave water allocation decisions and implementation to a joint inter-provincial WAC. Both parties realised that strictly applying the presidential decree would have meant endangering the relationship between the provinces. The joint WAC was therefore officially mandated to apply the decree but in reality would be "a smokescreen" while searching for an acceptable compromise between fixed rights (*haqabah*) and informal *abandâz*. As it was expected that upstream canal leaders were more likely to default on an agreement, upstreamers were overrepresented in the joint WAC. Also, the joint WAC actions focused only on the large irrigated plains of Takhar and Kunduz, as transaction costs of monitoring smaller canals were deemed too high. While the governor and ministry were not formal members of the joint WAC, they were requested to 'assist' it in case the joint WAC failed to make headway. The security situation moreover rendered monitoring and implementation complex (Warner and Thomas, forthcoming). Apparently the security conditions however were also expedient to argue for reduced inspection: declaring an area 'no-go' for strangers (non-locals) meant locals could do whatever they wanted.

Discussions and conclusions

The sub-RBOs were parachuted onto Afghanistan without local ownership and power relations. This is in line with much of the MSP literature which suggests a 'Habermasian' ideal of decision-making: frequent and easy interaction between stakeholders in a platform might create a situation in which political and institutional boundaries are superseded. This does not sit easily with a context of hierarchy and political insecurity.

Moreover, the project appears an instance of the drive towards good governance by 'getting the institutions right' (Mehta *et al.* 1999) for Common-Pool Resource management issues. While the set-up did take into account cultural values and traditions, it started from a normative base deemed universal. The hegemony of these norms also prevents alternative models for river basin management from emerging (Merrey 2009).

In ignoring the role of power relations, such as the key role of the governor and national actors, the MSP as 'transferred technology' failed to translate so far. The whole package as designed appears not to make much sense without considering the interconnection with the local situation, leading to seemingly unanticipated (dis)empowerment effects for specific actors and institutional *bricolage*. The 2011 case study shows that the involvement of the governor and the Presidential decree in forcing decisions to make things work contributed to relatively positive results in terms of water access for downstream water users, and limiting inter-provincial conflicts. Particularly on the Taloqan, the opposition between upstreamers and downstreamers was perceived to be so strong that national intervention might be preferable to local negotiation.

The policy support given under PARPB apparently took precedence over actual on-the-ground functioning. When policy models hit the ground, they are unlikely to survive unscathed. Since the local policy arena is not a *tabula rasa*, there is path dependency; however, new institutions will refer to existing practices: the strong role of the governor, the customary practice of *abandâz* and administrative boundaries. Mosse (2004) and Lewis and Mosse (2006) show that an 'implementation gap' between stated policy and how it 'lands' on the ground is quite normal and has its rationalities, and some actors may stand to gain from this dissonance. However in the present case the 'policy gap' is more like a 'policy rift'. MSPs should not merely be a 'talking shop' on water problems but a venue to *negotiate* water resource management problems (Oré 2007). The reformed setup created multiple avenues, resulting in *forum shopping* (Benda-Beckmann et al 1997) on behalf of Kunduz elders. They mobilised their provincial council as well as Members of Parliament in Kabul in order to change a water sharing situation perceived as inequitable.

How was the MSP facilitation conceived?

Based on our observations on the process described above, PARBP-TL seems to have imagined a linear process of RBO development which would include a number of 'classic steps', i.e. developing a river basin profile as a planning tool, deciding about composition of RBC, developing water allocation procedure in times of dry years, developing a fee collection mechanism, etc. PARBP-TL tried to implement the process as was, until it realized eventually that it was not moving anywhere; no river basin profile, no decisions on RBOs composition, low interest in planning exercises. The process was stopped and more focus was placed on policy development in Kabul from 2008 to 2011.

Most of the sessions by PARBP-TA did not respond to immediate concerns. There were always more pressing issues to talk about. It seems that the facilitation by PARBP-TL happened at the wrong time. Technological development and technical control had not been achieved at the time, which, for the participants, was considered as pre-requisite before talking about allocation issues and procedures.

The PARBP did however introduce points of debate and issues that would need to be discussed and decided about one day or the other. Developing a river basin profile with a number of data for planning will have to happen if performance is to be improved. After all, the contestation around Karzai´s decree was largely because of contested data. Had the line departments and water users put efforts into improving the river basin profile, the decree of 2009 may have been less contested.

Role of ad-hoc process

While the water policy reform broadly divides water users and line ministry representatives into different sub-basin organisations in the form of RBCs and RBAs respectively, local practice produced spontaneous, interacting institutions with flexible, variable compositions shaped by the problem at hand rather than generic and pre-determined criteria. Informal bodies and platforms were consulted and avenues explored. Even when sub-basin working groups were finally convened again in January 2011, the lead in taking decisions about water allocation (mainly upstream-downstream issues) and dispute resolution steps continued to be assumed by informal water user committees in the crucial summer months.

These incidental provincial and joint WACs addressed conflictive issues of allocation and implementation. Röling and Woodhill (2001) have noted MSPs may be one-shot, hit-and-run affairs while Santbergen (2007) notes that *ad-hoc* arrangements ('mayflies') may take the steam off more durable formal institutional arrangements. A comparison of the policy model and the on-the-ground (though hardly bottom-up!) MSPs is given in Table 3.

The above is not to naïvely celebrate traditional authoritarianism and dismiss the efforts made by the donor and consultant. The relatively positive outcome of the 2011 processes does not guarantee any future success. The deteriorated security situation thwarted proper enforcement of the deals reached. While one-shot MSPs may not be very conducive to durable social learning, however, the *ad-hoc* multi-stakeholder meetings seem to hold some promise for a different 'mixed model' suited to local needs. The link with the local needs and capacities could be far better enshrined. The planned structures clearly did not work, while the *ad-hoc* structures were more or less effective. This may teach us something about preconceived structures. Engel and Engel (2012) call our attention to the need to plan for improvisation. Successful improvisation however is most effective if its discoveries are in turn institutionalised and routinised. The current externally-driven structure does not appear to facilitate this much.

These local arrangements were not particularly participatory. Contradictory to expectations, the less participatory and therefore the more authoritarian the process, the better (more equitable) deal downstream users got. The *ad-hoc* processes however were relevant as they responded to emergency demands. The decentralised, participatory policy model by contrast takes power away from state actors, in so doing increasing the power asymmetries between upstreamers and downstreamers. This unexpectedly supports Barham's claim (2001) that making sure the MSP balances power towards weaker interests requires solid external support. In the end, *ad-hoc* formation of joint WACs also started to be supported by the donor with a view to restoring some legitimacy. To our knowledge however future funding of MSPs is not envisaged.

Table 4: Summary comparing PARPB model with ad-hoc WACs MOVE DOWN

Rule type	PARPB model	WACs 2011
Scale	River basin scale	Provincial scale
Design	Wide stakeholder participation in workgroups. Democratic decision-making	Selected stakeholders, with apparent consent of excluded groups. Authoritarian decision making
Facilitation	EU-hired consultants	Authority figures; governance and ministry
Knowledge base	Externally constituted technical knowledge, joint fact finding but little internal resonance	Informal information exchange, ignoring knowledge and policy where too conflictive
Payoff	Total dependence on external funding, Output mainly infrastructural	Reasonable upstream-downstream equity in allocation

Photo 1: Kunduz WAC members monitoring a canal (Thomas 2012)

It would have been preferable if a diagnosis on the need and relevance for MSP models as expected by EC had been conducted in advance in order to assess the interest of local stakeholders in such processes. But it is questionable that the EC was ready, at the time, to take 'no' for an answer.

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[1] In practice, the team leader of the PARBP (see below) and the European Commission were highly influential in writing all documents related to Afghanistan's water policy reform. PARBP and GIZ (the German international technical cooperation agency) leaders were both influential members of the working group designing the Water Law, basically writing drafts that were more or less accepted as such. The only level at which there has been strong resistance was below the canal level. The Ministry of Agriculture Irrigation and

Livestock (MAIL) was strongly opposed to MEW having its own WUA while MAIL would have no farmers' organization under its jurisdiction.

[2] A wicked problem is difficult or impossible to solve because of incomplete, contradictory, and changing requirements that are often difficult to recognize. It is resistant to resolution. Moreover, because of complex interdependencies the effort to solve one aspect of a wicked problem may reveal or create other problems. (Wikipedia; Rittel and Webber 1973).

[3] Observations on facilitation are mostly based on work groups on the Taloqan sub-basin working group meetings. However findings can be expected to be quite similar for Baghlan. The description and points of analysis below are based on the Taloqan sub-basin working group meetings, as the agendas and interactions were very similar.