

Water Rights and Water Allocation: Issues and Challenges for the Asian Region

A collage image featuring a child drinking water from a fountain, a city skyline, a water meter, a river, and an agricultural field.

Keynote Presentation
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Outline of Presentation

1. Why are water rights and allocation important?
2. What are the principles and priorities?
3. What is implicit and explicit allocation?
4. How to build effective institutions
5. What actions can **You** take?

Why are Water Rights Important?

- We all work to achieve **Water for All**
- How to achieve this goal when there are competing uses?
- Who is assured of water use?
- Who has **water security**?
- Think of: rural and urban poor, farmers, city dwellers, industrial and commercial users, the environment...

Who needs Water Security?

- **Rural and urban poor:** security of from having the basic water supply for a healthy and dignified life
- **Subsistence farmers:** security in cultivation of crops and rearing livestock
- **Landholders:** security for investing labor and money into developing the land
- **City dwellers:** security of a more advanced lifestyle that inevitably involves higher rates of water use
- **Industrial and commercial users:** security of investment climate for their business development plans
- **The environment:** a legitimate “user” without a voice

Water Security for All?

- **How to achieve Water Security for All?**
- **Through water markets?** *Most people say “no” because regulation is still weak in most countries*
- **Through water policies?** *No, because policy implementation is not guaranteed*
- **A legal framework is needed, together with:**
 - A transparent process of implementation
 - Capacity to implement, and
 - Knowledge about what, why, and how

Water Governance is Key

"If some Asian countries face a water crisis in the future, it will not be because of physical scarcity of water, but because of inadequate or inappropriate water governance, including management practices, institutional arrangements, and socio-political conditions, which leave much to be desired."

Stockholm Water Prize Laureate Asit Biswas in
Asian Water Development Outlook 2007



Some Drivers of Change: Challenges for RBOs

- Continued population growth
- Economic development and urbanization
- Dietary changes – more meat requires more water
- Climate variability and change
- Bio-fuels, others....

Role of RBOs in Water Rights and Water Allocation?

- **Avoiding problems in the basin**
 - Minimizing conflicts over water use
 - Reallocating water use rights
- **Solving problems in the basin**
 - Resolving conflicts over water use
 - Alleviating water shortages
 - Improving water quality
- **Building enabling environment for IWRM**
 - Improving river basin planning
 - Developing guidelines, rules, and regulations
 - Developing decision support information

Water Rights Defined

- “Right to take and use water subject to the terms and conditions of the grant”
Burchi and d’Andrea, 2003
- “A formal or informal *entitlement*, which confers on the holder the right to withdraw water”
World Wide Fund for Nature, 2007
- **Basic water right:** given to people as a consequence of primary legislation, which is permanent and not subject to any administrative process
- **Water use right:** conferred through an administrative process of water *allocation*, such as licensing. Water use rights are authorized uses of water

Water Resources and Rights

**Surface or
Ground
Water
Resource**

BASIC WATER RIGHTS

Defined in primary legislation
(e.g. drinking water)

ENVIRONMENTAL RESERVE

Minimum amount to retain in river or aquifer
(could be defined in primary legislation or as
an authorized use as authorized use)

WATER USE RIGHTS or authorized use

Water allocated to other uses
(municipal, industry, irrigation, hydropower, etc.)

Implicit and Explicit Allocation

- **Implicit allocation system:** provides water through top-down, government-driven planning processes, in which the quantities of water for specific development projects are determined, and then become accepted practice
- **Explicit allocation system:** a system of time-bound licenses or permits to specific users, whose supply is then secured for a defined quantity of water for a stated period

3 Basic Principles in Allocation

1. Beneficial use of water
2. Equitable distribution
3. No significant harm

Managing the Transition

- **Implicit systems: concerns over water security, lack of transparency in decision-making process (priority setting), and lack of accountability for delivery of allocated water**
- **Ensuring a smooth transition from an implicit to an explicit water allocation system is key**
- **Transition is a challenge since most of water organization staff are civil engineers, and legal and management expertise are needed to design a sensible licensing system that solves priority problems and has flexibility to adapt to future changes**

3 Areas of Capacity Development

Capacity development for explicit water allocation:

- Policy and legislative framework
- Strategies, plans, tools
- Institutional capacity (organizations, processes, stakeholders, financing)

What Actions Can You Take?

Paper suggests specific roles for:

- RBOs, NARBO, Asia-Pacific Water Forum
- Other organizations including government, national water apex bodies, regulatory agencies, water service providers, NGOs and community-based organizations, academe, development agencies

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WATER for ALL

