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Original Article

A Little Less Conversation? Track II Dialogue and Transboundary Water Governance

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Abstract

Foreign aid donors are increasingly investing in the good governance of freshwater resources in developing countries. One method used by many such programs is Track II Dialogue—informal discussions between government and non-government stakeholders facilitated by a neutral third party.

There are many merits to participatory and discursive governance; however, there are also some limitations. This article considers the advantages and disadvantages of Track II Dialogue in transboundary water governance. It examines the relationship between discursive governance and water justice and analyses the role of the neutral third party facilitator. It also considers to what extent trust and cooperation must be present between riparians for deliberative processes to succeed.

These observations are based on an analysis of foreign-led initiatives in the Ganges-Brahmaputra-Meghna basin. Foremost among these is the World Bank-funded South Asia Water Initiative, which aims to improve cooperation between riparian states by facilitating Track II Dialogue.

Key words: transboundary water governance, good governance, Track II Dialogue, South Asia, World Bank

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1. Introduction

In the literature and praxis of water governance, there is an increasing emphasis on deliberative or discursive processes as a means of building cooperation between riparians. Participatory approaches to water governance can—and do—take many forms, but one of the most prominent is Track II Dialogue. This refers to a series of engagements between government and non-government stakeholders facilitated by a neutral third party. It is an approach taken by international organisations and foreign aid donors, such as the World Bank, United Kingdom, Norway and Australia, for building cooperation between developing countries over shared freshwater resources.

There are many merits to deliberative governance, but there are also some weaknesses. As Peter Jones (2015) points out, ‘real peace is made as a result of a complex and interlocking web of factors, and that Track Two, however important in getting a dialogue going, is but one of these.’ This article illustrates Jones’ point with the case of transboundary water governance in the Ganges–Brahmaputra–Meghna basin in South Asia.

There are three parts to this article. The first introduces the concepts of good water governance and Track II Dialogue. It explains why international organisations and foreign aid donors are increasingly interested in facilitating discussions between riparian states over water issues of mutual concern and how they are doing so in South Asia.

The second part examines some of the main limitations of Track II Dialogue as an approach to increasing transboundary water cooperation. The third and final part argues that hydro-politics is shaped by complex factors and dynamics; there is no one solution to water conflicts.

2. In Pursuit of (Good) Water Governance

The Global Water Partnership defines water governance as ‘the range of political, social, economic and administrative systems that are in place to develop and manage water resources, and the delivery of water services, at different levels of society’ (Rogers & Hall 2003). Furthermore, ‘Governance looks at the *balance of power* and the balance of actions at *different levels of authority*. It translates into political systems, laws, regulations, institutions, financial mechanisms and civil society development and consumer rights – essentially the rules of the game’ (Global Water Partnership 2003).

Because water governance encompasses ‘diverse environmental, social, economic and cultural values and is influenced by many social, institutional, economic and political processes’, Patterson et al. argue that water governance should be considered a distinct field of research (Patterson et al. 2013). This field of research also has a normative component. Water justice falls into the rubric of water governance; both are about the allocation of water resources. As Pahl-Wostl (2015) argues, ‘Without adhering to good governance principles, it is unlikely that water governance takes the needs of the less powerful or the environment into account.’

UN Water has also provided recommendations to the Sustainable Development Goals along similar lines: ‘Only through an integrated approach can the allocation of water resources benefit the many and not the few. Water governance is essential to balance available resources with demands from a multitude of often conflicting water users as well as ensuring critical eco-systems

continue to maintain the resource base’ (United Nations Water 2014).

What then is good water governance? For UN Water, ‘good water governance enables people to participate in decisions affecting their lives. To ensure this, accountability mechanisms need to be in place’ (United Nations Water 2014). Good water governance is also, according to Falkenmark et al., ‘absolutely the top priority’ for human security, because only good water governance can enhance access to adequate quantity and quality of water for people’s wellbeing (Falkenmark et al. 2007). For this reason, Jägerskog et al. remind us that ‘[m]any studies at international level have indeed identified the water crisis not as one of scarcity but as one of governance’ (Jägerskog et al. 2014).

The concept of good water governance is now well entrenched in the scholarship on and praxis of water resources. It is even enshrined in the Sustainable Development Goals. Goal 6, the water goal, states that good governance ‘underpins all the water targets and supports linkages to other development themes’ (United Nations Water 2014). But it was not always at the forefront of water discourse.

The concept of good water governance has evolved from the relatively recent understanding of water as being inherently political. As Mollinga points out, as recently as the late 1990s, ‘politics and the political were anathema in most water policy circles. The social engineering paradigm reigned largely unquestioned’ (Mollinga 2008). He goes on to argue that the rise of the theme of good governance generally brought politics into the discourse of water resources development (Mollinga 2008).

According to the United Nations, good governance ‘is participatory, consensus oriented, accountable, transparent, responsive, equitable and inclusive, effective and efficient and follows the rule of law’ (United Nations Economic and Social Commission for Asia and the Pacific 2009). That is simultaneously a narrow definition, but also one that remains open to interpretation. As Sachs emphasises,

‘Good governance... means many things. It applies not only to government but also to business. It means that both the public sector (government) and the private sector (business) operate according to the rule of law, with accountability, transparency, responsiveness to the needs of stakeholders, and with the active engagement of the public on critical issues such as land use, pollution, and the fairness and honesty of political and business practices.’ (Sachs 2015)

Sachs does not refer to the role of civil society in his definition of good governance, but the inclusion in governance processes of actors that are neither government nor business is also implicit in the understanding of good governance.

In 1987, the World Commission on Environment and Development in its seminal report *Our Common Future* (a.k.a. the Brundtland Report) called for the collaboration of various actor groups in the good governance of environmental resources: ‘Environmental protection and sustainable development must be an integral part of the mandates of all agencies of governments, of international organizations, and of major private sector institutions’ (World Commission on Environment and Development 1987).

Similar sentiments were echoed in 2012, at the Rio +20 conference. *The Future We Want*, the outcome document of those proceedings, noted ‘the valuable contributions that non-governmental organizations could and do make in promoting sustainable development through their well-established and diverse experience, expertise and capacity, especially in the area of analysis, sharing of information and knowledge, promotion of dialogue and support of implementation of sustainable development’. (United Nations 2012a) The same report acknowledges the importance of multi-level cooperation: ‘We recognize that effective governance at local, sub-national, national, regional and global levels representing the voices and interests of all is critical for advancing sustainable development.’ (United Nations 2012b)

In relation to water resources, the inclusion (and exclusion) of various stakeholder groups

in governance processes has been linked to the concept of water justice. Patrick points out that

‘Who decides what is just and for whom depends on who or what is excluded or included in the water-allocation decision-making process. If social inclusion is achieved, the variety of perspectives on what and why water is needed by the different users for different uses and the underlying rationale for these reasons is best described as a continuum of potential just outcomes. On the other hand, the social exclusion of any particular stakeholder group can result in injustices simply because certain opinions, needs or world-views are excluded.’ (Patrick 2014)

This emphasis on inclusion is also a fundamental aspect of deliberative governance, which is one aspect of good governance. Deliberative governance is, according to Dore, a constructive engagement between stakeholders over issues of mutual interest, such as water resource.

Deliberative governance can be applied to transboundary water issues, and indeed, this is the basis of the main foreign-led interventions in the Ganges–Brahmaputra–Meghna basin. Dore (2014), who himself has been instrumental in shaping Australia’s water governance interventions in South and Southeast Asia, defines deliberative water governance as ‘a social process of dialogue, negotiation and decision-making’. He argues that ‘[t]he deliberative water governance agenda should be attractive to proponents of fairness, effectiveness and social justice in water governance arenas and their consequent decisions and impacts.’ High on the deliberative water governance agenda is the policy of Track II Dialogue.

3. What Is Track II Dialogue?

Deliberative water governance is the ‘constructive engagement in water governance arenas through promotion of inclusive, deliberative processes that emphasise different perspectives, critical analysis, learning and institution-building whilst respecting rights, accounting for risks, acknowledging

responsibilities and fairly distributing rewards' (Dore 2014).

According to the UK's Department for International Development, a deliberative approach is especially relevant in transboundary water governance because 'decisions involve many stakeholders, complex issues, trade-offs between policy options, high levels of uncertainty and low levels of trust' and it can 'help resolve complexity by building trust, promoting a shared understanding amongst stakeholders of the issues (in particular where these issues are common across national boundaries)' (Department for International Development, Government of the United Kingdom 2012). This is the theory of change on which the objectives of international actors intervening in the transboundary water governance in the Ganges–Brahmaputra–Meghna basin are based.

Within deliberative water governance, there are, as Dore (2007) has shown, multiple tracks. Each track can be thought of as a form of dialogue or diplomacy. Track II Dialogue has its genesis in the mid-1960s when an Australian former diplomat, John Burton, and his colleagues at University College London challenged the prevailing realist notions of international negotiations. They developed the view that human factors such as dialogue, communication, values and relationships between individuals could be equally important in avoiding and resolving international conflicts as the factors identified by game theory, concession/convergence theory and behavioural theory. From the very beginning, points out Jones (2015), Track II Dialogue, like conflict resolution generally, 'has struggled to establish credibility in the eyes of hard-nosed, realist-oriented officials and academics'. It has, however, merit in the eyes of many constructivists and policy-makers.

Burton tested his theory by developing a new process to help resolve a boundary dispute between Malaysia, Singapore and Indonesia. Burton and his colleagues called the new process 'controlled communication', and it consisted of informal, unofficial workshops,

chaired by a neutral third party who facilitated the protagonists' mutual analysis of problems with the aim of helping them develop solutions that were not apparent through traditional diplomatic techniques. This new method attracted the attention of the academic community, and soon, a small but active 'scholar–practitioner' community arose, intent on furthering Burton's ideas (Jones 2015).

These ideas fit in well with other ideas about democracy emerging at the time, such as deliberative governance. Deliberative governance, like Track II Dialogue, is about creating and nurturing the 'preconditions for positive changes and their institutionalisation by strategic nudging within these admittedly complex arenas' (Dore 2014). But Track II Dialogue—and the other 'tracks'—do this 'strategic nudging' in specific ways.

Track I Diplomacy, according to Petersen-Perlman and Wolf (2015),

'involves supporting the conclusion of a formal agreement between riparian states, typically through mediation and facilitation. Track II Diplomacy tries to arrive at feasible development strategies on the ground through promoting informal dialogues, research and studies, and capacity building. Track III Diplomacy addresses policies at the national and local levels, which are typically at the root of transboundary water problems.'

They note that '[n]one of these strategies are mutually exclusive; for example, Track II Diplomacy efforts may eventually lead to the initiation of more formal, Track I discussions' (Petersen-Perlman & Wolf 2015).

As Dore (2014) points out, 'Track 2 refers to state-civil society interactive forums that have emerged as complementary or parallel forums [to Track 1], which generally aim to enhance the effectiveness of state processes.' Of all the tracks, Track II Diplomacy or Dialogue is of most relevance here as it is the one used by international organisations and foreign aid donors, especially the World Bank-led South Asia Water Initiative (SAWI), to increase transboundary water cooperation in the Ganges–Brahmaputra–Meghna basin.

Track II Dialogue is also a form of dispute resolution and can be a complement to formal negotiations over a contentious issue or set of issues. Because Track II Dialogue is most often applied in situations of conflict or dispute, a third party is likely to be involved. Jones notes that Track II Dialogue is more often than not facilitated by a third party. He defines the process as

‘unofficial dialogues, generally between two antagonistic parties, and often facilitated by an impartial Third Party and involving individuals with some close connections to their respective official communities, focused on cooperative efforts to explore new ways to resolve differences over, or discuss new approaches to, policy-relevant issues.’ (Jones 2015)

Salame shows that ‘Track II initiatives are useful when all parties in a relationship recognise that there is a divergence of views while neither side wants the situation spiralling out of control on a vital matter such as water resources’, and she argues that ‘They build the cooperation route one block at a time. And they allow decision-makers to engage in political dialogue based on trust and mutual understanding’ (Salame 2014).

Track II Dialogue can certainly bring state and non-state actors together in an informal setting to discuss issues of mutual concern; however, as this article argues, this method alone cannot build transboundary water cooperation. Furthermore, failure of Track II Dialogue may undermine state efficacy in improving water governance. As Dore (2014) shows in the case of the Mekong region, ‘[I]oss of faith in Tracks 1 and 2 has led to the emergence of increasingly influential Tracks 3 and 4 [civil society to civil society interaction] in the Mekong Region that do not privilege state involvement and may proceed without it.’

4. The Third Party as Facilitator

The role of the third party in the ‘interactive problem-solving’ approach of Track II Dialogue was developed by Herbert Kelman, a Harvard-based social psychologist. Kelman

defined his model as ‘an academically based, unofficial third party approach, bringing together representatives of parties in conflict for direct communication’. He saw the role of the third party in this arrangement as being different to that of a traditional mediator. Mediators propose solutions (and arbitrators impose them), while third parties in Track II Dialogue facilitate a process whereby solutions will emerge out of the interaction between the parties themselves: ‘[t]he tasks of the third party is to provide the setting, create the atmosphere, establish the norms, and offer the occasional interventions that make it possible for such a process to evolve’ (Jones 2015). This is the model on which third-party interventions in the Ganges–Brahmaputra–Meghna basin are also based.

Jones sees the involvement of a third party as the defining feature of Track II Dialogue:

‘[t]he term relates to the idea that most Track Two features two parties who are in conflict plus a third party who is present to arrange and facilitate the interaction. Not all Track Two requires an outside third party. But the majority of Track Two processes, and the great majority of conflict resolution-oriented Track Two processes, feature a third party.’ (Jones 2015)

But is a third party really necessary in Track II Dialogue? Could people from societies in conflict quietly come together themselves to brainstorm about possible ways forward? There are certainly examples of this happening—and working quite successfully—in the Ganges–Brahmaputra–Meghna region. The South Asia Consortium for Interdisciplinary Water Resources Studies, for example, is a local organisation that runs the Transnational Policy Dialogue for Improved Water Governance of Brahmaputra River (South Asia Consortium for Interdisciplinary Water Resources Studies 2016). Other locally based organisations, such as the International Centre for Integrated Mountain Development and various branches of the International Union for Conservation of Nature, have also been working to improve transboundary water governance.

Yet most of the literature on Track II Dialogue takes the view that a third party is necessary, and Jones argues that the heart of Track II Dialogue is the inability or unwillingness of the protagonists to the conflict to come together of their own accord. Furthermore, he argues that brainstorming by the parties themselves may not be enough and, under the wrong circumstances, it may do more harm than good. Jones shows that

‘the role of a third party is to gently steer the conversation down more productive paths; in effect, the idea behind Track Two is not just that the parties engage in brainstorming but that they engage in a particular kind of *facilitated* discussion [emphasis in original]. Absent this role, the conversation can degenerate into a frustrating bargaining session which holds little promise, especially in a highly charged, emotional situation where the conflict is deemed to be intractable; in such circumstances, what is there to bargain over?’ (Jones 2015)

5. Third Parties and Track II Dialogue in the Water Governance of the Ganges–Brahmaputra–Meghna Basin

International organisations and foreign aid donors are increasingly taking on the role of facilitator of Track II Dialogue in water governance in developing countries or funding deliberative governance processes. One region that has attracted international attention in this regard is the Ganges–Brahmaputra–Meghna basin in South Asia. It is a large river basin shared between southern China, northern India, Nepal, Bhutan and Bangladesh. As the World Bank points out, it is one of the few large international basins in the world with no permanent institutional mechanism that involves multiple riparians (The World Bank 2014a). Institutionalised collaboration across borders and sectors is widely considered, by international and local actors alike, as a hallmark of good water governance. Indeed, assisting states in the establishment of River Basin Organisations may be another way in which international actors and foreign aid donors can support the development of good water governance.

The Ganges–Brahmaputra–Meghna basin is not generally characterised by good water governance. As Asthana and Shukla (2014) argue, ‘[c]urrent water resource development in South Asia is not sustainable. There needs to be a shift in emphasis on demand management practices and further incentives for conservation of water resources.’

Concerns about sociopolitical stability in the region compound the need for improved transboundary water governance. Without significant improvement in water governance in the region, tensions over shared freshwater resources may develop into sociopolitical instability, or even violent conflict. Climate change threatens to exacerbate water insecurity further.

‘Considering the enormity of the climate change challenges in South Asia’, claim Earle et al., ‘there is at present no paucity of collaborative efforts to explore effective response strategies’ (Earle et al. 2015). Asthana and Shukla (2014) show that a range of water governance strategies and policies have been suggested by various epistemic communities, NGOs, civil society groups and, of course, international actors like the World Bank.

In the mid-2000s, the confluence and culmination of international concern over climate change challenges, sustainable development and food–water–energy security in South Asia resulted in an international round of talks called the Abu Dhabi Dialogue (ADD). The ADD periodically brought together senior members of government, academia and civil society from Afghanistan, Bangladesh, Bhutan, China, India, Nepal and Pakistan in a non-formal, consultative process intended to foster regional cooperation on various challenges facing Himalayan Rivers (South Asia Water Initiative 2015a).

The vision of the ADD was medium term, with agendas looking a decade in advance (Vaidya & Sharma 2014). The ADD was intended to be a neutral forum for open conversations among participants, and statements are non-attributable, and there is no requirement for a consensus outcome (South Asia Water Initiative 2015a). Earle et al. (2015) describe the ADD as ‘the only

multilateral framework involving all the riparian countries of the Ganges–Brahmaputra basin that is engaged in an informal and consultative process⁵, and they point out that it aims to build trust between riparians primarily through information exchange and the co-management of development projects. This is an important undertaking because transboundary water governance is a politically sensitive topic in South Asia, yet one that is not necessarily a top political priority for all riparians. Moreover, there is little trust between these riparians. The World Bank acts as the neutral third party in facilitating dialogue between ADD member states (South Asia Water Initiative 2015b).

Since its inception, the ADD Group convened six times (South Asia Water Initiative 2015a). The 2007 meeting of the ADD Group is when the SAWI was established by the World Bank to support the goals of the ADD (South Asia Water Initiative 2015c). Significantly, SAWI is funded exclusively by external donors (Australia, the United Kingdom and Norway) (The World Bank 2014b) without even symbolic contributions from the ADD Group member states. One of the mandates of SAWI (2015) is supporting the deliberative/consultative processes required for collective action.

As discussed, deliberative water governance is the constructive engagement in water governance through the promotion of ‘inclusive, deliberative processes that emphasise different perspectives, critical analysis, learning and institution-building whilst respecting rights, accounting for risks, acknowledging responsibilities and fairly distributing rewards’ (Dore 2014).

The influence of this paradigm is evident in the stated goals of SAWI, as well as the strategies of the United Kingdom and Australia vis-à-vis transboundary water governance in the Ganges–Brahmaputra–Meghna basin. The main objective of SAWI is to promote regional cooperation in the sustainable management of water resources of the Himalayan Rivers (Rollason 2012) based on the principles of Integrated Water Resource Management, inclusive and multi-

disciplinary dialogue and participatory and deliberative processes (South Asia Water Initiative 2015d).

For Australia—a key partner in SAWI—the goal is to promote transboundary water resource management in-line with the Department of Foreign Affairs and Trade’s South Asia Regional Development Program. One pillar of this program is increased water, food and energy security (Australian Government 2017). The United Kingdom, another key partner in SAWI, also aims for increased regional cooperation in the management of the Himalayan Rivers through the establishment of transboundary and national governance arrangements that move away from a technical approach to a deliberative approach (Department for International Development, Government of the United Kingdom 2012).

South Asia Water Initiative and the water governance programs funded by Australia, the United Kingdom and other international actors facilitate Track II Dialogue by conducting various conferences, workshops, knowledge-sharing exercises, joint data gathering projects and so on. Some of these are one-offs, while others are recurring. Many are limited to a particular sub-basin or specific issue, such as hydropower development.

6. Challenges for Track II Dialogue in Establishing Good Water Governance

There are several limitations to Track II Dialogue as a mechanism for increasing cooperation between riparian states and improving water governance. First, the approach does not take into consideration the equitable distribution of freshwater resources, meaning that grievances may remain, even if all relevant stakeholders are consulted. Second, some pre-existing cooperation and trust between participants may expedite Track II Dialogue—but with cooperation and trust between parties, there is less need for a facilitated process. Last, there are challenges inherent in the use of a third party for facilitating dialogue. Each of these is discussed in turn below.

7. Favouring Participation at the Expense of Equitable Allocation of Water Resources

In the Ganges–Brahmaputra–Meghna basin, Track II Dialogue is important in bringing previously disempowered groups to the negotiation table, but it is unlikely to make material difference unless the interests of those groups are made to be the interests of the ruling elite. This is because Track II Dialogue is primarily about procedural justice, as opposed to distributional justice.

The concepts of distributional and procedural justice are well-established in the field of law and have in recent years been applied to the emerging subject of water justice. For the purposes of this article, distributive water justice refers to the allocation of water resources that is perceived as fair by stakeholders. Principles of distributive water justice include the following: equitable sharing of benefits; avoiding unfair and involuntary risk bearing; protection of livelihood security; and provision of compensation, insurance and, where necessary, welfare support for project-affected people.

Procedural water justice, in contrast, refers to the *process* of allocating water resources that is perceived as fair by the stakeholders. Principles of procedural water justice include the following: inclusion of stakeholders in decision-making; access to information and legal and other support; demonstrable public acceptance; and free, prior and informed consent of affected indigenous and tribal peoples.

Participation in water governance processes, and in the decision-making about water allocation, is an important aspect of water justice. As Patrick (2014) explains, '[w]ho decides what is just and for whom depends on who or what is excluded or included in the water-allocation decision-making process.' This is important for achieving water justice, she argues, because

'If social inclusion is achieved, the variety of perspectives on what and why water is needed by the different users for different uses and the underlying rationale for these reasons is best described as a continuum of potential just

outcomes. On the other hand, the social exclusion of any particular stakeholder group can result in injustices simply because certain opinions, needs or world-views are excluded.' (Patrick 2014)

The merit of the participatory approach is understood and appreciated in the Ganges–Brahmaputra–Meghna basin. There is a growing understanding that the water resources of the Hindu Kush Himalayan region are shared resources and must be managed as such (Vaidya & Sharma 2014). Asthana and Shukla (2014), for example, make the case that 'South Asia needs to move forward with a cooperative and participatory approach on river basins and water sharing. There needs to be a regional awareness that rivers can be better harnessed through collective efforts and recognition that cooperation is essential to alleviate threats to water security.' Colopy too argues that participatory, regional cooperation is the foundation of intelligent river basin management (Colopy 2012). Hill adds that this approach is essential if the multiple water crises in the Ganges–Brahmaputra–Meghna basin are to be overcome (Hill 2013).

Nonetheless, procedural water justice is not the same as equitability in the understanding of the term of Zeitoun et al. (2014). For Zeitoun et al., equitability is 'the spirit of justice; that is, the basis upon which we may use fact and thought to reason out what is "just."' Equitability refers to 'outcomes that may be considered balanced and fair, though not necessarily equal' (Zeitoun et al. 2014) (There are two other elements of distributive justice: equity and equality. Equity is achieved when a person's rewards or outputs are perceived to be in proportion to that person's inputs or contributions. Needs are met when a person who has a greater need receives greater rewards or outputs, irrespective of his/her inputs or contributions. Equality occurs when everyone receives equal rewards or outputs regardless of his/her needs or contributions; Patrick 2014).

Zeitoun et al. (2014) suggest that international organisations and foreign aid donors interested in promoting good water

governance should advise and assist developing countries in establishing mechanisms for the equitable distribution of freshwater resources. They argue that recognition and participation of all relevant stakeholders are indeed important but that distributive justice is also a necessary condition for resolving water disputes (Zeitoun et al. 2014). Furthermore, they point out that 'participatory processes can be just as strategic, manipulative, and coercive as these forms of [so-called] cooperation... and may be very distant indeed from any world view of justice' (Zeitoun et al. 2014).

8. Which Comes First: Cooperation Or Conversation?

Basins that, like the Ganges–Brahmaputra–Meghna, are low in both trust and political will for increased cooperation seem ideal candidates for Track II Dialogue. But some impetus for cooperation and trust between riparian states may be necessary for Track II Dialogue to succeed in establishing mutually satisfactory solutions between conflicted parties. Yet if there is trust between riparians and political will to take action, then there is no need for facilitated Track II Dialogue (although third parties may provide technical assistance). Track II Dialogue becomes an option for dispute resolution only when those two factors are missing—but the absence of trust between riparians and lack of political will for improving transboundary water governance are also what undermines Track II Dialogue. Certainly, Track II Dialogue may contribute to the development of one or both of those conditions, but that is a long-term enterprise and highly unpredictable.

As a recap, Track II Dialogue is used herein to denote 'unofficial dialogues, generally between two antagonistic parties, and often facilitated by an impartial Third Party and involving individuals with some close connections to their respective official communities, focused on cooperative efforts to explore new ways to resolve differences over, or discuss new approaches to, policy-relevant issues' (Jones 2015).

Track II Dialogue can also be understood as the informal, non-binding, non-attributive discussions with government and non-state actors and as such is the nexus between Track I Dialogue (formal, government-to-government relations) and Track III (informal discussions between non-state actors only such as NGOs and academia). These neat definitions, however, are not easy to apply in practice; everyone understands them differently. How and when these processes should be pursued is also contested.

Some scholars see Track II Dialogue as the foundation of cooperative transboundary interaction and argue that it is critical that it happens before Track I processes begin because government negotiators and diplomats in the Ganges–Brahmaputra–Meghna basin tend to have a zero-sum approach to negotiations. Therefore, there is first a need for talks between peers who can scope the problems and begin addressing them from the perspective of shared interests. The logic is that engaging with non-government stakeholders early on in a negotiation process ensures that they can establish an agenda rather than have it imposed by external or government actors.

Others see less value in Track II Dialogue alone and instead believe that what drives change is the collaboration between non-government groups, that is, Track III Dialogue. This, however, is difficult to facilitate by international organisations because it is in essence a bottom-up and organic process. But by focussing exclusively on Track II Dialogue, international actors are limited in the contribution they can make to improved transboundary water governance in the Ganges–Brahmaputra–Meghna basin. This is especially so as SAWI in particular engages only actors who already engage with government. Because the transboundary water governance impasse in the Ganges–Brahmaputra–Meghna basin is between governments, not between non-state actors, there is no fresh perspective on the problem set; Track II Dialogue allows only for discussion between actors who are already part of the discussion about transboundary water issues.

9. Limits of Third Party as Facilitator

Most of the literature on Track II Dialogue takes the view that a third party is necessary, and Jones argues that the heart of Track II Dialogue is the inability or unwillingness of the protagonists to the conflict to come together of their own accord. Furthermore, he argues that brainstorming by the parties themselves may not be enough and, under the wrong circumstances, it may do more harm than good.

Jones shows that

‘the role of a third party is to gently steer the conversation down more productive paths; in effect, the idea behind Track Two is not just that the parties engage in brainstorming but that they engage in a particular kind of *facilitated* discussion. Absent this role, the conversation can degenerate into a frustrating bargaining session which holds little promise, especially in a highly charged, emotional situation where the conflict is deemed to be intractable; in such circumstances, what is there to bargain over?’ (Jones 2015)

Nonetheless, although central to Track II Dialogue, third parties may also contribute to the worsening of a situation. As John Burton, the Australian former diplomat credited with pioneering Track II Dialogue, has said, ‘the intervention of a third party into relationships between others is a delicate task and can easily do more harm than good’ (Jones 2015). The third party should have some knowledge of the specifics of the conflict, but a firm grasp of group dynamics is essential (Jones 2015). Neutrality, however, may not always be necessary. Jones argues that the

‘[s]o-called insider-partial third parties, those who have well-developed and well-known views on the conflict, may be just as effective. What seems to be necessary is that the third party be able to convey that it will run the process in a fair and impartial way and will not, due to its own views, disadvantage anyone at the table.’ (Jones 2015)

Moreover, third parties will always act out of a mixture of motivations and objectives. This does not necessarily impair their neutrality or effectiveness, but ‘[w]hatever the third party’s motivations are, it is vital to reflect on them and be honest about them up front’ (Jones 2015).

What other qualities must the third party possess in order to fulfil the role of facilitator? Saunders writes of the ‘wise citizens, well prepared’. For Jones, this definition illuminates two important characteristics of the third party: ‘first, political sophistication, both of a general nature and relative to the conflict at hand... and second, the ability to create an environment in which the people in conflict will gradually feel safe enough to open themselves up to the third party, and to each other’ (Jones 2015).

One of the tasks of the third party in Track II Dialogue is to build a relationship of trust between the parties in the conflict to a level that is sufficient for them to be drawn into a conversation in which they will gradually reconsider the meaning of the conflict and simultaneously reveal their innermost perceptions of the conflict to each other. Moreover,

‘[i]f two parties who profoundly mistrust each other are to begin a face-to-face interaction and sustain it over time, they must be able to trust at least someone in the room; they must be able to designate someone present as the repository of their trust until they can come to feel at least some trust for the other side. This is the role of the third party.’ (Jones 2015)

To gain and retain the trust of the parties in the dispute is thus, according to Jones (2015), the single most important factor in the eventual success of conflict resolution. The environment within which the third party begins working is, by definition, particularly lacking in trust, and once broken, trust is not easily regained. The importance of this is not lost on the World Bank. Indeed, SAWI makes explicit that building trust between riparian states is necessary for enhanced transboundary cooperation (The World Bank 2014b).

10. A Little Less Conversation, a Little More Action: How Can International Organisations Better Support Good Water Governance in Developing Countries?

Transboundary hydrogeopolitics is complex. Good water governance cannot simply be

imposed by an external party. As Pahl-Wostl (2015) shows, '[g]iven the complex nature of governance systems, change can be expected to be a combination of purposeful collective action and emergent phenomena resulting from self-organising processes and the interactions among a range of actors.' Jones (2015) too argues that 'real peace is made as a result of a complex and interlocking web of factors.'

In regard to transboundary water governance, Petersen-Perlman and Wolf's (2015) study of international water-sharing agreements finds that '[t]here is no one way to initiate cooperation — each transboundary basin is unique' and '[i]ndividual policy makers in a nation making decisions about cooperation operate within the historical context of their nations, fed by a set of external and internal drivers of decision making.'

Transboundary water governance is also affected by non-water-related factors. In the Ganges–Brahmaputra–Meghna basin, for example, S. Dinar shows that 'domestic politics play a large role in the hydropolitics between the basin riparians' (Dinar 2002). One illustration of this is that Nepal has been unable to negotiate effectively with India over shared water issues because of numerous domestic distractions (political upheaval, insurgency etc.). In contrast, Bhutan, with fewer domestic non-water-related considerations for the policy, has been able to reach more satisfactory negotiation outcomes with India (Hanasz 2015). Hill also cites the example of India's bureaucracy as another domestic, non-water-related challenge to positive transboundary water interaction (Hill 2015).

At the same time, global trends can 'also exert influence on cooperation, given the history of ideas and experience regarding international waters that nations and their partners contemplating cooperation can draw from' (Petersen-Perlman & Wolf 2015). More importantly, the cultural context and the sense of rights or entitlements to water also shape the claims that states make on transboundary basins:

'[f]actors such as commonly held beliefs about the river flowing through one's nation and legacies of use and management under legal and

constitutional instruments shape how people perceive these rights. Culture and tradition related to water also often instil values that influence how rights are perceived.' (Petersen-Perlman & Wolf 2015)

Because of this, Petersen-Perlman and Wolf (2015) argue that '[i]t is necessary both to address past and present grievances as a prerequisite for market-driven solutions' for good water governance. There have in the past been many initiatives in the Ganges–Brahmaputra–Meghna basin to resolve past water-related grievances, but changing the way riparians think about shared water resources is difficult. As Hill suggests, '[g]iven how politically contentious many parts of the region already are, this will be a long and unenviably difficult process and there are no guarantees of any success in this regard' (Hill 2015).

Moreover, reaching a water-sharing treaty or agreement is not necessarily the same as establishing good water governance. A treaty may, in fact, 'sustain the conflict it was intended to transform' (Zeitoun & Mirumachi 2008), while disputes over water are not always undesirable: 'Tensions may lead to resolution of conflict and thus be considered in a positive light' (Zeitoun & Mirumachi 2008). At the same time, a negotiated agreement is neither the beginning nor the end of hydropolitics between riparian states. As Tiwary points out, '[t]he politics (national or domestic) over water do not abruptly end with an international treaty; it just enters a new phase of inter- and intra-nation level scrutiny and criticisms' (Tiwary 2006).

Long-term engagement is, according to Pohl et al., the only appropriate approach to successfully building trust in a system of transboundary water interaction (Pohl et al. 2014). But even in the long term, cooperation cannot be guaranteed. There are no one path to cooperation and no certainty for the external actors that they will resolve conflicts.

Because of the complex nature of transboundary water governance and the inherent unpredictability of complex adaptive systems, international actors alone are unable to directly bring about positive water

interaction between riparians. They may, however, to some extent influence the conditions from which cooperation may emerge. For example, donors and international organisations could address underlying historical grievances between riparians and thus, in the long term, build trust. Third parties could also work with states to convey the sense of a transboundary water crisis and thus build political will for cooperation. Last, external actors could continue bringing together government and non-government actors into dialogue on issues of mutual importance.

International actors could also play a role in building and strengthening transboundary water governance institutions. As Earle et al. argue in relation to the Ganges–Brahmaputra–Meghna basin,

‘There is now a strong need for setting up an institutional, systematic, and collaborative river water management mechanism in the basin. Basin-based institutions can help to reduce uncertainty surrounding Ganges-Brahmaputra riparian relations, which has been the bane of the region for a long time. If successful, these institutions can possibly shift the focus from disconnected and short-term interactions of the riparian countries into a continuous relationship that has scope for future routine gains.’ (Earle et al. 2015)

When foreign aid donors and international organisations are accepted as neutral third parties, they may be able to facilitate dialogue between in-basin actors who may otherwise be distrustful of each other. As Petersen-Perlman and Wolf (2015) point out,

‘[t]hough it is not possible for third parties to create a conducive, political environment alone, they can provide incentives both directly and indirectly to cooperate through playing a brokerage role: 1. Providing technical competence and examples of best practices 2. Assisting in negotiation and mediation skills, including the provision of legal and other water experts 3. Facilitating investments in transboundary settings’

External actors may have an especially important role to play in hydropolitics characterised by great power asymmetry

between riparian states. Zeitoun and Jägerskog urge that ‘[w]e must keep our eyes open to recognise and confront the reality of power asymmetry, basin bullies and coercion in order to achieve effective cooperation’ at all levels and in all spheres of water governance (Zeitoun & Jägerskog 2009). This, they argue, ‘makes the role of third-parties all the more crucial’ (Zeitoun & Jägerskog 2009).

11. Conclusion

There are no one path to cooperation and no certainty for the third parties that they will resolve conflicts. Numerous factors play into the dynamics within dispute resolution processes and the contexts in which they occur: culture, domestic politics, trust (or lack thereof) between parties, power asymmetries, issue power, the presence or absence of third parties etc. While all these, and other, factors define the outcome of interactions, dialogues and negotiations, they do not predetermine them. This is an important insight considering the increasing involvement of international aid donors in transboundary water governance and the growing importance of cooperation in reducing water conflict.

The main argument here is that international actors may be able to play a role—albeit a highly circumscribed one—in creating the conditions necessary for transboundary cooperation to emerge, if they are invited to do so. Facilitating Track II Dialogue is just one of the many different paths towards good water governance. It can—and should—be taken as part of a multi-pronged approach to resolving water conflicts and establishing water justice. Track II Dialogue can, for example, be a complementary process to creating structures for river basin governance such as River Basin Organisations. But taken alone, Track II Dialogue cannot create cooperation between riparians. As Jones (2015) points out, ‘real peace is made as a result of a complex and interlocking web of factors, and ...Track Two, however important in getting a dialogue going, is but one of these.’

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