



Mahakali River, Nepal
Photo: Oxfam

TROSA LEARNING BRIEF

ISSUE 7/MAY 2020

SECURING LOCAL GOVERNMENTS' COMMITMENT IN TRANSBOUNDARY WATER GOVERNANCE

THE DHANGADI DECLARATION IN NEPAL



Oxfam and TROSA support



EXECUTIVE SUMMARY

TROSA began work in the Mahakali basin in 2017 with local partners (NEEDS, RUDWUC, RUDES, and Sankalpa) with the aim of increasing access, rights to and control of water resources of the local riparian communities. The project envisaged positive change at national levels to be stimulated by successful examples of working across scales from local to district to national levels by working with policy champions and creating safe spaces for dialogues and

gathering government commitment and ownership. The Dhangadi Declaration 21st March 2018 is one such commitment secured at the sub-national level in Nepal which presents a potential segue into transboundary and basin level commitments for inclusive water governance initiatives. The priorities within the declarations were unanimously set by all concerned stakeholders.

The Mahakali Basin



Map of Ganges river basin showing the Mahakali river basin (in red circle). Courtesy: ICIMOD

The Mahakali River (also known as Sharda river in India) demarcates Nepal's western boundary with India. The river flows through the Far-Western Development Region of Nepal and through the states of Uttarakhand and Uttar Pradesh in India. The river is the lifeline for survival and prosperity for people in Nepal's far-western region. Communities have long experienced hinderances and impacts to their livelihoods due to high floods in the wet seasons on its tributaries and due to infrastructure development. There is a long felt need for greater transparency, public

disclosure and creating spaces for effective bilateral agreements and cooperation. Emerging issues like water pollution and other economic activities like mushrooming small businesses and hotels have put additional pressures on the riverine ecosystem as well as challenges related to communities. Often these challenges are linked with weak local government policies and low level of community involvement and stakeholders' convergence in policy formulation processes and local governance dialogues.

Policy and Practices at bilateral and local levels

At the bilateral level, earlier agreements between Nepal and India focused on water sharing and infrastructure and development. The Mahakali Treaty concluded between Nepal and India, on February 12, 1996 is said to be on an 'equal footing' unlike other agreements/treaties on water resources before. However, the provisions of the treaty have not been implemented even after more than two decades of its enforcement.¹

Nepal's entry into the federal system of governance in 2015 has been a major enabling factor for policy influencing at the local and provincial levels.

At the local level, the Chief District Officer (CDO) of Nepal and District Magistrate of India meet regularly to discuss river-related issues like pollution and early warning for floods. Other locally initiated practices led by Indo-Nepal joint Action Forum (INJAF), Journalist networks, community-to-community loose networks between Nepal and India and basin-wide Mahakali Samad (River dialogues) have provided valuable opportunities for the dialogues and discourses along socio cultural ties between the communities of the two riparian nations.

TROSA's equity approach to securing government commitments

The TROSA approach is hinged on the premise that when local riverine communities are given increased access to and control over water resources, their rights can be balanced with national interests and economic activities. Policy and decision-makers in both government and the private sector are more

likely to respect the rights of communities when they are aware of the impact of their decisions on communities and their livelihoods; when they are aware of public and international opinion on the issues; and when they are aware of international standards, and relevant laws and regulations. For water

1

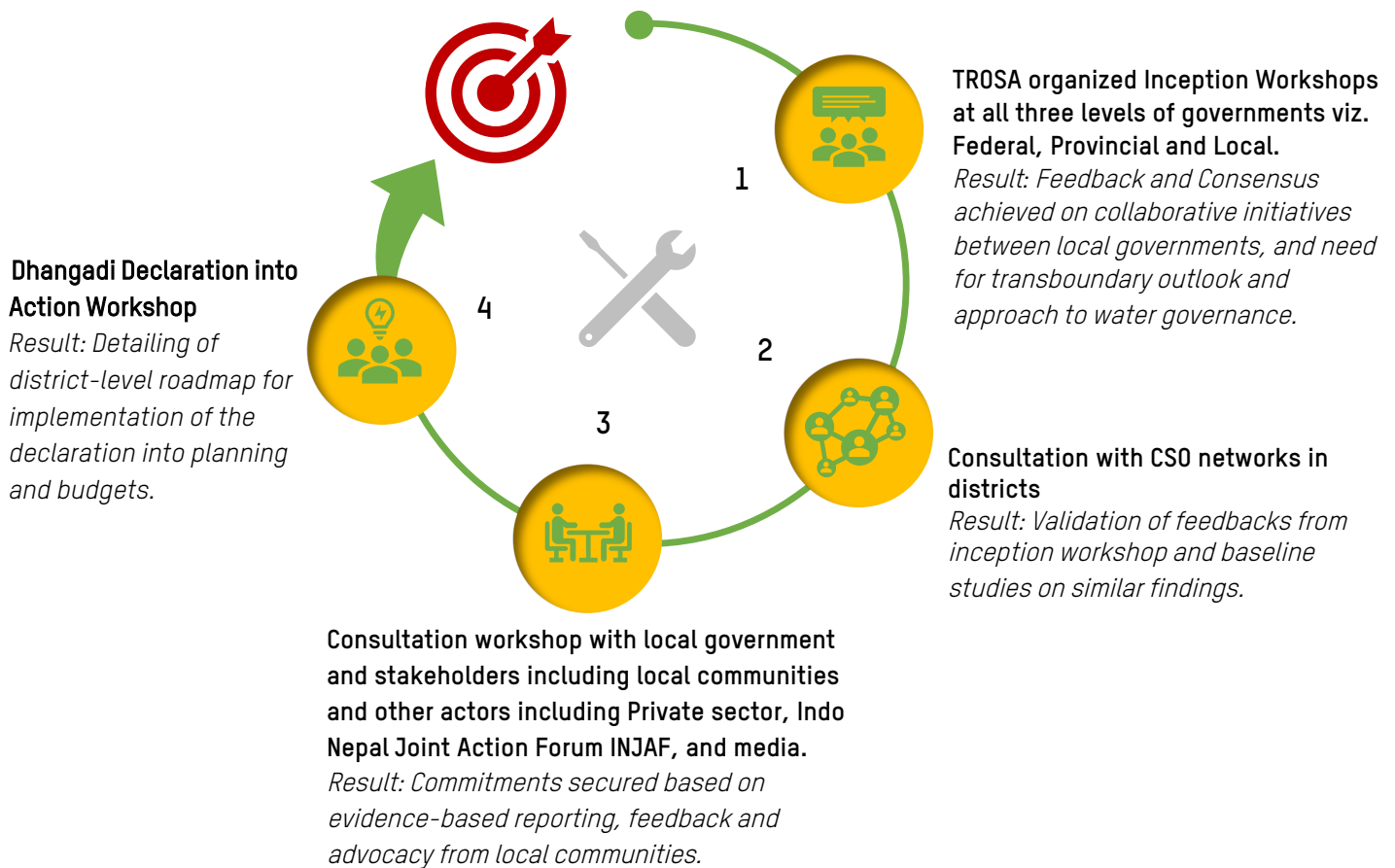
<https://iwaponline.com/wp/article/22/4/658/74734/Mahakali-Treaty-delay-in-implementation-and>

resource decision-making to be truly inclusive and respectful of communities' rights, government and private sector actors need to adjust their policies and practices.

To make this equity approach work, the TROSA strategy uses local people's participation and

dialogues as a primary tool to address inclusive governance and management of shared water resources. In doing so, social inclusion works as a policy instrument for a high-level framing of the transboundary approach.

How Dhangadi Declaration was achieved



The Commitments – What’s on paper

Dhangadi Declaration, 2018

Governor of Province 7, Honorable Mohan Raj Malla, Mayors and Chiefs of District Coordination Committees from Kachanpur, Dadeldhura, Baitadi and Darchula district, Deputy Mayors of municipalities and rural municipalities of Mahakali River Basin, and Civil Service Organizations working in transboundary water governance issues pledge to protect the rights of riverine communities both from Nepal and India on March 21. They have signed a 6-point declaration to ensure that the rights of the riverine communities are protected.

Dhangadi Declaration

Agreed on 21 March 2018 (2074/12/7 BS), Province 7, Dhangadi, Nepal

1. We commit to address the transboundary water issues and improve the livelihood of the vulnerable Mahakali river basin communities of both Nepal and India through appropriate policies and programmes.
2. We commit to set up and implement institutional policies by conducting research on topics like appropriate utilization of river resources, conservation of bio-diversity and rights of river basin communities etc. for the effective implementation of community-centric plans and sustainable management of the river.
3. We commit to playing an effective role for collaboration and cooperation with Local Government for improved water governance and overall development of vulnerable communities living in the Mahakali river basin.
4. We commit to work in cooperation with Civil Society Organizations, government and non-government actors to empower and ensure water rights of vulnerable women along the Mahakali river basin.
5. We commit to set up Federal and Provincial Level Expert Commission on Mahakali River basin in consultation with concerned stakeholders for conservation, utilization and overall development of the Mahakali River.
6. We commit to urging Government of Nepal to set up transboundary Mahakali river Commission as provisioned in Mahakali Treaty between Nepal and India for conservation, utilization and overall development of the Mahakali River.



LEARNINGS

1. Participatory approaches including collaboration with the federal, provincial and local governments right from the project design/ Inception phase helps to secure ownership for the project by the main actors. Joint workshops between provincial and local governments played a major role in better understanding and building consensus on the riverine issues. A mechanism that allows feedback collected from the communities if validated through baseline and CSOs consultations helps to understand the key challenges and their root causes as well as way forward.
2. Personal interest and commitments of newly elected local governments can help bring exigency on the issues to be included in the local-level policy formulation and planning exercises.
3. Follow-up consultation is critical. In the case of Mahakali Declaration, it led to budget allocations for different projects, priority to include riverine issues in the annual budget plan of the Government. It helped to develop detailed joint action plan including those related to tourism-related activities in the Mahakali. For example, Bhimdatta Municipality developed and endorsed Sand mining guideline, Fisheries Guideline and others municipalities committed to develop similar policies.
4. Voices of women and media can be powerful catalysts in bringing urgency to issues and expediting policy processes. The members of Women Empowerment Centers (WECs) lobbied with the local government reminding them of the commitments in the Dhangadi declaration.
5. The sustainability of Nepal's new federal system is questioned because the local structures are not yet capable in most cases such as in water related issues, access to clean drinking water and irrigation facilities, etc.

WAY FORWARD

1. Similar parallel activities to be continued in the Uttarakhand state in India.
2. Enhanced interaction program among local governments of Nepal and India through Mahakali Sambad.
3. Supporting riverine communities through leadership program, capacity building and livelihood support initiatives.
4. Continued interaction with CSOs and local networks for the community's dialogues involving other stakeholders to keep active dialogues for cooperation.
5. Support communities to develop evidences for evidence-based advocacy e.g. citizen science to collect data and lobby to protect Mahakali river.
6. Regular follow-up and coordination with governments to remind of the commitments in the Dhangadi declaration.

About TROSA

TROSA is a five year (2017-2021) regional water governance programme being implemented in the transboundary river basins of Ganges-Brahmaputra-Meghna (GBM) in Nepal, India and Bangladesh and the Salween in Myanmar. Adopting a human-rights based approach, TROSA facilitates river dependent communities' participation in water governance and help them uphold their rights to water. As part of this, it also supports and promotes multi-stakeholder partnerships and collective action for inclusive water governance policies and practices at various levels. TROSA is funded by the Government of Sweden and managed by Oxfam.

Author: Sameer Singh, Oxfam in Cambodia

Disclaimer: Views expressed in this brief are those of the author and don't represent the views of the Oxfam or Government of Sweden.

The views and opinions expressed in this learning brief do not necessarily reflect those of Sida. The designation of geographical entities in this brief, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of Sida or the Government of Sweden concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.



info.trosa@oxfam.org



[@RiversTROSA](https://twitter.com/RiversTROSA)



[@RiversTROSA](https://www.facebook.com/RiversTROSA)

Supported by:

