



# The institutionalization of River Basin Management as politics of scale – Insights from Mongolia



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## SUMMARY

River Basin Management (RBM) as an approach to sustainable water use has become the dominant model of water governance. Its introduction, however, entails a fundamental realignment and rescaling of water-sector institutions along hydrological boundaries. Creating such a new governance scale is inherently political, and is being described as politics of scale. This paper analyzes how the politics of scale play out in the institutionalization of RBM in Mongolia. It furthermore scrutinizes the role of the broader political decentralization process in the introduction of RBM, an issue that has so far received little attention. Finally, it assesses whether the river basin is an adequate water management scale in Mongolia.

This article finds that institutionalizing RBM in Mongolia is indeed a highly political negotiation process that does not only concern the choice of the governance scale, but also its detailed institutional design. It furthermore reveals that Mongolia's incomplete political decentralization process has for a long time negatively impacted the decentralization of water-related tasks and the implementation of RBM. However, the 2011 Budget Law and the 2012 Water Law provide for a fiscal strengthening of local governments and clearer sharing of responsibilities among the various different institutions involved in water management. Nevertheless, only if the 2012 Water Law is complemented by adequate by-laws – and if the newly created river basin institutions are adequately equipped – can RBM be effectively put into practice.

This article confirms the usefulness of a politics-of-scale approach to understand scalar practices and changes in water management. However, the article also argues for a broadening of the analytical perspective to take the interdependencies between changes in water governance and other political processes, such as decentralization, into account.

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## 1. Introduction

Integrated Water Resources Management (IWRM) has become the dominant paradigm for water policies in many countries. The concept is often understood to promote the river basin as the appropriate scale for water governance (e.g. Dublin Principles 1992, Agenda 21, Chpt. 18.9 1992).<sup>1</sup> A recent UN-survey of IWRM implementation in 130 countries indicates that 87 per cent of these countries have actually adopted River Basin Management (RBM),

even though with a varying degree of success (United Nations Environment Programme, 2012). While RBM is supposed to foster holistic management of the resource in terms of vertical and horizontal coordination among levels of government and government sectors and to facilitate necessary stakeholder participation (Mostert, 2000), its implementation is often challenging. In most countries, water governance follows traditional multi-level jurisdictions which rarely correspond to hydrologic boundaries. The implementation of RBM thus often requires far-reaching reforms in order to realign institutions and organizations along the scales of river basins. Decentralization and participatory decision-making play a key role in this process as they are believed to improve adaptation to local conditions, enhance the use of local knowledge and institutions, and ensure the greater involvement of stakeholders (Kemper et al., 2010). Rescaling water governance and institutionalizing RBM is also a highly political process because it inevitably shifts the decision-making powers which are in place (Dombrowsky et al., 2010;

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<sup>1</sup> Note that different interpretations of IWRM exist. Conca argues that IWRM represents a deviation from the principle of territoriality (Conca, 2006. *Governing Water. Contentious Transnational Politics and Global Institution Building*. The MIT Press, Cambridge, MA S.I. Water governance scales).

Saravanan et al., 2009; Schlager and Blomquist, 2008) and involves socio-economic and political trade-offs (Kemper et al., 2010).

In Mongolia, these challenges of implementing River Basin Management – as foreseen in its Water Laws of 2004 and 2012 – are further complicated by the country's overall condition of economic and political transition. While the Mongolian economy was long based on pastoralism and its political system dominated by the Soviet influence, far-reaching changes have occurred since the early 1990s and are still ongoing. The economic transition from a socialist to a market economy is characterized by the boom in the mining sector and by a significant growth in livestock for cashmere production. This also implies changes in land and water use: from largely pastoral use and overall sustainable exploitation of natural resources to current problems of resource depletion and pollution as well as growing competition between pastoralism, agriculture and the highly water-intensive mining sector (Priess et al., 2011). The main pressure on water resources arises from the following phenomena (e.g. Dolgorsuren et al. (2012: 353 ff.): mining activities (causing pollution from release of toxic substances and fine particles, destruction of riparian vegetation and water overuse; two inter-basin water transfer projects for water supply to mining sites in the Gobi Desert are under preparation<sup>2</sup>) (Janzen et al., 2007; Steckling et al., 2011); urbanization and the expansion of domestic water use (resulting in the degradation of water quality); climate change (including an increase of potential evaporation, a potential increase in precipitation, changes in surface-water flows and lake levels, loss of soil moisture and land degradation) (Batima et al., 2005; Dolgorsuren et al., 2012; Malsy et al., 2012; Menzel et al., 2008; WWF Mongolia, 2007); the increase of livestock (causing land degradation, erosion, bacterial contamination around urban areas, nutrient pollution); the planned expansion of irrigated agriculture (resulting in increasing competition over water resources) (Priess et al., 2011); and deforestation (triggering reduced water storage in catchments, changes in river regimes, erosion and the destruction of riparian vegetation (ibid.).

Addressing these multiple and increasing challenges regarding water resources and other environmental concerns requires strong institutions. However, institutions and public administrations for environmental governance at all levels are undergoing important changes too.

The political transition includes a shift from a one-party system and central planning to a parliamentary democracy and – slowly progressing – decentralization (Lkhagvadorj, 2010). The incomplete political and fiscal decentralization (Lkhagvadorj, 2010; Mearns, 2004) and insufficient state control and legal systems (Basandorj and Singh, 2008; Ykhanbai and Bulgan, 2006) have complicated environmental governance since the 1990s. After the dismantling of formal regulatory institutions for the sustainable management of pastures in the 1990s, weakened traditional institutions have increasingly been unable to control land use, which resulted in overgrazing and desertification (Jamsranjav, 2009). In the water sector, central planning through a water ministry during the socialist era was followed by institutional uncertainties and an administrative vacuum in the sector until major reforms were decided in 2004. Monitoring, control and pricing of water use and wastewater is largely insufficient (Basandorj and Singh, 2008; Livingstone et al., 2009). Water use throughout the country is also inefficient due to lacking or outdated infrastructure, both in the irrigation and in the sanitation sector.

However, legal reforms in recent years regarding land and water use are beginning to restructure these sectors. In the face of rapidly increasing environmental degradation and of the above-mentioned trends towards higher demand and a diminishing supply of water resources, the Mongolian government decided to adopt the approach of IWRM as the guiding principle for water governance. The 2004 Water Law included the creation of river basin councils (RBCs) as participative stakeholder fora, and the development of a national IWRM strategy. RBM shall be further strengthened by the new Water Law of 2012 including the introduction of river basin administrations (RBAs) as governmental authorities. Even if water governance becomes increasingly decentralized and participative, the institutionalization of RBM remains challenging. As our study reveals, shortcomings of the decentralization process have also negatively impacted river basin governance. Furthermore, the politics of scale, i.e. the politics behind the choice of river basins as the new scale for water governance, also play an important role in these dynamics (Horlemann and Dombrowsky, 2012).

Against this background, this paper analyzes the introduction of RBM in Mongolia as a rescaling process. De facto, three different rescaling processes take place at the same time: the political decentralization; the decentralization of water management tasks to local authorities; and the implementation of RBM, including the creation of river basin councils (RBCs) and river basin administrations (RBAs). All three processes entail conflicts, negotiations and trade-offs between and within scales. Building upon previous work by Horlemann and Dombrowsky (2012) on problems of fit and interplay in the Mongolian water sector, this paper analyzes the rescaling of water governance in the country and seeks to answer the following research questions: (1) How does the political context of decentralization affect the rescaling of water governance, including the implementation of RBM?, (2) How do the politics of scale play out in the institutionalization of RBM, including related conflicts on scale issues? and (3) Is RBM the appropriate scale for managing water in Mongolia?

The structure of the paper is as follows: Section 2 presents the theoretical approach of the analysis. Section 3 provides an overview of the material and method used in this case study. Section 4 presents the three different rescaling processes affecting the Mongolian water sector, namely political decentralization (4.1), the decentralization of water management (4.2), and the implementation of RBM (4.3). Section 5 discusses these three rescaling processes with respect to the three research questions and interprets them in the light of the “scale debates”. Finally, Section 6 concludes the paper and points to the need for further research.

## 2. Theoretical approach

Research on the links between the appropriation of nature and the construction of scales essentially emerged in the 1990s from human geography (for a historical overview see Howitt, 2000; MacKinnon, 2010) and has provoked partly heated debates between various different scholars – especially geographers, political scientists and political ecologists – for over two decades (Norman et al., 2012). Different understandings of the term ‘scale’ coexist within the social sciences alone (Marston, 2000; Perramond, 2012). However, ‘scales’ are generally understood in these debates as spatial concepts of socio-political phenomena, whose continuous construction, deconstruction and reconstruction express a “social struggle for power and control” (Swyngedouw, 1997). ‘Politics of scale’ refer to the strategic mobilization and use of these scales for the interests of the different actors. While environmental governance is a prominent field of study in this context (Boyle, 2002; Görg, 2007; Meadowcroft, 2002), a specific and

<sup>2</sup> The currently major mining site is the Oyu Tolgoi copper and gold mine in the Gobi Desert operated by the world's second largest mining company, the Anglo-Australian Rio Tinto in partnership with the Mongolian Government and the Canadian company Ivanhoe Mines. Many other Mongolian, Chinese, US, Australian and other companies are active on other sites. Additionally, many formally registered small to large-sized mining companies and a high number of informal, artisanal miners operate in the country.

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