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Power, Hegemony and Critical Hydropolitics

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- Hydro-hegemony is hegemony active at the basin scale, and occurs where control over transboundary flows is consolidated by the more powerful actor.
- Four forms of power can be used to evaluate hydro-hegemonic situations: geography; material power; bargaining power; and ideational power.
- Explicit consideration of the perspective of the non-hegemonic actor(s) can provide valuable insight into the process and outcome of transboundary water interaction.
- Testing of the theoretical concepts by mid-level water managers suggests that not all forms of power are equal, with material and bargaining power counting more than geographic position or ideational power, for instance.
- It was also found that what is labelled as 'cooperation' is not always as intended, and distinctions should be made between 'non-cooperation', limited or dominative-type 'cooperation', and comprehensive cooperation.

Introduction

This chapter may be considered a 'primer' on established and emerging critical hydropolitical theory. It intends to contribute to the theoretical underpinning necessary for the effective interpretation and implementation of transboundary water management (TWM). The chapter focuses on the role of power and hegemony in particular, as a complement to the wide range of issues covered in the following contributions to this volume (including international water law, groundwater science, stakeholder participation and negotiations). The theoretical developments reviewed are based on recent experience in developing, testing and debating aspects of critical hydropolitical theory with academics and practitioners from a wide range of disciplines, primarily in the Middle East and North Africa.

This chapter takes as explicit the base assumption that TWM is a political process. It is thus subject to the fundamentally political processes of control, utilization and allocation, just as it is to the laws of nature and the physical processes of the hydro-cycle. Earle et al (see Chapter 1) have it right, in other words. Policy makers and politicians have the greater leverage over the direction that transboundary water interaction will take (see

Figure 1.1, Chapter 1). Application of critical hydro-politics is thus useful for interpretation of the power plays that grease or block the cogs of the decision-making machinery. Observing interstate interaction from inside and outside these processes on the Nile, Jordan, and Tigris and Euphrates River Basins, we argue that various riparian states are endowed with highly asymmetric capacity to use both overt and covert forms of power. As we will see, overt and covert forms of power are also commonly understood as, but not directly analogous to, 'hard' and 'soft' forms of power. We assert that the power asymmetries determine to a significant (not total) extent the fundamentally political distributional issue of 'who gets what, when, where and why' (Lasswell, 1936).

The framework of 'hydro-hegemony' is used as an analytical approach by which to flesh out and test the assertion. The approach recognizes that a characteristic common to most international river basins is the existence of 'hydro-hegemonic' configurations based on power plays, including in the influence of transboundary institutions and regimes. Hydro-hegemony is taken as 'hegemony at the river basin level, achieved through water resource control strategies ... that are enabled by the exploitation of existing power asymmetries (Zeitoun and Warner, 2006). In other words, the more powerful basin state can exploit its advantage in a number of ways to ensure the configuration is in its favour. But an advantage in power does not necessarily mean an inequitable outcome. The hydro-hegemon (HH) also has the ability to lead on the basin, and create a more optimal outcome for all parties. This essentially occurs when this is perceived to bring gains to the hydro-hegemonic riparian, namely in terms of additional allocation of water resources. Furthermore, the so-called weaker ('non-hegemonic' is the preferred term) states are not always as weak or optionless as they are credited to be. Deeper examination of each case reveals evidence of counter-hegemonic mechanisms employed by the non-hegemonic states, with the aim to change the outcomes of water control and allocation towards a more equitable configuration (Cascão 2008a).

A more nuanced point that this chapter hopes to make is that power and hegemony also deter-

mine the perceptions and practices of those of us involved in transboundary interaction analysis or implementation. Perspective takes on even greater analytical importance when considering the fixed mindsets related to established hegemonic configurations on river basins. We contend that explicit consideration of the perspective of the non-hegemonic actor(s) offers valuable insight into the process and outcome of transboundary water interaction. A more interesting and revealing picture may be found by considering the case of the 'underdog', in other words.

The first part of this chapter reviews the literature to offer the reader an update on hydro-politics theory. The second part reviews the theoretical fundamentals of hydro-hegemony and counter-hydro-hegemony theory. The third part tests, refines and substantiates the theory, through extensive feedback from practitioners, chiefly during the TWM training programme for the Middle East and North Africa (MENA) region. The Jordan, Nile, and Tigris and Euphrates contexts are primarily drawn upon throughout, though a wider discussion also includes examples from North Africa. The chapter concludes with thoughts on the applicability of critical hydro-politics to the cases, issues and features of TWM described in the following chapters of the book.

Updating 'Hydro-politics'

This section intends to lead to a more robust understanding of theories associated with hydro-politics, and to demonstrate its utility to real-world situations. Attempts to define 'hydro-politics' are rare, and an accepted and clear definition is not likely to be established any time soon. Attempts even to define it are rare enough. Turton (2002) picks up on the distributive issue in his definition of hydro-politics as 'the authoritative allocation of values in society with respect to water'. We can add to this definition by explicit incorporation of the role that power plays as an essential feature of water conflict and cooperation in practice.

We take *politics* in its broadest sense: 'who gets what, when, where and why?' (Lasswell, 1936).

The question is answered only by considering how political decisions of distribution and allocation of resources (namely natural, political and financial) are made. Allocative politics are affected by their socioeconomic and political contexts, of course, at multiple scales (from the individual to the global). As the allocation of resources in each dimension of each context tends to be asymmetric, our analysis must also answer the crucial question of ‘who gets left out?’ of the equation (Markovitz, 1987).

The bulk of academic hydropolitical research has concentrated on basins in the Middle East and North Africa (e.g. Waterbury, 1979; Falkenmark 1989; Wolf, 1998; Elhance, 1999; Allan, 2001). Hydropolitics has also been strongly associated with the ‘water wars’ concept, wherein interstate armed conflicts were expected to occur in any number of ‘hydropolitical security complexes’ such as the Tigris and Euphrates (Schulz, 1995). The analytical dyads of ‘water–conflict’ and ‘water–security’ are among the major forms of bias in the hydropolitics literature. The consistent association of hydropolitics with conflict or security issues has led to an impoverished debate and hindered understanding of hydropolitics as a dynamic and ongoing process involving several other key dynamics – notably society, environment and culture. Sales-driven news media and books hyping water wars are as plentiful as they are unhelpful for any illumination or insight into the complex dynamics, yet they persist (e.g. Bullock and Darwish, 1993; Thomson, 2005; *The Independent*, 2006; Lewis, 2007).

In part a response to the hype surrounding water and violent conflict, students of hydropolitics have focused on transboundary water cooperation. The quantitative work led by Aaron Wolf on the Transboundary Freshwater Dispute Database (e.g. Wolf, 2002; Wolf et al, 2005) has been instrumental in demonstrating that cooperative forms of interaction over transboundary waters are not exceptional. Another strand of quantitative research has been dedicated to the prediction or examination of causal factors of international water conflicts, primarily by the Peace and Research Institute of Oslo (see, for example, Toset et al, 2000). The findings have shown few direct links between water and violent

conflict with such criteria as a state’s physical size or level of democracy (Gleditsch et al, 2006; Hensel and Brochmann, 2007; Brochmann and Hensel, 2008).

The analytical tool of choice for many of these authors is the conflict–cooperation continuum (Delli-Priscoli, 1996; NATO, 1999). Knowing that conflict and cooperation are in fact ever-present and may be two sides of the same coin rather than opposing ends of a spectrum, we begin to gather that a continuum may be the wrong tool for the job. Not all conflict is necessarily negative, and some forms of ‘cooperation’ can be based on coercion, or temporary submissiveness.¹

Understanding relations over transboundary waters in terms of *interaction* rather than conflict or cooperation has implications for policy makers and academics in a number of ways. Practitioners involved in stakeholder participatory processes, for example, may want to consider whether the inclusion of weaker parties in a process is genuine rather than token (see Krantz and Mostert, this volume Chapter 7). Analysts examining a non-violent international conflict over water issues may similarly wish to look deeper than the statements from officials of all sides as evidence of ‘cooperation’. Understanding coexisting conflict and cooperation also facilitates the work of those from both groups involved in the design and execution of negotiation strategies at the multilateral level, or in the development of positive-sum solutions addressing water and benefit-sharing paradigms in a balanced manner (see Daoudy, this volume Chapter 4; Granit, this volume Chapter 10; and Jarvis and Wolf, this volume Chapter 9).

Water politics brings to political science theory many peculiarities of the resource itself, only two of which are touched upon here. First, in a very strong sense, the distributional issue for water – the ‘what’ question – is not only about quantity. The *quality* of water in many cases matters as much as the volumes concerned, though the issue is not addressed further here. A second unavoidable peculiarity of water that shapes its politics is its fluid nature. The movement of flows across static political boundaries in a sense stitches otherwise unwilling states – and their political economies – together. The ‘who’ question thus becomes

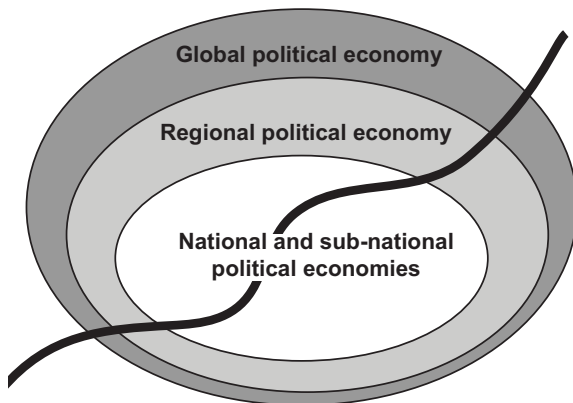


Figure 3.1 Rivers run through them: transboundary waters spanning all levels of political economies

complex quite quickly. As shown in Figure 3.1, the resource passes through sub-national to global levels. Reconciling the interests and contexts of two or more neighbouring states is as significant a challenge as it is to satisfy competing demands of various economic sectors and activities at the sub-national level. But reconciling interests at the global or regional/basin level is even more challenging than at national level, taking into account that clear transnational political tools are not yet available. The challenge is exponentially compounded when each entity is part of global or regional international systems, wherein parallel power games are also played.

The implications that the fluid nature of water have on notions of deeply held convictions and state sovereignty should not be under-emphasized. As with the implications of clear-cut harvesting half of a transboundary forest, it is insufficient for a state to claim territorial rights of exploitation without consideration of the effects – the possibility of spread of disease or loss of species habitat, in this case – on the neighbouring state. Transboundary waters are an even more direct challenge to sovereignty, for it is not only the effects of exploitation that must be considered, but physical sharing of the resource itself. Chapter 5 on TWM and law by McIntyre delves into this subject deeper.

With an appreciation of such insights in mind, our *critical* engagement with the ‘who/what/when/where/how’ question must address

asymmetric power relations. A strict realist interpretation would see power as the ultimate determinant of the outcome of a competition for a transboundary resource. However, another embedded idea of critical hydropolitics is that power relations are not an irreversible or a static reality; the *status quo* does not last forever. Power, and power asymmetry, are constantly being contested and challenged (Cascão, 2008a). While the basin hegemon is typically stronger in all fields of the various forms of power, it certainly does not follow that the non-hegemonic riparians are ‘powerless’. As we will see, non-hegemonic riparians have capacities of bargaining power in particular which can be the main element of counter-hegemonic strategy. Through increased use of bargaining power, the non-hegemonic riparians can in theory ‘level the playing field’, influence the regional agendas and negotiations, and might contribute to change the hegemonic configuration in the basin.

Power and Hegemony over Transboundary Water Resources

Given the enabling role that power plays in the allocative politics of transboundary waters, it is necessary to be able to conceptualize power in a useful manner. The breadth of the subject at hand and the very peculiar nature of each basin mean it is not surprising that there is no common template that can be used to interpret all transboundary contexts. It is nonetheless helpful to group contexts according to specific criteria – in terms of the character of the control exerted, for instance, as shown in Figure 3.2.

At the right-hand extreme of the continuum, control over the transboundary waters is openly competed for, sometimes in somewhat hostile political environments. Wegerich (2008) suggests that this is the case in post-Soviet Central Asia, and in particular in the Amu Darya Basin, where downstream Uzbekistan is now obliged to confront actions both threatened and carried out by the relatively weaker upstream Tajikistan. At the opposite extreme is the cooperative form of interaction, based on the principle of full equality, and manifested in terms of

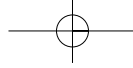


Figure 3.2 Range of forms of interaction over transboundary water resources

Source: based on Zeitoun and Warner, 2006

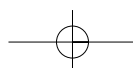
economic integration, equitable distributive politics and collective decision-making processes. The European Union serves to exemplify, where the EU Water Framework Directive envisions shared and equitable control of transboundary water resources. In such a cooperative context, for example, The Netherlands can hold sway over much 'bigger' upstream powers such as Germany, for instance (Warner, 2008; de Silva and van der Zaag, 2009).

The bulk of current transboundary water interaction lies conceptually between these two extremes, however – where control is shared in principle, but not in practice. For the purpose of this chapter, this middle area is characterized as hegemony, where the 'first among equals' carries more relative power. Control of water resources in this position is consolidated in favour of the most powerful riparian state. There may be overt or covert competition for the water, but it is generally stifled through a variety of strategies and tactics which rely in turn on both overt and covert expressions of power, discussed in Zeitoun and Warner (2006) and elaborated upon here.

Forms and fields of power

The original work on hydro-hegemony was developed from examination of three MENA transboundary water contexts – the Jordan, Nile, and Tigris and Euphrates Basins. The study revealed that open or 'overt' forms of power – such as 'material' power in the form of military force or economic juggernauts – are not as common as the water wars hype would make them out to be. The same and similar studies showed that in fact more hidden 'covert' forms of power were much more prevalent in transboundary water contexts. Both covert and overt forms of power have at least two aspects, or 'fields', associated with them:

- *Geographical power.* One of the most influential types of overt power is that of riparian position. The importance of a state's position on a river was conceptualized most robustly by Frey and Naff (1985). It relies on the distinct advantage that geography provides to an upstream state to manipulate the flows, i.e. to dam or divert them. In the Tigris Basin, various Turkish governments have been exploiting this position with the continued construction of the Southeastern Anatolia Güneydo u Anadolu Projesi (GAP) project. Consideration of Egypt's downstream yet dominative position on the Nile, however, shows that geographic position can be less influential and determining than other fields of power (see Nile case study, this volume Chapter 13).
- *Material power.* This most visible form of power includes economic power, military might, technological prowess and international political and financial support. India's ability to undertake a massive river interlinking programme, with little consideration of the upstream or downstream protestations from Nepal and Bangladesh, serves as an example. Asymmetries in material power can influence the control exercised over water, in particular when combined with bargaining and ideational dimensions of power.
- *Bargaining power.* This field of power refers to the capability of actors to control the rules of the game and set agendas, in the sense of their ability to define the political parameters of an agenda (Bachrach and Baratz, 1962; Lukes, 2004). It is also evident in the power of actors to influence the terms of negotiations and agreements, through their ability to provide and/or influence incentives that may encour-



age weaker parties to comply (Lustick, 2002; Zeitoun, 2006). The relations between actors are crucial in determining the applicability of bargaining power. If each is legitimate in the eyes of the other, an actor with much less capacity in the material dimension of power may still retain influence over the so-called stronger actor. Daoudy (2009), for instance, recognizes the leverage that Syria was able to generate from linking non-water issues (e.g. regional security, political alliances) in its Tigris and Euphrates negotiations with the much ‘stronger’ Turkey.

- *Ideational power.* This dimension refers to ‘power over ideas’ (Lukes, 2004) which represents the capacity of a riparian to impose and legitimize particular ideas and narratives. In sum, ideational power allows the basin hegemon to control the perceptions of the allocative configuration of the societies both in its own country and in the neighbouring riparian countries, thereby reinforcing its legitimacy. An abstract conception, ideational power may be exercised through knowledge structures, sanctioned discourse and the imposition of narratives and storylines (see for example Hajer, 1997). Hegemonic riparians may manipulate the interaction with the neighbouring riparians through a number of tools, including lack of knowledge and data sharing, or the use of time, silence or ambiguity. A refusal by the Israeli side to share data on water use by Israeli settlers resident in the Palestinian West Bank (Tagar et al, 2004; World Bank, 2009), for example, can be understood as hegemonic use of ideational power. In persistently delaying negotiations over its preferred 1959 treaty on Nile allocations, Egypt is operating in the realm of ideational power by being present at the negotiations table and yet playing with time to maintain its hegemonic position in the Basin (Cascão 2008b). A further example of ideational power common to the Nile, Jordan, and Tigris and Euphrates Basins is based on the ‘sanctioning of the discourse’ (Allan, 2001). Arguments against equitable sharing based on state security have been so common that the governments transform the water issues into a

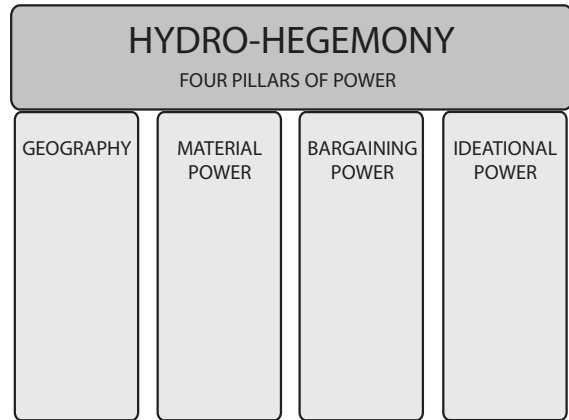


Figure 3.3 Revised pillars of hydro-hegemony

matter of top national security (securitization process) that can now be used interchangeably to silence and/or overplay certain issues, according to the hegemon’s interests.

The fields of power reviewed are of course at use concurrently, and usually combine to determine the hegemonic configurations. The early work on hydro-hegemony provided a method to interpret this visually, by suggesting that the most powerful state may create and maintain a situation of hydro-hegemony through the development of three ‘pillars’ that support it. The concept has been informally refined to incorporate four foundational pillars shown in Figure 3.3 (Cascão 2008c, adapted from Zeitoun and Warner, 2006).

The revised pillars of hydro-hegemony suggest that a hegemonic situation on transboundary waters is built on the four fields of both covert and overt forms of power. Without going into too much detail, the suggested relative measures of each field for the Eastern Nile, Tigris and Euphrates, and Lower Jordan River Basins are given in Figure 3.4. The lengths of pillars are relative to other basin states, and not quantified. These plots are based in the current political context, but as we know power and hegemonic situations are not static, the plots in 3, 13 or 30 years would certainly look different. Just as the suggested plots of Figure 3.4 are based on the authors’ experience, perspective certainly enters any evaluation. As such, the evaluation by different authors, for example by hegemonic and

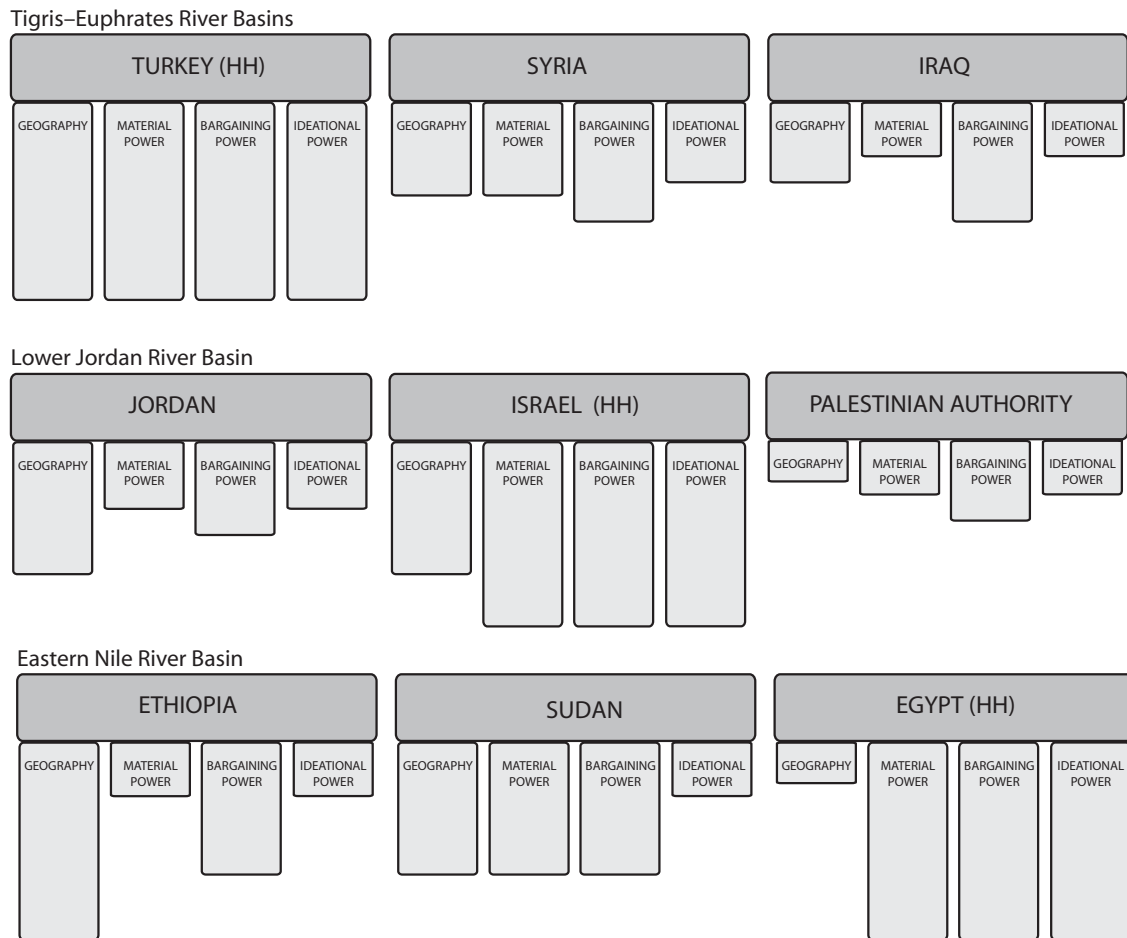
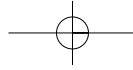


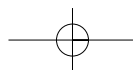
Figure 3.4 Suggested plots of hydro-hegemonic configurations in the Eastern Nile, Tigris and Euphrates, and Lower Jordan river basins (2009 estimates)

non-hegemonic actors, would certainly be different. Offering representatives of the states involved the opportunity to evaluate from their own perspective would not only provide three different diagrams, but also a critical opportunity to see power relations from another perspective – through the eyes of counterparts.

A quick glance at Figure 3.4 confirms what is commonly understood, for instance that Turkey, Egypt and Israel are the basin hegemon, despite their different riparian positions on the respective rivers. It also shows that the hegemon are usually very strong in all dimensions of power, at least in relation to their neighbours.

A deeper look reveals rather more interesting features, particularly when considering the

perspective of the non-hegemonic states. One feature of note is that non-hegemonic riparians all have a somewhat substantial measure of bargaining power available, and this can be or is used to counterbalance their weaknesses in other power dimensions. Ethiopia’s bargaining power, for instance, is perhaps much greater than normally acknowledged. It is shored up by Ethiopia’s geographic advantage as upstream riparian and provider of 85 per cent of the Nile flows, to be sure. The bargaining power is precisely what is being drawn upon in the ongoing multilateral legal negotiations (see Nile case study, this volume Chapter 13). Another example of bargaining power is the government of Syria’s negotiations (see above), with the bargaining strategy informed



through linking Turkey's multi-dam GAP project with the latter's interests in ending support to Kurdish separatist groups (Warner, 2008), as well as Syria's repeated calls for the application of the international water law principles to the case (Daoudy 2008). Bargaining power is thus noted as one of the mechanisms that holds key potential for the non-hegemon – and attempts to challenge an inequitable *status quo* on a basin (Cascão 2009a).

A further feature of note from Figure 3.4 is the restricted space of manoeuvre that afflicts particularly weak states. States that are relatively weaker in all dimensions of power (e.g. Iraq and Palestine, in our example above) evidently have less 'wiggle room' to begin to level the playing field or challenge inequity. Nonetheless, as in the case of Ethiopia and Syria, bargaining power is the most likely prospect for improved equity. Counter-hegemonic strategies driven from Baghdad could build on bargaining power by improving Iraqi technical and negotiation capacity, and anchoring of its negotiation position in terms of international water law, for example.

The relevance of the approach of 'hydro-hegemony' to real-world situations thus begins to become clear. But it is still underdeveloped in a number of ways. Academic critics have rightly pointed out the lack of consideration of hegemony at the sub-national level (Selby, 2007; Furlong, 2008), for instance. There is furthermore a possibility of policy mis-steps deriving from over-ascribing 'false consciousness' to the actors concerned (something which haunts scholars of hegemony from all disciplines). Assertions of hegemony such as those in Figure 3.4 imply, after all, that some actors are submitting either consciously or unconsciously to a situation over which they are deemed to have little control. The so-called weaker actors may in fact be engaged instead in some kind of 'strategic cooperation' that meets their short- or long-term interests, and to which analysts are not privy. Practitioners as well have helped to point out deficiencies with and limitations to the theory. The following section reviews these more substantially, and begins a refinement of the theory.

Practitioners' Contribution to Critical Hydropolitics

The concepts derived from critical hydropolitics and hegemony theory have been presented and tested in the international training programme on *Transboundary Water Management for the MENA Region* in 2008,² in which over 30 mid-level practitioners³ from the Middle East and North Africa participated. The goal of the training was twofold: to introduce the participants to hydropolitics theory and to ground new thinking on field-based experience. The interactive process went both ways – the application of hydropolitics theory by the practitioners to their own regional and national contexts has served to enhance understanding of the context in which they were operating.

Freshwater resources in the MENA region are known to be relatively scarce physically, with low average river flows and groundwater recharges and the lowest levels of water availability per capita in the world (UNDP et al, 2000). There are multiple water bodies crossing over or under diverse and competing political economies throughout the MENA region, as Figure 3.5 shows. The region is characterized by the practitioners as a mix of physical scarcity coupled with complex regional political contexts. The political and geographical peculiarities that make each sub-context unique were equally emphasized, however.

The wide range of participants from the MENA region also permitted some comparison of limitations and similarities between basins in quite distinct regional or national political economies. The refinement can be considered through a number of 'lessons'.

Lesson 1: Not all transboundary waters are 'shared'

While MENA contexts may be transboundary by definition, the different contexts certainly displayed significant differences in terms of degree of 'sharing'. Water allocations varied vastly from basin to basin, in other words, and a clear message that emerged was for a clearer distinction between 'transboundary' and 'shared' water resources. The terms are often used interchangeably, but have quite different implications. It was suggested that

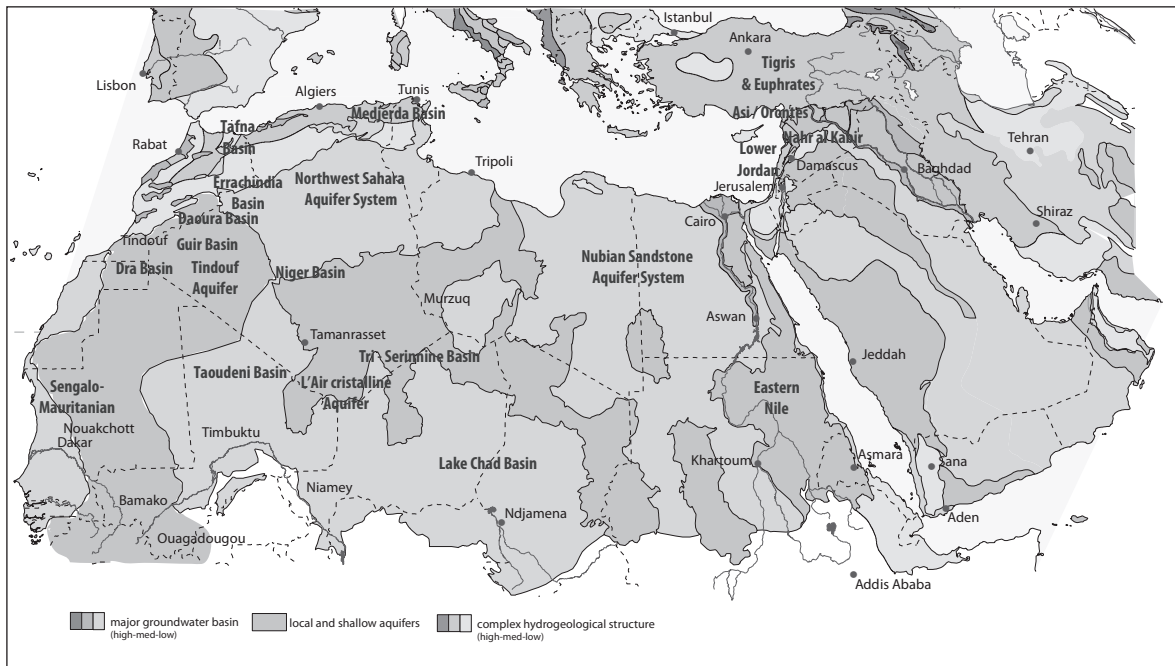


Figure 3.5 Select transboundary aquifers (shown) and rivers (named only) in the MENA region

Source: adapted from UNESCO, 2008

‘transboundary water resources’ should maintain a strict geography-based definition. Water bodies that cross the administrative borders between two or more countries should be considered transboundary. ‘Shared water resources’, on the other hand, should be defined by a political interpretation. Shared water resources would take into account how water is in fact allocated or used between the states (the ‘who/what/when/where/how’ question again). Bearing the distinction in mind, it was asserted that the Jordan or the Tigris–Euphrates Basins, for example, should be considered ‘transboundary’ basins. They could not be considered equitably ‘shared’, however, due to the prevalent extreme asymmetry in use and allocation between the non-hegemonic actors and the basin hegemons (Figure 3.4).

The semantic distinction refines hydropolitics theory in at least two ways. First, basing the difference in the terms on physical and political grounds serves to guide analysts in their examination of transboundary water relations. Just as water ‘scarcity’ has a political component (Turton, 1999; Mehta, 2001) to complement the more accepted

understanding of physical scarcity, more precise (or selective) use of the term ‘shared’ should encourage clarity. Second, if the political definition of border-crossing water (‘shared’) is used, it becomes apparent to any reader that the term must be immediately qualified in terms of how water resources are (or are not) being actually shared. In the case of the Tigris and Euphrates just discussed, the implication of ‘inequitable’ was used to qualify ‘shared’. Practitioner readers of this article could consider other qualifiers of basins they are familiar with, such as ‘equitably shared’, ‘periodically shared’, ‘historically shared’, or ‘theoretically shared’.

Lesson 2: Not all power is equal

Application of the critical hydropolitics theory by the practitioners to their own contexts revealed further refinements. The visual (‘pillars’) component of hydro-hegemony theory suggests that each of the four fields of power carries equal weight, by virtue that each pillar is the same width. The testing of the theory suggests, however, that some dimensions of power are more influential than

others. First of all, riparian position (geography-based power) was found to be relevant only under certain conditions. Position, it was found, can be an advantage to an upstreamer *primarily* if combined with material, financial and geopolitical power (e.g. Turkey in the Tigris–Euphrates Basin). An upstream position in the absence of advantage in the other pillars was found to be less relevant in various hydro-hegemonic configurations (e.g. Ethiopia and Equatorial riparians are weaker riparians in the Nile Basin). Furthermore, the importance of geography-based power was considered negligible in the case of transboundary aquifers.

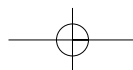
Second, it was suggested that material power be considered more case-specific. Material power was considered a significant element of power in the Middle Eastern part of MENA, but much less so in the North African parts. The finding reflects the strong asymmetries that exist between Middle East states in terms of economic, military and geopolitical powers, and access to external support. Egypt, Israel and Turkey have clear material power supremacy over their neighbours. Power relations between the four North African countries – Morocco, Algeria, Tunisia and Libya – are relatively more symmetrical. More accurate analysis of transboundary contexts in North Africa would result, it was felt, if the ‘material power’ pillar of Figure 3.3 was not given the same ‘weight’ as the other pillars.

Third, greater nuance was suggested for the pillar of ‘bargaining’ power. Experience asserted that bargaining power was understood as a double-faced power resource, which both hegemonic and non-hegemonic riparians can make use of to strengthen their position. It was generally recognized on one hand that strong asymmetries in terms of access and production of data, information and knowledge weaken the non-hegemonic riparians in their ability to influence the political agenda or to bargain at the negotiations table. The bargaining gap between Palestinians and Israelis during previous and recent water negotiations was cited as the major example. On the other hand, participants enumerated several bargaining tools that are also available to non-hegemonic riparians to counter

the hegemons. These were identified as: a) claiming the moral high ground (application of the principles of international water law); b) public media and legal advocacy campaigns against unilateral projects; c) issue-linkage; and d) the formation of coalitions among weaker states.

All such tools were considered relevant to such non-hegemonic actors as Syria, Iraq, Jordan or Ethiopia. Once again, ‘bargaining power’ was found to be much less relevant to less contentious contexts in North Africa. The main message was: non-hegemonic riparians are not as weak as one might think, because they can (and typically do) exploit their bargaining power to counterbalance weaknesses in other power dimensions. The findings in this case reaffirm counter-hydro-hegemony theory. The case study on the Nile Basin (this volume Chapter 13) provides a clear example of how the non-hegemonic Nile riparians have been using collective bargaining power to counter the hegemonic power in the Basin, and how this has contributed to levelling the playing field among upstream and downstream riparians.

Finally, the practitioners also confirmed that the less visible forms of power – especially ideational power – are key explanatory factors for asymmetric power relations in transboundary basins. The ability to influence perceptions, the agenda, the discourse, or the timing of negotiations and projects are highly asymmetric among riparians. Several examples of co-option, issue-exclusion, stalling and securitization tactics related to ideational power were provided. Israel, for example, benefited from its superiority in ideational power to co-opt its Jordanian co-riparian through the terms of the 1994 Jordanian–Israeli Agreement, though whether it was a strategic or short-sighted move from the Jordanian perspective is debated. Israel also leveraged its ideational power – with limited success – by excluding the issue of Palestinian access to the Jordan River from the agenda, during the 2008 ‘Annapolis’ round of negotiations. Seeking not to derail the negotiations, the chief Palestinian water negotiator initially consented to the exclusion (though it was later raised, but not resolved) (Al Attili, pers comm, 2008)

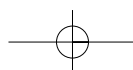
**Table 3.1** Examples of transboundary water cooperative arrangements in the MENA region

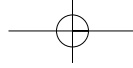
Context	Initiative	Main achievements and limitations	Donors
Nile	Nile Basin Initiative (all 10 riparians)	<ul style="list-style-type: none"> • NBI – provisional cooperative mechanism (since 1999) • Ambitious goals/ involves all 10 riparians/strong involvement of donors • Shared vision and subsidiary action programmes • Capacity-building and trust achieved • Not yet a legal framework or projects on the ground • Nevertheless, seen as a good model of cooperation 	World Bank, UNDP, African Development Bank, FAO, GEF, Canada, Denmark, European Commission, Finland, France, Netherlands, Norway, Sweden, UK, Germany, Japan, Switzerland, US
Niger	Niger Basin Authority (9 riparians)	<ul style="list-style-type: none"> • One of the oldest intergovernmentals in Africa (Convention signed in 1987) • Goal: integrated water management and economic development • Shared vision and several investment projects • Joint basin-wide hydrological monitoring system • Active involvement of donors, but also civil society and environmentalists 	World Bank, UNDP, African Development Bank, Canada, European Commission, France, US
Lake Chad	Lake Chad Basin Commission (5 riparians) (Algeria, Sudan and Libya not members)	<ul style="list-style-type: none"> • Old organization – since 1964 (failed to prevent environmental catastrophe) • Goal: regulation and planning of the uses of water and natural resources • Still focusing primarily on surface water, and not groundwater • Ambitious project of water diversion from Congo River to Lake Chad 	World Bank, UNDP, Denmark, European Commission, France
Nubian Aquifer	Nubian Sandstone Aquifer System Project (all 4 riparians)	<ul style="list-style-type: none"> • Goal: rational and equitable management of the NSAS • In the first stages of cooperation (setting) • No legal and institutional frameworks yet, nor projects 	International Atomic Energy Agency, UNDP, GEF, UNESCO
Jordan Basin	EXACT (3 riparians)	<ul style="list-style-type: none"> • Database project • Forum whereby infrastructure and research are discussed • Small-scale projects (e.g. wastewater treatment) • Data on Israeli settler use of water in the West Bank not shared 	United States, France, EU, the Netherlands, Canada
	Israeli–Palestinian Joint Water Committee (just aquifers, not Jordan River)	<ul style="list-style-type: none"> • Goal: rational water resource management and IWRM • JWC: decisions on water projects in the West Bank by consensus • Presented as model of cooperation • Criticism: domination dressed up as cooperation (Israel: veto & licensing) 	Currently no donors support projects not licensed through the JWC
	Israeli–Jordanian Joint Water Committee (just Israel and Jordan)	<ul style="list-style-type: none"> • JWC goal: the implementation of the water clauses of the Peace Treaty • Continued to function despite conflicts between countries • Several problems in disentangling ambiguities embedded in the treaty 	Not applicable
Tigris–Euphrates Basin	Euphrates-Tigris Initiative for Cooperation (ETIC) (not governmental, just civil society of 4 riparians)	<ul style="list-style-type: none"> • No cooperation at interstate level • Civil society engagement • Aims to facilitate cooperation • Goals: capacity-building and institutional strengthening 	UNESCO, private sector, Universities

Benefiting from a bilateral volumetric water agreement signed in 1959 with Sudan, Egypt was generally considered to be in a comfortable pivotal position that often allows stalling or delaying tactics that prevent a basin-wide agreement being reached. Through securitization tactics, Turkish governments had been able to overplay the importance of the Tigris–Euphrates waters for its national security and political economy to the international community. At the same time it was seen to reject the idea that Syria and Iraq also have rights to develop the Tigris–Euphrates water resources for their own economic development.

Lesson 3: Transboundary water cooperation is not always a good thing

Prior to their exposure to the dual nature of coexisting conflict and cooperation, the bulk of participants considered a) that conflict in transboundary river basins is something to be avoided and must be (or is already being, in some cases) replaced by cooperation; and b) that cooperation is something desirable but difficult in a region where conflict (though not water conflicts) is pervasive. The views were challenged following a deeper exploration of the nature and effectiveness of the cooperative arrangements. The arrangements are provided in Table 3.1.





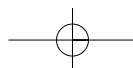
Commonly held notions of the nature and effectiveness of the cooperative arrangements were challenged when a critical hydropolitical lens was applied. Participants concurred that 'cooperation' efforts were also about enduring and/or changing the perceptions among the riparian states (including the hegemon) as well as those of third parties.

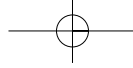
Various forms of cooperation are evident from Table 3.1. Examples of all-inclusive cooperation are found in the Niger Basin and the Nubian Sandstone Aquifer. The Niger Basin is considered an example of effective long-term cooperation, which included the establishment of a river basin organization which addresses a wide range of water-related and development issues in a manner that includes non-governmental stakeholders. The Nubian Sandstone Aquifer System Project is a case of a transboundary cooperation initiative at its early stage, and one that is widely supported by the scientific and donor community in the hopes of emulating the success on the Niger. The table also reveals a more 'narrow' type of cooperation. There is non-inclusive cooperation occurring at the inter-governmental level in the MENA region on the Nile, Jordan and Lake Chad. The extent of the cooperation is thus hobbled by exclusivity or non-comprehensiveness. The non-official cooperation through the academic cooperative forum Euphrates-Tigris Initiative for Cooperation (ETIC) in the Tigris and Euphrates Basin was considered in a similar light, though with the hope that it will bear influence in the high-level political echelons in Turkey, Syria and Iraq.

More specifically, three types of cooperation were identified from Table 3.1: a) non-cooperation (Tigris-Euphrates Basin); b) limited or domination-type cooperation (Jordan Basin); and c) comprehensive cooperation (Nile Basin). The findings confirm the earlier lesson learned about the importance of distinguishing between transboundary and shared resources. The practitioners found that the type of cooperation is related to the type of hegemonic configuration of each of the basins. The lack of discussion on permanent water allocations in the Tigris and Euphrates Basin can in part be explained by the fact that basin hegemon Turkey has benefited from its advantageous

upstream position to develop unilateral hydraulic projects. Failing to even recognize the Tigris-Euphrates as an 'international river', Turkish authorities do not need or are even inclined to promote multilateral water cooperation. In the Jordan Basin case, 'cooperative' agreements were signed between the hegemon, Israel, and the non-hegemonic riparians (Kingdom of Jordan in 1994, the Palestine Liberation Organization in 1995). There was consensus among the Palestinian participants that the arrangement was one of 'domination dressed up as cooperation' (Selby, 2003), as the agreements are limited in scope and ultimately have only contributed to strengthen and legitimize Israel's hegemonic and inequitable position. The Jordanian participants did not reach a similar consensus, with some participants evaluating the form of cooperation established with Israel as coinciding with Jordanian interests. As such, the forms of cooperation occurring in the Jordan Basin were seen as both genuine as well as dominative.

Cooperation in the Nile Basin, on the other hand, was perceived by many of the participants as a good example of multilateral, all-inclusive and 'donor-darling' case of cooperation. The practitioners partially attributed cooperation in the Nile Basin to the character of the hydro-hegemon. As the basin downstream and very dry hegemon, Egypt is in a sense the most vulnerable riparian. At the same time, Egypt is also the primary user of the Nile waters, and has a keen interest in preserving the 'lion's share' of the flows it has grown accustomed to. It was considered clear that Egypt's water security would best be achieved through cooperation. Egypt's interests in cooperation were therefore identified primarily as pragmatic, namely: a) to keep vigilance and control over the development of upstream water infrastructure, even providing Egypt with veto power at the Nile Basin Initiative (NBI); b) to divert attention from the controversial 'water-sharing' paradigm towards a more consensual 'benefit-sharing' paradigm, and delay potential renegotiations of existing water agreements (most notably the 1959 Egypt-Sudan agreement); and c) to be able to use a greater share of Nile flows, once these have been made available through 'cooperative' river engineering projects in Sudan and





Ethiopia. Although participants from the other Nile riparians were not represented in the group of practitioners, it is very likely that they would not understand ‘cooperation’ in the same manner, however. The Nile upstream riparians have different perceptions on how to achieve effective cooperation, and consider that any sustainable cooperative arrangement in the Basin must necessarily be based on a new legal agreement founded on principles of equitable utilization of the water resources (Cascão, 2009b).

Lesson 4: The critical hydropolitics approach needs further refinement

The participants raised a number of issues they found with the approach, all of which serve to refine the theory. First, the approach appears to be less effective in less politicized or securitized conflicts. As previously discussed, water is not as politicized in North Africa as it is in the Middle East, where conflicts or lack of cooperation over water issues may be better explained through issues other than water, such as border disputes or regional rivalry.

Second, it was felt that examining the four pillars of power in separate boxes was too limiting. In reality, the fields of power are interrelated, and cannot be separated. Bargaining or ideational power have less traction without material power, for example. There was also a strong feeling that geographical power can indeed be a very strong source of bargaining power, when combined with the other dimensions. A suggestion proposed to improve the analysis of power asymmetry was to take into account how the strengths and weaknesses in one dimension mutually reinforce or weaken the others.

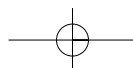
A further contribution to the theory was suggested by considering an additional dimension of power. There was a sense that the approach ‘missed’ a further political dimension that should ‘encircle’ or provide a background element of the fields of power. The ‘missing’ field of power was considered to derive from political and physical *contextual* elements which were enumerated as, for example:

- 1 changes in the regional power relations through war (e.g. the 2003 US/UK invasion of Iraq changed the balance of power in the Tigris–Euphrates);
- 2 changes in political circumstances, e.g. through a peace treaty (a potential treaty between Israel and Syria would have impacts in the water negotiations in the region);
- 3 changes in the domestic political scene (e.g. change of government, new political alliances, new negotiators);
- 4 political timing for negotiations and decisions;
- 5 support of new external partners (e.g. China, Gulf countries);
- 6 extended drought periods or unanticipated consequences of changes in climate.

Conclusion

This chapter has demonstrated the merit in viewing transboundary contexts through a lens of critical hydropolitics. The testing of the theory by mid-level water managers has confirmed its utility, and helped to substantiate it. While hydropolitics acknowledges the political nature of TWM, critical hydropolitics allows study of under-considered aspects. This chapter’s focus has been on the role of power and power asymmetry in the purely political question of ‘who gets how much water, when, where and why’.

The review of developments in hydropolitical theory has discussed the recognition that conflict and cooperation coexist, and that not all forms of ‘cooperation’ are good for all parties. Updates to hydro-hegemony theory were provided to consider four fields of power. These include material power (economic or military might) and riparian position, as a visible, or overt, form of power. The more hidden, ‘covert’, form of power included the fields of bargaining power (during the negotiations process) and ideational power (the ability to frame perceptions and establish mindsets). With the measures of power assessed relative to each other in a basin (considered visually as ‘pillars’), the established form of hydro-hegemony becomes quite clear.



Brief consideration of the hydro-hegemonic configurations in the Jordan, Nile, and Tigris and Euphrates River Basins revealed that control by the hydro-hegemon in each case was carried out by a combination of the various fields of power. The theory emphasized, however, that configurations of power asymmetry are not static, and current configurations are changing or are likely to respond to changing political or physical circumstances. Power asymmetry can also provide opportunities for the collective good. And the so-called weaker riparian states have their own reserves of power that may be marshalled to challenge less equitable hydro-hegemonic configurations. The case of Ethiopia in 2009 negotiations of the NBI was taken as a case in point (see Nile case study, this volume Chapter 13).

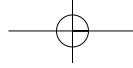
Put to the test by practising water managers throughout the MENA region, the approach of critical hydropolitics was shown to stand up even as key improvements were suggested. Generally, the practitioners agreed about the relevance of power and power asymmetry in determining their operating contexts. Four key points for improvement were raised. First, there is a need for clarity and for distinguishing between 'transboundary' waters and 'shared' waters. It was felt that the common conflation of the terms in academic journals, policy reports or media served in some cases to veil the reality that many transboundary waters are indeed not shared equitably. Second, the approach should begin to refine the relative weight of the different fields and dimensions of power. It was pointed out, for instance, that riparian position was an influential source of power primarily when there was sufficient bargaining power to build upon it (as in the case of Turkey on the Tigris and Euphrates). The material field of power, furthermore, was shown to be much less significant in less asymmetrical contexts – as in the case of the North African states. Perhaps most importantly, bargaining power was identified as the primary field of utility for the non-hegemonic states. Each state has a measure of bargaining power that was not always fully recognized or exploited (e.g. Syria, Sudan and Ethiopia, and – though with less opportunity – Iraq and Palestine).

Building on the notion of coexisting conflict and cooperation, the third contribution to the theory was that some forms of water 'cooperation' are not always as beneficial as intended. There are instances of never-ending cooperative meetings whereby the hegemon shows inflexibility in retaining data or its preferred negotiating position rather than sharing or negotiating based on interests. Examples provided were from Egypt in the Nile Basin Initiative. The fourth manner in which the theory has been substantiated is through a number of suggested refinements. These include distinguishing the utility of the approach to non-securitized and securitized contexts; combination of the four fields of power rather than having them in artificially isolated 'pillars'; and most importantly the lack of consideration of the determining physical and political context. The approach would be strengthened by incorporating, for example, the timing of political events such as elections, treaties or coups, and physical events such as extended drought periods.

It is hoped that the readers will consider the approach of critical hydropolitics when considering the remaining contributions in the volume. The role of power and power asymmetry is also key and ever-present in legal processes, in attempts at institution-building and education, and in innovative attempts such as benefit-sharing to resolve water conflicts.

Notes

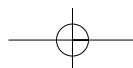
- ¹ Mirumachi has since conceived of an improved analytical method that works with the dual nature of conflict and cooperation in forming relations between riparians – through the plotting of cooperation and conflict continuums against each other, in the two-dimensional transboundary water interaction nexus (Mirumachi and Allan, 2007).
- ² The Sida-funded International Training Programme on Transboundary Water Management for the MENA Region is organized by Ramboll Natura AB and Stockholm International Water Institute (SIWI).
- ³ The participants consisted of hydrologists, engineers, lawyers and political scientists holding positions in ministries, research centres, NGOs or

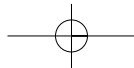


regional organizations. They came from Morocco, Algeria, Tunisia, Egypt, Jordan, Palestine, Lebanon, Syria, Turkey and Iraq.

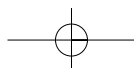
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13.1 Changing nature of bargaining power in the hydropolitical relations in the Nile River Basin

Ana Cascão and Mark Zeitoon

Key points

- Bargaining power is a key element of any counter-hegemonic strategy, and effective if used collectively. Negotiating positions can be improved by leveraging bargaining power, as is the case of the upstream riparian states in the Nile River Basin.
- Not all power is equal. Increases in bargaining power for upstream riparians relative to Egypt have come without any shift (yet) in the other pillars of hydro-hegemony – ideational and material power.

Introduction

This study applies some of the critical hydro-politics and hegemony theory of Chapter 3 to the upstream–downstream dynamic relations over the Nile River. We showed there how recent political developments in the Nile Basin may reflect significant changes in the balance of bargaining power among the riparian states. There is evidence that over the last decade the upstream riparians have made increasing use of bargaining tools to influence negotiations at the Nile Basin Initiative (NBI).¹ Our focus is on the most recent period, that is the ongoing negotiations between the nine Nile riparian states for a cooperative framework agreement (CEA).²

Theoretical context

Power plays a significant role in influencing trans-boundary water relations and allocative outcomes, and must therefore be incorporated into any analysis. In this approach, hydro-politics are also considered to be characterized by hegemonic configurations, wherein the most powerful riparian states have an advantage over their riparian neighbours to influence the allocation of the resources. Notably, the power available to the ‘basin hegemon’ assumes different forms – material, bargaining and ideational.

Bargaining power refers to the capability of actors to control the rules of the game and set agendas, in the sense of their ability to define the political parameters of an agenda (Bachrat and Baratz, 1962; Lukes, 2005). Importantly, however, bargaining power is not the exclusive possession of the hegemon. It is bargaining power that makes the weaker actors in a given basin not as weak as they may be perceived (Daoudy, 2005). By leveraging bargaining power, the non-hegemons can in theory improve their negotiating position *vis-à-vis* the hegemon(s), counterbalance their weaknesses in other fields of power, and eventually contribute to change the hydropolitical configuration. As such, bargaining power is a key element of any counter-hegemonic strategy (Cascão, 2008a).

A history of asymmetric bargaining power in the Nile Basin

Whether in terms of material, ideational or bargaining power, Egypt has traditionally been the strongest of the ten Nile riparian states. The construction of the Aswan High Dam in 1971, which provided a large over-year storage capacity, significantly strengthened Egypt’s control over water resources. Subsequent Egyptian governments have since succeeded in establishing the parameters of the regional agenda and negotiations according to their own interests.

For the last five decades Egypt has benefited from steady entitlement to more than three-quarters of the river's flow. This has been possible because the allocation was agreed to by Egyptian and Sudanese governments in the 1959 bilateral Nile Water Agreement, which did not include any entitlement for the upstream riparians. Coupled with the physical command the dam provides, the 1959 Agreement has reinforced control over the flows by providing an inflexible starting point upon which future negotiations may be based. Indeed, Egyptian control of negotiating platforms has been almost as extensive as its control of the flows.

Egypt has demonstrated the stronger capacity to influence the negotiations by imposing the terms of bilateral agreements (e.g. 1929 and 1959 Agreements with Sudan), as well as strictly refusing to negotiate with the upstream riparians, at least until the 1980s. Since the mid-1990s, Egypt has agreed to negotiations for a multilateral and all-inclusive cooperative framework agreement – but on its own terms. The intent of such positioning seems by all accounts to be perpetuated through Egyptian attempts to continue to impose 'red lines' on, or at least to stall, the negotiations. Thus far, the *status quo* continues to reflect the power relations in the basin in favour of the basin hegemon.

In terms of bargaining power, the upstream Nile riparians have historically been weaker than their downstream neighbours. The disadvantage is attributed to a number of factors, including a lack of internal capacity to establish coherent water policies, discourse and agendas, as well as an absence of coherent water negotiations strategy. In any case, the upstream riparians have often been weak in projecting power in the regional or basin arena, and in promoting their interest onto the hydropolitical agenda. Up to the 1990s, the upstream bargaining strategies were mainly made up of scattered nationalist-type discourses about water rights, claims of territorial sovereignty (the 'Harmon Doctrine') and reactive diplomacy. The upstream states have not been able to elaborate collective and/or proactive strategies to contest the downstream quasi-monopoly of the Nile waters, or to bring them to the negotiating table and possibly reach a new agreement on the Nile. The

situation began to change, however, around the mid-1990s.

Changing bargaining power – cooperation and negotiations

The tipping point in the evolution of the bargaining power relations in the Nile Basin can be traced back to the beginning of the 1990s, when the riparian states and third parties put forward the idea of establishing an all-inclusive cooperative institution in the basin – the NBI. For this to succeed, it would have had to be through full membership of all riparian states. This included Ethiopia, which along with other upstream riparians had consistently refused previous cooperative attempts on the grounds that they did not address the problematic legal issues (Tamrat, 1995; Collins, 2000).

Aware of the relevance of Ethiopia's participation to the success of the NBI, and perhaps equally aware of potential funding for hydraulic projects in the Blue Nile Basin that may derive from it, the government of Ethiopia decided to engage. It leveraged its bargaining power to begin to influence the rules of the game (Lemma, 2001; Arsano, 2004). Ethiopia's participation in the NBI was predicated upon the single condition that negotiations for a new and multilateral legal framework were to be held in parallel to the NBI (Amare, 1997). One immediate outcome of this bargaining strategy was that all riparians, including Egypt and Sudan, agreed with the Ethiopian conditionality and negotiations for a new legal and institutional agreement – the Cooperative Framework Agreement (CFA). This was initiated in 1997.

The more enduring outcomes of the Ethiopian bargaining strategy are twofold. First, for perhaps the first time in Nile history all riparians began negotiations on a more equal footing. According to interviews with several negotiators, the legal and water experts from upstream and downstream riparians had, working together, been able over the last decade to deliberate the details of the specific Nile agreement, propose alternative wordings and promote trade-offs. This is considered as a considerable achievement by the upstream negotiators, particularly in comparison with previous decades

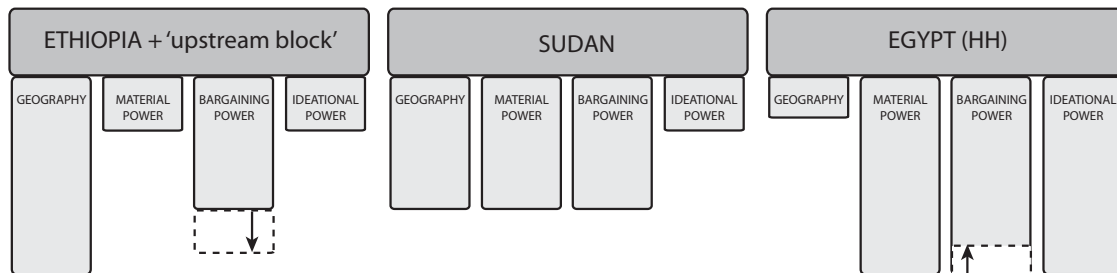


Figure 13.1 Redistribution of (bargaining) power in the Nile River Basin

when downstream riparians would not even consider talks for a multilateral agreement.

Second, Ethiopia and the other upstream riparians had been able to put the legal issues back in the centre of the Basin's hydropolitical agenda and to consistently highlight the urgent need for an all-inclusive negotiated water agreement (Kasimbazi, 2000; Arsano and Tamrat, 2005). The discussions paved the way for the first multilateral water agreement in the Basin and – possibly – for the establishment of a Nile River Basin commission (NBI, 2007).

Were the CFA to be adopted through due process, the Nile Basin states will have the merit of a permanent, multilateral and sustainable cooperative river basin organization (the Nile Basin Commission). The adoption of a new legal agreement means that the upstream riparians will achieve what until recently was not available to them: access to international funding, development of infrastructure projects within their national territories, and socioeconomic benefits derived from these projects. It remains to be seen, of course, whether the CFA will be agreed to, and what role Ethiopian bargaining power plays in determining the terms or indeed successful conclusion of the agreement.

The influence of collective bargaining power

Analysis of the evolution of the negotiations, contents and details of the CFA provides a good example of how bargaining power has been used by both upstream and downstream riparians. Here, evidence of the influence of the bargaining power of upstream states is provided through CFA negotiation events of 2007 and 2009.

By June 2007, the Nile riparians had all but concluded negotiations on a final draft of the CFA with the exception of one article: Article 14b.³ This article is about 'water security' but indirectly implies the once taboo and excluded subject of reallocation of Nile waters and the 1959 Sudan–Egypt Water Agreement. Allegedly the wording of the article was ambiguous enough to satisfy both upstream and downstream parties, and to move towards the signature and ratification of the agreement. 'Water security' appeared as a pragmatic tool to promote (at least apparent) consensus among the parties (see Cascão 2008b). The upstream riparians voted in favour (as a block), and were ready to adopt the agreement that would lead to the Nile Basin Commission. The Egyptian and Sudanese sides had reservations about the formulation of the article and proposed an alternative.⁴ The upstream riparians interpreted the changed wording as a way to legitimize the past agreement instead of moving away from it, and rejected it as a whole (see *The Standard*, 29 June 2007; *The New Vision*, 30 July 2007).

The attempt by Egypt and Sudan to maintain their positions on the supremacy of the 1959 Water Agreement should not come as a surprise. What is of greater interest in this case, is the possible erosion of the basin hegemon's ability to generate consensus to its preferred outcome. Taken from the hydro-hegemony perspective of Chapter 3, the platform created by the CFA negotiations enabled the upstream riparians to substantially increase their collective bargaining power *vis-à-vis* their downstream neighbours. The effects of this leveraging of the 'weaker' riparians' position became all the more clear when they voted as a block in favour

of the agreement as originally drafted. The clear contestation of Egypt and Sudan's position is by far the strongest expression of collective bargaining in recent Nile hydropolitics. There are limits to how much the power balance can be pushed through CFA negotiations alone, however. In the absence of consensus among all riparian states, the technical and ministerial negotiations were closed in June 2007, and the process was referred to the Heads of State of the Nile riparians to resolve the outstanding article. The process evolved into a political deadlock (*The New Vision*, 9 November 2008). By mid-2009, the Heads of States had not reached any deliberation on Article 14b, nor even met to discuss the issue at the highest political level. This can be considered as an 'active stalling' strategy (term accredited to Anton Earle) employed by the downstream riparians, which consists of deliberate attempts to delay the end of the negotiations as much as possible in order to preserve the *status quo*.⁵

This prolonged deadlock prompted the upstream riparians to once again resort to collective bargaining power. In May 2009, the 'upstream block' decided to put an end to the more powerful side's 'stalling strategy' by proceeding with ratification of the CFA, despite the lack of agreement to this by the two downstream riparians (Nile-COM, 2009; see also *The New Times*, 24 May 2009). According to the terms of the CFA, the ratifications of a two-thirds majority would be enough to establish the Nile Basin Commission. The action provoked some consternation in the downstream riparians and the donor community (cf. *Al-Ahram Weekly*, 28 May 2009; *The East African*, 10 August 2009).

This unique decision in the hydropolitical history of the Nile Basin reveals the new vocal attitude and determination of the upstream riparians to move to the next step of the cooperation process. These riparians are increasingly and systematically making use of their bargaining power, namely collective, to impose changes in the rules of the hydropolitical game and discourse in the Nile Basin. As Figure 13.1 exemplifies, the current situation is contributing to a redistribution of power between riparians, as upstream riparians are increasing bargaining power at the expense of downstream neighbours.

Conclusions

The extent to which an increase in the bargaining power of upstream riparians may erode Egyptian hegemony on the Nile reinforces one of the key lessons contributed by water managers to the analytical approach of hydro-hegemony: that 'not all power is equal' (see Chapter 3). The increase in bargaining power has come without any shift (yet) in the other pillars of hydro-hegemony – ideational and material power. The relatively level playing field offered by the CFA negotiations reinforce the suggested revision that 'strong asymmetries in terms of access and production of data, information and knowledge weaken the non-hegemonic riparians in their ability to influence the political agenda or to bargaining at the negotiations table' (see Chapter 3).

But we may speculate that well-executed strategies employing bargaining power may yet prove to be a form of 'tipping point' in Nile hydropolitical relations. By increasing their collective bargaining power, the upstream riparians may be on the right path to decrease the asymmetries in the other dimensions of power and to begin to level the power imbalance with the downstream riparians. The will to leverage bargaining power may indeed be the driver behind the upstream block's insistence in the adoption of the CFA and the establishment of a permanent river basin organization.

The particular question to draw from this case is – *how might adoption of the Cooperative Framework Agreement contribute to changing the balance of power in the Nile Basin?* If the strategy proves successful, and the CFA is adopted, the Nile Basin Commission will be established in place of the transitional cooperative mechanism (the NBI). With a permanent Commission in place, the Nile riparians would in theory be able to benefit from donor support for the construction of several projects currently under preparation by the NBI, including infrastructure both for hydropower and agriculture purposes. The majority of these projects are expected to bring a number of economic benefits to the riparians, in particular to the upstreamers, who have largely been unable to leverage such 'development'. The process may in turn contribute

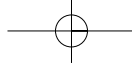
to increase substantially their material power. In terms of ideational power, although the asymmetries between upstream and downstream riparians are very wide and not expected to be overcome so soon, it is anticipated that such an institutionalized type of cooperation, as already exemplified by the NBI, can contribute to decreasing the existing 'strong asymmetries in terms of access and production of data, information and knowledge', while generating sound, independent and legitimated knowledge about the Nile water resources and its optimal utilization across the Basin. This 'new' knowledge can eventually increase the ability of the upstream riparians to shape perceptions of their downstream neighbours and the international water community. The jury is still out, however, on whether such increases in material and ideational power driven by the shift in bargaining power will be able to overcome the asymmetries in wealth and political allies.

Notes

- 1 The NBI was officially established in 1999, but the process for its establishment started at the beginning of the 1990s. In 1993, an informal mechanism for riparian dialogue and involving third parties was initiated. In 1995, the Nile River Basin Action Plan was prepared by the Nile riparian states and presented to the donors' community. It was then agreed that cooperation on the Nile would follow two parallel tracks: 1) negotiations for a legal and institutional framework (CFA); and 2) multilateral programmes and projects (NBI). The CFA negotiations were launched in 1997. In 1999, the Nile Basin Initiative was formally established. The two tracks had been run in parallel until the start of 2010.
- 2 Eritrea only plays an observer role at the NBI. The nine countries included in the NBI include Egypt, Sudan, Ethiopia, Uganda, Kenya, Tanzania, Burundi, Democratic Republic of Congo and Rwanda.
- 3 Article 14b states that 'the Nile Basin States therefore agree, in a spirit of cooperation, to work together to ensure that all states achieve and sustain water security and *not to significantly affect the water security of any other Nile Basin State*' (*East African Business Week*, 20 August 2007; emphasis added).
- 4 The alternative wording would be less ambiguous in terms of protecting the earlier agreements: '... in a spirit of cooperation, to work together to ensure that all states achieve and sustain water security and *not to adversely affect the water security and current uses and rights of any other Nile Basin State*' (emphasis added).
- 5 The term has been applied first to transboundary waters by Anton Earle, following discussion of the Nile at a roundtable discussion hosted by the University of Tokyo's Hydropolitics Research Group, February 2006.

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