

HH6 TRANSBOUNDARY WATER JUSTICE

Proceedings of the Sixth International Workshop on Hydro-Hegemony

Held at UEA London, 12-13 January 2013



Proceedings of the Sixth International Workshop on Hydro-Hegemony: Transboundary Water Justice, 12-13 January 2013, UEA London, London, United Kingdom.

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Foreword

Foreword

This report documents the themes and discussions of the Sixth International Workshop on Hydro-Hegemony, run by the London Water Research Group. The London Water Research Group was not so much launched as it emerged from the academic and activist work inspired by Tony Allan at the School of Oriental and African Studies and later King's College London. The LWRG grew out of research focused on the Middle East and North Africa, which challenged the idea that limited water resources circumscribed options and increased conflict. Explaining the absence of armed conflict over hyper-scarce water resources led to a long-standing interest in embedded water (or "virtual water").

During the second half of the 1990s, several graduate researchers deepened academic understandings of water security, financing water resource development, and the challenges of sharing transboundary waters. Since 2000, the Group's research and publication focus has been on transboundary waters and water security, increasingly with an emphasis on the role of the private sector and the water/food/trade nexus.

Water studies are by nature interdisciplinary touching upon several sciences; the LWRG seeks to provide a global network of academics, researchers and professionals who are devoted to the promotion of critical water research primarily in transboundary and developing contexts, working across both disciplinary and political boundaries.

In May 2005, the LWRG held the International Workshop on Hydro-Hegemony. The workshop was to become became the first in a series discussing and refining the concept of hydro-hegemony and transboundary water management. January 2013 saw the Sixth International Workshop on Hydro-Hegemony, held by the London Water Research Group at the University of East Anglia's London Campus. Under the theme Transboundary Water Justice, attention was called to the extent to which concepts of justice can serve transboundary water interaction analysis and practice.

The Workshop Planning Committee would like to extend their thanks to the School of International Development of UEA for financial and moral support. Karis McLaughlin spearheaded all organisation and logistics in a friendly professional manner matched only by her exceptional analysis of the water justice literature. Additional thanks go the over one hundred researchers, practitioners, journalists, and activists who attended the workshop and whose ideas are summarised in this report. Their insights, opinions, questions, and experiences were as challenging as they were inspiring, and their work continues to influence the field of transboundary water interaction.

Disclaimer! These written proceedings are the result of a compilation of views, and are meant to summarise discussion and critiques voiced during the workshop. The summaries of presentations include issues addressed in subsequent discussion sessions and cannot be attributed solely to the presenters. Similarly, any issues attributed here to the presenters may be mis-characterised or mis-placed. Please therefore cite this document rather than individuals, and contact the individuals concerned or London Water Research Group if clarification or further detail is needed.





Executive Summary

Executive Summary

Equity and fairness are claimed to be the heart of the Dublin Principles, IWRM, notions of "water security," international water law, and multiple transboundary treaties…in theory. Yet academic and activist work regularly points to the fact that realities on the ground are often characterised by power asymmetries creating inequitable and unjust outcomes. The Sixth International Workshop on Hydro-Hegemony was held to help illuminate these concerns, and consider ways to move forward. Over one hundred practitioners, academics, journalists and activists gathered to through a variety of presentations, panel discussions and fishbowl sessions – pursuing challenging questions, debates, and lines of enquiry.

Tony Allan, Mark Zeitoun, Naho Mirumachi, and Karis McLaughlin opened Saturday morning by reviewing extant academic and activist work in hydro-hegemony and justice. Participants learned basic social justice theory, heard a literature review of water justice research, and explored how conflict and cooperation often coexist in transboundary water interactions.

Session 2 investigated multiple, and sometimes contradicting, understandings of justice, power asymmetry, and transboundary outcomes. Thomas Sikor, Adrian Martin, Michael Mason, Clemens Messerschmid, and Karin Aggestam challenged academics to be not only objective observers of justice and injustice but rather empathetic experiencers. In attempting to formulate a uniform theory of justice, the presenters noted that injustice is often more easily conceptualised than justice and challenged all participants to consider "Whose justice prevails?," even while encouraging participants not to allow disagreements about what justice is to prevent them from working toward it. How justice is conceptualised in various related sectors and international movements was discussed and a need to understand the relationship between power and justice emphasised.

Saturday afternoon, presenters and participants engaged in questions concerning the potential of ideational and bargaining power to influence transboundary outcomes and the possibility of achieving justice in a hegemonic political economic world order. Case studies considering the Mekong River Basin (Nathanial Matthews), Zambezi River Basin (Bruce Lankford), Donors and NGOs in the Palestinian territories (Clemens Messerschmid), Nile River Basin (Ana Cascao), proposed Red Sea-Dead Sea Conveyance (Tony Allan), Lower Jordan River Basin (Eric Abitbol), and smallholder farming in Kirombero, Tanzania (Martin Keulertz) grappled with a number of concerns. Discussion revolved around conceptions of justice as a process, a practice, and/or an outcome. Bruce Lankford introduced a concept of "justimetrics," assessing models and systems through justice measures rather than legal jurimetrics. Participants were encouraged to keep an awareness of politics at the forefront and challenge "cooperation" that resulted in conflict avoidance rather than confrontation and ideational change. Radha D'Souza warned participants against the temptation to simply "add justice to water and stir," pointing out that the concoction would doubtless be muddy unless more deliberate attention is given to the mixture. Melvin Woodhouse warned against considering transboundary water justice only in terms of river basins, encouraging participants to expand their scope of examination.

Suvi Sojamo and Nick Hepworth began this work by bringing issues of green and virtual water into the discussion; their presentations clearly indicated the necessity of including the private sector in studies and work regarding water and justice. Owen McIntyre helped participants to consider the relationship between justice, equity, and fairness. Discussion illuminated the need to avoid overly complicated or specific jargon, finding a vocabulary that is accessible to all persons involved in the work of transboundary water justice.
Francesca Greco opened Sunday morning by summarising Saturday's discussions and highlighting issues still in need of clarification. The morning's first session considered counter-hegemonic action. Jeroen Warner provided a theoretical framework for questioning the possibility and desirability of asecurity and ahegemony. Ana Cascao, Cara Flowers, and Francesca Greco presented theoretical and activist approaches to challenging the status quo in the current world order. Particular attention was brought to the need to consider scale: A "just" outcome for one level of actors (such as states) may not be just at other outcomes (i.e., individuals). Discussion about virtual water and food continued, as Francesca Greco asked participants "Do I have the right to eat other people's water?" In the follow-up discussion regarding counter-hegemonic activism, Ahmet Conker suggested movements' success might be measured by their ability to politicise issues.
After lunch, presenters and participants further considered the relationship between power, justice, international norms, and international water law. Jeroen Warner spoke as a devil's advocate to caution against over-politicising water issues. Jasmine Moussa asked how "corrective equity" might be used in conjunction with international water law to examine just allocation, using the Nile Basin as a case. Pieter van der Zaag explored how inequities can help to trigger collective action and how inequitable institutions may endure if stakeholders have mutual dependence. Owen McIntyre continued the question of equity's multiple roles in international water law, encouraging participants to consider differences between allocative and procedural equity.
HH6 concluded with a discussion-based session in which participants were encouraged to tackle the multitude of questions the weekend's presentations had raised. Michael Talhami and Esse Nilsson emphasised the need for activism to be both strategic and practical, immediate and long-term. Charlie McLaren emphasised the need for strategic thinking when approaching governments. Melvin Woodhouse encouraged cooperation as a method for increasing the sum total of benefits that can be gleaned from water resources. Matthew Agarwala reminded participants that "water is a fugitive resource" that "respects no boundaries, least of all political" but encouraged us to not allow "our fears of a distopic future to prevent us from preventing a real distopic present." Workshop participants were invited to share their own expertise and conclusions from the weekend with the full group during a fishbowl session.
Mark Zeitoun, Naho Mirumachi, and Nathanial Matthews concluded the workshop by summarising key themes, identifying developments, and highlighting gaps and next steps. Discussions have continued formally and informally between participants and organisers in multiple forums. Based on current trends and apparent gaps in research, it is expected that the Seventh International Workshop on Hydro-Hegemony will explicitly focus on private sector engagement.





Chapter 1: Introduction

Chapter 1: Introduction

Purpose: To set the scene for the workshop, including basic hydro–hegemony, cooperation and justice theory. Further theoretical discussion can be found in ***Appendix C****.*

Purpose and Intent of the Sixth International Workshop on Hydro-Hegemony

The purpose of the Sixth International Workshop on Hydro-Hegemony was to explore to what extent 'justice' can serve transboundary water interaction. The following text is from the original call to join the workshop.

"Equity and fairness are at the very heart of the Dublin Principles, IWRM, many developing notions of 'water security', International Water Law, and multiple transboundary treaties – or so it is claimed. The reality in many transboundary basins and aquifers is very different: power asymmetries allow steering of the outcome, whenever there are tradeoffs made. When expectations about what is achievable and what is fair are set, social equity typically loses out, against economic efficiency and – possibly – environmental sustainability.

The stated but wanting concern for equity is yet another factor that helps to explain what was previously explored at the Fourth and Fifth International Workshops on Hydro-Hegemony: How situations of transboundary water interaction can appear calm, even when the outcomes are asymmetric or extremely asymmetric. *Social justice theory* serves to elucidate: a situation where the lion's share of water goes to the state that squeezes the most 'dollars per drop' (Allan 2007) may be fair to someone with a utilitarian worldview, for instance, and outrageous to an egalitarian. For their part, liberal conceptions of *environmental justice* may focus on the process of transboundary water interaction, ignoring the outcome decried by social activists.

Effective analysis of transboundary water interaction, then, must consider 'justice' alongside the role of soft power, sanctioned discourse, power asymmetry, and coercive cooperation. Understanding whose worldview is invoked and whose interests are served is critical to evaluate claims that an asymmetric outcome is fair, or 'fair enough' – particularly when these come from hegemonic actors. The interests of those holding prevailing concepts of justice may contribute, after all, to reinforcing an unfair status quo. Justice may also serve to break it, and counter the hegemony.

All practitioners, academics, journalists and activists were called to London in January 2013 to test these and related assertions in an open, critical, and creative atmosphere to help answer the following questions:

- Do 'power asymmetries allow steering of the trade–offs away from social justice' in transboundary water interaction, or do they only lead to a different form of equity?
- More precisely *how* does power affect an evaluation of what is just and unjust?
- How are conceptions of justice used to undermine or reinforce bargaining and ideational power – and vice versa?

- Which groups invoke which worldviews on justice? On which philosophical basis and legitimised in which ways?
- How is bargaining power used in social justice movements over transboundary waters?
- To what extent is international water law informed by justice? By power?
- How can the reproduction of unjust situations be avoided through counter–hegemonic efforts?
- What sense of justice underlies 'pro-poor' and other apparently subjective justice policy (even on transboundary water initiatives)? Who evaluates it and how?
- Is the term 'equity' more palpable than 'justice' to the prevailing order? Is it therefore more or less effective?
- How can activism for justice serve equitable outcomes?
- How many strawmen lurk in the text above?"

Theoretical and Historical Overview

The Sixth International Workshop on Hydro-Hegemony opened at 9 am on Saturday 12 January 2013 at the University of East Anglia London Study Centre. Professor Tony Allan (King's College London) welcomed participants by briefing reviewing the origins of the London Water Research Group and Hydro-Hegemony Workshops. He then turned the floor over to Dr. Mark Zeitoun (University of East Anglia) to present on **Water hegemony, security, and justice**.

At the first International Workshop on Hydro-Hegemony in 2005, participants expressed concern over the obviously inequitable distribution of shared water resources between states, and Tony Allan asked participants to question how we value the use of water: more crops per drop? More dollars per drop? What about more care per drop? These shared concerns and a similar moral consciousness regarding water paved the road to the Sixth International Workshop on Hydro-Hegemony, where issues of justice in transboundary water interaction were to be explicitly explored.

In order to set the scene for the workshop and ensure all participants were aware of some basin hydro-hegemony, political, and justice theory, Mark presented a basic framework for discussion. Hydropolitics, put simply, is about "who decides who gets what, when, how, and why" around water and related resources (after Lasswell). Justice, at its core, is about "who gets what," and who *should* get what. Multiple worldviews of justice have emerged that answer this question in different ways. Sen's parable of the flute perhaps best illustrates the four most prominent schools of justice. There is a single flute whose possession is contested by three children in a village: one child who made the flute, one child who is the poorest in the village, and one child who has the skill to play the flute. Who has the strongest claim to the flute? From a utilitarian point of view, the child with the skill to play the flute has a strong claim, as her playing will result in the maximum benefit for society as a whole. Egalitarian perspectives on justice seek equality in opportunity through distribution; the Rawlsian school of justice holds that resources

should be distributed as if under a veil of ignorance as to their eventual recipients, so inequalities are tolerated only when they benefit the least advantaged. Both of these perspectives would grant the flute to the poorest child. An individualistic or libertarian mode of justice would view the flute as the rightful property of the child who made it, as justice should be meted out to those who deserve it.

These varied worldviews of justice envision very different "just" realities. Yet visions are all they provide; realities on the ground are often very different. And the extent to which these visions even come into discussions over transboundary water interactions is limited. Kader Asmal was no stranger to justice struggles, as member of the African National Congress, and founder of the UK and Irish anti-apartheid and boycott-divestment and sanctions campaigns. Later as South Africa's Minister of Water Affairs and Forestry, Kader spoke of "some water, for all, forever." As Chair of the World Commission on Dams, he noted early on that, at the heart of the debate over dams, are issues of equity, justice, and power. But these claims are often limited to occasional political rhetoric rather than enshrined in policies or mainstream research, and focused on topics of dams and domestic water use. The silence over transboundary water justice is deafening. There is virtually no activist response, very little in international water law, and all but nothing in academic research.

An understanding of the relationship between conceptions and realities of (in)justice cannot ignore power. Power influences the outcomes, intensities, natures, and perceptions of transboundary water interactions. Theoretically, forms of power can be divided between "hard power" (using military and economic tools) and "soft power" (relying on ideas, bargaining power, and perceptions of legitimacy). Soft power is generally assumed to be more abstract and difficult to trace than hard power but also a good deal more influential. Hard and soft power often exist simultaneously, as the powerful use the carrot and stick, the sword and the pen together.

One reality of power in today's world is that of hegemony, best understood as unequal distributions of power and influence between formal equals. Hegemons may assert dominance through both hard and soft power means, and hegemonic action can be positive and/or negative for others involved. In any transboundary basin, a hydro-hegemon is present, be it through its riparian position, preponderance of power, or ability to exploit resources. Shifts in hydro-hegemony are more often caused by political changes than climatic or geographic alterations.

With these basic understandings of justice, power, and hegemony in mind, Mark challenged participants to consider:

- Who wins/loses from trade-offs?
- What are predominant forms of power and worldview of justice?
- Whose "justice" matters?
- What are guiding principles determining "unjust" outcomes?
- How can the situation be changed?

Coexisting Cooperation and Conflict

The assumption that cooperation is necessarily and automatically good and conflict inevitability negative was challenged by Naho Mirumachi (King's College London) in her talk on **Cooperation diverting from justice**. Naho argued that events do not occur in a linear fashion along a dualistic scale along conflict and cooperation, and that we should move away from polarized conceptions of conflict and cooperation to understanding coexisting conflict and cooperation. Thinking too linearly about specific events such as treaties and the creation of organisations allows policy to become apolitical as it loses it contextual process. Nor should we believe that any form of "cooperation" is a good and just way to move forward.



So what does effective cooperation mean, and how does power operate in situations of cooperation? The Transboundary Water Interaction Nexus (TWINS) provides a framework for evaluating levels of conflict and cooperation simultaneously. Low levels of both cooperation and conflict indicate that little interaction is happening, and thus the status quo likely being upheld. TWINS can help indicate the quality of the interaction: When high cooperation and low conflict are present, cooperation is likely "pretty." What is generally considered "ugly" cooperation is present in situations of high conflict and low cooperation, where "cooperation" generally occurs as the hegemon desires, ignoring the real problems in favour of tokenism and coercion.

Putting the TWINS matrix to work in transboundary water analysis shows that the majority of interactions arecharacterised by inequitable outcomes, "paper tiger" agreements that are extant but unhelpful for the less powerful of the actors involved, and the importance of soft power in shaping discourse. This characterisation raised several questions: How should transboundary water benefits and burdens should be shared between actors? How should these divisions be determined? Who decides what is fair? In examining these issues, movement from state-centric thinking to multi-scalar transboundary water interaction consideration is necessary. These issues have begun to enter discourse through water security, the water-energy-food nexus, hegemony, political economy, and water hegemony; it is time now to consider how TWINS might be scaled up and down to consider issues of cooperation and conflict in transboundary water interactions.

Review of current water justice literature

Karis McLaughlin (University of Oxford) presented **Water and justice: a literature review**, examining trends in academic work. The concepts of "water" and "justice" appear together most often in law, which together with the disciplines of political ecology and geography hosts the majority of work on the topic. Most of the attention given comes

from academics in the United States, South Africa, and Australia. As the birthplace of the environmental justice movement, "water justice" in the United States explores how disadvantaged groups may face greater exposure to water pollution. South African literature focuses on how justice is enshrined in legal policy statements and how these statements are or are not effectively translated on the ground. Australian work often focuses on indigenous rights and issues of reallocation. Only one of the thirty articles Karis found explicitly engaged with transboundary water interactions; this single article explored a shared river between California and Mexico. Its uniqueness, and its focus on a relatively developed area, highlights just how great the gap is in academic research on transboundary water issues.

Early environmental justice research followed in the footsteps of the US environmental justice movement, which was focused most on protection from and inequitable exposures to risks from environmental harms. More recently, academic work has shifted from apolitical analyses of exposures to environmental risk to more nuanced studies exploring how justices are created and experienced; the field of political ecology has been instrumental in providing tools for more critical analyses. Three major themes are seen in more recent work regarding "water justice": scale; water, justice, and power; and universalistic versus pluralistic conceptions of justice.

- Scale. There is a mismatch illuminated by the literature between the scales at which the problems of environmental justice are *experienced* and the scales at which they are *produced* (Sze et al. 2009). Local, national, and global processes feed into one another; this means that justice is inevitably multi-scalar and we must consider it as such (Sneddon and Fox, 2008; Zwartaeveep and Boelens, 2011).
- Water, justice, and power. Uneven access to water, its allocation, and exposure to water pollution is a reality of today's world that both reflects and reproduces inequitable relations of social power. The powerless are all too often excluded from water management decision-making (Debbane and Keil 2004).
- Universalistic versus pluralistic conceptions of justice. There is a debate about whether justice is universal (we can come to one definition and understanding of justice that is applicable everywhere) or pluralistic (there is no single notion of justice, so what is just must be considered on a case-by-case basis).

While there is a crowded and confusing literature on water's connections with social and environmental justice, there are also glaring gaps, particularly around transboundary issues. Karis concluded her literature review by suggesting to participants that a lack of agreement over the definition of water justice should not be an obstacle to research and action on water injustice.

<u>Discussion: Themes and Lingering Questions</u>

- Diverging Conceptions of Justice
- Scalar Questions
- Power
- How do the above themes interact with concepts of hydro-hegemony and transboundary water interactions?


Conflict & Cooperation I



Chapter 2: Power, Politics, and Justice

Chapter 2: Power, Politics, and Justice

Purpose: To investigate the importance of: a) distinguishing both between Western/liberal conceptions of justice (e.g., egalitarian, libertarian), and between these and other forms of justice (e.g., Sen, local conceptions); and b) power asymmetries legitimising some views and outcomes over others (through agenda–setting, discourses, steering trade–offs, etc.). Cui bono?

Justice in Environmental Sectors

Lessons on transboundary justice from forests/REDD

Thomas Sikor, University of East Anglia



The Kyoto Protocol of the United Nations Framework Convention on Climate Change written in the 1990s was, in many ways, a transboundary interaction, seeking to regulate the transboundary effects of carbon. Boundaries were seen between states and between the global North and global South; power asymmetry was evident even in the midst of a formally democratic process and global forum. Critical transboundary water interaction analysis (CTWIA) would predict that such a forum would lead to transboundary regulation seeking to influence interactions between states but that the resolution of emerging trade-offs would favour the powerful. And, indeed, the Kyoto Protocol and related programme on Reducing Emissions from Deforestation and Forest Degradation (REDD) have been criticised for precisely that.

But do the politics of justice change the game? Using justice not as a tool to predict outcomes like CTWIA but rather as the subject of international relations and discourses around forests, the emergence of REDD and REDD+ from the Kyoto Protocol – which avoided issues of deforestation – can be seen as part of a justice process. REDD+ includes a series of safeguards acknowledging the need for the participation of all stakeholders, particularly indigenous peoples and claiming protection of the rights and knowledge of indigenous peoples. Yet the safeguards are put into the annex of the agreements, lack specificity, and no commitment to the United Nations Declaration on the Rights of Indigenous Peoples is made.

Through the emergence of REDD+, the recognition of multiple actors, and the definitions of trade-offs, justice does indeed seem to be changing the game when it comes to international agreements over transboundary environmental resources. But a major question remains: Does bringing justice into the discussion empower the powerless…or the powerful?

Framing the environmental good: lessons from different transboundary sectors

Adrian Martin, University of East Anglia

Multiple environmental sectors have transboundary impacts and issues: forests, energy, biodiversity, and disasters, to name a few. The environmental goods accompanying each of these sectors are conceived in a multitude of ways. In addition to different philosophies of justice and politics, there are different types of good: physical, social, economic. Efforts in practice to make environmental management more just are often undermined by prior determinations of what justice is about and who it is for. The key question becomes "Whose justice prevails?"

Take an example from conservation work. In the field, questions of justice and equity generally involve distributing benefits from ecotourism revenue and compensation schemes. And certainly, the distribution of these benefits is a question of justice. But perhaps the more important question of justice is this: Who decides that the focus of justice on the ground should lie in benefit sharing? And who decides which benefits matter and should be considered for sharing? What isn't on the table and why?

These questions can be explored through several transboundary environmental goods (carbon, virtual water, ecosystem services, and environmental security, to name a few). Doing so raises a myriad of other concerns. We see wars of measuring in units and technologies along with issues of commodification and securitisation. We also see "assumed associations" between procedure and distribution, distribution and recognition, through which we assume that participation automatically guarantees good outcomes. Mark Zeitoun's research on the distribution of benefits and harms from transboundary basins clearly indicates that this is not the case. Similarly, there are "assumed disassociations" between efficiency and equity, justice and politics.

Environmental sectors have a great deal to learn from each other. Activism and research in each of the sectors have unique strengths and weaknesses. In the water sector, there are calls for stronger emphasis on distributive outcomes as a benchmark of justice; in biodiversity conservation, there are calls to move beyond emphasis on distribution of benefits and to take recognition more seriously; in the forest sector, the deeply contested nature of the resource is a factor in demanding more deliberative approaches to framing justice; whilst a just response to disasters might require reconsideration of the foundations of morality, from individual rights and duties to communitarian care and compassion.

Hard Power: Justice in Military Occupations

Environmental justice norms and international humanitarian law: incompatible and irrelevant?

Michael Mason, London School of Economics

By their very nature, situations of armed conflict and military occupation are situations marked by total asymmetries of power. If theories of justice have a claim to usefulness and relevance, they must say something about these situations. Specific to environmental resources, theories of justice must speak to the allocation of access and

control in the midst of strongly skewed interactions. Belligerent occupations, then, can provide tests for the relevance of various forms of justice.

How do we understand justice? Too often, theories of justice become scholastic fallacies as discussed by Bourdieu, attempting to explain too much of a phenomenon from an academic lens. Universal ideas of justice based on cognitive thinking simply are not sufficient. To understand justice fully, we must more from perceptive observers to participant empathisers, experiencing justice and injustice. Documentaries, fictional accounts, and distopic writings often have more to say on the subject of injustice than academic theories are able to provide. And while history is written from the prospective of the victor and (in)justice is thus difficult empathetically to conceptualise, it is possible to directly engage, through academia and activism, with those who are modern victims of injustice.

Notions of justice have been present in war situations for centuries. Just war theory has been incorporated, formally and informally, in international norms. Citing environmental resource scarcity or pollution as a reason for going to war is considered morally unjust; environmental justice and armed conflict then overlap in the conduct of war.

International humanitarian law (IHL) seeks to prevent harm to certain protected groups in situations of armed conflict; many justice commentators thus view the codification of IHL as a way to mitigate harm and thus promote justice. In regards to the environment, however, IHL does not clearly enough specify when and how harm to environmental resources will result in undue harm to civilians. This is further complicated in situations of military occupation that are not strictly considered "armed conflicts." Justice theories have relatively little to say to how environmental resources may and may not be ethically used in situations of armed conflict and military occupation, but they must if they are to maintain relevance. Michael concluded by suggesting some of the basic issues theories of justice must speak to in these situations, if they are to be of any use:

- The occupied nation should maintain control of environmental resources.
- There is an obligation under IHL for the occupier to provide sufficient drinking water and food.
- The occupier should not use immobile resources in a way that depletes their capital.
- Both procedural and distributive matters of justice must be considered.

<u>Discussion: Themes and Lingering Questions</u>

- Politics and framing of justice
- Relationship between justice, power, and (de)politicisation
- Attention to possible strategies for weaker parties and the mobilisation of third parties is needed
- Recognising and fighting against injustice is conceptually easier than fighting for justice
    - But are justice and injustice two sides of a coin? A continuum? Or can they coexist like conflict and cooperation?
    - Can there be a plurality of justices?





Chapter 3: Soft Power

Chapter 3: Soft Power and Transboundary Water Interactions

Purpose: To investigate more precisely how expectations are set, how ideational and bargaining power supports particular views of justice, and vice–versa, how unfair status quo is reproduced, and the favouring of apolitical conflict management over conflict resolution.

Power and Money in the Mekong

Tipping the Scales of Justice: an analysis of how money and power influence notions of justice in the Mekong Basin Hydropower debate

Nathanial Matthews, King's College London



"Environmental degradation and social justice are two sides of the same coin" (Gill, 2003). This quotation speaks to the reality that the poor are disproportional harmed by ecological destruction. Problematically, though, mainstream development projects such as dams often require environmental degradation to some degree. Putting these two paradigms together suggests that economic development that is both sustainable and just is all but impossible. Despite these rather pessimistic views, development projects do move forward, and some benefits are seen.

The Mekong Basin in Southeast Asia is home to the world's twelfth longest river, second in biodiversity after the Amazon. Seventy million people live in the basin; eighty per cent of them in rural areas. Nearly two hundred dams are planned or under construction within the basin.

A great deal of debate has arisen on local and international stages regarding dams in the Mekong. Different notions of and claims to justice are a strong part of these debates. Utilitarian hydropower narratives claim that the macro-level benefits outweigh the costs. Surely Laos escaping the status of a "less developed country" is worth a few fish? Egalitarian hydropower narratives, on the other hand, highlight micro- and meso-scales and the damages caused to livelihoods and the environment by the construction of the dams.

Is Mekong hydropower just? Almost all forms of large-scale development create benefits as well as ecological and social debt; that is, development projects involve both immediate and long-term impacts on livelihoods, and the full costs of projects are often

not paid by the implementing generation. One indicator of whether hydropower is socially and/or environmentally just is how and why the benefits and debts created are

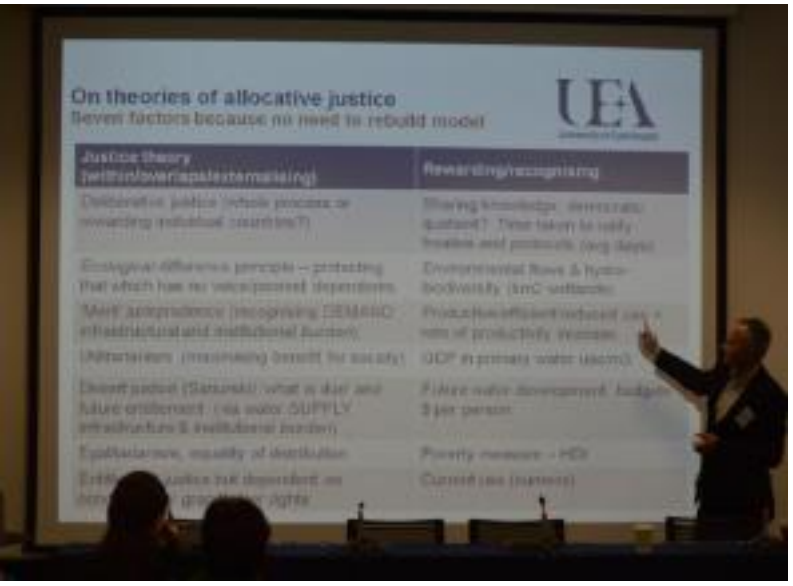
distributed and measured. In the Mekong Basin, evidence suggests that powerful actors reap the benefits while poor actors bear the costs. Several mechanisms impede justice and reinforce expressions of power, including a lack of transparency and participation and the weak enforcement of law. These mechanisms result in short-term gains being prioritised over long-term costs, a lack of basin-wide planning, poor environmental and social impact assessments, and serious environmental and social harms. The reality is that dams in the Mekong have cost more than anticipated, produced less power than promised, neglected to provide irrigation, displaced large numbers of families, and significantly damaged fisheries.

In the Mekong Basin as well as in all other cases, justice can be understood as a balance of numerous interlinked elements of distribution, recognition, participation, and capabilities, and capacity and ethics are important requirements in framing whether or not projects are just.

Justimetrics in the Zambezi

What does justice bring to Article 6 of the UN Watercourses Convention? Journeying from equity legerdemain to justice transparency for water allocation and sharing.

Bruce Lankford, University of East Anglia



In 2008, Bruce Lankford was called to consult in the Zambezi Basin as the states explored allocative changes based on international water law. Article 6 of the UN Watercourses Convention stipulates that shared fresh water sources should be divided between riparian states based on principles of “equitable and reasonable use” (ERU). Seven factors were originally chosen to help states determine what “equitable and reasonable use” means (the country’s area in the basin, the country’s runoff contribution to the basin, the country’s population, the country’s current GDP per capita, the country’s expected future GDP per capita, the country’s poverty measure, and the country’s current use), yet a standard definition or formula for measuring and weighing these factors is not given. Jurimetrics and legal assessment models have arisen to help states work through the process of determining ERU principles in their shared waters; however, these methods have not successfully brought about justice or equity transboundary interactions.
Part of the problem lies in the fact that the seven factors given for determining equitable and reasonable use suggest seven different conceptions of justice: deliberative, ecological difference, merit jurisprudence, utilitarianism, just desserts, egalitarianism, and entitlement. These forms of justice will be prioritised differently by different actors and suggest very different – and often contradictory – visions of just outcomes. Given this, apparent progress toward equitable and reasonable use through changes in

unilateral or multilateral policies may not actually impact the justice deficit present in a transboundary situation. Toward this end, Bruce suggests exploring the possibility of justimetrics, creating a justice assessment model rather than a legal assessment model for analysing shared water resources distribution.

Donors and Justice in Palestine

Hydro-Justice provided by donors? The Palestinian Pentalogue

Clemens Messerschmid, Independent



Ideational soft power rarely comes alone but is usually backed up by hard power. Such is the case in most donor-supported water projects in the occupied Palestinian territories. Academic dichotomies between hard and soft power and Ivory Tower a-historical, "objective" theories of justice cannot be reconciled with grassroots approaches or spontaneous, partisan outcries against existing injustices; attempting to do so will, at best, result in relative failure and, at worst, cause real damage. Current trends of UN, NGO, and donor driven discourses of universal approaches to "environmental justice", the "human right to water", and "climate change justice" often serve to help gloss over local realities of hardship, human rights abuses, and violence in such a way that NGOs inadvertently help perpetuate hydro-hegemony. In the case of Israel, the donor's collaboration with the occupation is anything but inadvertently. It is a strict, prioritised agenda that is not mainly informed by water but instead by other issues of power.

International discourses and the ideational power created by institutions such as the Dublin Principles, IWRM, Rio+20, and Kyoto Protocol can actually hinder NGOs in promoting justice and effectively promoting not only human but also wider water-related rights in the local context. Yet these overarching frameworks, driven and informed by hard power, are not the only ideas at play. On the purely ideational, discursive level, the soft power of local, regional and internationally spread myths and half-truths can contribute considerably to NGOs' actions.

In Palestine, narratives about Israel's water and sustainability leadership, the alleged need for conservation and climate change adaptation in the midst of a powerful occupation, the hesitance in challenging a regional power, and large celebrations over "achievements" (that elsewhere would be considered shameful) form part of a "pentalogue" that grips international donors through ideational power such that Israeli blatant injustices towards Palestinians are increasingly ignored, to the extent that they are not even identified, much less confronted. Following this donor pentalogue, NGOs trying to marry universal principles of hydrojustice, climate change justice, environmental

justice, and the human right to water with the local hydropolitical situation often fall into the trap of downsizing Palestinian needs, ignoring inequities in levels of abstractions, and neglecting Palestinian rights.
NGOs, as well as academics and other actors must not ignore the influence of political rather than physical scarcity, water myths, and other misleading forms of ideational power that pervert their justice discourse into a contribution to injustice.

Trilateral Cooperation in the Nile Basin

Counter-hydro-hegemony on the ground in the Nile River Basin: tipping the balance of power in favour of upstream riparian states

Ana Cascao, Stockholm International Water Institute



In 2011, the Nile Basin gained a new riparian state: South Sudan. The formal creation of the state, along with other major events (the fall of Mubarak in Egypt not the least of them), have redefined the regional political and economic landscape. New infrastructure projects, including dams, are continuing to change the balance of power as the countries relate to each other in new and different ways. New paradigms of cooperation are emerging. In some ways, these emerging changes seem to lead to justice. But which justice(s) are they promoting, and are these changes desirable?
The bargaining and ideational soft powers of the Nile riparians have changed. Negotiations capacities have become more balanced; countries now sit together at the table as formal equals. States that were once strongly marginalised are gaining the power the set agendas and timing. Collective bargaining power is growing in the strength, and new geopolitical actors and settings are emerging.
These changes open the door for counter-hegemonic action and challenges to the status quo. One of the strongest forms of soft power in the Nile Basin comes in the form of multilateral cooperation. Multilateral cooperation can lead to basin-wide development of transboundary water resources, legal and institutional frameworks, and new paradigms for the development of water resources. But multilateral cooperation has not historically delivered in this Basin. The Grand Renaissance Dam began as a unilateral move by Ethiopia as its government decided it could not wait for cooperation; it has since become a trilateral action. Once, Egypt and Sudan would have threatened to bomb the dam if Ethiopia went forward unilaterally; in today's political economic order, they are helping with its safety and construction.
But who calls the shots? Transboundary and multilateral cooperation are just as likely to end in conflict avoidance, bargaining deadlocks, and the promotion of the ideational status quo as they are the addressing of the conflict, creative bargaining, and ideational

change. The following questions must be considered in any analysis of the good or bad of cooperation:

- How do we know that soft power is being utilized?
- How does soft power impact water resources management practices and allocation outcomes?
- How do we assess whether soft power is working toward a form of justice or injustice?

Discussion: Themes and Lingering Questions

- Dams are part of wider political settings and strongly intermixed with nationalism and unity
- Should justice be viewed as a process rather than an outcome?
- How do we ensure we are not victims of soft power ourselves?





Chapter 4: A Hegemonic World Order

Chapter 4: A Hegemonic World Order

Purpose: To investigate how the forces active in shaping the international political economy serve to discourage or encourage claims for justice and to flesh-out current and established thinking and practice of justice and water.

The Continuance of the Hydraulic Mission?

Revisiting hydraulic mission approaches: the Red Sea - Dead Sea Conveyance and its alternatives deep in late modernity, 2002-2013

Tony Allan, King's College London

On May 22, 2005 at the annual World Economic Forum - Dead Sea, the Israeli, Jordanian, and Palestinian Authority governments announced their joint commitment to study the possibility of helping to restore the dying Dead Sea by bringing water north from the Red Sea. Such a Red Sea-Dead Sea Water Conveyance is intended to raise the Dead Sea's water level; provide potable water for the region, especially Amman; and promote cooperation as a symbol of peace in the Middle East.

Professor Tony Allan was named by the Palestinian Authority to sit on a team of experts tasked with a "Study of Alternatives" exploring other options that would result in Dead Sea restoration. This Study of Alternatives examines some of the other possibilities available to the three involved governments and highlights some of the challenges with Dead Sea restoration generally and the Red Sea-Dead Sea conveyance specifically. It is important to recognise that the contexts of this project are dynamic. Different circumstances exist now in the region than did even when the project was first put forth, and contexts will continue to shift. Some of the challenges identified include the status of the Dead Sea as a public good; asymmetric energy scenarios in both cost and price; public perception of the value of water; public and collective political commitments to any conservation attempts; regulating the Dead Sea chemical industry; brine disposal; transparency; and constantly shifting political realities between the three governments directly involved and the neighbouring states with control over upstream waters. In spite of these complications, the Study of Alternatives explored the feasibility of several other possibilities, including a Southern Med-Dead tunnel, Jordan River Restoration, desalination, increased wastewater use, conservation, changing irrigation practices, and chemical industry changes.

The mainstream option – the Conveyance itself – is, in many ways, a sign of the continuing prominence and ideational power of the hydraulic mission. Water has strong ties with nation-building in this region as in the rest of the world. Furthermore, the project is significantly impacted by imbalances of power between governments. The Study of Alternatives will likely not be given equal attention or weight in the overall program; however, groups such as Friends of the Earth Middle East are expected to use the Study of Alternatives as a tool in counter-hegemonic activism. Draft reports of the Feasibility Study for the Conveyance itself, an Environmental and Social Impact Assessment, and the Study of Alternatives are now available online via the World Bank for public consultation.

Hydropolitical Peacebuilding

Hydropolitical peacebuilding and justice in the Lower Jordan

Eric Abitbol, American University (Washington DC)

What can we learn about hydropolitical peacebuilding and environmental/hydropolitical justice by examining activist discourses? Eric Abitbol (American University, Washington, D.C.) explored this question in the Israeli-Jordanian-Palestinian context, where the social and political system produces environmental injustices through equalities and inequalities in recognition, partnership, material benefits and distribution, and relational practices. There are both comparative and relation power asymmetries between the involved governments, seen through hard power threats as well as bargaining and ideational soft power.



This study assumes that discursive practices matter. A great deal can be learned both from what people do and say and what they think that they are doing and saying. Transformative practices involve critique, resistance, and the creation of alternative relational formations. These transformative practices often arise from discursive practices.

In the Lower Jordan River Basin, discursive and transformative practices are used by activists and practitioners in a variety of ways. Groups such as Friends of the Earth Middle East employ narratives of environmental peacebuilding to encourage projects such as the Neighbours' Path, Water Realities, and Jordan River Rehabilitation creating spaces for critiquing the hegemonic and engaging in alternative relationships. Practitioners at the Arava Institute for Environmental Studies are able to identify how both Israeli and Palestinian practices result in pollution along the Jordan River, thus resisting the dominant narrative put forth by Israel that it engages in more environmentally sustainable practices than Palestine. These kinds of actions help to promote peacebuilding and justice even in the midst of hegemonic realities; however, it is important to remember that even practices of transgression against and transformation of power asymmetries are themselves mired by hydrohegemonic residues. Continual reflection and accountability are required to engage in true counter-hegemonic activism.

Smallholder Farming

"Small is beautiful!": how a focus on smallholder farming in investment can deliver basin justice

Martin Keulertz, King's College London

Growing food on large-scale agricultural plots with big scalar returns has become hegemonic in Africa. This has happened partially due to export-led agricultural industrialisation strategies pursued by African governments in order to enter the global economy amidst claims of making the world food secure and calls for a second Green Revolution. Trading hegemons in the form of transnational corporations, as well as hegemonic states, have engaged in land grabs in order to help facilitate these practices. In this context, pushing against these large-scale plots through smallholder farming can be counter-hegemonic.

In Kirombero, Tanzania, a 5,000-acre plot purchased by an investor in London is praised by utilitarian perspectives of justice because of its high rice yields. No farmers were evicted from the plot, as it has existed at its large size since the 1970s. But a closer examination through an egalitarian justice lens would not agree that the farm is just, especially when water is taken into consideration. The large project relies on a stream nearby, and flows have decreased. This impacts users downstream. Additionally, a large number of pastoralists have been evicted by the surrounding area by the government in order to ensure they do not interfere with rice production. Smallholder farming, though it is associated with higher labour costs and lower yields, can also have a lesser impact on blue water resources and may well be both counter-hegemonic and more just when all inputs, including water, are taken into account.

Global Food Business

Transnational water governance and global food business: in search for equity and justice

Suvi Sojamo, Aalto University

Globally, the agri-food sector is the biggest water user, yet its "problemshed" of water politics, management and governance is not well understood, particularly in the private sector. The private sector operates through an hourglass along the commodity chain: there are billions of farmers and billions of consumers on either end, but in the middle are a small number of highly influential transnational corporations. This corporate power is concentrated and consolidated in the West and wields a great deal of instrumental, structural, ideational, and discursive power of policies, markets, and governance networks globally with relatively little regulation. Corporations are able to influence the rules of the game they themselves are governed by. Their hegemony is somewhat countered by food movements and challenged by investors from rising economies, but the latter operate generally according to the same business logic and thus only push at the margins of the issue.

Corporations generally claim that they have no control over how the 'big' water is managed in farms. But it is the corporations who assess investment risks, provide inputs,

buy the products and influence the wider framework for production. Furthermore, a growing group of corporations is actively participating in water accounting, disclosure and stewardship standard setting and practice. Accordingly, it is argued that a transnational water governance regime is currently forming reflecting the power dynamics of the global corporate food regime.

When it comes to equity and justice considerations, the power-asymmetric world agri-food system is not providing food and water security for all. The risks involved are not equally distributed, nor are the resources equally allocated. Equity and justice are non-issues to the most powerful in the political economy, and yet it is these very power asymmetries that create and enforce inequities and injustices and make countering them a formidable challenge. Accordingly, equity and justice in the emerging transnational water governance regime can be questioned too. Attention must be given to both the processes and outcomes. Especially in locations suffering from different forms of water and food insecurity, it is suggested that meeting the basic needs and rights of the weakest stakeholders to level the playing field must be a prerequisite for the corporations' legitimate license to operate. Due to their power asymmetric position their role needs to be constantly scrutinized and negotiated, possibly backed up with international rules and standards.

Water Stewardship Standards

Grappling corporate water hegemony - the trials of rule setting for transnational water justice through water stewardship standards

Nick Hepworth, Water Witness International



Some sixty two per cent of the United Kingdom's water footprint is in embedded water overseas rather than local water use. One of the places the UK's virtual water comes from is Peru, in the form of asparagus. Peruvian asparagus production has increased local salaries from one to ten United States dollars per day and engages in "efficient" drip irrigation from groundwater. Yet the one hundred square kilometres of land under asparagus production in Peru are located in one of the driest parts of the world. The amount of water extracted from local aquifers, the bulk of it used for asparagus production, now exceeds the recharge, requiring water transfers from the Amazon.

The case of Peruvian asparagus is one of many similar stories involved in virtual water trade, raising far-reaching questions for water justice that exist in the midst of inadequate extant mechanisms for water justice. There is little authority available to

work against large producers on the ground. There are serious concerns in many locations with policy makers becoming businessmen and vice versa. Yet markets, investors, buyers, and consumers are increasingly sensitive to the impacts of water use. Supermarkets, as the result of consumer expectations and global norms, have begun to require toilets, chemical showers, and contracts for agricultural workers. Might the same be possible for water stewardship?

The Alliance for Water Stewardship is launching a programme to create and test international standards for water stewardship that will allow for the tracking and implementation of water justice. This initiative is taking into account the views and needs of transnational corporations; local farmers, agricultural workers, and neighbouring water users; and consumers. It is hoped that this process will result in a internationally relevant scheme able to track water justice in food systems.

Water Imperialism in Science and Law

Law, science and water imperialism

Radha D'Souza, University of Westminster

The current, established thinking and practice on the combination of justice and water too often looks like the simplistic formula of adding justice to water and stirring. Justice should be such a wonderful ingredient, and yet water becomes so muddy when this simplistic process is followed. There is a growing gap between normative principles of justice and the real ways in which natures and peoples interact. Epistemologically, there are various kinds of discourses; little attention is paid between how these discourses interact and create fragmentations between worldviews, disciplines, and sectors. Too often, normative theories are formed in the global North based on data that comes from the global South. This skews the knowledge produced about a variety of issues, including the core relation between water and justice.

Beyond problematic relationships between North and South, technologies and science impose an architecture on society. Most obvious in the water community, large dams impose centralised governance through command and control mechanisms. If we are to truly gain justice for water and for people, all assumptions must be questioned, including those about science. Science cannot be left to the scientists. The flows of water through the military-industrial-technology-media complex must be examined and considered.

The Scope and Borders of Water Justice

Have we got the scope right for water borders and justice?

Melvin Woodhouse, LTS International

The majority of the topics discussed in this Workshop focused on shared river basins. But if each of the world's shared water basins is dealt with in a just matter, will that achieve transboundary water justice?
Transboundary water justice has become all but synonymous with river basin justice, with emphasis placed on areas such as the Mekong, Jordan, Amazon, and Nile River Basins. Yet these basins are not truly the majority of the world's water, nor do they

account for the lion's share of water justice issues. Instead, perhaps they are the most *obvious* of the multitude of issues.

To truly achieve transboundary water justice, we must go beyond the obvious blue water and river basins concepts. Achieving equitable access to water has to include flows of green, virtual, and recycled water that do not presently feature in the "hydrological cycle." Doing so will result in greater levels of shared benefits that are only achievable through broader cooperation than presently practised.

Legalising "Fair"

Can anything to do with transboundary water be objectively "fair?"

Owen McIntyre, University College Cork

Transboundary water law deals nearly exclusively with state actors; communities and individuals are not generally included in the scope of international water law. The legal side of water interactions is more concerned with the practical applications of extant law rather than exploration of what is ideal or just. However, international water law does delve into justice insofar as issues of justice or injustice are written into law.

Currently, international water law is not a comprehensive body of rules, but rather a small group of approaches, the most famous of which is the principle of "Equitable and Reasonable Use" from Article 6 of the UN Watercourses Convention.

Equity, however, is not synonymous with justice or fairness. And legal mechanisms are more often focused on issues of the practice of distribution, that is, *how* states determine the distribution rather than what the distribution actually is. International water law cannot – and perhaps should not – provide hard and fast rules for how resources are divided. What it can to is provide strategic direction for how international engagement around shared resources should proceed. Equitable participation is likely to lead to just outcomes. In order to engage in equitable participation, states need a large array of resources: data, the ability to negotiate, technical knowledge, etc. International law is a "culture of communication." One possible path forward for approaching transboundary water justice, then, is to provide translators for states with fewer resources.

Discussion: Themes and Lingering Questions

- Larger contexts of hegemony and political economy are present at all scales
- Transboundary water interactions are not always obviously visible
- Farmers must be in the room to truly address issues of water justice
- Equity, equality, justice, and fairness are not the same thing, but are all important in their own right
- Is justice something that is naturally endowed or socially constructed? Are the two possibilities mutually exclusive?





Chapter 5: Counter-Hegemony

Chapter 5: Counter-Hegemony

Purpose: To investigate how the status quo can be challenged, through justice, law, soft power, or other means.

A-Hegemony and Counter Hegemony

A-hegemony and counter-hegemony

Jeroen Warner, Wageningen University

"A-security" refers to a world system in which countries are so strongly integrated that there is little or no chance of issues raised between states becoming military conflicts. "Ahegemony" is a similar concept, in which formal equals are equals in truth as well as in principle. There is not, however, theoretical agreement on whether or not hegemony is truly a problem and if we must move past hegemony in order to achieve justice. Would an ahegemonic world also be an apolitical one? Is such a thing possible or desirable? Realist thinkers see leadership and power as necessary in order to get things done. Proponents of negotiation and mediation theory would argue for attempting to level the playing field as much as possible, and doing so will result in progress through bargaining. Post-Marxists view hegemon struggle as a driving force in history that will never be complete; this school of thought does not predict an "end of history" as claimed by Fukuyama.

Even some thinkers who are great activists and proponents of justice see hegemony as a part of the political process, and that attempting to take the political out of politics and remove social forces would not help the cause of justice. Indeed, it is hegemony that creates the need for counter-hegemony and allows for activist progress.

Alternative thinkers call for "authentic communication" that can overcome politics and institutions, working toward consensus rather than hegemony. This kind of Habermasian thinking is popular both in NGOs and technical groups. Still other thinkers such as Vimo, Hardt, Negri, and Harvey call for ahegemony and exodus, breaking from modernity and working to create something new.

Do these theorists have anything to say to transboundary water justice? They do insofar as different groups involved in transboundary water interactions work from their frameworks. They also point to the need for a coherent strategy in activist efforts. Ultimately, perhaps, the diversity of theories allows for continuing reflection and debate between practitioners that can help to make advocacy stronger. For, given the wide array of views presented, theorists do not uniformly answer lingering question such as:

- Is hegemony something we should work to promote or prevent?
- Is hegemony unavoidable but also unstable, therefore providing opportunities?
- Is equity fluid?

Multi-Level Counter-Hegemony

Multi-level counter-hegemony in the Nile region: how the construction of large-scale dams is changing the hydropolitical relations between and within the Nile countries

Ana Cascao, Stockholm International Water Institute



Most of the academic work focused on transboundary water management is strongly state-centric. But states are not the only actors. There are strong and powerful parties above the state – international organisations and corporations – and within the state – opposition movements, etc. Discourse may be framed at global, regional, national, and local levels. In today's highly globalised world, discourses are fluid between levels; for example, local calls for rights and heritage are highly reflective of international discourses on human and indigenous rights.

Discourses over large-scale dams in the Nile River Basin are shaped by the hydropower agenda, activist agendas, energy and trade purposes, urban and rural electrification, and local populations. Of course, these factors do not all carry equal voice or weight at different scalar levels, and different dams come with different considerations. UNESCO was involved in the creation of the Aswan High Dam because of the monuments affected by its construction, but the organisation had little to say regarding the Merowe and Kajbar Dams in Sudan, where the social justice movement was much louder as a result of the volume of necessary resettlements. All dams are political at many different scales.

In regards to the Grand Renaissance Dam in Ethiopia, the same degree of advocacy activism is not observed. Why is this? The level at which analysis is done and discourses focused matters. The Merowe dam was focused locally because of resettlements and globally due to power issues; the Grand Renaissance Dam has primarily been framed as a regional issue.

Focusing on multiple scales can challenge the status quo and be counter-hegemonic in and of itself. Projects that may be seen as counter-hegemonic in regional settings may well have different reactions at other levels. Every scale must be considered in justice analyses.

Human Rights Advocacy

Using human rights and advocacy for water justice in the West Bank and Gaza

Cara Flowers, Independent

In spite of strong theoretically disagreement about what exactly justice is or is not, the concept is widely used by non-governmental organisations and others for activism and advocacy purposes. For Emergency Water and Sanitation/Hygiene (EWASH), an organisation working on the implementation of water projects and sanitation in Palestine, justice was a strategic choice and part of local communities' demands for recognition. Justice allowed for connection to previous and other ongoing campaigns. The term speaks to a wide array of people. It encourages an analysis of power, repoliticising water, which Israel and many other NGOs have sought to depoliticise. Justice can make claims based on human rights and international humanitarian law. It speaks to different scales and calls for conflict resolution rather than conflict management.

NGOs use a number of tactics to help campaign for justice. Some of the tactics used by EWASH included education and workshops on rights, contributions to legal mechanisms and human rights reports, support for legal cases in Israel, encouraging advocacy and communication in the Palestinian territories on the theme of water and sanitation, and supporting other initiatives through communication.

The actions of groups such as EWASH serve to remind the academic community that, even while debates over terminology and definitions are ongoing, the same terms and concepts are being used on the ground for a wide array of purposes and with a variety of results.

Virtual Water Trade

Hegemony and counter-hegemony in virtual water trade: justice for indigenous people?

Francesca Greco, King's College London; UNESCO World Water Assessment Programme

Virtual water is, perhaps, the most transboundary water there is, yet the classic hydrological cycle does not account for it. A more realistic picture would show multiple cycles all interlinked, with water flowing between and around them.

Through "virtual rivers," water has been "exported" to Europe. Hegemony is highly present in virtual water: Through virtual water, the rich "eat" the poor's water. Food trade results in the detachment of water's value from its local context. Hegemonic global processes of virtual water trade raises a number of questions:

- Does everyone have "equal access" to water being used for virtual water trade?
- Do local people have same benefits and rights of foreign consumers to water?
- Who gives me the right to eat someone else's water?
- How do we apply the "water allocation doctrine" in case of virtual water?

Reisner pointed out that "Water flows uphill to money and power." At present, water is flowing globally to where more dollars per drop are being produced. To understand and

work against the injustices created by this system, the political economy of food trade must be fully analysed and water accountability in the private sector created.

Discussion: Themes and Lingering Questions

- Justice can allow for local movements to speak on global stages
- Multi-scalar research needs more attention
- Decommissioning dams and other major projects can be as damaging as their construction; care must be given to how and what advocacy focuses on





Chapter 6: International Norms

Chapter 6: International Norms

Purpose: To investigate the relationship between power, justice and international norms and international water law. Norms (e.g. economic efficiency) developed and reproduced by the powerful, or challenged by others (e.g. human right to water). International Water Law either a) serves conventional forms of justice, b) serves social justice, c) is devoid of justice. How can transboundary water justice be justiciable?

Framing Justice and Security

Framings of water justice and security

Jeroen Warner, Wageningen University

From a devil's advocate perspective, we should always challenge our assumptions and others', even the most fundamental of them. If water advocacy is primarily about fighting against poverty, challenging the mainstream and counter-hegemonic advocacy may not always be necessary. Assuming that water is always political and that all water issues are wicked is not always the most helpful position. When dealing with issues of securitisation, vulnerability, and equity, numerous questions must be asked:



- Who is in charge of security?
- Can security be emancipatory?
- If we do not trust the military with taking care of equity and the environment, who do we trust?
- When might framing issues as political not be helpful?

International Water Law

International water law, power and justice in the Nile Basin

Jasmine Moussa, University of Cambridge

To what extent is international water law informed by justice? International law is based on voluntary compliance, and states are unlikely to participate if they view the process as unjust. In the Nile Basin, for example, the principle of "Equitable and Reasonable Use" is used differently by all riparians with their own self-interest in mind. While Article 6 of the UN Watercourses Convention and Article 4 of the Draft Nile Basin Cooperative Framework Agreement were not crafted with "justice" in mind, they can be seen through a justice lens.

One leading theorist on "fairness" in international law, Thomas Franck, argues that fairness has two components: Substantive (distribution) and procedural (legitimacy).

Equity can be a mechanism for introducing justice into questions of both distributive and procedural resource allocation. In countering hegemony and currently unjust practices, "corrective equity" may well be more helpful than general equity. Legal courts historically deal better with issues of corrective equity than general equity; this may well be a starting point for using international water law to address issues without leaving too much to power politics.

Inequity and Collective Action

Inequity triggering collective action

Pieter van der Zaag, UNESCO-IHE

One of the major components of justice is some form of equity. In South Africa, eighty per cent of water users use eight per cent of the available freshwater resources; this seems to be an extreme for of inequity. This reality is not considered acceptable in South Africa, one of the very few countries with the human right to water enshrined in its constitution. Nonetheless, these inequitable systems seem to survive and even reproduce themselves. How and why is this?

Research suggests that, for common pool resources such as grazing land, fisheries, and groundwater, a certain degree of inequity may work to foster and maintain collective action. Water sources are characterised by differences in the quantity and quality of water accessible and its desired use between users; flowing water amplifies this heterogeneity through hydraulic asymmetry. These differences may give rise to interdependence between users, allowing systems – even if not fully equitable – to endure. Leaders, or even hegemons, may take more water than seems "fair" but also provide services – related to water or not – to the group. Enduring water institutions tend to have certain levels of inequity and difference but also awareness of these differences and of mutual dependence. Fairness, then, might involve some kind of commensuration of the differing interests of stakeholders and their relative importance and weight, incorporating blue, green, and other types of water. If enduring institutions are based on inequity but the parties involved do not feel taken advantage of, justice may need to be reconceptualised.

Forms of "Equity" in International Water Law

There is no justice in international water law: the multiple roles of equity

Owen McIntyre, University College Cork

The concept of "equity" is increasingly used in international law and in theories of justice, yet what precisely is meant by the term is not clearly defined. A rough typology of the multiple understandings of equity might include:

- Equity as allocation. This type of equity focuses on how resources are distributed and may focus on the assumption that equitable principles of distribution will produce equitable results.
- Equity *ex aequo et* bono, or equity "according to the right and good." This understanding of equity does not involve formal and universally applicable rules but

rather determines what is equitable on a case-by-case basis.

- Equity as a general principle of law. It is sometimes argued that "equity" is a central component of law.
- Equity as the application of rules. This understanding of equity has strong connections to common law and focuses on taking into account all relevant circumstances and factors.
- Equity as procedure. Procedural equity suggests that all actors involved in bargaining and participation have equal access and abilities.



These various types of equity are applied in a multitude of ways by different actors in different sectors. Most understandings of justice would suggest that equity in both allocation and procedure are necessary. But exactly what allocative equity in regards to water and procedural equity in regards to water negotiations is difficult to conceptualise, let alone achieve in reality.

<u>Discussion: Themes and Lingering Questions</u>

- The importance of history in understanding and analysing water issues
- Sovereignty at state and community levels
- Justice is costly to achieve. Who should pay for it?
- Given how law is made and enforced, is achieving justice through legal systems possible or are legal claims to water justice counter-productive and hegemonic in and of themselves?





Chapter 7: Theory into Practice

Chapter 7: Theory into Practice

Purpose: To investigate if and how transboundary water initiatives, finance mechanisms, law and diplomacy may seek to enable social justice.

International Committee of the Red Cross: The Humanitarian Sector

Lessons from experience in the humanitarian sector

Michael Talhami, International Committee of the Red Cross

Mega trends in the Middle East include a decrease in per capita water availability, widespread environmental sustainability issues, desertification, and adverse impacts as the result of weather variability and climate change. In addition, a growing number of countries are becoming increasingly reliant on virtual water, which can, if governmental safeguards are not put in place, leave many communities vulnerable to fluctuations in international market prices. The interrelatedness of these factors creates additional complexity and poses serious challenges to vulnerable populations that do not always have the support of governmental institutions and humanitarian actors in conflict zones. The International Committee of the Red Cross seeks to work on both the product (material assistance that can be provided such as food, water, shelter and health services) and the process (promoting respect for international humanitarian law and human rights law) at the same time. With conflict resolution often being left to high politics, initiatives to end conflicts are often slow moving. However, for the population affected by conflict, simply waiting for the higher politics to arrive at a solution is not always an option, due to the need for immediate assistance and enhanced coping mechanisms just to survive.

The involvement of humanitarian actors becomes even more complex in situations where conflicts are long in nature and their intensities ebb and flow. Sustainable solutions including for water-related problems and the like are necessary but even more difficult to create in these kinds of circumstances. In addressing humanitarian challenges through an integrated approach, that strives to incorporate crosscutting issues, such as water, food, energy and climate; community resilience can be greatly enhanced. With the use of modes of action like mobilization and persuasion, these integrated solutions can be uplifted to a broader scale, by inducing the parties to a conflict to meet their obligations to provide essential services for the affected population, in line with applicable international norms.

River Basin Organisations

RBOs designed to deliver justice or projects?

Melvin Woodhouse, LTS International

Cooperation between stakeholders can result in a greater sum total of benefits than would be possible if the stakeholders were to work alone.
This is one of the driving ideas behind international river basin organisations (RBOs). These RBOs are “justified” as necessary organisations to facilitate high-level coordination

and cooperation and to inform basin governance and the peaceful sharing of water, something states acting alone could not achieve. In reality, RBOs tend to be large, expensive donor financed entities with very limited accountability in terms of these overall objectives. RBO focus and achievement is often at project related technical and social levels, resulting in outputs riparian governments could and arguably should achieve themselves. The question not yet being asked is "What outputs are RBOs achieving which Riparian governments could not achieve by themselves"? Present accountability mechanisms are heavily "project output" focused; that is, there does not appear to be an accountability mechanism in place that would normally apply to such large multi-national entities. Are citizens getting value for money, or are they merely paying for an additional tier of bureaucracy?

Finance and Economics

Finance mechanisms, economics and justice in transboundary water initiatives

Matthew Agarwala, London School of Economics



From an economic perspective, "market efficiency" has a very specific meaning. It requires full efficiency in production, consumption, and exchange, and internalizes is difficult to achieve in any market, and even more so for water given the lack of competitive conditions. However, there are mechanisms for designing water tariffs that meet multiple objectives, including equity, sustainability, reliability, and that promote efficiency. The question remains as to which objectives should be targeted: dollars per drop, drops per dollar, or justice and equity.

There are two sides to every market: supply and demand. For water, the demand side is already wholly in the private sector. We as academics, practitioners, activists, and consumers have an obligation to engage with this private sector. Failure to do so condemns us to a self-imposed irrelevance.

The Local Level and Pragmatism

History of power and shared water at local levels: transboundary waters, justice and the Middle East

Esse Nilsson, Swedish International Development Cooperation Agency (Sida)

One of the greatest challenges in justice advocacy is translating normative policies into changes in people's realities. More impact assessments are needed in the water sector to track success stories and report best practices.

When working with environmental and water resources, two levels must be worked at simultaneously, addressing both practicalities and strategies. While some forms of power are visible and easily confronted, pragmatic approaches must also engage with the forms of power that are invisible and more difficult to engage. Participation and the creation of open spaces can help in illuminating some of these hidden powers; attention must also be paid to the spaces and meetings that are closed. Emphasising the role of history, the need for good assessments and analysis, and the importance of looking at power from all perspectives is tedious and slow, but sustainable and just development takes a great deal of patience.

Diplomacy and Government

Diplomacy and government perspectives on social justice

Charlie McLaren, UK Collaborative on Development Sciences

Engaging with governments requires a great deal of pragmatism, even – and perhaps especially – when advocating for justice. Governments will ask whether they do and should care about various disputes and situations, and their answers to these questions depend on their international strategic interests, including bilateral trade and aid links, national security, political ideologies, technical advising, history, and possible gains or losses from interactions. If governments have a perspective on issues of justice, then, it will ultimately be about their vested interests and what they stand to lose or gain. Justice, even if the ultimate goal of activism, may not be the most helpful way to engage governments.

Discussion: Themes and Lingering Questions

- Need for simple language to communicate across disciplines, sectors, and nations to avoid excluding people
- Importance of pragmatism





Chapter 8: Conclusion

Chapter 8: Conclusions, Critiques, and Next Steps

Purpose: To explore which forms of social justice this group thinks best to pursue and best to avoid, to answer the question "to what extent does 'justice' serve transboundary water interaction?", and to reflect on and engage with some self- and external criticisms.

Justice and Injustice

Justice and injustice, like cooperation and conflict, may well coexist and be cyclically related to each other (as noted by Marian Patrick and others). It is often easier to conceptualise and identify *in*justice than to envision justice. Justice matters most to those who are denied it, but these groups are also most likely to lack the capabilities to fight effectively for it. Criteria for defining justice and fairness standards in water are being developed that will hopefully aid in this dilemma. Whether and how justice exists in law and in war are still highly contested, and academic engagement in these questions is vital. Relative and conflicting conceptions of what justice is must not be allowed to confuse or stop us; we can at least begin identifying injustices.

Re-thinking the Hydro-Cycle

The classic hydrological cycle does not capture water realities. Green water (and "food water" (Allan)) is not properly represented, and virtual water completely absent. A truer representation would include a multitude of interlinked and exchanging systems. More consideration of global food trends is needed, not to mention "transboundary clouds". This more cohesive view of the water cycle holds considerable implications for water justice, particularly between states in questions of virtual water rights, other countries' claims to rainforests, etc.

Scalar Concerns

The focus on justice further exposes the limitations with state-centric analytical approaches (such as the LWRG has been criticised of). Analysts must move away from national-level analyses to incorporate global, regional, community, and individual needs, views, and trends. What is just at one scalar level may be unjust at another, and thus each scale must be considered in every situation if justice is to be achieved (see especially Ana Cascao's presentation, p. 43).

Private Sector

The vast bulk of water used in the world is out of the hands of government and in the hands of the private sector – mainly farmers, and to a lesser degree, food traders. Engagement with corporations, agricultural unions, and individual farmers is thus vital. Academics can both learn from and contribute to the private sector a great deal. Accounting and accountability is necessary in this and in all sectors. Towards this end, Nick Hepworth and Suvi Sojamo initiated the **Corporate Water Research Network**, and invited others to join. The London Water Research Group must remain engaged in this Network if it is to remain relevant, and farmers' unions should be present at events such

as HH6 if conversations are to be truly fruitful.

Communication and Engagement

There is a great need for simplicity in language. Academics must learn to speak to each other across disciplinary boundaries and to others across sectors and languages. Greater engagement with local peoples and the general public is necessary. Our messages need to be clarified and shared.





Appendix A: Workshop Programme

Appendix A: Workshop Programme

Saturday, 12 January 2013

8:30 Registration

9:00 **What is the relevance of social justice to hydro–hegemony?**
Purpose: *Theory to set the scene for the workshop, including basic hydro–hegemony, cooperation and justice theory*
Chair/Discussant and Opening Remarks: Tony Allan, King's College London
Water hegemony, security and justice: Mark Zeitoun, University of East Anglia
Cooperation diverting from justice: Naho Mirumachi, King's College London
Water and justice: a literature review: Karis McLaughlin, Oxford University

10:00 Tea/Coffee Break

10:30 **How does power asymmetry affect world views of justice?**
Purpose: To investigate the importance of: a) distinguishing both between Western/liberal conceptions of justice (e.g., egalitarian, libertarian), and between these and other forms of justice (e.g., Sen, local conceptions); and b) power asymmetries legitimising some views and outcomes over others (through agenda–setting, discourses, steering trade–offs, etc.). Cui bono?
Chair: Naho Mirumachi, King's College London
Discussants: Clemens Messerschmid, Independent; Karin Aggestam, Lund University
Lessons on transboundary justice from forests/REDD: Thomas Sikor, University of East Anglia
Justice in different transboundary sectors (forests, energy, biodiversity, disasters, water): Adrian Martin, University of East Anglia
Environmental justice norms and international humanitarian law: incompatible and irrelevant?: Michael Mason, London School of Economics

12:00 Lunch

13:00 **How does soft (bargaining and ideational) power influence the process and outcome of transboundary water interaction?**
Purpose: To investigate more precisely how expectations are set, how ideational and bargaining power supports particular views of justice, and vice–versa, how unfair status quo is reproduced, the favouring of apolitical conflict management over conflict resolution.
Chair/Discussant*:* Naho Mirumachi*,* King's College London
Tipping the Scales of Justice: an analysis of how money and power influence notions of justice in the Mekong Basin Hydropower debate: Nathanial Matthews, King's College London
What does justice bring to Article 6 of the UN Watercourses Convention? Journeying from equity legerdemain to justice transparency for water allocation and sharing: Bruce Lankford, University of East Anglia
Hydro-Justice provided by donors? The Palestinian Pentalogue: Clemens Messerschmid, Independent
Counter-hydro-hegemony on the ground in the Nile River Basin: tipping the balance of power in favour of upstream riparian states: Ana Cascao, Stockholm International Water Institute

Saturday, 12 January 2013 continued

15:30 Tea/Coffee Break

16:00 **What is the potential for transboundary water justice in a hegemonic political economic world order?**
Purpose: To investigate how the forces active in shaping the international political economy serve to discourage or encourage claims for justice. More on legitimisation, rules, exclusion, etc.
Chair: Francesca Greco, UNESCO
Discussants: Thomas Sikor, University of East Anglia
Revisiting hydraulic mission approaches: the Red Sea-Dead Sea Conveyance and its alternatives deep in late modernity, 2002-2013: Tony Allan, King's College London
Hydropolitical peacebuilding and justice in the Lower Jordan: Eric Abitbol, American University (Washington DC)
"Small is beautiful!": how a focus on smallholder farming in investment can deliver basin justice: Martin Keulertz, King's College London
Transnational water governance and global food business: in search for equity and justice: Suvi Sojamo, Aalto University
Grappling corporate water hegemony - the trials of rule setting for transnational water justice through water stewardship standards: Nick Hepworth, Water Witness International

17:30 ***Panel Discussion*: Can water, justice and borders mix?**
Purpose: To flesh-out current and established thinking and practice of justice and water (domestic leaning towards international)
Law, science and water imperialism: Radha D'Souza, University of Westminster
Have we got the scope right for water borders and justice?: Melvin Woodhouse, LTS International
Can anything to do with transboundary water be objectively 'fair'?: Owen McIntyre, University College Cork

Sunday, 13 January 2013

9:00 Tea/Coffee

9:30 **Summary of Day 1: Francesca Greco, UNESCO**

10:00 **Counter–hegemony: lessons from transboundary and social justice movements about alternatives to the status quo**
Purpose: To investigate how the status quo can be challenged, through justice, law, soft power, or other means
Chair/Discussant: Mark Zeitoun, University of East Anglia
A-hegemony and counter-hegemony Jeroen Warner, Wageningen University
Multi-level counter-hegemony in the Nile region: how the construction of large-scale dams is changing the hydropolitical relations between and within the Nile countries: Ana Cascao, Stockholm International Water Institute
Using human rights and advocacy for water justice in the West Bank and Gaza: Cara Flowers, independent
Hegemony and counter-hegemony in virtual water trade: justice for indigenous people?: Francesca Greco, UNESCO

Sunday, 13 January 2013 continued

11:30 Tea/Coffee Break

12:00 ***Panel Discussion*: How/can international norms help?**

Purpose: To investigate the relationship between power, justice and international norms and international water law. Norms (e.g. economic efficiency) developed and reproduced by the powerful, or challenged by others (e.g. human right to water). International Water Law either a) serves conventional forms of justice, b) serves social justice, c) is devoid of justice. How can transboundary water justice be justiciable?

Chair: Michael Mason, London School of Economics *Discussant:* Radha D'Souza, University of Westminster

Framings of water justice and security: Jeroen Warner, Wageningen University

International water law, power and justice in the Nile Basin: Jasmine Moussa, University of Cambridge

Inequity triggering collective action: Pieter van der Zaag, UNESCO-IHE

There is no justice in international water law: the multiple roles of equity: Owen McIntyre, University College Cork

13:30 Lunch

15:00 **Fishbowl: Justice into transboundary water practice**

Purpose: to investigate if and how transboundary water initiatives, finance mechanisms, law and diplomacy may seek to enable social justice.

Chair: Nathanial Matthews, King's College London

Lessons from experience in the humanitarian sector: Michael Talhami, International Committee of the Red Cross

RBOs designed to deliver justice or projects?: Melvin Woodhouse, LTS International

History of power and shared water at local levels: transboundary waters, justice and the Middle East: Esse Nilsson, Swedish International Development Cooperation Agency (Sida)

Finance mechanisms, economics and justice in transboundary water initiatives: Matthew Agrawala, London School of Economics

Diplomacy and government perspectives on social justice: Charlie McLaren, UK Collaborative on Development Sciences

+ Various practitioners involved in transboundary water initiatives

16:30 **Summary and wrap-up**

Purpose: To explore which forms of social justice this group thinks best to pursue and best to avoid and to answer the question "to what extent does 'justice' serve transboundary water interaction?"

Chairs/Discussants: Mark Zeitoun, Naho Mirumachi, Nathanial Matthews





Appendix B: List of Participants

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American University

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Independent Consultant

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UNDP

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University of East Anglia

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University of East Anglia

Natasha Carmi
Negotiations Affairs Department, PLO

Ana Cascao
Stockholm International Water Institute

Kris Chan
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Alvar Closas
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Kirstin Conti
University of Dundee; UN IGRAC

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Esther de Jong
Gender and Water Alliance

Esther Delbourg
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Nathanial Matthews
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Jasmine Moussa
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Julie Self
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Melvin Woodhouse
LTS International

Mark Zeitoun
University of East Anglia





Appendix C: Theoretical Frameworks

Appendix C: Theoretical Frameworks

The work of the London Water Research Group is extremely interdisciplinary in nature, and discussions held at the International Workshops on Hydro-Hegemony reflect this. To help keep conversation rich while not excluding participants from varied backgrounds, core and suggested readings are circulated prior to each workshop. At the workshops themselves, posters presenting basic theoretical frameworks are generally posted and distributed to aid in discussion. The remainder of **Appendix C** includes copies of the posters used at the Sixth International Workshop on Hydro-Hegemony for reference. These posters present basic social justice, hydro-hegemony, and international relations theory. For further engagement with these theories, consult the literature below and visit www.uea.ac.uk/watersecurity/events/hh6-transboundary-water-justice-event-2013.

Core Readings:

London Water Research Group. (2013). "Transboundary Water Justice." An exploratory piece in advance of HH6.

D'Souza, R. (2008). "Liberal Theory, Human Rights and Water-Justice: Back to Square One?" *Law, Social Justice & Global Development* 1.

Rawls, J. (1999). *A theory of justice*. Cambridge, Mass: Belknap Press of Harvard University Press.

Scholsberg, D. (2004). "Reconceiving Environmental Justice: Global Movements And Political Theories." *Environmental Politics* 13(3): 517-540.

Zeitoun, M. and Warner, J. (2006). "Hydro-hegemony – a framework for analysis of transboundary water conflicts." *Water Policy* 8: 435-460.

Additional Reading:

Baviskar, A. (2004). *In the belly of the river: Tribal conflicts over development in the Narmada Valley*. Delhi: Oxford University Press.

Hartmann, T. (2011). "Contesting land policies for space for rivers – rational, viable, and clumsy floodplain management." *Journal of Flood Risk Management* 4: 165-175.

Johnson, C., Penning-Rowsell, E. and Parker, D. (2007). "Natural and imposed injustices: the challenges in implementing 'fair' flood risk management policy in England." *The Geographical Journal* 173(4): 374-390.

Komakech, H. C., van der Zaag, P.and van Koppen, B. (2012). "The dynamics between water asymmetry, inequality and heterogeneity sustaining canal institutions in the Makanya catchment, Tanzania." *Water Policy* 14: 800 - 820.

Tisdell, J.G. (2003). "Equity and social justice in water doctrines." *Social Justice Research* 16(4): 401-416.

Zeitoun, M. and Mirumachi, N. (2008). "Transboundary water interaction I: reconsidering conflict and cooperation." *International Environmental Agreements* 8: 297-316.

Zeitoun, M. Mirumachi, N. and Warner, J. (2010). Transboundary water interaction II: the influence of 'soft' power." *International Environmental Agreements* 11: 159-178.

Zeitoun, M. (Forthcoming 2013). "Global environmental justice and international transboundary waters: an initial exploration." *Geographical Journal – Special Issue on Global Environmental Justice*.

HYDRO-HEGEMONY

Hegemony = Force + Consent between formal equals

3 Pillars of Hydro-Hegemony

RIPARIAN POSITION	POWER	EXPLOITATION POTENTIAL
Upstream/Downstream	1st Dimension: Military & Economic 2nd Dimension: Active Stalling & Incentives 3rd Dimension: Securitization & Sanctioned Discourse	Infrastructure Technical Capacity

Symmetry and Asymmetry: Order in the International State System

Type of Rule	Hierarchy/Empire	Hegemony	Egalitarianism
Type of Relations	Ruler-Subject	Formal Equality	Actual Equality
Negotiation Style	Colonisation/Occupation	Asymmetric Negotiation	Negotiation on Equal Footing
Power Balance	'Ownership'	Free Agency (Formally)	Autonomy, Mutuality, Symmetry, Heterarchy
Leadership Style	Feudal Leadership	Leadership Ranges Weak to Strong	Informal, Flexible, or No Leadership

Forms of Hydro-Hegemony, based on control shared and outcome:

Control Shared by Hydro-Hegemon: ⟷ Significant Some Selective Minimal None

Form of Hydro-Hegemony: Benign Neutral Restrictive Obstructive Dominative Oppressive

Outcome for Non-Hegemon: ⟷ Good Neutral Poor Very Poor Extremely Poor

Hydro-Hegemony in Action

Resource	Water-Related Objectives	Stated by (non-hegemons)	Decided by (hydro-hegemons)
Ganges River	Flood Control	Bangladesh	India
Ganges River	Hydro-power	Nepal	India
Nile River	Hydro-power	Ethiopia	Egypt
Mekong River	Maintenance of Flood Surges	Cambodia	China
Tigris & Euphrates	Irrigation, Hydro-power	Iraq	Turkey
Jordan River System	Irrigation	Lebanon	Israel
Jordan River System & Transboundary Aquifers	Irrigation & Domestic Consumption	Palestinians	Israel

Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. Figures adapted from Mark Zeitoun and Jeroen Warner, 2006, "Hydro-hegemony – a framework for analysis of transboundary water conflicts," *Water Policy* 8: 435-406 and Mark Zeitoun and Jeroen Warner, 2007, Poster for Hydro-Hegemony Workshop.

SOCIAL JUSTICE

Contested Concepts of Equality, Dignity, and Rights

Egalitarianism: Equality in Opportunity of Distribution
Rawlsianism: Blind Distribution; Inequality only when Advantages Poor
Utilitarianism: Maximizing Benefit for Society as a Whole
Individualism/Libertarianism: Justice for Those Who Earn It

Analysing Water Use and Control Doctrines with Criteria of Justice

Water Doctrine	Criteria of Justice: Rawlsianism	Utilitarianism	Individualism/Libertarianism
Prior Appropriation	The "first-in-time, first-in-right" philosophy does not promote the maximin concept.	Conforms to the principles of title of the first occupant which provides security but fails to promote equality during periods of drought.	The appropriation doctrine is socially just as it is based upon Locke's theory for a legitimate distribution of the resource.
Riparian	Too exclusive to be formulated by a representative individual in the original position.	Suffers from a a lack of security which inhibits substance and abundance. It also prohibits equality by excluding nonriparian use.	Just in terms of original acquisition, yet inhibits the liberty of nonriparian use.
Non-Priority Permit	The Government control allows the water authority the option of promoting the welfare of the worst-off if it so wished.	Security is provided by the Government regulation of the rivers and streams. Promotes equality during periods of drought.	The rights are not based upon any form of natural justice. The doctrine gives the government powers well beyond the minimum state.

Example Analytical Frame to Identify Guiding Principle and Assess Varying Conclusions from Models of Justice in Basin Management

Basin	Primary Principle Guiding Trade-Offs	PJ or DJ Achieved?	Egalitarianism (Sen)	Rawlsianism (Rawls)	Utilitarianism (Mill)	Libertarianism (Nozick)
Yangliu	Efficiency	Neither	Unfair	Unfair	Possibly Fair	Unfair
Upper Jordan	Efficiency	Neither	Unfair	Unfair	Possibly Fair	Fair & Unfair

Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. Figures adapted from John G. Tisdell, 2003, "Equity and Social Justice in Water Doctrines," *Social Justice Research* 16(4): 401-416 and Mark Zeitoun and Karis McLaughlin, forthcoming, "Basin Justice: Using social justice to address gaps in river basin management."

ENVIRONMENTAL JUSTICE

Justice Concerns Related to and for Environmental Resources

Three Dimensions of Environmental Justice

DISTRIBUTION	• Environmental **risks** and **benefits** must be equitably distributed
PARTICIPATION	• Individuals and communities must be included in the **political processes** creating and managing environmental policies
RECOGNITION	• The **diversity** of participants and varied experiences of affected communities must be acknowledged

Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. Figure based on Scholsberg, David, 2004, "Reconceiving Environmental Justice: Global Movements And Political Theories," *Environmental Politics* 13(3): 517-540.

POWER & POLITICS

Relations Underlying Distribution and Access

Politics: Who Decides Who Gets What, When, How, and Why
Power: Ability of X to Get Y to Do or Not Do Something
Interests: What You Want to Accomplish with Power Abilities
Outcomes: Power x Interests

Forms of Power

Dimension of Power	Features	Compliance-Producing Mechanisms	Efficiency
Hard Power	Force; Capacity; Riparian Position	Coercive	Low ↓ High
Soft Bargaining Power	Legitimacy	Utilitarian; Normative Agreement	
Soft Ideational Power	Perceptions	Ideological Hegemony	

Brute Power vs. Brain Power

Brute Power	Brain Power	Scholar
Force	Consent	Gramsci
Sword	Covenant	Hobbes
Hard Power	Soft Power	Nye
Structural Power	Ideational Power	LWRG

Soft Power Used for Distributive or Integrative Ends

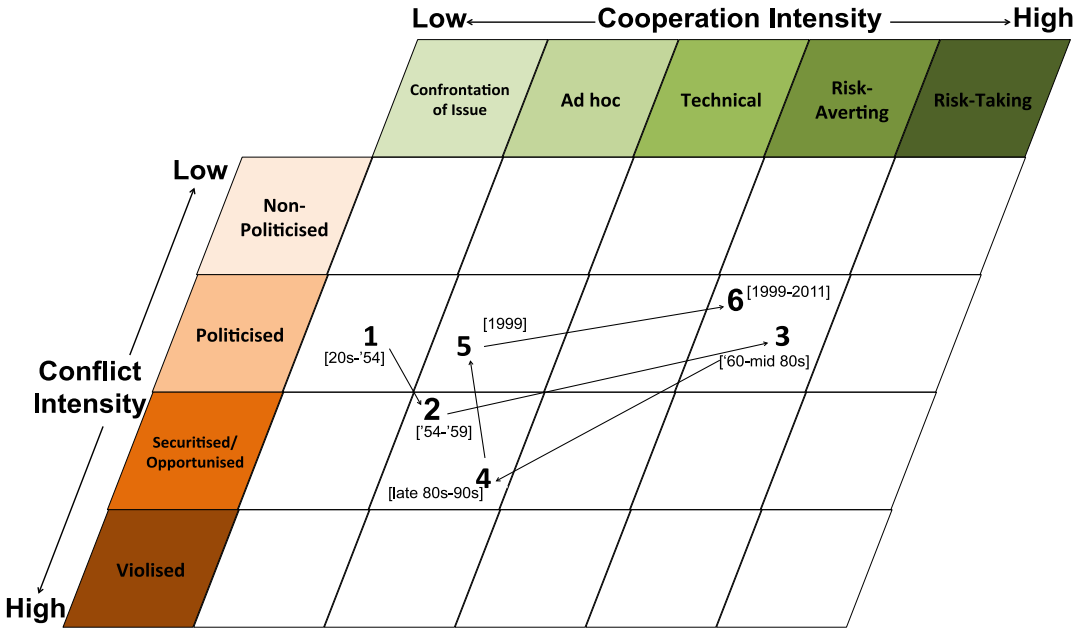
Exercise of Soft Power	Interests	Motive of Compliance	Characterisation
Distribution	Interests Conflict	Resignation	Conflictual
Integrative	Interests Align	Compliance	Consensual

Poster prepared by Rebecca Farnum. Figures based on the work of Mark Zeitoun, Naho Mirumachi, and Jeroen Warner. Definition of power based on the work of Robert A. Dahl. Definition of politics based on the work of Harold Lasswell. Forms of power adapted from the work of Ian Lustick. Ends of soft power adapted from the work of John Scott.

CONFLICT & COOPERATION I

TRANSBOUNDARY WATER INTERACTION NEXUS: TWINS

TWINS suggests that relations between actors can be represented spatially and tracked temporally. Below, a TWINS matrix of conflict and cooperation illustrates hydropolitical relations over time between Sudan and Egypt from 1920s till the creation of South Sudan.



Characterisation of Interaction	Types of Interaction	Examples of Interaction	Potential Driving Forces (non-exhaustive)
Low Conflict – High Cooperation	**[Positive Interaction]** Cooperation on equal terms; Cooperation across a broad range of issues; Tensions reduced through deliberative processes	Putting in place and exercising principles (i.e., equitable use, no harm); Creation of transboundary regimes; Negotiation of a treaty based on International Water Law; Conclusion of an effective treaty	Benefit sharing/expanding the pie Reduction of environmental uncertainty Economic/Development Goals
Low Conflict – Medium Cooperation	**[Neutral Interaction]** Narrow cooperation on select issues; Token cooperation; Mild verbal expressions of conflict	Joint pollution management; Joint infrastructure; Benefit-sharing based on agreement; Creations of River Basin Organisations	Issue linkage Mutual distrust
Low Conflict – Low Cooperation	**[Neutral Interaction]** Minimal or no interaction; Ad hoc cooperation; Self-interested cooperation; Tactical functional cooperation; Unstable cooperation	Minor information exchange; Technical commissions or meetings	Improvement of international reputation Sharing of resources
Medium/High Conflict – Low Cooperation	**[Negative Interaction]** Securitised Conflict; Coercive Cooperation; Dominative Cooperation; Violent Conflict	Contained conflict; Negotiation of treaties not based on International Water Law; Resource capture; Unilateral environmentalism	Changes in power symmetry Control of resources

Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. TWINS developed by Naho Mirumachi (see work of 2007). Figures adapted from Mark Zeitoun and Naho Mirumachi, 2008, "Transboundary water interaction I: reconsidering conflict and cooperation," *International Environmental Agreements* 8: 297-316.

CONFLICT & COOPERATION II

Friendly and Combative Interactions between States

Hydro-Hegemony Interactions, Outcomes, and Conflict Intensities

Most Likely Outcomes → Least Likely Outcomes →

Form of Hydro-Hegemony	Main Water Control Strategy	Form of Interaction	Potential Distribution of Water	Form of Conflict	Water Event Intensity Scale (Yoffe et al. 2001)	River Basin Example
Positive/Leadership	Integration	Shared Control (Cooperation)	Equitable	No Conflict	7 6 5 4 3 2 1 0 -1	Orange Euphrates
Negative/Dominative	Resource Capture, Containment	Consolidated Control (Competition)	Inequitable	Cold Conflict	-2 -3 -4	Limpopo Tigris Nile Jordan River (>1967)
Flux	Resource Capture, Containment	Contested Control (Competition)	*Distribution Uncertain*	Violent Conflict	-5 -6 -7	Jordan River (1950s & 1960s)

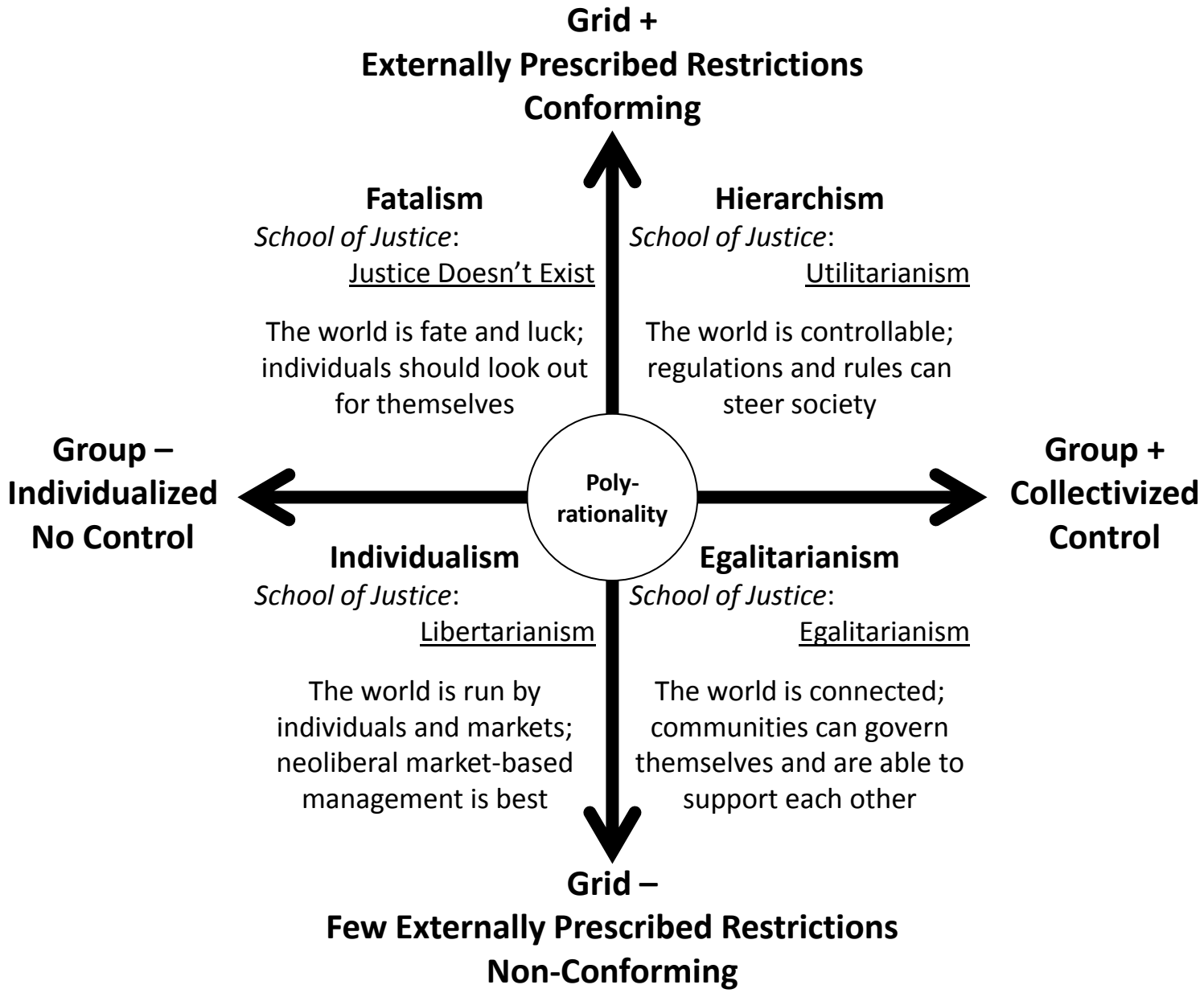
Conflictual and Cooperative Interactions over Transboundary Water Resources

Form of the Interaction	Shared Control ⟷	Consolidated Control ⟷	Contested Control
Nature of the Interaction	Cooperative ⟷	Competitive (but stifled) ⟷	Competitive (and cut-throat)
Form of Hydro-Hegemony	Positive/Leadership ⟷	Negative/Dominative *or* Positive/Leadership ⟷	[*Flux*]

Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. Figures adapted from Mark Zeitoun and Jeroen Warner, 2006, "Hydro-hegemony – a framework for analysis of transboundary water conflicts," *Water Policy* 8: 435-406.

POLYRATIONALITY

Cultural Theory and Worldviews



Poster prepared by Rebecca Farnum for the 2012 Hydro-Hegemony Workshop. Figure based on analysis by T. Hartmann, 2011, "Contesting land policies for space for rivers – rational, viable, and clumsy floodplain management," *Journal of Flood Risk Management* 4: 165-175.





Appendix D: HH6 in Clouds

Top, the words heard most often at the Sixth International Workshop on Hydro-Hegemony. Bottom, words and phrases commonly seen in academic literature on issues of water justice (McLaughlin 2013).









Appendix E: HH6 According to Twitter



Workshop participants were invited to continue conversations, make observations, and remember quotations by tweeting about the workshop at #HH6.

Here are just a few of the notes published in the Twittersphere:

At UEA London exploring water politics, power, and justice. Good morning, **#HH6**!

#HH6 Critical hydropolitics : it is all about who gets the water how and why (Mark Zeitoun speaking)

#HH6 Naho Mirumachi: Moving away from polarized conceptions of conflicts and cooperation to understand co-existing conflict and cooperation.

Naho Mirumachi asks us: Who decides fairness? Is all cooperation "good?" What do we do when cooperation is "ugly?" **#HH6**

Karis McLaughlin at **#HH6**: Lacking a single definition of water justice shouldn't impede action against water injustice.

And we're back at **#HH6** after a stimulating coffee break!

"All dams are political" says Ana Cascao from the Stockholm International Water Institute at **#HH6**.

@anacascao : CC discourse is there, and becoming a top priority of donors: going towards a new ideational power? **#HH6**

Clemens Messerschmid and Michael Mason: We can't be neutral about justice. We must explore justice as participants, not only observers. **#HH6**

#HH6 returns from lunch, kicking off with Nate Matthews, the Mekong River Basin, hydropower, and justice!

Michael Mason is analysing environmental obligations in military occupied regions **#HH6.**

Francesca Greco asks us "Why do we eat other people's water?" at **#HH6**, questioning justice in virtual water trades.

Jeroen Warner asks us who is/should be in charge of equity at **#HH6**.

MA at **#HH6** on private sector engagement: "We shouldn't let our fears of distopic future prevent us from preventing a real distopic present."

Ahmet Conker at **#HH6**: Is one way to measure movements' success their ability to politicise an issue?

Adrian Martin asks us "Whose justice prevails?" at **#HH6**.

Matthew Agrawala at **#HH6**: "Water is a fugitive resource; it respects no boundaries, least of all political."

Naho Mirumachi summing up **#HH6**: I am "full of insights and completely lost at the same time." Sign of a good conference, folks!

Half an hour after **#HH6** ended, the room is still full of chatter. Another sign of success!

#HH6: I, at least, am already excited for **#HH7**!!



