International transboundary river basins and state agency: Contending and contesting rights over rivers

Workshop On Themes On Territory, Justice, and Rivers
University College Cork, Ireland, 4-5 June 2015

Dr Naho Mirumachi
Department of Geography, King’s College London
naho.mirumachi@kcl.ac.uk
This presentation draws on thinking from my recent book, *Transboundary Water Politics in the Developing World* (Routledge, 2015).

Based on this, my entry point into discussing themes on territory, justice and rivers evolve around these questions:

How does power asymmetry between basin states influence achieving equity, addressing justice?

How does state agency function re: issues concerning right of water use; how might state agency produce (in)equity?
Are global water institutions establishing a landscape where right to water use can be more easily practiced?

To what extent do they enable equity?

- Establishes a global framework concerning the right to water use of sovereign states
- Embeds a legal obligation to cooperate

World Commission on Dams

- Established a set of guidelines that was devised by canvassing a range of experiences from 1400 participants from different sectors: business, government, civil society, local communities affected by dam building, scientists, international financial institutions
- Consideration of both procedural and distributive justice

The take-up and application of these agreements and guidelines are voluntary and subject to the dynamics of transboundary water interactions.
Power and water

Hydro-hegemonic structures within river basins enabled by geographical access to water, expertise & know-how, hard and soft power

While not static, hydro-hegemony influences both context and process of water allocation and use
Dynamism of the politics over water can be captured through changing degrees of co-existing conflict and cooperation. *Cooperation inscribed in law or mandated to institutions doesn’t mean that conflict can’t exist...*

**TWINS matrix of transboundary water interaction**
(Mirumachi 2015)
1995 Agreement on the Cooperation for Sustainable Development of the Mekong River Basin recognises right to water use and distinguishes between wet and dry season, mainstream and tributary use.

‘Equitable and reasonable utilisation’ is subject to political negotiation, guided by the Procedures for Notification, Prior Consultation and Agreement.
Power and justice

Addressing justice in international transboundary rivers without considering power asymmetry ends up seeking forms of efficiency or maximum utility. Trade-offs are assumed to be inevitable in seeking efficiency (Zeitoun et al. 2014)

Such forms of transboundary water justice leave out the marginalised and less powerful:

- weaker basin state
- communities of both hydro-hegemonic and non-hydro-hegemonic state without access to or influence on the sub-national decision-making process
Understanding state agency

The hydrocracy as state apparatus operating with ‘the conviction that it is an important duty of the state to develop water resources’ (Wester 2008: 10). Elite decision-makers focus on achieving high modernity: large-scale development that engineers river flow is prioritised (Baghel and Nüsner 2010)

The hydrocracy takes charge of the hydraulic mission with centralised, engineering approaches to managing the river.

Decision-making dominated by the hydrocracy often develops problem frames of water as an economic good
Hydraulic mission still very evident in policy and practice. Hydrocracy as resilient to change, especially in practices of the hydraulic mission (Bandyopadhyay and Gosh 2009)
‘National interests’ argued by the hydrocracy when claiming right to water use are not necessarily representative, particularly of the realities of the communities relying on water resources for livelihoods.

Existing studies of transboundary water interactions miss out on those without voice especially in sub-national contexts:

- Hydropolitical analysis tends to be state-centric (Furlong 2006)
- Feminist perspectives are not mainstream in analysis: engendered, masculine approach to transboundary water issues (Earle and Bazilli 2013)
Scaling justice

Scales are not necessarily fixed and can be socially constructed to suit certain narratives of equity.

River basin seen as the ‘optimal’ unit:

- adoption of IWRM in national policies and efforts at transboundary IWRM
- water governance frameworks that depoliticise issues of allocation and utilisation as technical matter within the boundaries of the hydrological rivers (...‘it’s the political economy, stupid’)

Issues of virtual water trade, ‘land grabs’ are driven by beyond-basin factors related to the global political economy and regional markets.

Injustices can be identified not only through the lens of spatial scale but also temporal scale and the nests of institutions.
Final thoughts

Unpacking the state and black-box of decision-making gives better insight to why certain kinds of expertise, knowledge, strategies and tactics are preferred when making claims of water use.

Pluralistic approaches to decision-making are needed, but not by merely using public participation as a form of tokenism.

Injustices can be exposed through techniques and modes of (water) governance.