Taking Water Hostage? The impact of Global Environmental Norms on Joint Water Resource Management in the Orange and Nile River basins.

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Introduction

International rivers are social constructs of the numerous stakeholders involved in transboundary water resource management. According to the Social Learning for the Integrated Management and Sustainable Use of Water at Catchment Scale (SLIM), stakeholding (and in some cases, contention) arises when each stakeholding group sees a different system of interest i.e. economic proprietorship, residency, scientific involvement, or enthusiasm for particular species (SLIM Policy Briefing 2004). Based on the varying perceptions held of water; global, regional and domestic norms have developed over time dictating appropriate behaviour in water resource management, among the most prominent being norms of transboundary co-operation. The question then begs: has water (and therefore water resource management), because of its multiplicity of social constructions and subsequent stakeholders, been taken hostage in a normative sense? It can certainly be argued that the need to accommodate multiplicity both of meaning and actors, has led to an 'institutionalised' way of knowing and dealing with water (Lach, Ingram and Rayner 2005) that is considered to be normatively 'good'.

However, despite this sphere of transboundary co-operation, the effectiveness of international environmental agreements has been called into question. New types of conflicts have been identified in recent decades, some, over the water resources themselves, others, caused by the very means societies employ in order to adapt to water scarcity, such as conflicts that emerge as decisions by one authority impact other authorities and the users they govern (Turton and Ohlsson 2000; Scholz and Stiftel 2005). Indeed this illuminates the current differentiation in hydropolitics between first-order and second-order collective action conflicts (Scholz and Stiftel 2005). While first order conflicts are the 'simpler' tensions, and possibly open conflict, between states related to supply side management i.e. the upstream-downstream game (Turon and Ohlsson 2000), second-order conflicts are a result of collective action gone awry, for example, agencies and institutions that are created to manage first-order conflicts often bring about tensions when they fail to agree to sustainable solutions.

This paper, therefore, seeks to broadly examine the impact of global norms of transboundary co-operation upon regional water resource management as well as their influence on the domestic structures of riparian water policy in the Nile and Orange River basins, where these norms are not created but have emerged. In other words, to what degree does global norm internalisation aid in the changing of interests (and therefore state policy) as identities are reconstructed to a more environmentally friendly yet sustainable joint water management system? Moreover, notwithstanding their varying degrees of water demand/securitisation, riparians present fairly different political cultures/identities and social institutions which have affected the distinctive way in which they have responded to the influence of these norms. It is therefore equally important to understand the domestic milieu of riparian states when attempting to form linkages between local and global levels of water governance.

A practical significance of the use of the Orange River and the Nile as case studies is that scholars, have considered the Orange River as one of the seventeen basins "at risk" of erupting in conflict in the short-term, while the Nile is listed as one of the basins as currently in conflict and in the midst of negotiations (Wolf et al. 2003). Moreover, the Orange River basin is considered to be a 'closed' river i.e. no more utilisable outflow of water available, which leads to a securitisation of water for the respective riparians. That said, however, the Orange River has the most comprehensive history of successful water regime creation in the entire SADC region due to a high dependence on the resource-base for long-term economic growth. The Nile River basin is also a unique case because while it has ten riparian states, hydropolitics has been, up until recently, dominated by Egypt, which has developed its water-related infrastructure unilaterally. As a result of colonial treaties, longstanding ethnic/religious cleavages, distrust and the nature of these riparian states, co-riparian relations deteriorated over time, increasing the potential for contentious issues to escalate into conflict. Until the creation of the Nile Basin Initiative and its successor, the Nile Basin Commission, the Nile's challenge has been basin-wide co-operation. The Nile River basin, therefore, presents an excellent case study to analyse transboundary co-operation as an emerging set of international environmental norms.

This investigation draws from the researcher's current research in hydropolitics in Africa and attempts to approach the water conflict discourse within International Relations from a constructivist perspective to include an analysis of the effect of norms and norm development on regional approaches to water management and water management reform. Additionally, this approach highlights the applicability of a normative conceptual framework to understanding multi-level water governance.

Global Norms and the 'logic of appropriateness'

Defined as a standard of appropriate behaviour for actors with a given identity, norms account for policy outcomes because they shape the social contexts in which we operate and also our perception of the social context by defining and influencing our behaviour (Boekle, Rittberger and Wagner 1999). "International norms both constrain and create the realm of possible foreign policy actions, producing a narrower range of potential policy choices" (Howard 2004). For constructivists such as Boekle et al. (1999), the 'logic of appropriateness' is apt in this regard. These authors argue that contrary to a rationalist perspective where actors anticipate the consequences of their actions in order to choose the alternative which will maximise their self-regarding utility, a 'logic of appropriateness' takes socially shared, value-based expectations of behaviour as its foundational point of reference (Boekle et al. 1999).

The intersubjectively shared nature of norms deserves to be highlighted since this is essentially how new norms arise. If and when enough actors, both state and non-state, have a shared belief and act on it, then it becomes a norm. According to many constructivists, therefore, the strength of a norm depends on two properties: on its commonality, i.e. on how many actors of a social system share a value-based expectation of behaviour, and on its specificity, i.e. on how precisely a norm distinguishes appropriate from inappropriate behaviour (Boekle et al. 1999).

Norm emergence and the impact of Norm Entrepreneurs

According to Finnemore and Sikkink (1998), norms emerge when norm entrepreneurs use organisational platforms to convince a critical mass of state (norm) leaders to embrace new norms. Norm entrepreneurs are therefore agents who have strong notions about appropriate or desirable behaviour in their community (Finnemore and Sikkink 1998). Furthermore, they must compete with the existing constellation of norms in order for the norms which they advocate to gain acceptance (Finnemore and Sikkink 1998). Constructivism's importance here is tremendous in that it (more so than other theories) emphasises the role of agency, the capacity of actors to redefine interests and preferences. There is, therefore, a need to identify:

1. Who the norm entrepreneurs of a global norm are globally/regionally and,

2. Within a specific domestic environment, the make-up of the norm-entrepreneurs or advocacy coalitions which try to push domestic norm-based change through the state and how they do so.

In the early stages of norm emergence, entrepreneurs largely rely on persuasion (Elgstrom 2000). They use persuasion to get the norms they advocate on the agenda and to convince major actors to pay attention to the issue (Elgstrom 2000). However, while contemporary international norms literature has emphasised the role of persuasion and social learning among political leaders in the process of international norm emergence, in environmental affairs, it is typically not sufficient for political leaders to be persuaded of the appropriateness of a norm for it to alter the behaviour of a particular state (Cass 2005). The norm must be thoroughly integrated into domestic political discourse and eventually be incorporated into the foreign and domestic policies of the state (Cass 2005). While national leaders play a fundamental role in this process, in most cases the norm must be accepted by enough domestic actors for it to significantly alter national behaviour (Cass 2005). The domestic salience of the global norm is therefore extremely significant in norm emergence as well as in the socialisation process as will later be discussed.

Finnemore and Sikkink (1998) advance their thesis by arguing that in order for norms to emerge and gain acceptance, an international norm must reach a threshold or tipping point and then become "institutionalised in specific sets of international rules and organisations." When this tipping point occurs is dependant upon two factors; that is, a). it seldom occurs before one-third of total states in a system adopt the norm and b). critical states (without which the achievement of the normative goal is compromised) must adopt the norm (Finnemore and Sikkink 1998).

Norm Cascade

Once a global norm has emerged, norm cascading occurs when states adopt the global norm through a process of socialisation by external actors. Various types of actors such as intergovernmental organisations (IGOs), non-governmental organisations (NGOs) and transnational advocacy networks, can exert 'moral influence' on state interests and contribute to major changes in norms and behaviour (Elgstrom, 2000: 459). Indeed, Finnemore and Sikkink reiterate this point by highlighting how international organisations, in particular, use expertise and information to change the behaviour of other states (Finnemore & Sikkink, 1998: 899). Additionally, an epistemic community is created by a dense network of activists,

policy makers, academics, and entrepreneurs, who are influential in setting the agenda and defining the interests related to water resource management. Moreover, given the highly technical nature of water engineering, hydrology, and other environmental, ecological and soil and land management sciences, this network comprises of an exclusive club of experts who dominate the production and application of knowledge (Swatuk 2005). Often, their conservationist or technical interests therefore take precedence over that of local actors (farmers, pastoralists etc) in that they are present at organisational platforms to convince policy-makers to embrace global environmental norms while local actors are not (Swatuk 2005).

What this study is concerned with however, is not so much the degree to which states socialise (although this process occurs simultaneously with the one under discussion), but rather the degree to which they *are* socialised. States acknowledge the norms of international society as standards of appropriate behaviour because their identities as states depend on their membership in international society (Schimmelfennig 1994). For instance, states are only considered sovereign when they are recognised as such by other states (Biersteker and Weber 1996 as cited in Boekle et al. 1999). In short, states are constantly concerned with their reputation as recognised (i.e. norm-compliant) members of international society i.e. as 'good' global citizens. They, therefore, comply because of peer pressure (Finnemore and Sikkink 1998).

And finally, two national-level factors are also imperative to socialisation processes and provide explanations for important cross-national variations in compliance with and interpretation of international norms (Davis and Cortell 2000). These are 1). the domestic salience or legitimacy of the norm, and 2). the structural context within which the domestic policy debate transpires (Davis and Cortell 2000). Several scholars share this opinion. Risse-Kappen (1994) argues, for instance, that the ability of transnational actors to promote norms and influence state policy is dependent on domestic structures understood in terms of state-societal relations, while Checkel (1999) reiterates that the effects of global norms are fostered by domestic structures and the norms congruence with domestic political culture. This argument is of paramount importance when comparing the two case studies in this investigation since the regions of the Orange and Nile Rivers have not only internalised global environmental norms differently, but also the riparian states of each basin have internalised these norms in great variations.

Norm Internalisation

Upon examining how norms shape a state's behaviour, that is, how norms are communicated to actors, are accepted and internalised by them as directions for action, it is imperative to note that socialisation is not an outcome nor does it by definition have to be successful (Schimmelfennig 2000). The fact that it may not be a smooth process is a significant point for this investigation since it would be improbable to expect an easy transition from international norm to the domestic level, even when there is apparent conformity with the new norm. State compliance will almost certainly be patchy and pockets of resistance of varying strengths and oppositional capacities to the new norm should be expected.

If socialisation however, is successful, the actor internalises the expectations of behaviour i.e. beliefs and practices, imparted to him by its social environment" (Schimmelfennig 2000; Boekle et al. 1999). It "acknowledges the institutionalised modes of thought and behaviour as correct, makes them 'its own' and brings its interests and preferences into line with them" (Schimmelfennig 1994 as cited in Boekle et al. 1999). In this study internalisation is therefore defined as "…the adoption of social beliefs and practices into the actor's own repertoire of cognitions and behaviours" (Schimmelfennig 2000).

A fully socialised actor, for instance, regards these adopted beliefs and practices as his/her own and follows them autonomously (Finnemore and Sikkink 1998; Schimmelfennig 2000). This does not, however, mean that internalisation is devoid of deviant desires or behavioural preferences, but rather that internal sanctioning mechanisms are sufficiently effective to prevent deviant preferences from evolving into norm-violating actions (Axelrod 1986; Schimmelfennig 2000). Indeed internalisation exists on a continuum of degrees, going from "…a situation in which the actor has to rely heavily on the effectiveness of internal sanctioning mechanisms to a situation in which such mechanisms are not needed because the social beliefs and practices are unchallenged" (Schimmelfennig 2000).

To reiterate, not only do different states react differently to the same global norm but the mechanisms by which norms are internalised within states, or perhaps, the combination of conditions under which global norms are influential, vary greatly from state to state. Following from this perspective, an exploration of the political context in which norm diffusion has been attempted is therefore vital.

Case Study 1: The Orange River

The transboundary management of the Orange River is led by its four riparian states i.e. South Africa, Botswana, Lesotho and Namibia, with South Africa having the largest part of the basin (Meissner 2000) and subsequently dominating multilateral relations. Institutional development within the basin has been fragmented but successful where it has occurred, reaching degrees of sophistication not evident in any southern African basins (Turton 2003). Indeed, today, there is a comparatively high level of collaboration not only between states, but also between sovereign states and non-state entities (Meissner 2000). Technical co-operation is particularly dominant in the basin (Meissner 2000). Additionally, in parallel with technical collaboration, political institutions and agreements have also been enacted (Meissner 2000). Yet, whilst collaboration in the Orange River basin has been predominantly of a technical nature (as opposed to environmental or conservationist), multilateral collaboration makes for easier socialisation of environmental norms of transboundary co-operation since the mechanisms and organisational platforms which foster and facilitate norm diffusion are already in place.

This environment of collaboration began with the establishment of the Southern African Regional Commission for the Conservation and Utilisation of the Soil (SARCCUS) in 1948 (Turton 2003). SARCCUS has ten standing committees, one of which deals with water (Ohlsson 1995). Another key bilateral agreement was the Lesotho Highlands Water Project (LHWP) treaty signed in 1986. Since then an array of bilateral agreements and treaties characterised riparian relations within the basin until a multilateral basin-wide agreement was reached between all riparian states in 2000, known as the Orange-Senqu River Commission (ORASECOM) Agreement (Treaty 2000).

Similarly with the Nile River, where bilateral agreements precede multilateral agreements, norm diffusion is expected to be influenced by this dynamic. For example, certain hydropolitical conditions favouring bilateral regimes have typically included situations where hegemonic states with a high resource need (such as Egypt and to a lesser extent, South Africa) prefer to enter into bilateral arrangements, because under such conditions, they are more likely to have their national interest served (Turton, 2003: 214). On the other hand, hydropolitical conditions favouring multilateral regimes include situations where other riparian states, with high resource needs but in a low-order riparian position, prefer a multilateral basin-wide approach, with a preference for well-defined legal norms such as equitable and reasonable utilisation and the no harm principle as central components, because these best serve their own national aspirations (Tur-

ton, 2003: 214). Yet, this dynamic fails to explain South Africa's surge to foster multilateral relations in the last decade. An arguably plausible explanation for this lies in the domestic political and social context of riparians.

Mapping the Domestic Contexts of Riparians

Given their comparable levels of water scarcity (with Lesotho being the exception), South Africa, Namibia, Botswana and Lesotho present distinct colonial experiences, political cultures, and levels of economic development, which allow the present analysis to engage with a wide variety of domestic configurations.

South Africa's current domestic milieu in terms of water policy is best described as transitional. The defining impact of Apartheid in shaping the political culture of South African society is a key factor in understanding how transboundary co-operation as a normative framework has emerged in South Africa. Typified by the Water Act of 1956, the legacy of Apartheid left with it a centralised system that allocated water for development in the agricultural sector, and economic development to the benefit of White South Africans (Burns, Funke, Nortje, Findlater, Turton, Weaver, and Hattingh 2007).

Indeed, the evolution of South Africa's domestic water policy reflects a shift in mindset toward sustainable resource utilisation since the implementation of the Water Services Act of 1997 and the National Water Act of 1998 (Burns et al. 2007). In contrast to former water legislation, which was managed and governed from a strong demand-side perspective and was employed as a political tool in crafting the South African socio-economic landscape, the current policy is characterised by a strong sense of sustainability as well as the need to balance both human and ecological needs (Burns et al. 2007). Moreover, four basic principles underlie South Africa's new water legislation, which have ramifications for its management of its transboundary waters as well: decentralisation, equitable access, efficiency and sustainability (Burns et al. 2007).

The South African domestic context therefore allows for greater norm emergence of transboundary co-operation i.e. the political transformation in South Africa and the increasing collaboration of southern African countries to advance economic development more uniformly throughout the region, as well as the structural context within which the domestic policy debate transpires i.e. the trend towards a more integrated management of water resources, as promoted by South African water law.

Additionally, other regional developments have fostered regional integration between African states, such as the creation and development

of the Southern African Development Community (SADC) and subsequently the SADC Water Division, and its incorporation of South Africa in 1994; the establishment of the African Union (AU) in 1999; the New Partnership for Africa's Development (NEPAD); and the African Ministerial Council on Water. These multilateral institutions have created a context in which multilateral co-operation regarding water resources form a small part of a much wider series of co-operation efforts (Kranz, Interwies and Vidaurre 2005) and have thus provided organisational platforms for global norm emergence of transboundary co-operation. Indeed it can be argued that the susceptibility of the region to transboundary co-operation norms in management of the Orange River can be attributed to a general regional and global trend towards multilateralism. States comply with normative codes of conduct through membership to regional institutions since their identity and reputation depends on their compliance.

Lesotho's national water resource policy has also undergone changes with its National Environmental Policy being approved in 1998. While Lesotho does not face the kind of water stress that haunts its three co-riparians contributing over 40% of the stream flow from 5% of the total basin area, it does have distribution problems with water transfer being its main concern (Kranz et al. 2005). As such it relies on South Africa's inter-basin transfer schemes (ITBs), the most well-known being the Lesotho Highlands Water Project (LHWP). It is therefore no coincidence that Lesotho's Environmental Policy prioritises the need for joint co-operation in transboundary issues, public participation as well as the promotion of the research and conservation of shared water course systems and resources with neighbouring countries in the SADC region (Kranz et al. 2005).

Much like its two co-riparians mentioned above, Namibia initiated water reforms after independence in 1990, shortly after the release of Nelson Mandela. The Water and Sanitation Policy dates from 1993, and includes broad sectoral objectives which include the availability of affordable water to all Namibians, the equitable improvement of services through a joint effort by government, beneficiaries and community involvement, and the acceptance of mutual responsibility to mention a few (Kranz et al. 2005). It deserves to be highlighted that whilst relations between South Africa and Namibia are peaceful and present, a border disagreement as a result of a colonial agreement between Britain and Germany, has not been resolved. The fact that this unresolved issue has not resulted in increased tension suggests that water resource management is deeply embedded within normative values of a co-operative nature.

Botswana's presence in transboundary/multilateral relations regarding the Orange River has been minimal prior to the ORASECOM Agreement, partly due to the fact that it contributes no stream-flow and

makes no use of the water from the Orange River (Turton 2003). Despite this, however, Botswana is still a recognised riparian state. Turton (2003) argues that this provides Botswana with a wider range of diplomatic options by allowing concessions to be granted to other riparian states in return for political support in other river basin agreements where they have a greater strategic interest such as in the Limpopo and Okavango River basins.

Finally, global norm entrepreneurs exist in both formal and informal institutions that aid in the socialisation process of global environmental norms. The most prominent organisational platform used to convince African heads of state to embrace new norms is the African Union (AU), created largely to facilitate and expedite the process of integration in the continent to enable it to play its rightful role in the global economy (Kranz et al. 2005). Indeed, it has been argued that the AU exerts influence through its Commissioner for Agriculture and Water by, for example, determining the political framework and influencing the complete development agenda of the Water Programme of NEPAD (Wirkus and Böge 2005). Along with the AU and NEPAD, the African Ministerial Council on Water (AMCOW), formed in 2002 also aims to provide supra-regional co-ordination of water resource management although it still needs to develop into this role institutionally (Kranz et al. 2005). Regionally, SADC, through the SADC Water Division has provided a sound organisational platform for norm entrepreneurs within the region in fostering greater socialisation of transboundary co-operation, particularly by monitoring the implementation of the Protocol on Shared Water Resources, and the creation and implementation of the SADC Regional Strategic Action Plan on Integrated Water Resources Development and Management (RSAP-IWRM).

Additionally, domestic norm entrepreneurs exist within the domestic environment of riparians, which try to push domestic norm-based change through the state. Since Lesotho's domestic landscape contrasts with the other three water scarce riparians, formal actors within Lesotho are involved in a different way in the issues that drive ORASECOM (Kranz et al. 2005). The Lesotho Highlands Development Authority (LHDA) is in charge of the construction and operation of dams and the electricity generation of the LHWP, while the Ministry of Environment, Gender and Youth, the National Environmental Secretariat (NES), the Lesotho Environment Authority (LEA) as well as the Lesotho Electricity Corporation (LEC) all play integral roles in either environmental issues or electricity generation. In contrast, due to the strategic economic importance of the Orange River for South Africa, more formal actors exist within the South African domestic context; from the Department of Water

Affairs and Forestry (DWAF) who acts as a liaison and as the national counterpart to co-operation projects with international partners, to the very involved epistemic community including a host of research institutions such as the Water Research Commission (WRC), the Council for Scientific and Industrial Research (CSIR), and several South African universities whose mandates are to disseminate knowledge and advise policy formulation.

Global environmental norm emergence within South Africa has been possible with the help of informal actors, particularly transnational advocacy networks and non-governmental organisations, both international and domestic, organisational platforms. These actors have used persuasion to exert 'moral influence' on state interests and contribute to the attention paid to social issues within this multilateral context. The International Rivers Network (IRN), for example, has become extremely active in the LHWP, focusing on social issues such as the resettlement of villagers and problems regarding the delivery of promised compensation, as well as the new social issues created through reallocation and building projects. Through the socialisation of transboundary co-operation norms, these social issues have been able to receive greater attention. On the domestic front, South African NGOs such as the Group for Environmental Monitoring (GEM) was created as "…a challenge to the wildlife conservation paradigm of the South African white middle class, and advocates an understanding of the environment in relationship with socio-economic development. Its current programmes address national and global environmental policy and sustainable rural livelihoods; future projects plan to address climate change and environmental law" (Kranz et al. 2005).

Yet despite the fact that many actors are involved in transboundary management of the Orange River, there is comparatively limited stakeholder and public participation. This is arguably one of the major constraining factors influencing the internalisation of transboundary co-operation norms within the region. While transboundary co-operation as a normative framework has been integrated into domestic political discourse and has been incorporated into the foreign and domestic policies of Orange River riparians, its commonality is also reflective in stakeholder involvement. Several scholars have argued that even NGO involvement only arises in response to negative impacts that transboundary projects have had, most noticeably the LHWP (Kranz et al. 2005; Burns et al. 2007). Many factors have been suggested to explain this lack of participation, among them being the fact that transboundary river management is still at an early stage of implementation, another being that the national water management systems in South Africa and Namibia have undergone major transformations (Kranz et al. 2005). Other scholars attribute limited par-

ticipation to South Africa's Apartheid legacy that has resulted in the broad South African public not able to develop a strong culture of participation in government processes, nor learn to successfully articulate its interests (Burns et al. 2007). These authors warn that this may lead to a public perception that the government is not effectively responding to people's needs and may in the long run also result in public distrust in government or voter apathy (Burns et al. 2007).

From the brief overview provided, it can therefore be concluded that whilst transboundary co-operation has emerged in Orange River riparians, it has become socialised although not fully internalised within the region. South Africa has a greater strategic dependence on the Orange River than its neighbours and is the largest user accounting for around 82% of the total annual use. This would usually suggest a desire to take unilateral action, particularly since it is the regional hegemon, however, due to the global and regional trend of multilateralism, not only in environmental issues, South Africa has played a leading role in facilitating multilateral action regarding transboundary river management. Indeed, South Africa's role as a critical state has greatly influenced co-riparian compliance, reaching a tipping point, with all riparian states accepting these norms.

Secondly, the revised national water policies of South Africa, Namibia and Lesotho also acted as catalysts in the emergence of transboundary co-operation since it provided a normative and legal framework for more dialogue between riparians, dissemination of knowledge, expertise and technology although greater public participation and stakeholder involvement are required for it to be fully internalised. In short, the degree to which externally induced transboundary co-operation has been accepted owes largely to regional norms of multilateralism as well as domestic norms of transformation. Transboundary co-operation as a normative framework is portrayed as a framework that 'fits' into existing normative frameworks within the region.

Case Study 2: The Nile River

Nile River basin management exists on a much larger scale in many respects than does the Orange River. Firstly, the Nile River is longer and the river basin is therefore larger. Secondly, Nile River basin management involves many more state actors than does the Orange River, flowing through ten riparian states i.e. Egypt, Sudan, Ethiopia, Kenya, Eritrea[1],

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[1] Eritrea's role in Nile River basin management has always, and continues to be secondary. Even in the newly-formed Nile Basin Initiative, Eritrea is not a member but rather participates as a "prospective observer" (Nile Basin Initiative, 2007).

Democratic Republic of Congo, Tanzania, Burundi, Rwanda, and Uganda (Waterbury 2002; Abraham 2004; Wolf 1998; Nile Basin Initiative 2007). And thirdly, Nile River basin management has been embroiled in bilateral agreements/treaties and unilateral action for longer than its southern counterpart. All these factors, combined with political instability, tense co-riparian relations and a general lack of trust has led to greater resistance to the transboundary co-operation norm in the Nile River basin than it has in the management of the Orange River, with some scholars going so far as to argue that a community of riparians does not exist in the Nile Basin (Waterbury 2002).Waterbury (2002) states that there no accepted norms of group behaviour that could shame riparian states into upholding group action, and that the main frameworks that promote and sustain co-operation are contract and hierarchy. This is arguably due to the fact that externally induced norms of transboundary co-operation have not been fully socialised and internalised and have met with greater resistance.

In terms of regional multilateral action, several dilemmas are evident. Firstly, existing multilateral (as opposed to the longstanding bilateral) treaty agreements governing the Nile are notably insufficient (Abraham 2003; Mallat 1994; Spiegel 2005). Secondly, many treaty agreements and resulting claims were formed under British colonial rule rather than in a context of independent sovereign states, and their validity is uncertain (Abraham 2003).Thirdly, even the more recent treaties fail to adequately address future factors as climate change, human intervention set to harness the flow of the waters, changes in the flow of the water itself (Abraham 2003) and the growing pollution problem (Tadros 1996-97). And finally, most Nile riparian states do not recognise the existing treaties due to the fact that they were negotiated by colonial powers and not the current, independent sovereign states (Abraham 2003).

Riparian relations have historically been dominated by allocation and control related to development issues. One such issue was the cotton scheme in Sudan, which required perennial irrigation as opposed to the traditional flood-fed method, and thus, propelled an agreement between Egypt and the UK/Sudan on the use of the Nile waters in 1929 (Transboundary Freshwater Dispute Database 2007). The British assured Egypt its dominant share of the waters, and of the river's average flow of 84 BCM/yr at the time, 48 BCM/yr was allocated to that country while 4 BCM/yr was designated for Sudan, for a ratio of 12:1 (Transboundary Freshwater Dispute Database 2007). Disputes over water rights during this time were minimised or eliminated because of overall British control of the region, however, as the Nile riparians gained independence, riparian disputes became international and more contentious. The core question of historic versus sovereign water rights is complicated by the technical question

of where the river ought to best be controlled, upstream (Ethiopia) or downstream (Egypt) (Transboundary Freshwater Dispute Database 2007).

One particular bone of contention was that voiced by newly independent Sudan in 1956, which repudiated the 1929 Agreement and demanded an increased share in the Nile waters (Transboundary Freshwater Dispute Database 2007). Simultaneously, Egypt was making plans to construct the Aswan High Dam, whose reservoir would extend into Sudanese territory (McCaffrey 2001 cited in Spiegel 2005). This resulted in the negotiation of the 1959 Agreement between the United Arab Republic and the Republic of Sudan for the Full Utilisation of the Nile Waters (Nile Waters Treaty), which altered the ratio from 12:1 to 3:1 and fully allocated the Nile flow between the two states (Spiegel 2005).

The fact that the nine other Nile riparian states were not party to these agreements became increasingly problematic as they also gained independence from the UK. As previously mentioned, Ethiopia has never recognised the validity of the 1959 agreement, while Egypt has continued to assert the no harm doctrine (there may be no harm done to a state's watercourse that might affect its natural flow thus implying that an upstream state such as Ethiopia may do nothing that might affect the natural flow (quantity and quality) of the water into downstream Egypt) and its historical claim to the Nile (Spiegel 2005).

The Nile Basin has therefore been a global hotspot for potential conflict over water resources for several decades now and many a multilateral initiative aimed at co-operation has failed or has been nullified by riparian states. Added to this, there has been a range of broader political disputes, both inter and intrastate, that has touched on Nile issues and complicated the situation (Brunee and Toope 2002 cited in Spiegel 2005), a lack of trust between states due to historical ethnic/religious/cultural cleavages being a key obstacle.

However, the past two decades saw several developments made in multilateral management of the Nile Basin that indicate an emerging spirit of co-operation. As a result of burgeoning multilateral institutions, initiatives such as the Nile Basin Initiative (NBI) formed in 1999 and its successor, the Nile Basin Commission (Nile-COM), and task groups/committees such as an intergovernmental Technical Co-operation Committee for the Promotion of Development and Environmental Protection on the Nile (TECCONILE), transboundary co-operation has seeped into the region, however, with slightly less ease of socialisation than it has had in Southern Africa. This is partly due to the fact that the interest in the Nile at the political level differs greatly among the Nile riparians, as national water plans tend to be designed in isolation, accompanied by a significant level

of political distrust and a lack of information (Brunee and Toope 2002 as cited in Spiegel 2005).

The difficulty at which transboundary co-operation had at regional acceptance in the Nile is evident in the unwillingness by some riparian states to ratify the UN Convention on the Law of the Non-Navigable Uses of International Watercourses (Spiegel 2005). According to a UN Press release, Sudan and Kenya voted for the UN Convention; Egypt, Ethiopia, Rwanda, and Tanzania abstained; Burundi voted against; and Uganda and Zaire were absent (Press Release GA/9248 1997).

The UN Convention acts as a useful analytical tool and offers much value as a framework as well as an indicator for the acceptance and impact of transboundary co-operation. According to Spiegel, one of its assets is its focus on co-operation largely devoid of political influence (Spiegel 2005). The author argues that since the Nile basin suffers from a large inequality of political and economic power in its members, by creating a "community of interest," the UN Convention focuses on the Nile River itself and its outreach into its communities rather than on the diverse, individual, political players who divide and control the distribution of its waters (Spiegel 2005). This argument assumes the normative appropriateness of transboundary co-operation as a 'good' norm, however its internalisation at a regional and domestic level is not as straightforward because of the multiplicity of stakeholders and therefore meanings attached to water and the distribution thereof.

Conclusion

This paper has attempted to provide a brief overview of global environmental norm emergence in the Nile and Orange River regions and its effect on the redefining of state interests. Through the constructivist discussion of norms, several key tenets deserve reiteration. Firstly, the salience of the global norm is extremely significant in determining its strength of internalisation and impact. Indeed, transboundary co-operation has a comparatively greater salience and intersubjectivity in southern Africa than it does in the Nile River basin with more actors in favour of the norm, and a greater distinction between appropriate and inappropriate behaviour being made in southern Africa. Secondly, in analysing norm emergence there is a need to identify who the norm entrepreneurs of a global norm are and also, the make-up of the norm-entrepreneurs or advocacy coalitions who try to push domestic norm-based change through the state and how they do so. A closer look at epistemic communities and political elites is therefore warranted for further research particularly as they pertain to the neopatrimo-

nial nature of sub-Saharan African states. Thirdly, there is no easy transition from international norm to the domestic level, even when there is apparent conformity with the new norm as was evident in the Orange River basin and to a lesser extent in the Nile. State compliance will almost certainly be patchy and pockets of resistance of varying strengths and oppositional capacities to the new norm should be expected. And finally, exploration of the political context in which norm diffusion is attempted is vital since it helps to explain variance in regional norm internalisation.

It has become clear that transboundary co-operation as a normative framework has proven useful in integrating international, regional and local levels of river system management, however, consolidation of multiple interests has been one of its greatest challenges. Greater stakeholder involvement and public participation proves a daunting task particularly at the risk of forming vacuous regional institutions merely as lip service to the international community under the guise of accommodating for a multiplicity of interests. It is perhaps equally important to analyse domestic contexts in order to assess the manner in which this will translate into implementation.

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