

THE CONCEPT OF “BENEFIT-SHARING”, ITS THEORETICAL BACKGROUND AND PRACTICAL REFLECTIONS

“FAYDA PAYLAŞIMI” KAVRAMI, TEORİK ALTYAPISI VE PRATİK YANSIMALARI

البنية التحتية النظرية لمفهوم «تقاسم المصالح»
وانعكاساته العملية

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CENTER FOR MIDDLE EASTERN STRATEGIC STUDIES
مركز الشرق الأوسط للدراسات الاستراتيجية



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STRATEGIC INFORMATION MANAGEMENT AND INDEPENDENT THOUGHT PRODUCTION

CENTER FOR MIDDLE EASTERN STRATEGIC STUDIES

History

In Turkey, the shortage of research on the Middle East grew more conspicuous than ever during the early 90's. Center for Middle Eastern Strategic Studies (ORSAM) was established in January 1, 2009 in order to provide relevant information to the general public and to the foreign policy community. The institute underwent an intensive structuring process, beginning to concentrate exclusively on Middle affairs.

Outlook on the Middle Eastern World

It is certain that the Middle East harbors a variety of interconnected problems. However, neither the Middle East nor its people ought to be stigmatized by images with negative connotations. Given the strength of their populations, Middle Eastern states possess the potential to activate their inner dynamics in order to begin peaceful mobilizations for development. Respect for people's willingness to live together, respect for the sovereign right of states and respect for basic human rights and individual freedoms are the prerequisites for assuring peace and tranquility, both domestically and internationally. In this context, Turkey must continue to make constructive contributions to the establishment of regional stability and prosperity in its vicinity.

ORSAM's Think-Tank Research

ORSAM, provides the general public and decision-making organizations with enlightening information about international politics in order to promote a healthier understanding of international policy issues and to help them to adopt appropriate positions. In order to present effective solutions, ORSAM supports high quality research by intellectuals and researchers that are competent in a variety of disciplines. ORSAM's strong publishing capacity transmits meticulous analyses of regional developments and trends to the interested parties. With its web site, its books, reports, and periodicals, ORSAM supports the development of Middle Eastern literature on a national and international scale. ORSAM supports the development of Middle Eastern literature on a national and international scale. ORSAM facilitates the sharing of knowledge and ideas with the Turkish and international communities by inviting statesmen, bureaucrats, academics, strategists, businessmen, journalists, and NGO representatives to Turkey.

About the Programme

Water is irreplaceable, valuable and one of the most important substances for the sustainability of the life not only for human beings, plants and animals but also for the whole ecosystem. The surface and ground waters are utilized for domestic, agricultural and industrial aims. However, there is a dual pressure over water sources due to the human activities and natural changes. Especially, in the places where water shortage is experienced, over-population, immigration from rural areas to urban, food security policies, growing socio-economic wealth, agricultural, domestic and industrial based contamination, the changes in precipitation due to the global climate changes, affects the hydrological cycle. Thus, the water sources are exposed to some changes in respect of their quantity and quality. While demand for water has been gradually growing up, in water stressed areas, the water supply stays stable. While the problems on the management of water resources are experienced, on the other hand the effects of environmental problems on water resources are gradually increasing. Turkey and its close environment, especially, the Middle East are the most influenced regions by such problems.

On the other hand, Turkey's relations with Euphrates-Tigris Basin riparian neighbours are very important when taken into consideration that Turkey has more than 40 percent of the water resources potential on the transboundary basins. In order to reach the political target which both Turkey and other riparian states pursue, of establishing regional stability, augmentation of welfare and deepening the relationship among the neighbouring states, it is essential for all the parties, to have good faith and knowledge based active cooperation in the water resources utilization. In addition, during the process of Turkey's EU candidacy, the agenda of harmonization of EU Water Framework Directive with her own national legislation will along with bring the future water policies to have a new content.

In accordance with the foregoing factors, "ORSAM Water Research Programme" was established on 1st January, 2011 within ORSAM, for the aim of presentation of the enlightening findings and the observations of the current developments on water issues of Turkey's close environment and in the worldwide, to the public opinion and to the decision-makers, which have been acquired by means of analysis.

In the studies of ORSAM Water Research Programme, the Middle East engaged issues are given priority as there is a big increase in the political, economic and social problems, due to the both climate changes and inefficient utilization of water sources in the Middle East and as existing problems in the water budget.

ORSAM Water Research Programme aims to produce new ideas that offer different political alternatives on water issues, to encourage and diversify the qualified studies of competent reseachers and intellectuals from different disciplines in order to form vigorous solution offers and to support the development of water literature in Turkey.

In this scope, ORSAM Water Research Programme aims both, to facilitate the hosting of academics, the representatives of the non-governmental organizations, bureaucrats, statesmen, diplomats, strategists, journalists and businessmen, who studies on the water issues in region countries and to provide the sharing of informations and considerations of those, with the public opinion both in Turkey and in the worldwide.

PRESENTATION

The impacts of human activities and climate change create pressure on water resources in terms of both quantity and quality. Problems related to water resources have been on the world agenda since 1970's. Across the globe, 264 river basins are situated within the borders of more than a country. This situation started to take an important place in the relations of countries, especially where water resources are limited. Particularly during 1990's, the issue of water resources was brought up to the agenda regarding that they could lead to conflicts and even to wars among the states because of its shortage in arid – semi arid regions such as the Middle East, North Africa and South Asia. After all, the subject of benefit-sharing started to be brought up to the international agenda in the post-2000. The benefit-sharing can be defined as a necessity to desecuritize water which is considered as a political means or a casus belli.

This report entitled, “The Concept of ‘Benefit-Sharing’, Its Theoretical Infrastructure and Practical Reflections”, which analyzes the water resources management in terms of benefit-sharing was prepared by Mr. İlhan Sağsen. In this report, while the theoretical infrastructure of the concept of benefit-sharing is analyzed in detail, practical reflections are exemplified with river basins.

This report entitled, “The Concept of ‘Benefit-Sharing’, Its Theoretical Infrastructure and Practical Reflections” will be published as the 14th Report of ORSAM Water Research Programme. Hoping that this report will contribute to studies on water, we bring this report to the public attention and extend our thanks to Mr. İlhan Sağsen for his efforts.

Hasan KANBOLAT
ORSAM Director

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THE CONCEPT OF “BENEFIT-SHARING”, ITS THEORETICAL BACKGROUND AND PRACTICAL REFLECTIONS

Executive Summary

Water as a basic human necessity, is a critical resource for all aspects of human existence, environmental survival, economic development, and good quality of life. Water has become more and more crucial and strategic natural resource in the Middle East and South Africa. Increase in world population, scarce character of water reinforces its critical situation. Within this context, current water-related problems, which can be defined as water allocation, water management and sharing the benefits derived from water resources, seem inevitable to cause some disagreements and conflicts between riparians. With the re-thinking of security conceptualizations after the end of the Cold War, they have brought new priorities such as human security, environmental security besides national security. With this re-conceptualization it has begun to be argued that water is a basis of cooperation as well as its being potential basis of conflict. After that, water started to be evaluated as not only political tool but also an economic good. After evaluating water as an economic tool, changes in perceptions on water paved the way of the concept of “benefit sharing” to come to the agenda. In this study, the main assumptions and solution suggestions of this concept on water issues will be elaborated and practical reflections of the “benefit sharing” concept will be emphasised.

Introduction

Water as a basic human necessity, is a critical resource for all aspects of human existence, environmental survival, economic development, and good quality of life. Water has become more and more crucial and strategic natural resource in the Middle East and South Africa. It is claimed that the crucial aspect of water resources in these regions will precipitate conflict in these regions. There are many interrelated reasons, which contribute to water-related crisis situation. The first reason is the increasing world population. The second reason is the changing and increasing human necessities.

The third reason is that the amount of freshwater available to any country on a long-term basis is limited. Fourth, as human activities increase, more and more waste products are contaminating the available sources of surface water and groundwater. The fifth reason is that there are increasing delays in implementing new water development projects because of the escalating project costs, lack of investment funds, increasing technical complexities of new development projects. The sixth factor is that climate change affects the water systems in a negative way. These reasons cause tensions among the riparians of transboundary river basins.

The critical importance of water and tensions based on water taken place by the influence from the interrelated factors mentioned above attracted the attention of the theories of international relations. All international relations theories such as Realism, Neo-liberal Institutionalism, Critical Theories and Functionalism focused on the conflicts and solutions based on water. Realism evaluates water as potential conflict source and thought that upstream and dominant states have advantage position on using water of transbound-

ary rivers. Realism argues that cooperation efforts on water allocation should be realized on the control of dominant state.² As to neo liberal institutionalists, they believe that tensions on water resources can only be solved by international organizations which will be established and with multi-lateral cooperation. Critical theories accept water as a material source and they evaluate water in terms of economy based.³ Critical theories which are basically interested in the subjects such as class inequality, exploitation, inequitable income distribution interpret water as a global equality issue.

Apart from main international relations theories, functionalism, which is derived from integration theories, and the concept of “benefit sharing”, which is based on functionalism, is also interested in the issues on water. “Benefit Sharing” which is main research subject of the article will be focused in detail. While doing so, after explaining the theoretical background of this concept, the main assumptions and solution suggestions of this concept on water issues will be elaborated. In the following part of this article, practical reflections of the “benefit sharing” concept will be emphasised.

I- The Concept of “Benefit Sharing” and Its Theoretical Background

Problems based on water, from the realist perspective, have been evaluated within the framework of the water-wars expectation until 1990s. One of the most important reasons of water-based crises is that water is seen as a security element and is evaluated as a political tool instead of economic instrument. In this regard it has been argued that the transboundary rivers make countries dependent to each other and this dependency brings problems when it comes to sharing and management levels. However, in 1990s these ap-

proaches have begun to change. With the re-thinking of security conceptualizations after the end of the Cold War, they have brought new priorities such as human security, environmental security besides national security. With this re-conceptualization it has begun to be argued that water is a basis of cooperation as well as its being potential basis of conflict.⁴ In this framework, what is important in explaining "Benefit Sharing" is the necessity of de-securitizing water which has long been accepted as a political tool or *casus belli*.⁵ The initial development in this issue is the meeting in Dublin in 1992 to which water specialists and decision-makers attended and which can be regarded as a pre-meeting where the preparations for The United Nations Conference on Environment and Development in Rio de Janeiro in the same year were organized. In this meeting some decisions, which are known as Dublin principles, were taken. According to this:

* An integrationist approach in the efficient administration of water resources, which will include cross-basin problems and will establish a link between the issues of use of environment and soil, and social and economic development, is necessary. Large-scale participation of share-holders, planners and decision-makers in each level is necessary.

* Women should be in central position in stages of protecting, administrating and organizing water resources in global level.

* Water should have an economic value and should be accepted as an economic commodity.⁶

In the 1831 risk-involved trans-boundary basins, which are analyzed according to the changes in perception of water-based relations that started in 1990s, it has been demonstrated that the riparians tend to cooperate

rather than engaging in conflict.⁷ These studies have had an impact on the emergence of cooperative discourses. According to Keohane, the level of cooperation depends on the reconciliation capacity of the actors in their conflicting interests.⁸

"Benefit sharing", which has become a part of the agenda more intensively in the light of these developments that occurred with the end of the Cold War, was debated in the International Conference on Freshwater in Bonn in 2001, in the 3rd World Water Forum and Ministerial Conference of 2003 and in the Stockholm World Water Symposium of 2005. At the end of this process, a differentiation has been made regarding what has been implied by the concept of "benefit sharing". According to one implication, "benefit-sharing" is resembled with the previously-used Integrated Water Resources Management. However, according to the other view, "benefit sharing" refers to the ideal situation without debating the applicability of the issues to the real world. According to David Philips (*et.al.*), if the concept of "benefit sharing" will be seen as a real opportunity in the debates on management of trans-boundary waters, it has to be developed to a considerable extent.⁹ In their interpretations regarding "benefit sharing", Sadoff and Grey separated the benefits that will be attained from cooperation in a shared river basin into four categories. These are "environmental", "economic", "political", and "catalyzer". According to these thinkers, conflict or cooperation is determined by the encouragements for the riparians that will cooperate and by the attitudes of the riparians.¹⁰ While there are such views on "benefit sharing", The International Water Law Research Institute in Dublin University evaluated the water-based agreements in the Legal Assessment Model under the title of development by testing some elements that are in contradiction with the international water law principles.¹¹

Although LAM approach contributed significantly to understanding of “benefit sharing”, it ignored the real world order, which is dominated by the hegemonic powers who aimed at attaining comparative power through realizing national interests that are defined in hard terms.¹² Axel Klaphake initiated the next attempt to substantiate “benefit sharing” in 2005. Klaphake tried to demonstrate increasing benefits from the management of river basins by examining 11 African-based case studies including The Kagera Basin Organization.¹³ While the development of the concept of “benefit-sharing”, which has become more important in parallel to the conjunctural developments especially in 1990s and has been debated in various platforms that are summarized above, has been like this in international relations, the concept has also been evaluated within the framework of international relations theories.

The main arguments of the concept of “benefit sharing” mentioned above are also reflected in some international relations theories. Functionalism can be considered as the leading relevant theory among them. The main reason for choosing functionalism is the fact that functionalism provides the backdrop for a transition from a conflictual type of relationship into one based on cooperation.

Within this context, in the international relations theory, functionalism has emerged with the claim to resolve international conflicts.¹⁴ Functionalism, inspired by the English opposition to war, the economic structure of the 19th century and the achievement of international organizations such as the World Labor Organization, is associated primarily with David Mitrany. Along with him, Paul S. Reinsch, Leonard Woolf, G.D.H. Cole, H.R.G. Greaves, Pitman Potter, Edgar Saveney also have been considered as functionalist writers. However, the master of functionalism is undoubtedly

David Mitrany.¹⁵ Mitrany’s ideas are accepted as a turning point for much of modern integration theory.¹⁶ According to functionalism, great changes of the 20th century emerged to meet the needs of technical and functional cooperation across the borders. Functionalism is based upon the hypothesis that national loyalties can be diffused and redirected into a framework for international cooperation instead of national competition and war.¹⁷

According to Mitrany, the reason for international conflicts is the unnatural land sharing imposed by victorious states in war time and by powerful states in general in the international arena. The borders formed by these states have led to international and regional problems. These ethnic and geographical problems prevent the solutions for the conflicts and make the conflict more complicated. For example, the peace treaties signed after World War I did not promote solutions to the conflicts but led to the emergence of World War II. Therefore, states are the main actors causing wars. Moreover, the dominant powers shaping the international system lead to wars and to economic and political instabilities by supporting the dangerous allies formed by the parties of the conflicts.¹⁸ It is assumed by functionalists that to solve conflicts between states, relations first need to be developed in a positive direction within the framework of wider amity for cooperation. Secondly, states need to cooperate in economic, technical and/or welfare areas. This is the functional integration process. The process is perceived as changing mind-set and creating costs of disruption which make war less likely.¹⁹

Functionalism first proposes cooperation for resolving international conflicts. Cooperation is realized by two or more states finding a common solution within the framework of common interests among themselves. In this

regard, cooperation may become fact between a stronger and a weaker actor. The stronger actors can provide stability and contribute to cooperative behaviors.²⁰ The second and ultimate solution of functionalism is integration. According to Johan Galtung, integration is defined as when two or more states constitute a new actor. According to Charles Pentland, "international political integration is identified with the circumvention, reduction, or abolition of the sovereign power of modern nation-states". States which integrate create common policies on political, economical, security and foreign policy issues.²¹

Cooperation is the main push of functionalism for solving conflicts, primarily. Diffusion of cooperation to other sectors of cooperation is defined as "ramification" in Mitrany's theory. This is "spillover". That is to say, the development of cooperation in one technical sector can result in the development of cooperation in other technical sectors. What is meant by "spillover" in functionalism is parallel to what is explained by "benefit sharing" in that the beginning of cooperation in the common areas of interests may turn out to be large scale cooperation in subsequent stages.

"Benefit sharing" as a concept means cooperation among the riparians of a river in the common fields of interest which will provide all the riparians with benefits such as management of the ecosystem among the riparians, improvement of food and energy production, reduction of all kinds of costs, reduction of pollution and transportation. Here, the main argument of the concept is that the cooperation in the common fields of interests, i.e. in issues where a solution or cooperation can be realized more easily, as the last resort can open a process that can result in even an economic integration among the states.²² Economic integration is not a final goal or an end that has to be reached absolutely at the end of the process. What is aimed at here is that the

cooperation in the areas of common interest will be transformed into a wider rapprochement and cooperation.

Aaron Wolf is one of the first scholars who scrutinized the concept of "benefit sharing". While explaining "benefit sharing", Wolf talks about the concept of the "basket of benefits". Accordingly, the more this basket is filled with the areas or issues of cooperation, this will more bring us to the possibility of a wider range of cooperation that can be achieved. These multi-resource linkages to policies may offer more opportunities for creative solutions to be generated, allowing for greater economic efficiency through a 'basket of benefits'. Other resources that have been included in water negotiations include financial resources, energy resources, political linkage and data.²³ For Wolf, water, like oil and other resources, can not be separated from politics. These natural resources have been used as political tools and this needs to be acknowledged and recognised. At present, water and other resources are increasingly being connected to foreign policies.

In this context, David Grey talks about two concepts: "benefits to the river" and "benefits from the river". According to the concept of "benefits to the river", parties to the conflicts should take necessary actions to protect and support a river such as protecting watersheds, preserving soil fertility and reducing contaminant and sediment soil transport. That is to say, cooperation on an international river could enable better management of these ecosystems, providing "benefits to the river", and underpin all other benefits that could be derived. Environmental management is a cornerstone of river basin management and development and can bring benefits to all river uses and users. Grey's second concept is "benefits from the river". Having realised the need to take actions to protect a river that is the

establishment of the environment of cooperation within the framework of the concept of “benefits to the river”, all parties can then take advantage of the common benefits provided by the river, such as water for drinking, food and energy production, and transportation. That is to say, cooperative management of the water flowing in an international river can result in “benefits from the river”. For all, managing a river basin from a system-wide perspective can increase the quality, the available quantity, and the economic productivity of the river flow.²⁴

Within this context, like mentioned above, “Benefit Sharing”, together with its tools that are “cooperation” and “spillover” is a concept offering solution for problems among riparians of transboundary rivers. After analyzing the theoretical background of “benefit sharing”, it will be to the point to focus on the practical reflections of the concept. Within this framework, to explain better this concept, some cooperation efforts will be elaborated.

II-Practical Reflections of “Benefit Sharing” Concept

To explain the concept of “benefit sharing” and common fields of interest such as management of the ecosystem among the riparians, improvement of food and energy production, reduction of all kinds of costs and/or reduction of pollution and transportation in more detail, a set of *examples of transboundary water cooperation* are given below.

An example demonstrating how “benefit sharing” concept works in the transboundary river basins is the *Lesotho Highlands Water Project*. This project started in 1986 between South Africa and Lesotho. The main aims of this project are to improve the use of water of the Senqu/Orange River, to control the flow

of this river by regulating, storing and diverting the water and finally, to produce hydroelectricity. The project has five dams, water transfer tunnels, and a hydropower station. Within the framework of a treaty related to this project, three institutions were constituted: the Lesotho Highlands Development Authority, South Africa’s Trans-Caledon Tunnel Authority, and Lesotho Highlands Water Commission. For South Africa, this project’s benefit is a cheap water supply. For Lesotho, the largest benefit of this project is hydroelectricity generation and water export revenue.²⁵

The another one to be mentioned can be the example regarding the initiative of building a joint dam project on *the Maritsa/Meric River between Turkey and Bulgaria* to prevent floods. Floods occur frequently in the basin which is shared by Turkey, Bulgaria and Greece, causing tremendous losses of property, damaging farmlands, and even resulting in several deaths. In 2005, four rounds of floods occurred, raising the public awareness about the seriousness of the issue. One flood occurred in February, another two in March and one in August. Only after these floods of 2005, was it decided to build automatic water level monitoring systems in Greece and Bulgaria.²⁶ Unfortunately, in mid-March 2006, before these early warning systems were duly operationalized, the Turkish town of Edirne experienced one of the most disastrous floods in its modern history. This time, Turkish officials were vociferously calling for urgent action.²⁷ The March 2006 flood also caused a significant amount of domestic political debate. As a result of these situations, to prevent these floods, Turkish and Bulgarian parties decided to build a joint dam. This joint dam was seen as permanent solution to the problem. The body of the dam was thought to be built on the Turkish side, near the village of Suakacagi and biggest part of the reservoir would lie within Bulgaria. The dam will serve

the purposes of flood control, hydroelectricity generation and supplying irrigation water to both countries.

The examples given until now focused on the benefits derived from riparians' common behaviors to solve their problems on rivers crossing border. Apart from that, the cooperation on the *Rhine river* basin is one of the significant examples on how "benefits to and from a river" which is mentioned as David Grey's classification can materialize. Cooperation on the Rhine river basin relies on the "navigation agreement" signed by eight riparian states a century ago. In the mid 19th century, the important economic activity in the Rhine river basin was salmon production. By the 1920s, the growing population and industrialisation resulted in the extinction of salmon in the Rhine. By the 1950s, more than half of world's chemical production was being made along the banks of the Rhine. Because of this situation, the Rhine was defined as "the sewer of Europe" at that time. The International Committee for the Protection of the Rhine (ICPR) was formed to address this issue, setting up a technical commission to monitor the pollution levels in the Rhine.²⁸ In 1987, riparian states of the Rhine proposed the "Rhine Action Plan". The most ambitious objective in this plan was the reduction of the chemical contaminants to the level that would allow for the possibility of life again. By 2000, with intense international cooperation, significant investments, and wider spread public support, the Rhine River became a clean source of water again. Today, much wider Rhine cooperation is planned – such as in the area of flood control.²⁹

Apart from the previously mentioned features of "benefit sharing" such as "cooperation", "benefits to river", and "benefits from the river", the central phenomenon to "benefit sharing" is "spill over", which refers to expan-

sion of cooperation efforts by riparian states in one sector to other sectors, therefore, more easy solution of the problems among the riparian states. The Southern African Development Community (SADC) can be given as an example of the realization of the concept of "spillover". There are 12 states located on the Southern African sub-continent. These states' boundaries were drawn by colonial powers in the second half of the nineteenth century. While the boundaries were being drawn, colonial powers took into consideration mountains peaks and watersheds. This situation created tension among regional states related to the utilization and sharing of the international rivers. There are main 15 international rivers in the SADC region. Riparian states started the cooperation efforts with the Southern African Development Co-ordination Conference (SADCC) in 1980. As a result of this conference, the Lusaka Declaration (Southern Africa: Towards Economic Liberation) was adopted. This declaration's aim was to supply economic liberalization and develop cooperation. That is to say, cooperative efforts in this region started to achieve economic liberalization and enhance cooperative activity. In 1992, the declaration and treaty establishing the Southern African Development Community (SADC) was signed at the Summit of Heads of State and Government. SADC replaced the Southern African Development Co-ordination Conference. The main goal of SADC is to create a 130 million-person southern African common market by 2000. Other aims of SADC are to increase living standards, promote economic cooperation and growth, share the natural resources, strengthen the links among the peoples of the region, promote common security and defense policies, and promote common political values.³⁰ As it is seen, cooperative efforts in the Southern African sub-continent began with the objectives of economic liberalisation and increasing cooperation in 1980. By 2000,

there was a large scale cooperation with the goal of establishing a common market.³¹

The ultimate stage in benefit sharing that has been regarded as unnecessary by many specialists is “integration.” Integration stage is also seen as a problem-solving approach in problems of trans-boundary river cases. One of the best examples of integration as the ultimate point of cooperation process, and as an approach to conflict resolution in trans-boundary water cases, is the water issues between Spain and Portugal. Spain and Portugal share five river basins: Limia, Miño/Minho, Duero/Douro, Tagus/Tejo and Guadiana.³² These five basin areas represent some 62% of Portugal’s territory, and 41% of the surface area of Spain. These percentages show the importance of shared basins for both countries.³³ Spain is always the upstream country. The Spanish-Portuguese relations on the subject of water have a history dating back to the 19th century. The first agreement was signed in 1879. The agreement was finalized in 1912 with the change of notes. It stipulated that both Spain and Portugal would be entitled to half of the flowing water.³⁴ As both Spain and Portugal were in need of power for their growing industries they decided to exploit Duero’s hydropower potential. The resultant agreement of 1964 virtually divided the hydropower potential of Duero’s international section and some of its tributaries into two. The success of the 1964 Convention had a catalysing effect for further cooperation on the remaining transboundary waters. Hence, in 1968, a second convention was agreed upon which allocated the international reaches of Mino, Limia, Tagus, Guadiana and their tributaries. The Convention also envisaged the creation of a joint commission to apply the 1964 and 1968 Conventions.

In 1993, Spain announced its “Preliminary Project of the Law on the National Hydrologi-

cal Plan”, which not only ignores the Portuguese situation and needs but also purports to transfer some water from Duero to other regions in Spain. This development, exacerbated by broader political debates caused a crisis between the two countries.³⁵ The new situation was discussed in the Spanish-Portuguese ministerial summit of 1993. In this meeting a working party for elaboration of a new Convention was created.

In 1998, the two countries agreed on a “Convention on Co-operation for the Protection and Sustainable Use of the Waters of the Portuguese-Spanish River Basins.” The objectives of the Convention were “to co-ordinate and promote actions for achieving sustainable development, a contribution to the handling of droughts, floods and scarcity, and to improve water quality to ‘good status.’”³⁶ The Convention also laid down foundations for increased cooperation via the regular exchange of data, technical information, and knowledge, as well as consultation.

The 1998 Convention paved the way for “rational and economic use” of waters of the shared rivers between Spain and Portugal. Rodrigo Maia commented that the 1998 Convention was framed and inspired by several UN Conventions and EU Directives, most notably the Water Framework Directive (WFD). According to Maia, the Convention incorporated major principles of the WFD such as creating an integrated and coherent water policy, envisaging the environmental quality goals, pricing of water at its true cost, and having joint management of transboundary river basins.³⁷ This cooperation initiative shows that cooperation of two countries sharing common river basins helps their integration more than the regulations of a supra-national structure that they are members. Also, it helps them to come closer on the basis of common benefits.

Spanish-Portugal trans-boundary river basin, both of whom are members of European Union, can be mentioned as examples to facilitation of cooperation to confirm with the regulations of the instituted integration. Moreover, The Nile Basin Initiative is an example of a cooperation process which ends up with institutionalization on trans-boundary rivers while there was not integration issue among the riparians, yet problems about water. In the Nile River Basin, there are 11 countries. These are Egypt and Sudan and South Sudan (newly independent state) as the downstream countries, Ethiopia and Eritrea on the Ethiopian highlands as upper riparian states and the Democratic Republic of Congo, Uganda, Tanzania, Kenya, Rwanda and Burundi in Central and the East African lakes region. All riparians need the water of the river basin to different degrees in order to meet the basic requirements and sustain the economic growth.³⁸ In turn, Egypt and Sudan are the main riparians of the Nile basin and Nile's water has the economic significance for these two countries.³⁹ The Nile river has two main tributaries as the White Nile and the Blue Nile.⁴⁰ Legal agreements related to the Nile river basin started at the beginning of the 20th century.⁴¹ In the British Empire period, many agreements related to the Nile river basin were reached by the High Commissioners of the different British colonies in North and East Africa. These agreements assured a constant and unhampered flow of the Nile into the Egyptian colony. The most important treaty was the 1929 Nile Water Agreement. Following the wave of the independence in Africa in the 1950s, this agreement was replaced with 1959 Agreement. The 1929 Nile Water Agreement was signed between the newly independent Egypt and the Administration of Sudan and the East Africa countries, on behalf of the British Empire. Two different issues were encompassed in the treaty. One of these issues was that this agreement set

up the dominance of the downstream countries interests. At the same time, independent construction on the Nile of the East African countries was not allowed. Other issue in the agreement was related to water utilization between the two downstream countries namely Egypt and the Administration of Sudan. In this agreement, while Egypt was apportioned an unhampered access to the Nile waters, Sudanese water rights was recognized.⁴²

After the end of the colonial era in the Nile Basin, a bilateral agreement namely "Agreement for the full utilization of the Nile waters" between Egypt and Sudan in 1959 was signed. This agreement replaced the 1929 Agreement. According to 1959 Agreement, the Nile waters to the other riparians were not allocated. In turn, this situation has never been accepted by riparians except Egypt and Sudan and has caused tensions and problems. 1959 Agreement defined the status quo concerning the sharing of the Nile river basin waters. With the 1959 Agreement, Egypt and Sudan shared the water of Nile River (%75 of the water for Egypt and %25 of the water for Sudan). At the same time, the two riparians have decided to set up a Permanent Joint Technical Commission (PJTC) for preparing and conducting the further plans and projects. The vital interest of both downstream countries is to secure the status quo. After 1959 agreement, cooperation efforts in this basin were driven by Egyptian security concerns and self-interest in securing an unhampered Nile flow.⁴³

Up to the 1990's, there were some cooperation attempts such as Hydromet Project and Undugu Project. These projects either failed or succeeded partly.⁴⁴ In 1967, Hydromet Project was the first multilateral cooperation effort in order to promote inter-riparian collaboration in the basin. Egypt and Sudan as riparians of the Upper White Nile, reached an agreement with United Nations Develop-

ment Program (UNDP) and World Meteorological Organization (WMO). According to this agreement, the Upper White Nile riparians without Ethiopia, carried out a detailed hydrological research. The Hydromet Project was carried out some 25 years, from 1967 to 1992. The Hydromet Project was the first step of multilateral cooperation process on this basin.⁴⁵

In 1983, as a new cooperation effort, so-called Undugu Initiative was set up by Egypt. Within this context, Egypt tried to form a new platform for cooperation. Undugu was an unofficial African Group. The main aim of the initiative was to serve as a platform for informal discussions regarding the overall economic development of the Nile basin region. This group consists of Egypt, Sudan, Congo and the Central African Republic, and was later joined by Rwanda, Burundi and Tanzania. In turn, Ethiopia and Kenya did not join to this initiative. The annual meetings on ministerial level within the framework of the Undugu Initiative focused on the water related development sectors such as energy, agriculture, health, environment industry, trade and transportation. In 1989, this group submitted a request to UNDP in order to take on broad technical and economic studies of further cooperation attempts among the members of the Undugu Group. During 1989, the UNDP sent two missions to research opportunities of promoting the cooperation among the Nile basin states.⁴⁶

After the end of the cold war, political tensions in this basin, especially between Egypt and Ethiopia, became less. After 1990s, cooperative relations on the Nile basin including all riparians have been witnessed.⁴⁷ Cooperation process including for the first time all riparians states has started in this basin since 1992. In 1992, cooperation known as Tecconile (Technical Cooperation Committee for

the Promotion of the Development and Environmental Protection of the Nile Basin) was set up by six of the ten riparians of the Nile River basin states. The members of Tecconile are Egypt, Sudan, Uganda, Tanzania, Rwanda, and Dem. Rep. Congo.⁴⁸ The Tecconile Initiative aimed to reach a comprehensive legal and institutional framework consisting of the short and long term goals. In the short term, Tecconile was planning to establish the technical, institutional and personal structure. In turn, in the long term, Tecconile aimed to reach an overall agreement among the all riparians. Tecconile Initiative, set up in 1992, renamed the Nile Basin Initiative (NBI), as an effort to increase intensity of cooperation among the riparians of the river, in 1998.⁴⁹ The main aim of foundation of the NBI is that all Nile basin states work together to develop the resources of the river basin for sharing the benefits.⁵⁰ Ethiopia, Kenya, and Burundi entered into the Nile Basin Initiative as observers. However, these countries later joined to the cooperation process as members in 2002 spring. Only Eritrea as one of the Nile basin riparians is still an observer in this process.⁵¹

Within the framework of this process, an action plan was prepared namely the Nile River Basin Action Plan. This plan was discussed for a period of six years, from 1992 to 1998. It was adopted by the Ministers of Water of the Nile riparian countries in 1998. Lacking the financing resources to implement the action plan, riparian countries want the World Bank to coordinate the international donors to promote inter-riparian collaboration in the basin and implement the Nile Basin Action Plan. The World Bank accepted to support this plan in 1997. To coordinate the external aid agencies, the World Bank proposed a meeting named the International Consortium for Cooperation on the Nile (ICCON).

Both Teconile and then the Nile River Basin Initiative have the three-track institutional structure. One of them is Council of Ministers (Nile-COM) whose chairmanship rotates annually. This is the highest decision-making body which consists of the all ministers of riparian states. Second organization of the Nile River Basin Initiative is Technical Advisory Committee (Nile-TAC). The Nile-TAC consists of two permanent officials of the each member states. Third organization is a permanent Secretariat (Nile-SEC) in Entebbe, Uganda. In February 1999, the Nile Basin Initiative was formally established by the Nile Council of Ministers, and in June 1999 the new Secretariat of the Nile Basin Initiative began operating.⁵²

As it has been demonstrated by this example, it has been achieved that from the situation of bilateral arrangements of the British colonial period that were in line with Egypt's interests as a downstream country and from the tense relations among the riparian states turned into cooperation efforts that are institutionalized and includes all the riparian states. Besides this, an institutionalized and wider cooperation has been sustained within the framework "benefit-sharing". Not only with the institutions constituted within the framework of Nile initiative but also the rapprochement among the riparians regarding the water-based sectors such as energy, agriculture, health, environment, trade and transportation demonstrates that Nile Basin Initiative is a very good example of "benefit sharing" concept.

Conclusion

Transboundary rivers constitute a significant amount of World's fresh water resources. Many analyses show that level of water deficit increases. At the same time, problems based on water are one of the most important issues

that human came across. Increase in population all over the world raises the pressure on the access of water resources. Apart from the increase in world population, scarce character of water reinforces its critical situation. Within this context, current water-related problems, which can be defined as water allocation, water management and sharing the benefits derived from water resources, seem inevitable to cause some disagreements and conflicts between riparians. Because of the critical situation of water, it has been evaluated as a security issue in states.

With the re-thinking of security conceptualizations after the end of the Cold War, they have brought new priorities such as human security, environmental security besides national security. With this re-conceptualization it has begun to be argued that water is a basis of cooperation as well as its being potential basis of conflict. After that, water started to be evaluated as not only political tool but also an economic good. The initial development in this issue is the meeting in Dublin in 1992 to which water specialists and decision-makers attended and which can be regarded as a pre-meeting where the preparations for The United Nations Conference on Environment and Development in Rio de Janeiro in the same year were organized.

After evaluating water as an economic tool, changes in perceptions on water paved the way of the concept of "benefit sharing" to come to the agenda. Main argument of "Benefit sharing", which its theoretical background derived from Functionalism, suggests cooperation in the areas of environmental protection, reducing the pollution, power production, reduction of all costs and improvement of food that would benefit the all countries, and therefore, help the solution of the issue. This kind of cooperation in the common interest areas may transform into a larger com-

promise and cooperation that would facilitate the solution of the problems among the countries. “Benefit sharing” is beneficial both for the parties of cooperation and for the water resources, which is the main issue of cooperation, and it helps to the preservation of natural balance.

This approach that came to the agenda in 1990s can be applied to problems in many rivers basins in solving. Nile Basin Initiative, South African Development Community, cooperation between Portugal and Spain, cooperation effort on Rhine River can be shown

as good examples of application of “Benefit Sharing” concept. On the contrary of realist argument, which states that the problems in transboundary waters are potential source of conflict, these examples show that water is an economic instrument and can be removed from the security agendas. Therefore, cooperation efforts like mentioned above should be regarded as a guideline demonstrating that solutions can be found through the “benefits from the river” or “benefits to the river” without conflicts that will end up with water wars will be experienced by the riparian states.

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