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HYDRO-HEGEMONY OR WATER SECURITY COMMUNITY?

Collective action, cooperation and conflict in the SADC transboundary security complex

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Introduction

After the Berlin Wall came down, the fragile Cold War equilibrium frayed. Dire Malthusian warnings of green wars, especially over water, in areas with high population pressures dominated the 1990s transboundary water literature. After Wolf (1995) showed that violent water conflict is extremely rare and cooperation the norm, attention started to shift to water cooperation and how to achieve it.

In an anarchical global environment, the conflict potential of shared water resources has made rivers subject to high politics (i.e. security). While researchers and diplomats consider regional treaties as cooperation indicators (Wolf 1995), unequal treaties can also be sources of conflict (Warner and Zeitoun 2008). International regimes may institutionalize asymmetric power relations (Kistin 2011), and consequently constitute enmity instead of equity.

According to Zeitoun and Warner (2006), the absence of war does not mean the absence of conflict or the presence of peace. Signing a treaty, or some form of cooperation over transboundary water, does not mean an end to conflict. Cooperation is not necessarily voluntary, while path dependency might also restrict the scope for resistance and change to existing interaction modes (Putnam 1993). While regime analysis deals with lengthening the 'shadow of the future' to create stable expectations, Sebastian (2008) has noted the importance of the 'shadow of the past'. Current state boundaries, cooperation habits, conflicts and frustrations over water in The Southern African Development Community (SADC) date back to colonial times. The 'frontline states' established SADC's predecessor, the Southern African Development Cooperation Conference (SADCC). They did so in response to apartheid South Africa's active regional destabilization policies. The shadow of the colonial and apartheid past, however, created and justified segregation of access and production which, to a degree, persist and are reproduced today.

In this chapter, we investigate the Lesotho Highlands Water Project (LHWP) as a hydro-security complex (HSC) to see if water regimes constitute regional integration, a contested view in the literature (e.g. Warner and Zeitoun 2008). Turton (2008) analysed the dynamics of water conflict and cooperation through this lens, labelling relations within such a complex ‘securitized’ or ‘desecuritized’ – conflictive or non-conflictive. Going beyond this Manichaeian dichotomy, security analysts have posited a still crude continuum from anarchy, via mature anarchy, to integration (e.g. Busuttill et al. 1994). In a state of anarchy, riparians do not visibly take each other’s actions and interests into account – all basically do as they please with no central checks and balances to govern unruly behaviour. Even so, as riparian economies develop, they inevitably engage with each other and need to make some deals to align expectations (Williams 2003). They can become more attentive to each other’s plans and interests, leading to more contact, but not necessarily to cooperative interaction at first. The ‘securitized’ status of a river means that a state sees the river as a vital security interest, and resists sharing its sovereignty. States not only consider water and water infrastructure as security referents (vulnerable to attack), but also as power resources where riparians use infrastructure (plans) to gain diplomatically. States can view upstream interventions as both beneficial and harmful to downstream riparians while an upstream dam can regulate floods, but also take water away from the downstream riparian. As unilateral action simply becomes uneconomic, interdependence, however asymmetrical, calls for some kind of coordination. An agreement may evolve, with still jealously guarded autonomy and sovereignty: ‘mature anarchy’ (e.g. Buzan 1991). A ‘water security community’ is the nadir of river cooperation.

Meissner’s (1998) cooperation continuum runs from unwritten rules, agreements, protocols, commissions, regimes and functional organizations through to a water union (Jacobs 2009). For Meissner (1998), a water union is the harmonization of riparians’ domestic water policies as well as international law, technical cooperation, and political processes over shared water resources. Riparians agree to all international legal principles, with the principle of equal and fair utilization the norm. Mirumachi and Allan’s (2007) cooperation continuum similarly runs from non-engagement via the promise of technical cooperation (similar to Meissner’s cooperation continuum) and treaty formation to joint risk-taking (implicit to a water union). While promising, these cooperation continuums are not yet as solidly established as Neumann’s (1999) conflict continuum, which is based on ever stronger ‘speech acts’ creating social realities. Meissner’s (1998) ‘water union’ is analogous to social speech acts such as declaring ‘allegiance’, ‘friend/partnership’, and ‘marriage’ (a union in itself). We will take this up in our analysis, using multiple lenses of International Relations (IR) theory.

The River Senqu case

In IR’s realist tradition, a hegemon brings stability of expectations and enables the formation of a cooperation regime. In so doing, the hegemon ‘provides’ public

goods such as security and development, often unilaterally. South Africa is the unquestioned political and economic leader in its region, initiating river management treaties with its neighbours. However, does South Africa also bring stability and cohesion? Its government, it appears, certainly likes to think so. This is typical of hegemonic powers. Hegemons, Prys (2010) notes, tend to display a sense of responsibility, entitlement or exceptionalism, perceiving themselves as ‘above the law’ because they are ‘chosen’ to establish order; they have a sense of mission. In the past South Africa has displayed hegemonic aspirations by representing its water interest as the regional interest (Turton 2005). Hegemonic powers, however, may also be ‘in denial’, acting apologetically about their pre-eminent position and emphasizing ‘partnership’. The apologetic variety makes sense for South Africa after the end of the Cold War. After apartheid’s abolition in the early 1990s, SADC invited South Africa to become a member. Despite being a latecomer, South Africa immediately established itself as a leader, taking regional initiatives for joint development even after securing its own water access. The next section will investigate a concrete Southern African example, the LHWP, to see how South Africa sought to create a ‘regime’ under its aegis.

Relations in the Orange–Senqu River Basin: towards a water union?

On 24 October 2016, Lesotho and South Africa commemorated the thirtieth anniversary of the signing of the Lesotho Highlands Water Treaty (LHWT); a good reason to reflect on the two states’ relations before the agreement.

In 1950, Sir Bellenden, Director of Public Works, chose engineer Ninham Shand to determine the viability of exporting Lesotho’s (then Basutoland’s) water to South Africa. Six years later, Shand published a plan, the Oxbow Scheme, to harness the Senqu River’s upper reaches and transport the water to South Africa’s Orange Free State goldmines.

The mutual benefit intended was for water-rich but underdeveloped Lesotho to sell to a water- and energy-scarce neighbour (Smit 1967). In the early 1960s, South African water planners already knew about Vaal River water shortage forecasts for the year 2000 and were looking for alternative water sources. Nevertheless, potential ‘political stumbling blocks’ needed consideration, including South Africa’s insistence on Basutoland’s incorporation into its territory and its apartheid policy. Another variable was South Africa’s willingness to buy water and electricity. Initially, South Africa itself rejected the plan, but a drought during 1966–1967 generated renewed interest (Eksteen 1972; Van Robbroeck 1986; Van Vuuren 2012).

In March 1967, Shand and partners presented a preliminary feasibility study to the Lesotho government. Discussions of the proposals with the South African authorities resulted in substantial changes to the project’s design (Van Robbroeck 1986). In the following decades, political issues, particularly apartheid, exerted a significant influence on the interaction between Lesotho and South Africa. Before Lesotho’s independence (1966), the question of South Africa’s apartheid policy was already a thorn in Lesotho’s side. The then Minister of Economic Development,

Charles Molapo, stated just after independence that Lesotho feared South Africa would impose its apartheid policy and that if South Africa should buy water and electricity from the Oxbow Scheme, this would drastically change Lesotho's economy (Eksteen 1972).

After Lesotho's independence, however, Premier Jonathan announced that the Oxbow Scheme was high on his country's development list. Subsequently, Lesotho and South Africa negotiated, and on 23 February 1968, Jonathan announced an 'agreement in principle'. Both countries hailed this as the beginning of a positive long-term relationship (Smit 1967; Eksteen 1972). Yet the negotiations failed to produce a full agreement; and construction did not start immediately. There were still underlying tensions in South Africa, informed by its limited risk appetite. South Africa was implementing the Tugela-Vaal Scheme and did not want to be dependent on water and electricity from an 'unreliable state' (Barber and Barratt 1990).

In 1972, the two countries terminated negotiations because they could not agree on the level of royalties for the water delivered. South Africa offered a *tantième* of 1.25c/m³; whereas Lesotho wanted an 8 per cent return on invested capital. South Africa saw this as unreasonable because Lesotho did not supply equity, relying on World Bank loans to be serviced by South Africa (Van Robbroeck, 1986). South Africa could increase the capacity of Tugela-Vaal at a much lower capital cost due to extension provisions made in the first phase (i.e. the Sterkfontein Dam) that would meet the water demands of Vaal River consumers until 1992 (Van Robbroeck 1986; Meissner 2004). Nonetheless, future political relations would still greatly influence the LHWP; more so than engineering challenges.

During the mid-1970s, relations between South Africa and Lesotho worsened. In 1975, South Africa classified Lesotho as 'an extremist state'. The two countries did reopen negotiations on the LHWP, but then Lesotho suspended the talks again when the South African government brutally suppressed the 1976 Soweto uprising. The international community condemned the government's actions, leading to South Africa's further isolation. Between 1976 and 1978, the project came to a virtual halt, with South Africa unwilling to pay the full price of the water produced and Lesotho shunning South Africa for its violent behaviour towards its own citizens. South Africa wanted a 50 per cent discount on the water, but Iran, then a potential funder, convinced it to pay the asking price and the dispute ended (Van Robbroeck 1986; Barber and Barratt 1990; Meissner 1998). In this we see a mixture of diplomacy, technical negotiations, domestic political upheaval linked to South Africa's international relations and image, the water price, and Iran's 'good intentions' producing a complex panoply of speech acts, cooperation, enmity and disagreement in relation to the project.

In 1978, the Planning Division of South Africa's Department of Water Affairs (DWA) produced an internal report, recommending that South Africa see the Upper Orange as a water source for the Vaal. Both states agreed to revive the LHWP, although they still disagreed on some issues. A larger-scale development project was now feasible, after South Africa considered the exponential growth in water demand in the decades that had passed since the Oxbow Scheme idea.

Analysts pointed to the project's economic interdependence potential for both countries (Van Robbroeck 1986; Meissner 2004).

The DWA appointed consulting engineers to conduct desktop studies. Afterwards, South Africa reopened discussions with Lesotho and the two countries agreed on a joint preliminary feasibility investigation. Each country needed to appoint its own consultants, directed by a Joint Technical Committee (JTC). The JTC held its first meeting in 1978, one of the first indications of solid regime formation, more than two decades after the project had originally surfaced. Conflict had not disappeared altogether, though.

Lesotho insisted on two conditions: that all layouts must include hydroelectric power development in Lesotho; and that there should be no storage dams on the Caledon River (Van Robbroeck 1986). It is not too far-fetched to argue that Lesotho saw an opportunity to increase its influence (political leverage) over South Africa through a civil engineering scheme. These conditions had an important impact on the study's outcome. In 1979, the JTC produced a report recommending a final feasibility study. Each country had to shoulder half of the study's cost (Van Robbroeck 1986). Yet, it would be 1986 before the JTC finalized the study due to the two states' ongoing conflictual relations, which continued to hinder cooperation.

The 1986 feasibility study

It took Lesotho considerable time to secure the study's funding. Funding conditions imposed by the European Development Fund prevented appointment of joint consultants. Both governments devised a complicated arrangement for the study's coordination and supervision (Van Robbroeck 1986). Irrespective of the arrangement, and in the midst of a militarized situation between Lesotho and South Africa, the consulting engineers cooperated amicably; intergovernmental meetings were necessary for important policy decisions only.

Mobilization of the study teams started in August 1983. They conducted the study in two stages (Van Robbroeck 1986). In the first they identified the layout, which was then studied in more detail during the second stage. The first stage's purpose was to confirm the absence of insurmountable socio-environmental and legal barriers, and establish that there would be sufficient benefits from the project. In April 1986 the study teams published their final report (Van Robbroeck 1986). This concluded that the main impact would be the loss of some 4,000 hectares of arable land and 18,700 hectares of grazing land in Lesotho, and the resettlement of about 1,365 people. However, extra employment, new and improved infrastructure, fisheries and tourism, as well as the distribution of the water sales' extra income, would offset these negative impacts (Van Robbroeck 1986). In short, the feasibility study teams predicted that the economic benefits would outweigh the economic and social costs. They did not investigate the political situation and civilian or interest group opposition towards the project (Meissner 2004).

On institutional arrangements, the report recommended that each country should establish a parastatal authority, responsible for all the works within its own territory: the Lesotho Highlands Development Authority (LHDA) and Trans Caledon Tunnel Authority (TCTA). Because the Vaal River water users would pay most of the costs, the teams deemed it necessary to establish a joint monitoring agency, with certain approval powers. Each country was to have equal representation on the Lesotho Highlands Water Commission (LHWC) (Van Robbroeck 1986). The consultants also prepared a draft treaty which stipulated that the benefits of the project would be divided 56 to 44 per cent in Lesotho's favour. Nevertheless, organizing the treaty's institutional arrangements was not always easy, due to the political situation prior to its signing in October 1986.

Macro-conflict and micro-cooperation

Inter-state conflict reached an apex in December 1982, after South Africa launched an attack against the ANC in Lesotho. The following year, Lesotho threatened to withhold water from the project if South African military involvement continued. It also threatened to suspend cooperation on the project (Sullivan 1989). The seriousness of this situation indicated the nature and extent of inter-state macro-conflict. It was, furthermore, the height of South Africa's regional fight against a 'total onslaught' from supposedly communist countries and communist-backed organizations subverting the South African state (Vale 1991). Lesotho linked the project to high (military) security and actively played the water project card in a bid to twist its hegemonic neighbour's arm.

Lesotho demanded inclusion of a clause in the agreement wherein it could shut off the water supply should a political dispute arise. It argued that since it would deliver water, it should also be able to control the source. However, it gave some reassurance that it would inform South Africa of any impending cut-off. Unimpressed, South Africa demanded an uninterrupted flow, and issued the threat that, should Lesotho not abide by a future agreement, this would legitimize further military intervention (*Daily News* 1983).

South Africa was unable to obtain the desired uninterrupted-flow guarantee and negotiations ceased (*Star* 1986). Both South Africa and Lesotho, thus, tried to use the LHWP for political gain: Lesotho to safeguard its territorial integrity and sovereignty; and South Africa to ensure that it would receive an uninterrupted water supply. Lesotho's control of the source of the water put it in an advantageous position to influence South Africa's behaviour.

During 1984, the situation remained tense, despite (micro-)technical cooperation, due to South Africa's unhappiness over ANC members residing in Lesotho, the presence of embassies from Eastern Bloc countries and Lesotho's criticism of apartheid, and Lesotho's suspicion that South Africa was offering assistance to the Lesotho National Liberation Army (LNLA). South Africa demanded that Lesotho enter into a military security agreement, but Lesotho declined (Barber and Barratt 1990). In response, South Africa threatened to withdraw from the LHWP unless

the security situation improved. Lesotho argued that the project had nothing to do with security (*Rand Daily Mail* 1984).

The LHWP became an important diplomatic tool for South Africa to obtain concessions from Lesotho and improve its external security position. South Africa avoided a position whereby its economic heartland would be vulnerable to an 'enemy's' decisions (Leistner 1984), jeopardizing its economic security.

On 21 September 1984, negotiations between Lesotho and South Africa resumed in Cape Town. After the meeting, the parties relaunched the LHWP feasibility study, South African engineers having withdrawn from it earlier that year. The security dispute was still high on South Africa's agenda, however. It still insisted that it would not sign the treaty without an integrated security arrangement and that Lesotho must get rid of 'political problems' like the ANC. South Africa still felt that it could not trust Lesotho with the project's physical protection, so sabotage remained a distinct possibility (Meissner 2004; *Rand Daily Mail* 1984). At a South African National Party (NP) congress, Prime Minister P.W. Botha therefore stated that it was difficult for South Africa to begin the LHWP because of Lesotho's insensitivity towards South Africa's security needs (Leistner 1984). There was particular concern about the opening of the Cuban Embassy in Maseru and the Jonathan government's continuing support for the ANC. In late 1985, South Africa imposed an economic blockade on Lesotho (Tsikoane 1990), which had a serious impact on Lesotho's domestic politics.

On 16 January 1986, Major General Justin Lekhanya staged a *coup d'état*, toppling the Jonathan government. Political experts argued that South Africa was the main instigator of the coup, especially following evidence that South African officials met with Lekhanya on the very next day (Baynham and Mills 1987). The coup was a watershed in the two countries' relations, specifically with respect to the LHWP. It 'removed' Jonathan's 'unfriendly' government and replaced it with a more compliant one. Lesotho expatriated ANC members and suspended diplomatic ties with communist countries. With the political 'problem' resolved, the two countries could implement the project as part of South Africa's ongoing hydraulic plan. The improved political environment cleared the way for the feasibility study's publication, and culminated in the signing of the LHWP Treaty on 24 October 1986 (Thabane 2000). The latter can be viewed as South Africa's reward to Lesotho for complying with its wishes (Sullivan 1989).

From 1986 onwards, relations continued to improve. In 1992 South Africa and Lesotho exchanged diplomats, and in March 1993 voters replaced Lesotho's military government with a civilian one. Prime Minister Vincent Mokhele stated that the LHWP would play an important role in Lesotho's politics and economy (*Beeld* 1993). Even though the ANC had opposed the LHWP as an instrument of domination during the apartheid era, ongoing political reform and the ANC's election as the ruling party in South Africa strengthened relations (*Business Day* 1998).

On 22 January 1998, Phase 1A of the project was launched (TCTA and LHDA 2001). But then security issues intervened once more. In September 1998, South Africa and Botswana, under SADC's auspices, launched Operation Boleas to quell a

military rebellion in Lesotho. SADC's involvement – and especially South Africa's – was ostensibly to stabilize an unstable state and save a democratically elected government from a military coup. Even so, some have argued that Operation Boleas' sole purpose was to safeguard an uninterrupted flow of water to South Africa (e.g. Davidsen 2006; *The Economist* 1998). In essence, the intervention altered Lesotho's authority structures, changed the balance of domestic forces and neutralized the army's destabilizing influence. In 2013, the two countries signed an agreement to implement Phase 2.

Regime formation and regional cohesion

At first glance, the LHWP seems an excellent example of the water–food–energy 'nexus' (Hoff 2011) increasing cohesion between countries in a hydro–security complex. Short of water, South Africa struck a deal with neighbouring Lesotho to access the resource, while Lesotho gained much-needed energy for domestic use and potential export to power-hungry South Africa. Even so, it took three decades to arrive at this arrangement.

There is not a linear cause-and-effect chessboard dynamic at play, as Mirumachi and Allan (2007) point out. Their TWINS (Transboundary Waters Interaction Nexus) approach considers conflict and cooperation not as mutually exclusive but as two axes, enabling simultaneous conflict and cooperation. We encountered such instances in our Senqu case study, especially in the decade 1976–1986. On the conflict axis, we saw the whole spectrum from depoliticization to 'violation', including an incursion, though falling short of a declaration of war. On the cooperation axis, we encountered the whole spectrum from problem-tackling via joint technical committees to risk-taking. None of these, however, led to integration (a water union). Our analysis is similar to the way in which Mirumachi and Allan (2007) sketch the trajectory between South Africa and Lesotho (see Figure 5.1), aside from South Africa's repeated 'violation' of Lesotho's affairs, which is not identified by these authors.

Regional integration is not necessarily a condition for water cooperation (Warner 2016); to the contrary, political divisions in the region also contributed to South Africa's motivation to pursue bilateral water agreements with its neighbours. South Africa used carrots and sticks, linking water with non-water issues, to facilitate these water agreements (Kistin 2011).

From a utilitarian nexus perspective, the relationship between Lesotho and South Africa may seem symbiotic if asymmetrical, in light of the 'basket of benefits' produced (Wolf and Newton 2010). The deal increased the region's water and energy security and contributed to a degree of collective regional stability shortening the 'shadow of the future'. From a neo-institutional perspective, then, the joint benefits outweigh the costs; from a realpolitik perspective, this asymmetry was productive as it got things done. Indeed, under an IR spotlight, it would appear to IR scholars that the LHWP exhibits South Africa's 'realist and neo-institutionalist moments', and that these theories would be the appropriate lenses through which to analyse the LHWP's inter-state relations.

While the LHWP Treaty shows how states can overcome collective action problems and arrive at a resilient solution in practice, Gordon (2008) notes different lenses are possible, labelling the project ‘unequal and inequitable’. It was not a democratically, freely negotiated treaty, it ignored environmental, political and social side-effects, and its distributive benefits were heavily slanted to South Africa. Furthermore, Lesotho’s migrant farmers had little interest in hydroelectricity, showing a domestic (human) and international security disconnect. In that sense, there was not much ‘collectivity’ about the action.

Water, covering parts of Lesotho’s territory, is no longer under Lesotho’s exclusive control. Whether it likes it not, Lesotho now shares part of its territorial sovereignty with South Africa. Lesotho always had the geographical upstream advantage over South Africa, but not the political and economic ‘upstream’ influence. We, therefore, see a ‘mature anarchical’ condition in place. Keketso’s (2003) assessment – a ‘mixed blessing’ – may support a more nuanced conclusion. South African’s hegemony over Lesotho is firmly in place, but, as Haugaard and Lentner (2006) have noted, hegemony can be asymmetrical yet considered sufficiently mutually beneficial. The arrangement has brought some collective goods to the hegemonized actor (Lesotho), albeit clearly unequally distributed.

The LHWP is a good example of the adaptivist or benefit-sharing discourse’s manifestation and the untidy interlaced conflict and cooperation. South Africa clearly brought its political and economic power to bear to make the project happen,

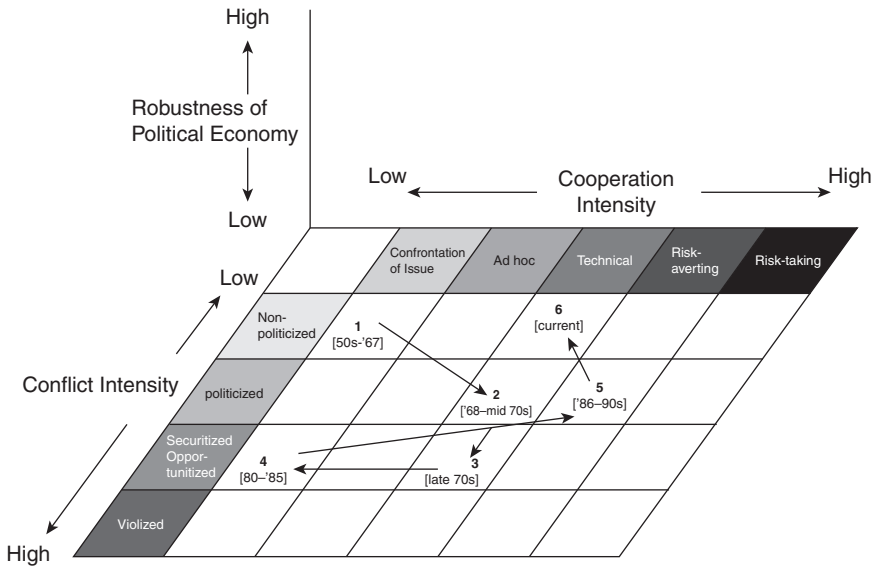


FIGURE 5.1 TWINS analysis of South Africa and Lesotho’s transboundary water interactions

Source: Mirumachi and Allan 2007

sometimes through outright dominance, sometimes through more subtle forms of hegemony. Hegemonic power is a judicious mix of soft and hard power; a hegemonic power therefore does not need to be aggressive for scholars to label it a hegemon, especially when considering its ideological outlook on regional politics and security arrangements.

We cannot make hard and fast conclusions about the LHWP's regional integration capabilities. Looking at a project such as the LHWP through various lenses brings to light underappreciated elements (Warner 2012). A critical perspective highlights the contestable nature of 'hegemonic stability', 'joint benefits' and 'collective action', promising a rocky road to further integration.

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