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Power Asymmetry, Interstate Cooperation, and Riparian Conflicts:
Explaining The U.S.-Mexico Relationship Over Shared Rivers

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by

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Abstract

As conflicts over water increase due to water scarcity, it becomes increasingly important to understand how riparian conflicts can be resolved. This investigation analyzes the difficult, but successful case of water sharing between the United States (U.S.) and Mexico, with an emphasis on the 1944 Water Treaty. The literature on riparian conflicts indicates that these conflicts are solved more often than they devolve into violence, but that there are many factors that make them difficult to resolve. To understand why the U.S. and Mexico were able to cooperate and negotiate a resolution to the conflict, this investigation develops three analytical lenses informed by contemporary debates in the field of international relations. It finds that the realist lens, while depicting U.S.-Mexican relations from the mid-1800s to the early 1900s, cannot explain why these countries agreed to cooperate. The liberal lens' emphasis on multilevel politics suggests that domestic politics, especially in the U.S., were instrumental in both countries' search for a negotiated solution. This lens also shows that Mexico's use of an issue-linkage strategy was a key factor in the bargaining process that led to the 1944 Water Treaty. The neoliberal lens shows that bilateral commissions can help to build trust between neighbors that share transboundary rivers and establish processes that help the parties address issues that may sour relations over these waterways.

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Introduction

Conflicts over water are becoming more salient in the face of increasing water scarcity. Populations all over the world rely on freshwater from river basins, especially in the arid and semi-arid regions of the world. As these precious resources become more scarce and difficult to harness, it has become a source of contention between states that share rivers. While these types of conflicts are not new phenomena and have existed for centuries, it is likely that they will increase in number as scarcity becomes more a more salient issue. For this reason, it is extremely important to understand how these types of conflicts can be resolved and managed in a peaceful way.

Given that conflicts over water of varying types have occurred between civilizations for thousands of years (Pacific Institute, 2012), it is evident that not all of them are ongoing. Many of these types of conflicts have been resolved, and often that has to do with the nature of the conflict. It is more likely that a conflict involving water used as a military tool will be solved than a conflict involving water over a development dispute. This study will focus specifically on riparian conflicts over water allocation and quantity, as water scarcity generally plays more of a role in these types of conflicts and it is likely that we will be seeing more of them in the future. The Nile River, the Tigris and Euphrates Rivers, and the Jordan River are all located in arid or semi-arid regions and have experienced ongoing conflict over water allocation. These regions are developing and unstable, and conflict over water could exacerbate existing political tensions and lead to violence or even war. However, out of the 276 international river basins, 40% have some sort of international treaty governing them (UN Water Statistics 2014). It is clear that these riparian conflicts can be resolved, so the question to ask is, why are some

conflicts resolved when others are not? Some riparian conflicts are inherently difficult to resolve, and overcoming those issues is integral to the resolution of the conflict.

This question will be addressed by examining of the water-sharing relationship between the United States (U.S.) and Mexico, with an emphasis on the 1944 Water Treaty. This case is an interesting one, as it demonstrates many of the characteristics of a water conflict that should not have been resolved. First, it is a classic case of an upstream-downstream water conflict (there are two types of transboundary rivers: border rivers, or rivers that create a border between two countries; and through-border rivers, or rivers that travel through borders between two countries). While this case involves both, as the Rio Grande is a major border river, the Colorado River is a through-border river, flowing downstream from the U.S. into Mexico. This renders Mexico the downstream riparian and the U.S. the upstream riparian. This creates an intrinsic type of asymmetry, in which the upstream riparian has more control over the amount and quality of water that released to the downstream riparian, which can lead to conflict. The upstream riparian, in its advantageous geopolitical position, would have no reason to cooperate with the downstream riparian.

Exacerbating this upstream-downstream dynamic is the power dynamic between the two countries. While upstream-downstream cases are not impossible to resolve, the inherent asymmetry of this issue is compounded when the upstream riparian is the regional hegemon. The U.S. has far more military, economic, and political power than Mexico. Not only does it have the geographic advantage by being located upstream along the Colorado River, but also the U.S. is comfortable in the knowledge that Mexico is in no position to challenge it. There is no incentive for the U.S. to cooperate with Mexico to

come to an agreement on the Colorado River, and even if it did, it would have the power to frame an agreement that is wholly favorable to its own interests. This still would not resolve the issue, as any downstream riparian would not be satisfied with an agreement negotiated solely for the interests of the upstream riparian. Theoretically, Mexico would continue to contest any such agreement, and the conflict over water would be ongoing.

In addition to these two characteristics, the U.S. and Mexico, prior to the 1944 Water Treaty, had a historically volatile relationship. It is important to remember that transboundary river basin conflicts are inherently international relations conflicts, and the relationship between these two states was hostile and aggressive for many years leading up to the treaty. The U.S. was a bully to its Latin American neighbors from the mid-1800s to the early 1900s, and Mexico was not spared. This type of relationship does not foster a positive environment for water sharing or cooperation, and is one of the reasons why water conflicts over the Nile River and the Jordan River are ongoing. Existing tensions over other issues make it difficult to cooperate over something that is as important as a scarce natural resource.

What is interesting about this case is that despite these stereotypically realist and aggressive conditions, the U.S. and Mexico peaceably reached an agreement on water allocation and created a treaty that was acceptable to both states. Based on the geography and power dynamics of the two countries, this case should not have been resolved, and yet, it was. This is because these two states were able to overcome their circumstances with the help of institutions and multi-level games. The U.S.' attitude also changed from one that was solely concerned with security to one that was more concerned with

maintaining a socialized hegemony. These factors all led to a successful treaty between the states governing the Colorado and Rio Grande rivers, one that is still in effect today.

This study will elucidate on what scholars already know about riparian conflicts, and analyze in detail the case of the U.S. and Mexico in order to shed light on how these types of riparian conflicts can be resolved in future. The conditions under which the treaty was created, which did not involve violent conflict even though it displayed the necessary characteristics predisposing to conflict, will be analyzed through an international relations theoretical framework. A thorough understanding of why one seemingly difficult case was solved is helpful when learning how to approach existing ongoing conflicts with similar characteristics. Water is a vital resource, and peaceful, cooperative management could potentially lead to cooperation in other sectors. The following section will provide literature on what scholars currently understand about riparian conflicts.

1. Explaining Riparian Conflicts

The international relations literature on riparian conflicts is very complex, and often generates conflicting opinions. This part of the study critically reviews this literature, while highlighting some of its primary findings. It is divided into five sections. The first section defines key terms that will be used throughout the study. The second section will explain the likelihood that cooperation will occur between states that share transboundary rivers, while the third section illustrates why cooperation does not always take place. The fourth section introduces linkages as an important strategy to encourage cooperation, and the final section questions the efficacy of these institutions and mechanisms in resolving riparian conflict.

Defining Key Terms

To better understand the literature on riparian conflicts, it is first important to define some of the terms that are used frequently in this investigation. One of the most important of these terms is river basin. An international river basin is the, “area extending over two or more states determined by the watershed limits of the system of waters, including surface and underground waters, flowing into a common terminus” (Shapiro-Libai 1969, 22). A watershed, a term that is often used interchangeably with river basin, is the area of land that “catches all of the rain and directs it to a stream, river, or lake...also includes all of the humans, plants, and animals who live in it” (International Rivers 2015). Since water runs downhill, the watershed typically begins at a higher elevation and runs downstream, with slopes and valleys determining direction of the flow. One watershed will eventually join others to create a river or lake. Generally, there are tributaries that

will connect to one major river, and these watershed streams are categorized into three types: ephemeral streams, which are small and temporary and only occur after a storm or a flood, and are not defined. Intermittent streams are more defined but only occur during the wet season. Perennial streams are the major streams of the river basin and flow year round with a well-defined channel, and the ephemeral and intermittent streams flow into them (International Rivers 2015). The floodplain is also part of the river basin, and refers to the flat areas extending from the river's edge into the surrounding areas. These areas are especially fertile, and practices like damming can be damaging to them and the biodiversity (International Rivers 2015). Learning about the entire river basin is important because the area covered by a river basin is far larger than the actual major river itself, and can affect very large populations, including populations that are not directly situated along the banks of the river. The existence of mechanisms like dams to store water allows the waters of a river to be transported to places and populations that are technically nowhere near the actual river. However, aquifers, desalination mechanisms, and dams, are not within the scope of this research and will not be included in the analysis.

Another key term in the research is riparian. The term "riparian" means, "of, relating to, or situated on the banks of a river" (Oxford Dictionaries 2015). Any state that a river flows through or that a watershed is included in is considered a riparian, or a riparian state, to that river. For example, the riparians of the Colorado River basin are the U.S. and Mexico because the basin is limited to the territory of those two nations. Upstream riparians are the states in whose territory the headwaters of the river basin begins, and downstream riparians are any states that are downwind of the upstream

riparian. The Colorado River originates in La Poudre Pass, Colorado, U.S., rendering the U.S. the upstream riparian and Mexico the downstream riparian in this specific case.

Hydro-hegemony is another term frequently used by researchers that study riparian conflicts. As explained in more depth in Part 2 of this study, while international relations theories have competing definitions of hegemony, they agree that a hegemon is a preponderant state that has the military and economic capabilities to dominate secondary states in a regional or international system (Ikenberry and Kupchan 1990; Mearsheimer 2009; Yordan 2006). Thus, hydro-hegemony refers to how states exert power over one another in terms of how shared waters are managed. It is important to note that hydro-hegemons are usually, but not always, upstream states. If a downstream state is a regional hegemon, in terms of military and economic capabilities, it can coerce a weaker neighboring, upstream state into taking actions regarding water sharing that it would not otherwise take. Consequently, this downstream hegemon could use its superior capabilities to establish hydro-hegemony over a region even from its disadvantaged geographical location along the river. The fact that hydro-hegemony is a key concept in the literature highlights that most riparian conflicts are asymmetric in nature. This raises important questions regarding whether it is possible for states to work together to manage disputes over the management of shared river basins.

Is Cooperation the Norm or the Exception?

Can riparians cooperate to resolve a transboundary river conflict? The main problem with riparian conflicts is that the great majority of these disputes are inherently asymmetrical. Even if there is no clear regional hegemon, and the economic, political, and military

proportion of all states involved is equally distributed, the headwaters of a river basin cannot originate in each of the countries involved. Thus, the geography of a river creates a division between upstream and downstream riparian states, establishing its own kind of asymmetry, which can be exacerbated in the face of scarcity. This reality gives upstream riparians an advantaged position in transboundary river conflicts, though downstream riparians with very strong military or economic capabilities could diminish this advantage.

As noted in the introduction, this investigation primarily focuses on dyadic conflicts between states that share rivers as borders. The analysis of transboundary riparian conflicts is a subject many international relations scholars have investigated over the last decades. While the international relations literature on interstate border conflict provides insights on how states react and deal with riparian disputes, transboundary river conflicts have their own set of dynamics that complicate riparian states' efforts to peacefully manage their conflict. For instance, hydrogeocological interactions between groundwater and surface water (rivers) can affect how water is managed (Sophocleous 2002, 53). Groundwater has its own flow patterns, and subsurface water can be directed towards river basins when the ground is already saturated with water. While the details and science behind groundwater and surface water interactions are not the focus of this investigation, it is important to note that groundwater reserves in one territory can feed a river basin in another territory. Since groundwater extraction is the primary source of freshwater, this can also cause transboundary conflicts over water resources.

The Oregon State University Transboundary Freshwater River Database can help us try to understand how riparian states have dealt with conflicts over shared rivers¹.

Table 1 shows a brief summary of the Water Events Database in terms of level of conflict and cooperation². It supports the notion that fewer water events lead to violence than to cooperation³.

Table 1: Level of Cooperation in Water Quantity Conflicts in River Basins

Issue	All Events	All Cooperative		All Conflictive		Extreme Cooperative		Extreme Conflictive	
	#	#	%	#	%	#	%	#	%
Water Quantity	857	450	53	309	36	44	5	19	2

(Adapted by Author) Source: Wolf, Shira, and Giordano (2002)

The Freshwater Treaties Database lists 169 treaties over water quantity between 1857-2003. Of these treaties, 24 treaties included non-water linkages, eight treaties included an enforcement mechanism, all of which took the form of a council, and 45 treaties included official conflict resolution mechanisms. These mechanisms took three forms: arbitration, which is an independent arbitral tribunal with the authority to make the final binding decisions; commission, which is composed exclusively of the parties involved tasked with dealing with the dispute; and diplomatic channels, in which parties agree to solve disputes in consultations with diplomatic outlets (Transboundary Dispute Database 2007). From all of these arrangements, the most common conflict

¹ The Freshwater Treaties database is searchable by the type of issue area and non-water linkages, as well as by river basin or by date. For the sake of parsimony and due to the limited scope of this

² This table focuses solely on issues over water quantity.

³ In this case, extreme cooperative concerns a smaller range of issues, whereas extreme conflictive involves extensive military acts.

resolution mechanism for riparian conflicts over water quantity allocation has been the institution of a joint commission, which is the centerpiece of 25 treaties.

The Freshwater Treaties Database demonstrates that states that have a transboundary river conflict are interested in finding peaceful ways to deal with their conflict. In addition, the database does include a number of cases where the parties failed to solve their conflicts, though they may have not opted to go to war. More importantly, the database does not tell us why riparian states decided to cooperate or how easy or difficult were the negotiations that led to a treaty. In addition, the database does not include information on whether these treaties effectively managed the conflict or whether these arrangements mutually benefited the riparian states. These issues will be addressed in the next sections.

Cooperation Is Not Easy To Achieve

While cooperation seems to be the norm in the outcome of riparian conflicts, there are many factors that can complicate these dynamics. Water is a natural resource necessary to sustain life, but is more abundant in some places than in others, which makes it an extremely sensitive and salient issue. There are some basic statistics that show just how much we rely on freshwater sources, and why access to it and cooperation over it can be fraught with obstacles. As of 2004, “international freshwater basins cover nearly 45.3% of the Earth’s surface area and account for approximately 60% of global river flow: 145 countries have some share in international water systems and almost two-thirds (92 of 145) have more than half of their territories that come under the international basin” (Swain 2004, 27). Twenty-two percent of the Earth’s freshwater is comprised of

groundwater resources, and groundwater accounts for 97% of freshwater available for human consumption. At least one-third of the population is entirely dependent on groundwater resources (Swain 2004, 16). Groundwater and freshwater basin scarcity is exacerbated by population growth and increasing urbanization, industrialization, and agricultural practices.

Based on these numbers, it is no surprise that due to the rise of water scarcity, interstate conflicts over water are increasing (Swain 2004, 19). Mostert's work reminds us that water can be the object of a conflict via pollution or scarcity, the instrument in an existing conflict through diversion of rivers, or even the catalyst in a conflict (Mostert 2003, 8-9). While groundwater is the main source of consumable freshwater for humans, freshwater from rivers is also incredibly important. Within international river conflicts, there are generally other factors and variables in play: "historic, cultural, environmental, and economic [factors]...affect relations between neighboring nations" (Grey and Sadoff 2002, 391). Due to the fact that rivers "cross political borders indiscriminately" (Grey and Sadoff 2002, 390), they have shaped political environments and civilizations for centuries. Societies situated around international rivers have developed different institutions, "bureaucracies, hierarchies, and innovations which helped strengthen civilizations and cities. Societies in upland headwaters did not face the same imperatives [as societies downstream]" (Grey and Sadoff 2002, 392). Many of these conflicts revolve around this upstream-downstream dynamic, which can involve damming of rivers, pollution, diversion, irrigation practices, scarcity, and a number of other factors that affect the states that are located in different geographic areas around an international river/basin (Swain 2004, 27). Geography of the river basin can play a major role in how

these rivers are managed, and the traditional hydro-hegemonic scenario is based on upstream-downstream geographic placement of the states, with the hydro-hegemon usually located upstream.

Proximity to rivers and freshwater resources has also been historically associated with wealth disparity. Societies that were wealthier generally lived closer to water sources, and relegated poorer societies to more arid regions where freshwater was more difficult and costly to obtain. This shows that there is a relationship between the success of a society and its proximity to a river. It is clear that, “rivers are thus as closely linked with the economic and political fabric of human society as they are with the landscape”(Grey and Sadoff 2002, 392). Claudia Sadoff and David Grey insist that: “All international rivers, without exception, create some degree of tension among the societies that they bind” (2002, 391). This is regardless of whether or not violence is a factor within the conflict. While many of these conflicts begin at “diplomatic or economic levels...failure to reach settlement can later culminate in the use of physical force. However, the ‘non-armed’ character of any dispute should not diminish its severity since other deterrent variables...might have hindered the use of force” (Swain 2004, 27). This suggests that within non-violent water conflicts, there could have been factors unrelated to the water that were preventing violence. There are cases where neighboring states’ attempts at peaceful international river management can heighten a dispute over water resources if one party is unsatisfied with the outcome. If a water source travels through the territory of more than one state, cooperation is necessary in order for the resources to be enjoyed by all parties. Unfortunately, especially in water scarce regions, it is difficult

to reach cooperative agreements in which water is fairly and adequately distributed amongst all states involved.

Sadoff and Grey outline the benefits of cooperating over international rivers, but caution that cooperation attempts can also pose potential problems that lead to conflict or could be the source of conflict (2002, 393). They describe four types of cooperation. The first type of cooperation stresses the “increasing benefits to the river”, or sustainable management of international river basins. The challenges that it faces involve degraded water quality, watersheds, wetlands, and biodiversity. The second type of cooperation emphasizes “increasing benefits from the river”. This type faces challenges such as increasing demands for water and sub-par resources management. The third type of cooperation involves “reducing costs because of the river”, with challenges such as tense regional relations and negative impact on the political economy. The third type of cooperation, “increasing benefits beyond the river”, is arguably the most difficult type. Regional fragmentation increases the difficulty of this type of cooperation, and existing tensions in sectors unrelated to water hinder cooperation. While there are clear benefits to cooperation, the first step is the ability to involve all parties in a non-hostile way. This step is often difficult due to the fact that if the existing relationships between states with shared water sources are hostile, they will likely be hostile over water as well. The Jordan River Basin is a good example of this. The states involved, which include Israel, Jordan, Syria, and Lebanon, have a history of hostility towards each other and the conflict over water has only exacerbated these tensions instead of integrating the states and allowing them to come together over a common resource. Existing relationships beyond the river can hamper friendly negotiations and cooperative agreements pertaining to the river.

Sadoff and Grey explain why riparian conflicts are difficult to manage, and other scholars have noted provisions in water treaties that relate to things like navigational rights, obstructions to river flow and construction on the river, pollution, and fishing rights, to name a few examples. The priorities of these different provisions change over time. In a way, this makes a conflict over a river something that cannot be effectively addressed by a treaty. This is because a treaty is too static to accommodate for changes that can occur along a river. This connects to Sadoff and Grey's argument on river cooperation. For example, within the Colorado River Compact of 1944, a domestic agreement that required the support and agreement of different U.S. states, the provisions rank water usage in order of importance. Navigation ranked higher than fishing rights, and there was nothing within the usage article about curtailment in the face of scarcity (U.S. Bureau of Reclamation, 1922). If the Compact were written today, there would probably be less emphasis on navigation. Rivers are also consistently changing, narrowing or widening based on climate or geology. This can shape and change territories, and may affect boundary lines, which can lead to transboundary conflicts.

The Significance of Linkages

According to the literature on riparian conflict resolution, there are some mechanisms that states can employ to facilitate cooperation. One of the most common strategies is issue-linkage, whereby states agree to link different salient issues to entice states with competing interests to negotiate an end to a conflict. This strategy is especially used by states that share natural resources, such as river basins. An issue-linkage strategy has the added benefit of producing agreements that reflect the parties' competing interests,

ensuring that the parties will not renege on the agreement. A popular type of issue-linkage in riparian conflicts is spatial linkage, or linkages across different areas (Fischhendler and Feitelson 2003, 2).

In regards to the U.S. and Mexico case, they were able to come to an agreement over the Colorado River because they linked it to the Rio Grande, giving both states a mutual benefit. It is important to understand these types of institutions and how they can positively affect peaceful management. Choosing a case that has some measure of historical conflict but results in peaceful river basin management helps us to understand the kind of impact these institutions can have. It has also been shown that the level of water scarcity has an impact on whether or not states cooperate over water. Based on a statistical analysis done by Shlomi Dinar, states are most likely to cooperate over water when faced with moderate scarcity, or when one state is faced with high scarcity and the other faced with low or moderate scarcity (Dinar 2009, 127). This is because when there is little to no water scarcity, there is no motivation for innovation or cooperation. However, when the scarcity levels are so high that one or more sides cannot see any benefit of dividing the resource equitably, cooperation also declines. The study found that there must be motivation for cooperation as well as all of those involved understanding the benefits from the cooperation in order to reach an agreement, generally in the form of a treaty (Dinar 2009, 128).

In terms of cooperation and river management, David Le Marquand generated five hypotheses about river cooperation and management that have been subsequently supported by other scholars. These hypotheses are as follows. First, riparians are able to better solve the problem if they have common perspectives of the problem, and if the

leaders of the countries are committed to solving the problem. Second, non-economic factors are more crucial in cooperation than economic factors such as, potentially, economic issue-linkages or side-payments. Third, cooperation is more successful when social concerns and the costs of alternative strategies are defined and evaluated. Fourth, cooperation is more successful when treaties are flexible. Finally, if there are reciprocal interests involved, water conflicts are more likely to be solved (Bernauer 2002, 3). The upstream-downstream dynamic has been somewhat debunked by other international river scholars as (Wolf 1997; Durth 1996), and there has been progress in terms of defining what “success” is in conflict resolution along international rivers. It has evolved from simply the existence of a treaty to the efficacy of regime formation surrounding the treaty (Bernauer 2002, 6). Unfortunately, there is still quite a bit missing from the literature in terms of solidly identifying the success of the failure of international river basin management.

Are Any of These Mechanisms Effective in Reducing Conflict?

Data collected by the United Nations shows that most water-based conflicts are managed peacefully. Since 1937, states have negotiated over 300 agreements, while armed conflicts over water-related issues have only occurred 37 times (UN Water Statistics 2014). Although it is clear that states are willing to consider ways to manage disputes over water resources, many international relations scholars question the effect these agreements have on riparian states’ behavior. For instance, “when international water agreements are signed, it does not actually mean contracting states are actually cooperating, and the lack of agreement does not mean riparian states are actually fighting.

In other words, the presence of a treaty does not automatically translate into behavioral altering cooperation” (Warner and Zawahri 2012, 215). Consequently, after the negotiation and execution of an agreement or treaty, its effectiveness needs to be measured in some way.

The most obvious way to determine the efficacy of an agreement is to see whether it has been actually implemented (Mostert 2003, 14). The second strategy is to see whether or not the goals of the agreement were reached, and this process involves causal tracing to make sure that successes can actually be attributed to the treaty instead of unrelated causes. A third approach is to assess the agreement’s effectiveness by looking at the contracting parties’ broader goals. These could be goals that were established by the United Nations, such as any of the Millennium Development Goals related to water, and if the achievement of these goals was an outcome of the agreement. The promotion of further cooperation and the prevention of conflict escalation are two criteria used to measure an agreement’s efficacy (Mostert 2003, 15).

Brochmann, Hensel, and Tir acknowledge that not much is known about the efficacy of these treaties, stating, “although proliferation of river treaties may give us a reason for optimism, relatively little is known about such treaties’ effectiveness in preventing future riparian disputes” (Brochmann et al 2012, 2) (Treaties may not always be effective in reducing conflict if the environment under which they were negotiated isn’t favorable to cooperation. In contrast, treaties may have been successful if the existing relationship between the riparians was positive). It is highly possible that the existence of a treaty does not denote that conflict will be avoided in the future, due to asymmetry between riparians. On the extreme end of the spectrum, “an unquestioning

push for more river treaties overlooks possible detrimental effects of unfair or asymmetric cooperation, whereby strong states are coercing weak ones into treaties that benefit the strong. Such treaties may in fact lead to *increasing* conflict levels and be worse than no treaty at all” (Brochmann et al 2012, 4).

This research suggests that cooperation does not always lead to win-win scenarios for both riparian states. In fact, it is likely that these treaties or other conflict management mechanisms favor hydro-hegemonic states at the expense of weaker neighboring states. The theoretical debate in the field of international relations between relative gains and absolute gains can help us better understand this puzzle. This debate is explained in more detail in part two of this investigation, but it is worth noting that realist scholars, who believe that states are unable to reach mutually beneficial solutions, argue, “all international cooperation is essentially a reflection of powerful states’ interests. Any treaty will therefore be biased in favor the powerful state and leave the weaker state shortchanged and resentful” (Brochmann et al 2012, 4). This means that the treaty would not be an effective mechanism for managing the river basin and preventing future conflict. The weaker state will be looking for ways to renegotiate the treaty. On the other side of the debate is the liberal institutionalist view. This body of research has a more “optimistic” view of treaties and argues that institutions, such as treaties, are effective conflict management tools that decrease uncertainty and promote long-term cooperation, by providing absolute gains (Brochmann et al 2012, 6).

Which of these two perspectives better explains how riparian states address conflict over the management of transboundary rivers? Building on Brochmann, Hensel and Tir’s work, Part Two of this investigation develops a set of theoretical lenses based

on realist and liberal, and neoliberal theories that can help us make sense of these conflicts. When compared to Brochmann, Hensel and Tir's research, my two frameworks are more complex. For instance, liberals point to the importance of multi-level games in these types of conflicts, suggesting that riparian states' preferences are shaped by both domestic politics and international dynamics. Moreover, and in line with the literature reviewed above, these lenses try to explain the role hegemony and issue-linkages play in the interstate bargaining over conflicts. Analyzing the case study from these theoretical lenses will help us to understand why riparian states cooperate to address conflicts over transboundary rivers. In addition, these frameworks will help us evaluate whether or not these conflict management mechanisms favor the stronger state at the expense of the weaker state, or whether they help both states achieve absolute gains from cooperation.

2. Theoretical Lenses

In the international relations literature, scholars tend to analyze riparian conflicts via a realist or liberal lens (Brochmann et al. 2012; Tir and Ackerman 2009; Hensel et al. 2006; and Mumme 1985). This investigation uses insights from neorealist, neoliberal and liberal theories to explain why riparian states either cooperate or fail to cooperate when faced with conflicts or disagreements over shared rivers. The “optimistic” liberal theory assumes that cooperation can be achieved through international agreements and other types of bilateral or multilateral arrangements. The “skeptical” realist theory assumes that states will have no reason cooperate if it is not in their immediate interest. This section provides three lenses based on these theoretical approaches. These frameworks will shape how the case study is analyzed in order to gain a deeper understanding of how it was resolved.

The Search for Security and Power

Neorealist theory argues that the anarchic structure of the international system thwarts states from cooperating with each other. As Kenneth Waltz (1979, 88-89) finds, anarchy breeds a “self-help system”, in which states are primarily concerned with their own survival. This causes them to act aggressively and seek gains relative to one another (Mearsheimer 1994-95, 11; and Powell 1991). Not surprisingly, most neorealist scholars emphasize that states operating in this self-help system are unwilling to enter into cooperative arrangements with other states (Keohane 1984, 7). This is not to say that neorealists do not acknowledge the existence or the value of international institutions (Mearsheimer 1994-95; Glaser 1994; and Lowi 1993). In fact, neorealists argue that

states will form alliances and enter into other types of short-term cooperative arrangements, if these can help states advance their self-interests (Lowi 1993, 5). Hence the main puzzle is not whether states join these institutions, but whether these institutions can change states' competitive instincts and transform the character of the self-help system. John Mearsheimer (1994-95, 13) argues that international institutions reflect the balance of power in the international system, favoring the great powers' interests at the expense of weaker states. Another problem with international institutions is that they do not have the capacity to prevent states from cheating (Jervis 1999, 56). In this situations, as Mearsheimer observes (1994-95, 14), states that fail to live up to their commitments "gain a relative advantage", forcing other states to question the long-term efficacy of interstate cooperation. Mearsheimer, along many neorealists (Waltz 2000; Jervis 1999; Lowi 1993; and Powell 1991), finds that these institutions do not alter the basic structure of the international system, forcing states to focus on their survival by pursuing strategies that advance their interests at the expense of other states' concerns.

Building on Hans Morgenthau's understanding of the national interest, neorealists "define interests in terms of power" (Lebow 2007, 59). The realist conception of power is based on the assumption that "power is the ability of states to use material resources to get others to do what they otherwise would not" (Barnett and Duvall 2005, 40), or, in other words, states' "power over" other states. One of the main debates in neorealist circles focuses on the following question: how much power should states seek? Offensive realism, influenced by Mearsheimer's research (2006, 75), argues that insecurity forces states to search for opportunities to expand their military and economic capabilities to establish hegemony "because it is the best to guarantee survival." Defensive realists,

following Waltz's insights, believe that this view is "strategically foolish" (Mearsheimer 2009, 248). They argue that states should pursue an "appropriate amount of power" (Waltz 1979, 126) to dissuade other states from increasing their military capabilities or establishing counter-balancing alliances. While defensive realists' views suggest that states should be wary of pursuing hegemony, the history of great power politics, as Mearsheimer (2001) contends, is dominated by great powers' attempts to establish hegemony over their region as a first step in their drive towards global hegemony. It is no coincidence that Mearsheimer's book is titled *The Tragedy of Great Power Politics*, which emphasizes that states' dreams of global hegemony ultimately end up in failure. However, Mearsheimer's history of great power politics does demonstrate some states can become regional hegemons, and in these circumstances these states will use their superior military and economic capabilities to fashion a regional system that will reflect its interests and bolster its own power at the expense of its neighboring states' concerns (Cronin, 2001, 105).

How can these neorealist insights help us explain transboundary, riparian conflicts? First, states are unlikely to trust neighboring states' intentions. Applying to a dyadic relationship, we can assume that if these states have a history of armed conflict, then cooperation over the management of shared river is unlikely (Tir and Ackerman 2009: 626). More importantly, if one of these neighboring states cuts the flow of the river, pollutes the basin that feeds the river, restricts access to the river, or obstructs navigation, the other state will see this a threat and it will be forced to find ways to counter these actions, including the use of military force. In this scenario, the upstream riparian has a geographic advantage over the downstream riparian as it has more control

over the river, but it is important to emphasize that the downstream riparian may be able to use its military or economic capabilities to punish the upstream riparian's actions. This can be clearly seen in Israel's repeated attacks against Syrian efforts to dam the Jordan River during the 1950s and 1960s (Zeitoun and Warner 2006, 446).

Second, while neorealism does not disqualify the possibility of interstate cooperation, it argues that cooperative arrangements will fail to manage transboundary river disputes over the long term. Given the asymmetric character of riparian conflicts, a bilateral agreement should benefit the strongest state at the expense of the weaker state. This arrangement will provide the dissatisfied party the incentive to undermine the provisions of a bilateral agreement, leading to the renewal of the conflict (Warner and Zeitoun 2006, 439). Accordingly, if the stronger party perceives that the agreement is not advancing its interests, it will abandon the agreement and use different, often unilateral, tools to fulfill its demands.

Third, states that have achieved regional hegemony may affect a riparian conflict in at least two ways. Within a riparian conflict, if the regional hegemon can gain control of the water resources, it has achieved hydro-hegemony. This is hegemony at the river-basin level (Warner and Zeitoun 2006, 435). If the regional hegemon is also the upstream riparian, it has little to no incentive to cooperate with its neighboring riparian (Dinar 2009, 329). In this circumstance, the hegemon will use its preponderant capabilities to coerce its neighbor into an arrangement that favors its interests, or refuse to cooperate at all, prolonging the conflict (Warner and Zeitoun 2006, 435). As long as the hegemon can maintain its preponderance, the conflict over a transboundary river will remain stable. But, if the regional hegemon is a downstream riparian, the conflict over a shared river

could lead to interstate violence. If the upstream state decides to affect the flow of the river or obstruct navigation, the downstream hegemon will be forced to employ coercive tactics with its superior capabilities to reverse these actions (Waterbury 1997, 279).

Given these neorealist insights, the U.S.-Mexico case over the Colorado River should not have come to any sort of equitable agreement between the two states. The U.S., as the hydro-hegemon, did not have an incentive to cooperate with Mexico, much less agree to a treaty in which it was not heavily favored. Any sort of cooperation should have resulted in a jilted, unsatisfied Mexico and prolonged the conflict, potentially leading to violence. However, this was not the case. The next few sections will introduce insights from liberal theory as an alternative lens to viewing the case study.

Multilevel Politics and Issue-Linkage Strategies

Liberalism questions neorealism's characterization of the state as a unitary actor. For neorealists, all states, regardless of their constitutional makeup, react similarly to structural changes in the international system. Hence, domestic politics have little to no influence on states' foreign policies (Mearsheimer 2007, 72). Liberal international relations theory questions this perspective, arguing that international dynamics and domestic factors shape states' preferences (Moravcsik 1997; and Putnam 1998). Thus, a state's foreign policy reflects a society's competing interests as represented by different government institutions, public opinion, lobby groups, social movements, financial institutions, cultural organizations, and so forth. By broadening the variables that influence a state's preferences, liberals make three interesting arguments about state behavior. The first of these arguments is that a state's constitutional makeup matters.

Liberal scholars argue that states' constitutional systems influence how they relate to states with similar and different constitutional structures. A good example of this argument is found on the democratic peace thesis (Ish-Shalom 2006). Third, liberals maintain that democratic states tend to be more willing to enter cooperative agreements and they are more likely to live-up to their international commitments (Slaughter 1995).

Since multilevel politics shape states' interests, liberals argue that states can address contentious international problem by pursuing an issue-linkage strategy. This strategy, "involves combining multiple issues to change the balance of interests in favor of a negotiated agreement" (Davis 2004, 153). However, this strategy is only possible when states share some interests, understand the benefits of cooperation, and if the institutional environment promotes cooperative behavior (McGinnis 1986, 161-62).⁴ The benefits from this strategy are threefold. First, Itay Fischhendler and Eran Feitelson argue that issue-linkage "allows states to make concessions on issues they care little about in exchange for gains on matters that are of greater political or economic importance to them" (Fischhendler and Feitelson 2004, 1). By linking one salient issue to another issue that may be of importance to another party, but of less importance to the other, it can facilitate cooperation that might not otherwise take place. Second, and more importantly, an issue-linkage strategy can help a state "overcome factional blocking" within its own society (Fischhendler and Feitelson 2004, 1). If domestic groups that originally opposed

⁴This is called the tit-for-tat linkage strategy, and the second is a quid-pro-quo strategy where one side sacrifices something of little importance in order to gain more on a different issue that is more salient (McGinnis 1986, 142). The first strategy, tit-for-tat, occurs only when states have the opportunity to cooperate on more than one issue or cooperate multiple times on the same issue. This is where the tit-for-tat aspect is applied; as long as the first player knows that the second player will repeatedly reciprocate the first player's actions, cooperation will always yield the most desirable outcome (McGinnis 1986, 143).

cooperation with another state are placated by linking an issue that is in their interest, it is more likely that they will accept to negotiate an agreement. The final benefit is that an issue linkage strategy increases the cost of non-compliance with a negotiated agreement. Liberalism emphasizes on multilevel politics and issue-linkage strategies help us understand that the management of riparian conflicts needs to take into consideration the domestic audiences directly affected by these conflicts. Indeed, in democracies, domestic groups can complicate the relations between riparians, heightening existing conflicts or obstructing a negotiated solution. It is not surprising that in many transboundary river conflicts, one of the riparians, or outside mediators, employ an issue-linkages strategy.

Liberalism challenges the neorealist notions by insisting that institutions play a larger role in facilitating cooperation between states, and that domestic interests can shape foreign policy rather than having no effect at all on how states interact with each other. This next section will address how neoliberalism can help us explain U.S.-Mexico relations over their shared river basins.

Neoliberal Institutionalism's Assumptions

Neoliberal institutionalist theories of international relations challenge neorealist thinking in at least three ways. First, like neorealists, neoliberal scholars agree that the anarchic structure of the international system compels states to act in ways that maximize their interests and increase their material capabilities. But while the starting point is the same, neoliberalism argues that states can learn the benefits of cooperation and build international institutions⁵ to manage conflicts and to address issues of common concern

⁵ Neoliberals define institutions broadly “as a set of rules, norms, practices, and decision-making procedures that shape [states’] expectations” (Slaughter 2011, 10) about the future.

(Keohane and Martin 1995). It is important to note that while states create many of these institutions, over time they can achieve an autonomous character and operate independently of states. This observation especially applies to formal intergovernmental organizations (Abbott and Snidal 1998, 4-5). Thus, these institutions, in conjunction with other non-state actors, promote and sustain interstate cooperation. This is why these types of institutions, such as commissions, are often used in resolving riparian conflicts.

Neoliberals, like neorealists, argue that interstate conflicts are largely about distributional issues (Keohane and Martin 1995, 45). Consequently, states have to deal with two problems when they try to cooperate. “They often worry about the potential for others to cheat, as in a Prisoners Dilemma. But they also face the problem of coordinating their actions on a particular stable cooperative outcome” (Keohane and Martin 1995, 45). While neoliberals agree that states can act in accordance with the logic of relative gains, they argue that states do so in extreme circumstances when they perceive that interstate cooperation is not possible and that their survival is at stake (Powell 1994, 335). In contrast, neoliberals contend that states are mostly interested in “their own welfare, not that of others” (Keohane 1984, 66). Interstate cooperation is possible if states can find ways to “overcome a range of collective-action problems, many which are rooted in transaction costs” (Martin 2007, 111) as well as “information costs” (Oye 198-, 20). Institutions can therefore help states reduce uncertainty, increase information sharing, and monitor states’ compliance with accepted rules of behavior (Powell 1994, 340). In other words, once established these institutions facilitate cooperation by “codifying expectations, providing information, establishing and imposing rules, and sanctioning misconduct” (Lowi 1993, 7).

A second challenge to neorealism's worldview is neoliberalism's conceptualization of hegemony. For neoliberals, hegemony is seen as potentially positive for secondary states. Hegemons face an important "paradox" (Cronin 2001, 111). While a hegemon poses the capabilities to pursue its interests at the expense of secondary states, in accordance with neorealist thinking, this strategy would compel these states to develop counter-hegemonic strategies to weaken the hegemon's grip over the international or regional system. Thus, neoliberals argue that successful hegemons can secure their positions through two strategies. First, they can provide secondary actors public goods, such as a secure and open economic environment to dissuade these states from challenging the hegemonic order (Yordan 2007, 65-66). Second, hegemons establish institutions to help it manage the international system. The hegemon's "paradox" becomes more acute when international institutions' rules question the hegemon's behavior or when domestic groups object to policies that may benefit the management of the hegemonic order, but hurt these groups' interests (Cronin 2001, 112).

Just as the hegemon uses international institutions to manage the hegemonic order, secondary states can use these institutions to produce rules that constrain the hegemon's interests. This is called the socialization process of hegemony, and is an alternative view of hegemony to the neorealist version reviewed above. It relies on multi-level games, and has several implications for the longevity of the hegemonic system. Hegemonic control emerges when, "foreign elites buy into the hegemon's vision of international order and accept it as their own—that is, when they internalize the norms and value orientations espoused by the hegemon and accept its normative claims about the nature of the international system" (Ikenberry and Kupchan 1990, 285). The first

implication is that if the leaders and elites of the secondary states adopt the hegemon's norms and values, they will manifest in various policies within the political, economic, and security sectors, thus ensuring an international order that favors the hegemon's interests (Ikenberry and Kupchan 1990, 285). Another implication is that due to the normative and institutional power of the hegemon, it can retain power without expending the same amount of resources as it involves less intimidation. The third implication of socialization is that if the hegemon were to exhaust these material resources, the normative effect would sustain the life of the hegemonic system beyond its material means. In contrast, should the norms and institutions surrounding the change to disfavor the hegemon, the system could collapse even if the hegemon has retained its coercive material power (Ikenberry and Kupchan 1990, 286).

Using the neoliberal concept of a socialized hegemony can shed light on riparian conflicts by applying it to hydro-hegemony. The hydro-hegemon has the responsibility to promote stability amongst the riparians (this is the concept of hegemonic stability theory, or the theory that hegemons can provide stability for weaker states by offering greater leadership of the region and taking on more responsibilities) (Warner and Zeitoun 2006, 439). Hegemonic stability theory can be applied to river management, as not all riparians have equal access to the same freshwater resources, and the hydro-hegemon can facilitate river regulation for the benefit of all riparians. In this sense, hegemony and hydro-hegemony are similar. The state in control of the resources will take on responsibilities that are more desired by the secondary states, or weaker riparians, even if they are not in line with the self-interest of the hydro-hegemon. As long as the weaker riparians are benefiting, they will allow the domination to continue. If the hydro-hegemon is satisfied

with its own security, a dominative hegemony could evolve into this type of socialized hegemony as states are more willing to cooperate over technical issues and less willing to cooperate when they think it could compromise its security. This type of hegemony also requires cooperation from all parties involved, another liberal assumption within international relations.

Conclusion

These international relations discussions raise five main assumptions that can be addressed using the case study analysis. The neorealist lens assumes that riparian states operating under an anarchic system will lead to conflict or even war, and that any agreement made amongst riparian states would heavily favor the more powerful state, leading to a dissatisfied weaker riparian and ongoing conflict. The liberal lens argues that states can overcome their anarchic conditions using mechanisms such as issue-linkage, and that multi-level games can have an effect on foreign policy and influence states' preferences regarding riparian negotiations. The neoliberal lens suggests that institutions can achieve some degree of autonomy from those who created them, and that the socialization of hegemony and hydro-hegemony can transform a previously dominative hegemony into a responsible one, as long as the hegemon does not have security concerns. The U.S.-Mexico case study will address these assumptions, and illuminate how conflict resolution can be reached. The agreement and institutions that were enacted in the 1940s have helped to resolve the conflict and manage the basins without violent conflict.

3. Case Study Analysis: United States-Mexico Case over the Colorado River and the Rio Grande

The U.S. and Mexico have a rich relational history, and their relations over international waters have included both high points and low points over the centuries. To understand the relational environment in which the treaties over water were established, it is necessary to first examine the background of the evolution of their relationship. The first section will highlight the reasons why the relationship between the two states was not conducive to cooperation. The second section elaborates on key changes in foreign policy, international events, and catalysts in the relationship between the U.S. and Mexico and other Latin American states. This will segue into the next section, a discussion of water agreements between the two countries and the subsequent analysis of the 1944 Water Treaty.

Early Characteristics of Realism: Mid-1800s to Early 1900s

Territorial debates have plagued the two countries since before Mexico gained independence from Spain in 1821. The U.S. fought with Spain over what is now the southwestern territory of the U.S., with Spain ultimately ceding the territory to the U.S. After Mexican independence, the Mexican government tried to prevent emigration to Texas from the U.S., in order to limit the amount of English-speakers in Mexico. In 1836, Texas was recognized as an independent state, and in 1845, Texas rejoined the U.S. as a slave state. It was then that Mexico severed diplomatic ties with its northern neighbor (Council on Foreign Relations 2014). U.S. President James Polk offered to purchase both California and New Mexico from Mexico, in order to establish the Rio Grande as a

border between the two nations. This process would secure Texas for the U.S. Mexico refused, leading to the Mexican-American War involving a full-scale U.S. invasion into Mexico (Council on Foreign Relations 2014).

The signing of the Treaty of Guadalupe-Hidalgo terminated the war in 1848, with its provisions ceding the territory of modern-day California, New Mexico, Arizona, and Utah, and parts of Colorado, Wyoming, and Nevada. In return, the U.S. paid Mexico \$15 million (equivalent to \$88.6 million in modern currency rates) in war damages (Council on Foreign Relations). This was about one third of Mexico's territory, and the treaty stipulated that the Rio Grande would be a little more than half of the border, with the border of Arizona and New Mexico and the Gila and Colorado rivers providing the other half (Treaty of Guadalupe-Hidalgo, 1848). This treaty also included provisions for the use of the rivers by both countries. The U.S. demanded free passage by the Gulf of California to the Colorado and Gila Rivers, navigation for both nations through the Gila River and Rio Bravo below the boundary line, and added an agreement regarding the construction of a canal, road, or railway to run on the Banks of the Gila River (Library of Congress, 1848). The treaty also stipulated that no navigation be obstructed by any sort of tax (Treaty of Guadalupe-Hidalgo, 1848). While most of the provisions relating to the rivers are boundary, development, or navigation-related, it was one of the first agreements that addressed river usage between the two nations in a general sense (Treaty of Guadalupe-Hidalgo, 1848).

The Mexican territory ceded to the U.S. was, "sealed by [a] solemn and idealistic [treaty] that belied the harsh realities of conquest" (Klein 1994, 202). The U.S. took advantage of the fact that Mexico was the weaker of the two states, and used that as an

opportunity to seize territory. This treaty has been characterized as “one of the harshest in modern history” (Klein 1994, 208). The treaty created issues through its vague interpretation of private property rights for Mexican nationals, as both countries had different perceptions of property rights. Through this treaty, the “United States’ conception of individual, freely-alienable property rights was imposed upon a land-dependent culture in which common land ownership was vitally important to community’s continued survival” (Klein 1994, 210). The majority of Mexican nationals stayed in the conquered territory. They found themselves in a state of limbo where the Mexican government offered them no protection, but the U.S. government offered no assistance to assimilate into a foreign political regime (Klein 1994, 216). While the treaty used friendly and benign language, it cannot hide the fact that its practical application was aggressive in nature. In this case, Mexico was the clear loser in the international relations game. This is an example of the realist nature of this relationship.

The Mexican-American War signaled an official stance on U.S. policy of Manifest Destiny, as well as a terminally rocky relationship with Mexico. The California Gold Rush brought hordes of people from the eastern part of the U.S. into the West, pushing out the Mexican landowners that had been there for generations (Council on Foreign Relations). The final adjustment on the U.S.-Mexico border came in the form of the Gadsden Purchase in 1853. The U.S. exhibited two types of foreign policy in the 1800s and early 1900s: integrative foreign policy and imperialistic foreign policy (Yordan 2006, 28). Some examples of integrative foreign policy are the acquisition and absorption of Alaska in 1867, Hawaii in 1898, and the Gadsden Purchase in 1853. Integrative foreign policy is the action of integrating new territories into the current state

and ascribing them formal state status under the federal government (Yordan 2006, 27). The Gadsden Treaty authorized the U.S. purchase of the lands from Mexico south of the Gila River (land that eventually became Arizona) and a strip of land along the south of New Mexico (Schmidt 1961, 245). The end of the Mexican-American War and the Treaty of Guadalupe-Hidalgo in 1848 laid the foundation for the purchase. The U.S. wanted a clear boundary line between the two countries, as well as a trans-continental railroad that would reach the West Coast⁶. President Polk wanted to establish a boundary that would allow a railroad to be built that would reach the Pacific Ocean. The result was a series of conflicts, arguments, and mislabeled maps between the two nations on a boundary line. U.S. President Pierce then appointed James Gadsden as minister to Mexico to work with the Santa Anna regime and negotiate a boundary line that would allow for a satisfactory railroad route (Schmidt 1961, 251). Gadsden had several negotiations with Santa Anna, whose political situation within Mexico was very unstable; he had depleted the Mexican treasury and relied on money to keep him in power. This led to his consideration of selling the land. He also needed to rebuild his military after a few very unstable decades that resulted in, “nine changes in the form of government and 39 different administrations from 1822-1867” (Schmidt 1961, 246). Santa Anna fought for a northernmost boundary line, but Gadsden held his ground and eventually Santa Anna relented and accepted the southernmost line⁷ (Schmidt 1961, 261). This effectively settled the border disputes between the two countries (see Figure 1) but tension would

⁶ The Treaty of 1848 already required Mexico to cede a significant amount of territory to the U.S., 529,017 miles of territory west of the Upper Rio Grande River and north of the Gila River, but the boundary line was still vague.

⁷ Although it was amended in the U.S. Senate and reduced the amount of territory in the cessation, much to Gadsden’s chagrin.

continue to exist between them throughout the rest of the 19th century and into the early 20th century.⁸

Figure 1: U.S.-Mexico Border



Source: IBWC U.S. Chapter, http://www.ibwc.state.gov/GIS_Maps/Activity_Maps.html

There are some important points to take away from this brief history of the relationship between the two nations in this time period. The U.S. was aggressive and dominative, and Mexico did not have the resources to challenge it. The Mexican Revolution in 1910 had led to antagonistic relations between the U.S. and Mexico under the Wilson administration. This was an issue as the U.S. had considerable economic and natural resource interests (oil, mining, and utility) in Mexico (Kryzanek 1985, 37).

⁸ Immigration was an issue after the American Civil War and the Mexican Revolution in 1910, prompting an influx of Mexican immigrants onto U.S. soil. Several incidents in the early 20th century, such as the Tampico Affair and Pancho Villa, both of which involved American military personnel in Mexican territory, further strained U.S.-Mexico relations. (Council on Foreign Relations).

Wilson refused to recognize the Huerta regime following the coup against the U.S.-supported democratic Madero regime, and a series of military interventions in Latin America dominated U.S. foreign policy in the Western Hemisphere under the Wilson administration. Mexico's government was characterized by extremely nationalistic leaders, who were focused on protecting their natural resources from all outsiders. This caused contention between Mexico and the U.S. over subsoil rights. This nationalism was a barrier to the U.S., and rendered Mexico as an isolationist nation that was unwilling to act as the leader for the Latin American states (McClellan 1963, 123). Examining U.S. foreign policy in Latin America during this era will facilitate our understanding of what led to institutions like the Good Neighbor Policy and the subsequent river agreements.

The examples of integrative foreign policy (Treaty of Guadalupe-Hidalgo, Gadsden Purchase) are also examples of the U.S. using its dominance to extract relative gains out of a foreign policy agreement with Mexico⁹. There were many U.S. officials, such as Senator William Seward, who advocated for even further expansion and even the formation of an empire including both Canada and Mexico (Sharro 1967, 341). Not everyone felt as strongly as Seward, and the Gadsden treaty saw domestic opposition, as northern Republicans were concerned that the acquired land would turn into slave states (Schmidt 1961 259; Sharro 1967, 340). At this point, with the combination of the Gadsden Treaty, the annexation of Texas in 1845 (Lofgren 1967, 57) and the Treaty of Guadalupe Hidalgo, the U.S. had acquired quite a bit of land from Mexico and left

⁹ There were points of the negotiation in which American militias in the border states gathered troops along the border under the premise of controlling the Native American tribes. Though they were not organized by the U.S. federal government, it still implied the U.S. was not above using military intervention in order to annex the land (Schmidt 1961, 257).

Mexico with little in return. This purchase sets the stage for a U.S.-dominative relationship between the two nations in the years to come.

While U.S. expansionism was limited to integration for a few decades, it soon turned into an imperialistic one. This is when it involved the rest of the Latin American nations, and took a dominative, antagonistic turn. Yordan outlines five factors that influenced this transition. The first of these is the growth of the U.S. economy during this time period that allowed for the expansion of the U.S. Navy, not in response to international threats, but as a means of protecting its interests in the Western Hemisphere and remaining the major power in the area (2006, 30). The second factor was the U.S.' reluctance to let any major foreign power, i.e. European nation, infiltrate Latin America and exert influence¹⁰. The third factor was changing European dynamics and the Spanish-American War. Spain was trying to hold onto its colonies in Caribbean and the U.S. initiated an offensive war to prevent Spain or another European power from annexing these colonies and having more influence and presence in the region. The fourth factor was the increasing power of the presidency and decreasing power of Congress in foreign policy-making. The final factor was public opinion supporting the Spanish-American war so Cuba could establish a U.S.-friendly republic (Yordan 2006, 31).

U.S. foreign policy in Latin America and the Caribbean in the late 1800s and early 1900s prior to the Good Neighbor Policy is an important facet in the development of U.S hegemony and the transition from a negative, dominative hegemony to a benign

¹⁰ This is demonstrated in 1895 by a conflict between the U.S. and Britain, when Britain stated that it did not recognize the Monroe Doctrine after the U.S. intervened in a border dispute with the British colony of Guyana and Venezuela. The U.S. was so furious that it indicated it would take military action, and proved to the European powers that it was serious in its intent to be a regional (if not global) hegemon (Yordan 2006, 30).

one. President McKinley forged a path for future Presidents, such as Theodore Roosevelt and Woodrow Wilson, to exert U.S. influence in Caribbean and Latin American states through the Spanish-American War (Yordan 2006, 32). McKinley, along with Alfred Thayer Mahan, “specified key points in the area...that would be critical to U.S. security. Those points had to be controlled or, at the very least, neutralized in order for the U.S. to conduct its business” (Tulchin 1994, 179; Yordan 2006, 32). Instituting economic policies such as dollar diplomacy and introducing these nations to democratic forms of government that would be sympathetic to U.S. interests and policies, was the main goal of U.S. foreign policy in the hemisphere. Unfortunately, these efforts often required military occupation and U.S. presence, and frustration and anger towards the U.S. in places such as Cuba started percolating (Tulchin 1994, 179; Yordan 2006, 32-33). If Wilson was displeased with governments in any of these nations, he employed a policy of non-recognition¹¹. This strategy was a less invasive manifestation of U.S. dominance and power in the region (Mathews 1935, 815). It also established institutions such as the Platt Amendment in Cuba to ensure that U.S. interests would not be compromised.

These types of interventions were facets of U.S. imperialistic foreign policy that lasted from the mid-1900s until the implementation of the Good Neighbor Policy. The U.S. had asserted its dominance in the region, and needed to diminish its aggressive tactics in order to retain its relationships with these states. This type of dominative hegemony is not conducive to cooperation, and the volatile relationship that it fostered between the U.S. and Mexico made it seem unlikely that they would come to any sort of

¹¹ The U.S. employed this tactic with the Huerta government in Mexico in 1914, the Tinoco government in Costa Rica in 1917, and later the U.S. government did the same the Chamorro government in Nicaragua in 1926. All of those regimes either fell or were replaced.

agreement over shared resources in the near future. Since the U.S. felt as though these tactics were no longer servicing its goals of security, and were instead jeopardizing its relationships with these Latin American countries, it needed to employ a different strategy to maintain the status quo.

U.S. foreign policy was aggressive and expansionist from the founding of the republic until the 1930s. U.S foreign policy in Latin America from the mid 1800s until the formation of the Good Neighbor Policy is important to examine because it will highlight the power disparities between the growing hegemony of the U.S. and the rest of its Latin American neighbors. Since transboundary river agreements are the outcome of foreign policy, understanding the kind of policy that the U.S. held towards Mexico and its other neighbors is crucial to understanding how an agreement was reached on the Colorado and Rio Grande rivers.

Turning a New Leaf: the U.S. Transition from A Bully To A Good Neighbor

Once Hoover introduced the concept of the Good Neighbor Policy and Roosevelt implemented it, relations within the Western Hemisphere began to change. The non-interventionist attitude that these administrations tried to promote fermented for a long period of time, and there are several reasons why the U.S. had a sudden change of heart. The U.S. needed an alternative to the use of force in Latin America for normative, moral, economic, and security reasons. The U.S. had commerce and investment concerns within the Latin American states, and needed to foster and preserve positive relationships with them as trade became freer and the world grew increasingly interdependent (Wood 1961, 131). While Hoover pioneered the concept of the “good neighbor”, his detriment was that

he was the head of the Republican Party. Mexico associated his affiliation with the “big stick” of foreign relations, dollar diplomacy, and armed interventions (Wood 1961, 127).

¹². Roosevelt, a Democrat, was not associated with the imperialistic nature of the Republican Party, and Mexico did not accept the “Good Neighbor Policy” as a legitimate gesture until Roosevelt expanded it.

Mexico’s skepticism was only one obstacle that the two nations faced in moving away from an antagonistic, interventionist relationship. There were several opinions on the non-intervention protocol within the U.S.¹³ The non-interventionist provision that Roosevelt implemented within the Good Neighbor Policy eventually won over Mexico, and by 1941 it was supported wholeheartedly by U.S. domestic factions and there was little bipartisan disagreement over whether or not it was in the best interests of the U.S. (Wood 1961, 135).

While there was little domestic argument over non-intervention within the U.S., it took time for Mexico to warm up to the idea as the U.S. and Latin America had different interpretations of what “non-intervention” and “non-interference” meant. The U.S. focused heavily on the idea of reciprocity, which was not ideal for Mexico and other Latin American countries. The U.S. only agreed to non-intervention and non-interference under the Good Neighbor Policy as long as the Latin American countries treated U.S. nationals and their property in a “neighborly” manner, and if they cooperated in the

¹² This is in spite the fact that the interventions in Haiti, Mexico, and Santo Domingo were all carried out under a Democratic administration.

¹³ Some believed that it was a concession that was within the U.S.’ best interest to make, as it would promote better commercial, economic, and political relations; others believed that, “the United States had gone too far in abjuring intervention for the protection of United States farm owners, ranchers, and businessmen in Latin America” (Wood 1961, 122).

defense of the hemisphere (Wood 1961, 160). Mexico did not believe that the U.S. had the right to unilaterally define what reciprocity and “equitable treatment” was, and they maintained that the simple promise of non-intervention and non-interference was not enough to qualify the U.S. as a “good neighbor” (Wood 1961, 162). The U.S. enjoyed a very lofty position of power and status within the Western Hemisphere, and used that power to interfere within Latin American states’ internal affairs. Mexico was in no place to allow that to continue. The U.S. continued to maintain their position on the protection and fair treatment of U.S. nationals, but expanded the definition of “non-interference” to include theoretically “peaceable” forms of interference or intervention. Mexico was then satisfied that enough limitations were placed upon the capabilities of the U.S. to view it as a “good neighbor”. The Seventh Pan-American Conference at Montevideo was a turning point, where U.S. Secretary of State Cordell Hull stated, “the Roosevelt administration to the U.S. government is as much opposed as any other to the interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations” (Mathews 1935, 810).

The Good Neighbor policy proved to be important during the 1930s and 1940s. The Latin American Act of Havana pledged the assistance of American states to non-American states (Europe) that were being invaded by other non-American states (Kryzanek, 1985, 43). This directly applied during World War II as the Axis Powers were invading much of Europe. This led to greater military and economic ties to the U.S., as Latin American states were purchasing more weapons from the U.S., and the U.S. was purchasing greater quantities of wartime goods such as rubber, tin, and tungsten. These transactions benefited the balance of payments amongst the countries (Kryzanek 1985,

43). By 1945, all of the Latin American states had declared war on the Axis Powers, and the Rio conference of 1942 that established the Inter-American Defense Board solidified the Latin American states' support of the U.S. and fostered several defense commitments. It is very likely that this spirit of cooperation and goodwill had a positive effect on the negotiations over water that took place between the U.S. and Mexico in 1944.

It is obvious that there are distinct power asymmetries between the U.S. and Mexico in various institutions, and not just that of water. In order to fully realize how the relationship functioned at the time of the major water treaties, it is necessary to understand power asymmetries beyond shared rivers and recognize the asymmetries that exist within their governments, militaries, and economies. While power asymmetries should technically be a hindrance to the formation of these types of treaties, that does not seem to be the case in this situation. This may be because while asymmetries existed between the two nations, the relationship was one of interdependence, especially since the world was becoming increasingly globalized. While that might not have been the major factor in the creation of the water treaties in the mid-20th century, it is an interesting concept that could make a difference in the maintenance of these treaties as water becomes increasingly scarce, testing the limits of the U.S.-Mexico relationship.

One important thing to note is that it was not simply the relationship between the U.S. and Mexico that was asymmetrical; the U.S. enjoyed an asymmetric amount of power in relation to its Latin American counterparts. The Good Neighbor Policy highlighted some of these asymmetries. Mexico's government under Lázaro Cárdenas was not as stable as the U.S. government under Roosevelt due to struggles over oil properties within Mexico that belonged to the Dutch, the British, and the U.S. (Wood

1961, 203). Cardenas expropriated these properties in 1938 to avoid a coup, despite the fact that the U.S. had already signed a non-intervention pledge. A strategic move such as this shows that the win-set of Mexico was far smaller than that of the U.S., who did not react violently and instead recognized the expropriation as legal (Wood 1961, 205). The U.S. was able to concede things in negotiations because their vast power gave them more flexibility.

The U.S. enjoyed so much military power in the hemisphere that it had to pledge non-intervention and non-interference in order to stabilize its relationships with Latin American states. The democratic government of the U.S. was far more stable and effective than its Mexican counterpart, which had experienced coups, turmoil, and upheaval for much of the beginning of the twentieth century. These conflicts were, in fact, exacerbated by the military power and interference of the U.S. It is clear that Mexico had bargaining power, as their government was more limited on what they could accept in a treaty, and the U.S. was forced to relent on several provisions during the construction of the Good Neighbor Policy. Having bargaining power is very important in when negotiating internationally, and the actor with the most bargaining power will be able to strike a deal that is closest to what is ideal for them. The power asymmetries between the two countries gave Mexico greater bargaining power, thereby setting the stage for a more equitable agreement as opposed to preventing one from being achieved. It is probable that the resulting Good Neighbor Policy was closer to Mexico's ideal version than it was to the U.S.' ideal version. This is because the U.S. did not have a significant amount of domestic leverage, despite its superiority in all other forms of power (economic, military, political).

Water-Sharing and the 1944 Water Treaty

Water begins to factor in the relationship when interests turn from security-based to technical. There are several treaties over boundaries and water between the U.S. and Mexico, beginning with the Treaty of February 2, 1848 establishing the U.S.-Mexico international boundary (that has since been modified). Three treaties in the 1880s further clarified using the Rio Grande and Colorado River waterways as the international boundary. The Convention of May 21, 1906 provided for distribution and allocation of the international portions of the Rio Grande between both the U.S. and Mexico, one of the first major water treaties that did not revolve solely around boundaries. The Convention of February 1, 1933, established the Rio Grande Rectification Project in an effort to stabilize the Rio Grande boundary in the El Paso-Juarez area. The 1944 Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande was a treaty regarding the distribution and waterway maintenance, and will be examined in greater detail further on. Following this treaty are the Chamizal Convention of August 29, 1963 and the Treaty of November 23, 1970, both of which are treaties regarding the resolution of boundary issues and less about distribution and allocation of international waters (International Boundary and Water Commission 2014).

As the discussion of water between the U.S. and Mexico progresses, both realist and liberal/institutional qualities of the riparian situation will be analyzed. Water has been intrinsic to many of the U.S.-Mexico issues in the form of border conflicts. This next portion will address the history of water sharing between Mexico and the U.S. beyond just outlining the different treaties surrounding water. While the Rio Grande has been and will in the future continue to be important, the allocation of the waters of the

Colorado River in particular has also been the focus of legislation both within the U.S. and between the U.S. and Mexico in the early to mid-twentieth century.

The headwaters of the Colorado River originate in the Rocky Mountains in Colorado at La Poudre Pass Lake. The major river and its tributaries flow from Colorado and Wyoming through Utah, Nevada, New Mexico, Arizona, and California before creating the short border between Mexico and Baja, California and emptying into the Gulf of California. It is important to note that while Mexico was allotted around 10% of the river flow, only 3% of the Basin is actually in Mexican territory, with the other 97% located in the U.S (see Figure 2).

The allocation of the Colorado River began with the Colorado River Compact in 1922. The Colorado River Compact divided the portion of the Colorado River geographically located in the U.S. amongst two designated basins, the Upper Basin and the Lower Basin¹⁴. Each basin, at the time that the Compact was written, was allocated 7.5 million acre-feet of water per annum. The Lower Basin was also promised 75 million acre-feet every ten years. The Colorado River Compact was not limited to domestic allocation, and also included provisions for Mexico. The Compact allocated 1.5 million acre-feet to Mexico per annum, as did the 1944 Water Treaty, and if there was any shortage, the two basins had to make up for the deficit by providing water out of their own allocations.

¹⁴ The Upper Basin, or Upper Division, includes Colorado, New Mexico, Utah, and Wyoming. The Lower Division includes California, Nevada, and Arizona.

Figure 2: Colorado River Basin



Source: U.S. Bureau of Reclamation,
<http://www.usbr.gov/lc/region/programs/crbstudy.html>

The 1944 Water Treaty, in respect to the Rio Grande, requires Mexico to deliver one-third of the water from the six tributaries located in Mexican territory (Carter et al 2013, 2). While measured every five years, the amount averages out to around 350,000 acre-feet per annum. The U.S. is not required to deliver any water to Mexico from any of the tributaries on U.S. territory. Mexico, if experiencing significant drought, must compensate for any water delivery deficiencies from one five-year cycle in the following five-year cycle (Carter et al 2013, 2). From 1994-2003 Mexico experienced a drought, and is still currently in water debt to the U.S., owing about 27% as of October 2013 (Carter et al 2013, 2). Currently, American farmers and officials have not been pleased with the rate of Mexico's water deliveries. As recently as December 2014, the Consolidated and Further Continuing Appropriations Act of 2015 was passed into law in the U.S., requiring that the Secretary of State and the IBWC report to the Committees on Appropriations on, "the efforts to work with the Mexico section of the IBWC and the Government of Mexico to establish mechanisms to improve transparency of data on, and predictability of, water deliveries from Mexico to the" (Carter et al 2015, 17).

The 1944 Water Treaty, in addition to providing for these allocations from and for both riparian countries, also provided for some institutional changes. The International Boundary Commission (IBC), established in 1889 to alleviate border disputes and apply border agreements, was reconfigured into the International Boundary and Water Commission (IBWC) after disagreements over water became more prevalent (Carter et al 2013, 1). The IBWC is, "an international body consisting of a United States and Mexican section, which are overseen by the State Department and the Mexico Ministry of Foreign Relations, respectively" (Carter et al 2013, 3). The functions of the newly configured

IBWC differed from that of the original IBC, and include provisions that address water quality, sanitation, water quantity, and flood control in addition to border and boundary issues. The 1944 Water Treaty also included provisions for the construction of dams and diversion channels and required the IBWC to pursue hydroelectric power, and oversee the maintenance of reservoirs along both rivers (Carter et al 2013, 7).

While the 1944 Water Treaty was the impetus for these institutional changes, the changes in the IBWC also, in turn, affected the Water Treaty itself and any future proceedings regarding the Treaty. The IBWC functions as the body authorizing any changes to the 1944 Water treaty, which can occur in the form of “minutes”. These minutes are sent for approval to both the U.S. and Mexico¹⁵. Adding a twist of multi-level games, in the case of the U.S., it is the executive branch of the federal government that has the authority to approve of proposed minutes (Carter et al 2013, 3). While the IBWC was formed by both nations, it technically functions as a third-party outsider that is not formally affiliated with either government.

Once the IBC developed and expanded into the IBWC, the mandate changed to give the Commission, “special and exclusive status with respect to the boundary itself and limits its strictly domestic functions” (Mumme 1985, 625). The IBWC is unlike many other international institutions because it has two distinct branches, the U.S. Section and the Mexico Section, both of which enjoy a certain degree of autonomy from

¹⁵ If either country neither approves nor disapproves the minute within 30 days of receipt, then the minute is automatically approved. However, if either country is dissatisfied with the proposed minute and indicates this within the 30-day time frame, the issue is taken out of the jurisdiction of the IBWC completely and the two governments have a direct negotiation over it.

their respective governments¹⁶. The role of the IBWC was, and still is, very political in nature. The U.S. Section of the IBWC, as a federal agency, has very close relations with the governments of the border and basin states. The U.S. Section has, “successfully exchanged support for states’ interests in transboundary water issues for state support for its jurisdictional domain and functional expansion” (Mumme 1985, 624). The states have fully supported the U.S. Section, and the Section has sided with the states in almost every issue affecting them since 1945 in order to gain mutual benefits (Mumme 1985, 626). There are several cases in which the IBWC favored the states when their interests clashed with those of the State Department over water/boundary issues¹⁷. The support from the IBWC helped to facilitate the relations between the state and federal governments, and allowed the states to participate more in foreign policy. The IBWC is a good example of an international institution that was created in order to help both sides by providing information, increasing transparency, overseeing that the agreement was being fulfilled, and involving domestic actors via multi-level games. The IBWC is also an example of states learning to cooperate over time, which is a liberal concept.

It is important to note that within each state, there were different interests surrounding the 1944 Water Treaty. There were also geopolitical interests at work, and these geopolitical interests could very well be what promoted the linking of the two rivers into one treaty. The issue-linkage within this treaty is important to note, as the linking of two the two rivers together put each state in comparable positions. In terms of the Colorado River, Mexico was at an extreme disadvantage as only 3% of the Colorado

¹⁶ Any negotiations made by the agency must be ratified by the national governments.

¹⁷ These include the Chamizal controversy, the salinity controversy in the 1960s-70s, and the sewage and pollution problems in the 1970s.

River Basin is in Mexican territory and that 3% did not provide any of the water flow (Fischhendler and Feitelson 2003, 567). Since Mexico is downstream and entirely dependent on what water flow the U.S. allows into the country, it was in an inferior position. Compounding this problem was the fear that California and Arizona, both of which were increasing their water consumption to meet their agricultural expansion plans, would sway the U.S. federal government to invoke the principle of prior use as a basis for dividing the waters (Fischhendler and Feitelson 2003, 567).

This situation was starkly contrasted with Mexico's position on the Rio Grande, which was far more favorable. Mexico could afford to make concessions on the Rio Grande, as it did not invest nearly as heavily as the U.S. did in irrigation, and Texas was in dire need of the water resources in order to further its agricultural development. The 1944 Water Treaty provided a platform for the U.S. to make concessions on the Colorado River in exchange for Mexico to make concessions on the Rio Grande, placing both states in a position of almost equal power (Fischhendler and Feitelson 2003, 568). Linking these two issues was what initiated the treaty, and also caused some domestic strife within the two states.

When negotiations over the treaty were underway in 1942, there had already been several delays between the two countries as the U.S. had previously rejected Mexico's proposal to advance the "principle of unity"¹⁸ to the Colorado River (Fischhendler and Feitelson 2004, 5). The U.S. was not unwilling to appropriate water to Mexico, but instead wanted to do it as a friendly gesture of goodwill, rather than formally integrate its

¹⁸ A principle that would recognize the entire river basin as one integrated unit and therefore holds the upper riparian responsible for any damages or shortages that the lower riparian might endure.

natural resources with another nation. When the U.S. wanted to apply that same principle to the Rio Grande, Mexico refused. Eventually the U.S. realized that it still gathered enough water from its own tributaries on the Rio Grande to use for irrigation in Texas, but because there was no agreement on the Colorado River, it hindered any official agreement on the Rio Grande (Fischhendler et al 2004, 6). The geopolitical interests that were at work within the countries were the Rio Grande riparians, who put pressure on the Colorado River federal states to reach an agreement with Mexico. This resulted in the formation of the Coalition of Six, comprising of Texas, Utah, Wyoming, Colorado, Arizona, and New Mexico. This Coalition lobbied for the federal acceptance of the treaty on the Colorado River in order to minimize the delays on reaching an agreement on the Rio Grande (Fischhendler et al 2004, 6). This is an example of domestic interdependence affecting an international game: if the Rio Grande riparians within the U.S. were not dependent on the Colorado River riparians, there would not have been as much of a domestic push for a treaty on the Colorado to be reached in the first place (Fischhendler et al 2004, 6).

The domestic geopolitical and agricultural interests were at work within the U.S. trying to influence an international negotiation. Some other related geopolitical domestic interests included the fact that due to delays, some states were not in support of linking the two rivers together and instead wanted to view them as two separate issues. The Lower Rio Grande users, including Texans, as well as some of the Colorado River riparians, were concerned that trying to link the two rivers into one agreement would cause too many delays as there would be far more to consider within the treaty. Regardless, the federal government and the Texas state government decided that linkage

would be the best option because it could, “provide a comprehensive solution to the whole border-water conflict” (Fischhendler et al 2004, 6).

This federal stance instigated significant domestic backlash both in the U.S. and in Mexico. Many Mexicans believed that the linkage was a direct violation of the Mexican constitution, as the constitution forbids, “the alienation of either land or water under Mexican domination” (Fischhendler et al 2004, 7). The linkage was seen as relinquishing waters that rightfully belonged to Mexico to the U.S. This was the platform under which the conservative party disagreed with a treaty. Residents in Chihuahua and other Mexican border states opposed the treaty because of their location, which was where the water would be delivered to the U.S., and were concerned that they would face the brunt of a shortage should one occur in the future (Fischhendler et al 2004, 7). This was also an economic and industrial concern as citizens in those Mexican states near the border feared that limiting the water available to Mexicans from the Rio Grande would also limit future development in the area. Within Mexico, it was a battle between domestic interest groups who were against the treaty and the federal government that was in favor of the treaty for overarching national interests. The fact that Mexico had more control over the Rio Grande water resources and was thus able to negotiate a treaty more in line with their interests eventually placated the domestic actors enough to pass the treaty (Fischhendler et al 2004, 7).

The domestic politics within the U.S. were slightly more complicated due to the fact that control over water is not nearly as centralized, and is divided between the state and federal governments (Fischhendler et al 2004, 7). Instead of simply national sovereignty being at risk, as many Mexicans felt towards the treaty, many Americans

within the Colorado River and Rio Grande basins felt as though the treaty also compromised local and state sovereignty and their right to locally control water. Some of the opposition groups include the Colorado River Basin Committee of Fourteen and the Coalition of Colorado Governors and Commissioners. These opposition groups were not only fighting against the interests of the federal government; they also had to fight against the Texas state government, who supported the linkage for agricultural and industrial reasons (Fischhendler et al 2004, 8). The federal government had to convince the Colorado River Basin Committee of Fourteen that the treaty was in their best interests because they needed the domestic support if the treaty was to be ratified at the federal level. One tactic used to obtain the necessary support included the argument that much of the water that would be allocated to Mexico from the Colorado was excess river flow unused by any of the U.S. states (Hundley 1966, 90-91). The federal government also argued that a delay in agreement would cause Mexico to demand more in the treaty should it reach a stage of arbitration by a third party (Hundley 1966, 90-91). California and Nevada continued to oppose the treaty because they felt it violated the U.S. Constitution and stripped them of their sovereignty to control their own waters. They demanded that the linkage of the two basins be struck from any agreement, but the other states in the Colorado River basin eventually relented (Fischhendler et al 2004, 8).

Domestic influences were clearly very much in play surrounding both boundary and water allocation negotiations between the two nations. Mexico's government was far more centralized, but water policy within the U.S. is fragmented between the federal and state level, "owing to a state-centered system of private property, a decentralized system of water administration, and interest politics at the federal level" (Mumme 1985, 622).

Since the Senate needs to ratify every international treaty before it can be implemented, the border states along the Rio Grande and the Colorado had far more influence in the foreign policy regarding the international rivers, since they were directly affected by the negotiations. There are two major overarching reasons for this. First, in order to maintain “hard” issues in international relations, the countries have to ensure that there are positive domestic relations the “soft” sphere, i.e. the domestic sphere (Mumme 1985, 624). The second reason is that domestic water policy is decentralized and depends on the legislature, whereas foreign policy is in the hands of the State Department and the rest of the executives in a much more centralized manner.

The international characteristics of this particular regional conflict renders it more salient and gives it greater importance, and the border states were capable of “withholding crucial congressional support in exchange for executive sponsorship of federal concessions favorable to their interests” (Mumme 1985, 624). This, along with the steady support from the U.S. section of the IBWC, allowed the states to play a much larger role in this type of foreign policy than states generally get to play. The states were able to affect national foreign policy to a large degree, which is indicative of two-level games and a neoliberal perspective. It is interesting to note that while there were economic interests on both sides, most of the domestic actors were very much against the 1944 Water Treaty and needed to be convinced by their respective national governments that it was the right decision, and that it was in the interest of the nations as a whole.

Much of the opposition within the countries was political, and the notion that the treaty compromised sovereignty seems to fall within the realist camp of international relations theory. On the opposite end of the spectrum, the fact that there were multi-level

games occurring and that domestic actors played a pivotal role in the passage of the treaty is a liberal notion. The fact that there were these two transboundary rivers, one of them actually forming part of a border, that existed between these two countries with both states utilizing their waters means that some sort of water-sharing treaty or agreement was inevitable. The U.S. federal government clearly wanted to arrange a treaty that linked the two rivers together to solve the problem quickly and efficiently, as they would have to make more concessions should the process of cooperation be dragged out. Mexico knew that it would not be able to integrate the Colorado River Basin and thus lock the U.S. into a formal water-sharing agreement unless it also included provisions on the Rio Grande. It was a collaboration with both nations making sacrifices and receiving gains on both basins.

The purpose of the 1944 Water Treaty is clear. Both nations use the water from each river for multiple purposes and it is necessary to have agreements over transnational resources in order to avoid conflict. This is not, however, how realists would assume that states operate. Given the inferiority of Mexico's position in comparison to the U.S. in both resources, military might, and influence, as well as its inferior geopolitical position as the downstream riparian, the U.S. technically should not have entered into any sort of contract at all as it would not necessarily be beneficial for them to give up any of its water resources. This is an example of a benevolent hydro-hegemony. Two or more states, one being the hegemon, working with each other and sacrifices being made in order to retain a certain sense of order and hierarchy in exchange for stability and resources. While the water-sharing situation is tense in the face of the current drought and

Mexico is currently in water debt to the U.S. because of it, it has been generally upheld and mutually amended with minutes by both countries since its inception in 1944.

What is the reason for the success of this treaty? Why was it even enacted in the first place when it was a black-and-white case of what should have been a realist dynamic, a powerful upstream state and a weak downstream state, and the ability of the upstream state to pursue its own interests and deny those of the weaker state that could not challenge it? These questions will be addressed in the next section of this chapter, in which I will examine the relationship between the two countries from a theoretical perspective.

4. Results and Conclusion

This case study between the U.S. and Mexico was a good example of a riparian conflict that has the characteristics of a difficult riparian situation. There is a clear hydro-hegemon and the weaker state, the upstream-downstream dynamic is one in which the regional hegemon is upstream, the disagreement over water stretched over years, and there is a history of violent conflict and cold relations between the two neighboring nations. However, these two nations were able to cooperate with one another and create a treaty that has been successful in managing the Colorado and Rio Grande river basins without any additional conflict escalation. This is an important study, for it could shed light on how other river riparians in similar realist environments can cooperate with each other in long-term binding agreements and resist any further conflict escalation into potential violence.

Were the Theoretical Assumptions Supported?

There were several assumptions that were outlined in the theoretical framework section. Based on what we now know from the historical background and analysis of the case study, the theoretical frameworks can be applied and the assumptions either proved or disproved. The case study will first be characterized by the realist theoretical approach and assumptions.

Based on the literature, the U.S. and Mexico experienced several points within their relationship where the atmosphere was realist and antagonistic. From the mid-1800s until the early to mid-1900s, the U.S. exhibited power-seeking behavior and acted aggressively towards Mexico. The U.S. had greater military and economic resources and

used the concept of “power over” in order to coerce Mexico into ceding territory that it otherwise would not have ceded. The Mexican-American War, the acquisitions of territory from Mexico through the Guadalupe-Hidalgo Treaty, and the Gadsden Purchase were exhibited realist traits in several ways. The post-war period was characterized by the U.S. acting aggressively to ensure its own survival and self-interests by securing its southern and westernmost borders at geographic locations that would allow for development, such as the creation of the transcontinental railroad. This period is also an example of the U.S. exercising its power in order to make relative gains. In order for the U.S. to gain territory, Mexico had to give up territory. This resulted in unbalanced gains for both states. The U.S. expanded its sovereignty to more territory, which is another realist tactic, as realists assume that maintaining state sovereignty is one of the utmost goals of states. The two states ended up cooperating over the treaties and agreeing on the territorial concessions, but the U.S. left Mexico fragmented, with a destroyed military and no federal reserve, no leverage, and no choice but to agree to the terms that the U.S. set.

In terms of hegemony, this same time period was characterized by the U.S. exercising its influence over much of Latin America, and attempting to maintain its security by securing its interests in the surrounding states. The U.S. used its military and economic power to stage interventions in these states through its imperialistic foreign policy, much to the detriment of these nations rather than to their benefit. Once the U.S. was able to achieve regional hegemony, it would be able to pursue global hegemony. The first step was assuring its dominance within its region via the integrative and imperialistic foreign policies that it exhibited.

The institutions that were created during this time period reflected U.S. interests far more than the interests of its weaker neighbors. The Treaty of Guadalupe-Hidalgo, the Gadsden Purchase, and the establishment of a U.S.-friendly government in Cuba following the Spanish-American War all reflected U.S. interests. This goes in line with the realist interpretations of institutions, that states will only enter institutions if they can gain out of them without making sacrifices. Hegemons use institutions as a means to bolster their own power. These treaties and military interventions were indicative of the U.S. using its power to create institutions that will favor them. The Monroe Doctrine is another example of the U.S. securing the Western Hemisphere from any interventions from European states, thus ensuring its own interests from interference using an institution.

This case fits under the traditional realist upstream-downstream dynamic. The hydro-hegemon is upstream and the weaker state downstream. Based on realist argument, the upstream hydro-hegemon would have no reason to cooperate with the downstream weaker riparian. This is clearly not the case with the U.S. and Mexico, as the 1944 Water Treaty with the Colorado River and the Rio Grande is the physical manifestation of the cooperation over the river between the nations. The treaty did not overtly favor the U.S., since it would not stand to gain anything substantial by allowing allocations of the Colorado to Mexico. Essentially any allocation for Mexico would be considered a gain for them, and not something that the U.S. should have willingly relinquished. According to realism, there is no explanation for the existence of the treaties and overall cooperation along the Colorado River.

The realist assumptions made within the theoretical framework were not wholly supported within this case. There was no official war or violent conflict over the shared rivers prior to nor following the institutional arrangements made between the two nations. Realism would assume that since states are in an anarchic environment with a constant fear of war or fear of the threat of war, they would operate unilaterally. This would result in conflict escalation. In the case of the U.S. and Mexico, there were institutions in place and other variables that prevented violent conflict over the rivers between the two nations. In terms of the second assumption that agreements would only favor the powerful state, much of the U.S. foreign policy prior to the Good Neighbor policy involved institutions that heavily favored the security and interests of the U.S. at the expense of others. However, the 1944 Water Treaty was not one of them. While the U.S. stood to gain from the Treaty by compromising on the Colorado in an effort to secure allocations from the Rio Grande, this was done through institutional tactics. It would be difficult to make a strong case that the approach behind this cooperation was for realist security concerns or power-seeking behavior. This is not to say that this case did not have any realist tendencies, for the history between the two countries leading up to the struggles and cooperation over water was decidedly dominative and hegemonic. It also focused on security concerns. In terms of strictly water sharing, the realist assumptions were not supported and there isn't enough evidence to base a solid argument on the realist framework.

The liberal framework is more applicable in terms of the post-early-1900s behavior between the states as well as some of the behaviors exhibited during the period of realism and hegemony. Some of the obvious examples of the liberal notions within the

case study are the presence of domestic actors and multi-level games. Dating back to the Gadsden Purchase in 1853, at the start of the dominative U.S. hegemony, the purchase was stalled within the U.S. due to a rift between northern interest groups and southern interest groups. Northern groups were opposed to the purchase due to concern that the newly acquired territory would turn into slave states, and southern groups were advocating for the purchase of the territory. The resulting Gadsden Purchase opened up dialogue about slavery, with government officials like Seward encouraging a “change in the morality” of the nation and using territorial acquisitions to move away from slavery (Schmidt 1967, 327). Following this purchase of land was the ultimate example of domestic strife and politics within the U.S., the Civil War, which could have been precipitated by the Gadsden Purchase. The realist approach does not acknowledge these domestic factions.

Domestic interests played a large role within nearly every step of this process, including the more benevolent hegemony of the mid-1900s following the establishment of the Good Neighbor Policy. The Good Neighbor Policy itself was partially created as many Americans favored a less aggressive stance towards the Latin American neighbors. At the same time, some Americans believed that it was too much of a security concession to protect economic interests. Mexico itself experienced domestic action as it took some convincing of the population and clarification of the Good Neighbor Policy to warm up to the idea. As the negotiations over the Colorado River, and subsequently the Rio Grande, progressed, the border states and the states along the Colorado played a major role in how the federal government handled its negotiations with Mexico and with the IBWC. Texas badly needed allocations from the Rio Grande for agricultural purposes, and persuaded

the states along the Colorado to link the two rivers together in the same treaty. This in turn caused domestic strife within Mexico because many Mexicans believed that the linkage of the two rivers was unconstitutional. If the linkage had not been made, then there is a good argument that the treaty never would have been ratified for the U.S. would have had no reason to meet Mexican demands. The U.S. branch of the IBWC worked closely with states, rather than the federal government, and represented their interests, allowing the states to play a much larger role in foreign policy than is typical.

In terms of hegemony, the case exhibited both types, the dominative and the benevolent. The neoliberal version of socialized hegemony, however, assumes that if hegemony begins in the coercive, materialistic way, all actors will become socialized into accepting the norms and values in order to retain the support of the secondary states. If the U.S. had continued down the path of imperialism and domination, the Latin American states eventually would no longer offer the U.S. any legitimacy. By instituting the Good Neighbor Policy, the U.S. became more of the responsible leader of the group while offering public goods to the Latin American states, thus ensuring their support in the future (through institutions like the Rio Conference and the Latin American Act of Havana) and maintaining the status quo.

Hydro-hegemony within the case, though it was a classic example for the realist upstream-downstream argument, took a different turn into the decidedly liberal camp when they created an international institution via a commission (the IBWC) and a treaty. According to realist theory, the U.S. should have not cooperated with Mexico because it would have had no reason to. However, the liberal theory of hydro-hegemony indicates that institutions exist that weaker states can employ to coerce the hydro-hegemon into

cooperating. While there are other variables within this case that may have skewed these results, such as the establishment of the Good Neighbor Policy prior to the Water Treaty of 1944, the basic concept is the same. The U.S. was willing to allocate water to Mexico from the Colorado River simply as gesture of goodwill, but Mexico was not satisfied with that and wanted to formally integrate water policies. Since the Colorado River was linked to the Rio Grande, the U.S. knew that they would not reach a formal agreement on the Rio Grande unless they acquiesced to Mexican demands. The U.S. then relented on the subject of the Colorado. This resulted in a treaty that was fairly equitable for both sides rather than overtly favoring the interests of the hydro-hegemon. In addition to putting Mexico in a better position than it otherwise should have enjoyed, issue-linkage helped to overcome domestic factional blocking within the U.S. by giving Texas some stake in the issue over the Rio Grande. This convinced the states on the Colorado who were opposed to river integration to eventually support the treaty. Issue-linkage played a major role in this case.

Institutions in general facilitated the cooperation between these two countries, and the fact that cooperation even manifested itself at all over a period of time is a liberal notion. These institutions allowed for better bargaining between the nations through issue-linkage, as Mexico was in a better bargaining position, and the nations were able to both make absolute gains for themselves. The IBWC allows for greater transparency and diffusion of information for both sides of the rivers, allowing them to manage the rivers without conflict escalation or threat of war. The IBWC also achieved a certain degree of autonomy from the governments that created it, which is another neoliberal assumption.

Therefore, the liberal and neoliberal assumptions were supported. The state's preferences along the rivers were shaped by multi-level games, and multi-level games continue to play a role within the management of the river through the IBWC. The security interests of the U.S. were manifested in the mid-1800s to the early 1900s through the acquisitions of territory, the establishment of borders, and the integrative and imperialistic foreign policies. Once the U.S. was felt secure, the hegemonic system turned from the negative type to the positive type, and security was no longer the primary interest. The agreement over the rivers was more focused water allocation and technical interests, rather than security interests. While originally the U.S. did not want to integrate water policies along the river, it eventually agreed to do so. In addition, Mexico was able to overcome the disadvantages of being the downstream, weaker riparian, and harnessed the use of institutions such as issue-linkage in order to gain more bargaining power and have some of its interests represented in the treaty.

While it is clear that liberalism and neoliberalism better represented the water-sharing side of this case, realism cannot be completely discounted for it was a good representation of the relations between both countries in the case as a whole. Pre-existing relationships between states play a major role in the outcomes of cooperation, and this is an example of two states overcoming negative stigmas within their relationship and cooperating with each other to benefit both sides.

Where To Go From Here?

Conflicts over water are becoming increasingly salient in the political and environmental discourses. Political scientists and scholars show concern over the potential "water wars"

that could overshadow future disputes over oil. Former Secretary-General of the United Nations Kofi Annan stated in 2001, “in this new century, water...and its equitable distribution pose great social challenges for our world” (Sandrasaga 2001, 1). Current UN Secretary-General Ban Ki-Moon stated very wisely, “all are places where shortages of water contribute to poverty. They cause social hardship and impede development. They create tensions in conflict-prone regions. Too often, where we need water we find guns...there is still enough water for all of us—but only so long as we keep it clean, use it more wisely, and share it fairly” (UNDESA Water for Life). Water scarcity is rampant over many arid and semi-arid regions of the world, and it is clear that water is already a source of extreme contention in these areas. The United Nations has been instrumental in raising awareness of this problem as a growing global phenomenon that will soon affect the entire population. In order to understand how to deal with future crises over water, including water scarcity, between nations, it is important to not only raise global awareness on the issue and send humanitarian aid but also to look at the political repercussions of shared water conflicts, with a focus on transboundary river basins. As Secretary-General Ban Ki-Moon stated, if cooperation over water can be achieved, we will mitigate the effect of global water scarcity.

International organizations like the UN have already placed emphasis on the importance of water conservation and management, and have included objectives surrounding water in the Millennium Development Goals (MDG). The United Nations Department of Economic and Social Affairs (UNDESA) has named 2005-2015 the International Decade for Action “Water For Life”, and UNESCO has established UN Water, a UN inter-agency mechanism on all freshwater-related issues. There have been

numerous publications on the subject of water, water scarcity, water sanitation, and water technologies over the past decade published by the United Nations, and initiatives such as “2013: International Year of Water Cooperation” (UN Water), and World Day to Combat Desertification 2013 (UNDESA Water for Life). These initiatives, along with the MDGs and a strong social media presence, have helped to raise global awareness of the issues of water scarcity and lack of access to good quality water.

The future of water scarcity in the face of climate change is bleak. Around 1.2 billion people (one fifth of the world’s population) currently live in areas of physical water scarcity, with that number expected to climb to 1.8 billion by 2025 (UNDESA Water for Life). If climate change continues at its current rate (or worsens) at around 2-3°C, it is expected that an additional 1.8 billion will be living in water scarcity by 2080. That number is over half of the world’s current population (UN Water Statistics 2014). Based on the literature, cooperation is a more likely outcome than conflict, but the cooperation needs to be sustainable, equitable, and provide a framework for management. The more that we understand about past successful agreements over transboundary rivers, the more effective we can make these agreements in the future. This study showed that using neoliberal institutions could help states in a realist environment overcome hindrances to cooperation. While it is not perfect, and current drought levels are testing the limits of this agreement, it still could potentially help to serve as a model for future water conflicts in similar scenarios.

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