

The UN Watercourses Convention in Force

Strengthening international law for
transboundary water management



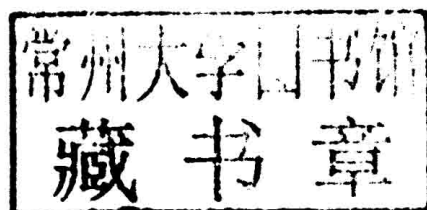
Edited by Flavia Rocha Loures
and Alistair Rieu-Clarke

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First published 2013
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor and Francis Group, an informa business

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individual chapters, the contributors

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

The UN Watercourses Convention in force : strengthening international law
for transboundary water management / edited by Flavia Rocha Loures, Alistair
Rieu-Clarke.

pages cm

"Earthscan from Routledge"

Includes bibliographical references and index.

1. United Nations Convention on the Law of International Watercourses
(1997) 2. Water rights (International law) 3. Water resources development—Law
and legislation. I. Loures, Flavia Rocha. II. Rieu-Clarke, Alistair. III. Title:
United Nations Watercourses Convention in force.

K3496.A41997U5 2013

341.4'4—dc23

2013006481

ISBN: 978-1-84971-446-4 (hbk)

ISBN: 978-0-203-13536-5 (ebk)

Typeset in Bembo by
FiSH Books, London



Printed and bound by CPI Group (UK) Ltd, Croydon, CR0 4YY

The UN Watercourses Convention in Force

At the UN General Assembly in 1997, an overwhelming majority of states voted for the adoption of the UN Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention) – a global overarching framework governing the rights and duties of states sharing freshwater systems. Globally, there are 276 internationally shared watersheds, which drain the territories of 145 countries and represent more than forty percent of the Earth's land surface. Hence, interstate cooperation towards the sustainable management of transboundary waters in accordance with international law is a topic of crucial importance, especially in the context of the current global water crisis.

This volume provides an assessment of the role and relevance of the UN Watercourses Convention as a key component of transboundary water governance. To date, the Convention still requires further contracting states before it can enter into force. The authors describe the drafting and negotiation of the Convention and its relationship to other multilateral environmental agreements. A series of case studies assesses the role of the Convention at various levels: regional (West Africa, Central America), river basin (e.g. the Mekong, Amazon, Nile, Aral Sea and Congo) and national (e.g. Ethiopia and El Salvador). The book concludes by proposing how the Convention's future implementation might further strengthen international cooperation in the management, use and protection of shared water resources and their ecosystems.

Flavia Rocha Loures is a Senior Programme Officer, International Law and Policy, in the Freshwater Programme of WWF-US, based in Washington, DC.

Alistair Rieu-Clarke is a Reader in the Centre for Water Law, Policy & Science (under the auspices of UNESCO) at the University of Dundee, UK.

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Abbreviations

ACT	Amazon Cooperation Treaty
ACTO	Amazon Cooperation Treaty Organization
ASBP	Aral Sea Basin Programme
ASEAN	Association of Southeast Nations
CARU	[Administrative Commission on the River Uruguay]
CBD	Convention on Biological Diversity
CESCR	Committee on Economic, Social and Cultural Rights
CFA	Nile Basin Cooperative Framework Agreement
CILA	Comisión Internacional de Límites y Aguas [International Border and Waters Commission]
CIS	Commonwealth of Independent States
CoP	Conference of the Parties to the Convention on Biological Diversity
EBRD	European Bank for Reconstruction and Development
ECAGIRH	[Central American Strategy for the Integrated Management of Water Resources]
ECOSOC	UN Economic and Social Council
ECOWAS	Economic Community of West African States
EIA	environmental impact assessment
ENSAP	Eastern Nile Subsidiary Action Programme
EU	European Union
FAO	Food and Agriculture Organization of the UN
GEF	Global Environment Facility
GIZ	German International Cooperation
GMS	Greater Mekong Subregion
GOLD	General Organization for Land Development
GWh	gigawatt hours
IBWC	International Boundary and Water Commission
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICSD	Interstate Commission for Sustainable Development
ICWC	Interstate Commission for Water Coordination

IFAS	International Fund for Saving the Aral Sea
IHP-HELP	International Hydrological Programme: Hydrology for the Environment, Life and Policy
IIL	Institute of International Law
ILA	International Law Association
ILC	International Law Commission
IPCC	Intergovernmental Panel on Climate Change
IUCN	International Union for Conservation of Nature
IWRM	integrated water resources management
km	kilometers
LCBC	Lake Chad Basin Commission
M-POWER	Mekong Programme on Water, Environment and Resilience
MRC	Mekong River Commission
MW	megawatts
NBA	Niger Basin Authority
NBI	Nile Basin Initiative
Nile-COM	Nile Council of Ministers
Nile-TAC	Nile Technical Advisory Committee
NELSAP	Nile Equatorial Subsidiary Action Programme
NGO	non-governmental organization
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OMVS	Organisation pour la mise en valeur du fleuve Sénégal [Senegal River Development Organization]
PACADIRH	Plan de Acción para el Manejo Integrado del Agua en el Istmo Centroamericano [Action Plan for the Joint Management of Water in the Central American Isthmus]
PACAGIRH	[Central American Action Plan for the Integrated Management of Water Resources]
PCIJ	Permanent Court of International Justice
PKK	Parti Karkerani Kurdistan
SADC	Southern African Development Community
SIWI	Stockholm International Water Institute
TECCONILE	Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin
UN	United Nations
UN DESA	UN Economic and Social Commission for the Asia and Pacific
UNCCD	UN Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa
UNCED	UN Conference on Environment and Development (Rio)
UNCLOS	UN Convention on the Law of the Sea
UNCOD	UN Conference on Desertification
UNECE	UN Economic Commission for Europe
UNEP	UN Environment Programme

UNESCAP	UN Economic and Social Commission for the Asia and Pacific
UNESCO	UN Educational, Scientific and Cultural Organization
UNFCCC	UN Framework Convention on Climate Change
UNGA	UN General Assembly
UNSGAB	UN Secretary-General's Advisory Board on Water and Sanitation
UNWC	United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses
VBA	Volta Basin Authority
WRI	World Resources Institute
WSAF	Water Security Analytical Framework
WTO	World Trade Organization
WWF	World Wide Fund for Nature

Notes on contributors

Teslim Abdul-Kareem is an energy and environment analyst. He holds a Bachelors degree in Materials Science and Engineering and recently concluded his Master's in Energy Studies with Specialization in Energy and the Environment. His research interests lie in the area of energy and environmental sustainability, health and safety, materials selection and design, climate change and water security.

Musa Mohammed Abseno is a PhD Scholar at the Centre for Water Law, Policy and Science. He holds LLB and LLM (Dean's Medal) degrees. He has worked as Head of Transboundary Rivers Department, Ministry of Water Resources, Ethiopia. He was a member of Nile-TAC, Panel of Experts and senior negotiator for the Nile River Basin Cooperative Framework Agreement.

Bennett L. Bearden is Special Counsel on Water Law and Policy in the Office of the State Geologist at the Geological Survey of Alabama (USA). His research focuses on international water law in the Mekong River Basin and domestic water law and policy in Alabama and the Southeastern United States.

Christian Behrmann, Attorney-at-Law, Policy Officer, Global and Multilateral Issues, European External Action Service. Before joining the diplomatic service, Dr Behrmann practiced law in private practice, European Union institutions and the UN. He holds a PhD in public international law and lectures at the University of Leuven.

Joseph W. Dellapenna is Professor of Law at Villanova University. He practices, teaches and writes about water. He serves as Director of the Model Water Code Project of the American Society of Civil Engineers and served as Rapporteur of the Water Resources Committee of the International Law Association.

Anton Earle is the Director of Capacity Building Programmes at the Stockholm International Water Institute (SIWI) and is completing a PhD in Peace and Development at the School of Global Studies at the University of Gothenburg. He specializes in transboundary integrated water resource management, facilitating the interaction between governments, basin organizations and other stakeholders in international river and lake basins.

Uschi Eid is Vice Chair of the UN Secretary General's Advisory Board on Water and Sanitation. As former deputy minister for development cooperation in Germany, she has initiated several policy initiatives in the water and sanitation sector. She is a vocal supporter to the campaign to help ratify the UN Watercourses Convention.

Amidou Garane is a Professor of Environmental and Natural Resources Law at l'Université Ouaga 2 in Burkina Faso. He holds a PhD in public international law and has written extensively on shared water resources and has served on expert panels on the topic. He has also conducted studies on transboundary basins on behalf of numerous African basin organizations and non-governmental organizations.

Nicole Kranz is policy advisor in International Water Policy and Infrastructure at German International Cooperation (GIZ). She holds a PhD in Political Science from Freie Universität Berlin and Master's degrees in environmental sciences from German and American universities. In her work, she mainly supports international processes targeted at ensuring access to water and sanitation.

Johan G. Lammers is a former Legal Adviser of the Netherlands Ministry of Foreign Affairs and a former Professor of International Law and International Environmental Law at the University of Amsterdam. He acted as Chairman of the Drafting Group during the negotiations in New York which led to the adoption of the UN Watercourses Convention.

Alexander López is currently director of the School for International Relations of the Universidad Nacional de Costa Rica. He holds a PhD from the University of Oslo, Norway. He has worked extensively in India, South Africa, Vietnam, the Brazilian Amazon, Mexico and Central America on issues related to water management and water conflict resolution.

Flavia Rocha Loures is currently a Senior Programme Officer with WWF, the global conservation organization. She holds a JD from the University of Parana, Brazil, and an LLM (summa cum laude) in environmental law, with a focus on international groundwater law, from Vermont Law School, USA. Her focus is on the codification and development of international water law, on the promotion of improved global and regional freshwater governance and on the implementation of water-related international conventions.

Daniel Malzbender is an environmental lawyer with law degrees from Germany and South Africa. He specializes in legal analysis and policy development, institutional and river basin strategy development, investment planning, the design of stakeholder participation processes as well as capacity building in transboundary natural resources management in Africa.

Stephen C. McCaffrey is Distinguished Professor and Scholar at the University of the Pacific, McGeorge School of Law. He was a member of the UN International Law Commission (ILC) from 1982 to 1991, chaired the ILC's

1987 Session and was its special rapporteur on international watercourses from 1985 to 1991, when the Commission adopted a complete first draft of articles on the topic. The final draft formed the basis for the negotiation of the 1997 UN Convention on the same subject.

Owen McIntyre is a Senior Lecturer in the Faculty of Law, University College Cork, National University of Ireland, where he teaches and researches on all aspects of environmental law. He regularly consults internationally on environmental law and international water law and serves as a panel member of the European Bank for Reconstruction and Development (EBRD) Project Complaint Mechanism (PCM) and as a member of the Scientific Committee of the European Environment Agency.

Naho Mirumachi is a Lecturer at the Department of Geography, King's College London. Trained in political science, international studies and human geography, she has research interests in the politics of water resources management, particularly in developing-country contexts.

Ruby Moynihan is a Researcher at the Centre for Environmental Research, Department for Environmental and Planning Law in Helmholtz, Germany, where her research and project consultancy work focuses on international, European and comparative national water law, climate adaptation and the interfaces between law, science and policy. Ruby is also doing a PhD with the University of Edinburgh School of Law, Scotland, and is a 2013 Scottish Government Hydro-Nation Scholar.

Joshua Newton is a PhD Candidate at the Fletcher School of Law and Diplomacy at Tufts University, whose work focuses on global water governance and, previously, on transboundary water issues. In the past, he has coordinated the political processes of the fifth and sixth World Water Forums on behalf of UNESCO and the World Water Council and has consulted for CONAGUA, the Organization of American States and the Universities Partnership for Transboundary Waters.

Meg Patterson is a Programme Officer with WWF, where she works on international water law and policy. She received her JD from Lewis and Clark Law School, with a certificate in Natural Resources and Environmental Law and a BA in international relations from The College of William and Mary.

Sokhem Pech is a full-time staff of the environmental company, Hatfield Consultants Partnership, based in North Vancouver, Canada. He is chair of the Mekong Programme on Water, Environment and Resilience (M-POWER), a regional research network, and also works for the Challenge Programme on Water and Food. He is a former deputy CEO, Director of the Technical Support Division and legal advisor of the Mekong River Commission (MRC) – an intergovernmental river basin management in the Lower Mekong Basin.

Guy Pegram is the managing director of Pegasys, with over 20 years professional experience in the water sector. He is a professionally registered civil engineer

with a PhD in water resources planning and an MBA from University of Cape Town. He has worked extensively on strategic, institutional, financial and organizational aspects related to the water sector within the South African Development Community, Africa, and globally.

Jamie Pittock has been Programme Leader, Australia and US Climate, Energy and Water for the US Studies Centre, and also Director of International Programmes for the UNESCO Chair in Water Economics and Transboundary Water Governance since 2010. He is Senior Lecturer at the Fenner School of Environment and Society at The Australian National University. His research focuses on conflicts and synergies between biodiversity, climate, energy and water policies.

Alistair Rieu-Clarke is a Reader in International Law. He holds an LLB in Scots Law, an LLM in Natural Resources Law and Policy (with distinction), and a PhD in Sustainable Development, Water and International Law. His research and teaching activities focus on deepening knowledge and understanding of international law within the context of transboundary water cooperation.

Salman M. A. Salman is an academic researcher and consultant on water law and policy. Until December 2009, he worked as Lead Counsel and Water Law Adviser with the World Bank. He is the author/editor of ten books and more than 50 articles and book chapters on water law. Dr. Salman obtained his LLB from University of Khartoum and holds LLM and JSD degrees from Yale Law School.

Ricardo Sancho is a Professor at the School of International Relations at the Universidad Nacional, where he teaches comparative political systems, international law and international political economy. He holds Master's degrees in public administration (Harvard) and Political Science (Carleton University, Ottawa, Canada) and a graduated diploma in International Development and Cooperation from the University of Ottawa, Canada.

Ashok Swain is a Professor of Peace and Conflict Research at Uppsala University Sweden. He also serves as the Director of the Uppsala Center for Sustainable Development.

Attila Tanzi, PhD, is Professor of International Law at the University of Bologna. He has served as a Legal Consultant for the Ministry of the Environment (Italy) since 1999 and is the Chairman of the Legal Board of the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes. He has held numerous academic positions and has written extensively on state responsibility, international organizations, jurisdictional immunities, foreign investment law and environmental law.

Mara Tignino is a Senior Researcher at the Platform for International Water Law at the University of Geneva School of Law and Visiting Professor at the Catholic University of Lille and the Libera Università Internazionale degli Studi Sociali

in Rome. Dr Tignino also serves as a consultant to governments, international organizations, NGOs and the private sector. Dr Tignino received a PhD in international law from the Graduate Institute of International and Development Studies in Geneva. She has written articles on public participation, peaceful settlement of water disputes and related topics.

Jeroen Warner has a background in international relations and is currently Assistant Professor in Disaster Studies at the University of Wageningen, The Netherlands, where he also received his PhD degree. His publishing, teaching, lecturing and training centers on domestic and international hydropolitics, water conflict, participation and governance issues.

Boleslaw 'Lesha' M. Witmer is an independent senior advisor on sustainable development, with a focus on water management; human resources, including participatory approaches and gender issues; and vocational training. She holds a degree in human resource management and general (business) management from Nijenrode and studied law at the University of Amsterdam.

Patricia Wouters is the founding Director of the Centre for Water Law, Policy and Science. She has been named the IUCN Academy of International Environmental Law Distinguished Scholar (2011) and appointed as an expert at Xiamen Law School in China, where she will have a three-year joint appointment as Research Scholar. She holds a PhD in international law from the University of Geneva, Graduate Institute of Higher Education, and advanced degrees from schools in the USA, Canada and Switzerland. Her current research focuses on the rule of law (in international law) and how it influences regional peace and security through its normative framework governing the world's transboundary waters.

Mark Zeitoun is a Reader in the School of International Development, at the University of East Anglia, and Director of the UEA Water Security Research Centre. His primary research interests relate to the ways that power asymmetry influences transboundary water interaction, policy and negotiations.

Dinara R. Ziganshina is a Deputy Director of the Scientific Information Centre of Interstate Commission for Water Coordination in Central Asia. She has been working as a legal expert in water management at national and transboundary levels for more than 10 years. She earned her law degree (J.D. equivalent) from Tashkent State Institute of Law (2001), LL.M. in Environmental and Natural Resources Law from the University of Oregon School of Law (2008), and PhD in International Water Law from the University of Dundee (2012).

Foreword

Since the beginning of time, water has been shaping the face of the Earth, not only as a geological agent, but also as a major factor in the rise and fall of great civilizations and as a source of conflict and tension between nations. The first great civilizations arose on the banks of great rivers like the Nile in Egypt, the Tigris-Euphrates of Mesopotamia, the Indus in Pakistan and the Hwang Ho in China. While all these civilizations built large irrigation systems and made land productive, by the same token, civilizations collapsed when water supplies failed or were improperly managed.

Today, the way we think about water goes to the very heart of the increasing worldwide concerns about human health, security, food, ecosystem collapse, changing climate, and globalization of the economy. The water crisis was glossed over at Rio, gained some traction at Johannesburg and then fell off the screen again at Rio in 2012. With most continental countries in the world sharing transboundary surface basins or aquifers, most of the unfrozen freshwater on the planet is associated with these cross-border systems, and attempts to deal with a changing climate will have to begin with cooperation and collaboration among nations regarding droughts, floods, and infrastructure investments.

Enormous transaction costs are associated with managing these great rivers and aquifers. This volume provides a great service in assembling up-to-date papers and the latest thinking on these shared basins and the relevant international architecture of the UN Watercourses Convention (UNWC). These international rivers will have the best chance to have water in drought but many will be associated with destructive floods that can rob a country of two to three percent of its gross domestic product. The Convention represents a milestone in the international community, as many of the papers argue, yet so many basic challenges seem to remain, as a number of authors in this volume highlight.

But, in reality, nations do choose to work together on their shared water systems in light of all the water security issues that face them. In the interim since the adoption of the UNWC, the Global Environment Facility (GEF) grew from a pilot environmental fund to a 20-year-old permanent grant facility for addressing global environmental issues, including these international rivers. The GEF International Waters focal area has provided US\$1.3 billion in grants to developing countries that share surface and subsurface waters, along with US\$6 billion in co-financing