



Workshop

Legal Frameworks for cooperation on Transboundary Waters

Key Aspects and Opportunities for the Arab Countries

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Situation in the Arab Region

- ➔ The Arab Region constitutes one of the most water scarce regions of the world .(arid and semi arid region).
 - ➔ Rapid population growth : the population has quadrupled .
 - ➔ Cities are growing fast .
 - ➔ Water supply is unequally distributed in space and time , aggravated by climate variability and change .
 - ➔ Renewable water resources withdrawals : among the highest in the world .
 - ➔ Per capita-consumption in some countries among the lowest in the world 150 cubic meters per year in some Arab countries.
 - ➔ Agriculture consumes 70 - 85%
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Key challenges for shared water resources

Shared Water between Arab Countries

Most of the large surface water resources as well as ground water systems in the Arab region are of transboundary nature either between Arab countries or with neighboring countries .

Shared water in the Arab region is of a political nature and is usually better resolved on a bilateral / multilateral basis , at the basin level

Shared water with neighboring countries

More than 80% of the Arab region annual renewable water resources flow from outside the region :

Many Arab countries are highly dependent on external water (Egypt 98%.)

Shared water resources with neighboring upstream countries are usually:

- A source of political tension .,
- Depend mostly on the political and economic relationships between riparian countries :
- Governed by various factors

Failure to reach just and equitable agreements with source countries :

- A problem threatening stability in the region

Waters in occupied territories

Water in the Occupied Territories

The occupation of the Arab Territories by Israel :

- Illegal complete exploitation and domination of the surface and ground water resources by the occupying authority
- Leaving the Arab population in particular the Palestinian population in a disastrous situation .

In violation of International Water and Human Laws

The Arab Ministerial Water Council

The Arab League recognizing :

- The water challenges
- The essential role of water in sustainable development at the local, national and regional levels Decided to establish :

The Arab Ministerial Water Council – 2008

Gathering The 22 Arab countries



The Arab Water Strategy

The Ministerial Council adopted in 2010

The Arab Strategy for Arab Water Security in the Arab Region
To Meet the Challenges and Future Needs for Sustainable Development
2010 – 2030

The Strategy identified the joint priority action plans to :

- Tackle the water crisis faced by the Arab region
- Support the countries in achieving their water and food security

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Institutional and Legal instruments in the Arab Region

Cooperation is in progress :

In most of the **shared basins and Aquifers** in the Arab region

Many **agreements, treaties** and **protocols** have been signed -s:

- but still insufficient shared water resources cooperation

Due to : - many obstacles

Political will ,

Conflicting interests

Financial constraints.

the Role of the League of Arab States

To strengthen shared water resources cooperation

The issue of international transboundary water resources concerns few countries of the region which are downstream countries :

Egypt, Sudan, Syria, Iraq, Jordan and Palestine and Mauritania

The river basins :

The Nile river , Tigris and Euphrates , Jordan river Senegal river ...



These transboundary water resources are addressed :

According to the international legal instruments :

1. Convention on the law of the Non-Navigational Uses of International Watercourses (many of the countries that have ratified the Convention are Arab Countries)
 2. The UN Resolution on the transboundary aquifers ..
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The UN ECE Water Convention (helsinki 1992)

Some think that this binding Convention could be adequate to address the delicate transboundary water issues In the arab region

The Arab Ministerial Council for Water Within the Arab League Decided to be involved in the global discussions

A new legal instrument to protect the Arab Water Rights

The Arab Water Convention

- Given the **current and future importance** of shared water resources to development, stability, peace and security of the Arab region
 - A **regional legal instrument with clear directions and principles** could gain wide recognition and credibility at the regional and international levels
 - Based on the main objectives and priorities of the **Arab Water Security Strategy** for the management of shared water resources
 - Although **several international conventions** already exist , a Convention could be **developed explicitly** for the needs of the Arab world
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Mandate

The Arab Ministerial Water Council Resolution invites:

1. The Center of Water Studies and Arab Water Security
2. ESCWA :the United Nations Economic and Social Commission for Western Asia ,

To prepare a legal framework on shared water resources between Arab countries .

Drafts were modified and improved during consultative meetings involving governments representatives and experts from regional organizations.

The final draft

the “ framework Convention on Shared Water Resources between Arab States ”

- Will be discussed at the higher political level at the Arab Ministerial Water Council
 - The Ministerial Council is supposed to approve the Convention at its permanent session in January 2015
 - The Convention will be presented to the political Ministerial Council of the Arab League for adoption
 - the Convention will be open for ratification by the Arab countries within the Arab League .
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Directions and Content of the Convention

Cooperation legal instrument :

- The obligation to cooperate , to protect and to manage the shared water resource in a sustainable way
- Promotion and facilitation of cooperation mechanisms between Arab riparian countries
- Exchange of data : Encouraging the establishing of joint information systems
- Prior notification
- Conflict settlement
- environmental considerations

A binding Convention legal format

Directions and Content of the Convention

Inclusive of **all** shared water resources in **one legal instrument** :
surface water, renewable ground water and non renewable ground water

Takes into **account concerns** of the region:

A guiding legal instrument : serves as a basis to cooperation ,
management, protection and allocation :

Encourages riparian countries to put **operational agreements**

Directions and Content of the Convention

Generally follows the international accepted principles
and contributes to customary International Water Law

- No significant harm
- Equitable and reasonable utilization

The Convention will foster the establishment of institutional arrangements:

The creation of Basin Organizations for :

- The sustainable management of shared water resources
 - The implementation of the shared objectives
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The Arab Ministerial Water Council as the regional institutional structure will follow the implementation of the principles of the Arab Water Convention

With the cooperation of the Center of Arab Water Security

- Facilitating conflict prevention and settlements
- Encouraging cooperation between Arab countries

The Convention contains two other major principles regarding :

1. The support of the protection of Arab Water Rights in shared water resources with neighboring countries

The Arab Water Convention insists on the importance that the concerned Arab countries get their Legal and Historic Rights through permanent agreements

for fair and equitable allocations of water resources

In accordance with the International Water Laws and Historic Agreements



2. The support of the protection of the Legal Water Rights in the Occupied Arab Territories either in Palestine or the Syrian Golan Heights or South of Lebanon

The Arab Water Convention insists that water resources in these occupied territories

- should be protected and ensured
- should not be exploited in case of Occupation

According to the International laws and human laws



Thank you

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