



Water for Peace? Through Cooperation!

Water – an incentive to cooperate

Water is the critical resource of our century. While demands for water continue to increase, availability is dwindling. Water resources are stressed by overuse and pollution. Floods and droughts are becoming more frequent and intense. These challenges are compounded by the additional level of complexity when water resources cross political boundaries.

International river basins cover nearly half of the Earth's land surface. They account for an estimated 60 per cent of global freshwater flow¹. The most international river basin – the Danube – is shared by 19 countries. The Amazon, Aral Sea, Congo, Ganges-Brahmaputra-Meghna, Jordan, Kura-Araks, La Plata, Lake Chad, Mekong, Neman, Niger, Nile, Rhine, Tigris-Euphrates-Shatt, Zambezi and many others are all shared by several countries and are home to millions of people. The over 440 transboundary aquifers and groundwater bodies identified worldwide are becoming increasingly important as sources of freshwater.² These transboundary surface and groundwater resources support lives and livelihoods by providing drinking water, water for irrigation, energy generation, recreation and other needs. Transboundary freshwaters also play a crucial role in maintaining aquatic, terrestrial, coastal and marine ecosystems and the vital services they provide for people and nature.

Various political, legal, institutional, economic and social factors (such as different political regimes and legal systems, or differences in economic development, scientific knowledge and capacity of riparians), along with increasing water scarcity, water pollution and population growth, can contribute to the potential for conflicts over the use of shared waters. Water-related risks and the competition for water resources are perceived to have increased over the past 20 years,³ including as a result of climate change.

At the same time, studies show that there have been few incidents of violent conflicts over water. Riparians have shared interests, risks and opportunities in the joint development, use, management and protection of transboundary water resources.⁴ For example, a water storage or energy generating dam finds its natural place in a mountainous upstream country, while the downstream plains are better suited for agriculture. These geographic conditions create the potential for cooperation in terms of the benefits to be shared beyond water – in this case, energy and food. Shared risks, opportunities and interests make water a powerful incentive for riparian countries to cooperate. In contrast, lack of cooperation and disputes over water result in inefficient water management, impacting both water quantity and quality, as well as economic, social and environmental integrity.

¹ Transboundary Freshwater Disputes Database (last accessed January 2013); Atlas of International Freshwater Agreements (UNEP and OSU, 2002).

² Transboundary Aquifers of the World (UNESCO/IGRAC, 2012).

³ 2012 UN-Water Status Report on the Application of Integrated Approaches to Water Resources Management.

⁴ Wolf, A. T. 2007. Shared Waters: Conflict and Cooperation. *Annual Review of Environment and Resources*. 32: 3.1-3.29.



What benefits arise from transboundary cooperation?

Cooperation on shared water resources is vital to peace and stability, economic growth and sustainable development. Transboundary water cooperation is also important for the protection of ecosystems.

Cooperation between riparian countries offers cost-effective solutions for flood and drought management, use and development of water infrastructure, emergency preparedness and response and adaptation to climate change. Cooperation on water helps overcome cultural, political and social tensions and build trust across political borders.

How do we cooperate?

Global legal instruments

Interstate agreements and arrangements on the use, management and protection of water and related resources have existed for centuries. The obligations of countries under international water law have first crystallized through international custom. The fundamental duties are to use shared water resources in an equitable and reasonable manner and to prevent the causing of significant harm to other riparian countries. Under international law, countries are required to cooperate on the use, management and protection of shared waters, as well as to settle their disputes and differences peacefully.

These principles form the foundation of the two international conventions on shared water resources adopted under the auspices of the United Nations:

- ***Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention)***. This global instrument was adopted in 1997 by the UN General Assembly, on the basis of draft articles prepared by the International Law Commission (ILC). The Convention is strongly recognized as evidence of international customary law and counts today 29 contracting states – 6 short of the number required for entry into force, which is expected to occur in late 2013/early 2014.
- ***Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention)***. This instrument was adopted in 1992 by the Member States of the UN Economic Commission for Europe. As a regional convention, it has been crucial in advancing cooperation over transboundary surface waters and groundwaters in the pan-European region since its entry into force in 1996. In 2013, the Convention became a global instrument, and it is expected that countries worldwide will be able to accede to it as of late 2013/early 2014.

In response to increased use of groundwater in the last decades, as well as the particular problems posed by the vulnerability of aquifers to pollution, the ILC completed the *Draft Articles on the Law of Transboundary Aquifers* in 2008. This instrument addresses conservation, management and protection of groundwater resources and may serve as foundation for a global convention on transboundary aquifers in the future.



Regional, basin and sub-basin agreements and joint institutions

Agreements and joint institutions established for the management of specific international river or lake basins or transboundary aquifers are instrumental to facilitating efficient day-to-day cooperation between riparian countries. Such agreements should apply and adjust the general principles of international water law to the specific environmental, hydrological, political, economic, social and cultural circumstances of the shared basin or aquifer. Some regions are quite advanced in this aspect: e.g., in the Pan-European region, almost all countries have entered into bilateral and multilateral agreements, and have established joint bodies. However, 166 of the world's 276 international basins are not covered by specific agreements and many lack the tools for the promotion of integrated water resources management in a transboundary context. Only a few transboundary basins have joint basin management plans in place. The absolute majority of transboundary aquifers are not subject to any cooperative framework.

In such circumstances, it is important for countries to join and effectively implement the UN Watercourses Convention and the UNECE Water Convention, as framework legal instruments that can guide, support and strengthen cooperation at various levels.

Exchange of information

Regular exchange of data and information lays down the foundation for cooperation to ensure effective protection of transboundary waters, management of water quality and quantity, as well as the prevention, control and reduction of transboundary impacts. Broad cooperation on data management is a precondition for the realization of higher degrees of cooperation. Cooperation in this regard may include, e.g., joint monitoring and assessment of conditions of transboundary waters; harmonization of data collection; exchange of information on relevant laws, regulations and best practices; and the establishment of a joint database.

Planning new projects

Under international law, when planning a new project with significant transboundary impact, e.g., a large withdrawal or diversion of water, or a new dam, countries are required to notify and consult with potentially affected riparian countries, with a view to seeking a solution that is equitable and reasonable, that does not cause significant transboundary impacts and can lead to win-win outcomes. However, no country has a veto power over the development activities planned by another country.

Protecting ecosystems

Sustainable water management requires protecting water as a resource for future generations. Water-related ecosystems capture, filter, store and distribute water. Their protection and sustainable use ensures a reliable water quantity and quality. Cooperation between riparians is crucial for the protection of the environment and the conservation and restoration of the ecosystems such as wetlands, forests or coastal areas. Measures such as reconnecting wetlands and floodplains with rivers, or maintaining river connectivity through effectively built and operated fish passes, are more efficient and sustainable when designed and implemented at the basin level, for which cooperation among all riparian countries is essential.



Benefit sharing – looking beyond water

The concept of benefit sharing advocates for a shift from the sharing of water quantities to the sharing of the benefits the users receive from its use. Benefit sharing might also involve sharing the costs associated with transboundary waters, such as the expenses of a joint hydropower project or of the measures to tackle floods and droughts. The rationale is that by focusing on benefits instead of quantities, difficult negotiations on water allocations may be avoided. By involving the very diverse range of sectors and arguments, benefit sharing agreements can propose solutions for complex situations,⁵ sometimes even by linking water negotiations to non-water issues. At the same time, such agreements should be fully in line with international law.

Public participation in water management

Public participation enhances the quality and implementation of decisions by giving the public an opportunity to express its concerns and by enabling governments and their joint institutions to take due account of such concerns. Governments should encourage public awareness and participation in transboundary water cooperation by making information widely available, and providing mechanisms for participation.

Cooperation on climate change mitigation and adaptation

Water resources can be strongly affected by climate change, with serious negative impacts on dependent sectors, such as agriculture, hydropower generation, etc. Transboundary cooperation in climate change mitigation and adaptation helps to prevent the negative impacts of unilateral measures, such as the construction of dams or expansions in biofuel production, and to maximize the benefits of joint responses. Together, riparian countries can be better prepared to tackle floods, droughts and other extreme weather events.

**In your transboundary basin or aquifer, is there an ongoing conflict or tension?
Or, is there cooperation?**

Are existing mechanisms for cooperation suitable for addressing conflicts or tensions?

Are you affected by the conflict or tension in your basin or in other transboundary basins in the world? Is your voice heard to address this conflict or tension?

How can the international community better promote cooperation on transboundary waters?

Make your voice heard at <http://www.worldwewant2015.org/water>

⁵ Dombrowsky, I. Benefit-sharing in transboundary water management through intra-water sector issue linkage? World Water Week, 2009.