



Institutional and Legal Issues in Managing shared Water Resources The Arab Region's Experience

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Introduction

- * No less than 65% of Arab surface water comes from outside the Arab Region
 - * some of the Arab waters are under Israeli occupation
 - * the current legal and institutional frameworks managing shared water resources by Arab and Non-Arab countries are partial and incomplete
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First Shared Water resources in the Arab countries

Nile River

- * shared by ten African countries
- * The Vienna Convention
- * The International Court of Justice

Both of them emphasized the fact that regional treaties, including international rivers treaties are binding treaties by virtue of the succession of States.

Egypt and Sudan established a constructive dialogue with other riparian countries through :

The Council of Ministers of Water Affairs of the Nile Basin States
The Techo-Nile Coalition.

Jordan River

Controlled by Israel since 1967

Israel concluded these agreements which made a vague reference to water :

- The Peace Treaty between Israel and Jordan
- The Oslo agreement between Palestinians and Israel
But Syria and Lebanon have no access to the Jordan River

There is a need for a just and comprehensive settlement in the region .

Tigris and Euphrates Rivers

- * Turkey , Syria and Iraq

- * Many agreements between the 3 countries :

- * Turkey and Syria signed the 1987 protocol to control the flow of Euphrates river

- * Numerous meetings of the riparian countries Committee

- * Meetings of Ministers .

There is also a need for a comprehensive agreement that would preserve the rights of Syria and Iraq .

Shared rivers between Iraq and Iran

- * Iraq submitted a number of objections
- * Iraq demanded that the problems relating to the shared Rivers be solved, according to international law .

Senegal River

* The Senegal River is almost the only shared surface water resource governed by a comprehensive convention (1972). A joint authority, the Organization for the Development of the Senegal River .

Jubba and Shabele Rivers

* There is a **lack of international agreements** or tentative arrangements between **Somalia and Ethiopia** on the exploitation and utilization of the Jubba and Shabele Rivers. This is attributed to the fact that numerous disputes and **military conflicts** and crises exist between the two countries mainly over border issues.

* **There is an urgent need to raise the issue at all levels** and to take the necessary measures to protect the water rights of the Somali people .

Second The effectiveness of the International Law in Protecting Arab Rights and Interests:

There is a set of principles which regulate the utilization of shared rivers , and which protect Arab rights and interests , international customary laws view such principles as being principles that must be respected :

- * whatever was agreed formerly by a riparian State should be respected.

- * the right to obtain the same share of water usually obtained before.

- * Reasonable and equitable distribution

- * obligation of not causing any harm

- * negotiations with other riparian States , for example , in case of construction of dams or diverting the river course

- * principle of cooperation and preserving the environment

- * information exchange

- * mutual assistance in severe cases

1-The Helsinki Rules of 1966 : considered as cornerstones of customary international law , regulate the principles of :

- The reasonable and equitable sharing of international rivers**
- The No-Harm Rule.**

The Helsinki Rules put both principles on equal footing .

2- In 1997 , The United Nations took a law about the Convention on the Non – Navigational Uses of International Water Courses , which was signed and ratified by number of countries but needs more effort to be effective .

Arab rights and interests

Although the International Law on water offers a general and a solid platform for protecting Arab rights and interests in both shared surface and ground waters, there is a dire need for a set of :

- * legal and institutional mechanisms to manage and protect Arab interests in shared water for each river basin, i.e. on a case by case basis. Based and protected by the International law .

- * The existence of a legal framework that is approved by the Co-basin States and based on international law is essential for realizing stability and protecting the rights of the Co-basin States.

- * The urgent need for an international legal framework , within the United Nations , which will protect Arab water rights .

- * The need to include a dispute settlement mechanism .

third: Recommendations :

Consequently, the following recommendations to protect Arab water rights require utmost attention:

1-The International Community should bear the legal, moral and human responsibilities to lift the injustice done to the rights of Palestinians , Syrian and Lebanese on their surface and groundwater occupied and controlled by Israel .

2- Intensifying the efforts towards the conclusion of comprehensive international agreements that include all the States of a particular river basin in terms of shared surface water (or shared aquifers). based on the established principles, and rules of the International Law on Water.

- No- Harm Rule .**
- the reasonable and equitable utilization of water resources**
- international cooperation**
- prior notification of planned measures**
- peaceful settlement of disputes arising between the Co-basin States.**

3- Rejecting any form of aggression waged by non-Arab countries on Arab rights and interests in shared surface or groundwater.

4- Stressing the need for co-operation among Co-basin States. based on the principles of International Law on Water and other two essential principles; "Benefits for All" and "Win – Win Situation".

5- the establishment of joint projects, Thus, the interests and rights of all riparian countries are secured and broader and more comprehensive opportunities for economic co-operation among them are realized.

6- The implementation of a progressive approach between riparian countries through :

- contacts , dialogue and exchanges between specialists which will allow a technical consensus to be reached**

- official meetings involving the institutions and ministries concerned in the riparian countries .**

7- International agreements for management of transboundary water bodies including aquifers should be promoted and relevant international conventions (e.g. UN Watercourses convention) and other treaties should be ratified .

8- The creation of an " International court of Water "

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