

Assessment of the 1997 UN Convention & suggestions for global acceptance

By

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Historical Review:

In May 1997, 133 nations joined hands to discuss the United Nations Convention on the Law of the Non-Navigational uses of International Watercourses (UN Watercourses Convention) which is thought to be a flexible and overarching global legal framework that establishes basic standards and rules for cooperation between states on the use, management, and protection of international watercourses. The Convention counts today 19 contracting states which is 16 short of the number required for entry into force.

Since the Convention's adoption, water pollution and overuse have worsened in many places, and the world's poorest people are already facing shrinking supplies. The scale of the freshwater challenge is enormous, especially with climate change making water availability more unpredictable and causing more frequent, widespread droughts and floods. Securing the water we need to meet growing human needs, safeguard fragile ecosystems, and maintain economic prosperity is actually one of the most serious and urgent tasks confronting the world in the 21st Century (Loures, 2008).

In the past, nations have addressed water allocation issues by adopting and implementing treaties that govern interstate cooperation on specific international water bodies. As a result, there are many different watercourse agreements, but most of the world's transboundary water resources still lack sufficient legal protection, either because no management agreements are in place, existing agreements are inadequate, or because not all states within the basin are parties to existing agreements. Without such protection, it will be difficult, if not impossible, for watercourse states to cope cooperatively with existing and future threats from human pressure and environmental change. Therefore, the UN Watercourses Convention is more relevant than ever. Its widespread ratification and implementation is necessary to ensure that states properly utilise and protect those precious water supplies—now and in the future.

Under the UN 'Decade for Action: Water for Life initiative, all countries who have not yet done so are asked to become contracting states to the Convention. Current contracting states are also asked to call on their neighbors and partner countries to join the Convention as well.

All states are strongly encouraged to employ their best efforts to accelerate the process for entry into force of the Convention and to promote its broad ratification and effective implementation, by:

- Involving joint river basin organizations in the process and seeking guidance from their experts;
- Authorizing the regional economic integration organizations of which they may be part to accede to the Convention and engage in its implementation; and
- Asking the United Nations General Assembly to give a mandate to an appropriate UN agency or program to lead the efforts to raise awareness and promote the entry into force and implementation of the Convention within the United Nations system.

In May of 1997, after more than a quarter of a century of working on the topic, the UN Convention was adopted by a recorded vote of 103 in favor, 3 against, and 27 abstentions. Thirty-three countries were absent during the convention's adoption.

The list below shows the voting records, including the Convention's sponsors. During the voting, those states underscored the importance of the Convention and urged all member states of the United Nations to support its adoption. The states that sponsored and voted in favour of the Convention are not under a legal obligation to become parties. However, their sponsorship and approving vote created an expectation in the international community that, in response to the call for ratifications contained in resolution A/RES/51/229; those countries would eventually join the Convention.

Sponsors

(38)

Antigua and Barbuda, Bangladesh, Bhutan, Brazil, Cambodia, Cameroon, Canada, Chile, Denmark, Finland, Germany, Greece, Grenada, Honduras, Hungary, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Liechtenstein, Malaysia, Mexico, Nepal, Netherlands, Norway, Portugal, Republic of Korea, Romania, Sudan, Sweden, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Vietnam.

In Favor

(106)

Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Estonia, Finland, Gabon, Georgia, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian

Federation, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Vietnam, Yemen, Zambia.

The official vote recorded 103 votes in favor and 27 abstentions. However, Belgium, Fiji, and Nigeria informed that they had intended to vote in favor.

Abstentions

(26)

Andorra, Argentina, Azerbaijan, Bolivia, Bulgaria, Colombia, Cuba, Ecuador, Egypt, Ethiopia, France, Ghana, Guatemala, India, Israel, Mali, Monaco, Mongolia, Pakistan, Panama, Paraguay, Peru, Rwanda, Spain, United Republic of Tanzania, Uzbekistan.

Absent

(31)

Afghanistan, Bahamas, Barbados, Belize, Benin, Bhutan, Cape Verde, Comoros, Democratic People's Republic of Korea, Dominican Republic, El Salvador, Eritrea, Guinea, Lebanon, Mauritania, Myanmar, Niger, Palau, Saint Kitts & Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Sri Lanka, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Uganda, Zaire, Zimbabwe.

Against

(3)

Burundi, China, Turkey.

Table 1 shows the countries that showed official interest in the convention either by signing it during the 3 years signature period and/or ratifying it.

Country	Status
Côte d'Ivoire	Signed
Finland	Ratified
Germany	Ratified
Hungary	Ratified
Iraq	Ratified
Jordan	Ratified
Lebanon	Ratified
Libya	Ratified
Luxembourg	signed
Namibia	Ratified
Netherlands	Ratified
Norway	Ratified
Paraguay	Signed
Portugal	Ratified
Qatar	Ratified
South	Ratified
Sweden	Ratified
Syria	Ratified

Tunisia	Ratified
Uzbekistan	Ratified
Venezuela	signed
Yemen	signed
Spain	Ratified

Table .1 Countries and their official standpoints towards the 1997 UN Convention

Objective of Study:

Integrated water resources management for a region that shares a water source requires a common understanding of equitable allocation. In this project, the water allocation factors prescribed in the 1997 UN Convention for Non-Navigational use of Transboundary watercourses will be assessed and evaluated and some changes in its articles will be suggested.

The assessment will be primarily based on:

- Different countries and their different standpoint towards the Convention
- Official Statements by country representatives.
- Analysis of countries' standpoints in light of their transboundary location

History of legalizations:

The need for an international law to govern the equitable sharing of transboundary water resources between countries emerged a long time ago. Efforts on the professional, non-governmental, and intergovernmental levels before the 1997 United Nations (UN) Convention resulted in important outcomes reflected by the 1966 Helsinki Rules

Article IV of the 1966 Helsinki Rules (ILA, 1967) states that the equitable utilization principle should govern the use of international drainage basin waters, which explains one of the major differences between Helsinki rules and the UN convention. Helsinki rules address the drainage basin while the convention addresses the "water body". The difference in wording could have significant implications.

The latest international effort was expressed in the Berlin Rules on Water Resources that were articulated in 2004 by the International Law Association which, however, do not yet possess the status of an internationally binding convention. These Rules revise former legal agreements and do not only treat international water courses but water resources in general. Their scope of application is thus broader than the one of the Helsinki rules and 1997 UN convention. Yet, Chapter 3 of the Rules does apply to internationally shared waters only. After an introduction to the general principles in the management of all waters (like integrated management, sustainability and minimization of ecological harm), this part of the Rules states that: "Basin States shall in their respective territories manage the waters of an international drainage basin in

an equitable and reasonable manner having due regard for the obligation not to cause significant harm to other basin States." In the Rules, the protection of all aquatic environments is treated in Chapter V, specifying earlier statements. Chapter XIV deals with the settlement of international water disputes, drawing on the previous UN Convention without going into too much detail.

Equity perspectives:

International law introduced various measures to promote water-sharing equity. These measures, including rights-based measures, needs-based measures, and measures based on economic grounds or efficiency, evolved over time.

The two main principles of the 1997 UN Convention are "equitable and reasonable utilization", and "no significant harm" to other watercourse states. The concept and guidelines for "reasonable and equitable" sharing of common waterways were introduced in the Helsinki Rules of 1966, as well as the 1997 UN Convention. The factors affecting equitable and reasonable use according to the 1997 UN convention included geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character and also the social and economic needs of the watercourse states concerned. However, no clear definition of the equitable or reasonable use concept was provided. This makes it easy for disputing entities to interpret the law differently according to their own perceptions and desires, which tends to generate a great deal of conflict.

All the previous laws and rules considered surface water on the expense of groundwater. But, as some of these laws are already ambiguous, some might argue that they are also applicable to groundwater although there is no confirmed explicit mention of such claim. Even if we agree that the international law has applied the same principles of surface water to groundwater, the validity of these principles will remain questionable.

Potential and Existing Conflicts/ Cooperation:

1) The Nile Basin Case:

Irrespective of being upstream or downstream, countries within the same transboundary river basin did not have the same standpoint regarding the convention. For example in the Nile river basin, Sudan and Kenya were in favour, Burundi was against, Egypt, Ethiopia, Rwanda and Tanzania abstained, while Eritrea, Uganda and Zaire (now DR Congo) were absent.

The difference in wording between "watercourse" in the 1997 convention and "drainage basin" in the 1966 Helsinki rules could be of extreme significance in the Nile "Basin" case. Renewable water resources can be classified into green water and blue water.

Blue water is defined as surface water or groundwater that is abstracted manually for the purpose of development or production. Green water is defined as the portion of

beneficial abstractions of renewable water resources from green cover which comes from atmospheric water directly and is consumed by rain-fed agriculture, natural pasture, and forests (AbuZeid, 2008). The term "Basin" is closely related to the consideration of green water in the assessment, and the associated green cover of natural pasture, forests, and rain-fed agriculture, which will suggest more equitable allocation and benefit sharing.

Although a downstream country such as Egypt, which depends totally on the blue water of the Nile "river", may be consuming a large portion of the river's "blue" water that historically has been reaching its boundaries naturally, the upstream countries normally consume larger portions of the river basin's "green" water. This exercise shows the importance of considering green water, other available national water resources and population in assessing equitable utilization of transboundary waters. Hence the term "Basin" is definitely more relevant than "watercourse".

2) Lake Chad:

In the Lake Chad region, cooperation has a longstanding history. The riparian countries of Nigeria, Niger, Chad and Cameroon founded the Lake Chad Basin Commission (LCBC) as early as in 1967, being the first Lake Basin Organization on the continent. Meanwhile, the Central African Republic and Sudan, who have a share in the lake's basin, joined the organization.

As Lake Chad faces heavy degradation and has shrunk to about one-tenth of its size within 30 years, problems concerning the water use and the borders arise regularly. All countries wish to expand irrigation to achieve independence in the food sector and augment cotton export. Border disputes, on the other hand, have manifested themselves between Nigeria and Chad as well as between Nigeria and Cameroon.

Recent plans of the LCBC consist of an Inter Basin Transfer from the Congo Basin which they hope can prevent the lake from drying up completely. Due to the ecological costs and the unsustainability of such a project, donor countries have been reserved on the subject so far.

3) Lake Victoria:

Lake Victoria gained sad fame through problems caused by invasive species: The water hyacinth as well as the Nile perch and the Nile Tilapia have had their ecosystems heavily disturbed and, above that, over fishing has recently become a serious problem. This is particularly dangerous, as the fishing industry is an important sector in all riparian countries. Situated in a most densely populated area, the lake also suffers from waste water discharge and wetland destruction.

Kenya, Uganda and Tanzania founded the Lake Victoria Fisheries Organisation (LVFO) in 1994 in the context of the Lake Victoria Environmental Management Plan. As its name indicates, cooperation efforts first focused on the fish resources. Currently, the LVFO forms part of the East African Community (EAC) that has extensive plans about regional integration. In 2003, Kenya, Tanzania and Uganda signed the Protocol for Sustainable Development of Lake Victoria Basin on the basis of which a Lake Victoria Commission will be established.

Since the lake is also the source of the White Nile it is an important asset for all countries within the Nile Basin. In spite of these recent, positive developments, there remains tension between the management of the lake to benefit the riparian communities and managing the lake to benefit the downstream countries of the Nile. This issue is currently being addressed by the Nile Basin Initiative (NBI), a forum that brings together all ten countries in the Nile Basin.

4) The Nubian Sandstone Aquifer:

The Nubian Sandstone Aquifer System (NSAS) is a transboundary groundwater basin in the North Eastern Sahara of Africa. The international waters of this regional aquifer are non-renewable and shared between Chad, Egypt, Libya and Sudan. The area occupied by the Aquifer System is 2.2 million square km; 828,000 square km in Egypt, 760,000 square km in Libya, 376,000 square km in Sudan, and 235,000 square km in Northern Chad. The volume in storage represents the largest freshwater mass in the whole world. An estimate of the storage capacity is shown in Fig.1. The total recoverable volume of about 15000 cubic kilometers is also shown, where it was assessed based on 100m drawdown in the unconfined aquifer and 200m drawdown in the confined aquifer (AbuZeid, 2003).

The four countries sharing the NSAS represented by their National Coordinators adapted a regional information network aiming for cooperation and knowledge exchange in order to achieve the best scenario for sustainable development, and agreed to continue the monitoring of the aquifer through a mechanism specified in two agreements. Regional thematic maps, regional mathematical model, and a regional information system were developed. Also, a regional strategic was developed based on extensive data collection and Numerical Modeling (CEDARE, 2002). Throughout the regional programme as well, the role of the Joint Authority for the Study and Development of the NSAS was revitalized. The countries agreed to update the information by continuous monitoring and sharing of the following information; Yearly extraction in every extraction site, Representative Electrical Conductivity measurements (EC), and water level measurements (AbuZeid, 2002).

Arab Countries Standpoints:

Arab Countries had slightly different standpoints in terms of voting for the 1997 UN convention. Out of 22 Arab countries, fifteen countries voted in favor of the law, six countries did not vote for different reasons, and only one country abstained.

The countries that voted in favor of the Convention are: Algeria, Bahrain, Djibouti, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates (UAE), and Yemen. Egypt was the only Arab country that abstained. Comoros, Lebanon, and Mauritania were absent, while Iraq, Somalia, and Palestine were not represented.

35 ratifications are needed for the convention to enter into force. Some Arab countries took the initiative of being contracting states, which entails signing the convention

within the three years period in which it was open for signature and/or taking the further step of ratification. The terms "acceptance", "approval", and "accession" have the same legal effect as "ratification". The variance is due to the difference in countries internal usages. The Six Arab countries that ratified the convention until July 2008 are: Iraq, Jordan, Lebanon, Libya, Qatar, and Syria. Tunisia and Yemen have both signed the convention near the end of the 3-year signature period, but have not ratified it yet. (Loures et.al, 2008).

It could be noticed that four of the six Arab countries who ratified the convention are linked with some of the "hottest" water issues around the world, while the other two countries which are Libya and Qatar do not have rivers. Other Arab countries, especially those in the downstream of other riparian countries are revising the convention and proposing modifications.

None of the Nile Basin Countries ratified the convention so far, Only Kenya and Sudan voted in favor of the convention, while Burundi was the only Nilotic country that voted against it. Egypt, Ethiopia, Rwanda, and Tanzania abstained, while Eritrea, Uganda and Zaire (currently the democratic republic of Congo) were absent.

As for the Jordan River basin, Jordan has already ratified the convention while Israel has abstained from voting.

Turkey shares the Tigris and Euphrates with Syria and Iraq. Both Syria and Iraq ratified the convention, while Turkey was one of the very few countries who voted against it.

Lebanon shares the Orontes River with Syria and Turkey; on the contrary to all the previous rivers, it originates from an Arab state as the headwaters are in Lebanon. Lebanon has ratified the convention.

Mauritania shares the Senegal River with Senegal, Mali, and Guinea. None of the basin countries ratified the convention. Mauritania, Guinea, and Senegal were absent at the time of voting while Mali abstained.

It could be noticed that there is no general trend or common motive that can directly explain Arab Countries reactions towards the 1997 UN Convention on the basis of the countries location in the river basin (upstream/ downstream).

Nile Countries in focus:

Four Nile Basin Countries have abstained from voting while one voted against the convention. The four countries who abstained are Egypt, Ethiopia, Tanzania, and Rwanda. The only Nile Basin country that voted against the convention is Burundi.

Tanzania's representative has explained his country's reservations towards the convention. The first of their reservations was related to article 5, particularly to the phrase "take into account the interests of the watercourse States concerned". In their opinion, the statement has introduced an element of uncertainty. The Tanzanian delegates believe that Basin-wide regulatory measures were a necessary step towards environmental protection. However, those measures did not address different

capabilities of States for monitoring and compliance. Addressing other elements of the convention, they said that it is not just for a State to allow unhindered access to those claiming injury as a result of a right arising under the Convention, while denying others to seek redress to its judicial organs on matters other than those prescribed by the Convention. They believe that such an obligation failed to address constraints facing States in whose jurisdiction a cause of action was considered strictly territorial. Lastly, they said that the draft convention preserved and authenticated existing agreements on non-navigational uses of international watercourses. However, he wondered how much law on the subject had been codified.

Ethiopia's delegation had abstained in the voting because they believed that the text of the Convention was not balanced, particularly with respect to safeguarding the interests of upper riparian States. Article 7 and Part III of the Convention were of particular concern. Part III put an onerous burden on upper riparian States. They also said that the element in article 3 on adjusting application of the Convention's provisions to the characteristics of a particular watercourse could undermine the Convention. Specific watercourse arrangements should be adjusted to the Convention, not the other way around. They believe that the Convention was tilted towards lower riparian States. However, while, reserving the right to use the water of its international watercourses, Ethiopia had not voted against the Convention but had abstained. It had done so in the hopes that the Convention might encourage negotiations to ensure equitable utilization and promote cooperation.

Rwanda had abstained in the voting claiming that the Convention lacked any reference to the sacrosanct principle of State sovereignty. The Government also had problems with Article 33, on the settlement of disputes, as well as with provisions in Article 2, on the management of underground waters.

Burundi has made no official statement as to why they voted against the convention.

Egypt expressed the hope that its adoption of the Convention would enhance the Assembly's role in codifying and developing international law, with the aim of promoting international peace and security and upholding the rule of law. While the Convention contained some new regulations, they did not modify customary international law. The Egyptian delegate said that the Convention did not prejudice the legal weight of international law; its framework should not affect bilateral or regional agreements or established laws.

International concerns:

Turkey and China are the other two countries who voted against the convention. Turkey could not accept the draft convention because of objections to its preamble, as well as draft articles 2(a) and (b), 3, 5, 7, 10 and part III, with the exception of draft articles 11, 22, 23, 32 and 33. As a framework convention, Turkey believed that the text should have set forth general principles. Instead, they believe that the draft went beyond the scope of a framework and established a mechanism for planned measures; such a practice had no basis in international law. In his country's opinion, the

mechanism created an obvious inequality between States as it was not appropriate for a framework convention to foresee any compulsory rules regarding the settlement of disputes, a matter which should be left to the discretion of States concerned. Further, Turkey added that the draft did not refer to the sovereignty of the watercourse States over the parts of international watercourses located in their territory; the draft convention should have established the primacy of the principle of equitable reasonable utilization over the obligation not to cause significant harm. His country would not sign the draft convention, which would have no legal effect in Turkey.

China said there were obvious drawbacks in the draft convention; first, it failed to reflect general agreement among all countries, and a number of States had major reservations regarding its main provisions. Secondly, the text did not reflect the principle of the territorial sovereignty of a watercourse State. Such a State had indisputable sovereignty over a watercourse which flowed through its territory. There was also an imbalance between the rights and obligations of the upstream and downstream States.

The Chinese representative said that China could not support provisions on the mandatory settlement of disputes which went against the principles set out in the United Nations Charter. The Chinese Government favored the settlement of all disputes through peaceful negotiations. Accordingly, he would vote against the draft resolution to which the draft convention was attached.

Many countries who abstained from voting has made significant statements as to why they abstained and the reservations they have concerning the convention.

Slovakia has abstained in a vote on the draft convention because its articles 5, 6 and 7 should have better reflected the objective of ensuring the reasonable and equitable use of international watercourses by downstream and upstream States. Nevertheless, the East European country supported the Organization's efforts to codify international law and to implement Charter principles.

Pakistan had reservations regarding draft articles 2, 7 and 23. In draft article 2, there were difficulties in using the term "groundwaters". While the flow of a river could be measured in precise terms at various gauging sites, it was not possible to do so with groundwaters, which flowed slowly through porous soil. With respect to draft article 7, the use of the term "significant" before "harm" was problematic as that "significant" could be subject to different definitions. Pakistan favoured obligatory and binding settlement procedures. Pakistan had reservations regarding draft article 33 on dispute settlements because the mechanism provided therein was not binding.

MARTIN SMEJKAL, the representative of the Czech Republic said he would vote in favour of the text as a whole. That vote would reflect his Government's firm attachment to the codification of international law rather than a strong conviction that the text was fully balanced. His delegation's position regarding draft articles 3, 5 and 7 was reflected in its concluding statement to the Working Group, where it had abstained during the vote owing to serious misgivings about the drafts' preamble. In draft article 5, the term "sustainable utilization" was not appropriate. Draft article 3 lacked clarity with respect to the relation between existing agreements and the draft convention.

Hubert Legal, the representative of France said his delegation had abstained in the voting. A small group had insisted on its position. As such, the text did not meet the objectives it had set out to achieve. The Chairman of the Working Group had decided to reduce the time for negotiations in order to have a text ready in a few days. Only 42 countries in the Working Group had voted in favour of the text, while a third of the Member States who had participated in the negotiations voted against it or abstained. France had tried to promote serious negotiations with a view to reaching consensus on a balanced text, but its offer of compromise had not been heeded. The haste in negotiations had created serious procedural discrepancies which affected the credibility of resulting text, he said. The Chairman of the Working Group had denied delegates the right to explain their vote before the text was approved. That practice represented a serious hindrance to the codification of international law and could not be justified. The Convention was clearly imbalanced with respect to the upstream and downstream States. It also had legal ambiguities. France considered the result of the negotiations to have been a relative failure.

PRAKASH SHAH from India expressed regret that the Convention had not been adopted by consensus. While a framework convention should provide general principles, the present Convention had deviated from that approach. Specifically, he had reservations regarding its articles 3, 5, 32, and 33. Article 3 had not adequately reflected a State's autonomy to conclude agreements without being fettered by the Convention. Article 5 had not been drafted clearly and would be difficult to implement. The Convention had superimposed the principle of "sustainable utilization" over the principle of utilization without appropriately defining the term "sustainable". India had abstained in the voting on draft articles 5, 6 and 7 in the working group. Article 32 presupposed regional integration and hence did not merit inclusion, he went on to say. Article 33, on dispute settlement, contained an element of compulsion. Any procedure for peaceful settlement of disputes should leave the procedure to the parties. Any mandatory third-party dispute procedure was inappropriate and should not be included in a framework convention. He had voted against the provision in the working group and would have voted against had the article been put to a separate vote today. His country had therefore abstained in the voting.

LEEORA KIDRON (Israel) said her delegation had abstained in the voting. With respect to Article 3, she did not believe the Convention could affect existing agreements. States had full freedom in negotiating and entering into new agreements, provided those agreements did not adversely affect other States. Her Government supported the compromise reached on Articles 5, 6 and 7. Nevertheless, it would have a more explicit balance between the principle of no harm and the principle of reasonable and equitable utilization. Neither principle should be subservient to the other. The balance between them should be based on the specific case.

With respect to the Article 10 reference to "vital human needs", she said the adequate supply of drinking water should be of greater primacy. Her Government also had problems with Article 33, on the settlement of disputes. As a matter of principle, States must settle their disputes peacefully.

JORGE SANCHEZ from Spain said his country had abstained in the voting (It is worth mentioning that they later ratified the convention in 2008). Article 7, on the

obligation not to cause harm, was one of the most important elements of the Convention. However, that obligation could not be separated from principles of equitable and useful utilization spelled out in Articles 5 and 6. The reference in Article 7 to Articles 5 and 6 has not explicit enough.

Euphrates and Tigris Rivers in focus:

The United Nations Convention on the Non-Navigational Uses of International Watercourses brings new dimensions to the dispute over the sharing of the waters of the Euphrates and Tigris Rivers between Turkey, Syria and Iraq.

The Convention is about avoiding disputes between watercourse states, as a result of the Convention, the Euphrates and Tigris Rivers are receiving increasing media attention. It was hoped that a treaty in the form of the UN Watercourses Convention would finally bring disputing riparians all over the world to co-operate. In the case of the Euphrates-Tigris Rivers, Turkey has not ratified the treaty and both Syria and Iraq have protested. Turkey's massive South-Eastern Anatolia Project (GAP) which withdraws huge amounts of water from the Euphrates and Tigris for irrigation and hydropower is the 'exclusive' reason behind Turkey's decision. Turkey's refusal moved the water dispute into new heights adding more tensions to an already tense region, with Arab suspicions at a high.

The Convention has failed in bringing the three riparians together, and their own failure over the years in reaching a comprehensive trilateral water agreement on the long-term division and use of these waters continues the atmosphere of mistrust providing ideal grounds for conflict with irrigation dependent Iraq suffering most. Turkey accuses downstream of inflexibility, but for downstream, Turkey's refusal to ratify the Convention will cause further frustrations over potential scarcity and quality of water, and Arab over-dependence for water upon Turkey could develop into armed conflict with water becoming an objective of military action. The people of the Middle East have heard more than one leader voice the possibility of going to war over water.

Suggestions for Global Acceptance:

Looking at the standpoints of different countries, all global concerns relating to the convention could be summarized as follows:

- Territorial sovereignty of a watercourse State. (Turkey).
- Preset mechanisms to dispute settlements as opposed to peaceful negotiations. (China).
- The unclear definition of reasonable and equitable use. (Slovakia).
- More emphasis on groundwater. (Pakistan).
- Current and future agreements. (Israel).
- Equitable and significant use. (Spain), they ratified afterwards.

One of the main concerns that needs immediate attention is promoting the idea that binding water agreements does not necessarily collide with territorial sovereignty of a

watercourse state, specially that no country will ever be pressured to sign an agreement, choosing to show some commitment for the welfare of all parties does not invade any country's sovereignty.

Another suggestion that could make a big difference is a slight, yet extremely significant, change in the wording, particularly changing the term "water course" to "basin" as it is more accurate in assessment of the different water resources available to each country. It could also open the door to a clearer definition of significant and equitable use which is another major concern to many countries.

Some countries have complained that the convention doesn't consider historical agreements, while others have argued that future agreements should also be honored aside from the convention. A midpoint between both claims will be honoring historical rights as well as giving the convention enough flexibility that allows the development of what could be referred to as a "sub-convention" that abides to the main convention but with more particular details on a specific basin.

The same idea of "sub-convention" can be applied to cater to transboundary groundwater. The sub-convention could also abide to the main surface water convention with a level of detailing that would be relevant to groundwater.

It could be noticed that many countries that ratified the convention do not share any water resources with other countries. It would be more reasonable to eliminate these countries from the ratification pool, as it makes the ratification more subjective would stop any decisions based on common benefits and mutual favors between countries.

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