

Presentation

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WORLD
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WEEK

The Role of International Law in Cooperation Dynamics

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Structure

1. “Leveling the playing field”
2. Tools and rules of engagement
3. Transforming cooperation dynamics through treaty based organizations

1. “Leveling the playing field”

- *Raison d'être* of international law
 - Peaceful coexistence
 - Managing competing interest
- Key assumption
 - Equality of rights of sovereign states
 - States interact as equals in the international legal order
 - i.e. legal assumption of equal players, treaties binding only for signatory states

2. Tools and Rules of Engagement

2.1. Principles and Norms

- Equitable and reasonable utilization
- Obligation not to cause significant harm
- General duty to cooperate
 - Protection and optimal utilization
- Regular exchange of data and information

Reference Documents

- 1997 Convention on the Law of Non-navigational Uses of International Watercourses
- 2008 ILC Draft Articles on the Law of Transboundary Aquifers
- 1966 ILA Helsinki Rules - and - 2004 ILA Berlin Rules

2. Tools and Rules of Engagement

2.2. Tools

- Normative frame of reference to manage competing interests
- Dispute prevention and resolution
 - Diplomatic means: notification, consultation, mediation, negotiation
 - Dispute settlement mechanisms: fact-finding, arbitration, adjudication
- Joint management mechanisms

3. Transforming cooperation dynamics

- Joint management mechanisms
 - Platforms for state interaction, information exchange and dialogue
 - Joint planning and management
- Characteristics of treaty based organizations
 - Organization created between states
 - Organizational will distinct from its members
 - Attributed and implied powers

Institutional Dynamics on the Mekong River

Instrument	Countries	Issues
1957 – Statute of the Committee for Coordination of Investigations	Laos, Thailand, Vietnam, Cambodia (4 of 6)	Study and recommend potential water resources development projects
1977 – Interim Mekong Committee	Laos, Thailand, Vietnam	Promote water resources dev. to meet reconstruction needs
1995 – Agreement on Cooperation for Sust. Dev. (establishing MRC)	Laos, Thailand, Vietnam, Cambodia	All fields of water utilization and management to optimize multiple-use and mutual benefits for all

Council decisions:

- 1999 – Plan on the control and use of flood water
- 2001 – Procedures for Data and Information Exchange and Sharing
- 2003 – Procedures for Notification, Prior Consultation and Agreement

Institutional Dynamics on the Mekong River (cont'd)

Instrument	Countries	Issues
Since 1996 – Dialogue Meetings	Mekong River Commission (MRC) + China, Myanmar	Technical collaboration
2002 – Agreement on the Provision of Hydrological Information (renewed in 2008)	Mekong River Commission (MRC) + China	Provision of daily water level and rainfall data

Broadening Cooperation on the Rhine River

Instrument	Countries	Issues
1950 – Agreement to create International Commission for the Protection of the Rhine against Pollution (ICPRP)	Switzerland, France, Germany, Luxemburg, Netherlands (5 of 9)	Scientific research to gain common understanding of pollution
1963 - Agreement on the ICPRP	5 + European Economic Community (1976)	Pollution
1999 - Convention on the Protection of the Rhine establishing the International Commission on the Protection of the Rhine	5 + European Community	<ul style="list-style-type: none"> Water quality Species diversity Flow management Production of drinking water Flood prevention Integrated management North Sea protection

Deepening Cooperation on the Senegal River

Instrument	Countries	Issues
1963 - Convention of Bamako	Guinea, Mali, Mauretania, Senegal (4 of 4)	Economic development
1972 - Conventions on the Statute of the Senegal River and Creation of the OMVS	Mali, Mauretania, Senegal + Guinea (observer since 1992)	Navigation River Development
1978 - Convention on the Legal Statute of Common Works	Mali, Mauretania, Senegal	Joint ownership of infrastructure
1997 - Conventions to create the Diama and Manatali Management Agencies	Mali, Mauretania, Senegal	Joint management agencies
2002 - Water Charter	Guinea, Mali, Mauretania, Senegal	Sectoral water allocation principles Integrated management

Conclusions

- The “leveled playing field” of the international legal system
- IL provides normative framework for peaceful interaction
- Joint management mechanisms can transform dynamics of engagement
 - Depoliticizing hydro-relations through engagement of science
 - Establishing distinct cooperation dynamics
 - Creating potential to broaden and deepen cooperation over time

Thank you!

Water Law Platform - University of Geneva - www.unige.ch/droit/eau