



Book Unit 2 - Regulation at the International Level

Book Unit 2 - Regulation at the International Level

Site: UNITED NATIONS INFORMATION PORTAL ON MULTILATERAL ENVIRONMENTAL AGREEMENTS

Course: Introductory Course to the International Legal Framework on Freshwater Resources

Book: Book Unit 2 - Regulation at the International Level

Table of contents

1. Major Developments in the Field of Cooperation on Freshwater
 - International Conference on Water and the Environment
 - Rio Conference
 - Millenium Summit
 - World Summit on Sustainable Development
 - UNEP Water Policy and Strategy
 - UN-Water and Rio+20
2. Regulation at the International Level

1. Major Developments in the Field of Cooperation on Freshwater

The issues of water availability, use, management, and conservation, with all their implications, are at the centre of concern at national and international levels. In the past decade, water has been at the center of international conferences and initiatives as well as the object of international cooperation, including through the development of legally-binding agreements.

International Conference on Water and the Environment

The International Conference on Water and the Environment, a meeting of water specialists held in Dublin in 1992, adopted the Dublin Statement on Water and Sustainable Development and a set of four Guiding Principles.

The first of these principles reads: *“Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment.”* The other principles concern the need for a participatory approach to water development and management, the central role of women in the provision, management and safeguarding of water, and the need to recognize water as an economic good.

Rio Conference

At the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, Governments adopted a detailed plan of action, Agenda 21, whose chapter 18 outlines the action needed at the national level to safeguard freshwater resources.

Agenda 21 adopts the concept of integrated water resource management, based on the idea that water is “... *an integral part of the ecosystem, a natural resource and a social and economic good ...*” and that “*Freshwater is a unitary resource*” and the “*complex interconnectedness of freshwater systems demands that freshwater management be holistic (taking a catchment management approach) and based on a balanced consideration of the needs of people and the environment.*”

Millenium Summit

At the Millennium Summit, held in 2000, the General Assembly adopted the Millennium Declaration (UNGA Resolution 55/2 of 8 September 2000), by which states resolved to reduce by half the proportion of people without sustainable access to safe drinking water by 2015.

World leaders also agreed to adopt in all environmental actions a new ethic of conservation and stewardship and, as a first step, to “stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national and local levels, which promote both equitable access and adequate supplies.

These commitments have been translated into the Millennium Development Goal 7: Ensure environmental sustainability. GEO-6 considers that “although more than 1 in 10 people will still lack access to a safe water supply in 2015, the world appears to be on track to meet the overall water supply MDG”.

World Summit on Sustainable Development

One of the major priority areas at the World Summit on Sustainable Development (WSSD, Johannesburg 2002) was water. In the Johannesburg Plan of Implementation states not only reaffirmed the Millennium Development Goal mentioned earlier, but additionally committed to halving the proportion of people without access to basic sanitation services within the same period.

However, it seems that the sanitation target will not be met in 2015 and more than 2.6 billion people still lack access to improved sanitation facilities especially in Africa, South Asia and the South Pacific.

UNEP Water Policy and Strategy

The UNEP Governing Council adopted in 2007 its Water Policy and Strategy which main objective is to contribute substantively to environmental sustainability in water management by utilizing integrated ecosystem approaches. A year later the General Assembly endorsed the International Law Commission's Draft Articles on the Law of Transboundary Aquifers.

UN-Water and Rio+20

In 2003, it was formalized the establishment of UN-Water as the United Nations inter-agency coordination mechanism for all freshwater and sanitation related matters. The UN Commission on Sustainable Development (CSD) has also addressed water on several occasions. In 2005, CSD-13 called on governments and the UN system to take actions related to water resources management and to revise the implementation of decisions in 2012.

As follow-up of the CSD-13 decisions on water and sanitation, revisions to monitor implementation were undertaken in 2008 (CSD-16) and 2012 (CSD-20). Consequently, the report “UN-Water Status Report on the Application of Integrated Approaches to Water Resources Management for Rio+20” was released in 2012.

The Rio+20 outcome document “The Future we want” [1] reiterated the importance of integrating water in sustainable development and the critical importance of water and sanitation within the three dimensions of sustainable development.

[1] Rio +20 Outcome Document, the Future We Want Paragraph 119-124.

2. Regulation at the International Level

Disputes for the control of water resources have a long history. Also major water development projects (e.g. the construction of a dam) have caused violence and civil strife.

But shared waters can also be a source of cooperation: throughout history, states have manifested their interest in cooperating for the management of water resources and have recognized the need to establish rules and principles for a peaceful cooperation.

The body of rules and principles that have been developed to respond to similar situations is impressive, due to the extensive state practice in this field, both in terms of agreements and other forms of rules of conduct. Historically, rules and principles of international law relating to international watercourses first developed in the field of navigation. One of the first European agreements relating to shared water resources, the Final Act of the Congress of Vienna (1815), stipulated that there was to be freedom of navigation on all navigable rivers.

However, other uses of shared water resources, such as irrigation, the generation of hydroelectricity and waste disposal, have become increasingly important. The practice of states sharing freshwater resources has led to the development of general rules and principles concerning the non-navigational uses of international watercourses. This body of law finds its most recent and authoritative expression in the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (International Watercourses Convention).