

FORUM : POLITICAL AND TERRITORIAL

ISSUE : DETERMINATION OF EQUITABLE ACCESS TO INTERNATIONAL
WATER-BASED RESOURCES

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Introduction:

“Water is a classic common property resource. No one really owns the problem. Therefore, no one really owns the solution.” -Ban Ki-moon

When talking about resources, we often forget how many of the resources provided by our planet can be found in water. Water is most importantly a natural resource of its own meaning that it can be exploited for economic gain. However, water also offers a variety of resources ranging from renewable resources such as energy, algae, fish, drinking water, etc to non-renewable resources: a famous example of these are fossil fuels. The waters defined as ‘international waters’ contain any and every type of aquatic bodies; rivers, seas, lakes, glaciers, etc can all be considered ‘international waters’ as long as they are under no country’s jurisdictions.

There have been many conventions in recent history regarding the issue of determining what waters can be considered as international. The issue that we are currently faced with - more than twenty years after the United Nations Convention on the Law of the Sea came into force in 1994 - is how to make sure that all nations get an equitable access to water-based resources. The growing scarcity of the resources currently used is generating major conflicts over rivers like Euphrates and Tigris (view ‘Background Information’). Thus, more than ever, it is important to determine equitable access to all the resources that are provided by water in order to avoid future conflicts and end ongoing ones.

Definition of key terms:

Territorial Waters: Belt of coastal waters extending at most 12 nautical miles from the baseline of a coastal state.

International Waters: The areas of the sea that are not under the jurisdiction of any country.

Contiguous Zone: Beyond the 12-nautical-mile limit, there is a further 12 nautical miles from the territorial sea baseline limit, the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution.

Continental Shelf: The area of seabed around a large land mass where the sea is relatively shallow compared with the open ocean.

Resource: A stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively.

Natural Resource: Materials or substances occurring in nature which can be exploited for economic gain.

Water-Body: a body of water forming a physiographic feature, for example a sea or a reservoir.

Jurisdiction: the official power to make legal decisions and judgements.

Exclusive Economic Zone: An area of coastal water and seabed within a certain distance of a country's coastline, to which the country claims exclusive rights for fishing, drilling, and other economic activities.

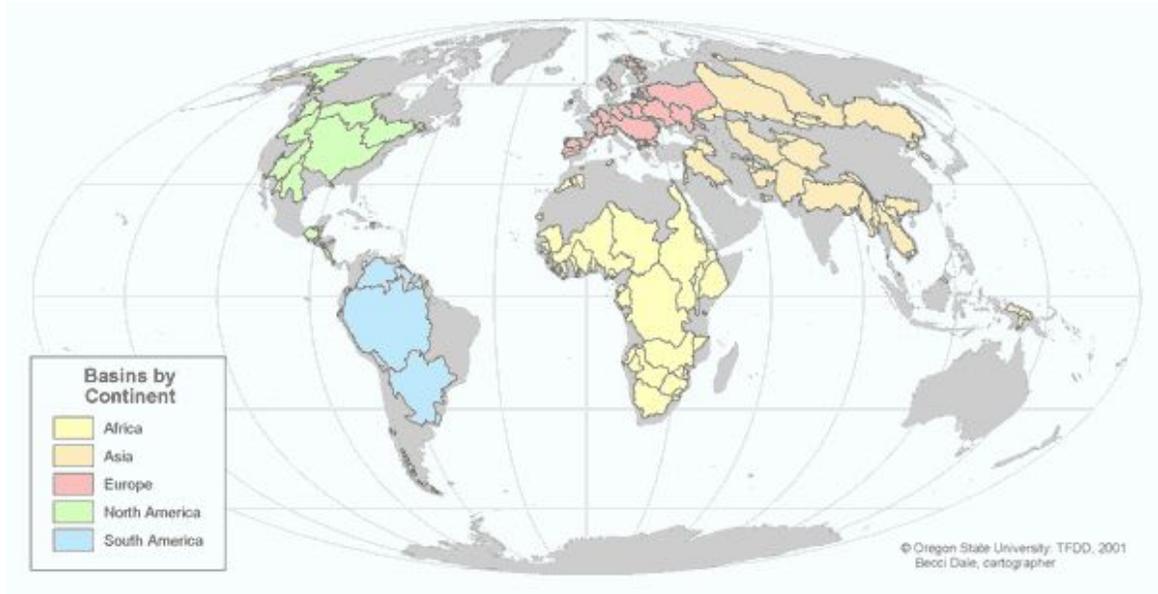
Riparian: Relating to or situated on the banks of a river.

Background Information

The first ever recorded water war dates back to more than 4,500 years ago in modern day Iraq near the confluence of the Tigris and Euphrates rivers. Ancient neighboring city states of Lagash and Umma fought relentlessly over the fresh water supplies the rivers provided, when the King of Lagash diverted water to canals depriving Umma their part.

Today, the Tigris and Euphrates rivers are still a source of major conflict. However, nowadays the number of conflicts involving water are growing and reaching worrying numbers- more than 50 countries on five continents might soon be caught up in water disputes unless they move quickly to establish agreements on how to share reservoirs, rivers and underground water aquifers (etc...).

In order to understand the conflicts International Waters generate, it is important to have a good understanding of their geographic layout. The following map specifies the amount of basins by continent that are stipulated as being International Waters in the United Nations Convention on the Law of the Sea Agreement.



Major Countries and Organizations Involved:

United Nations Division for Ocean Affairs and the Law of the Sea

The United Nations Division for Ocean Affairs and the Law of the Sea is a branch of the United Nations specialized in laying down a comprehensive regime of law and order in the world's ocean and seas.

International Tribunal for the Law of the Seas

The International Tribunal for the Law of the Sea is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention.

UNEP Shelf Programme

The UNEP Shelf Programme is an organization established to assist developing States and Small Island Developing States (SIDS) to complete the activities required to delineate the outer limits of their continental shelf.

International Water Association

The International Water Association (IWA) is an organisation that brings together people from across the water profession to deliver equitable and sustainable water solutions for our world.

International Water Management Institute

The International Water Management Institute (IWMI) is a non-profit, scientific research organization focusing on the sustainable use of water and land resources in developing countries.

Many regions of the World are suffering water shortages due to conflicts including most of the **African Continent- Eastern Africa** in particular, **India, Pakistan, Europe and Eastern Europe, The Middle East (Iraq, Israel, ...), North, South and Central America (California, Guatemala, Bolivia, ...)**. (See [“Map showing the geographic location where conflicts over water have occurred + information”](#))

Timeline of events:

‘Freedom of the Seas’ concept dating back from 17th century where a nation’s right to call water ‘national water’ was limited to three nautical miles off the coastline meaning that all waters beyond those 3 nautical miles were considered free of access to all nations but belonging to none of them.

1930: League of Nations conference at The Hague

1956: 1st United Nations conference on the Law of the Sea in Geneva

29th of April 1958: Convention of the High Seas in Geneva

20th of March 1966: Convention on Fishing and Conservation of Living Resources of the High Seas

10th december 1982: United Nations Convention on the Law of the Sea

2005-2015: United Nations International Decade for Action ‘Water for Life’

Possible Solutions:

The solution to stop these ongoing water crisis is indeed the clause itself: to determine equitable access to all international water based resources. But what criteria(s) would be used to determine an equitable country to country distribution of these waters? (would it be based on the amounts of water the country already has access to? the size of the country? the population?...).

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<http://worldwater.org/water-conflict/>

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Map showing the geographic location where conflicts over water have occurred (+ information):

<http://www2.worldwater.org/conflict/map/>