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# Developing a Regional Convention on Shared Water in the Arab Region

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- Background, Justification and Mandate
- Context
- Approach, Directions and Content
- Added Value
- Next Steps

## ➤ Background

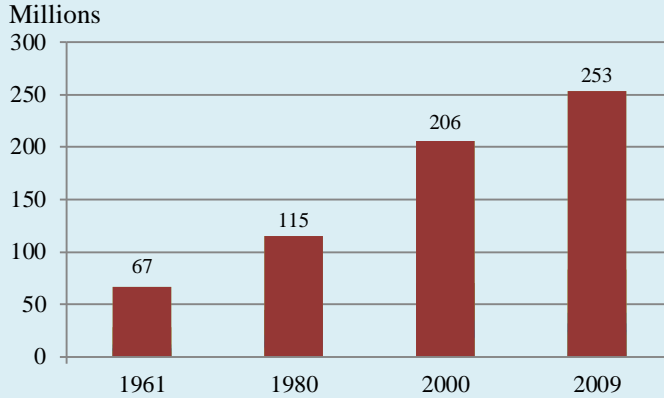
- Institutional development at the regional level
  - Establishment of the Arab Ministerial Water Council (AMWC)
  - Preparation and approval of the Arab Water Security Strategy
    - Emphasis on shared water resources
      - » With non-Arab Countries
      - » Between Arab Countries
- Political sensitivity
  - Sense of vulnerability (mostly downstream)
  - Negotiation strategies (8 out of the 28 countries that have ratified the 97 Watercourse Convention are Arab countries)
  - Equity and fairness



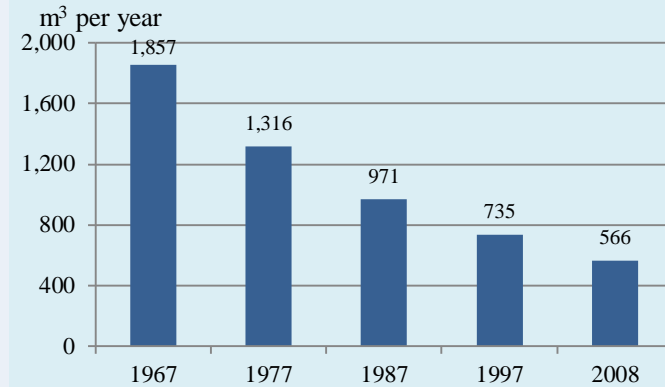
## ➤ Justification

### I. Water Scarcity

**Total Population of the ESCWA Region**



**Total Per Capita Renewable Water Availability**



Per capita share of renewable water is less than 1000 m<sup>3</sup>/a for about 75% of the Arab population and less than 500 m<sup>3</sup>/a for around 35% of the Arab population.

Population growth rates in 18 Arab countries is higher than the world average, and in 11 Arab countries is higher than 2.5% annually.

### II. High dependency on external water resources

| Country              | Bahrain | Egypt | Iraq | Jordan | Kuwait | Sudan | Syria |
|----------------------|---------|-------|------|--------|--------|-------|-------|
| Dependency Ratio (%) | 97      | 97    | 61   | 27     | 100    | 77    | 72    |

More than half of the renewable water in the Arab countries originate outside their borders

### III. Divergent views/positions on the 97 Watercourse Convention

## ➤ Mandate

### – Arab Ministerial Water Council Resolutions

- Res. No. 20, Second session, Cairo – 2 July 2010
  - Invites the Center of Water Studies and Arab Water Security and ESCWA to prepare a legal framework on shared water in the Arab region.
- Res. No. 37, Third Session, Cairo - 15 June 2011
  - Shift in direction to limit the scope of the legal framework to shared groundwater only, and calls for a consultation meeting.
- Res. No. 56, Fourth Session, Baghdad - 29 May 2012
  - Re-shift in direction to the original scope, and calls for modifying the draft, and for another consultation meeting.

- Is there a **NEED** for a legal framework for shared water resources in the Arab region?
  
- **General perceptions**
  - Shared water in the Arab region is of an inter-regional political nature that is better resolved on a bilateral/multilateral basis.
  - The issue of shared water concerns only few countries of the region (Egypt, Sudan, Syria, Iraq, Jordan, Palestine).
  - Some are of the opinion that international legal instruments (i.e. 97 Watercourse Convention) are adequate to address the issue of shared water and therefore Arab countries need to engage actively in the global discussions in order to make their case and incorporate their concerns.



### ➤ HOWEVER;

- Shared water resources in the Arab region is NOT only an inter-regional issue, BUT is and will increasingly become an intra-regional issue in the future.
- Growing interest to develop shared/transboundary groundwater resources.
- Without a solid global or regional legal basis, bilateral and “basin” level agreements are mostly political compromises governed by various factors among which power imbalance is a key factor.
- Given the current and future importance of shared water resources to the development, peace and security of the Arab region, a regional legal instrument with clear directions and principles could gain wide recognition and credibility at the international level.
- A regional legal instrument on shared water can be considered a step towards regional integration (LAS Charter) and promotes higher solidarity level among Arab countries.

## ➤ Approach

- Identifying directions, scope, and principles
  - Core group (Mandated partner organizations + international and regional consultants/experts)
    - Roundtable meeting at ESCWA in December 2010.
- Preparation of the draft
  - Preliminary draft prepared by mandated partner organizations (ESCWA + Center of Water Studies and Arab Water Security)
  - Drafts are modified and refined during consultative meetings involving governments' representatives and experts from regional organizations.
    - 2 meetings held at ESCWA (May and December 2011) and another meeting planned for December 2012 to be held in Cairo.
- Deliberations and approval
  - Executive Bureau of the AMWC discusses the draft at the higher political level and takes actions in the form of Bureau decrees, which become basis for resolutions of the Ministerial Council.



## ➤ Directions

- Cooperative (more than an allocation) legal instrument
  - Exchange of data
  - Establishment of appropriate institutional arrangements
  - Prior notification (as a principle)
  - Conflict settlement (as a principle)
- Inclusive of all shared water resources (surface and ground water resources)
- Takes into account concerns of the region
  - Adoption of the basin management approach
  - legality of existing agreements

## ➤ Directions (cont.)

- A guiding legal instrument (leaves operational details to bilateral, multilateral or basin level operational agreements)
  - No fixed measures on prior notification
  - No fixed measures on conflict settlement
  - No fixed list of allocation factors
- Generally follow the international widely accepted principles
  - No Significant Harm
  - Equitable and Reasonable Utilization
- Reference water related environmental considerations
- Utilize the existing regional institutional structure (AMWC)
- A binding “Convention” legal format

- Content : Three sections in addition to a preamble
  - Section (1): SCOPE
    - Terms
    - Purpose
    - Operational agreements
    - Guiding principles
    - Reference to shared water resources with non-Arab countries
  - Section (2): MANAGEMENT
    - Institutions
    - Institutional arrangements
  - Section (3): GENERAL PROVISIONS
    - Ratification
    - Entry into force
    - Amendments
    - Withdrawal

- Leads to a unified position on the guiding principles that define and influence cooperation, management and allocation of shared water resources.
- Promotes and facilitates cooperation between Arab riparian countries.
- Facilitates conflict prevention and settlement.
- Contributes to customary international water law, emphasising important issues of relevance to the region, i.e. legality of existing agreements and adoption of the water basin management concept.
- Has the potential to cover all types of shared water resources (surface water, renewable groundwater, and non-renewable groundwater) in one legal instrument (avoid overlaps).
- Promotes and serves as a basis for bilateral and multilateral operational agreements, while at the same time avoids contentious issues like sovereignty and leaving detailed measures on conflict settlement and prior notification to operational agreements.

- Third intergovernmental consultative meeting (10-11 December, 2012) at the LAS headquarters in Cairo.
- Report outcome of the meeting to the next meeting of the Executive Bureau of the AMWC (January 2013 in Cairo).
- Based on the decision of the Executive Bureau, the draft can either:
  - Be subject for another round of technical consultations; or
  - Be raised to the fifth session of the Ministerial Council for approval.
- Entry into force
- Institutional arrangements under the AMWC

# Thanks for your attention ...



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