

SPECIAL SESSION: WATER AND PEACE

PART I - TRANSBOUNDARY WATER COOPERATION: A CATALYST FOR PEACE

Panel discussion 2 – The role of the Water Convention in fostering peace

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QUESTION 1

How can the IC contribute to the prevention and resolution of conflicts related transboundary water management?

- The Committee can certainly contribute by faithfully fulfilling its mandate, which is simply that of assisting, advising and steering Parties towards cooperative implementation of the Convention. And it seems useful to quote its constituent instrument whereby the 6th MoP tasked the Committee to provide

“ Assistance in establishing transboundary water cooperation agreements and arrangements for strengthening cooperation and sustainable management of transboundary waters’.

And this is by definition the catalyst for peaceful relations and dispute avoidance between co-riparians.

The just mentioned task may be pursued by the Committee under all the procedures envisaged by its mandate : Namely, a) the ‘self-trigger’ mechanism by a Party about its own difficulties; b) the ‘Party-to- Party trigger’ mechanism; and c) the self-trigger by the Committee itself mechanism. Namely, when the Committee acts on its own motion where – based on its own information gathering, including through national reports - it finds that a given problem of implementation is due precisely to problems pertaining to cooperation.

- However, the Committee’s conflict prevention role for the IC is epitomised by the *advisory procedure*, which is unique to this Committee, with respect to other treaty bodies of the kind. Here, a Party, individually, or more Parties, jointly, can request advice about its/their difficulties in implementing or applying the Convention, including cooperation.

- Given the transboundary character of the Convention, even a unilateral request for advice by one Party is relevant to another, or more, co-riparians.

This naturally brings the Committee to entice co-riparians to participate in the advisory procedure. And their participation [is equally beneficial to them, as to the originally requesting State. In general terms, it] would testify their abidance by the rule of law. Thus, they would be meeting a key condition for international institutional public and private support to their domestic technical, infrastructural, economic, and administrative capacity.

A transboundary conflict, or even simply a dispute, would prevent such support to take place. Therefore, the utilitarian motives of transboundary cooperation account for a more than a century old international water law making, where cooperation is the rule which produces most benefits for all co-riparians.

- The salutary relevance of the *advisory procedure* has been corroborated by its recent successful application involving two State Parties, namely, Montenegro and Albania.

The good will of both States has enabled them to benefit to the fullest extent from the Committee's function.