Water Diplomacy in International Environmental Law

دبلوماسية المياه في القانون الدولي البيئي

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Abstract:

Water scarcity has become one of the most pressing global challenges. Transboundary water resources are particularly vulnerable to conflict. Water diplomacy refers to the strategies and negotiations used by states and international organizations to manage these shared water resources peacefully and fairly. Effective water diplomacy seeks to foster cooperation, and ensure sustainable management of water resources for all stakeholders.

This paper explores the role of water diplomacy in addressing transboundary water disputes, highlighting existing challenges and emerging trends. It examines the importance of legal frameworks and multilateral cooperation in resolving disputes and building trust among riparian states.

key words: Diplomacy- International Waters- Borders- Agreements- Water Dispute

ملخص

أصبحت ندرة المياه من أكثر التحديات العالمية إلحاحا، وتعد موارد المياه العابرة للحدود عرضة للصراع بشكل خاص، وتشير دبلوماسية المياه إلى الاستراتيجيات والمفاوضات التي تستخدمها الدول والمنظمات الدولية لإدارة هذه الموارد المائية المشتركة بسلام وعدل، كما تسعى دبلوماسية المياه الفعالة إلى تعزيز التعاون وضمان إدارة مستدامة لموارد المياه للأطراف المعنية.

تستكشف هذه الورقة دور دبلوماسية المياه في معالجة النزاعات المائية العابرة للحدود، مسلطة الضوء على التحديات القائمة والاتجاهات الناشئة، كما تبحث في أهمية الأطر القانونية والتعاون متعدد الأطراف في حل النزاعات وتعزيز الثقة بين الدول المشاطئة.

الكلمات المفتاحية: دبلوماسية- مياه دولية- حدود- اتفاقيات- نزاع مائي

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Introduction

The importance of water lies in its organic link to the nourishment of all living beings, and in being the foundation of virtually all human activity; it is both a manifestation and source of life and prosperity. However, water—despite its great importance also carries concerns, raises ambitions, and can spark conflicts and threats. Its multiple and essential functions have made water a constant subject of human attention, prompting continual efforts to regulate its use and management.

Faced with the shortcomings of international law in organizing transboundary water resources within a single binding legal framework that addresses all related disputes, international instruments on dispute settlement in general have provided some space. This has also encouraged projects and recommendations to regulate and settle these disputes, most notably the 1997 Convention on the Non-Navigational Uses of International Watercourses, which reflects the international community's keenness to establish legal rules for the use of international watercourses. Current uses of such watercourses clearly reflect recent developments in legal thinking: while the traditional approach in international law viewed them principally as navigable rivers, the modern approach and its streams see them as a geographic unit called the "international drainage basin."

Finally, the term "watercourse system" was crystallized by the International Law Commission in its 1997 draft articles on the non-navigational uses of international watercourses and later taken up by the 1997 Convention. The optimal use of legal concepts of sovereignty contributed to the birth of the idea of "shared waters" to denote international watercourses of concern to several states.

According to Article **2/1** of the 1997 UN Convention on the Non-Navigational Uses of International Watercourses, an international watercourse is "a system of surface waters and groundwaters which, owing to their physical relationship, constitute a unitary whole and normally flow into a common terminus." This concept is based on the hydrological reality of the watercourse as a network of hydrological elements through which water flows above and below the surface of the ground.

Water diplomacy has received growing attention in both research and policy over the past decade. It represents recognition of the political nature of cross-border water governance, an awareness not fully captured by terms such as "transboundary water management" or "water cooperation." It goes beyond

state-centered interpretations by seeking to understand the practices followed by diplomats and others engaged in cross-border water cooperation at various levels. Most definitions emphasize negotiations as a core element of water diplomacy processes aimed at preventing, mitigating, and resolving disputes over transboundary water resources.

Water diplomacy refers to cooperative efforts and negotiations conducted between states that share transboundary water resources. The main objective of water diplomacy is to manage these resources in an equitable, sustainable, and peaceful manner to prevent conflicts and enhance cooperation. Effective water diplomacy is essential for resolving disputes that may arise between upstream and downstream states, and for addressing issues related to access, use, and pollution through international agreements, joint commissions, and other cooperation frameworks. States aim to share water resources while protecting the environment and meeting the needs of all stakeholders. However, increasing pressures from water scarcity-exacerbated by climate change and political instability-pose significant challenges to water diplomacy. As water scarcity increases, competition for allocation intensifies and the risk of interstate tensions rises. Furthermore, unequal distribution of water resources and divergent national interests can complicate diplomatic processes. Despite these challenges, successful examples of water diplomacy show that cooperative management of shared water resources can not only prevent conflict but also promote peace, cooperation, and regional development in the long term.

This study explores the evolving role of water diplomacy in addressing transboundary water disputes, with particular focus on the strategies and frameworks involved in managing shared water resources in a resource-scarce world. It also examines the legal dimension of disputes arising over shared watercourses and applies the general rules of international dispute settlement to disputes related to the exploitation of shared watercourses.

The primary legal problem of this research can be framed by the following inevitable question: **How does water diplomacy contribute to reducing tensions over the utilization of shared water resources? And does it possess sufficient binding power to confront intransigent parties?**

We have attempted to answer this question using two main topics:

the first Topic: International legal frameworks for water diplomacy

Water is a multi-faceted resource, and many factors outside the hydrological cycle affect its quality, quantity, and accessibility. At the same time, water itself affects public health, ecosystems, agricultural production, cultural practices, energy provision, and more. The many transboundary waters across the world connect states into a shared future: 151 states and 2.8 billion people rely on 286 transboundary river basins, and some 300 transboundary aquifers serve two billion people who depend on groundwater for their livelihoods. These waters underpin social and economic development and human well-being, and they are home to a large portion of the world's biodiversity[1].

Mechanisms for riparian states to cooperate in managing transboundary rivers, lakes, and aquifers can take the form of international water treaties and river basin agreements, as well as bilateral and multilateral agreements addressing specific water issues. Governance structures for cooperation are primarily guided by principles first articulated in the 1966 Helsinki Rules on the Uses of the Waters of International Rivers, and later codified in the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses. Nonetheless, roughly two-thirds of the world's transboundary rivers still lack any cooperative management framework[2].

Managing transboundary waters and promoting water cooperation offers opportunities for riparian states to sustainably develop their shared water resources and to help policymakers and practitioners reduce conflicts while enhancing economic development. The key ingredient for successful water diplomacy is the level of political engagement by both riparian states and the international community (particularly in foreign policy). Water diplomacy falls within regional water management, while water cooperation tends to emphasize technical collaboration among various stakeholders[3].

The first requirement: The nature of international agreements organizing water diplomacy

Effective management of transboundary water resources requires robust international legal frameworks and agreements that facilitate cooperation among

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[1]-United Nations Environment Programme - Human Development Initiative and United Nations Environment Programme, 2016 Source: https://www.unep.org/ar

[2]- Thomas Naff, "The Conflict over Water and Its Uses in the Middle East" Translated by Shawqi Jalal, 1st Edition, Emirates Center for Strategic Studies and Research, Abu Dhabi, 1997, p. 403.

[3]-Ibid.p 404

states sharing these vital resources. These agreements are designed to regulate use, conservation, and allocation of water to ensure that all riparian states—those located along the shared water bodies—receive a fair share while minimizing the risk of disputes. Such frameworks are essential to define rights and responsibilities and to establish dispute settlement mechanisms and practices for sustainable water management[1].

Developing international legal frameworks for transboundary water resources has been central to water diplomacy. One of the most prominent examples is the 1997 UN Convention on the Non-Navigational Uses of International Watercourses. This Convention offers guiding principles on the equitable and reasonable use of shared water resources, emphasizing cooperation, transparency, and the obligation to prevent significant harm to other states. The Convention underscores the need for joint management and regular consultations to ensure that all parties' interests are considered and conflict is avoided. In addition to global agreements, many regions have developed their own legal frameworks tailored to the specific needs and challenges of their shared water bodies[2]. A notable example is the Indus Waters Treaty between India and Pakistan (1960), which provides a mechanism for managing the waters of the Indus River and its tributaries despite decades of political tension between the two countries. Although the treaty has faced challenges, it remains a crucial example of how international agreements can contribute to the peaceful management of transboundary water resources, even in conflict-prone regions.

Similarly, the Nile Basin Initiative represents a collaborative effort among the ten countries that share the Nile River to promote cooperative development of the river's resources, focusing on joint investments in water infrastructure, sustainable water management, and environmental protection. While historical tensions have existed over Nile allocations-especially between Egypt and upstream countries like Ethiopia and Sudan-the Nile Basin Initiative provides a platform for dialogue and negotiation, enabling these states to address disputes and cooperate on shared water objectives[3].

However, the effectiveness of international legal frameworks in managing transboundary water disputes depends on the political will of the involved states.

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[1] -Tarek Al-Majzoub, "The Legal System of International Watercourses in the Middle East" International Information, Issue 12, Damascus, September 1994, p. 42

[2] -Arab Conference on Agriculture and Water, Damascus, Arab Center for the Studies of Arid Zones and Dry Lands, 1994 p. 109.

[3] - Ibid.p 109

Although legal agreements can provide a foundation for cooperation, their success rests on each state's commitment to honor treaty terms and to maintain dialogue even during political tensions. Moreover, these frameworks must be flexible and adaptive to changing circumstances, such as those arising from climate change or shifting national priorities. Therefore, legal agreements alone are insufficient; they must be backed by strong diplomatic efforts, confidence-building measures, and ongoing cooperation between riparian states to ensure sustainable and peaceful management of shared water resources[1].

The 1997 Convention on the Non-Navigational Uses of International Watercourses follows a UN Charter-like approach that obliges parties to settle their disputes by peaceful means, without compelling them to choose a specific dispute-settlement mechanism. Thus, it leaves parties free to select the method they deem appropriate for resolving disputes under the condition that the chosen method be peaceful. This principle is reflected in Article 33 of the Convention which emphasizes the parties' freedom to choose the mode of peaceful settlement when disputes arise regarding the interpretation or application of the Convention[2].

Article 33 provides that in the event of a dispute between two or more states concerning interpretation or application of the Convention, and in the absence of an agreement between them, the parties shall seek to settle the dispute by peaceful means in accordance with the following rules: (a) if the parties are unable to reach agreement by negotiation, at the request of any party they may resort to good offices, mediation, or conciliation by a third party and may, where appropriate, utilize any joint watercourse institutions they have established and agree to submit the dispute to arbitration or to the International Court of Justice.

From the text of this article, we observe a degree of freedom in the choice of method, and this does not entail an obligation to resolve river disputes in a specific manner or to submit to a particular adjudicative body.

The second requirement: The relationship between water diplomacy and international water cooperation

The meanings of diplomacy differ according to the actors involved; consequently, there are specialized diplomacies such as cultural diplomacy, scientific diplomacy, and technical diplomacy. Diplomacy is theoretically

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[1] -Fahmy Aziza Murad, "International Rivers and the International Legal Status of the Nile River" Egyptian Journal of International Law, 1981, Cairo, p. 37.

[2] -Stockholm International Water Institute, 2016; Huntjens and de Man, 2017 Source: https://siwi.org.

defined as the art of communication between various parties, whether state representatives or individuals in international relations. It is the art of conducting negotiations, forming alliances, discussing treaties, and reaching agreements. At the societal level, diplomacy simply refers to the art of managing people and dealing successfully with others through tact to avoid ill will[1].

Water diplomacy can be preventive in nature and serves as an approach to conflict management. As a preventive tool, it can support confidence-building measures and provide a platform for joint studies and cooperative risk assessments by riparian states. Mediation, negotiation, and diplomatic initiatives are part of its toolkit. The type of dispute or cooperation and the level at which it occurs (local, national, regional, or international) are important factors in designing solutions, and they directly influence which diplomats or legitimate actors should be mobilized and engaged in any given context[2].

Water diplomacy seeks to integrate the water dimension into diplomatic and political tools and to incorporate the political and diplomatic dimension into water management instruments in order to preserve peace and security by preventing conflicts, improving dialogue, and promoting cooperation through multilevel diplomacy. Traditionally, water diplomacy has been seen as a process led by official governmental actors formally responsible for the welfare of their citizens in relation to water, thus having a national interest in managing shared water resources. This process often includes formal agreements and legally binding commitments at high political levels, which frequently face obstacles. The potential for cooperation and conflict-mitigation often emerges through the engagement of third parties and other supporters—official donors or informal stakeholders including academia, civil society, local leaders, and NGOs—across levels from international to local[3].

The term water diplomacy is often used interchangeably with "water cooperation" or "transboundary water management," although a fine and rarely made distinction exists between them. The term "diplomacy" tends to imply higher-level political engagement—"high politics" versus "low politics"—with official government participation. While water diplomacy may utilize the same tools as water cooperation, its aims are broader, extending beyond water to include impacts on regional peace and stability. In this sense, although the term

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[1] -Seminar on Water Issues in the Arab World, Cairo, October 31/12, 1994 Arab Organization for Education, Culture, and Science, Institute of Arab Research and Studies, p 28.

[2] -Ibid, p28

[3]- Amer Sultan, in collaboration with Aisha Rateb and Salahuddin Amer, "Public International Law" Dar Al-Nahda Al-Arabiya, Cairo, 1987, p. 467.

is relatively new, actors within river basins as well as third parties have practiced water diplomacy to stimulate cooperation among riparian states with the hope of supporting broader peace processes.

However, defining water diplomacy precisely is more difficult than defining water cooperation because it means different things to different constituencies and suggests diverse courses of action for organizations and individuals working across sectors[1].

There is no bright-line distinction between water cooperation and water diplomacy. As Keskinen et al. note, water diplomacy can lead to water cooperation in situations where riparian states are in tense relations that could escalate to conflict; water diplomacy can de-escalate tensions. Conversely, water cooperation can evolve into water diplomacy as a natural continuation of friendly relations between states or through the involvement of a third party which acts as a catalyst to broaden cooperation related to water into other collaborative areas. In other cases, water diplomacy may have no substantive causal relationship with water cooperation[2].

The distinction between cooperation and diplomacy prompts us to clarify whether the definition is concerned primarily with water per se or with other issues. In some instances, the definition of water diplomacy has been broadened to include areas like enhancing regional security and stability, regional integration, trade relations, and sharing influence.

the second Topic :Water diplomacy mechanisms for resolving international water crises

Water diplomacy as a means of resolving international water disputes is commonly used because of its benefits; these measures are among the most prevalent and practiced in international relations. The solutions proposed through such means are often merely recommendations presented to disputing states and are not binding, meaning the disputing parties are free to seek other means to settle their dispute.

What distinguishes diplomatic methods for settling international disputes is that they can be used to settle all types of disputes provided the states concerned agree on the method used, in application of the principle of equality of sovereignty among states. Multiple methods can be used concurrently, since the ultimate purpose is to reach a peaceful settlement—for example, a dispute may

[1]-Thomas Naff, "The Conflict over Water and Its Uses in the Middle East, p. 413.

[2]-Ahmed Abu Al-Wafa, "Legal Aspects of International Negotiations" Volume 59, Egyptian Journal of International Law, 2003, p. 8.

be submitted to the International Court of Justice or an arbitral tribunal while negotiations, mediation, or conciliation are ongoing[1].

We find great utility in the flexibility of these peaceful means because they allow resorting to the most appropriate method early on to avoid wasting time and to focus on achieving a peaceful settlement with minimal harm and as soon as possible.

The first requirement: Mechanisms leading to non-binding outcomes

The adoption of optional procedures in the Convention as a preliminary condition for settling riverine disputes clearly reflects the negotiators' desire to preserve states' practice of sovereignty in choosing an appropriate method. These procedures do not lead to binding decisions; rather they facilitate the process by enabling the chosen method to be implemented in a manner suitable to each dispute and avoid recourse to compulsory procedures.

Diplomatic means are among the best and easiest peaceful methods to resolve international disputes; they are highly respectful of national sovereignty because they leave disputing states free to find appropriate solutions and settlements.

First section: International negotiations

Negotiation is a diplomatic act through which parties aim to reach a joint agreement that can guide their future conduct on disputed issues of mutual interest[2].

Professor Mohammed Bajawi states that negotiations are undoubtedly among the most advanced and significant means to rapprochement and international cooperation; international law evolves through negotiations, and today negotiations constitute the most responsive and effective method for the peaceful settlement of international disputes.

Practice shows negotiation as a primary method for achieving peaceful settlement of international disputes[3] .

Some multilateral treaties have adopted an approach that obliges the parties to negotiate or consult whenever a dispute arises between them, meaning that consultations and exchange of views are a form of negotiation. These are mentioned in several international instruments such as the Vienna Convention of 1975 concerning the representation of states in relations with international

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[1]-Ismail Sabri, "Negotiation Theory in International Relations" Issue 1, Journal of Administrative and Political Sciences, UA E University, 1985, p. 136.

[2]-Mohammed Bedjaoui,"International Law" Pedone Publishing, Paris, September1991,p. 139.

[3]-Saleh Yahya Al-Sha’ari, "Peaceful Dispute Resolution" 1st Edition, Madbouly Library, Cairo, 2006, p. 22.

organizations of a universal character, which provides for the obligation to consult and negotiate and to invite international organizations to the negotiations at the request of the parties[1].

We note that the success of this method depends on the good faith of the disputing parties, seriousness in settling the dispute, and the genuine desire to reach a final settlement without maneuvers, in addition to the important factor of equality of sovereignty among negotiating states.

Negotiations do not have a fixed form; they can be oral—where parties directly exchange views—or written in the form of one or more draft articles presented by one party and responded to by the other with a clearer text. Negotiators must be provided with formal powers of representation.

Firstly: The extent of the obligation to negotiate

Paul Reuter posited that different degrees of obligation to negotiate can be counted, suggesting a minimum and maximum level of bindingness, and a middle area where negotiation obligations are variable and can be defined depending on determining factors[2]. According to Nagoya Cook (reference uncertain in Arabic), full obligation is achieved when there is a commitment to negotiate or to involve a third party; in this case parties must not only avoid actions that would display bad faith but must also attempt to apply rules that ensure equality and agreement.

In the same context, Talat Al-Ghanimi argues that a promise to conclude a treaty implies negotiating in good faith with the intent to reach a treaty; the obligation to negotiate does not mean an obligation to reach an agreement[3].

The view that obligations to negotiate exist on a spectrum stems from a legal formulation repeatedly reflected in the expression "we must negotiate with a view to concluding an agreement."

Negotiation is particularly significant where it is linked to a basic agreement; here the role of negotiations is to reach implementing agreements of the basic accord, and the executive agreement often contains a definitive result: no party may act unilaterally outside the framework of the basic agreement.

Regardless of the various levels of bindingness, the essential common element among them remains the presence of the parties' will and good faith throughout negotiations, which preserves the role of negotiation in achieving consensus and narrowing positions.

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[1]-Paul Reuter,"The Development of the International Legal Order" Economica, Paris, 1999, p

[2]-Ibid,p254

[3]-Ahmed Abu Al-Wafa Mohammed, "Negotiations as a Means of Peaceful Dispute Resolution" Issue 16, Riyadh, June 1993, p. 57.

secondly: **Relation of negotiations to the principles of international water law**

When a dispute arises between two or more states, they may, if they agree, resolve it through negotiations; negotiation is not merely a formal procedure but requires good faith toward the matters in dispute[1]. This requires a certain level of mutual trust between the parties and an understanding of the need to manage shared interests[2]. Here, the determination of states to uphold friendly relations plays a significant role. Article 17 of the 1997 Convention on the Law of the Non-Navigational Uses provides.

If a notification is made under Article 15 that the implementation of planned measures would not be consistent with the provisions of Articles 5 and 7, the State that transmitted the notification and the State that transmitted the response shall enter into consultations and, if necessary, negotiations in order to reach an equitable resolution of the situation.

Consultations and negotiations shall be conducted on the basis that each State shall act in good faith and give due regard to the rights and legitimate interests of the other State.

The State transmitting the notification, during consultations and negotiations, shall refrain from proceeding with the proposed measures or allowing them to be carried out for a period of six months if so requested by the State receiving the notification, unless the States otherwise agree.

Thus, this article sets conditions:

a- if the planned measures are not consistent with Articles 5 and 7, the notifying State and the responding State must engage in consultations and negotiations.

b- refraining by the notifying State from implementing the measures during consultations and negotiations is conditional upon no alternative agreement being reached, hence the obligation in paragraph 03 is not absolute.

Negotiating with the aim of resolving a dispute does not necessarily mean agreeing to all demands; circumstances may require a party to maintain its position if it believes negotiations do not secure its full rights or would unduly compromise them. The obligation to negotiate is an obligation to act, not an obligation to reach a particular result; it does not require agreement at all costs.

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[1]-Nouri Marza Jafar, "Territorial Disputes in Light of International Law" University Publications Office, Algeria, 1992, p. 90.

[2] -Suhail Al-Fatlawi and Ghalib Awad Hawamdeh, "Public International Law (Part Two)" 1st Edition, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2009, p. 172

The Second section. Good offices and conciliation

Conciliation is a relatively modern procedure among methods for peaceful settlement of international disputes. Typically, a neutral committee is formed often composed of five members, with each disputant appointing one member and the remaining three appointed by mutual agreement from nationals of other states[1]. The committee may be permanent, established by treaty, and available to the parties to refer disputes to, or it may be established after a dispute arises and remain ad hoc until its mission is completed.

Firstly: **The legal nature of conciliation**

Conciliation is a quasi-judicial procedure situated between investigation and arbitration: it involves a body tasked by the parties to examine all aspects of the dispute and propose a solution[2], unlike an investigation which focuses on establishing facts without proposing a solution. Unlike arbitration, conciliation concludes with proposals that the parties are free to accept or reject, whereas arbitration ends with a binding award.

The ideal route for submission to a conciliation commission is by mutual agreement of the parties and a joint declaration of their desire to reach a peaceful settlement via conciliation[3].

However, a single party may refer the dispute to a conciliation commission if a conciliation treaty is in force between the parties; in this case the party may appeal directly to the conciliation commission's chair without obtaining the other party's prior consent.

Procedures for conciliation vary, but some treaties set a one-year period for a conciliation commission to examine the dispute.

European conciliation treaties often provide six months from receipt of the dispute documents or from the commission's first meeting, which can be extended if the commission seeks an advisory opinion from an international court[4]. The commission presents its report; if the parties accept it, the commission's work terminates, but if the parties reject it wholly or partially, the commission continues to attempt conciliation. The proceedings are a mix of oral

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[1]-Nguyen Quoc Dinh, "Are Conciliation Commissions Also Investigation Commissions?" Revue Générale de Droit International Public (R.G.D.I.P), 1967, p. 294.
[2]-Jean Pierre Cot, "International Conciliation" Pedone, Paris, 1968, p. 199.
[3]-Ibid, p200
[4]-Mohammed Sami Abdul Hamid, "Principles of Public International Law" 3rd Edition, Volume 1, Makawi Library, Beirut, 1977, pp. 261–271.

and written procedures: parties present their views and supporting documents, the commission examines them and seeks to reconcile views through exchange.

secondly: **The effect of conciliation on the disputing parties**

A conciliation report is not binding in general; parties are free to accept or reject its recommendations. If the parties accept the settlement proposed, its content is drafted into a formal text signed by the commission's chair and secretariat and transmitted to the parties. If the parties reject the proposals, the report is returned to the commission with reasons for rejection, and the commission must attempt further conciliation to reach a mutually acceptable settlement. If it fails, it issues a final report to that effect[1].

The third section: International fact-finding (investigation)

When diplomatic negotiations fail due to disagreement over factual matters, the disputing states may appoint a commission entrusted with investigating the facts and producing a report[2].

Investigation does not decide the dispute but provides material that assists parties in resolving disagreements by clarifying the factual basis. Thus, states have established international fact-finding committees. Fact-finding can play a valuable role well before threats to international peace and security arise, since it helps establish the facts of a dispute.

Investigation is unsuitable for resolving disputes involving sovereignty or questions of a state's essential interests. However, when parties agree in principle about the legal rights and obligations but differ on factual assessments, they may agree to form an investigative commission to establish the pertinent facts and produce a detailed report for the disputing parties without proposing a binding solution. The parties may appoint their own representatives to the commission to represent their interests and may also bring in advisers or legal experts to present their case before the commission.

Firstly: **Investigation as consolidation of cooperation between riparian states**

Given the technical nature of many transboundary water disputes, investigation often focuses on technical aspects handled by expert bodies established for joint work. Article 33 of the 1997 Convention envisages such

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[1]-Charles Rousseau, "Public International Law" Translated into Arabic by Shakrallah Khalifa and Abdul Mohsen Saad, Al-Ahliya for Publishing and Distribution, Beirut, 1982, p. 290.

[2]-Ammar Ben Khoukha, "The Convention on the Non-Navigational Uses of International Watercourses and Its Application to the Euphrates River" Master’s thesis, Faculty of Law, University of Algiers, 2000, p. 88.

fact-finding and, where appropriate, referral to technical experts within a joint commission[1].

Nevertheless, whether the settlement is achieved via negotiation or through fact-finding, the outcome depends on the consent of the parties. The process can be obstructed if one party refuses cooperation. Even if the dispute is submitted to arbitration or judicial settlement, the rights of the state that did not consent may not be fully affected by such an outcome. Therefore, given the subject matter's relation to essential human needs, it is necessary to complement these proposed settlement mechanisms with certain binding provisions, especially when a state refuses to cooperate regarding the proposed settlement. Such measures would encourage negotiations to prepare bilateral or multilateral agreements governing the use of international watercourses, thereby reducing disputes and strengthening the position of downstream states in asserting their legitimate rights.

The second requirement: Regional bodies and specialized agencies as diplomatic mechanisms for settling water disputes in the Arab region

The water crisis among the riparian states of the Tigris and Euphrates concerns the allocation of rights between the upstream state (Turkey), which controls the flow of the rivers, and the downstream states (Syria and Iraq) which bear the consequences of Turkey's developmental projects on the Tigris and Euphrates. The issue is not merely about each state's water needs but also involves questions of sovereignty over the portions of the watercourse flowing through their territories. Thus, violations of international norms concerning the management of international watercourses or the inviolability of national territory can have direct repercussions on the security of Syria and Iraq, with negative effects on Arab security in general[2].

Specialized agencies have also played roles; previously the World Bank (International Bank for Reconstruction and Development) mediated in 1972 at the request of the financing institutions involved in constructing the Keban Dam in Turkey, and the World Bank has also provided financial support for some projects on the Euphrates basin.

The First section: Legal basis for the Arab League's intervention in the Tigris –Euphrates dispute

The Arab League finds justification for intervening in the Tigris–Euphrates dispute in international law instruments. Article 52(1) of the UN Charter allows

[1] - Ammar Ben Khoukha, Op. Cit. p. 88

[2] -Saleh Yahya Al-Sha’ari. Op. Cit. p. 43.

for the existence of regional treaties and organizations aimed at the peaceful settlement of regional problems, so long as their activities are consistent with the purposes of the United Nations. The Security Council encourages the peaceful settlement of regional disputes by such means[1].

Article 33 of the UN Charter recognizes the potential role of regional organizations in the peaceful settlement of international disputes and provides that parties to any dispute likely to endanger international peace and security shall first seek settlement through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or by resort to regional agencies or arrangements they consider appropriate.

The Second section: The Arab League as a regional mechanism for settling the Tigris –Euphrates disputes

The Arab League has sought to find solutions to the Tigris–Euphrates dispute since it first arose between Syria and Iraq in 1975 when Syria began constructing the Tabqa Dam on the Euphrates. The League convened a special meeting on 21 April 1975 composed of foreign ministers of Arab states to discuss the issue, and proposed forming a technical mediation and conciliation committee of seven Arab states plus the Secretariat. The League emphasized mediation as an effective means for settling international water disputes given the political sensitivities involved, although Iraq reserved its position on the committee formation due to the lack of binding force.

On 13 May 1975, a tripartite committee formed in Riyadh succeeded in resolving the dispute. The Arab League subsequently endorsed the committee's recommendation at its 64th ordinary session in Cairo on 20 October 1975, reflecting successful Saudi mediation in calming the crisis.

The Arab League's engagement evolved after Turkey became a third party in the dispute following its cutting of the Euphrates flow for an entire month in 1990. The League issued statements urging Turkey to engage in a tripartite negotiation to reach a final agreement on equitable allocation, and stressed the need for consultation among the three states sharing the river[2].

The Arab League consistently emphasized methods to avoid disputes, such as consultations and notifications, respect for acquired rights, and reliance on international law principles of good neighborliness, good faith, non-harm, and peaceful settlement. However, it often lacked mechanisms to ensure binding implementation, which limited the efficacy of its resolutions. The League urged

[1] - Samer Mukhaymar and Khaled Hijazi. Op. Cit. p111

[2] - Fathi Ali Hussein, Op .Cit. p. 107.

non-member Arab states to accede to the 1997 Convention to accelerate its entry into force and to support the establishment of international rules protecting Arab water rights in shared watercourses[1].

Recognizing the importance of Arab water security, the Arab League established the Center for Water Studies and Arab Water Security based in Damascus by Council Resolution No. 5602 at its 106th regular session on 15 September 1996, aiming to preserve Arab water resources among neighboring states such as Syria, Iraq, Jordan, and Lebanon. The Center serves as a specialized body under the League Secretariat and is deemed appropriate for addressing regional water disputes that might otherwise attract external intervention[2].

The League issued numerous effective decisions for the peaceful settlement of Arab water disputes, including Resolution No. 5233 concerning water in the Arab world and Arab rights in shared international waters. It also adopted a comprehensive study on Arab rights in shared international waters and stressed the need to reach fair and equitable solutions that safeguard all parties' rights. At the Amman Summit in March 2001 the League called on Turkey to reconsider measures related to dam construction and other projects on the Tigris and Euphrates until a fair allocation of waters among the riparian states was achieved, and emphasized the importance of Arab states acceding to the 1997 Convention to hasten its entry into force[3].

If Arab states had more consistently implemented the provisions of the 1997 Convention, the League might have resolved many of the disputes among Arab states or between Arab states and others, which would have reduced reliance on external actors and contributed to stability in the region[4].

The Third section: **Challenges of water diplomacy**

Water diplomacy faces major challenges stemming from the complex interplay between political and economic factors shaping states' approaches to managing shared water resources. While legal frameworks and cooperative agreements are essential to address transboundary water disputes, riparian states' political and economic interests often obstruct effective water diplomacy,

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[1] -Jalal Muawad, "The Euphrates Water Issue: Developments and Economic, Political, and Legal Aspects" Cairo University, Cairo, 1991, p. 139.

[2] - Statement of the General Secretariat of the Arab League, Cairo, July 30, 1993.

[3]-Munther Khaddam, "Arab Water: Crisis, Problems, and Solutions". p .69 www.arableagueonline.org.

[4] -Resolutions of the Arab League Council at the Ministerial Level, 219th Ordinary Session Arab League (General Secretariat, Department of League Council Affairs), Volume 1/119 (03/03), 07-Q(0026), Cairo, March 22–24, 2003.

hampering treaty implementation and potentially escalating tensions into conflict.

Key political challenges include unequal distribution of water resources: upstream states typically have greater control over flows, which can create power imbalances with downstream states and provoke disputes over allocation. For example, riparian states sharing major rivers such as the Nile, Mekong, or the Tigris–Euphrates often contest water use as each seeks to maximize its supply, sometimes leading to a zero-sum perception that undermines trust and cooperation.

Economic factors also influence water diplomacy strongly. Water is an economically valuable resource for agriculture, industry, and energy production, and states may prioritize economic development over sustainable use. Large-scale irrigation projects, hydropower dams, and mining operations can exert enormous pressure on shared water systems, exacerbating tensions and complicating fair negotiations. Political leaders in countries where economic growth relies on water-intensive industries may hesitate to concede ground in negotiations regarding water management. Local political considerations may politicize water disputes, with leaders using them to mobilize nationalist sentiment or exert leverage over neighbors. Where water is framed as a sovereignty or security issue, reaching agreement becomes challenging because any perceived weakening of national control over water resources may face domestic opposition[1].

Despite these obstacles, successful water diplomacy remains possible when states prioritize long-term cooperation over short-term political or economic gains. Diplomatic efforts that focus on confidence building, mutual understanding, and inclusive stakeholder engagement can overcome these political and economic barriers. Involving regional organizations and international institutions can provide neutral mediation and facilitate negotiations[2].

Conclusion

The preceding discussion indicates that the competition over natural resources will remain intense in the foreseeable future, with global, regional, and local dimensions. In particular, the struggle for strategically vital resources-such as water-appears to have been largely settled in favor of the United States, which

[1] - Report on the Arab League, "Tigris and Euphrates River" www.rezgar.com.

[2]-Maisa Al Ali, Head of Water Studies and Arab Water Security Al -Bayan, www.albayan.co/albayan/2003/01/25

has succeeded in securing control over major sources of such resources worldwide. At present, it continues to seek a foothold in relation to Arab water resources.

Alongside the United States, China and the European Union represent the most significant competitors in this global contest. It is not inconceivable that by the middle of the current century, the United States might ignite a major conflict with China in its pursuit of dominance over vital resources and its aspiration for continued global leadership. Meanwhile, developing countries-many of which still possess essential natural resources sought by the major powers-are likely to remain passive observers with limited influence over shifts in the international balance of power.

The growing dominance of powerful states within the United Nations may ultimately lead to the organization's weakening or even collapse, should developing nations lose confidence in an institution originally established to maintain international peace and security. If current trends persist, the global situation is expected to witness an escalation in resource-based conflicts, not only between nations but also within them—particularly among developing countries facing rapid population growth and declining resource availability, especially in terms of food and water.

Despite notable efforts by scholars of international law most prominently embodied in the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses these initiatives remain limited by the absence of binding legal mechanisms compelling states to comply. This deficiency allows upstream countries to retain control over water flows to downstream states, perpetuating disputes and undermining prospects for permanent resolution.

Although numerous treaties, agreements, and conventions address aspects of water management, the international community still lacks a comprehensive legal framework specifically governing water-related disputes. What currently exists is a body of customary norms developed over time and a set of principles formulated through international conferences or by the United Nations Legal Committee.

To prevent the escalation and geographic spread of international conflicts over water resources, it is imperative to establish a unified and comprehensive framework for managing such disputes. This framework should be based on the following key pillars:

*** A shared and reliable understanding of data**, ensuring that agreements and treaties rest upon accurate and verifiable evidence.

***An effective governance structure**, capable of facilitating communication and cooperation among riparian states for the collective implementation and monitoring of agreements.

*** Inclusive public participation and stakeholder engagement**, enabling agreements to reflect local needs and benefit from community-level involvement.

*** Support from external actors**, to foster dialogue, capacity building, and joint monitoring, thereby enhancing mutual benefits among riparian states.

*** Consideration of environmental sustainability**, ensuring the long-term viability of water management practices and promoting outcomes beneficial to all parties involved.

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