

REPUBLIQUE DU SENEGAL  
Un Peuple – Un But – Une Foi



9<sup>TH</sup> WORLD WATER  
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**CIC**  
Cuenca del Plata

# 1. How can the development and implementation of legal frameworks for transboundary water resources prevent conflicts and contribute to their sustainable management?

- An international treaty must be the result of a full consensus of the countries that share a transboundary water course. In this way, this treaty would reflect a common and collective vision regarding the protection and use of water.
- A treaty should not be interpreted as a coercive instrument but rather as a tool that allows building the legal framework for the cooperation and integral development for the people who share the water course in harmony with mother earth.
- Nevertheless, not even the best treaty guarantees peace if conditions of inequity, inequality and growing demand prevail.
- Experience shows us that the development and ratification of an international treaty can take decades. In our region, to date, no Latin American country has ratified the UN Watercourses Convention or the UNECE Water Convention. However, just the fact of sustaining a continuous work of permanent dialogue between the parties is already worth it.

## 2. What are the challenges ahead?

- One of the most important conditions to advance in the construction of international treaties is the enhance of **mutual trust** as a basic condition sinequ岸um nothing is possible.
- Another challenge is to break the anthropocentric vision that is destroying life on our planet. A treaty must protect not only human beings but also all the biodiversity with whom we share mother earth.
- Though water scarcity is still a not yet a major issue in LAC compared to other regions of the world, both water quantity and quality are being threatened by dam building, deforestation, increasing populations, mining, urban construction processes, agroindustry and industrial zones. Treaties usually threat sectoral interests.
- In Latin America not all the infrastructure implemented in international watercourses has been consulted with the riparian states. However, there are a number of other international treaties that could be used for dialogue and non-harm to third parties.

### 3. Which processes, tools, and guidance materials are available at the global level for accelerating the progress towards the development and implementation of operational arrangements?

- The UN Watercourses Convention and the globalization of the UNECE Water Convention present both a unique situation in international law and an opportunity to progressively develop the state of global transboundary water law. But in the mean time it is possible to use other treaties ratified for the countries, por example:

#### **Obligation not to cause significant harm**

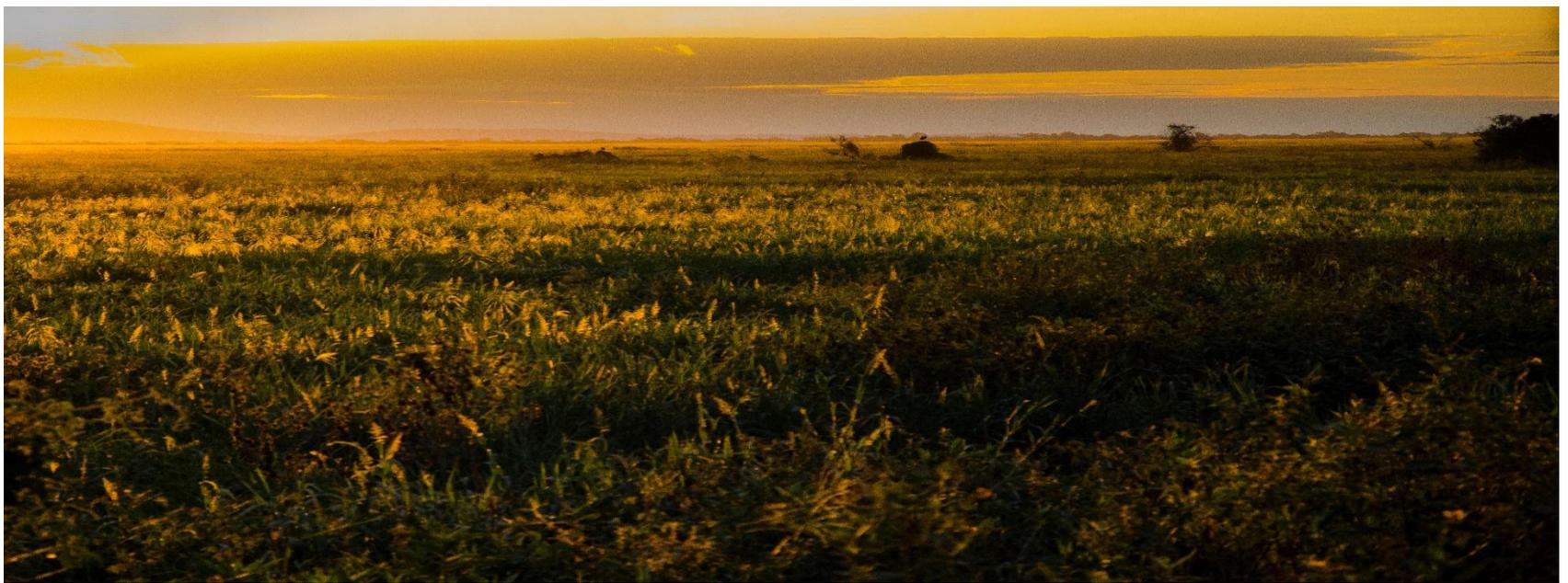
1. Principles 17 and 19 of the Rio Declaration of 1992 establish the need to evaluate activities that could have an adverse and significant impact on the environment
2. Declaration on the Use of International Waters for Industrial and Agricultural Purposes - Montevideo, December 24, 1933
3. American International Conference Universal Declaration on Human Rights December 10 1948
4. American Convention on Human Rights of 1969
5. American Declaration on the Rights of Indigenous Peoples June 14, 2016)

In relation to the Obligation of prior notification and consultation, we have in the region the 1969 Cuenca del Plata Treaty and the OIT 169 Convention Ratified for all countries.

These declarations not only have value in their ability to introduce a water governance framework where none currently exist, but they have particular significance where existing agreements have gaps or failings that pose a serious obstacle to cooperation.

## 4. What are the recent developments and examples of the successful application of international water law principles at the regional and basin level?

1. Some international river basin organizations, such as those in **La Plata and Titicaca have been working together for decades.**
2. **However, international management is not particularly widespread; only four basins have international treaties – the Amazon, La Plata, Titicaca, and Mirim Lagoon.**
3. **To date, no Latin American country has ratified to the UN Watercourses Convention or the UNECE Water Convention.**  
Interestingly, both Paraguay and Venezuela signed the UN Watercourses Convention, but neither went on to ratify it.
4. **Without dubs the most recent important treaty signed and ratified in latinoamerica is the one related to Guarani Aquifer, which represents decades of negotiation.**



Thank you for your attention



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