

Transboundary Waters and Ecosystems: Opportunities for Improved Water Governance

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Introduction

The UN Watercourses Convention: 1) determines applicable law between parties; 2) codifies in some of its articles International Customary Law which is applicable to non-parties; and 3) serves as a model for negotiation of basin agreements.

For freshwater ecosystem protection this is of great importance as minimum legal standards are given by the Convention.

However treaty practice shows those standards can be significantly raised

Methods

Legal Analysis: The thesis is developing indicators to create an analytical framework for determining the use of an 'ecosystems approach' in transboundary water agreements.

Treaty Survey: The project is surveying an extensive amount of agreements to determine if freshwater ecosystem protection standards have been raised by State practice

	Scope	Substance	Procedures	Institutions	Conflict Resolution
Indicator (example)	Basin Approach	Precautionary Principles	Transb. Impact Assessment	River Basin Organization	Fact Finding Commission
Treaty Evidence	Orange Senqu, Rhine	Rhine, Danube	Sixaola	Danube, Rhine, etc.	Indus

Future:

The Matrix will be applied to 2 case studies (**Sixaola River Basin** shared between Costa Rica and Panama and **Lake Titicaca Basin (TDPS)** between Peru and Bolivia) for testing its capacity to determine if a regime is fit to protect and conserve freshwater ecosystems



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