

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

Methods

Legal Analysis: Through the research indicators have been developed as part of an analytical framework for determining the use of an 'ecosystems approach' in transboundary water agreements.

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

Treaty practice and implementation is more dynamic and shows great commitment from States to go beyond the minimum required

	Scope	Substance	Procedures	Institutions	Conflict Resolution
Indicator (example)	Basin Approach	Precautionary and EA Principles	Transb. Impact Assessment	River Basin Organization	Fact Finding Commission
Lake Titicaca Treaty	TDPS System	No mention	Lack of clear procedures	Creation of ALT	ALT competence

Future:

The case studies (**Sixaola River Basin** shared between Costa Rica and Panama and **Lake Titicaca Basin (TDPS)** between Peru and Bolivia) are revealing: 1) the fitness of a treaty to protect ecosystems; 2) how treaty gaps are filled by 'secondary norms' and; 3) how stakeholders are using the legal framework for acting in the basin

Acknowledgements: Dr. Alistair Rieu-Clarke and Dr. Francesco Sindico

