



Water Security and International Law

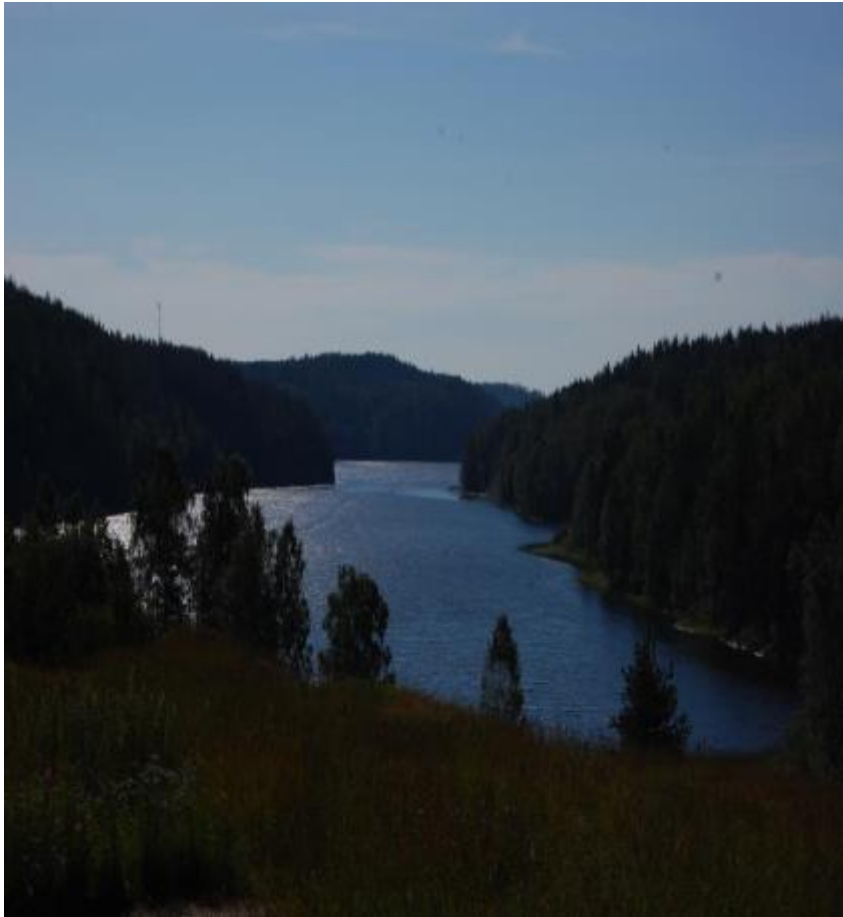
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Double function of water



Water and national interests



Outline of the lecture

1. General international law

2. Regulatory approach

3. Management approach



1. General international law



General international law

- Primitive approach: Absolute sovereignty
 - Harmon doctrine; Opinion by the Attorney General Judson Harmon (12 December 1895)
- General international law
 - General principles
 - State responsibility
 - Dispute Settlement
 - Sovereignty Doctrine
 - Example: Lac Lanoux case: France v. Spain; Award of 16 November 1957

Lac Lanoux Case

- Background of the dispute
- Arbitration Award (1957)
- Judicial techniques applied by the tribunal

2. Regulatory approach: Boundary Waters



Regulatory approach

- Regulations on the use of boundary waters
 - Navigational uses
 - Non-navigational uses
 - Irrigation
 - Fishing
 - Floating of timber
 - Hydro-electronic power
 - etc
- Regulations on the protection of boundary waters
- Establishment of joint bodies

3. Management approach



Management approach

- Rational and equitable utilization
- Sustainable use
- Risk management
- Crisis management

Water and security



Example of three approaches

Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)

Judgement of 25 September 1997, International Court of Justice, Reports 1997

www.icj-cij.org

Conclusions

- Threat to sovereignty: recourse to general international law
- Threat to water quality: recourse to regulations on the use of waters
- Threat to water quality: recourse to regulations on the protection of waters
- Threat to water ecosystems: recourse to management
- Climate related threats to water: recourse to the climate management
- Threat to peace and security: recourse to the crisis management