



International Rivers and Lakes

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The editor encourages contributions of news items for an exchange of information with interested readers.

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All correspondence should be addressed to:

Director
Division for Sustainable Development
Department of Economic and Social Affairs
United Nations, Room DC2-2220
Two UN Plaza, New York, N.Y. 10017
Email: Brewster@un.org

I. European Commission welcomes adoption of Directive on public access to environmental information¹

The Commission has welcomed the successful outcome of the Conciliation procedure between the European Parliament and the Council on the Commission's proposal for a Directive on public access to environmental information, which is now finally agreed. The Directive will replace the existing Directive 90/313/EC on the freedom of access to information on the environment. The new Directive improves the public information access provided by existing legislation and is also the first step towards EU ratification of the international convention on access to information, public participation in decision making and access to justice in environmental matters, which was adopted at Aarhus (Denmark) in June 1998.

II. Adoption of the Human Right to Water²

On 28 November the United Nations Committee on Economic, Social and Cultural Rights today adopted the General Comment on the right to water referring to article 11 of the International Covenant on Economic, Social and Cultural Rights. The General Comment states that: "The human right to drinking water is fundamental for life and health. Sufficient and safe drinking water is a precondition for the realization of all human rights." The Comment goes on to define water as a social and cultural good, not solely as an economic commodity. The 145 countries that have ratified the International Covenant on Economic, Social and Cultural Rights will now be pledged to progressively ensure access to clean water, equitably and without discrimination. WHO Director-General Gro Harlem Brundtland said the declaration of water as a human right was a major boost in efforts to achieve the Millennium Development Goals in water and sanitation – to halve the numbers without access by 2015.

The Comment defines the sufficiency, safety, affordability and accessibility to water -- and describes State's legal responsibility in fulfilling the right. The human right to water entitles everyone to sufficient, affordable, physically accessible, safe and acceptable water for personal and domestic uses. The provision of water must be adequate for human dignity, life and health.

The Comment is significant in that it means that households can no longer be disconnected from water supplies. The authority enforcing disconnection of water supply would be in violation of international human rights law. This sets an important precedent. The adoption of the right to water initiates the UN International Year of Freshwater in 2003.

¹ Source: European Water Management News, 13 November 2002:
<http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/02/1641|0|RAPID&lg=EN>

² The draft of the General Comment on the right to water can be found on:
<http://www.citizen.org/documents/therightowater.pdf>. Other details can be found at: support@iatp.org.

The Committee met for the first time in 1987 and has since then adopted 14 General Comments in order to provide an interpretation of the Covenant. The General Comment on the Right to Water is an interpretation of the right to food (article 11) and the right to health (article 12).

The draft was discussed in an open meeting on 26 November 2002 in Geneva, where a number of speakers emphasized the need to consider water a "public commodity even if delivery of services were privatized".

In light of this General Comment of the Committee, it is worthwhile to look back at chapter 18 of agenda 21 from the Earth Summit in Rio in 1992. In paragraph 18.8, it states that "In developing and using water resources, priority has to be given to the satisfaction of basic needs and the safeguarding of ecosystems. Beyond these requirements, however, water users should be charged appropriately."

Similarly, in the Johannesburg Plan of Implementation (para 26b), governments pledged to "employ the full range of policy instruments, including regulation, monitoring ... and cost recovery of water services, without cost recovery objectives becoming a barrier to access to safe water by poor people...." Taking these principles into account, it seems that there is general agreement that access to water resources is a basic human right, but beyond meeting basic needs, cost recovery principles could be applied.

III. Commission asks France, Spain and Italy to respond to queries on environmental complaints³

The European Commission (EC) is to start infringement proceedings against France, Spain and Italy following their failure to provide information about possible breaches of European Union (EU) environmental law. After receiving a number of complaints about possible breaches, the Commission wrote to the three Member States requesting further information. None of them have acted. By not co-operating with the Commission, these three Member States are in breach of Article 10 of the EC Treaty, which requires Member States to co-operate actively with the Commission to attain the objectives of the Treaty. France, Spain and Italy will receive a letter of formal notice (the first stage of infringement proceedings provided for in Article 226 of the EC Treaty). In the absence of a satisfactory reply within two months, the Commission may decide to issue formal requests to the three Member States (in the form of so-called 'reasoned opinions', the second stage of infringement proceedings) to comply with their Treaty obligations.

Commenting on the decisions, Environment Commissioner Margot Wallström said: "If Member States fail to provide promptly the information requested, the Commission is hampered in dealing efficiently with environmental complaints from citizens. I would, therefore, urge France, Spain and Italy to provide the assistance requested."

³ From <http://europa.eu.int/>, Press release DN: IP/02/1790 of 03/12/2002, Brussels, 03 December 2002.

Commission rules provide for the systematic registration and investigation by the Commission of complaints concerning possible breaches of European Union law. Environmental complaints represent a large share of the total number of complaints received annually by the Commission.

Dealing with complaints requires the active co-operation of Member States, particularly to clarify the facts and to state official positions. Such co-operation is required under Article 10 of the EC Treaty. The complaints for which France, Spain and Italy have still not made information available, in spite of reminders from the Commission, concern the following examples, among others:

France

A lake at Canet in the Pyrenees, which is important for the conservation of wild birds, is claimed to have deteriorated as a result of pollution and flood-control works. The Commission needs information from France to determine whether this infringes the Directive on the conservation of wild birds that aims to protect important bird sites (79/409/EEC as amended by 92/43/EEC).

Spain

Waste water discharges from the town of Almendralejo, Badajoz: It is claimed that, each year, during the month of September, the waste-water treatment plant for the town of Almendralejo stops functioning as a result of being overloaded by wastes from the olive-processing sector. As a result, there is pollution of nearby lakes. This could represent an incorrect application of the Directive on the treatment of urban waste water (Directive 91/271/EEC).

Waste water discharges from the agglomeration of Islas Menores in Murcia: A petition to the European Parliament claims that the agglomeration of Islas Menores lacks a proper system for the collection and treatment of urban waste water, with resulting water pollution. This could represent an incorrect application of the Directive on the treatment of urban waste water (Directive 91/271/EEC).

Italy

Water transfer from Lake Ancipa to Lake Pergusa in Enna: It is claimed that the environmental impact of a project to channel water from Lake Ancipa to Lake Pergusa has not been properly assessed and that it will damage a site protected for the conservation of wild birds. This could represent an incorrect application of the directive on environmental impact assessment (85/337/EEC) and the directive on the conservation of wild birds (79/409/EEC).

Background information

The Habitats Directive

Directive 92/43 envisages a protection scheme covering a range of animals and plant species, as well as a selection of habitat types. It provided for the creation of a network of protected sites known as Natura 2000, which will, when fully in place, embrace special protection areas designated under the Wild Birds Directive, as well as sites proposed under the Habitats Directive. A set of safeguards will apply to all sites in the network.

This network should ensure that the best examples of the European Union's natural habitats, as well as areas hosting rare and endangered plant and animal species, are properly conserved and protected.

Urban waste water Directive

Directive 91/271/EEC is intended to harmonise measures on urban waste-water treatment throughout the EU. The Directive establishes a time-table, which Member States must adhere to, for the provision of collecting systems for urban waste water in agglomerations which meet the criteria laid down in the Directive.

The Environmental Impact Assessment Directive

Directive 85/337/EEC, which has been amended by Directive 97/11/EC, requires Member States to carry out environmental impact assessments (EIA) on certain public and private projects, before they are authorised, where it is believed that the projects are likely to have a significant impact on the environment. The objective of an EIA is to identify and describe the environmental impacts of projects and to assess whether prevention or mitigation is appropriate. During the EIA procedure, the public can provide input and express environmental concerns with regard to the project. The results of this consultation must be taken into account during the authorisation process.

IV. Moscow Mayor Plans to Sell Water to the World⁴

Nobody remembers who invented the project for diverting the Siberian rivers south to Central Asia, but it is known who gave the second life to the project. The project of diverting Siberian rivers was actively discussed in the Soviet Union in the 1970s. In accordance with the main idea of the project, the rivers of Ob, Irtysh, and Yenisey would be diverted from Russia's north to south, to Central Asia. This was designed to irrigate the drought-prone Central Asiatic regions.

The creators of the project believed that the Siberian water supply was excessive and the rivers could be easily shifted to the south. In addition, the idea was extremely popular at the time. Moreover, some of the infrastructure for the realization of the project was even started. Opponents of the project pointed out the enormous size of the idea and warned that it posed a threat to the balance of the ecosystem; however, the authorities ignored the warnings of the project's opponents. Because of the shortage of financing, the project was cancelled in the 1980s.

⁴ From: *Pravda* RU:11:16, 05 December 2002.

After several years, nobody referred to the project; moreover, it was cited as unrealistic. However, as it turns out, there are still people who remember the project and consider it rather reasonable. Moscow Mayor Yury Luzhkov is among these people. He suggested to the federal authorities to revive the project for diverting the waters of Siberian rivers to Central Asia. He even addressed the suggestion to President Putin. Mr. Luzhkov suggests building a canal to transport the water of the Ob River from the city of Khanty-Mansiisk to Central Asia. The canal's length would be 2,550 kilometres -- an open canal 200 metres wide and 16 metres deep.

It is estimated that the volume of water to be diverted from the Ob River to Central Asia would make up 6-7% of its total volume. The project submitted by the mayor of Moscow for consideration of the government projects that in the 21st century, the volume of fresh water sold on the world market will be equal to the volume of oil sales. Yury Luzhkov believes: "As is seen from experience, the price of fresh water will steadily increase, and spending on construction of infrastructure for the water trade will be more effective than for construction of infrastructure for the oil trade."

V. New treaties relating to the Maas and the Scheldt⁵

In early December 2002 three Belgian Regions, France, Luxembourg, Germany and the Netherlands signed new treaties relating to the Maas (also spelled Meuse) and the Scheldt rivers. This means that a basin management plan for each river can now be drawn up through the International Scheldt Commission and the International Maas Commission. This will make it possible to make international agreements about water quality and water quantity.

As delegations from the Netherlands, Germany, Belgium, Luxembourg and France signed the new "Treaty for the International Commission for the protection of the Maas and Scheldt Rivers", WWF-Belgium led other NGOs in a protest against this same Treaty.

According to WWF, the Treaty is not in line with the spirit of the EU's Water Framework Directive: it is not only weak, but also non-binding and vague, failing to deliver any concrete measures for the protection and management of the Maas and Scheldt rivers.

VI. Province at risk of EU fines over water⁶

A warning was sounded today that Northern Ireland could be fined millions of pounds a year if it fails to meet European standards on water and sewerage. Regional Development Minister Angela Smith said that if Europe imposed penalties, the money would have to be diverted from public services such as health, education and transport.

⁵ Source: European Water Management News, 4 December 2002. More information at: http://www.panda.org/news_facts/newsroom/other_news/news.cfm?uNewsID=4821, Email to: <mailto:wim.vdweegen@cend.minvenw.nl>.

⁶ Source: Robin Morton, Business Correspondent. Belfast Telegraph. <http://www.belfasttelegraph.co.uk/business/story.jsp?story=358498>.

The Minister, who was speaking at the opening of the Belfast Waste Water Heritage Centre, was underlining the need for a major investment in upgrading the province's water and sewerage services. It has already been estimated that an investment of £3 billion will be required over the next 20 years, and the Government says consumers will have to help fund the improvements.

Wastewater treatment standards have to meet strict European standards and the Government says that if the necessary investment is not made, Brussels will start levying substantial fines.

Although Ms. Smith said there were no immediate plans to introduce dedicated water charges, she said the aim was to make water and sewerage services "self-financing" by 2010. To examine the options, the Minister said she would shortly be visiting Scotland, where a public corporation model is in operation, and Wales, which has a "not for profit" structure.

Ms. Smith said: "In contrast to other parts of the UK, Northern Ireland's households do not pay water charges. "Water and sewerage services are currently funded from the Northern Ireland budget, which includes the regional rate." She added: "The reality is that people here pay much less in local taxation, and therefore do not pay enough towards the costs of these services.

"As we launch a very large investment programme in these vital services, we will have to look to Northern Ireland consumers to contribute to these costs." Government figures indicate that the average council tax bill in England is £804 per household, with an additional water bill of £228.

By contrast, the average domestic rates bill in Northern Ireland is £445, with no additional charge for water and sewerage.

VII. Water worries: How is a lifeline to be shared in politically turbulent times, while catering to conflicting economic interests?⁷

Fatemah Farag considers the challenges discussed at the First Regional Conference on Perspectives of Arab Water Cooperation.

Water shortages in the Middle East are expected to become more frequent and more severe. By the year 2030, water deficiency is expected to reach approximately 155 billion square metres per year, which amounts to 60 % of the current total water sources.

⁷ By Fatemah Farag, In Al-Ahram Weekly, 24-30 October 2002. All rights reserved, reprinted with permission. <http://www.ahram.org/weekly/2002/609/re8.htm>.

"The Arab world is currently facing one of the most severe water scarcities in the world," says Egypt's Minister of Water Resources and Irrigation Mahmoud Abu Zeid. "Most of the Arab region lies in an arid and semi-arid zone where rainfall is mostly low, variable and unpredictable. About 60 % of the fresh water resources in Arab countries comes from outside the region."

It is this alarming state of affairs that drew specialists from across the Arab world to Cairo in late October 2002 to attend the First Regional Conference on Perspectives of Arab Water Cooperation organised by the National Water Research Centre (NWRC) with the cooperation of UNESCO. "There is an urgent need for concrete cooperation between Arab countries to exchange experiences, knowledge and relevant information under one common umbrella, which was one of the conference objectives. The ultimate goal is to optimise the use of Arab water and human resources efficiently and effectively," said Mona El-Kady, head of NWRC.

The challenges, however, are formidable. The Arab world is currently characterised by an annual population growth rate of about 3.0 %, topping the world average rate of 1.7 %. From 300 million inhabitants in 2001, population projections indicate that an estimated 375 million will inhabit the Arab world in 2010 and over 500 million by the year 2025. This not only generates a greater need for water, but also causes an expansion of urban areas and more pollution of water sources, in addition to desertification. Factor in poverty and unemployment and the picture is bleak indeed.

"With a population growth rate among the highest in the world and water consumption rising at a higher rate than is replenished naturally, by the year 2025, renewable water supplies in almost all countries of the region will fall below 700 cubic metres per capita per year [the lowest in the world]," said Ahmed Goweili, secretary-general of the Council of Arab Economic Unity.

The result of water scarcity is conflict. For some time now pundits have been predicting that water could prove to be a major source of future wars. Israel's disputes with the Palestinian Authority, Syria and Lebanon over water resources, are an obvious case in point. Further, Turkey and Syria continue to argue over the water of the Tigris and Euphrates.

With the political ramifications of water management clearly in sight, the conference focused on more technical issues such as use efficiency and consumption patterns.

"Despite some scope for greater efficiency in water use and recycling in the region, there is simply not enough water for expanding irrigated agriculture to meet the region's rising food needs," argued Goweili. Abu Zeid added that "Most potential water resources in Arab countries have already been developed. Several Arab countries are suffering from water deficiency and others are heading that way, with an annual population growth of about 3 % and rising levels of consumption due to socioeconomic development," he said.

This has dire consequences on food security in the region. Already, 30 to 50 % of the Arab world's food consumption needs are imported.

Contributing to the water shortage is the fact that low-value uses continue to account for much of consumption, and irrigation systems are still inefficient. Abu Zeid drove this point home by explaining that "growing tomatoes with traditional irrigation systems may require 40 % more water than growing tomatoes with drip systems... [Further] we can conserve water not only by altering how we choose to grow our food, but also by changing what we choose to eat."

A mere 10 % improvement in efficiency of water delivery for irrigation systems could conserve enough water to double the amount available for drinking, he said.

But even if consumption patterns were to change, would there be enough water to go around? Not according to Goweili. "While representing 10 % of the world's total surface area and 5 % of the total population of the world, the Arab countries contain only 0.5 % of global water resources," he said.

While rainfall estimates for the Arab countries amount to about 220 billion cubic metres per year, El-Kady pointed out, the usable amount is only about 103 billion cubic metres per year, since considerable amounts go into the wetlands.

Meanwhile, limited underground water resources have prompted the use of alternative aquifers, which are a source of potential conflict. "The enormous amounts of pure water below the deserts of Africa could help avert a future water crisis. But the underground aquifers cross international boundaries, raising the spectre of future water wars as populations increase and competition for water resources heats up in the absence of cooperation and good-will," El-Kady said.

The number of water-scarce Arab countries has risen from three countries (Bahrain, Jordan and Kuwait) in 1955 to 11 (Algeria, Palestine, Qatar, Saudi Arabia, Somalia, Tunisia, the United Arab Emirates and Yemen) today, with another seven anticipated to join the list by 2025.

In the meantime, the exorbitant cost of upgrading the efficiency of existing water supply systems, be they irrigation or municipal, stands as a major constraint. "The current annual investment in water programmes is about \$80 billion. For the coming 10 years, the desired annual level of investment is estimated at \$280 billion," Abu Zeid said.

He suggests that part of the solution is to "promote, propagate and make available low-cost technologies for water storage, conveyance, distribution, treatment and use for agriculture, drinking and industrial application," instead of relying on expensive imported technology, as the Arab world does. Statistics cited at the conference show that the Arab region currently spends only 0.2 % of its GDP on research and development, against a world average of 1.4 %.

Among the recommendations for action that emerged from the conference debates were the need to establish a "Council of Arab Ministers" that would work on creating an integrated Arab vision for water resources, the improvement of water productivity of irrigation systems and the creation of a common fund for Arab water security to finance necessary research and water projects.

"A message that we must see coming out of this conference is a strong affirmation of our consensus, inspired by the values of solidarity and equity. The core of the message should be that we are now ready to move on to acting as true stewards of the environment," Abu Zeid said.

After all, as El-Kady made clear, "Water and sanitation are basic human needs, not a favour."

VIII. Zimbabwe, Mozambique Set to Launch Joint Water Commission⁸

Zimbabwe and Mozambique will soon establish a joint water commission to advise the two countries on conservation, development and use of shared water resources.

The two countries were expected to sign the agreement in late 2002, after the Zimbabwean Government approved proposals to establish the commission.

The commission would advise the governments of the two countries on use of shared water sources such as the Pungwe, Buzi and Save rivers.

A few years ago, the Zimbabwean Government rejected the establishment of such a commission, because Mozambique had not yet ratified the SADC protocol on shared water systems, which was signed in 1995.

Mozambique has now ratified the protocol, and the Government has approved a proposal by the Minister of Rural Resources and Water Development to sign the agreement. The commission will consist of not more than three members from each country and will meet at least once a year.

All decisions of the commission will be taken on the basis of consensus between the delegations. In the event the commission fails to reach consensus, the matter under discussion will be referred to the two governments for further negotiations.

Among other functions, the commission will advise the two governments on measures and arrangements to determine the potential of the water resources available from shared rivers and demand for water from the rivers.

⁸ From: The Herald (Harare) 14 October 2002.

It will also help the governments to collect and exchange information on the water resources and advise on the criteria to be used in conservation, allocation and utilisation of water.

The two governments will supply the commission with information and plans on how they intend to develop and use water from the rivers.

Disputes arising between the two countries on the implementation of the agreement shall be settled amicably and, if not, shall be referred for arbitration. The decision of the arbitrator, who is chosen by the two countries and will be a citizen of a different country, shall be final and binding.

In the event that the two countries fail to reach an agreement on the selection of an arbitrator reference will be made to the Helsinki rules on the use of waters of international rivers and the Convention on the Law of the Non-Navigational uses of international water courses.