

# POLICY BRIEF

OCTOBER 2022

## Hydrodiplomacy : International Rivers as Peace Enablers - experiences and solutions from river basin organizations

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### EXECUTIVE SUMMARY

The UN (Transboundary and International) Water Convention adopted in Helsinki in 1992 now only gathers 47 countries, and its acceptance by the global community ought to be accelerated.

Additional to the Convention, and in the age of coalitions, is the need for a Blueprint for “Shared River Basins Peace” through the promotion of shared rivers sustainable management, tools, institutions, or, in other words, **a renewed and enlarged practice of Hydro-Diplomacy.**

Concerning international river basins management, rivalry over access to the resource is the basis of international law. However the very sustainability of the resource implies cooperation across actors, which is paradoxically often domestically implemented within countries that externally fight each other.

Water, and more specifically international rivers and their management should no longer be limited to the single dimension of the quantity of water needed by a country, but addressed in a more holistic way by taking into account the whole river basin in terms of territory, actors and activities from upstream to downstream - something that some river basin organizations are already doing well, a fact that is seldom showcased.

“River basins” peace is here illustrated with the case of an international organization spanning across Guinea, Mali, Mauritania, Senegal: The Senegal River Development Organization (OMVS – Organisation de Mise en Valeur du Fleuve Sénégal)

### KEY POINTS

- ▶ Shared preservation of great international rivers has an unexplored potential of peace building through a renewed form of hydrodiplomacy,
- ▶ Best practices suggest the importance of the right level of integration of stakeholders spanning across conceptual framework & institutional tools of inclusive cooperation across river basin organizations (RBOs), riverine people's assemblies, and other actors
- ▶ A gap in the international community is a platform that would allow jointly discussing:
  - 1) the politics of International Rivers Peace;
  - 2) innovative legal and institutional issues of hydro-diplomacy;
  - 3) Rivers Science, technical innovation and entrepreneurship incubation.

### Contributors and sources

This paper draws from a collaboration between The Bridge Tank and OMVS to deepen the strategic thinking on hydrodiplomacy.

This strategic reflection was marked by several field visits from the spring heads of the River in the Fouta Djallon hills, to the delta of the Senegal River,

And by the organization of joint events during the World Water Forum held in Dakar in 2022, in particular hydrodiplomacy across the main rivers in West Africa, such as Gambia, Niger and Senegal Rivers.

This paper therefore owes inspiration from repeated conversations with Hamed Diane Semega, the High Commissioner of the OMVS and also a founding board member to the Bridge Tank. However its two authors bear the sole responsibility of its contents.

The international agenda with the 30<sup>th</sup> anniversary of the Helsinki convention in March 2023 in New York offers an opportunity to re-think these issues and work towards that platform.

In the same spirit, the contributors want to thank Erik Orsenna and Marie-Cécile Grisard from IAGF for their generosity in exchanges.

## INTRODUCTION & OUTCOMES

"If we can share water, we can share everything", this quote from the High Commissioner of the Senegal River Development Organization (OMVS), Mr. Hamed Diane Semega, testifies to the crucial and vital issue of sharing a natural resource: water.

Within the water world, rivers are very often a shared resource between countries. The approach on their management may then very often be tainted with **a utilitarian and rival approach**. It is indeed this very notion of rivalry over access to the resource that is the basis of international law on shared rivers (and international lakes).

This proves a misconception of what a river is: under certain conditions, a well-managed river can see its resource to better regenerate, and we argue on the contrary to the essence of international law, that international rivers management should no longer be limited to the single dimension of the quantity of water needed by a given country, but addressed in a more holistic way by **taking into account the whole river basin in terms of territory, actors and activities from upstream to downstream** - something that some river basin organizations are doing, **and we think is at the core of a renewed hydro-diplomacy.**

### A bit of a geographic tour

The world's 310 transboundary lakes and river basins cover 43% of the land area and represent about 60% of the surface freshwater, 15% of the countries in the world depend more than 50% on the water resources of another bordering country. 145 nations have land that is part of international river basins and 21 countries are located entirely within international river basins. While most river basins are shared by only two countries, there are many basins where this number is much higher. Thirteen basins in the world are shared by 5 to 8 riparian nations. Five river basins, the Congo, Niger, Nile, Rhine, and Zambezi, are each shared by 9 to 11 countries. The river that crosses the largest number of nations is the Danube, whose course crosses the territory of 18 nations.<sup>1</sup>

Due to their wide geographical distribution and their role in society, rivers are a key element in human and economic relations and in our vision of the world and its environment. **This is why the role of basin organizations remains important to emphasize, and to move away from a statocentric vision to focus on the core of the entire resource and contribute to a form**

### hydrodiplomacy that should not be the preserve of diplomats and lawyers.

If deltas are more known, it is essential not to overlook river spring heads which, unlike what geographers and adventurers made us marvel on the quest for the ultimate (farther away from the sea) sources, are many. A typical international river has dozens of notable spring heads. They are where the water courses originate. This is where it all starts, if there is pollution or drought, it will create a ripple effect with a capacity of life which is resorbed, as much for the watercourse as for the environment and the living beings.

They usually spread out of a local ecosystem: forest coverage, type of agriculture around them in a range of few kilometers may hamper them. From one river to another they always contribute an important part of the yearly flow, with all the greater as they flow in dry weather or desertic areas of the world.

This issue of river spring heads is very marginally, if at all addressed in international discussions, far away as they stay from the disputed borders or from easily accessible shores of a river where international conferences take place.

**There is an urgent need to take more account of the upstream part of the river ecosystem, up to the river spring heads, involving a chain of actors and sectors that are neighbors to the river spring heads and witness to their preservation, in order to act in favor of the preservation of the basins, and more broadly of water.**

Along with these two ideas on inclusive governance and geography, this paper picks another two as it builds a case from the OMVS 50 years of experience with several other innovative facts:

- Shared property across States of the built infrastructure
- International legal identity for the River
- Existence of an (international) assembly of River Basin users

The OMVS operates along the Senegal River, a 1790-km-long river. With an area of approximately 300,000 km<sup>2</sup>, it is the second most important river in Western Africa and originates from the mounts of Fouta-Djallon. It flows through 4 countries: Guinea, Mali, Mauritania and Senegal. Its management is organized by the OMVS on the basis of three regions: upper basin, valley and delta, in terms of agriculture, energy, transport, drinking water supply and environmental protection.<sup>2</sup>

<sup>1</sup> OMVS. (Juin 2019). Note de cadrage. 9ème Forum Mondial de l'Eau, « Dakar 2021 » « La Sécurité de l'eau pour la paix et le développement durable.

<sup>2</sup> Le fleuve Sénégal. (2021). OMVS. <https://www.omvs.org/le-fleuve-senegal/>

## Outcomes

In this paper, we have studied international rivers and water basin hydrodiplomacy, and in particular how integrated and shared basin management contributes to a new vision of water as a catalyst for peace, with **four main messages**:

1. **Adopt a non-purely rival, more holistic approach for transboundary river basins management, include water preservation to guarantee that water is a common good,**
2. **Integrate more issues related to river spring heads into the international debate to contribute to the preservation of the entire water resource, from upstream to downstream thanks to multilevel and multi sectoral governance, science and innovation being included,**
3. **Ensure water is available to all and by all, through the technical roles of the river basin organizations (RBO) and democratic role of Users Assemblies,**
4. **Last but not least, include and insist on the role of the above players in general and river basin organizations in particular as actors in Track-2 hydrodiplomacy.**

## Moving from a statocentric to holistic dimension for the peace of basins and preservation of basin ecosystems

International law is based on a Westphalian conception, i.e. the international order that was established in 1648 designating relations between States governed by rules. This order allowed the emergence of the concept of State sovereignty and the respect of their sovereignty. From then on, the rules and international treaties were built according to the idea of the exercise of the power of a State on a given territory, population and resources.

These resources are managed by States with a view to securing and competing for the resource against another State. This sovereignty is the very essence of the construction of States, which is "based on the idea that international peace and security will be all the more assured if each State ensures the government of a defined part

of the earth without worrying about the way its peers govern their own part."<sup>3</sup>

This view is quite the case for water issues and also the international law of access to water. Water is considered as a resource and a tool of rivalry to ensure the good development of a country. There is an international consensus approach on water issues, notably for transboundary river basins, which is **utilitarian**. Water is tackled as something to be **accessed** and **used**.<sup>4</sup>

Having a utilitarian view of international water law implies that the downstream part of the water value chain counts. However, the pessimistic context of climate change confirms the idea that water is not an infinite resource. If water does not exist or no longer exists, international water law no longer exists either. It is therefore necessary to take into account the entire water value chain, i.e. to choose for a holistic vision of water issues. International water law, which is highly statocentric, assumes that water remains anchored in a perspective of rivalry for access to the resource and in a system of state management that is not coordinated with the riparian states. Among the international legal texts, the Berlin Rules seem to be a first step towards a **holistic approach** to water.<sup>5</sup>

It is necessary to say that this rival approach to managing water assumes the water exists and overlooks the risk of rivers drying and dying in the age of accelerated climate change.

If we put back to the center stage that the right of access to water is only guaranteed if the resource exists, in order to guarantee its existence and use, and in view of climate change, it is important to preserve **the entire resource, from upstream to downstream, and possibly co-manage them**.

**Tow gaps may be discussed here: co-management, as examples of success stories must be displayed, and the spring heads.**

As per the first issue, OMVS is such a success story. Since 1978, the OMVS has established a special legal regime with the adoption of specific instruments relating to the management and operation of joint works. To date, this regime constitutes an emblematic and unique example of cooperation in the field of use of the waters of an international river for hydroelectric, agricultural and navigation purposes.<sup>6</sup> The OMVS focused its activities on:

<sup>3</sup> Fleury Graff, T. (2015). Territoire et droit international. *Civitas Europa*, 35, 41-53. <https://doi.org/10.3917/civit.035.0041>

<sup>4</sup> *Convention On The Protection And Use Of Transboundary Watercourses And International Lakes*. (1992). United Nations. [https://treaties.un.org/doc/Treaties/1992/03/19920317%2005-46%20AM/Ch\\_XXVII\\_05p.pdf](https://treaties.un.org/doc/Treaties/1992/03/19920317%2005-46%20AM/Ch_XXVII_05p.pdf) (Art. 2 § c. To ensure that transboundary waters are used in a reasonable and equitable way)

<sup>5</sup> Joseph W. Dellapenna. (2006). *The Berlin Rules on Water Resources: The New Paradigm for International Water Law*. ASCE library. <https://ascelibrary.org/doi/abs/10.1061/40856%28200%29250> "The Berlin

Rules speak in terms of a new paradigm of international water law that focuses on ecological integrity, sustainability, public participation, and minimization of environmental harm—principles not reflected in the Helsinki Rules and only developed in rudimentary form and then only for transboundary waters in the UN Convention".

<sup>6</sup> Tignino M, & Sangbana K. (2016). Le statut d'ouvrages communs et le partage des bénéfices dans les bassins du fleuve Sénégal et du fleuve Niger. Geneva Water Hub. [https://www.genevawaterhub.org/sites/default/files/atoms/files/policy\\_brief\\_mtk\\_03122019.pdf](https://www.genevawaterhub.org/sites/default/files/atoms/files/policy_brief_mtk_03122019.pdf)

- (i) Shared property across States of the built infrastructure, and;
- (ii) International legal identity for the river.

### Looking at the river spring heads as a common good

So far, the upstream part of river basins, the spring heads of rivers, is rarely discussed on international and UN events.

### We call for tackling further the issue of spring heads of rivers' preservation during the next and second of history UN Water Conference in 2023.

**This links to the idea that the resource preservation of international rivers is a common good.** It should be studied more in this sense rather than in terms of how one country will use it maintaining a dimension of rivalry and power of a resource. There will be no right of access to water unless water is seen as a common property resource.

The mounts of Fouta Djallon in Guinea, where the Senegal River rises is a great illustration of a common good. It is known as the water tower of West Africa, as the river spring heads of all the main rivers of this region originate from it and as it constitutes an ecosystem of high ecological importance, which is considerably impacted by climate change.<sup>7</sup>

The responsibility and burden of the protection of Fouta Djallon should not be left only to Guinea, the host country to the mounts. The impact of the destruction on this massif is common to the region, notably to the main African rivers.

The lack of preservation of the upstream resource compromises the entire value chain of the resource. This is the reason why, the OMVS, as an international riverine organization, has a project to create an observatory of the Fouta Djallon.

**Having been able for decades to jointly manage the mid and downstream of the river, on principles of joint ownership, the organization is now able to address the upstream in a joint manner.**

**Possibly the next stage would be to consider giving some innovative status of a common**

**good to the areas across the dozens of springs heads in the Fouta Djallon.**

### Growing importance of river basin organizations in favor of hydrodiplomacy

In the academic literature and international events related to water issues, **hydrodiplomacy** is often compared to hydropolitics.

Since water management is mainly managed by governments, effective water management means securing the resource's access and avoiding border conflicts. The notion of hydropolitics refers to the idea of securitization, to some extent rivalry<sup>8</sup>.

### Our thesis tends to separate hydropolitics and hydrodiplomacy. Hydropolitics would be the business of governments while hydrodiplomacy of all but pushed by the River Basins Organisations (RBO).

Thanks to RBO, water management is no longer concentrated around one country and its needs but as a common good with beneficiaries and riparian countries. RBO help to depoliticize and focus on the primary resource: water. This is why, a holistic approach is more appropriate for cooperation in terms of cross-sector and multi-level actors.<sup>9</sup>

We agreed on the following definitions of hydrodiplomacy that **"promotes territorial governance of water**, from global to local, by applying the principle of subsidiarity in order to **effectively mobilize all actors on the ground** combining economic efficiency, environmental sustainability and social justice".<sup>10</sup> "Hydrodiplomacy refers to **bringing all stakeholders involved in water management to the table in a new governance framework.**"<sup>11</sup>

The goal is to promote economic and social benefits for transboundary basins and to work to **avoid the militarization of water-related conflicts.**"<sup>11</sup>

In this sense, **there is a growing role of river basin organizations in contributing to a catalyst for peace and doing hydrodiplomacy.** RBO conduct multi-sectoral and multi-stakeholder policies and projects in a balanced and equitable manner among the organization's member states. RBO reduce the risks linked to rivalry over access to resources, and thus

<sup>7</sup> Fiche : amélioration de la résilience des écosystèmes du bassin du Fleuve Sénégal au changement climatique. OMVS/RIOB. <https://www.riob.org/sites/default/files/IMG/pdf/Observatoire.pdf>

<sup>8</sup> Nagheeb, M. (2018). *The geopolitical overlay of the hydropolitics of the Harirud River Basin*. SpringerLink. [https://link.springer.com/article/10.1007/s10784-018-9418-9?error=cookies\\_not\\_supported&code=5d2d7724-43a3-4d91-b91a-12833edf8e80](https://link.springer.com/article/10.1007/s10784-018-9418-9?error=cookies_not_supported&code=5d2d7724-43a3-4d91-b91a-12833edf8e80)

<sup>9</sup> *Supporting transboundary water cooperation: Learning from water-stressed basins in West Africa*. (2021). ECDPM.

<https://ecdpm.org/publications/supporting-transboundary-water-cooperation-learning-from-water-stressed-basins-west-africa/>

<sup>10</sup> Policy Brief - Une eau bien gérée pour nourrir le monde. (2012). Ministère de l'agriculture. <https://www.agropolis.fr/pdf/actu/2013-fme-policy-brief-panel.pdf>

<sup>11</sup> A. (2021). L'hydro-diplomatie pour éviter la militarisation des conflits liés à l'eau. ID4D. <https://ideas4development.org/hydro-diplomatie-conflits-eau/>

contribute to the peace and stability of the sub-region for which they are responsible. Hydrodiplomacy is therefore a tool for action for RBO. The essence of hydrodiplomacy is cooperation, which is the core activity of RBO. RBO develop interstate, and even inter-regional, cooperation around basins.

RBO and other joint bodies are created to manage water resources, both transboundary and national. Over the past two decades, basin management has developed rapidly in many countries and regions: in some cases, it has provided the basis for regional or national water legislation; in other cases, it has enabled successful experiments in national or transboundary pilot basins. The basin approach is by construction a multi-stakeholder interaction, and therefore provides examples of complex cooperation between different types of water users.

In terms of success stories, historically, we have observed two trends in the literature.<sup>12</sup> In the 1990s-2000s, the most regularly cited basin organizations were the Nile Basin Initiative and the Mekong River Commission as examples for their scientific and political outreach around basins to monitor water supplies in conflicting contexts. From the 2010s onwards, OMVS is more often mentioned as a model for its vision of promoting common works and its charter emphasizing **"The status of "common and indivisible" ownership [...]** the co-owner States have **an individual right to an indivisible share and a collective right to use**, enjoy and administer the **common work** (Art. 4.1.) [...] the co-owning State in whose territory a common work or part of it is located has the obligation **not to create any obstacle** to the exercise by the other co-owning States of their rights of use (Art.6)".<sup>13</sup>

### RBOs as players in international hydro-diplomacy

RBOs can be innovative, but can they play a role in the larger international scene? We believe so, as apparently do some other organizations (the Geneva Water Hub and the IAGF – the Initiative for the Future of Great Rivers) that nominated the OMVS for the Nobel Peace Prize in 2022.

Thanks to its contributions and work to ensure the proper development of the Senegal River and its wider exchanges in favor of basin peace, OMVS was awarded the Hassan II Great World Water Prize in 2022, in conjunction with the World Water Forum. This Prize is also called the "Water Nobel Prize" as it is often referred to in homage to the

Nobel Prizes. According to the jury, the Dakar-headquartered West African organization, which includes Mali, Mauritania, Senegal and Guinea, was distinguished for its work in favor of the "achievement of water and food security" of the great transboundary basin, but also for its action for "peace, prosperity and territorial development" of its member countries. Hydrodevelopment and hydrodiplomacy have indeed been at the core of the organization's model. In the same spirit, the OMVS was nominated to the 2022 Nobel Peace Prize.

The cooperation that exists around the Senegal River is considered a success factor to the point where other organizations are inspired by the model deployed, this is particularly the case for Central Asian countries, supported by the Swiss Cooperation, which visited the region in the spring of 2022 to witness the unique model developed by the OMVS since 1978.

Several hypotheses are debatable to deepen the notion of hydrodiplomacy in the framework of RBO:

- i. Give RBO more importance at international and UN conferences, no longer as technical organizations, but as actors in promoting the preservation of basin ecosystems in the service of peace and a new type of diplomacy.
- ii. Push for coalitions of RBOs to share ideas, actions and political and financial mechanisms for basin peace.

<sup>12</sup> Based on our literature review

<sup>13</sup> Tignino M, & Sangbana K. (2016). *Le statut d'ouvrages communs et le partage des bénéfices dans les bassins du fleuve Sénégal et du fleuve*

Niger. Geneva Water Hub. [https://www.genevawaterhub.org/sites/default/files/atoms/files/policy\\_brief\\_mtk\\_03122019.pdf](https://www.genevawaterhub.org/sites/default/files/atoms/files/policy_brief_mtk_03122019.pdf)

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## CONCLUSION & KEY MESSAGES

This policy brief highlights the need for States to associate and cooperate in a supranational governance and organization format for water protection within a basin, and to think differently about the notion of responsibilities for resource protection. RBO have the particularity of carrying out political, economic, social and environmental actions on a larger scale, trying to erase the rivalry around access to water. RBO are developed to contribute to an equal and sustainable distribution of water among riparian states, by promoting peace. The peace of the basins is possible thanks to the hydrodiplomacy practiced and implemented, as a tool, by the RBO.

Addressing water issues in a more holistic manner contributes to the **emergence and awareness of water as a common good**. So far, several hypotheses are debatable:

- i. With climate change, access to water, and all the activities that result from it, the primary resource that is water is threatened, as well as the international law of water since it prevails that water exists.
- ii. To preserve the existence of water, it must be managed as a common resource - as a common good managed by all and for all.
- iii. A tool exists to preserve water resources, especially from the basins on the whole ecosystem (resource, territory, actors, institutions, socio-economic development and sustainability): hydrodiplomacy.

On international rivers management, we call for:

1. A More holistic approach for transboundary river basins and water preservation by guaranteeing that water is a common good.
2. Integrating more issues related to river spring heads into international debate and scientific research to contribute to the preservation of the entire water resource, from upstream to downstream thanks to multilevel and multi sectoral approaches.
3. Ensuring water is available to all and by all, through the roles of the river basin organizations (RBO).

On innovative inclusion of RBOs in the international diplomatic scene, we call for:

4. Last but not least, include and insist on the role of river basin organizations as actors in Track-2 hydrodiplomacy.

The UN Water Conference 2023 in New York could be a place for such an action, with emphasis on river spring heads, and to rethink hydrodiplomacy more largely:

Our thesis tends to separate hydropolitics and hydrodiplomacy. Hydropolitics would be the business of the states while hydrodiplomacy would be the forum of all, including the RBOs.

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