
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**MEDIATION AND INTERNATIONAL WATER DISPUTES
A CRITICAL AND ANALYTICAL STUDY**

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ABSTRACT

Water is a fundamental resource that sustains life and underpins economic development, food security, and environmental sustainability. However, as water resources become increasingly scarce and vulnerable to climate change and population growth, competition and conflicts over water are on the rise, especially between countries that share transboundary water resources.

Disputes over international waters have existed since the emergence of nation states. These disputes cover both quantitative and qualitative aspects and are triggered by various factors like dams and diversions constituting one major cause of disputes. Today, each region in the world is afflicted with international water disputes.

Though some have been peacefully resolved, and a large number of bilateral, multilateral and regional agreements on shared watercourses have been concluded. Numerous conflicts have proven difficult to resolve and pose a significant obstacle to peaceful cohabitation. The acceptance of third-party facilitation for the development of cooperative arrangements for the shared watercourse could gradually pave the way for the use of mediation for resolution of international water disputes.

The alternative dispute resolution method that is expanding the quickest is mediation. It enables parties to re-evaluate shared interests and come up with creative solutions through an interactive and facilitative process. In-voluntary, non-binding mediation, disputes are settled

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through negotiation and effective communication techniques. The mediator does not force the parties to participate in the mediation or think about their options if they are not interested.

INTRODUCTION

Alternative Dispute Resolution (ADR), also referred to as Appropriate Dispute Resolution, encompasses a wide range of techniques and protocols specifically designed to resolve conflicts in a non-adversarial manner. The range of strategies encompasses party-to-party negotiations, which expedite the process of reaching a mutually agreeable resolution, as well as arbitration and adjudication, where an impartial third party renders a decision.

The process of "mediation" involves the intervention of a neutral third party to assist the conflicting parties in achieving a mutually acceptable resolution. This approach falls in the middle ground between the two extremes of alternative dispute resolution methods. An impartial intermediary will facilitate the parties in reaching a consensus and a mutually agreeable settlement of the dispute. The third party may consist of an individual, a collective, a government representative, or an international entity.

One of the most effective ways to end disputes and create some kind of regional or global order is through international mediation. It is able to do this because it is guaranteed by nature to uphold the national interests, freedom of choice, independence, and sovereignty that all actors in a conflict fervently cherish.

International water disputes can be avoided and settled through mediation, which has been recognised as a crucial tool.

The United Nations definition of "mediation" mentioned above covers a variety of third-party intervention techniques.

The United Nations Watercourses Convention contains quite a bit of information about dispute resolution procedures. Any agreement made between the parties to resolve a dispute has priority under Article 33(1). Without such an agreement, the parties must resolve their

disagreement amicably in accordance with that Article's guidelines. The different approaches to resolving the dispute are described in Article 33, paragraph 2.

SYNOPSIS

LITERATURE REVIEW:

Articles:

1. “*Good Offices and Mediation and International Water Disputes*”, by Salman M.A.Salman.

The researcher comprehended the role, significance, and potential of mediation in resolving international water disputes.

2. “*International water conflict and cooperation: challenges and opportunities*”, by J.D.Petersen-Perlman, J.C.Veilleux, A.T.Wolf.

The researcher comprehended the essence of water conflict and water cooperation, as well as the methods for resolving water conflicts.

3. “*International Water Disputes: A New Breed of Claims, Claimants, and Settlement Institution*”, Salman M.A.Salman.

The researcher gained insight into the challenges encountered by water resources and examined the institutions responsible for resolving disputes, along with their current developments.

4. “*Mediation of international water disputes-the Indus, the Jordan, and the Nile Basin interventions*”, Salman M.A.Salman.

The researcher gained insight into the mediation of international water disputes through the analysis of previous case studies, such as the Indus, Jordan, and Nile Basin interventions.

5. “*Mediation And International Water Disputes: A Strong Marriage An Analysis of Mediation in the Context of Methods of International Dispute Resolution*”, by A.Aslanov.

The researcher comprehended the significance of mediation in international law as a pivotal instrument in achieving peaceful resolution of conflicts related to international watercourses.

CITATION:

This researcher has used the OSCOLA type of citation.

CHAPTERISATION:

- 1) **SYNOPSIS and INTRODUCTION:** Basic idea on what the entire project is about and what I as a researcher hope to convey the reader.
- 2) **MEDIATION AND ITS IMPORTANCE:** It deals with the historical background, role of mediation and mediator, process of mediation, importance of the mediation over other dispute resolution methods.
- 3) **MEDIATION UNDER INTERNATIONAL LAW:** It deals with the dispute resolution i.e.; mediation is used under international Law
- 4) **WATER DISPUTES AND RESOLUTION MECHANISM:** It deals with water conflicts and what are the mechanisms used to tackle the disputes raised.
- 5) **WATER DISPUTE RESOLUTION BY MEDIATION:**It deals with International Water dispute resolution by mediation.
- 6) **CASE STUDIES:** It deals with few case studies in which mediation was used to dispute resolution namely the Indus River dispute, Jordan River dispute, and Nile River dispute.
- 7) **CONCLUSION:** Eventually, it will be concluded.
- 8) **BIBLIOGRAPHY:** The articles referred and cited were mentioned.

MEDIATION AND IT'S IMPORTANCE

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On various continents, mediation first became popular in antiquity. For instance, mediation was used in Ancient Greece, Rome, and China. The Bible (circa 2000 BC), Homer's Iliad (circa 750 BC), and Sophocles' Ajax all make reference to mediation (Ca. 500 BC). According to historical evidence, mediation was also the main technique used in ancient China to settle personal disputes. Additionally, mediation was frequently employed in the numerous conflicts between Greek city-states. Since ancient times, mediation has been widely used as a tool for amicably resolving disputes, with one of the "first recorded mediation efforts dating back to 209 B.C., when Greek city states assisted the Aetolian League and Macedonia in producing a truce in the first Macedonian war." The "evolving pattern of Renaissance diplomacy and the codification of ambassadorial functions" are what it eventually turned into.²

Today, mediation is a rapidly evolving field that is valued for its adaptability, universality, and capacity to be used in a variety of disputes, including those involving other countries. However, the definition of mediation and how it should be used to resolve disputes are still up for debate.

In contrast to traditional court trials or arbitration, mediation is generally viewed as a peaceful dispute resolution tool that helps in the resolution of disputes. A neutral and objective third party, referred to as the mediator or neutral, "facilitates dialogue in a structured multi-stage process to help parties reach a conclusive and mutually satisfactory agreement" in mediation, an alternative dispute resolution (ADR) technique.³

In mediation, a neutral third party who is acceptable to both parties to the conflict mediates the dispute, facilitates communication, and actively participates in settlement negotiations by making proposals for agreements.

Through the process of mediation, parties to a dispute are brought together and helped to come to a resolution. The third party offers to help the parties in dispute. Although it is not always necessary at the outset, no mediation proceedings can start without the disputants' consent. In the negotiation process, the mediator participates directly and actively.

²Aslanov A, "Mediation and International Water Disputes: A Strong Marriage? An Analysis of Mediation in the Context of Methods of International Dispute Resolution" (2021) 28 Willamette Journal of International Law and Dispute Resolution 125 <https://www.jstor.org/stable/27137182>

³ Idib at 137

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Making negotiations possible and unhindered is not enough for him. He is expected to put forth specific recommendations for resolving and arbitrating crucial disagreements. On the other hand, his suggestions are just that suggestions. Neither party is required to abide by them legally. His proposals are open for acceptance or rejection by the disputing parties.⁴

First, mediation can help lower tensions and build trust among stakeholders. Trust is a critical component of any successful mediation, and mediators skilled in building rapport can help combat the inherent suspicion present in high-stakes conflicts. In the case of the Jordan River Basin dispute, political tensions and historical conflict have created a climate of distrust and animosity that can make any water allocation plan difficult to implement. Mediation offers an opportunity to bridge these divides and find a mutually beneficial solution.

Second, mediation allows parties to identify the underlying interests driving their positions. In complex disputes like the Jordan River Basin, it can be challenging to parse out each party's priorities and motivations. In many cases, the root causes of a disagreement go beyond the surface-level demands of each party. By uncovering these underlying interests, mediators can help find creative solutions that address the needs of all involved.

Third, mediation is often faster and less expensive than traditional political or legal solutions. By avoiding lengthy court battles or political negotiations, parties can quickly arrive at an agreement and begin implementing it. This speed can be critical in environmental disputes, where time is of the essence. As water resources continue to shrink in the Middle East, mediation offers a swift and effective option for resolving water allocation disputes.

The mediation process usually involves several stages, including:

Preparation: the parties and the mediator prepare for the mediation process, including defining the issues and identifying the interests and needs of each party.

Opening session: the mediator introduces the parties and sets the ground rules for the mediation process.

⁴Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 360

Information exchange: the parties present their positions and share information with each other.

Negotiation: the parties work together to find a solution that meets their interests and needs.

Agreement: if the parties reach an agreement, the mediator helps to draft an agreement that outlines the terms of the solution.

Closure: the mediator reviews the agreement with the parties and helps to finalize it.

MEDIATION UNDER INTERNATIONAL LAW

One of the most effective ways to end disputes and create some kind of regional or global order is through international mediation. It is able to do this because it is guaranteed by nature to uphold the national interests, freedom of choice, independence, and sovereignty that all actors in a conflict fervently cherish.

The United Nations definition of "mediation" mentioned above covers a variety of third-party intervention techniques. It can start with a low-intensity intervention known as "good offices," in which the third party merely urges the continuation of negotiations and opens a line of communication between the parties, thereby facilitating the dialogue. As is customary in mediation, the third party can go further with its intervention and make an effort to hone the parties' proposals and close the gap between them.⁵

The July 20, 1899 Hague Convention for the Pacific Settlement of International Disputes established the use of good offices and mediation as methods for the peaceful resolution of international disputes.

The 1907 Hague Convention for the Settlement of International Disputes in the Pacific reaffirmed the same clauses. The two Conventions appear to have used the terms "good offices" and "mediation" synonymously and to mean the same thing: a role for a third party in the resolution of the dispute. It is important to note, however, that neither Convention defines

⁵Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 362

these terms. This is evident from Articles 7 and 8, which only mentioned special mediation and made no mention of good offices. Both articles dealt only with mediation.

In cases where serious disagreements endanger peace, "special mediation" is suggested, according to Article 8 of the Hague Conventions of 1899 and 1907. The opposing states choose a power to whom they assign the task of engaging in direct communication in order to stop the breakdown of pacific relations when such an occurrence occurs. 30 days are allotted for mediation, during which "the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it," according to Article 8 of the treaty.⁶

Beyond the two Hague Conventions, the United Nations Charter (UN Charter) establishes a number of dispute-resolution procedures in Article 33. Examples of such methods include negotiations, inquiries, mediation, conciliation, arbitration, judicial settlements, recourse to regional agencies or arrangements, or other peaceful means of their choosing.

The United Nations Watercourses Convention contains quite a bit of information about dispute resolution procedures. Any agreement made between the parties to resolve a dispute has priority under Article 33(1). Without such an agreement, the parties must resolve their disagreement amicably in accordance with that Article's guidelines. The different approaches to resolving the dispute are described in Article 33, paragraph 2.

The mediator's responsibilities are summarised in Article 4 of the two Hague Conventions. The Article states that "the mediator's role consists in resolving conflicting claims and assuaging any resentment that may have developed between the states at odds."

WATER CONFLICTS AND RESOLUTION MECHANISMS

Everywhere in the world, pressure on water resources is enormous and rising. All governments face significant challenges as a result of the more than threefold increase in global population over the past century. Urbanization, industrialization, hydrological variability, and environmental degradation have all made the problems worse. Due to rapid urbanisation and population growth rates, as well as the low per capita water availability,

⁶Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 367

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these issues are particularly daunting for developing nations. At the local, district, provincial, national, and international levels, disputes that are the result of conflicting demands between various users and uses keep growing. International water issues are becoming more evident and are in fact connected to domestic uses and requirements. The use of shared waters by one country affects other countries that share the same watercourse directly more than ever before, whether it be surface water or groundwater.⁷

Water management is difficult because of the complexity of watersheds, but there are also opportunities for cooperation and conflict. Reaching a consensus among river basin users is more difficult when competing demands exist within a given jurisdiction, unless there are diplomatic, economic, or other institutional precedents. As a watershed crosses more administrative and conceptual boundaries, the likelihood of mismanagement brought on by misunderstanding, mistrust, or a lack of information rises. Economic sectors, sovereign nation-states, disputed terrain, linguistic or ethnic regions, other legal jurisdictions, climate zones, mountain ranges, infrastructure, or socially constructed notions about the natural world, space, or history can all serve as boundaries. When competing interests collide and one stakeholder accuses another of wrongdoing in a shared basin by taking aggressive economic and verbal measures, conflicts over transboundary water are more likely to occur. For instance, when interests upstream and downstream conflict, verbal actions can make things worse.⁸

Furthermore, there are international waterways where no agreements or even attempts have been made to resolve ongoing or potential disputes, foster mutual trust, and advance a common goal of cooperation. It is obvious that the situation in international waters is complex. There are a lot of serious international cooperation initiatives, but not all of them are inclusive, and many of them haven't yet yielded any observable and long-lasting benefits. In other situations, there aren't any significant efforts being made to resolve ongoing or impending disputes. As a result, cooperation might be emphasised and highlighted as a new trend.

⁷Salman SMA, "International Water Disputes: A New Breed of Claims, Claimants, and Settlement Institutions" (2006) 31 *Water International* 2

⁸Petersen-Perlman JD, Veilleux JC and Wolf AT, "International Water Conflict and Cooperation: Challenges and Opportunities" (2017) 42 *Water International* 107

The majority of disputes have centred on the quantity of water and the associated issues of dams and diversion. Therefore, settling those disputes deals with the issue of which riparian nations receives how much water. But even these kinds of disputes are getting more complicated. Additionally, there are a growing number of complex, nuanced international water disputes.

The riparian states are no longer the only parties. Now, people and organisations from one riparian state are engaged in conflicts with the governments of other riparian states. International water disputes between states increasingly involve multinational corporations as parties. Differences in issues now extend beyond quantity to include quality, the right to use, and monetary compensation. Where to draw the line across boundary rivers is a serious and complicated issue. International Court of Justice is no longer the only forum for disputes involving international waters (ICJ). In the resolution of disputes, the role of the Permanent Court of Arbitration (PCA), the International Centre for the Settlement of Investment Disputes (ICSID), third parties, and even local and national courts is growing.⁹

WATER DISPUTE RESOLUTION BY MEDIATION

International water disputes are a common occurrence in many parts of the world. They arise when countries or states sharing a water source, such as a river, lake or aquifer, have competing interests and claims to that water. The disputes can be over the quantity, quality or timing of water use, and can have serious economic, environmental and social consequences.

One technique for resolving international water disputes is mediation. In a voluntary, non-binding process called mediation, a mediator helps the parties resolve their conflict in a way that is acceptable to both of them. The mediator helps the parties communicate and negotiate rather than imposing a decision or finding a solution.

The goal of mediation is to help the parties to understand each other's concerns, interests and needs, and to work together to find a solution that is acceptable to all parties. Mediation can be a less formal and less costly way to resolve disputes than going to court or other legal mechanisms, and can also help to preserve relationships between the parties.

⁹Salman SMA, "International Water Disputes: A New Breed of Claims, Claimants, and Settlement Institutions" (2006) 31 *Water International* 4

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One or more of the disputing parties may propose mediation on their own, or mediation may be suggested by a neutral third party, such as a mediator, a mediator organisation, or a diplomatic mission. When the parties decide to use mediation, they choose a mediator or a mediation centre. The mediator or mediation organisation may have expertise in conflict resolution, water management, or other related fields.

During the mediation process, the mediator may use different techniques to facilitate communication and negotiation between the parties. For example, the mediator may use joint meetings, private meetings, or shuttle diplomacy. The mediator may also suggest using experts or technical assistance to help the parties better understand the water resource in question.

It's important to note that mediation is not always successful in resolving international water disputes. If the parties cannot reach an agreement through mediation, they may need to consider other methods of dispute resolution, such as arbitration or litigation. However, even if mediation does not lead to a resolution of the dispute, it can still be a valuable process for the parties involved, as it can help them to better understand each other's perspectives and needs, and can lay the groundwork for future negotiations.

CASE STUDIES

The Indus, Jordan, and Nile basins were the subject of the three case studies of international water dispute mediation, which provide a rich and varied literature on the process and underlying reasons for success and failure. After nearly ten years of active mediation between India and Pakistan, the World Bank was able to settle the Indus water dispute in a fair and lasting manner. However, the United States' efforts to mediate the Jordan River dispute encountered significant challenges and were unsuccessful. The ongoing mediation efforts by the World Bank and a number of other donors to resolve disputes regarding the management and sharing of the Nile Basin's resources have not yielded the desired results after more than 13 years.¹⁰

INDUS RIVER DISPUTE:

¹⁰Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 369

The Indus River System is made up of the Indus and its principal tributaries, the Kabul, Swat, and Kurram rivers in the west and the Jhelum, Chenab, Ravi, Beas, and Sutlej rivers in the east. Both the Indus, the system's principal river, and the Sutlej, its easternmost tributary, originate in China's Tibetan plateau. Afghanistan is the source of the Kabul and Kurram rivers. The Indus basin is only 13% in China and Afghanistan. 29 The Indus River is also bordered by China and Afghanistan.

The Indus irrigation system was divided when the subcontinent was divided on August 15, 1947. Pakistan was the lower riparian country with the least amount of water because India took most of the headwater. In the irrigation system for the Indus basin, Pakistan had ten canals, India had two, and they shared one. Therefore, "some joint control" of the system was recommended by Radcliffe's boundary commission. Nehru and Jinnah rejected this advice due to the rapidly deteriorating situation between the two nations. When East Punjab (India) and West Punjab (Pakistan) signed a Standstill Agreement on December 10, 1947, extending the repartition water flow until March 31, 1948, the issue was momentarily resolved. After the Agreement expired on April 1, 1948, India stopped providing water to Pakistan, igniting the Indus conflict.

On May 4, 1948, India agreed to give Pakistan enough time to consider alternatives before denying it access to the Indus River. The understanding was hazy. Pakistan understood it to mean that India had to keep giving Pakistan water, but India understood it to mean that Pakistan had to find alternative sources. Pakistan asserted historical rights despite India's ability to change its irrigation system. Seigniorage was demanded by India, but Pakistan objected. India insisted on the validity of the May 1948 Agreement and preferred arbitration, while Pakistan claimed that the agreement was forced and sought to take the matter before the International Court of Justice. The parties engaged in negotiations in 1949 and 1950, but no deal was reached. Former Tennessee Valley Authority (TVA) chairman David Lilienthal proposed to the World Bank operating the Indus irrigation system as a joint venture between the two countries in an article published in August 1951. Bank concurred. On September 6, 1951, the President extended the Bank's "good offices" to the Prime Ministers of Pakistan and India. On September 19, 1960, India and Pakistan signed the Indus Waters Treaty, with the Bank witnessing some of the Articles and Annexures. The World Bank's mediation helped to resolve the Indus water dispute after almost ten years.

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The Sutlej, Beas, and Ravi rivers belong to India, while the Indus, Jhelum, and Chenab rivers belong to Pakistan. The Permanent Indus Commission was established by the Treaty to oversee implementation and specific processes for resolving issues, disagreements, and disputes. The World Bank's mediation efforts and other aspects of the Treaty are discussed in the paragraphs that follow.¹¹

JORDAN RIVER BASIN DISPUTE

The Jordan River Basin is an essential source of water for Israel, Jordan, Lebanon, and the Palestinian territories. However, the region has been plagued by a long-standing dispute over water allocation, and the issue has been a significant source of tension in the region.

The dispute over the Jordan River Basin began in the 1950s when Israel diverted water from the river to support its growing population and agricultural needs. This led to a significant reduction in water flow downstream to Jordan, Lebanon, and the Palestinian territories, causing tensions between the countries.

Over the years, various attempts were made to find a peaceful solution to the water dispute, including negotiation and mediation by the United Nations, World Bank, and other international organizations. However, these efforts proved to be unsuccessful, as the parties could not come to an agreement on how to share the water resources of the region. In the late 1970s, the United States initiated a mediation process to resolve the Jordan River basin dispute. The process involved bringing together the leaders of Israel, Jordan, and Egypt, which resulted in the signing of the Camp David Accords in 1978. The accords provided a framework for resolving the water dispute and other conflicts between the countries.

Under the Camp David Accords, Israel agreed to allocate a certain amount of water from the Jordan River to Jordan and provide additional water to the West Bank and Gaza Strip. In return, Jordan agreed to stop supporting Palestinian militant groups and signed a peace treaty with Israel in 1994.

The mediation efforts of the United States played a crucial role in resolving the Jordan River basin dispute, which had been a major source of tension and conflict in the region for

¹¹Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 371

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decades. The success of the mediation process demonstrated the importance of diplomatic efforts and the role of the international community in resolving conflicts and promoting peace.

In 1994, Jordan and Israel signed a peace treaty that included provisions for water sharing in the Jordan River Basin. The treaty established a joint water management committee to oversee the allocation of water between the two countries, and it provided for the construction of a canal to transport water from the Red Sea to the Dead Sea.

Despite the peace treaty, tensions over water allocation in the Jordan River Basin persist, particularly between Israel and its Arab neighbours. Lebanon and Syria have also expressed concerns over Israel's diversion of water from the Jordan River.

Mediation has been suggested as a means of resolving the Jordan River Basin dispute. In 1995, the United States facilitated negotiations between Israel, Jordan, and the Palestinian Authority, which led to the signing of the Oslo II Accord. The accord included provisions for water sharing and management in the Jordan River Basin, and it established a Joint Water Committee to oversee the implementation of the agreement.

However, progress on the implementation of the Oslo II Accord has been slow, and the Jordan River Basin dispute remains unresolved. In recent years, the World Bank has been involved in efforts to mediate the dispute and promote cooperation between the countries in the region.

The World Bank has initiated several water management projects in the Jordan River Basin, including the Red Sea-Dead Sea Water Conveyance Project. The project aims to address the decline in the water level of the Dead Sea by transporting water from the Red Sea to the Dead Sea through a pipeline.

The World Bank has also facilitated dialogue and cooperation between the countries in the region through its Water, Peace, and Security (WPS) Partnership. The WPS Partnership brings together stakeholders from government, civil society, and the private sector to promote sustainable water management and conflict prevention in water-stressed regions.

In conclusion, the Jordan River Basin dispute is a long-standing and complex issue that has been the source of tension in the region for decades. While progress has been slow, the ongoing efforts of stakeholders in the region and international organizations like the World Bank offer hope for a resolution to the Jordan River Basin dispute.¹²

NILE RIVER BASIN DISPUTE:

The Nile River runs through ten African nations. Over 450 million people live in the Nile Basin, which provides food and water. The Nile River Basin has long divided Egypt, Sudan, and Ethiopia where Nile River waters are at issue. The Nile has supplied Egypt and Sudan with water for centuries. Ethiopia, the Nile's upstream country, has begun several large-scale hydropower projects, raising concerns in Egypt and Sudan about their water supply.

Colonial water rights agreements are still used in today's legal proceedings. Early in the 20th century, colonial powers and states along the Nile River signed the Tripartite Treaty, the Treaty Between Great Britain and Ethiopia, and the Agreement Between Egypt and Anglo-Egyptian Sudan. Despite the Blue Nile flowing through Ethiopian territory, the treaties severely restricted Ethiopia's access to the Nile River. Egypt, Sudan, and Ethiopia fought over Nile River water rights in 1978 after Ethiopia proposed building a dam on the Blue Nile. The proposal from Ethiopia was turned down by Egypt.

The Nile Basin Cooperative Framework Agreement (CFA), which has been in effect for more than ten years, started as soon as the NBI was formally established in 1999. However, there have been significant issues due to the riparian's views on the colonial treaties and Egyptian and Sudanese claims to their acquired rights and uses of the Nile waters. The Nile River Basin Cooperative Framework Agreement was used to resolve disputes between riparian states (CFA). Except for Egypt and Sudan, most riparian countries signed this agreement in 2010. The CFA is looking for a new cooperative framework for managing Nile water that is based on fair and reasonable use, no significant harm, and cooperation.

For fear that it would jeopardise their claim to the Nile, Egypt and Sudan rejected the CFA. Any new agreement, according to Egypt and Sudan, must respect their global water rights, particularly the 1959 Nile Waters Agreement.

¹²Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 378

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The World Bank, the US, the EU, and Switzerland are riparian nations and third parties that have attempted to break the CFA impasse and reengage Egypt (and Sudan). In 2011, formal high-level discussions as well as informal ministerial discussions took place. The contentiousness CFA article has undergone revision.

The AU mediates the Nile River Basin dispute. In 2012, the African Union (AU) created the Nile Basin Discourse (NBD) for Nile Basin countries to communicate and cooperate. The NBD encourages cooperation and consensus on Nile River water resource distribution. Nile Basin countries have built trust and dialogue thanks to the NBD. Still, major challenges remain. A lack of agreement on how to use and distribute Nile River water resources fairly is the main issue.

In 2015, Ethiopia started building Egypt's main water source, the Grand Ethiopian Renaissance Dam (GERD). Egypt wants a comprehensive water agreement to protect its water supply from the GERD. GERD dispute mediation has been suggested. In 2020, the US, EU, and AU facilitated GERD negotiations between Egypt, Sudan, and Ethiopia. A Declaration of Principles outlined the principles for equitable use and distribution of Nile River water resources. Despite negotiation progress, the Nile River Basin dispute remains unresolved. Mediation can resolve the conflict, but all parties must agree.¹³

SUGEGSTIONS FOR RESOLVING DISPUTES

1. International Water Law;
2. Establishment of International Institutions;
3. Third party involvement either economic or diplomatic party;
4. Identifying risk;
5. Improving co-operative frameworks;
6. Improving baseline information and data exchange;
7. Future directions and techniques for addressing new problems;
8. Virtual stakeholders.

¹³Salman SMA, "Mediation of International Water Disputes — the Indus, the Jordan, and the Nile Basins Interventions" [2013] International Law and Freshwater 387

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CONCLUSION

Mediation can be an effective approach to resolving international water disputes, as it provides a flexible and collaborative process that can address the complex and dynamic nature of such disputes. Mediation can help the parties to identify their respective interests, concerns, and priorities, and explore options for meeting those interests. Mediation can also assist the parties to improve communication and build trust, which is essential for successful cooperation in water management. Furthermore, mediation can provide a non-binding and confidential process that allows the parties to explore creative and innovative solutions that may not be possible through traditional diplomatic channels.

Mediation is to be facilitated by various actors, such as international organizations, non-governmental organizations, or individual mediators. International organizations such as the United Nations (UN) and the World Bank have played a significant role in promoting and facilitating mediation in international water disputes. The UN Watercourses Convention, adopted in 1997, provides a legal framework for cooperation and dispute resolution between states sharing transboundary water resources. The UN has also established various mediation and negotiation platforms, such as the UN Water Mediation Network, to facilitate and support the use of mediation in water-related conflicts. The World Bank, through its Water Global Practice, provides technical and financial support for water cooperation and mediation initiatives worldwide.

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