



Egypt's Submission to the UN 2023 Concept Paper

Water for Cooperation: Transboundary and International Water Cooperation, Cross Sectoral Cooperation, including Scientific Cooperation, and Water Across the 2030 Agenda.

I. Introduction:

Water is fundamental for life and the fulfilment of all basic human rights and the Sustainable Development Goals. It is the common thread that binds our nations and should be a means for cooperation and peace, not competition and conflict.

The critical importance of water cannot be overemphasized as it impacts a wide-range of human rights, including the right to life, water and sanitation, food, health, adequate standard of living, clean and healthy environment and decent livelihoods. In addition, water is inextricably linked to the three pillars of sustainable development, and without achieving SDG6, the world will not be able to achieve the 2030 Agenda. Furthermore, effective cross-border cooperation on water is an important catalyst for the maintenance of peace and security.

Water is cross-cutting in nature, and, if properly managed, it will be a catalyst for cross border cooperation towards achieving SDG 6 and beyond, promoting climate resilience, protecting and fulfilling fundamental human rights, and maintaining regional and international peace and security. Globally, more than 286 rivers and 600 aquifers cross borders; and almost 90 percent of the world's population inhabits areas with transboundary water resources. Moreover, 60% of transboundary river basins and a much higher percentage of shared aquifers still lack any cooperative and adaptive transboundary management mechanisms, thus, political will is required to define and jump-start or accelerate transboundary actions supporting SDG6 and other water-related targets. Transboundary cooperation must be based on the applicable rules and principles of the international law.

The UN 2023 Water Conference marks a critical juncture that cannot be missed. After 46 years since the last UN Conference on water, the international community is in need of a conference that delivers high-impact solutions, promote tangible change and set a roadmap towards providing water security for all. In the lead up to the UN2023 Water

Conference, Egypt undertook many activities and initiatives in line with paragraph 4(d) of A/RES/75/212 to *enhance means of cooperation in integrated water resources management to accelerate the achievement of the internationally agreed water-related goals and targets, including those contained in the 2030 Agenda, especially SDG6 through collaborative approaches.*

The thematic debate on “*Water for Cooperation*” should take into consideration the contributions of Member States and the preparatory meetings on the track of the UN2023 Water Conference, as required in resolution A/RES/75/212. Among those significant contributions are the *Cross Regional Statement on Water*¹ and *Cairo Call for Action*².

II. Overview of the challenge, current status and interlinkages:

2.5 billion people live in water-scarce regions. By 2050, more than half of the world’s population will be at risk due to water stress. Desertification will threaten the livelihoods of nearly one billion people in more than 100 countries. Intense water scarcity may displace 700 million people by 2030. Therefore, water scarce countries are the most vulnerable to the negative impacts of the absence or ineffectiveness of transboundary cooperation.

For instance, although its territory is slightly over 1 million square kilometres, Egypt is a desert oasis where the inhabited area is no more than 7% of the country. With a population of 104 million, Egypt is one of the most densely populated countries that suffers from acute water scarcity. The water share of Egyptians is currently 560 cubic meters/per capita/per year, and is projected to drop to below 500 cubic meters/per capita/per year by 2025. The water available for Egypt is already insufficient. Although Egypt releases 55.5 billion cubic meters annually from the High Aswan Dam, the reality is that Egypt’s water needs are over 80 billion cubic meters annually. This deficit is bridged by intensive water-recycling and reuse, which makes the water management system in Egypt incredibly efficient.

Egypt has a dependency ratio of 98% on the Nile, all of which originates in upstream Nile basin countries. This means that Egypt is particularly vulnerable to unplanned and unsustainable activities and projects across the Nile basin. In Egypt, a decrease of only 1 billion cubic meters of water would lead, in the agricultural sector alone, to 290,000 people losing their incomes, a loss of 130,000 hectares of cultivated land, an increase of \$150 million USD in food imports, and a loss of \$430 million USD of agricultural

¹ The Cross-Regional Group on Water was Co-founded by Egypt and Finland (*Argentina, Austria, Brazil, Costa Rica, Egypt, Finland, France, Germany, Hungary, Lebanon, Malaysia, Pakistan, Peru, Portugal, Senegal, Slovenia, South Africa, Switzerland*) to emphasize water action that enjoys broad consensus among the General Membership. This was materialized in launching the Group’s statement in 2021 supported by 168 countries and 11 organizations.

² The Outcome of Cairo Water Week (CWW), in its fourth and fifth editions (CWW 2021 & CWW 2022). CWW is one of the official preparatory meetings on the track of the UN 2023 Water Conference.

production. As water shortages increase and continue over an extended period, the ripple-effects on every sector of Egypt's economy and its socio-political stability are inestimable.

Against the backdrop of water scarcity, there is recognition of the urgent need to achieve social, economic and human development, to alleviate poverty, and to collectively confront the common challenges of climate change and population growth. There is a misperception that the root challenge of transboundary cooperation is conflicting water uses, per se, especially in water scarce basins. In fact, challenges facing the quantity and quality of water resources are not simply the result of increased water consumption. Rather, the principal challenge facing the effective management of transboundary water resources is the execution of economically inefficient and environmentally and hydrologically unsustainable projects that are undertaken without adequate consideration of their transboundary effects on the riparian ecosystem. This is often associated with unilateral policies based on a selective application of the applicable principles of international law, which eventually leads to deterioration in the overall welfare of the basin. In many instances, such projects are driven by political imperatives, and not hydrological or economic considerations. Therefore, it is essential that waterworks and other developmental projects, especially those that have transboundary effects, be undertaken in consultation and coordination with co-riparians to mitigate their adverse impacts.

Unilateral measures that risk causing significant adverse effects are not tolerated under international law. To guarantee international cooperation, States are required to respect their international obligations, including under customary international law and treaties in force. Similarly, the cardinal principles of customary international law on shared water resources cannot be implemented in isolation from each other. Conforming with these principles requires a comprehensive non-selective approach that ensures abidance by the principle of cooperation, consultation and prior notification, including conducting the requisite socio-economic and environmental impact assessment. This is a prerequisite to ensure abiding by the obligation not to cause significant harm, and to ensure the equitable and reasonable utilization of shared water resources. A water use that does not conform with such principles is inherently inequitable.

Developing legal regimes for the management of shared water resources is a challenge. Agreements on the management or utilization of shared water resources should be predicated on achieving a delicate balance between the rights, interests, and obligations of the riparian states, however, there is a misperception that the interests of upstream and downstream states are irreconcilable. That is a fallacy. Hydrological and environmental realities necessitate the recognition of the community of interest between riparian states sharing transboundary water resources. Accordingly, legal regimes and management systems that regulate the use of transboundary water resources should strive to achieve the optimal use of these resources in a manner that addresses the

respective rights and interests of all riparian States, whether upstream or downstream. Doing so requires taking into consideration the water security of all riparians, establishing robust mechanisms for coordination, prior notification, consultation on planned measures, adopting drainage basin approach, and providing effective means that protect riparian ecosystem and minimize any potential transboundary harm. More importantly, decision-making on the utilization of transboundary water resources should proceed on the basis of the principle of ‘*consensus*’. The purpose of decision-making by consensus is to make sure that the views of all States are equally taken into account. The absence of consensus adversely affects the legitimacy of transboundary cooperation and undermines its effectiveness.

Consequently, imposing non-inclusive frameworks that are adopted without consensus and that lack the necessary protections for the rights of all riparian states, especially downstream communities that are particularly vulnerable to the transboundary impacts of upstream projects, will undermine the prospects of cooperation and impair progress towards regional integration. On the other hand, inclusive frameworks addressing water security and abiding by the cardinal principle of prior notification would be consistent with well-established principles of customary international law, as reflected in numerous bilateral and multilateral conventions³. Only such consensual and inclusive frameworks can provide a solid foundation for effective cooperation.

For instance, within the Nile basin, Egypt adheres to the consensually agreed principles based on the common aspiration “*One River, One people, One Vision*”. Therefore, Egypt is confident that it is possible to fulfil all the legitimate aspirations of the Nile riparian countries, if we work together in a spirit of cooperation and inclusivity, in accordance with customary international law, including the relevant outcomes of the UN Security Council, and best practices.

An additional challenge could be found in the actions of some stakeholders, including development agencies, financial institutions and the private sector, when they promote non-consensual activities in some basins, in violation of the human rights to water and the environmental obligations. In most cases, those activities could not be tolerated under the law in the stakeholder’s country of origin. It is imperative to encourage actions that foster cooperation rather than inciting divisions.

Indeed, the global water security challenge is escalating. Ensuring water security requires securing the vital human needs of water, including drinking water, water required for food production livelihoods, and water needed for sanitation and other domestic uses. Thus, a priority should be given to these vital human needs in implementing water related projects in transboundary water basin.

³ According to the International Law Commission ILC and the relevant decisions of the International Court of Justice ICJ, customary International Law includes, but is not limited to, some provisions of the UN Convention on the Law of the Non-Navigational Uses of International Watercourses of 1997.

III. Overview of opportunities for progress and transformative solutions:

Preventive and anticipatory action is important to address the global water crisis. The international community must do more to prevent human-induced water scarcity, not only within States but equally in a transboundary context. This requires States to cooperate in managing transboundary surface soil, and ground water resources, maintaining riparian ecosystems, and conducting transboundary impact assessment studies for projects in order to cause no significant harm, build the resilience of affected communities, and mitigate any adverse impacts.

To that end, political dialogue and water diplomacy are critical in the framework of conflict-prevention and building opportunities for cooperation. Peace and sustainable development around shared water resources contribute to regional stability and integration. On the other hand, adopting policies of procrastination and negligence to transboundary water disputes will threaten regional peace and security. All riparian States are bound to respect the applicable rules of conventional and customary international law, including the principle of equitable and reasonable utilization, the obligation not to cause significant harm, and the principle of cooperation to ensure that projects that utilize transboundary water resources do not adversely affect the rights and interests of riparian States.

The only path to handle the global water crisis is that of greater cooperation, effective consultation and dialogue to reach legally binding consensual agreements. Transboundary basins have huge potentials that should be properly harnessed, in an inclusive manner based on consensus, in order to realize the collective water, food and energy securities of our States and peoples. In that context, Egypt has always valued cooperation within the Nile family. Egypt remains, as ever, committed to the right to development, especially in the Nile basin States, and to regional cooperation to achieve SDGs. Through efficient, adaptive and cooperative water management to harness the full potentials of the Nile, this river holds the promise of regional integration, trade and investment and the prosperity of all of its peoples. With this in mind, Egypt proposed the VIC-MED project to establish a sustainable navigational route between Lake Victoria and the Mediterranean, in order to build a development corridor, promote integration and alleviate poverty in all Nile basin states.

Realising this vision requires careful reflection as to how we can attain the rights, interests and equities of all riparian states, simultaneously. It requires trust-building and inclusivity. In fact, there is a wealth of scientific evidence and objective studies that can support our efforts to reach our common goals. Achieving this vision requires real political will and a commitment not to instrumentalise water for political gains.

Departure from consensus undermines the spirit of cooperation. The international community should continue to call for further reflections on how to achieve an adequate balance between the equities of all States sharing the same transboundary water resource.

The UN 2023 Water Conference should serve to reach a common understanding to implement the principle of equitable and reasonable utilization and the obligation not to cause significant harm in a manner that maximises the benefits to all states while simultaneously avoiding harm as far as possible. Water resources related developments in a basin State should not be a “*zero-sum game*” that must inevitably put riparian countries against each other. Neither does the development of some have to come at the expense of the survival of others, nor it should be at the detriment of the water resources and livelihoods on which the population so heavily depends.

Even though challenges in transboundary cooperation are mounting around the world, a positive development could be seen in the ongoing scientific leaps and innovations in water management. The technology available to forecast hydrological flows, anticipate disasters and extreme events and cooperate for the benefit of our peoples was not available before. Today, science and technological innovation show us that unity, cooperation and coordination are at our fingertips, and we must only reach out to seize the opportunity. During the UN 2023 Water Conference’s thematic debate on “Water for cooperation”, Member states can focus on celebrating what brings us together, and resolving our differences, in order to adopt a vision that has the potential to unify us for a more prosperous future. In this vein, Egypt will continue to seek cooperation, peace, and fraternity among the Nile basin family.

Examining the issue from the prism of the five “*accelerators*” of SDG 6 Global Acceleration Framework, namely: *financing, data and information, capacity development, innovation, and governance*, the UN 2023 Water Conference’s thematic debate on “Water for Cooperation” could contribute to the following perspectives serving the aspirations of the *Water Action Agenda WAA*:

- The focus should be to accelerate the achievement of all water-related goals and targets contained in the 2030 Agenda, especially SDG6. Water scarcity remains a compound challenge, especially in transboundary contexts in Africa. We need to address it urgently to sustain life on our planet.
- Countries facing water scarcity should receive special support. Capacity building and training programs are needed, especially in developing countries, to build capacities in transboundary water negotiations and mediation.
- Water-Food-Energy-Ecosystem *WFEE* nexus cannot be addressed through unilateral actions. It has to be addressed in an inclusive approach, that is also

holistic and agreed upon, in order to secure sustainable supply of water for life, agriculture and food production, ecosystem services, as well as other economic, social and environmental benefits.

- New investment models and technologies are needed to increase knowledge about available water resources, including throughout the river basin and groundwater aquifers, and to enhance environmentally sustainable water related infrastructures. Addressing the accessibility and affordability of water technologies and innovations is pertinent.
- International financing and investments in transboundary basins should preserve ecosystems through focusing on environmentally sustainable infrastructures and services. International investments and assistance provided by states, specialized agencies, and partners, should respect the applicable principles of international law and adopt a human rights-based approach in designing and implementing water initiatives and plans.
- Inclusive transboundary cooperation over water resources is essential to peace and regional integration. We need commitment to promote mutual benefits and win-win cooperation among riparian countries. To that end, at the continent level, the African Ministers' Council on Water *AMCOW* promotes cooperation, security, social, and economic development through guiding towards the effective management of shared water resources in Africa.
- The best available science and knowledge must be applied, in addition to sharing good practices and experience. For instance, Egypt's Vision 2030 and the National Water Resources Plan (2017-2037) adopted a water policy that combines efficient use of renewable water resources and increasing reliance on non-conventional water sources. This was coupled with a food security policy that balances between food production and imports, in order to address Egypt's peculiar water situation.
- Water-related climate hazards are affecting peoples in transboundary basins. Disruption in the hydrological cycle gravely threatens food security, livelihoods and ecosystems, causing loss and damage, mostly in world's deltas. To that end, COP27 brought water discussions to the centre of the climate discourse, by introducing the *AWARE* initiative "Action on Water Adaptation and Resilience" to propose and support mutually agreed policies for cooperative water-related adaptation and its co-benefits, while causing no harm.
- The UN should lead the efforts to promote cooperation. A UN-system-wide approach is required. There is a necessity to strengthen the relevant UN activities

in transboundary basins to advocate SDG6 starting from the much-anticipated UN 2023 Water Conference to 2030 and beyond.

IV. Recommendations:

- Political will and water diplomacy must be strengthened, including in the framework of conflict-prevention and building opportunities for cooperation to address the global water crisis. Transboundary water cooperation is essential for achieving the water-related goals and targets of Agenda 2030.
- The international community needs to do more to address the root challenges of transboundary cooperation. Cross-sectoral cooperation and coordination is vital in providing water security for all. We should adopt and promote integrated water resources management, at all levels, including through transboundary cooperation.
- Effective water cooperation through binding agreements and comprehensive non-selective application of the applicable principles of international law will promote peace and regional stability. On the other hand, the lack of impactful cooperation aggravates disputes, especially in the context of limited water availability, degradation of resources and associated ecosystem services due to unsustainable and maladaptive utilization of shared waters.
- It is essential to maintain and bolster cooperation among riparian states on the bases of the equality of rights, the community of interests, and the applicable principles of international law. Conforming with the principles of international law requires a comprehensive non-selective approach. A water use that does not conform with such principles is inherently inequitable.
- In accordance with international law, the pursuit of the equitable and reasonable utilization of shared water resources should not lead to the infliction of significant harm. In addition, the duty to cooperate includes, but is not limited to, prior notification and consultation on planned measures, undergoing adequate impact assessment studies, sharing data and monitoring, and joint forecasting and early warning.
- Science, technology and innovation, coupled with data sharing and joint forecasting and monitoring could contribute positively to transboundary water cooperation. We need to do more to support developing countries in that regard and ensure free access to knowledge and transfer of technology.

V. Guiding Questions:

1. How can countries advance the *WFEE* nexus at transboundary level? What barriers exist to its effective implementation, and how could we overcome these barriers? How to identify priorities of water uses, taking into account the critical “*Vital human needs*”?
2. What legal frameworks and strategies can be used to enhance the role of water cooperation as a driver of peace and security between communities, sectors and countries?
3. How can the role of multi-disciplinary technical, political and legal approach be enhanced to progress water cooperation, and ensure that scientific knowledge and innovation are effectively fed into policy processes and binding agreements?
4. What are the current gaps in capacity development and technologies related to water cooperation, especially in developing countries? How can the international community address those gaps, taking into account the existing capacity building platforms for South-South Cooperation?
5. How can platforms and initiatives for sharing data, knowledge and experiences, e.g., case studies, best practices and lessons learned, from one basin, country or region to another, be coordinated and improved? How can SDG target 6.5 best used to advance transboundary water cooperation?
6. How to build on existing inclusive transboundary arrangements, and create incentives, particularly within the context of high-level political will, to enter into additional arrangements? What barriers and solutions exist to overcome the challenges of developing effective and inclusive frameworks?

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