



# Annotated Bibliography

This annotated bibliography provides an introductory overview for anybody interested in undertaking research related to transboundary rivers and/or global water resources.

For the sake of clarity and ease of use, the Annotated Bibliography is divided into four sections.

Section I, Territorial Rights and Natural Resources, introduces texts that address natural resources generally (as opposed to freshwater resources in particular).

Section II, Transboundary Waters, contains four sub-sections: Territorial Rights Theory and Transboundary Waters; Transboundary Water Resources Management; International Law (Primary Documents); International Law (Secondary Readings); and, Transboundary Water and Conflict.

Section III, Global Water, is made up of two sub-sections: Human Right to Water; and, Global Water Management.

In Section IV, some useful links are provided to point researchers to other open access resources.

## **Section I: Territorial Rights and Natural Resources**

Armstrong, Chris. 2015. 'Against "permanent sovereignty" over natural resources.' *Politics, Philosophy and Economics* 14(2): 129-151.

Reassesses the leading justifications of the doctrine of permanent sovereignty over natural resources. Concludes that the doctrine stands without adequate justification.

– – 2014. 'Justice and attachment to natural resources.' *Journal of Political Philosophy* 22(1): 48-65.

Provides an account of how theories of egalitarian justice can accommodate special attachment-based claims to natural resources.

-- 2013. 'Resources, rights and global justice: a response to Kolers.' *Political Studies* 62(1): 216-222.  
Responding to Kolers, Armstrong puts forward three challenges to the 'intentional' conception of resources. Suggests that whereas attachment can override demands of global justice, one ought not define objects of attachment as non-resources.

Beitz, Charles. 1979. *Political Theory and International Relations*. Princeton: Princeton University Press.  
Proposes a principle of international distributive justice to establish a fair division of resources and wealth among persons situated in diverse national societies.

Casal, Paula. 2011. 'Global taxes on natural resources.' *Journal of Moral Philosophy* 8(3): 307-327.  
Critiques Pogge's Global Resources Dividend and Steiner's Global Fund before defending an alternative proposal – the Global Share.

Hayward, Tim. 2006. 'Global Justice and the Distribution of Natural Resources.' *Political Studies* 54(2): 349-369.  
Re-conceptualises natural resources as ecological space. Suggests that a globally equal per capita right to ecological space should be recognised as a basic norm.

Honore, A. M. 1961. 'Ownership.' In *Making Law Bind: Essays Legal and Philosophical*. Oxford: Clarendon.  
Influential analysis of the concept of ownership. Sets out eleven standard incidents of ownership.

Kolers, Avery. 2012. 'Justice, Territory and Natural Resources.' *Political Studies* 60(2): 269-286.  
Presents and defends an 'intentional' conception of resources as an alternative to existing (flawed) conceptions. Argues that the determination of what counts as a resource is claimant-relative.

Mancilla, Alejandra. 2015. 'The Volcanic Asymmetry or the Question of Permanent Sovereignty over Natural Disasters.' *The Journal of Political Philosophy* 23(2): 192-212.  
Re-appraisal of the responsibilities of states with regard to transboundary harms generated by natural resource use.

Moore, Margaret. 2015. *A Political Theory of Territory*. USA: Oxford University Press.  
Presents a political theory of territorial rights which grounds territorial rights on the value of collective self-determination. Extends argument to natural resources in chapter 8.

- 2012. 'Natural Resources, Territorial Rights, and Global Distributive Justice.' *Political Theory* 40(1): 84-107.  
Weighs up the claims of global luck egalitarianism against the right of political communities to jurisdictional authority over resources.
- Nine, Cara. 2012. *Global Justice and Territory*. Oxford: Oxford University Press.  
Chapter 6 introduces the concept of resource rights and searches for a theory capable of providing a coherent normative foundation for collective resource rights. Examines and rejects liberal nationalism and 'political legitimacy over persons' theory before defending a theory of political legitimacy over resources.
- Ostrom, Elinor. 2000. 'Private and common property rights.' In *Encyclopaedia of Law and Economics. Volume II. Civil Law and Economics*, edited by B. Bouckaert and G. De Geest, 332-379. Cheltenham: Edward Elgar.  
Widely cited explication of incidents of rights over natural resources.
- Pogge, Thomas. 2002. *World Poverty and Human Rights*. Cambridge MA: Polity Press.  
Highlights the causal role of citizens of rich countries in global poverty. Rather than owing a positive duty of beneficence to global poor, Pogge argues that we owe a negative duty to alleviate injustices we have perpetuated. Advances the idea that states should be required to contribute a small percentage of the value of any resources they decide to use or sell in order to provide a Global Resources Dividend to the global poor.
- Schrijver, Nico. 1997. *Sovereignty Over Natural Resources: Balancing Rights and Duties*. Cambridge: Cambridge University Press.  
Analysis of the evolution of permanent sovereignty from a political claim to a principle of international law. Includes overview of rights and duties of states with regard to transboundary resources.
- Steiner, Hillel. 1996. 'Territorial Justice.' In *National Rights, International Obligations*, edited by Simon Caney, David George, and Peter Jones, 139-168. Boulder, CO: Westview.  
Advances a luck egalitarian theory which rests on the right of all individuals to an equal share of the value of global natural resources.
- Wenar, Leif. 2008. 'Property Rights and the Resource Curse.' *Philosophy and Public Affairs* 36(1): 2-32.  
Argues that governments have a responsibility to stop their corporations from buying resources from repressive, kleptocratic governments. Proposes a Clean Hands Trust to collect tariffs on imported products that are made using raw materials purchased from repressive governments.

## Section II: Transboundary Waters

### – Territorial Rights Theory and Transboundary Waters

Ochoa-Espejo, Paulina. Forthcoming. 'Why Should States Share River Governance? Place Specific Duties as the Ground for Co-Governing Trans-Border Rivers.' Critiques Risse's 'universalist view' and Nine's 'membership view.' Proposes that the obligation to share the governance of international rivers comes from place-specific duties.

Nine, Cara. 2015. 'Territory, Resource Rights, and Rivers: A philosophical case for overlapping jurisdiction.' In *A History of Water Sovereignty and the Development of International Water Law*, edited by Terje Tvedt, Owen McIntyre, Tadessa Kasse Woldesadik. London: I.B. Tauris.  
Philosophical exploration of the object of territorial rights. Defends shared jurisdictional authority over transboundary rivers as an alternative to bilateral borders.

– – 2015. 'Resource Rights and International Governance: Learning from Rivers.' *What's Wrong? Blog of the CU-Boulder's Center for Values and Social Policy*. Available at <http://whatswrongcvsp.com/2015/09/14/resource-rights-and-international-governance-learning-from-rivers/>  
Drawing upon lessons from her philosophical study of international rivers, Nine asks if governments have responsibilities or rights regarding the management of natural resources in other states. Focuses, in particular, on Yasuni National Park in Ecuador.

– – 2014. 'When affected interests demand joint self-determination: learning from rivers.' *International Theory* 6 (1): 157-174.  
Advances arguments in favour of joint jurisdictional authority over transboundary rivers. Contends that when one state's use of a shared river reaches a point where it threatens the resilience of another state, then the threatening state has a duty to share jurisdictional authority over those resources and the affected state has a strong reason to favour participation in such a shared authority.

### – Transboundary Water Resources Management (Multi-disciplinary)

Cooley, Heather, Juliet Christian-Smith, Peter H. Gleick, Lucy Allen, and Michael Cohen. 2009. *Understanding and Reducing the Risks of Climate Change for Transboundary Waters*. California: Pacific Institute.  
Insightful analysis of the challenges that climate change will pose for freshwater management, with particular emphasis on transboundary river basins.

Donahue, John M. and Irene J. Klaver. 2009. 'Sharing Water Internationally, Past, Present, and Future – Mexico and the United States.' *Southern Rural Sociology* 24(1): 7-20.  
Reflection and analysis of conflicts over the sharing of Rio Grande/Rio Bravo and Colorado River between the United States and Mexico.

Ganoulis, Jacques, Alice Aureli, and Jean Fried (eds). 2001. *Transboundary Water Resources Management: A Multidisciplinary Approach*. Weinheim, Germany: Wiley-VCH.

Multi-disciplinary anthology of essays on the management of transboundary water resources. Includes case studies from Europe, Africa, Asia, and South America.

Kliot, N, D Shmueli and U Shamir. 2001. 'Institutions for management of transboundary water resources: their nature, characteristics and shortcomings.' *Water Policy* 3: 229-255.

Examines the legal under-pinnings and operation of management systems of twelve transboundary river basins: The Mekong, Indus, Ganges Brahmaputra, Nile, Jordan, Danube, Elbe, Rio Grande and Colorado, Rio de la Plata, Senegal, and Niger.

Moerlins, John E., Mikhail K. Khankhasayev, Steven F. Leitman, Emazar J. Makhmudov (eds). 2006. *Transboundary Water Resources: A Foundation for Regional Stability in Central Asia*. The Netherlands: Springer.

A multi-disciplinary collection of essays on transboundary water management issues affecting the Aral Sea Basin in Central Asia.

Norman, Emma S. 2015. *Governing Transboundary Waters: Canada, the United States, and Indigenous Communities*. New York: Routledge.

Focusing on the Canada-US border, this book considers the role of indigenous non-state actors in delineating borders and governing transboundary water.

Sadoff, Claudia W., and David Grey. 2002. "Beyond the River: The Benefits of Cooperation on International Rivers." *Water Policy* 4: 389-403.

Outlines four types of benefits derived from inter-state cooperation on international rivers – benefits to the river, from the river, because of the river, beyond the river.

Schlager, Edella and William Blomquist. 2008. *Embracing Watershed Politics*. Boulder, CO: University Press of Colorado.

Explains why diverse, multi-organisational arrangements are more popular in watershed politics that integrated watershed-wide management agencies. Focuses on US watersheds.

Tvedt, Terje, Owen McIntyre, Tadesse Kassa Woldetsadik (eds). 2015. *A History of Water Sovereignty and the Development of International Water Law*. London: I.B. Tauris.

Edited volume in which international water and legal specialists explore the relationship between water, state sovereignty, and international law.

#### – International Law (Primary Documents)

ICJ. 1997. International Court of Justice. *Gabcikovo-Nagymaros Case*. (Hungary v. Slovakia), 25 September 1997.

Ruling by the International Court of Justice on a dispute between Hungary and Slovakia regarding the Gabčíkovo-Nagymaros dams on the River Danube.

ICJ. 2010. International Court of Justice. *Pulp Mills on the River Uruguay*. (Argentina v. Uruguay), 10 April 2010.

Ruling by the International Court of Justice on a dispute between Argentina and Uruguay regarding the construction of Pulp Mills by Uruguay.

Institute of International Law. 1911. Madrid Declaration on International Regulations Regarding the Use of International Watercourses for Purposes other than Navigation.

First resolution of IIL relating to non-navigational uses of international watercourses. Set-down absolute obligation not to cause harm to other riparian states.

IIL. 1961. Salzburg Resolution Concerning the Utilization of Non-Maritime Waters for Purposes other than Navigation.

Re-iterates obligation not to cause harm but relaxes absolutist position of Madrid Declaration. Obligation not to cause harm subjected to right of use by other states.

International Law Association. 1966. Helsinki Rules on the Uses of the Waters of International Rivers. International Law Association.

Establishes the principle of 'reasonable and equitable utilization' of transboundary waters as the basic principle of international water law. Lists factors relevant to the determination of equitable and reasonable utilization.

ILA. 2004. The "Berlin Rules": International Law Association Berlin Conference on Water Resources Law

Comprehensive revision of the Helsinki Rules and supplemental rules. Takes account of advances in international environmental and human rights law.

United Nations. 1963. *Legal problems relating to the utilization and use of international rivers*. Report of the Secretary-General, A/5409, 15 April 1963. Commissioned in 1959 and presented to the UN General Assembly in April 1963, the report provided an overview of existing bilateral and multilateral treaties, international judicial decisions, and Non-Governmental Organisation studies related to international water.

United Nations. 1997. *UN Convention on the Law of the Non-navigational Uses of International Watercourses*. A/51/49, 21 May 1997.

"Landmark" in international water law. Crystallises the principle of equitable and reasonable utilization. Entered into force in August 2014.

United Nations Educational, Scientific, and Cultural Organisation (UNESCO). Atlas of Transboundary Aquifers: Global maps, regional cooperation and local inventories. Paris: UNESCO.

Detailed global inventory of transboundary aquifers. Where applicable, international instruments governing aquifers are identified.

World Commission on Dams. 2000. *Dams and development – a new framework for decision-making* (Report of the World Commission on Dams). London: Earthscan Publications.  
Broad review of the technical, financial, economic, environmental, and social performance of large dams. Presents guidelines to steer future dam construction and management.

– **International Law (Secondary Readings)**

Bogdanovic, Slavko. 2001. *International Law of Water Resources – Contribution of the International Law Association (1954-2000)*. London: Kluwer Law International.  
Commentary on the contribution made by three International Law Association committees to the advancement of international water law.

Bourne, Charles. 1996. ‘The International Law Association’s contribution to International Water Resources Law.’ *Natural Resources Journal* 36: 155-216.  
Complete history of the International Law Association’s work on international water resources law.

Bruhacs, Janos. 1993. *The Law of Non-Navigational Uses of International Watercourses*. Dordrecht: Martinus Nijhoff.  
Overview of the nature, functions, contents, and codification of international water law. Includes detailed study of management regime of Danube river basin.

Eckstein, Gabriel. 2005. ‘Protecting a hidden treasure: The UN International Law Commission and the International Law of Transboundary Ground Water Resources.’ *Sustainable Development Law & Policy* 5: 5-12.  
Review of the work of the ILC in codifying the international law of transboundary ground resources.

McCaffrey, Stephen. 2007. *The Law of International Watercourses* (2<sup>nd</sup> end). Oxford: Oxford University Press.  
Widely cited study on the history and development of international freshwater law.

McIntyre, Owen. 2011. ‘The World Court’s Ongoing Contribution to International Water Law: The Pulp Mills Case Between Argentina and Uruguay.’ *Water Alternatives* 4(2): 124-144.  
Commentary on the ruling of the International Court of Justice in the Uruguay River Pulp Mills dispute.

– – 2007. *Environmental Protection of International Watercourse under International Law*. Aldershot: Ashgate.  
Examines the role of environmental considerations in the determination of a reasonable and equitable regime for the utilisation of an international watercourse. Chapter 1 provides an excellent introduction to the ‘Problems, Principles, and Terminology’ of international water law.

- Salman, Salman M.A. 2015. 'Entry into force of the UN Watercourses Convention: why should it matter?' *International Journal of Water Resources Development* 31(1): 4-16.  
Traces the progress of the UN Watercourses Convention from the referral of the matter from the UNGA to the ILC in 1970 to the adoption of the Convention in 1997 and its subsequent entry into force in 2014. Concludes by assessing the future significance of the Convention.
- – 2010. 'Downstream riparians can also harm upstream riparians: The concept of foreclosure of future uses.' *Water International* 35(4): 350-364.  
Considers the capacity of downstream states to harm upstream riparians by "foreclosing" their future uses of water through the prior use of, and the claiming of rights to, such water.
- – 2007. 'The Helsinki rules, the UN watercourses convention and the Berlin rules: Perspectives on International Water law.' *International Journal of Water Resources Development* 23: 625-640.  
Analysis of Helsinki and Berlin Rules and the UN Watercourses Convention. Outlines challenges facing international water law.
- Tanzi, Attila, and Maurizio Arcari. 2001. *The United Nations Convention on the Law of International Watercourses*. The Hague: Kluwer Law International.  
Explores the substantive and procedural principles of the UN Convention and reflects on the Convention's provisions relating to environmental protection and dispute resolution.

### – **Transboundary Waters and Conflict**

- Delli Priscoli, J. and Wolf, A.T. 2009. *Managing and Transforming Water Conflicts*. Cambridge: Cambridge University Press.  
Presents strategies for preventing, managing, and resolving disputes over shared water resources. Includes case study analyses.
- Gleditsch, Nils Petter, Katryn Furlong, Havard Hegre, Bethany Lacina, and Taylor Owen. 2006. 'Conflicts Over Shared Rivers: Resource Scarcity or Fuzzy Boundaries?' *Political Geography* 25: 361-382.  
Reassessment of the relationship between shared rivers and interstate conflict. Contrasts the causal roles of boundary rivers and cross-boundary rivers.
- Micklin, Philip. 2002. 'Water in the Aral Sea Basin of Central Asia: Cause of Conflict or Cooperation?' *Eurasian Geography and Economics* 43(7): 505-528.  
Overview of the Aral Sea Basin water basin. Assesses the potential for interstate conflict or cooperation among the basin states.
- Pacific Institute. 'Water Conflict Chronology'. Available online at <http://worldwater.org/water-conflict/>  
Comprehensive historical record of water-centred and water-related incidents of conflict.



- Wolf, Aaron T. 1998. 'Conflict and Cooperation Along International Waterways.' *Water Policy* 1(2): 251-265.  
Questions the likelihood of transboundary rivers inciting conflict. Finds that states are more disposed to cooperate over shared water resources.
- Yoffe, Shim, Aaron T. Wolf, and Mark Giodano, M. 2003. 'Conflict and Cooperation over International Freshwater Resources: Indicators of Basins at Risk.' *Journal of the American Water Resources Association* 39(5): 1109-1126.  
Attempts to identify key indicators of potential for conflict. Highlights rapid or extreme physical or institutional change within a basin as likely triggers for conflict.

### Section III: Global Water

#### – Human Right to Water

- Dubreuil, Celine. 2006. *The Right to Water: From Concept to Implementation*. World Water Council.  
Report developed by an expert committee which was convened to devise ways in which the right to water can be implemented in a practice, accessible, and sustainable manner.
- Gleick, Peter. 1999. 'The Human Right to Water.' *Water Policy* 1(5): 487-503.  
Endorsement of the human right to water. Argues that governments, international aid agencies, NGO's, and local communities should work to provide all humans with a basic water requirement.
- Petrella, Ricardo. 2001. *The Water Manifesto: Arguments for a World Water Contract*. London: Zed Books.  
Defends the idea of a world water contract that would enshrine fresh water as an essential good to which all people have a right – controlled by communities in the public interest and with international rules for its equitable management and distribution.
- Riedel, Eibe, and Peter Rothen (eds.) 2006. *The Human Right to Water*. Berlin: Berliner Wissenschaftsverlag.  
Compilation of contributions to the International Conference on the Human Right to Water hosted in Germany in October 2005.
- Risse, Mathias. 2014. 'The Human Right to Water and Common Ownership of the Earth.' *The Journal of Political Philosophy*. 22(2): 178-203.  
Argues in favour of human right to water. Suggests that water rich countries should share water with countries with water shortages or allow for immigration from water poor countries.
- – 2012. *On Global Justice*. Princeton: Princeton University Press.  
Risse formulates a conception of human rights based on humanity's common ownership of the planet. Thereby diverges from traditional theories of human

rights which ground rights in features of humanity such as human dignity or personality. Useful background reading.

Sultana, Farhana, and Alex Loftus. 2012. *The Right to Water: Politics, Governance, and Social Struggles*. London: Earthscan.  
Collection of essays in which leading academics and policy-makers attempt to translate moral support for a human right to water into workable claims.

Winkler, Inga. 2012. *The Human Right to Water: Significance, Legal Status, and Implications for Water Allocation*. Portland: Hart Publishing.  
Overview of the evolution of the human right to water in international law. Assesses the role of the human rights in water allocation debates.

### – Global Water Management

Allan, T. 2011. *Virtual Water: Tackling the Threat to Our Planet's Most Precious Resource*. London: I B Tauris.  
Exposition of the idea of 'virtual water' which highlights the true extent of our everyday water consumption. Points the way towards more sustainable water management.

Barlow, Maude, and Tony Clarke. 2002. *Blue Gold: The Fight to Stop the Corporate Theft of the World's Water*. New York: The New Press.  
Investigation into the privatisation of global water resources and the effects thereof on global water supplies.

Cooley, Heather, Newsha Ajami, Mai-Lan Ha, Veena Srinivasan, Jason Morrison, Kristina Donnelly, and Juliet Christian-Smith. 2013. *Global Water Governance in the 21<sup>st</sup> Century*. California: Pacific Institute.  
Assessment of global water challenges and the effectiveness of global water governance.

Cosgrove William J., and Frank R. Rijsbeman. 2000. *World Water Vision – Making Water Everybody's Business*. London: World Water Council, Earthscan.  
Comprehensive report setting out the World Water Council's long term vision for water, life, and environment in the 21<sup>st</sup> century. Calls for changes in the way we manage water in order to alleviate our "water crisis."

Gleick, Peter. 1998. 'Water in crisis: paths to sustainable water use,' *Ecological Applications*, 8 (3), 571-579.  
Advances seven "sustainability criteria" to ground long-term water planning and management.

Hoekstra, A and A Chapagain. 2008. *The Globalization of Water: Sharing the Planet's Freshwater Resources*. Oxford: Blackwell.  
Examines the concepts of virtual water, water footprints, and virtual-water flows between nations.

Jones, J.A.A. 2010. *Water Sustainability: A Global Perspective*. London: Routledge.

Takes a look at present and future challenges – rising demand, damming, pollution, global warming – to global water resources. Discusses some sustainable solutions.

Stucker, Dominic, and Elena Lopez-Gunn (eds.). 2015. *Adaption to Climate Change through Water Resources Management: Capacity, equity, and sustainability*. New York: Routledge.  
Extensive collection of essays focused on local adaptation to the challenges presented by climate change.

## **Section IV: Useful Links**

International Water Law Project bibliography  
<http://www.internationalwaterlaw.org/bibliography/>

Global Water Partnership  
<http://www.gwp.org/>

Pacific Institute  
<http://pacinst.org/>

The Water Channel  
<http://www.thewaterchannel.tv/>

The World's Water  
<http://worldwater.org>

UN Watercourses Convention Online User's Guide  
<http://www.unwatercoursesconvention.org/>

Territory and Justice Network  
<http://territorynetwork.wordpress.com/>