



**UNIVERSITÉ
DE GENÈVE**

FACULTÉ DE DROIT

Expert Roundtable

The Geneva List of Principles on the Protection of Water Infrastructures During and After Armed Conflicts

13-14 December 2018
World Meteorological Organisation (room Kruzel)

Concept Note

The human right to water is well-recognized as a human right that is essential for the full enjoyment of life and all human rights. Access to water can only be ensured through the protection and safe management of water infrastructures. The protection of water infrastructures during and after armed conflicts is governed by an elaborate set of provisions contained in instruments of International Humanitarian Law, International Human Rights Law, International Environmental Law and International Water Law. However, the lack of implementation of these protective norms remain a major problem in contemporary international and non-international armed conflicts. The severe consequences caused by the targeting of water infrastructures is further aggravated by the proliferation of urban warfare and prolonged armed conflicts.

The scope of the special protection of water infrastructures against attacks under International Humanitarian Law is limited to dams and dykes in the case of release of water and water installations which are indispensable to the survival of the civilian population. In the same vein, the related obligation to mark water facilities with internationally protected signs for works and installations containing dangerous forces, which is crucial to ensuring access to safe drinking water, is also limited to dams and dykes. This is not sufficient: these installations represent only a small fraction of water facilities. Furthermore, the protection afforded to water infrastructures during and after armed conflicts, by hard and soft law instruments of International Human Rights Law, International Environmental Law and International Water Law consist of scattered provisions.

A holistic analysis of the legal regime protecting water infrastructures during and after armed conflicts is required. In post-conflict situations, the developments in the protection of water infrastructures have mainly been generated through bilateral agreements or regional instruments and by the practices of UN bodies and agencies, including peacebuilding missions.

Following the recommendations adopted by the Global High-Level Panel on Water and Peace in 2017, the Geneva Water Hub's Platform for the International Water Law, hosted at the University of Geneva, has started to draft the Geneva List of Principles on the Protection of Water Infrastructures During and After Armed Conflicts in September 2018. During the drafting process, the Platform has consulted experts from partner universities, international and non-governmental organizations.

The objective of the Geneva List and its Explanatory Note is to present and set forth clear principles derived from the various applicable norms. It will serve as a guide for military forces and technical staff in the field and as a basis for future policy recommendations by the UN Security Council, UN Environment General Assembly, UN Human Rights Council and other bodies. It also aims to contribute to the current work of the Special Rapporteur of the International Law Commission on the Protection of the Environment in Relation to Armed Conflicts by providing specific principles contributing to the protection of water.

The Expert Roundtable will discuss the “zero draft” of the Geneva List. Following this Roundtable, the draft List of Principles will be submitted to the Group of Friends on Water and Peace in March 2019.

The Expert Roundtable will be held in four sessions, which will respectively be devoted to:

- 1) General protection of water infrastructures during armed conflicts;
- 2) Special protection of water infrastructures during armed conflicts;
- 3) Protection of water infrastructures in post-conflict situations;
- 4) Establishment of a new mechanism or employment of an existing mechanism: assisting the parties to a conflict in the implementation of the List.

Programme

Thursday, 13 December

14:00 – 14:15 **Welcome and coffee**

14:15 – 14:30 **Opening speech: Marco Sassòli**, Professor, Faculty of Law, University of Geneva and Director of the Geneva Academy of International Humanitarian Law and Human Rights

14:30 – 15:45 Session 1: General protection of water infrastructures

Kick-off and moderation: **Michel Veuthey**, Vice-President of the Institute of International Humanitarian Law and Associate Professor, Webster University, Geneva.

Issues discussed in this session will include:

- 1) The scope of the List and the qualification of water infrastructures;
- 2) The right to water;
- 3) The prohibition of using water infrastructures as a means of warfare and the prohibition of poisoning;
- 4) The principle of distinction;
- 5) Protection of “double-use” water infrastructures;
- 6) Protection of engineers and technical staff working at/for water infrastructures;
- 7) The principle of proportionality: The calculation of proportionality and the reverberating effects of the targeting of, or incidental damage to, water infrastructures;
- 8) The principle of precautions: The specific active and passive precautions to be taken by belligerent parties for the protection of water infrastructures.

15:45 – 16:00 Coffee break

16:00 – 17:15 Session 2: Special protection of water infrastructures

Kick-off and moderation: **Mara Tignino**, Reader, Faculty of Law, University of Geneva, Coordinator of the Platform for International Water Law/Geneva Water Hub

Issues discussed in this session will include:

- 1) Protection of objects indispensable to the survival of the civilian population and its link with the prohibitions of starvation and displacement;
- 2) Protection of works and installations containing dangerous forces;
- 3) Protection of water infrastructures and its interaction with the protection of the environment;
- 4) The contribution of International Water Law and International Environmental Law instruments to the protection of water infrastructures during armed conflicts;
- 5) Relief activities: protection of humanitarian personnel and equipment necessary for the reparation of water infrastructures and humanitarian ceasefires.

Friday, 14 December

Session 3: Protection of water infrastructures in post-conflict situations

Kick-off and moderation: **Daniëlla Dam-de Jong**, Assistant Professor, Faculty of Law, University of Leiden

Issues discussed in this session will include:

- 1) The inclusion of protection of water infrastructures in peace treaties;
- 2) The contribution of joint mechanisms to the protection of water infrastructures during and after armed conflicts;
- 3) The reparation and reconstruction of water infrastructures after the end of armed conflicts;
- 4) Protection and management of water infrastructures in the mandates and practice of the peacekeeping operations.

10:45 – 11:00 Coffee break

Session 4: Establishment of a new implementation mechanism or employment of an existing mechanism

Kick-off and moderation: **Laurence Boisson de Chazournes**, Professor, Faculty of Law, University of Geneva

Issues discussed in this session will include:

- 1) The establishment of a new mechanism or employment of an existing mechanism;
- 2) The essential features of the implementation mechanism;
- 3) The modalities and functioning of the implementation mechanism;
- 4) Alternatives to establishing a new mechanism: an overview of existing institutions.

Concluding remarks: Carl Bruch, Director, International Programs, Environmental Law Institute (Washington D.C.)