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

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

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

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.

Proposes a principle of international distributive justice to establish a fair division of resources and wealth among persons situated in diverse national societies.

Critiques Pogge’s Global Resources Dividend and Steiner’s Global Fund before defending an alternative proposal – the Global Share.

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.

Influential analysis of the concept of ownership. Sets out eleven standard incidents of ownership.

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.

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.
Weighs up the claims of global luck egalitarianism against the right of political communities to jurisdictional authority over resources.

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.

Widely cited explication of incidents of rights over natural resources.

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.

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.

Advances a luck egalitarian theory which rests on the right of all individuals to an equal share of the value of global natural resources.

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 Status 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.


– 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)


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


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

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.

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

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

– International Law (Primary Documents)

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

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.

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.

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.


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.


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

Commentary on the contribution made by three International Law Association committees to the advancement of international water law.

Complete history of the International Law Association’s work on international water resources law.

Overview of the nature, functions, contents, and codification of international water law. Includes detailed study of management regime of Danube river basin.

Review of the work of the ILC in codifying the international law of transboundary ground resources.

Widely cited study on the history and development of international freshwater law.

Commentary on the ruling of the International Court of Justice in the Uruguay River Pulp Mills dispute.

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.

– – 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.


– **Transboundary Waters and 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.


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

Collection of essays in which leading academics and policy-makers attempt to translate moral support for a human right to water into workable claims.

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

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.

Investigation into the privatisation of global water resources and the effects thereof on global water supplies.

Assessment of global water challenges and the effectiveness of global water governance.

Comprehensive report setting out the World Water Council’s long term vision for water, life, and environment in the 21st century. Calls for changes in the way we manage water in order to alleviate our “water crisis.”

Advances seven “sustainability criteria” to ground long-term water planning and management.

Examines the concepts of virtual water, water footprints, and virtual-water flows between nations.

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


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/