

## 水の安全保障化と国際法政策の動向

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### I. 水の安全保障化とその多面性

#### 21世紀の中心的課題としての水の安全保障

- ・「水戦争」の世紀？—セラゲルディン元世界銀行副総裁の1995年スピーチ (Serageldin, 2009)

The wars of this century have been on oil, and the wars of the next century will be on water ... unless we change the way we manage water.

- ・第2回世界水フォーラム（ハーグ）（2000）閣僚宣言 “Water Security in the 21<sup>st</sup> Century”

We have one common goal: **to provide water security in the 21<sup>st</sup> Century**. This means ensuring that freshwater, coastal and related ecosystems are protected and improved; that sustainable development and political stability are promoted, that every person has access to enough safe water at an affordable cost to lead a healthy and productive life and that the vulnerable are protected from the risks of water-related hazards.

※ 非軍事的脅威

#### 「国家の安全保障」・「人間の安全保障」

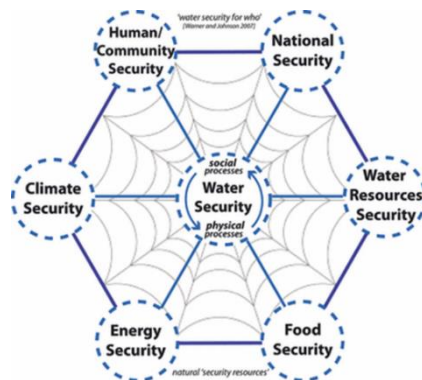
- ・ *The White House Action Plan on Global Water Security* (2022)

As the source of both life and livelihoods, water security is central to human and national security.

- ・ UN-Water (2013)

The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development, for ensuring protection against water-borne pollution and water-related disasters, and for preserving ecosystems in a climate of peace and political stability.

#### 他の側面（Zeitoun, 2011）



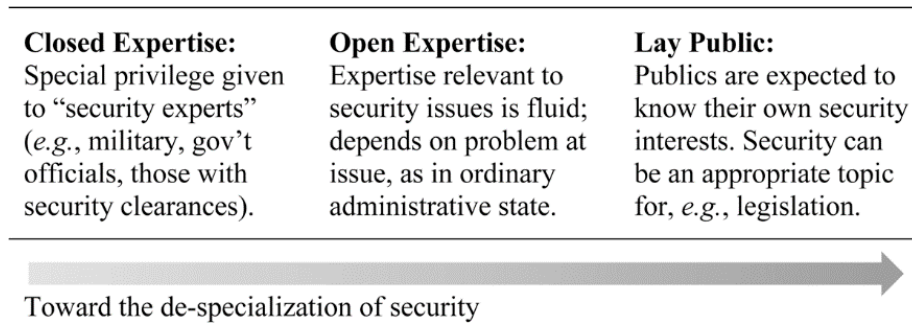
#### 「安全保障」とは（神谷、2010）

ごく抽象的には「ある主体が、かけがえのない何かの価値を、何らかの脅威から、何らかの手段により守る」こと

## II. 国際法政策学的分析視角

- ・ 安全保障の視点 (主観的・拡張的・複合的) ↔ 国際法 (客観的・限定的・個別的)
- ・ 国際法学の先行研究 (Tignino, 2018; Magsig, 2020; Thielbörger, 2021 等)
- ・ 各アクターによる、問題を安全保障化する主張様態への着目 (Heath, 2022)

Figure 1. Identifying Security Threats



→ 各アクターが保護しようとする利益および水の安全保障化の戦略的效果を分類

### 【参考】水の安全保障に関連する国際法制度

中核的国際制度 … 国際連合

- ・ 安全保障理事会：個別事案、討議「水・平和・安全保障」(2016)・「予防外交と越境水域」(2017)
- ・ 総会：SDGs、「水の国際行動の 10 年 (2018–2028)」(2023 年国連水会議)

個別分野

- ・ 国際水路法 (国家間協力)

グローバルな条約 ↓ + 越境流域ごとの個別条約 (地域的／二国間条約) 資料①

国連水路条約： *Convention on the Law of the Non-navigational Uses of International Watercourses* (1997)

UNECE 水条約： *The Convention on the Protection and Use of Transboundary Watercourses and International Lakes* (1992, amended in 2003)

- ・ 人権

安全な飲用水・衛生に対する人権 資料② + 清潔で健康的かつ持続可能な環境への権利

- ・ 武力紛争法・国際刑事法

- ・ 環境条約

水環境の保護・保全 … ラムサール条約、生物多様性条約、砂漠化対処条約など

気候変動への適応策 … 気候変動枠組条約・パリ協定 (+ 仙台防災枠組)

### III. 国際法政策上の動向

#### 例①：争点としての「水の安全保障」

##### ・ナイル川、大エチオピア・ルネサンス・ダム建設・運転に関する対立

エジプト：「歴史的権利および現在の利用」 → 地域の安全保障・人間／水の安全保障

エチオピア：領域内の水を利用する主権 → エネルギー安全保障・人間／水の安全保障

2015年協力枠組協定 **資料③**

安全保障理事会の注意喚起（2020～） → 安保理会合の開催（2021） → 議長声明（2021）  
UN Doc. S/PRST/2021/18：当事国に係属的な交渉を促す

#### 例②：関連国際法の強化

##### ・国際制度

グローバルな水制度体（global water architecture）の設置：フランス

グローバルなデータ共有：アメリカ

SDGs：諸国

安保理による越境水域をめぐる紛争への対処に懸念：インド、中国、ロシア **資料④** など

##### ・流域管理の国際協力

グローバルな条約の推進：フランス、フィンランド、ロシア、日本（越境帯水層）など

越境流域ごとの個別条約・制度の構築支援：〃、アメリカ △ロシア、中国

##### ・水・衛生に対する人権 **資料②**：ドイツ&スペイン主導 △日本 ×アメリカ

##### ・武力紛争法：スイス、フランス

*Cf.* 環境条約の強化への言及は限定的

#### 例③：市民による水の脅威への反応

##### ・反ダム・反民営化（反グローバリズム）運動

→ 世界銀行インスペクションパネルへの申立

→ 投資家対国家紛争解決手続（投資仲裁）への第三者参加 など

##### ・気候変動

→ 国際人権機関・地域的人権裁判所への申立（いわゆる「気候変動訴訟」）

（例）*Ioane Teitiota v. New Zealand* (2019) 自由権規約委員会見解

#### IV. 考察

(Heath, 2022) *Figure 3. Four Views of Security-Knowledge*

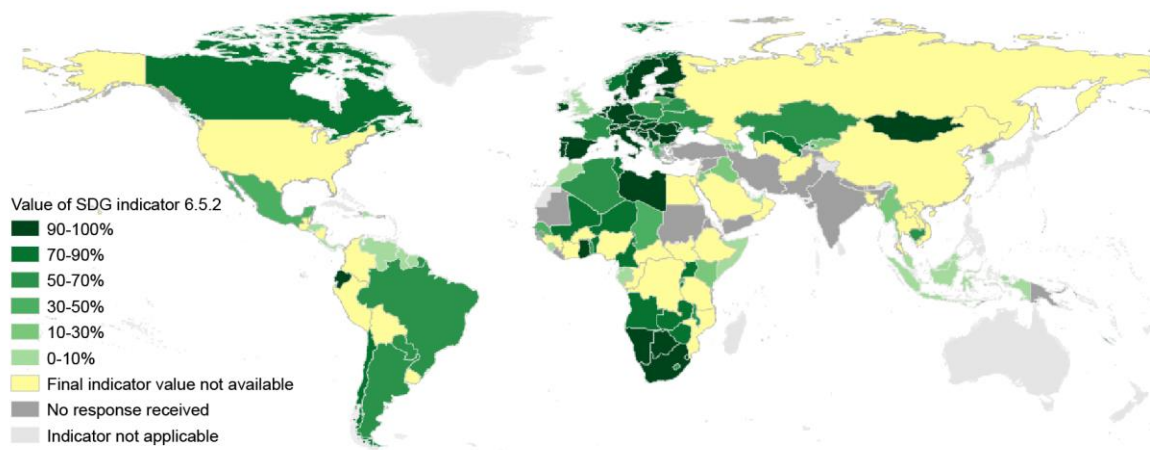
Specialized Knowledge	<b>Exceptional Logic</b>  <b>REALIST SECURITY</b> <ul style="list-style-type: none"><li>• Core concern is actual or potential use of force.</li><li>• Privileges military and diplomatic knowledge.</li><li>• Follows an exceptionalist logic (<i>e.g.</i>, use of force, emergency powers).</li></ul>	<b>(Potentially) Routine Logics</b>  <b>WIDENED SECURITY</b> <ul style="list-style-type: none"><li>• Concerns expand to address any serious threat.</li><li>• Privileges any relevant expert knowledge.</li><li>• Security need not challenge rational, law-governed policymaking.</li></ul>
	<b>Lay Knowledge</b>  <b>DISCURSIVE SECURITY</b> <ul style="list-style-type: none"><li>• No core concern; any issue could be “securitized.”</li><li>• Any actor could claim security; all knowledge is potentially relevant.</li><li>• The core feature of security is not the threats it identifies but its exceptionalist logic.</li></ul>	<b>PLURALIST SECURITY</b> <ul style="list-style-type: none"><li>• Security claims reflect (perceived) vulnerabilities of social groups</li><li>• Knowledge about security comes from those affected.</li><li>• Security may be pursued through any means, from ordinary law to exceptional violence.</li></ul>

A	B
C	D

・水の安全保障化による「犯人捜し」への懸念（ロシア） 資料④

#### 資料

##### ① SDG 6.5.2 水資源協力のための運営協定がある越境流域の割合



UN & UNESCO (2021). *Progress on Transboundary Water Cooperation Global status of SDG indicator 6.5.2 and acceleration needs*. UN Doc. ECE/MP.WAT/65 (p.13)

※ 越境水域を有する 153 カ国のうち報告書の提出のあった 101 カ国のデータ

② 国連総会決議 70/169 : *The Human Rights to Safe Drinking Water and Sanitation*, U.N. Doc. A/RES/70/169 (17 December 2015).

2. [The General Assembly] *Recognizes* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living

③ *The Nile River Basin Cooperative Framework Agreement* (CFA) (2010)

**Article 2: Use of Terms**

(f) “Water security” means the right of all Nile Basin States to reliable access to and use of the Nile River system for health, agriculture, livelihoods, production and environment.

**Article 14: Water Security**

Having due regard to the provisions of Articles 4 and 5, Nile Basin States recognize the vital importance of water security to each of them. The States also recognize that the cooperation management and development of waters of the Nile River System will facilitate achievement of water security and other benefits. Nile Basin States therefore agree, in a spirit of cooperation:

(a) to work together to ensure that all states achieve and sustain water security;

(b) ... *not to significantly affect the water security of any other Nile Basin States.\**

\* No consensus was reached. AGREE: Burundi, DR Congo, Ethiopia, Kenya, Rwanda, Tanzania and Uganda / DISAGREE: Egypt and Sudan.

④ ロシア声明 S/PV.7818 (2016)

In that context, we are concerned by the ongoing attempts to directly incorporate a security component into issues relating to water resources. Securitizing the issue of water could lead to the shifting of the focus of international efforts towards a subjective search for “guilty parties” and the subsequent probable imposition of military intervention in the parts of the world concerned, where what is really needed is specific expert activity in order to work out solutions for emerging issues. In that way, emphasizing the geopolitical aspects of water cooperation, including international security, can only complicate the quest for the resolution of a difficult socioeconomic situation and, as a result, hinder sustainable development as a whole.

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