



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

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UNCertainty for the Future

This week, world leaders came together in New York for the [UN General Assembly](#). Specifically, on Wednesday the UN held the [Climate Ambition Summit](#), which is meant to introduce the conversation, find solutions, and resolve all problems about the concerning and inevitable climate challenges we are currently facing and will continue to worsen, right? Right! At least that's what we keep telling ourselves.

While this is not the long-awaited [COP28 UN Climate Change summit](#), which will start on November 29th, many country representatives and agents for environmental organizations were invited to speak. With the notable [absence of the United States and China](#), the "[movers and emitters](#)" took a step to the podium and gave the nations a piece of their mind, including the E.U., Brazil, Canada, Pakistan, South Africa, and Tuvalu.

The Summit mostly revolved around the [naked greed, arm-twisting and foot-dragging](#) responses to carbon emissions and the [obsessive use of fossil fuels](#). This statement opened the floor and encouraged candor of local representatives like the Governor of California, Gavin Newsom, who boldly [stated that the climate crisis is a fossil fuel crisis](#). Similarly, Brazil announced it will modify its plan to lower emissions to [a new target of 50% to 53%](#) by 2030.

So the Climate Ambition Summit was less ambitious than some had hoped, but that is hardly news. Now let's see what happens on November 29th.

More Water, More Disputes

There's [no smoke without fire](#). There's no water without dispute. Last Thursday, the Dominican Republic's president, Luis Abinader, formally announced the [total shutdown of the border](#) between the Dominican Republic and Haiti. A total border shut down means that the traffic by land, the sea and the air has come to a complete halt. Two countries who share the same island - what could possibly start strife? The answer, as we have often come to find, is water. The conflict arises from the [construction of a canal](#) leading from the Dajabon River, also known as the Massacre River, which forms most of the internal border between the countries. The construction of the canal, which is being done by a [private party](#) supposedly without the Haitian governmental approval, would benefit Haitian farmers by diverting water to their territory, away from the Dominican Republic's farmlands. However, this is not the Dominican Republic's first attempt to limit [the neighbor's borders](#).

But don't think Hispaniola is the only island in the Caribbean facing water disputes. Over 5 thousand miles away, in Hamburg, Germany, a [transcendental hearing](#) took place this month, where small island nations, including Tuvalu in Oceania, have asked the International Tribunal for the Law of the Sea to determine once and for all if "carbon dioxide emissions" are considered part of the definition of "pollution" as used in the UN Convention on the Law of the Sea, by a [request for advisory opinion](#). Although the decision to be reached by the Maritime Court does not bring legal consequences per se, it is a strong persuasive argument to be used in future lawsuits within the governments. The advisory opinion should be released on September 25th, by the end of the hearing.

It's important to note that the United States is [not part of the convention](#), but hey, at least EPA issued a new rule that it hopes will strengthen [Section 401 of the Clean Water Act](#)!

The Lows of the Mississippi River

One thing we can all agree on is that it's been a long, [hot summer](#). As a matter of fact, it's been such a hot summer, that even the Mississippi River has felt it. The river's levels dropped to [record breaking](#) lows in October of 2022, but this year is not unlike the other. It is an undeniable fact that the Mississippi River is one of the most important navigable [water ways](#) around, heavily used for the transportation of goods from the Midwest and the South to the rest of the world. It's a simple and alarming equation, the low levels of the river plus the high demand to transport loads equals a [hold back on the river](#). This is particularly harmful for [farmers in the Midwest](#). Each year thousands of farmers grow soybeans, corn, and grains to send to the south on the river for use there and for export. Besides the limitation on the capacity of loads to be dispatched, [shipping prices continue to rise](#).

The U.S. Army Corps of Engineers' efforts to keep the rivers of the United States navigable do not go unnoticed, though. In Missouri, the U.S. Army Corps is working on [dredging the Illinois River](#) to maintain its congress-mandated obligation to keep the waters at 9 feet deep. Similarly, in Louisiana, the Army Corps continue to work on the new Neptune Pass in hopes to limit the [crevasse in the Mississippi River](#) to prevent any interference with shipping.

Another round of applause for the responsible use of water resources goes to California's regulators, who just ordered the company who owns Arrowhead bottled water, BlueTriton, to [stop utilizing San Bernardino Mountains' springs](#) since, after years of hearings, the Board concluded they do not have the permissions to use it.

Coming Up:

Tulane Environmental Law Summit, New Orleans,
February 23 & 24, 2024 (save the date!)

Water jobs:

[Senior Research Fellow](#); Tulane Institute on Water Resources Law and
Policy; New Orleans, Louisiana

[Senior Associate, Ocean Governance](#); Pew Charitable Trusts;
Washington, DC

[Water Program Policy Specialist, Arizona](#); The Nature Conservancy;
Phoenix, AZ

[Associate Attorney](#); San Francisco Baykeeper; Remote

[Staff Attorney](#); Western Watershed Project, Multiple Western States

[Nonprofit Administrator](#); Utah Diné Bikéyah, Utah



The [Tulane Institute on Water Resources Law and Policy](#) is a program of the Tulane University Law School. The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and legal stewardship of water.

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