

# The Convention on the Protection and Use of Transboundary Watercourses and International Lakes

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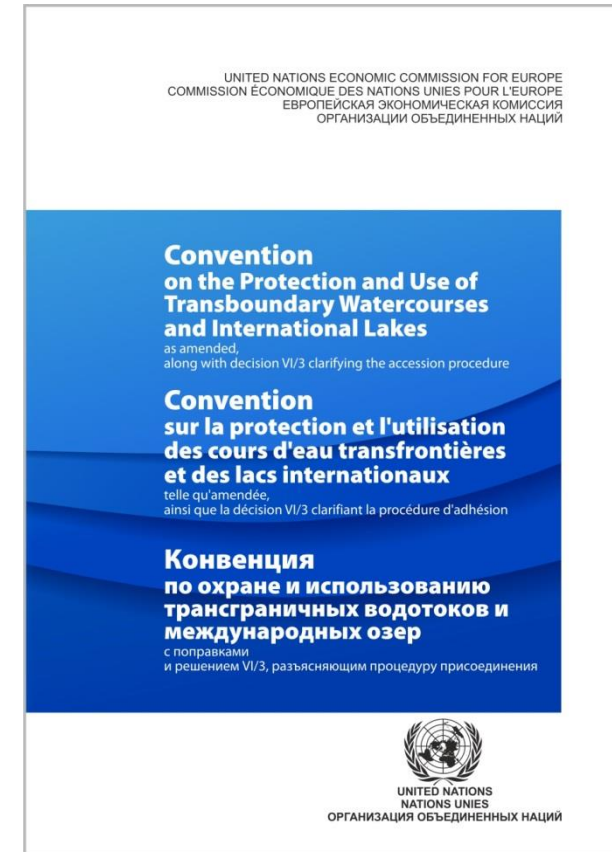


# History of the Water Convention: from regional to global

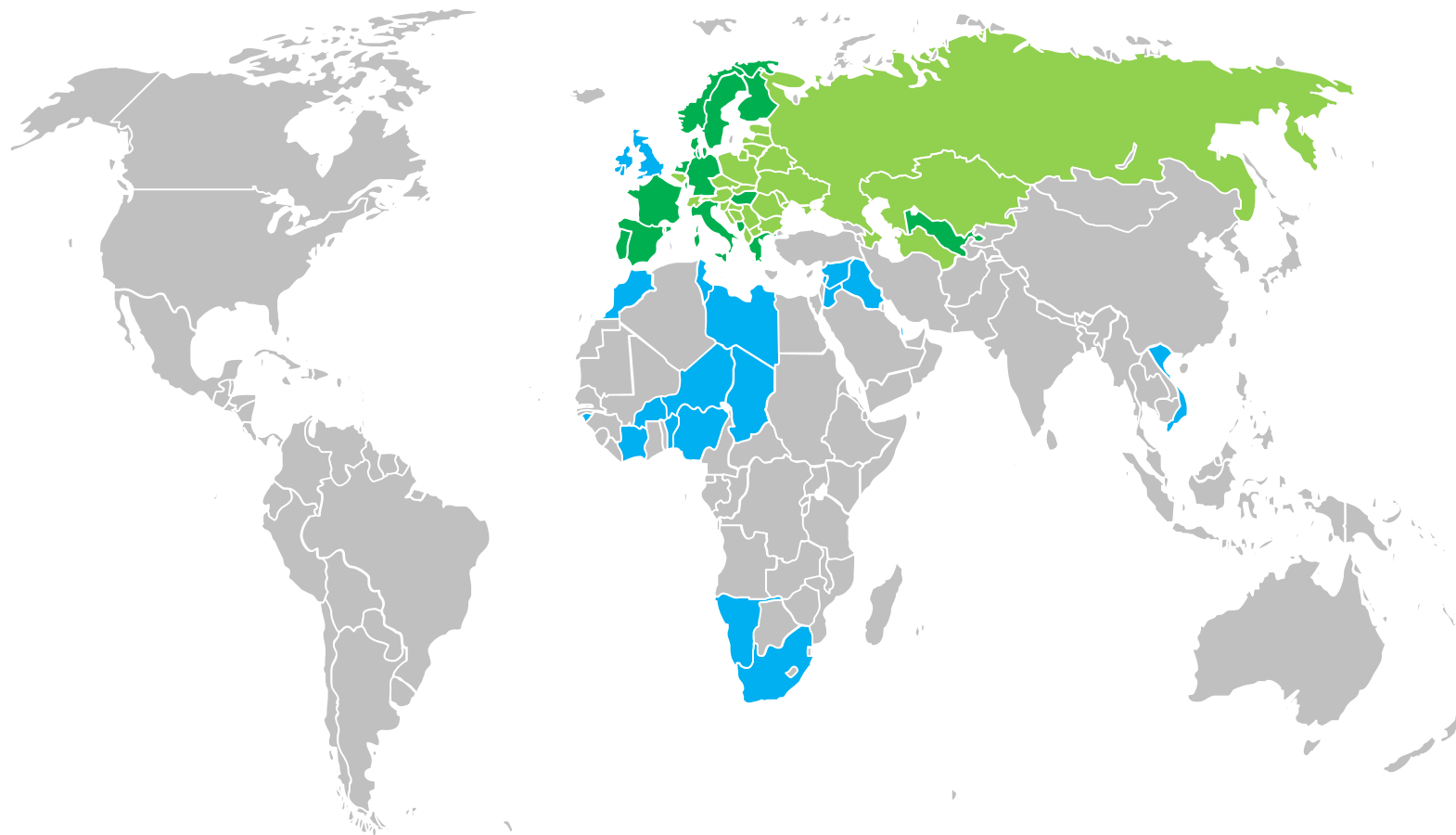
- 1992 Adoption of the Water Convention
- 1996 Entry into force of the Convention
- March 2016 Operationalization of the amendment to open the Convention: all UN Member States can accede**

Originally negotiated as a regional agreement for the pan-European region but .... what is «Europe»?

- Not only the European Union, but including all countries from the Ex-Soviet Union
- Not a peaceful continent
- Not a homogeneous continent (socio/eco/political contexts)
- Not a continent exempt from water problems



# Status of ratification of the 2 global conventions



Party to UNECE  
Water Convention  
(1992)  
Total: 40 + EU

Party to UN  
Watercourses  
Convention (1997)  
Total: 36

Party to both  
Conventions  
Total: 15

# The Water Convention: a sound legal framework

**Objective:** To protect and ensure the quantity, quality and sustainable use of transboundary water resources by facilitating cooperation

## **The Convention is based on three main pillars:**

- Obligation to take all appropriate measure to prevent, control and reduce transboundary impacts
- Obligation to ensure that transboundary waters are used in a reasonable and equitable way
- Obligation for riparian countries to cooperate through the entering into agreements and establishing joint bodies

→ Sustainability of resources



# First category of obligations: to all Parties

## General obligations which apply to all Parties, and also benefit for national legislation

- Licensing of waste-water discharges by the competent national authorities and monitoring of authorized discharges
- Best environmental practice for non-point pollution sources
- Minimization of the risk of accidental pollution
- Application of Environmental Impact Assessment



# 2nd category of obligations: for Riparian Parties

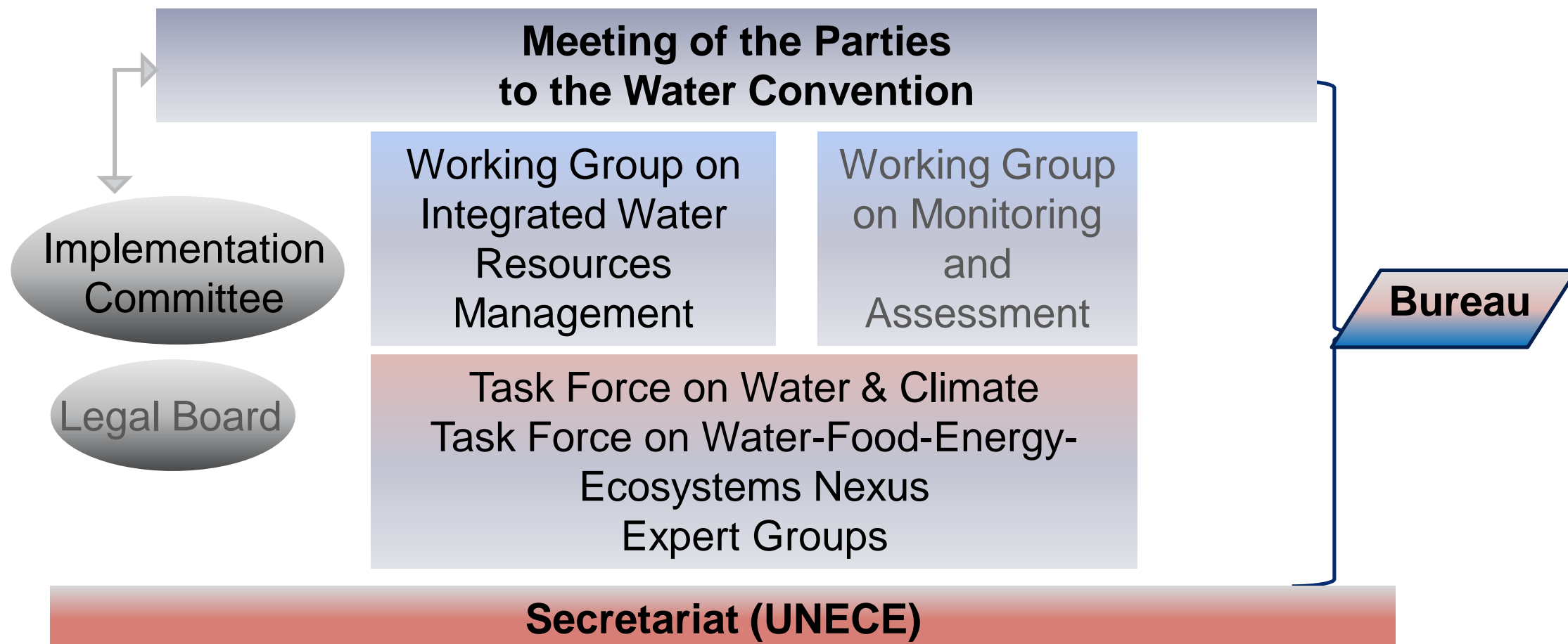
## Provisions relating to Riparian Parties

- Conclude bilateral and multilateral agreements
- Cooperate on the basis of IWRM
- Establish joint bodies (e.g. river commissions)
- Consult and exchange of information
- Joint monitoring and assessment
- Elaborate joint objectives and action programme

=> the Convention does not replace basin agreements



# Institutional framework of the Water Convention



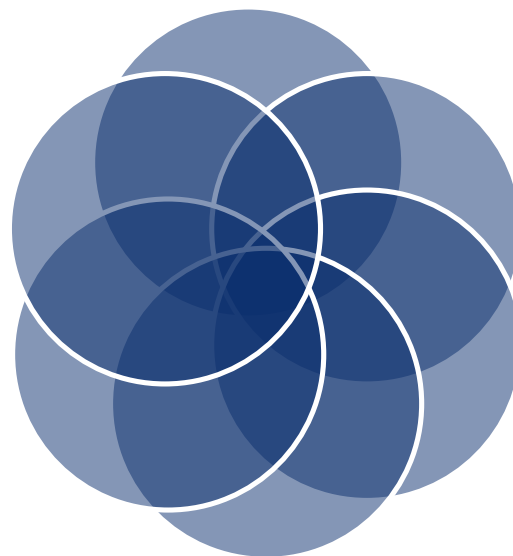
# Activities guided by needs of Parties and other countries, adapting to new challenges

## Programme of work for 2016-2018

Support to implementation and application

Opening, promotion and partnerships

European Union Water Initiative and National Policy Dialogues



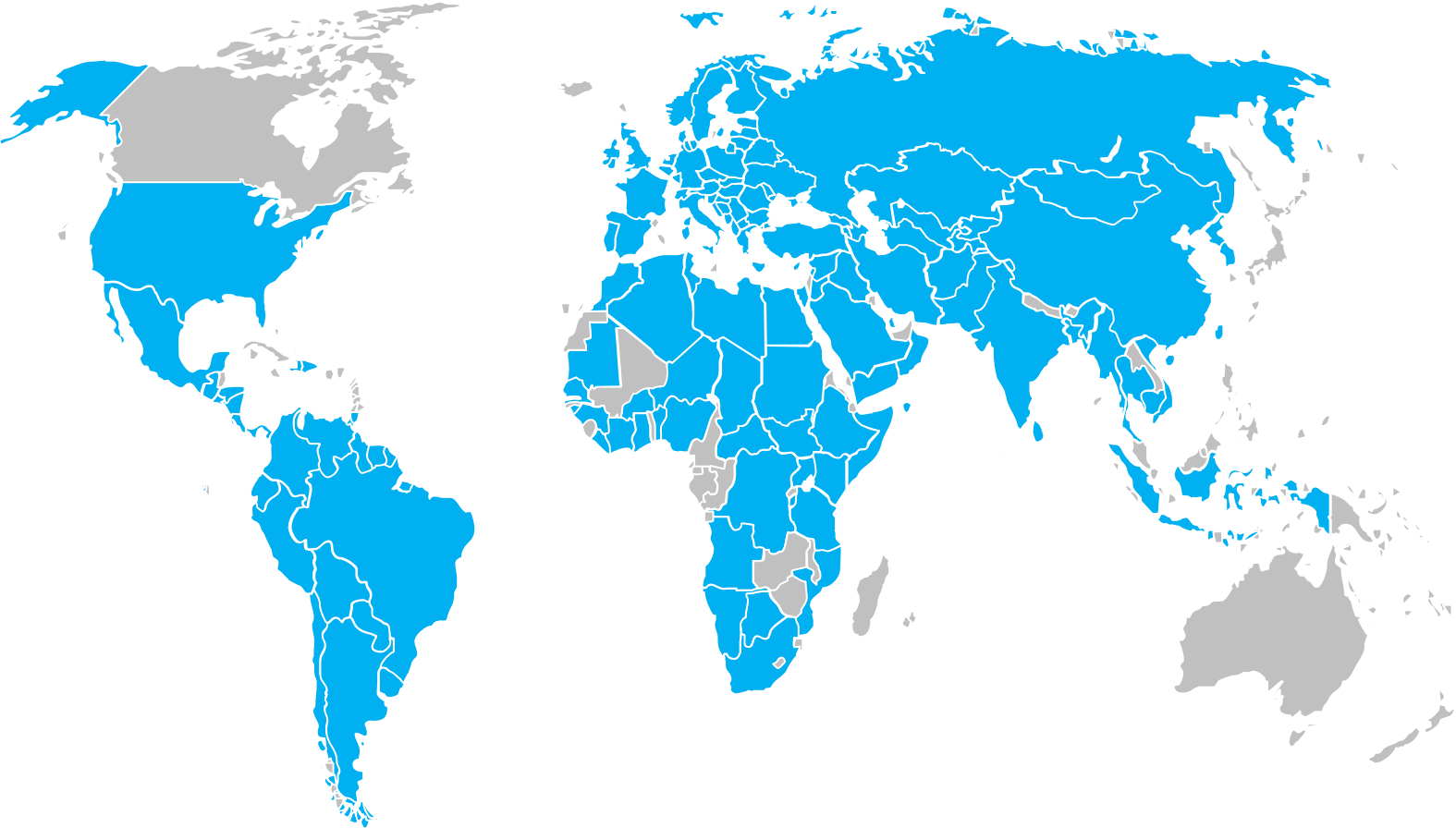
Identifying, assessing and communicating the benefits of transboundary water cooperation

Adapting to climate change in transboundary basins

Water-food-energy-ecosystems nexus in transboundary basins



# Participation in events and activities under the Water Convention



# Support to implementation through soft law development under the Water Convention

- Water pollution by hazardous substances (1994)
- Licensing of wastewater discharges (1996)
- Monitoring & assessment of rivers & lakes (1996) and groundwaters (2000)
- Sustainable flood prevention (2000)
- Safety of pipelines (2006)
- Payments for ecosystem services (2007)
- Transboundary flood management (2007)
- Safety of tailing management facilities (2009)
- Water and adaptation to climate change (2009)
- Guide to Implementing the Water Convention (2013)
- Model provisions on transboundary groundwaters (2012)
- Policy guidance note on identifying, assessing and communicating the benefits of transboundary cooperation (2015)
- Reconciling resource uses in transboundary basins: assessment of the water-food-energy-ecosystems nexus (2015)



# The Water Convention and its programme of work support the SDGs implementation

- Reporting under the Convention <-> Review of indicator 6.5.2 for which UNECE and UNESCO are custodian agencies
- Input to High Level Political Forum
- Inputs outside the water box



# Invitation to upcoming events

- Global workshop on water scarcity and 9th meeting of the Task Force on Water and Climate (Geneva, 11-13 December 2017)
- Revision of reporting template (Budapest, 16-17 January 2018)
- Global workshop on benefits of transboundary cooperation (Geneva, 6-7 February)
- Working Group on Monitoring and Assessment (Geneva, 21-22 February 2018)
- *8th World Water Forum (Brasilia, 18-23 March 2018): thematic session on international legal frameworks for transboundary cooperation*
- Working Group on IWRM (Geneva, 29-30 May 2018)
- *HLPF with focus on water SDG 6 (and others, New York, July): side event on indicator 6.5.2*
- 8th Meeting of the Parties (Astana, 10-12 October 2018)

# Preparation for the 8th Meeting of the Parties: Astana, Kazakhstan 10-12 October 2018

- Will be first global Meeting of the Parties
- High-level segment on 10 Oct
- Will adopt, decision on reporting, strategy for global implementation, new programme of work, etc.
- Preparatory process: WG-IWRM on 29-30 May 2018
- Development of work programme in a consultative process:
  - Online survey sent mid-November: **Please reply by end December!**
  - Draft to be developed by Bureau for discussion at WG-WIRM

**All countries invited to contribute:  
which topics are a priority for your country?**





# Thank you for your attention!

## **More information**

including guidelines, publications and information on activities under the Convention can be found at:

**<http://unece.org/env/water>**  
**[Chantal.demilecamps@unece.org](mailto:Chantal.demilecamps@unece.org)**  
**[Water.convention@unece.org](mailto:Water.convention@unece.org)**





# FAQ 1: How can my country ratify if it cannot implement all the requirements of the Convention?

- Most of the Convention's provisions are «due diligence» obligations (not obligations of result): Parties are requested to take “all appropriate measures”
- Implications on both contents and time frame of the conduct which is to be taken by Parties
- Measures to be taken should be proportionate to the economic, financial and other capacity of the Party concerned, as well as to the degree of risk of transboundary harm
- Progressive / step-by-step implementation
- Current Parties are in many cases not yet fully implementing all Convention's obligations



## FAQ 2: Does the polluter-pays principle mean that I have to compensate my neighbours if I pollute?

- **NO**
- The PPP is a regulatory tool for domestic public administrations to internalize the cost of pollution prevention, control and reduction of routinely conducted polluting activities, as well as for the control and reduction of water pollution from an accidental discharge.
- The PPP has a primarily domestic nature, i.e. it regulates relationships between private operators and the authorities of the concerned State within the territory of a Party rather than between Parties.
- Accordingly, as also clearly spelled out in the *Guide to Implementing the Water Convention* formally adopted by the Meeting of the Parties (see para 133 (d)), the PPP does not provide legal grounds to claims for the payment of compensation for water pollution between Parties.
- There are no obligations that require compensation under the Water Convention (but Parties, if they agree, can include compensation mechanisms in their basin agreements)

## FAQ 3: My country is already a Party to the Watercourses Convention, can and should it still accede to the Water Convention? What are the advantages?

- The two Conventions are fully aligned and compatible => Countries can accede to both without legal complications
- Acceding to the Water Convention brings advantages to Parties to the Watercourses Convention:
  - There are some differences between the two texts which represent useful complementarities (one Convention helps and enriches the interpretation of the other, e.g. aspects to be taken into account in establishing reasonable and equitable use, measures to put in place to avoid transboundary impacts)
  - The Water Convention offers an intergovernmental framework, tools and activities that support countries in implementation and foster cooperation at political and technical level

=> 15 countries are Parties to both Conventions



## FAQ 4: My country would like to accede to the Water Convention but my neighbours are not Parties, why should it still do so?

- It's of course better if all riparian countries are Parties to the Convention but somebody has to start
- Even if your neighbours are not Parties, becoming a Party gives you arguments to strengthen cooperation
- Becoming a Party shows your commitment to comply with international water law which is a positive signal for your neighbours, the international community, donors, etc.
- But obviously Parties cannot be liable for not implementing the Convention with riparian countries which are not Parties

# FAQ 5: My country has already agreements and a good cooperation with its neighbours, what would be the added value to accede to the Water Convention? Would it need to revise its agreements?

- Cooperation is a long-term process, continuously evolving => the Water Convention offers a framework and tools to support continuous progress through
  - the exchange of knowledge and experience
  - the development of soft (guidelines) and hard (Protocols) law tools
  - tracking progress achieved
  - support dealing with new and emerging issues

**=>You are not alone with your riparians: you are part of a community**
- The Convention requires Parties to “adapt existing [agreements], where necessary to eliminate the contradictions with the basic principles of this Convention” not to revise agreements to reflect all provisions of the Convention.
- In most cases the revision of agreements is not required... but it can be an opportunity to update them

## FAQ 6: As an upstream country, it is not in my country's interest to accede to the Water Convention?

- The Convention embeds rights and obligations for both upstream and downstream countries
- Upstream countries are also vulnerable to transboundary impacts
- The predictability that the Convention and agreements provide are beneficial for upstream countries to enjoy equitable and reasonable use of their waters without controversy
- Cooperation under the Convention brings benefits beyond water (trade, investment, economic integration, education and capacity building)
- Water challenges are too big to be dealt by a country alone, forces need to be joined (scientific and technological exchange)

## FAQ 7: My country is completely downstream, does it mean that it only has rights and no obligations?

- No: there are transboundary impacts that are transferred upstream
- No: the relationship between riparian Parties should be based on equality and reciprocity
- No: the Convention aims to ensure sustainability, including the protection of the marine environment (even if it is outside its scope)

## FAQ 8: How much do I have to pay?

- How much you want
- There is no mandatory contribution foreseen, only voluntary ones