

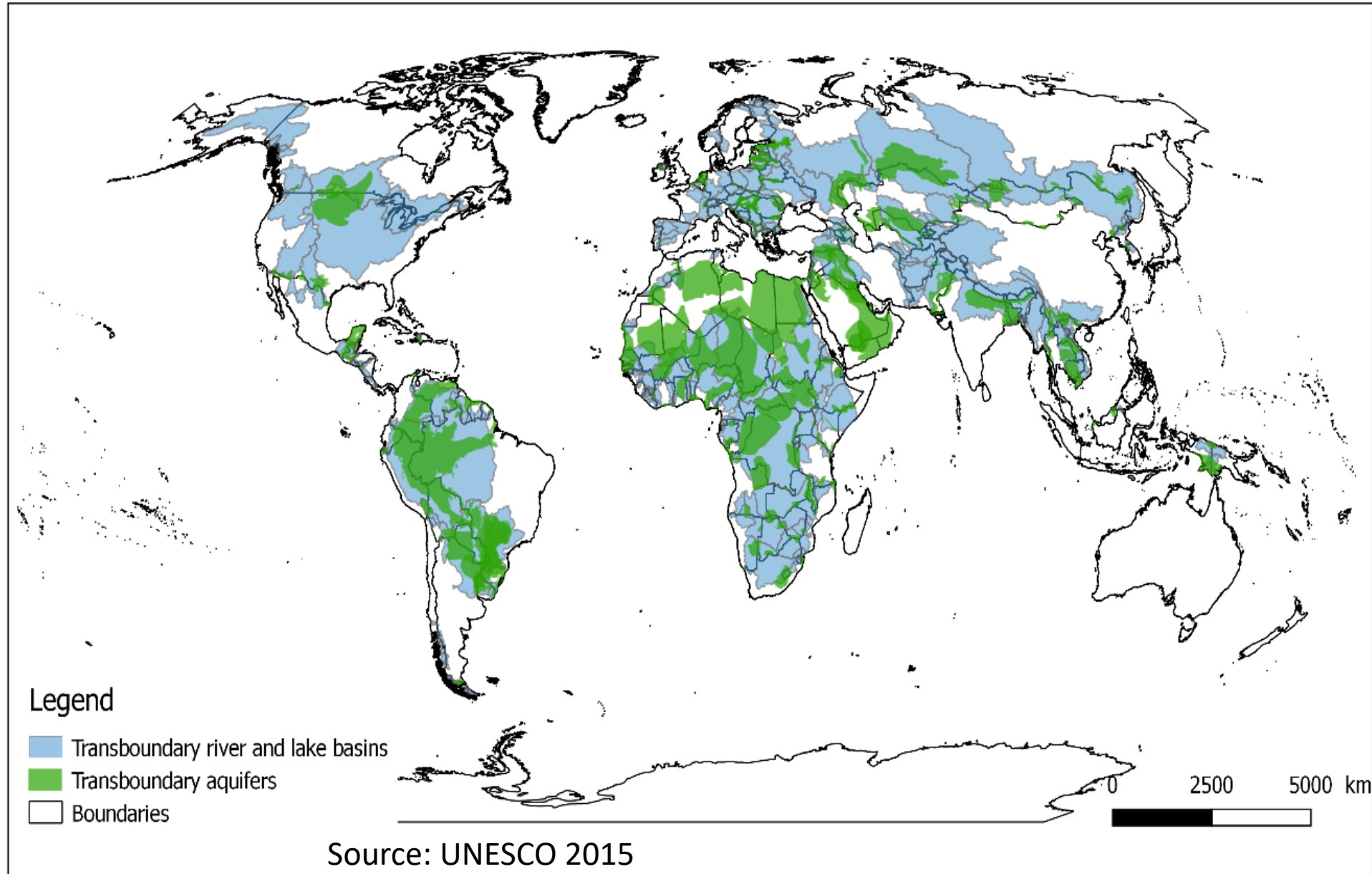
# The Water Convention: an instrument to promote development and stability

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Secretary to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes



# Water resources are essentially transboundary



40 percent of the world's population resides in 286 transboundary river basins that span almost half of the Earth's land surface. Transboundary rivers account for 60 percent of the world's freshwater flows.

# Transboundary water cooperation fosters peace and development by:

1. Generating benefits (economic, social, environmental, political) which foster development and stabilize societies
2. Preventing conflicts and consolidating peace in post conflict situations
3. Making adaptation more efficient and preventing negative impacts from unilateral measures
4. Reducing sectoral trade-offs and conflicts
5. Building regional organizations that reinforce regional stability and integration

# Measuring transboundary water cooperation



***Target 6.5:** By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate.*

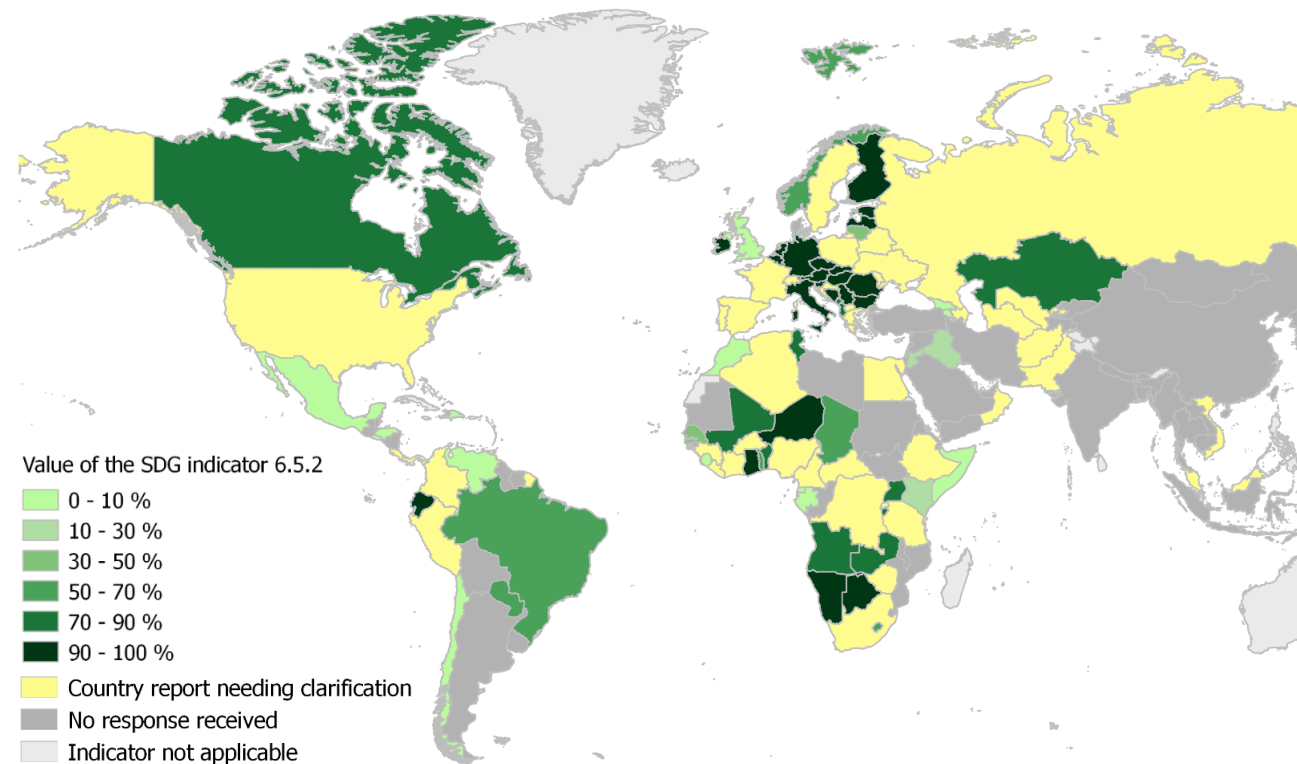
***Indicator 6.5.2** Proportion of transboundary basin area with an operational arrangement for water cooperation*

*Only indicator on transboundary cooperation => Catalytic role across multiple SDGs and targets*

**Custodian agencies:** UNECE and UNESCO

## Results of the first reporting exercise 2017-2018

- **Among 153 countries** sharing transboundary waters **107 responded**
- **59 %** = average of the national percentage of transboundary basins covered by an operational arrangement (62 out of 153 countries)
- **Only 17 countries** with all transboundary basins covered by operational arrangements
- **Significant effort needed to increase cooperation on transboundary rivers, lakes and aquifers**



**=> Role of the Water Convention to strengthen monitoring and implementation**



# The Water Convention: a tool for peace and development

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

## The Convention is based on three main pillars:

- Principle of prevention
- Principle of reasonable and equitable utilization
- Principle of cooperation
- Sustainability of resources is the overarching objective

Support to transboundary water cooperation thanks to:



A sound legal framework



An active institutional framework



Activities and projects on the ground

# Scope of the Convention

- **“Transboundary waters” (Art. 1(1))**
  - ‘any **surface or ground waters** which mark, cross, or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks’
- **“Transboundary impact” (Art. 1(2))**
  - ‘any **significant adverse effect** on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another Party’
  - ‘such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interactions among these factors; they also include effects on the cultural heritage or socio-economic conditions resulting from alternations to those factors’

# Content of the Water Convention

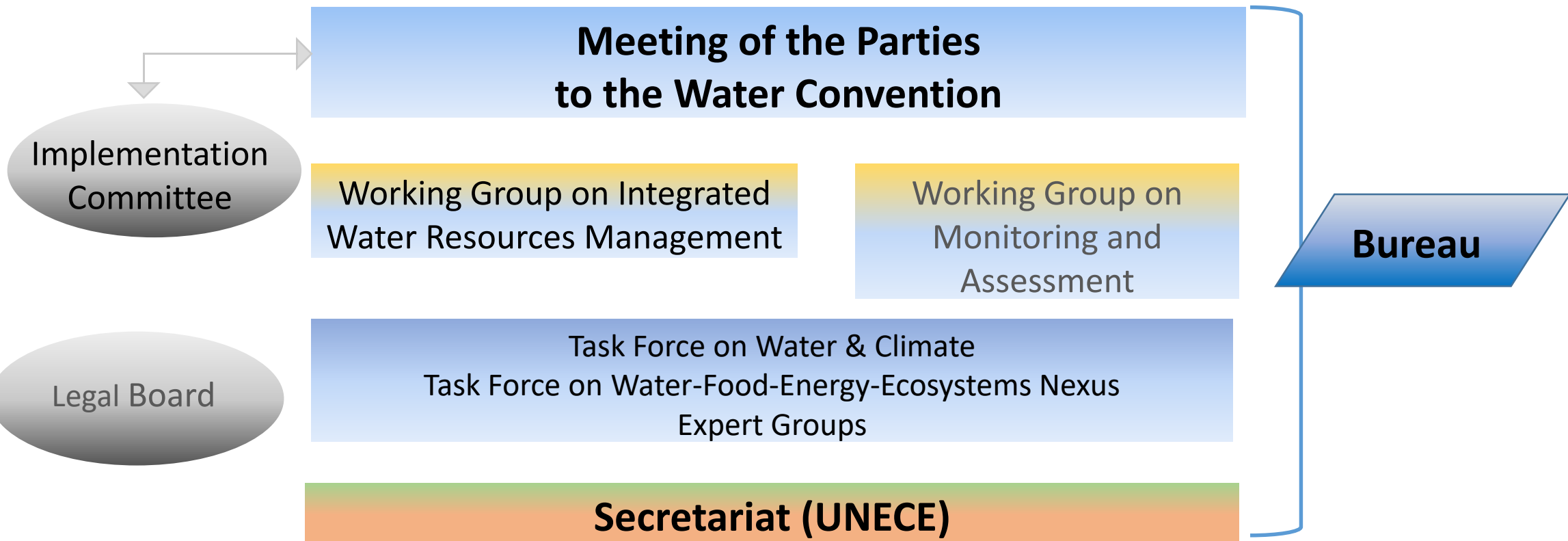
- Parties shall take all appropriate measures to prevent, control and reduce transboundary impact (Art. 2)
  - Prevent, control and reduce pollution of waters
  - Aim for ecologically sound and rational water management, conservation and environmental protection
  - Ensure transboundary waters are used in a reasonable and equitable way
  - Ensure conservation and, where necessary, restoration of ecosystems
- Take into account
  - Precautionary principle
  - Polluter pays principle
  - Inter-generational equity

# Content of the Water Convention (2)

- **‘Appropriate measures’**
  - Legal, administrative, economic, financial and technical (Art. 3(1))
- **Riparian parties must establish**
  - agreements or other arrangements for their transboundary waters (Art. 9(1))
  - joint bodies (Art. 9(2))
- **Other provisions**
  - Consultations (Art. 10)
  - Joint monitoring and assessment (Art. 11)
  - Common research and development (Art. 12)
  - Exchange of information (Art. 13)
  - Warning and alarm systems and mutual assistance (Art. 14 and 15)
  - Public information (Art. 16)
  - Dispute settlement mechanisms (Art. 22)

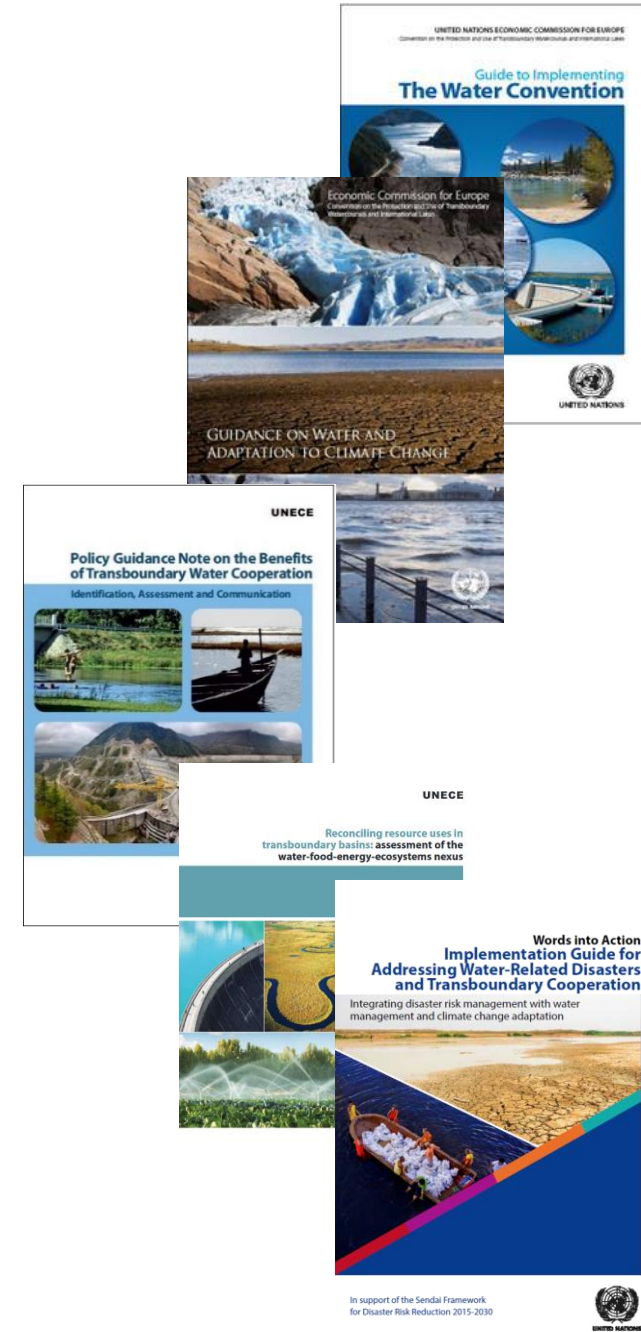


# Institutional framework



# Development of soft law 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)
- Words into action: Implementation Guide for Addressing Water-Related Disasters and Transboundary Cooperation (2018)



# Overview Programme of work for 2019-2021

*Overall objective: Transboundary waters worldwide are managed in cooperation between riparian countries in accordance with the Water Convention, promoting sustainable development, peace and security*

## **Outcome 1**

Countries understand the Convention, accede to it, develop agreements and establish joint bodies

### **Programme Area 1**

Increasing awareness of and accession to the Convention and application of its principles drawing on the benefits of cooperation

## **Outcome 2**

Transboundary water resources in transboundary basins are monitored and assessed, and information is shared among riparian countries

### **Programme Area 2**

Supporting monitoring, assessment and information sharing in transboundary basins

## **Outcome 3**

Integrated water resources management is implemented at all levels in a changing climate

### **Programme Area 3**

Promoting an integrated and intersectoral approach to water management at all levels

### **Programme Area 4**

Adapting to climate change in transboundary basins

## **Outcome 4**

Transboundary water cooperation is sustainably financed

### **Programme Area 5**

Facilitating financing of transboundary water cooperation

## **Outcome 5**

Transboundary water cooperation is monitored and partners are mobilized to support it

### **Programme Area 6**

Reporting on SDG indicator 6.5.2 and under the Convention

### **Programme Area 7**

Partnerships, communication and knowledge management



# Impacts on the ground

The Convention has inspired the development of bilateral and multilateral agreements on almost all transboundary waters in the pan-European region

## Watercourse related agreements



## Lake or specific water use agreements



Bilateral agreement covering all shared waters



# Impacts on the ground

The Convention has also driven continuous progress on transboundary cooperation:

- Promoted the expansion of the scope of cooperation
- Fostered the adoption of good practices
- Encouraged dealing with emerging issues
- Strengthened national governance
- Supported progress at both the technical and political level



**UNECE**





# Process of globalization of the Water Convention

- Opening of the Water Convention to all UN Member States
  - Meeting of Parties decision (III/1), November 2003
  - Amendments entered into force, 6 February 2013
  - All UN Member States can accede to the Convention as of 1<sup>st</sup> March 2016
  - Chad and Senegal become first African countries to join the Water Convention in 2018
  - Several countries working towards accession: Benin, Cameroon, Central African Republic, Democratic Republic of Congo, Congo, Côte d'Ivoire, Gambia, Ghana, Guinea, Iraq, Jordan, Lebanon, Mauritania, Mongolia, Niger, Nigeria, Somalia, Suriname, Togo, Tunisia, and Vietnam

“The global opening of the Water Convention, the accession of the first countries from outside the UNECE region -- namely Chad and Senegal -- and the momentum in support of the Convention are promising developments. Along with the Convention on the Law of the Non-Navigational Uses of International Watercourses, the world has the ability to strengthen the rule of law in transboundary cooperation worldwide. I call on Member States to join both Conventions and to strive for their full implementation.”



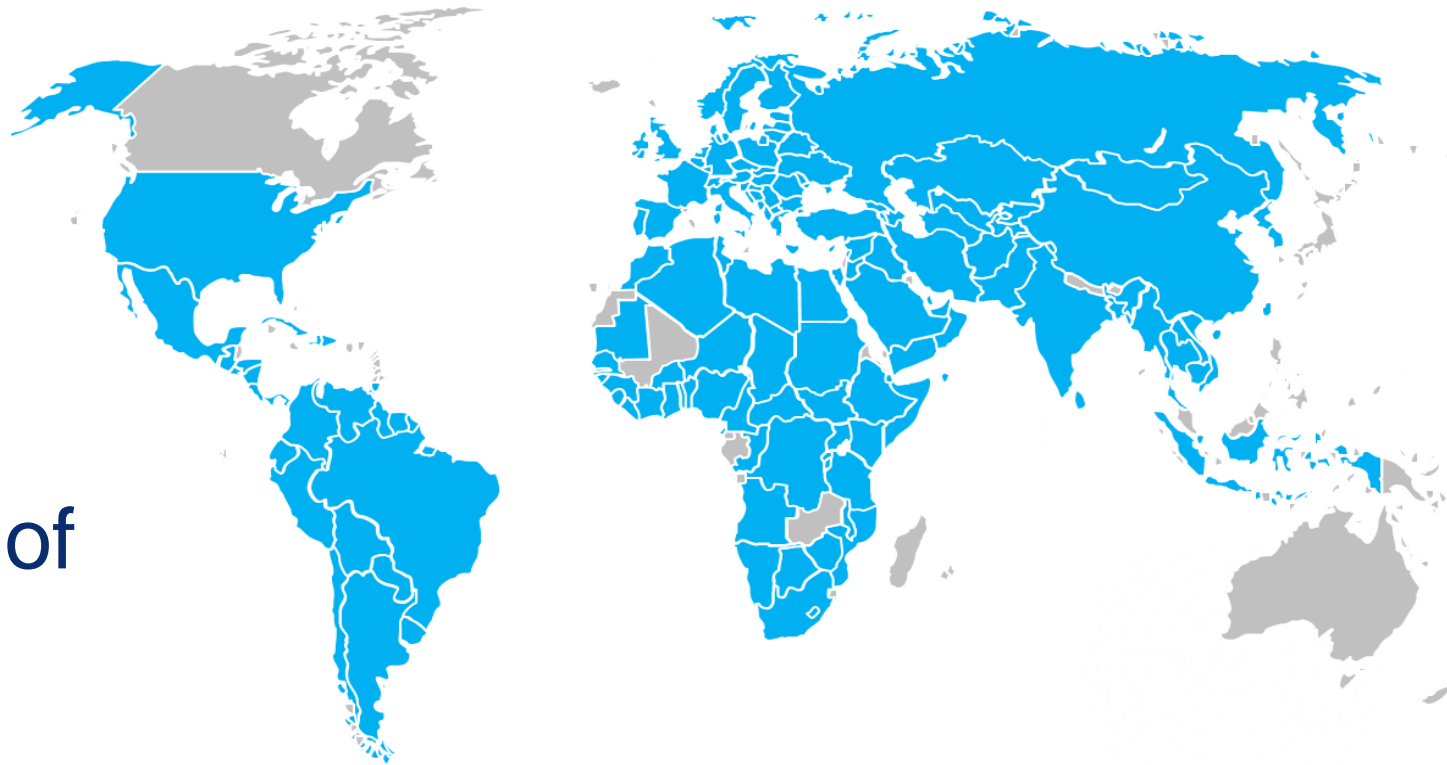
# Membership of the Convention



# Why was the Convention opened for global membership?

- ✓ Build on the success achieved
- ✓ Apply the principles and provisions worldwide
- ✓ Share the experiences of the Convention
- ✓ Learn from other regions of the world

In practice, participation in the Convention's activities is already global



# Opportunities from the Convention's global implementation

- Global Water Convention can help **mobilize political will** for transboundary water cooperation.
- Support the development of **joint policy responses to emerging challenges**
- **Prevent conflict and promote stability**, including in fragile areas
- Water Convention can **accelerate progress by enhancing the impact of individual efforts**.
- **Reporting tracks progress, identifies hot spots and common challenges and guides work** under the Convention, as well as that of other concerned actors, on transboundary management
- Build a **political forum in the United Nations** to discuss and address the multiple challenges facing transboundary water resources and to position those challenges high on the global political agenda.

# Benefits of accession

## **A Party to the Convention**

- acquires a solid legal framework
- strengthens national water governance
- enhances its capacity to cooperate on the management of transboundary waters
- has a platform to openly discuss and resolve challenges and address new, more advanced issues in cooperation
- contributes to international peace and security
- can participate in the Water Convention's institutional structure and decision making, so fostering the implementation of the Convention and its further development.
- provides advice and sharing of experience
- can have all kind of support from the community of Parties and partners in implementation
- has access to financial assistance and donor cooperation



# Possible involvement of EU delegations in accession processes

- Ensure sustained political support throughout the process
- Build on accession to support national water projects (in particular those related to governance and intersectoral cooperation)
- Support accession and implementation through ongoing and future water-related projects
- Foster transfer of EU experience, including twinning with EU countries
- Promote national/regional coordination of efforts
- Exchange with the Convention's secretariat which is at your disposal and ready to support

# 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>  
[francesca.bernardini@un.org](mailto:francesca.bernardini@un.org)  
[Water.convention@unece.org](mailto:Water.convention@unece.org)



# Example 1: Work on adaptation to climate change in the Neman shared by Belarus and Lithuania (and Russia)

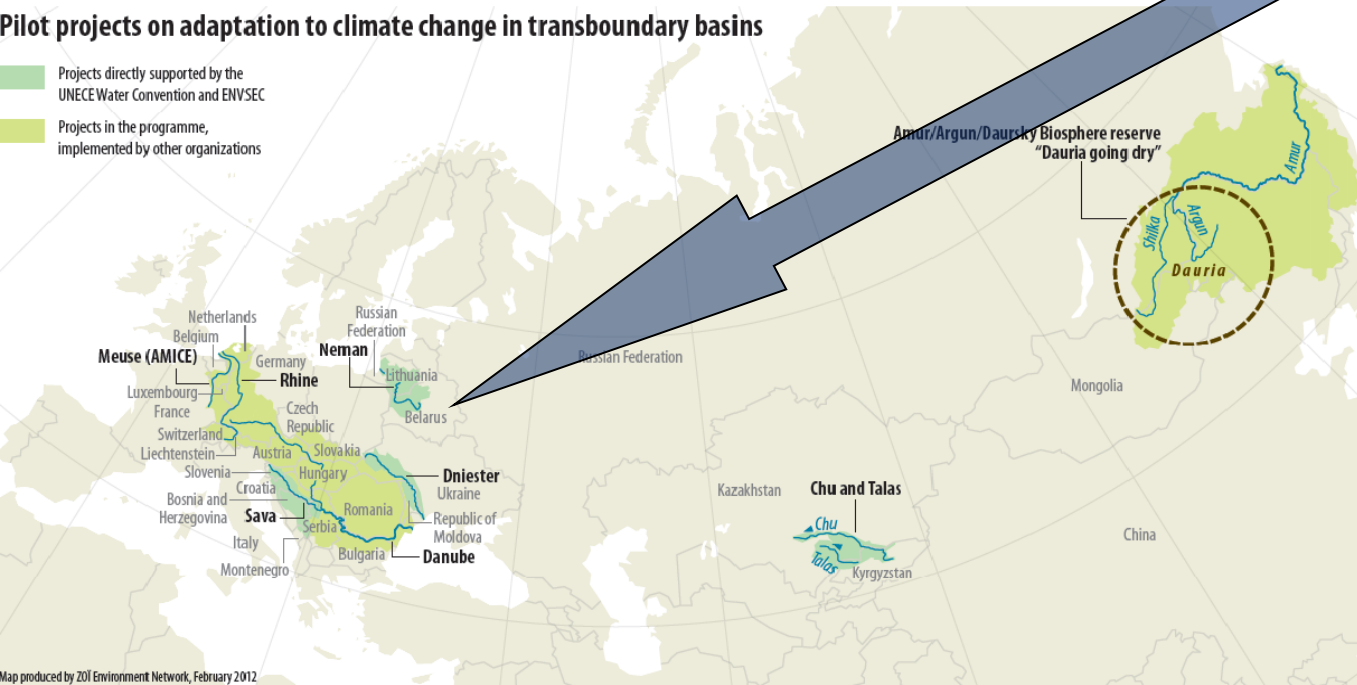
## Baseline situation in 2010:

- Political tensions between the countries, absence of contacts at political level, some expert contacts
- No legal/ institutional cooperation framework
- Problems such as nutrient pollution, floods etc



## Pilot projects on adaptation to climate change in transboundary basins

- Projects directly supported by the UNECE Water Convention and ENVSEC
- Projects in the programme, implemented by other organizations



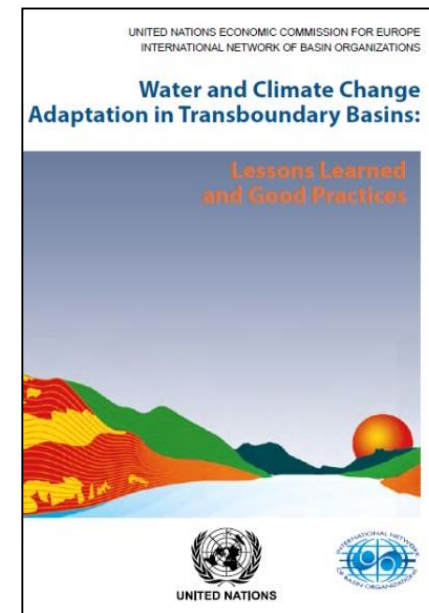
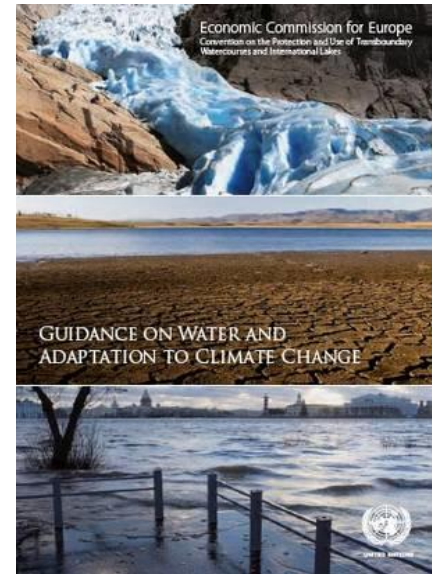
## Progress by 2016:

- Strengthened adaptive capacity of riparian countries
- Common understanding on future water availability and water use
- Improved transboundary cooperation: draft bilateral technical Protocol elaborated



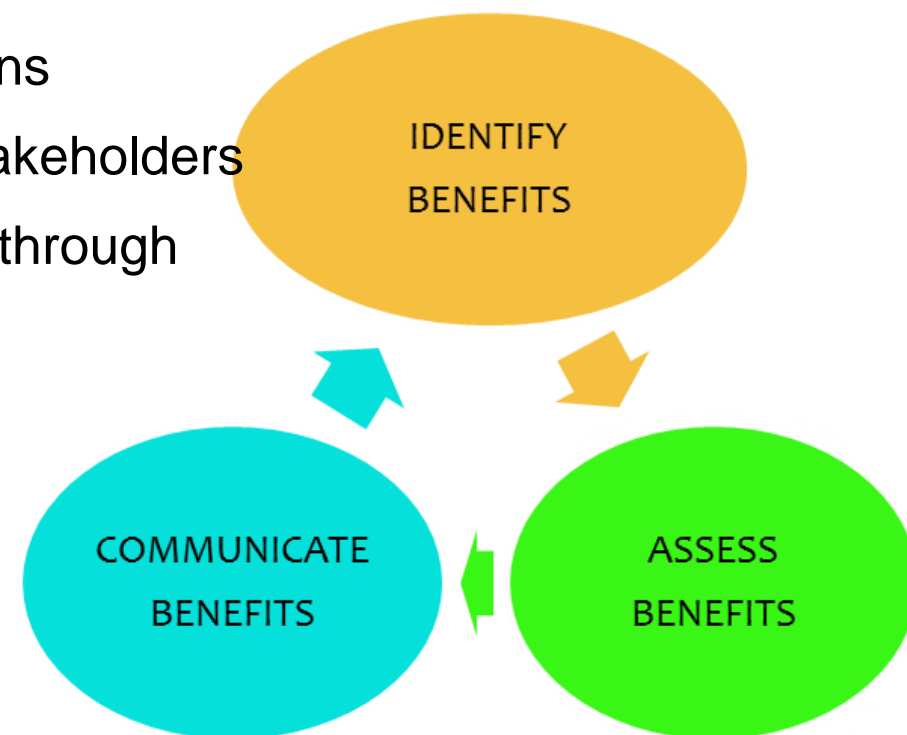
# Lesson 1: Focus on non-political issues of common concern

- Focusing on a non-political issue of common concern: climate
- Starting cooperation at expert level
- Comparing hydro-meteorological systems
- Sharing data: Development of a common information platform
- Joint experiences: Common Field trip on the Neman in 2012
- Involving stakeholders: Three multi-stakeholder workshops
- Agreeing on climate change impacts and actions: Vulnerability assessment and strategic framework for basin adaptation



## Lesson 2: Focus on benefits

- **Transboundary cooperation often has many benefits than expected / perceived**
- Carrying out a benefit assessment exercise can:
  - Provide fact-based arguments for starting up cooperation or developing stronger cooperation
  - Broaden the scope of cooperation by defining a broad range of benefits
  - Attract financial resources to implement water cooperation solutions
  - Allow engaging non-water actors and stimulate interest among stakeholders
  - Allow looking at opportunities for generating and sharing benefits through cooperation vs. historical and status quo





## Lesson 3: Focus on the next step => intersectoral cooperation

It highlights new challenges:

- Planning cycles of the sectors are very different
- Lack of mechanisms for horizontal coordination between policymakers on nexus issues and need to strengthen river basin organizations to deal with these issues

But also bring new solutions and present low hanging fruits:

- Common interest of tourism, energy generation and agriculture to address solid waste management
- Simply by better coordinating the operation of dams that serve hydropower generation would not only optimize the hydropower generated also increase flood protection

