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### Economic Commission for Europe

#### Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes

##### **Sixth session**

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Item 8 of the provisional agenda

##### **Vision for the future of the Water Convention**

### **Draft vision for the future of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes**

**Prepared by the Bureau**

#### **Introduction**

1. Annexed to the present document is a strategic vision for the future of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention). Looking back over the 20 years since the Convention's adoption in March 1992, the draft document aims to take stock of progress achieved under the Convention and to propose some strategic elements for future work. It summarizes achievements under the Convention and the remaining challenges regarding transboundary waters and the work under the Convention, as well as opportunities. Subsequently, priorities are outlined as well as the most important means to achieve them.

2. The draft vision was prepared by the Bureau of the Meeting of the Parties to the Water Convention with the support of the secretariat. The preparation of the document benefited from the ideas, discussions and views expressed in the strategic workshop on the future work under the United Nations Economic Commission for Europe Water Convention: "Building on the Findings of the Second Assessment and Other Results Achieved" (14–15 February 2012, Geneva), which gathered a representative group of Parties, partners, donors and other stakeholders. The document also builds on the discussions in previous meetings of the Working Group on Integrated Water Resources Management and the Working Group on Monitoring and Assessment, the Bureau and other bodies under the Convention (in particular the Legal Board and the Task Force on Water and Climate).

3. The vision is not exhaustive and does not cover all aspects of the Convention and its work, but mainly the priorities. It should be read together with and seen as complementing other documents, such as the draft programme of work for 2013–2015 (ECE/MP.WAT/2012/L.1), as well as the report on implementation of the programme of work for 2010–2012 (ECE/MP.WAT/2012/1).

4. The draft vision for the future of the Convention was reviewed and endorsed by the Working Group on Monitoring and Assessment and the Working Group on Integrated Water Resources Management at their joint meeting (Geneva, 3–4 July 2012), and they requested the Bureau to revise it in the light of the comments received and submit it to the Meeting of the Parties for adoption. The Meeting is invited to discuss the draft vision for the future of the Convention and to endorse it. The bodies under the Water Convention, focal points and other actors are invited to make use of the vision when discussing future activities, as well as in their efforts to promote and implement the Convention.

## Annex

### **Draft vision for the future of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes**

#### **I. Strengths and achievements of the Convention**

1. In the 20 years since its adoption, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) has provided a sound legal framework and an active intergovernmental platform for the promotion of cooperation and the sustainable management of water resources in the pan-European region. Its implementation has promoted the adoption of better policies for the management of water resources resulting in an overall improvement of their status. Moreover, the Convention has led to stronger cooperation at the basin, regional and international levels, with positive effects also on security, poverty reduction and economic integration.
2. During the past two decades, since 1992, the pan-European region has become the most advanced in terms of cooperation on transboundary waters. By now, almost all the countries of the region have taken measures to establish cooperation on their shared waters, have entered into bilateral and multilateral agreements and have established joint bodies for transboundary water cooperation. Much of this progress has been driven by the Water Convention, which has served as a model for transboundary cooperation arrangements. The Convention has also promoted the river basin approach in the region. At the time of the sixth session of the Meeting of the Parties, 38 United Nations Economic Commission for Europe (ECE) countries and the European Union (EU) are Parties to the Convention. Moreover, the Convention is also regarded as a reference by non-Parties.
3. Many river basin agreements are based on the Convention, such as the Convention on Cooperation for the Protection and Sustainable Use of the River Danube, the agreements on Lake Peipsi and on the Sava, Meuse, Rhine and Scheldt River Basins, all the bilateral agreements developed in the mid-1990s between Central and Eastern European countries and the bilateral agreements between countries in the Eastern part of the region, among them the Kazakh-Russian, Russian-Ukrainian and Moldovan-Ukrainian agreements, just to mention a few.
4. The Convention has also provided an invaluable framework to support the step-by-step approximation of the Central and Eastern European countries that acceded to the EU in the 2004 and 2007 enlargements. The challenge facing those countries was to bring their legislation and regulations up to EU environmental standards. The Convention provided an important platform for the building of capacity and the exchange of experience between old and new EU member States as well as neighbouring non-EU countries. For example, through the National Policy Dialogues, the Convention has facilitated national water sector reforms in Eastern Europe, the Caucasus and Central Asia, in line with principles of EU water-related directives.
5. The Convention has been central to promoting transboundary cooperation on the ground, especially in the Balkans, Eastern Europe, the Caucasus and Central Asia. For example, thanks to the guidance developed and the support mobilized under the Convention, cooperation in joint monitoring and assessment has increased throughout the region, dam safety has improved in Central Asia, and experience has accumulated on topics such as the prevention and reduction of risks from industrial accidents, flood management and adaptation to climate change in transboundary basins.

6. Over these past 20 years, the work under the Convention has continuously evolved to respond to the needs and particular challenges of transboundary cooperation. The Convention has led to the negotiation and adoption of two Protocols: the Protocol on Water and Health and the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.

7. Moreover, the Convention and its Protocol on Water and Health have provided a sound framework for achieving the water-related Millennium Development Goals and for translating the human right to safe drinking water and sanitation into practice.

8. These achievements have been possible due to a number of success factors on which the future work of the Convention needs to continue building:

(a) The existence of an effective institutional framework to support implementation of the Convention, namely the Meeting of the Parties, its subsidiary bodies and the secretariat, as well as its capacity to detect trends and its readiness to continuously adapt to changing needs and to tackle emerging, politically relevant issues;

(b) The long-term nature of the work under the Convention, which is required for processes with a high political dimension such as the work on transboundary issues. This has allowed consistency and continuity of efforts, which over time have brought durable results. The capacity to couple work at the technical and political levels has also proved successful;

(c) The capacity to deliver high-quality products and publications (such as the different guidance documents and the assessments of transboundary rivers, lakes and groundwaters) through a broad process of participation which has increased the acceptance, impact and use of such products;

(d) The steadily increasing work on the ground, i.e., projects in specific river basins or subregions, which have supported implementation of the Convention at the regional, national and subnational level. The concrete outcomes of such projects provide powerful evidence of the usefulness of the work in the framework of the Convention;

(e) The high level of ownership of Parties, in particular, the key role played by lead Parties in most of the activities, as well as the readiness of Parties to share experience and to assist each other;

(f) The important role played by the International Water Assessment Centre (IWAC) in providing the Convention with a precious operational arm;

(g) The effective partnerships and cooperation established with an ever-increasing number of intergovernmental organizations within and outside the United Nations system and with non-governmental organizations, including local and subregional organizations;

(h) The contributions to regional and global policy development and implementation, such as the “Environment for Europe” process, the World Water Forums, the EU Water Initiative, the Environment and Security Initiative (ENVSEC), and the work of UN-Water;

(i) The reinforcement of the links with other water-related policy sectors and areas (e.g., biodiversity, forests and wetlands management, energy and security), broadening the political impact of the Convention;

(j) The provision by Parties, including some new EU member States and even countries with economies in transition, of significant extrabudgetary financial resources as well as in-kind contributions to support implementation of the workplan, totalling altogether around \$9 million for the period 2010–2012. The level of extrabudgetary support

has increased thanks to the growing involvement of ministries of foreign affairs and of development cooperation, which recognize the usefulness of the work under the Convention for sustainable development, poverty reduction, stability and security;

(k) The growing recognition and increased visibility of the Convention at the regional level and beyond, achieved through personal engagement and intensive promotional work by the Chair of the Bureau, Bureau members, focal points and the secretariat.

## II. Remaining challenges

9. The regular assessments of the status of transboundary rivers, lakes and groundwaters provide an important tool for the Convention to identify joint priorities and challenges, benchmark progress and inform, guide and stimulate further action. The *Second Assessment of Transboundary Rivers, Lakes and Groundwaters*<sup>1</sup> identified a number of challenges that need to be considered in orienting future work under the Convention:

(a) Pressures due to poor management practices, pollution, overexploitation, unsustainable production and consumption patterns, hydromorphological alterations, inadequate investment in infrastructures and low efficiency in water use;

(b) Competition between water-using sectors and poor integration and coherence of sectoral policies. In the transboundary context such conflicts may occur across sectors and across borders;

(c) Climate change impacts on water resources, such as increased intensity and frequency of extreme weather events and impacts on quality and quantity, as well as increased demands from different sectors due to climate change (e.g., increased irrigation needs, increased hydropower production for climate change mitigation);

(d) Inadequacy of the cooperation in many basins to tackle the above problems, for a variety of reasons, including weak legal and/or institutional frameworks, insufficient implementation of joint policies and regulations, etc.;

(e) Low political will towards sustainability and transboundary cooperation, in some cases based on the (mis)perception that finding cooperative solutions hinders national interests rather than bringing benefits;

(f) Inadequate financial and human resources at the national and transboundary levels.

10. In addition, there are a number of internal challenges for the work under the Convention:

(a) Increasing demands by Parties and non-Parties for support regarding implementation and compliance, field projects, etc., which challenge the response capacity of Parties and the secretariat;

(b) Heavy reliance on extrabudgetary resources to address such demands, coupled with a difficult financial situation in the pan-European region and the relatively limited number of Parties contributing to the financial effort;

(c) Inadequate awareness about the Convention outside the ECE region, which will be one of the main challenges to its true globalization;

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<sup>1</sup> United Nations publication printed in July 2011, Sales No. E.11.II.E.15.

- (d) An increasing number of organizations working on transboundary water management and the resulting need for cooperation and coordination to avoid duplications;
- (e) The high demands on EU member States from EU directives and EU processes, which reduce the capacity of some of them to engage under the Convention.

### **III. Opportunities**

11. The global opening of the Convention will be a major opportunity to advance transboundary cooperation at the global level. Moreover, by further consolidating the political role of the Convention, it will also contribute to its better implementation in the pan-European region. The opening of the Convention will offer the chance to engage in exchanges with other regions, share experience, learn from each other, and thereby further enrich the Convention's store of knowledge. The participation of many interested non-ECE countries in past meetings under the Convention has demonstrated the usefulness of such exchanges.

12. A substantial body of experience has accumulated during the 20 years of work under the Convention, summarized in various published guidelines and model agreements. Such tools are key foundations for further progress. They will be particularly important in promoting application of the Convention beyond the ECE region. The Guide to Implementing the Convention will be highly useful in this respect, as well as for new Parties in the ECE region. The model provisions on transboundary groundwaters will assist Parties and non-Parties in the application of the Convention to groundwaters — an area which, while being of strategic importance, suffers from a generally lower level of cooperation.

13. There are strong synergies with the EU water legislation. The EU water-related directives, and in particular the Water Framework Directive<sup>2</sup>, play an important role in harmonizing and improving water management in EU countries, thereby benefiting the implementation of the Convention. At the same time, the Convention offers a solid framework for cooperation between EU and non-EU countries and for the progressive approximation to EU legislation. The important role played by the EU (both the European Commission and EU member States) in promoting transboundary water cooperation in other regions of the world provides the opportunity to replicate such a synergistic approach.

14. The increased understanding and recognition of the importance of greening the economy will offer a firm basis for the cooperation with water-related sectors. Dialogues between different sectors such as agriculture, hydropower and navigation have already started in some basins, such as the Danube, the Sava and the Rhine, and will be important starting points for the future work of the Convention in this area.

15. The relevance of the Convention has been underlined through global processes. The United Nations Conference on Sustainable Development (Rio de Janeiro, Brazil, 20-22 June 2012) has reconfirmed the key importance of water for sustainable development and highlighted the necessity of adopting intersectoral approaches, which is also required by the Convention and Protocol on Water and Health. Many activities carried out under their framework, such as the National Policy Dialogues, the work on water and adaptation to climate change, as well as the work on the water-food-energy-ecosystems nexus and on the benefits of cooperation, support countries in putting into practice the principles and objectives of the conference's outcome document "The future we want". It can be expected

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<sup>2</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

that the Convention and the Protocol on Water and health will also be useful tools for the achievement of the future Sustainable Development Goals. Above all, the Convention provides a unique global platform to further the political and technical debate on transboundary water issues.

16. The Bureaux and secretariats of the ECE multilateral environmental agreements are increasingly working together to identify synergies and improve cooperation resulting in joint capacity-building activities, joint publications and fund-raising efforts.

17. The Convention, also due to its umbrella under the United Nations, has a convening power also for non-Parties, which actively participate in the Convention's activities.

#### **IV. Main objective and strategic priorities**

18. The main objective of the work under the Water Convention is to ensure wider ratification and more effective implementation of the Convention and its related tools in order to improve transboundary cooperation, protection and sustainable management of water resources and related ecosystems, and their reasonable and equitable use.

19. With this main objective, work under the Convention contributes to the three dimensions of sustainable development. A number of strategic priorities are linked to the achievement of the above objective.

##### **Strengthen cooperation and prevent conflicts at the transboundary level**

20. With the growing pressures on water, there are increasing challenges to resource availability, management and sustainability, which call for stronger cooperation to prevent potential conflicts on water use. The many activities on the ground to support implementation of the Convention are an effective means to strengthen cooperation and dialogue. The Implementation Committee will also play a crucial role in this regard. The work on quantifying benefits of cooperation will contribute to this priority in a novel way. The regular assessments will show progress achieved and identify hot spots. Additional tools and guidelines might need to be developed.

##### **Promote sound water management through national water sector reform and application of integrated water resources management**

21. The Convention is intended to strengthen national measures for the protection and ecologically sound management of transboundary surface waters and groundwaters since appropriate national water management is a precondition for effective transboundary water management. The National Policy Dialogues on integrated water resources management under the EU Water Initiative are key instruments to improve national water management. At the same time, all the Convention's activities at the transboundary level benefit water management at the national and local levels. The work on monitoring and assessment, ecosystems, climate change, flood management, prevention and reduction of risks from industrial accidents, the water-food-energy nexus, etc., provide valid guidance to improve national approaches to these issues.

##### **Global expansion of the application and implementation of the Convention**

22. The application and implementation of the Water Convention at the global level is a priority to promote transboundary cooperation worldwide. Such globalization is highly demanded, especially as the debate on transboundary issues at the global level is deficient. The opening of the Convention globally will bring new challenges and resource requirements. Awareness-raising, capacity-building and activities on the ground in other regions will be needed. The opening will also entail a growing involvement of non-ECE

countries in the Convention's activities, enriching them with new perspectives. The attendant needs will have to be taken into account in the development of future programmes of work. Moreover, the framework for servicing and assisting implementation of the Convention will have to be supportive to its globalization.

23. The relationship with the 1997 Convention on the Law of the Non-navigational Uses of International Watercourses will also need to be clarified. The Water Convention will promote synergies and coordination with the 1997 United Nations Watercourses Convention by sharing the experience collected under the Water Convention to support the implementation of the 1997 Convention, promoting exchanges and coordination between the Parties to the two Conventions and by offering an intergovernmental framework for debate on the two Conventions.

**Ensure implementation of the Convention under changing circumstances, such as climate change and variability, and growing demographic and economic pressures**

24. Climate change and numerous other pressures, such as population growth, migration, globalization, changing consumption patterns, and agricultural and industrial developments, affect water resources. The work under the Convention will continue to address emerging issues and trends, insofar as they relate to transboundary water management. Activities on water and adaptation to climate change in transboundary basins, which are unique at the international level, will be expanded and globalized. The work on the water-energy-food nexus (in particular in transboundary basins) will provide a better understanding of the interdependencies across water, energy and food challenges and help to identify mutually beneficial responses and resolve trade-offs without compromising sustainability.

## **V. Means**

**Capacity-building, promotion of guidance, sharing of experience and awareness-raising**

25. A significant amount of guidance material, recommendations, good practices, etc., has been gathered under the Convention, making it a rich clearinghouse. Capacity-building to promote the use of such guidance material, and in general to strengthen transboundary water management, will be the key means to achieve the Convention's objective and priorities. Awareness of the Convention (and of its material) has improved in recent years, but is still limited. Therefore, increased efforts are needed to promote the Convention, including outside the ECE region, identifying the most appropriate communication and dissemination channels. For both capacity-building and awareness-raising, existing and new partners will be key (see below). Focal points also actively need to play their important role of multipliers and promoters. IWAC will continue to serve a crucial function, in particular to strengthen capacity.

**Cooperation, partnerships and synergies**

26. Partners have always played a key role in the implementation of the Convention and the Convention will continue to seek mutually beneficially cooperation with existing and new partners. In particular, the global implementation of the Convention will not be possible without additional partnerships with global organizations, other United Nations regional commissions and organizations working on water management in other regions. Strengthening cooperation with the Global Environment Facility is a priority in this regard. Also the work on cross-sectoral issues will require the building of new partnerships. UN-Water will provide an important framework for the development of such partnerships.



**Long-term sustainable financing**

27. Sustainable and predictable financing will be crucial for the future under the Convention. It is a prerequisite for the continuity of activities, effective planning and implementation, as well as for keeping and attracting qualified staff in the secretariat. Additional resources will be required for the global opening of the Convention. In this respect, it will also be critical that all Parties contribute to the efforts to finance the Convention's activities.

**Institutional framework of the Convention**

28. In order to continue providing a platform for transboundary dialogue and exchanges on pertinent political issues, the Meeting of the Parties will continue to scrutinize its institutional framework and to adapt it to the changing needs identified. Also, the format of the meetings of subsidiary bodies and other meetings under the Convention will evolve, in particular to take into account opportunities offered by technological solutions.

**Programme of work under the Convention**

29. The programme of work will remain the main instrument for achieving agreed objectives and strategic priorities under the Convention. It will continue to include elements of assessment, capacity-building, exchange of experience, projects on the ground and legal assistance, among others. Specific activities in the programme of work will continuously adapt to evolving situations and emerging needs. A balance will need to be found between ensuring long-term continuity of efforts and adapting to changing needs. Activities might therefore be discontinued, interrupted, further revitalized or newly established. In this respect, the Meeting of the Parties and its Bureau will need to exercise a clear prioritization of objectives and activities.

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