Dispute prevention and dispute solving under the Water Convention

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Background and contents

- Dispute prevention as the central element to the Water Convention
- Meeting of the Parties
  - 2009: Legal Board to prepare a proposal on a mechanism to support implementation and compliance
  - 2012: Decision on the Implementation Committee
- Contents of the presentation
  1. Dispute preventive nature of the Convention
  2. Proposal on the Implementation Committee
  3. Examples of possible future cases
Dispute preventive nature of the Convention

- Water disputes and negotiations
  - Only few court or arbitration decisions

- Water Convention
  - Art. 22: Obligation to negotiate or use other acceptable means
  - Art. 2: Cooperation on the basis of equality and reciprocity
  - Art. 9: Agreements to prevent transboundary impacts
  - Joint bodies preventing and solving disputes

- Convention bodies
  - Dispute preventive functions
  - Legal Board: Guide to implementing the Convention
  - Cannot effectively meet all possible challenges and differences
Implementation Committee

• Objectives
  – Facilitate, promote and safeguard implementation, application and compliance
  – Simplicity, transparency and cooperation

• 9 members serving in personal capacity
  – Election by the Meeting of the Parties, geographical distribution, nominations by the Parties

• Functions
  – From specific issues to general reporting
  – Three main procedures for specific issues:
    1. Advisory procedure, 2. Party submission, 3. Committee initiative
  – Measures to facilitate implementation and address non-compliance
Possible cases

1. Advisory procedure
   - Party A: Difficulties in entering into agreement with other riparian parties
   - Committee: Convention obligations, advice for negotiations

2. Party submission
   - Party A: Party B's water use not equitable, affects A's interests
   - Committee: Assistance in developing arrangements for promoting an agreeable application of the equitable utilization principle

3. Committee initiative
   - Information by the public: Party A's waste water not treated before entering into Party B's territory
   - Committee: Recommend domestic regulations, request an action plan, facilitation of investments
Conclusions

• Dispute prevention and solving are central to the Water Convention

• Establishment of the Implementation Committee a needed step in the Water Convention's evolution

• Implementation Committee would
  – Support the implementation of the Convention
  – Complete Convention activities
  – Make the Convention framework stronger and better equipped to address future challenges
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