TRANSBOUNDARY WATER COOPERATION OF FINLAND

- NATIONAL SEMINAR ON INTERNATIONAL WATER LAW
- ISSYL-KUL 12-13 SEPTEMBER 2013
- Kari Kinnunen (Finnish-Swedish Transboundary River Commission)
FINNISH TRANSBOUNDARY WATER ORGANIZATIONS

- FINNISH-SWEDISH TRANSBOUNDARY RIVER COMMISSION 1971; 2010
- JOINT FINNISH–RUSSIAN COMMISSION ON THE UTILIZATION OF FRONTIER WATERCOURSES 1966
- FINNISH-NORWEGIAN TRANSBOUNDARY WATER COMMISSION 1980
- LAKE INARI REGULATION DELEGATION (FINLAND, NORWAY AND RUSSIA) 1975
FINNISH-SWEDISH TRANS-BOUNDARY RIVER AGREEMENTS
HISTORY OF THE FINNISH-SWEDISH TRANS-BOUNDARY WATER AGREEMENTS

- PEACE TREATY OF HAMINA 1809 AND BORDER TREATY 1810
- AGREEMENT OF SALMON FISHING 1927
- LOG-RAFTING AGREEMENTS 1917 AND 1949
- TRANS-BOUNDARY AGREEMENT 1971, FOUNDING OF THE FINNISH-SWEDISH TRANS-BOUNDARY RIVER COMMISSION ("OLD COMMISSION")
Inspired by "Helsinki rules on the uses of water of international rivers", by the International Law Association, 1966:

- Unilateral decision making should be limited
- Economic assets should be divided fair
- Joint bodies for administrative arrangements are favourable
OBJECTIVES

- use water resources for mutual benefit
- support development of local society
- protect nature
- protect fish resources
- prevent pollution of water
Transboundary River Commission

- Issues **FINAL** permits/licences (not possible to appeal)
- General and co-ordinating responsibility for supervision on use of water and emissions to water
- Specific responsibility for supervision on fishery
- Decisions on claims for compensation
- Funds for remediation measures
Comparison with Convention on Transboundary Rivers and Lakes

- Poor Guiding Principles and General Objectives
- No environmental quality objectives
- No Programmes of measures
- No inventories of impact
- No monitoring and assessment
- No warning and alarm procedures
- No research and development
DEMANS FOR THE NEW AGREEMENT

- ALL FIRST LEVEL PERMITS MUST BE APPEALABLE
- DEVELOPMENT OF CO-OPERATION IN THE BORDER AREA
- DEMANDS OF EU LEGISLATION, DIRECTIVES AND INTERNATIONAL AGREEMENTS
ROADMAP TO THE NEW AGREEMENT

- SWEDISH SETTLEMENT PERSON REPORT 1997
- RIVER TONIONJOKI WORKING-GROUP 1999-2002
- NEW AGREEMENT VALID 01.10.2010
NEW TRANSBOUNDARY RIVER AGREEMENT

- NATIONAL AUTHORITIES ARE ISSUING WATER RELATED PERMITS
- FISHING ISSUES TO THE NATIONAL AUTHORITIES
- NEW FISHING RULES
- ESTABLISHMENT OF THE NEW FINNISH-SWEDISH TRANSBOUNDARY RIVER COMMISSION
TASKS OF THE NEW COMMISSION

- ENHANCE COOPERATION
- HARMONIZING THE WORK OF AUTHORITIES
  - IMPLEMENTATION PLANS/WFD
  - PLANNING OF FLOOD RISK MANAGEMENT/FLOOD DIRECTIVE
  - FIGHTING ENVIRONMENTAL DAMAGES IN THE TRASBOUNDARY RIVERS
  - NATURE PROTECTION PLANS
TASKS OF THE NEW COMMISSION (cont:)

- COMMON REPORTING ABOUT PROGRAMS AND PLANS; COMMON HEARINGS
- APPROVE OR REJECT RBMPs, PoMs (WFD AND FLOOD DIRECTIVE)
- MONITOR IMPLEMENTATION OF THE AGREEMENT AND LICENCING
- PROPOSING CHANGES FOR THE AGREEMENT IF NEEDED
TASKS OF THE NEW COMMISSION (cont:)

- State about licencies and other activities affecting the state of the transboundary waters
- Appeal the licencies if appropriate
- State about fishing regulations and exceptions
- Works as the harmonizing body for the WFD and Flood Directive
Part A/FS-COMMISSION
International RBMP incl. Joint PoM

Part B
National RBMP FINLAND

Part B
National RBMP SWEDEN
RESOURCES OF THE COMMISSION

- 3 MEMBERS AND SUBSTITUTE MEMBERS PER COUNTRY (regional water authority, local representative, local undefined)
- OFFICE IN HAPARANDA, SWEDEN
- SECRETARY AND ASSISTING SECRETARY
- BUDGET ABOUT 250000 SEK/YEAR
- EVALUATION IN EVERY SECOND YEAR
- MAIN STAKEHOLDERS ARE: MUNICIPALITIES, AUTHORITIES, PROVINCIA BOTHNIENSIS AND NGOs
FINNISH-NORWEGIAN TRANSBOUNDARY WATER CO-OPERATION
THE FINNISH-NORWEGIAN TRANSBOUNDARY WATER COMMISSION

- Agreement signed in November 5th 1980
- Advisory role
- The main tasks:
  - submits proposals and statements on matters related to the management the transboundary waters between Finland and Norway;
  - supervises and monitors the condition and quality of the transboundary waters;
  - conserves the transboundary waters and water ecosystems as natural as possible for the benefit of local population;
  - monitors construction along the waterways and other activities affecting the state of the transboundary waters.
MAIN ACHIEVEMENTS

- Common water quality monitoring and reporting program of the river Tenojoki.
- Common multiple use plans for the main rivers:
  - Tenojoki 1990 (rewised 2005)
  - Näätämöjoki 1992
  - Paatsjoki 1996 (Finland, Norway, Russia)
  - Common monitoring and reporting program for WFD
- Many common research and planning programs.
- Improved cooperation with Norwegian and Finnish border municipalities
- Improved water quality in border rivers.
The multiple-use plans in the 1990’s
• for all three of the largest "common" catchment areas: of the Tenojoki (Tana), the Näätämöjoki (Neiden) and the Paatsjoki (Pasvik) Rivers

Contents
background reports on each area
common objectives
common recommendations

Updating
• local ownership
• EU funding support : Interreg III
LESSONS LEARNED:

- It is also very important to promote the interests of the local population in the transboundary water agreements.
- When developing/implementing transboundary water agreements utilization of indigenous or local knowledge is valuable.
- Transboundary water commissions can promote other cooperation between neighbouring countries.
- A transboundary agreement should cover whole catchments areas not only the main border rivers or lakes.
- Transboundary water cooperation is a long lasting and continuous process.