

20 years of experience in implementing the UNECE Water Convention

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UNECE

1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention)

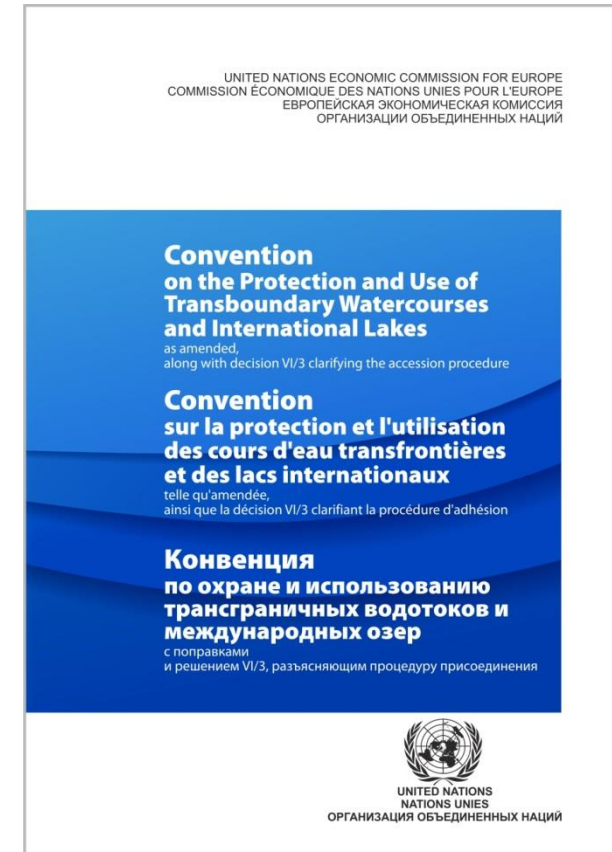
- Negotiated in 1990-1992 through an intergovernmental process under the auspices of UNECE
- Adopted on 17 March 1992, in force since 6 October 1996
- Protocol on Water and Health entered into force in 2005
- Protocol on Civil Liability since 2003 (not in force)

Main objectives and principles

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

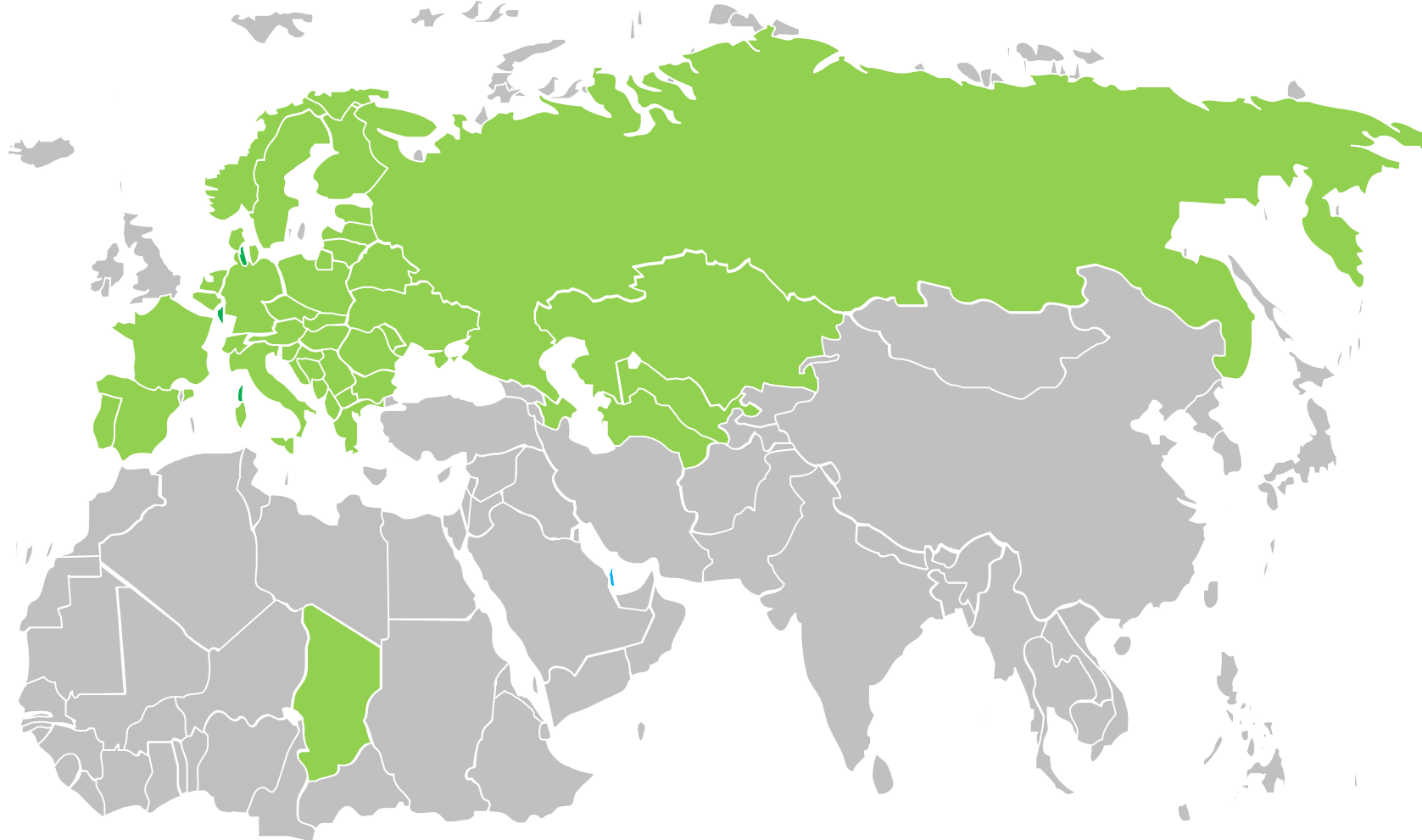
The Convention is based on three main pillars:

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



Status of ratification of the UNECE Water Convention

42 Parties



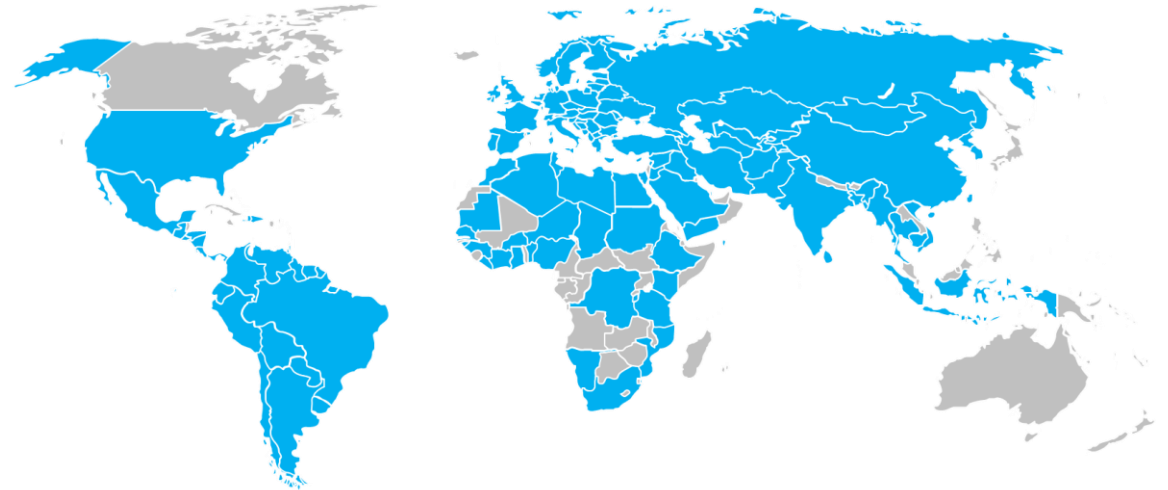
History of the Convention's globalization

- 1992: Adoption of the Water Convention
- 1996: Entry into force of the Convention
- 2003: Adoption of the amendment allowing all UN Member States to accede to the Convention
- 2012: Blanket approval by the Meeting of the Parties for all future requests for accession
- 2013: Entry into force of the amendment
- **1st March 2016: Operationalization of the Amendment: all UN Member States can accede to the Convention**
 - ***More than 60 countries from outside UNECE have already participated in the Convention's activities***
 - ***Several countries have expressed interest to accession or have the process on-going: Cameroon, Democratic Republic of Congo, Ghana, Iraq, Lebanon, Peru, Senegal, Togo, Tunisia, Viet Nam***
 - *Many requests for national workshops etc.*

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
- ✓ Broaden political support for transboundary cooperation
- ✓ Jointly develop solutions to common challenges

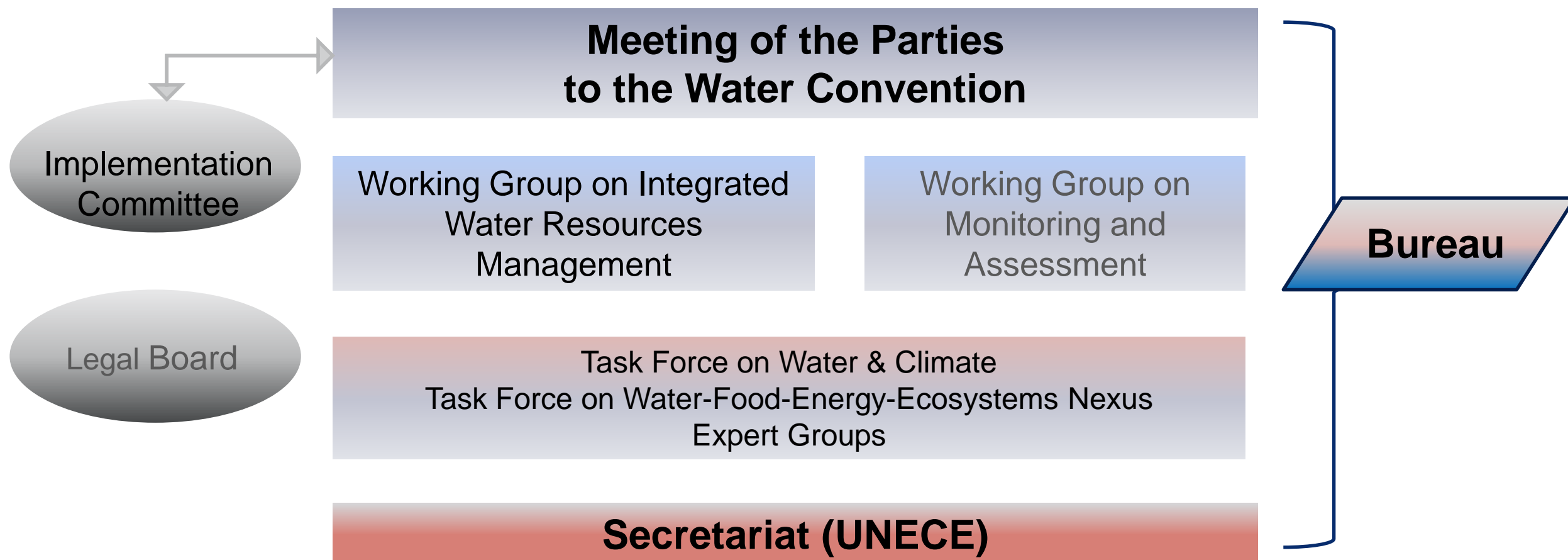
In practice, participation in the Convention's activities is already global



Main achievements of the Water Convention

- Promoted transboundary cooperation in the pan European region (almost all basins are covered by agreements)
- Fostered continuous improvement of cooperation: from specific water uses to integrated management and sustainable development
- Built a bridge between the Western and Eastern parts of the region, harmonization of approaches, approximation to EU legislation
- Fostered peace and stability in conflict prone areas (Eastern Europe, Caucasus and Central Asia)
- Supported brokering new agreements in countries in transition
- Promoted both policy dialogue and action on the ground on emerging issues: climate change and water, water-food-energy-ecosystem nexus
- Work at both technical and political level using «broad diplomacy»
- Legal and institutional framework flexible and evolving to address Parties and non-Parties needs (Implementation Committee, reporting, etc)
- The only UN intergovernmental framework for transboundary water cooperation and a reference in the UN system

Institutional framework



Water Convention's new Implementation Committee

- Established in 2012 for dispute prevention and practical case-oriented assistance
- 9 members in personal capacity, outstanding lawyers and water professionals, Elected by the Meeting of the Parties among candidates nominated by the Parties, Signatories and NGO's
- Meets twice a year in open, public and transparent manner
- Procedures (advisory procedure, Committee initiative and others)
- Measures (national plan of implementation, transboundary water agreement, capacity building, facilitating technical assistance), may recommend stronger measures to Meeting of the Parties



Obligations under the Convention – General (Part 1)

- Obligation of preventing, controlling and reducing transboundary impacts (due diligence obligation)
- Obligation to ensure that transboundary waters are used in a reasonable and equitable way
- Obligation for riparian to cooperate through the establishment of agreements and joint bodies

Other provisions:

- Art. 4. **Monitoring**

programmes for monitoring the conditions of transboundary waters

- Art. 5. **Research and development**

on effective techniques for prevention, control and reduction of impact

- Art. 6. **Exchange of information**

the widest exchange of information, as early as possible

- Art. 7. **Responsibility and liability**

support efforts to elaborate rules, criteria and procedures

“All appropriate measures”

- Legal, administrative, economic, financial and technical measures
- Prior licensing of waste-water discharges by the competent authorities, and monitoring of the authorized discharges based on BAT
- Application of biological treatment or equivalent processes to municipal waste water
- Measures to reduce nutrient inputs from industrial and municipal sources
- Measures and best environmental practices for the reduction of pollution from diffuse sources
- Application of EIA and other means of assessment
- Risk of accidental pollution is minimized

Obligations under the Convention – to Riparian Parties (Part 2)

- 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 programmes

=> the Convention does not replace basin agreements

Tasks of joint bodies (Art. 9(2))

- (a) To collect, compile and evaluate data in order to identify pollution sources;
- (b) To elaborate joint monitoring programmes concerning water quality and quantity;
- (c) To draw up inventories and exchange information on the pollution sources;
- (d) To elaborate emission limits for waste water and evaluate the effectiveness of control programmes;
- (e) To elaborate joint water-quality objectives and criteria, and to propose relevant measures for maintaining and, where necessary, improving the existing water quality;
- (f) To develop concerted action programmes for the reduction of pollution loads from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);
- (g) To establish warning and alarm procedures;
- (h) To serve as a forum for the exchange of information on existing and planned uses of water and related installations;
- (i) To promote cooperation and exchange of information on the best available technology;
- (j) To participate in the implementation of environmental impact assessments.

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)

Convention is supporting agreements: Intergovernmental bilateral Dniester Basin Treaty between the Republic of Moldova and Ukraine



Dniester River projects

- **Project phase 1: Transboundary diagnostic study**
- **Project phase 2: Action Programme and basin website**
- **Project phase 3: Support to Action Programme incl. Development of a new basin treaty**
- **Pilot project on climate change and security in the Dniester basin in 2010-2016**



Complementarity of different international frameworks for water management

Example: the Danube Basin

- Convention regarding the regime of navigation (1948) & Danube Commission
- International Convention for the Protection of the Danube River & ICPDR
- UNECE Water Convention
- EU Water Framework Directive
- Framework Agreement on the Sava River Basin & Sava Commission (ISRBC)
- Various bilateral agreements (e.g. UA-MD on the Dniester)

Lessons learned from 20 years of implementing the Convention

- Strong legal and institutional frameworks => legitimacy of efforts
- Catalyst for cooperation, balanced approach for both upstream and downstream countries
- Focus and support to implementation
- Start with cooperation at technical level
- Focus on issues of common interest and constructive dialogue
- Patience to build trust
- Be ready to not have ideal results
- Cooperation with partners
- Continuous evolution to address emerging issues with conflict potential (such as dam safety)
- Monitor progress

Reporting under the Convention

- Introduced by MOP7 (2015) and started with a pilot reporting exercise in 2016/2017
- Regular reporting mechanism established under the Convention
- Frequency of reporting every 3 years; next reporting 30th June 2020
- All countries were invited to participate in reporting exercise
- Had the following aims:
 - Provide information on the implementation of the provisions of the Convention
 - Accumulate lessons learned, good practices and experiences
 - Identify emerging issues and difficulties
 - Provide means to enhance basin-specific cooperation
 - Support national implementation of the Convention
 - Provide information to support the mobilization of resources
- Reporting was coupled with the monitoring of the Water SDG and in particular target 6.5, indicator 6.5.2