



Overview of the Water Convention: Institutional framework, legal obligations & practical implementation

Remy Kinna

Water Convention Secretariat



Water resources globally are essentially transboundary



40 percent of the world's population resides in 275 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

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

Global legal framework for shared rivers, lakes & aquifers

Global Agreements

- 1997 Watercourses Convention
- **1992 Water Convention**
- *ILC Draft Articles on Transboundary Aquifers*

Regional

- SADC Revised Protocol
- *EU Framework Directive*

Basin & Sub-Basin (Examples)

- Mekong River Agreement
- Nile Cooperative Framework Agreement

National & Sub National (Examples)

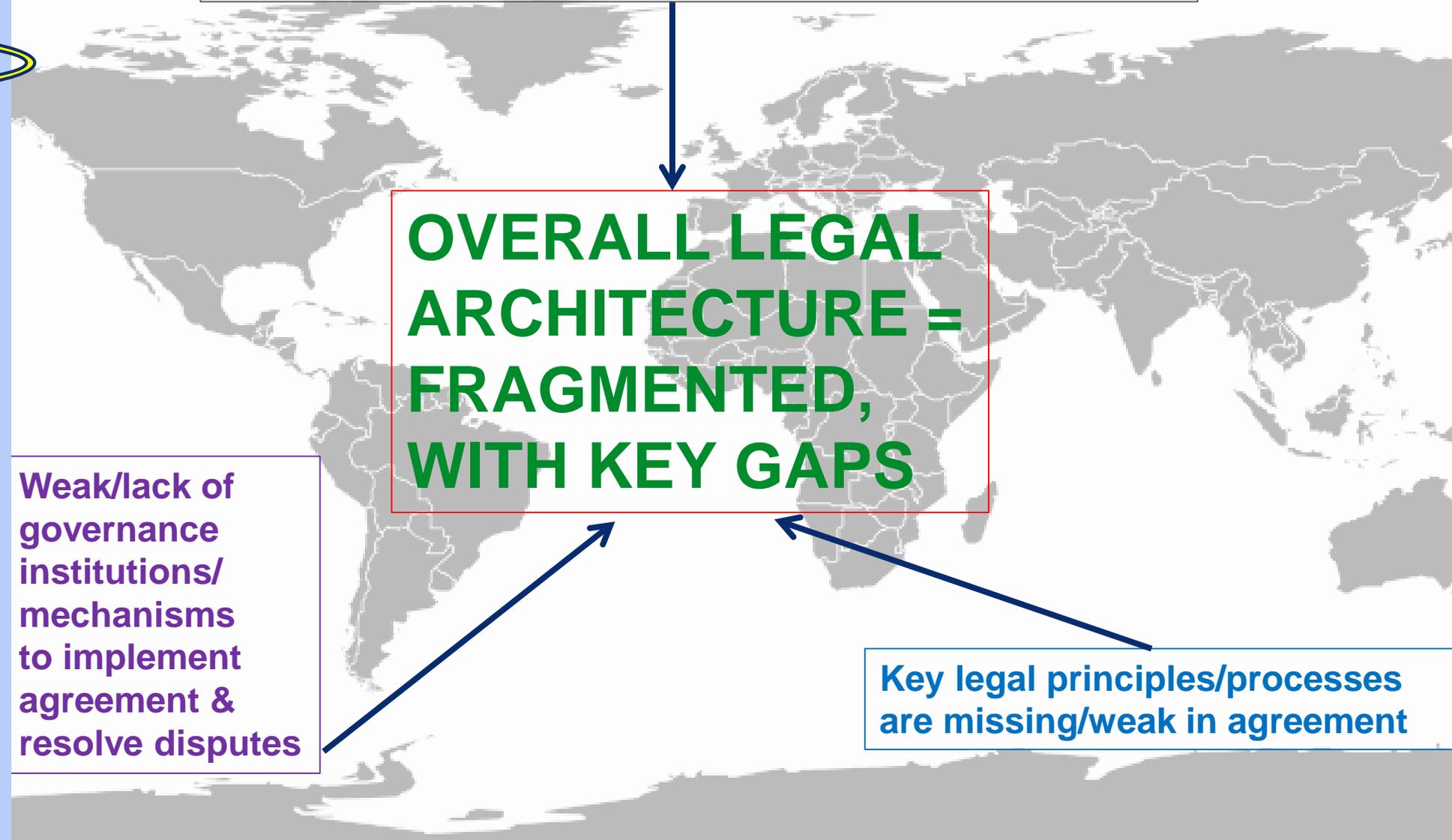
- Colorado River Drought Contingency Plan

Not all basin states and/or river sections (mainstream v. tributaries) and/or uses are included in agreements

OVERALL LEGAL ARCHITECTURE = FRAGMENTED, WITH KEY GAPS

Weak/lack of governance institutions/mechanisms to implement agreement & resolve disputes

Key legal principles/processes are missing/weak in agreement



Water Convention: A global platform supporting water cooperation

**Convention
on the Protection and Use of
Transboundary Watercourses
and International Lakes**
as amended,
along with decision VI/3 clarifying the accession procedure

**Convention
sur la protection et l'utilisation
des cours d'eau transfrontières
et des lacs internationaux**
telle qu'amendée,
ainsi que la décision VI/3 clarifiant la procédure d'adhésion

FRAMEWORK CONVENTION FOR TRANSBOUNDARY RIVERS & LAKES

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

'It provides an intergovernmental platform for the day-to-day development and advancement of transboundary cooperation'.



CODIFIES PRINCIPLES & PROCESSES FOR SHARED WATER MANAGEMENT

Water quality standards, data sharing & monitoring for best management

Prevention of transboundary harm and equitable & reasonable utilisation

Scope for past treaties & co-riparians must agree basin treaties/institutions

Development of cooperative agreements & institutional arrangements



ACCOMPANYING PROTOCOLS & ESTABLISHED BODIES/INSTITUTIONS

1999 - Protocol on Water & Health

2003 – Protocol on Civil Liability & Compensation for Transboundary Harm

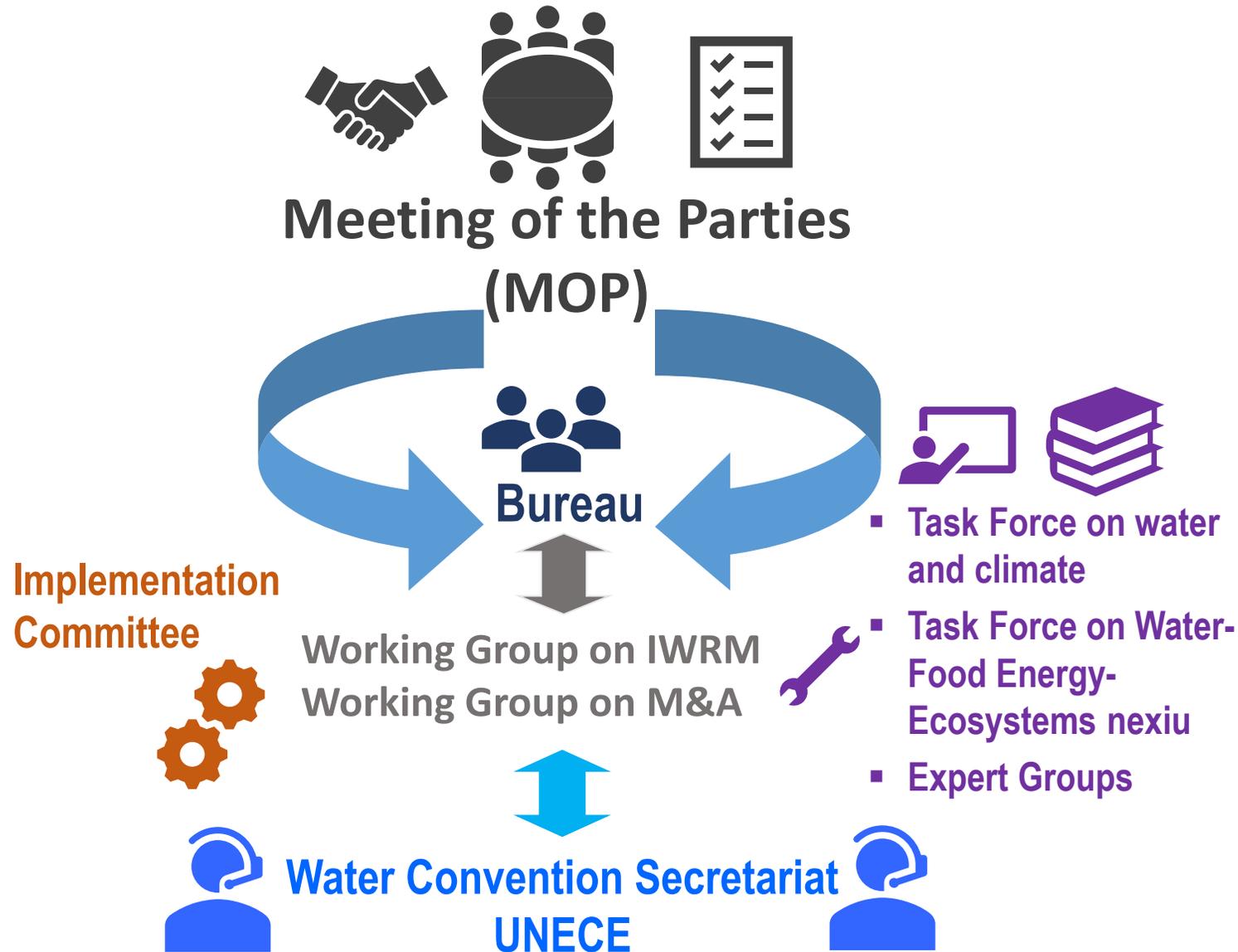
Established Secretariat with Meeting of the Parties (MoP)

Working Groups (IWRM) / Task Force (Water-Food-Energy-Ecosystems)

Water Convention: snapshot of key provisions & obligations

Parts	Key Provisions
Preamble	<ul style="list-style-type: none">• Preamble - Legal reach & objectives• Art 1 - Definitions (watercourse; uses)
I. Provisions relation to all parties	<ul style="list-style-type: none">• Arts 2 - General provisions (ie ERU, cooperation)• Art 3 - Prevent, reduce, control pollution• Arts 6 - Exchange info
II. Provisions relation to riparian parties	<ul style="list-style-type: none">• Arts 9 - Bilateral/Multilateral Cooperation (ie Institutions)• Arts 11 - Joint monitoring & assessment• Art 13 - Exchange of info including planned measures• Art 16 - Public information
III. Institutional & Final Provisions	<ul style="list-style-type: none">• Arts 17-19 - Institutional arrangements• Art 22 - Settlement of disputes
Annexes	<ul style="list-style-type: none">• III - Guide to developing water quality objectives/criteria• IV - Arbitration procedures
Protocol on Water & Health	<ul style="list-style-type: none">• 1999 - Adopted (entered into force 2005)• 1st protocol of its kind ensure safe drinking water supply
Protocol on Civil Liability	<ul style="list-style-type: none">• 2003 - Adopted (still not in force)• Espoo Convention - Based on this & links parties to both

The living Water Convention : active institutional mechanism

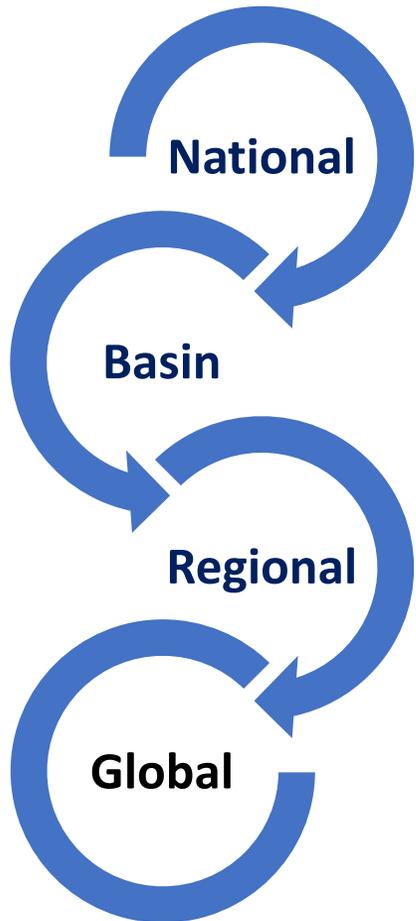


BENEFITS OF ACTIVE INSTITUTION

- Take decisions at the Meeting of the Parties and the Working Group
 - Shape the Programme of Work (activities and topics covered)
 - Take on formal roles in bodies of the Convention (Vice Chair, Lead Party for the work on Benefits..)
- Work closely with secretariat, receive support for implementation
- Exchange of experience, foster collaboration with other Parties and Non-Parties

Water Convention Programme of Work 2019-2021

Delivering at different levels:



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



Supporting monitoring, assessment and information sharing in transboundary basins



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



Adapting to climate change in transboundary basins



Facilitating financing of transboundary water cooperation



Reporting on **SDG indicator 6.5.2** and under the Convention



Partnerships, communication and knowledge management

EXAMPLE: The Water Convention works on facilitating financing of transboundary water cooperation

- **Raise awareness** on the importance of **enhancing the financial sustainability** of transboundary water management – one of the key topics that is always raised by countries sharing water resources
- **Facilitate knowledge sharing** and peer-learning on **funding options**
- **Support** countries/joint bodies in **securing financing** for transboundary water cooperation from different sources
- Promote the development of **joint investment plans** and **financing strategies** in shared basins

16-18 December 2020 in Geneva

→ The Water Convention will organize a Global workshop on financing transboundary water cooperation



Transboundary Waters: SDG Indicator 6.5.2 & the Convention

Indicator 6.5.2: Measuring the proportion of transboundary basin area with an operational arrangement for water cooperation.

➤ UNECE and UNESCO designated as co-custodian agencies.

- **107 country responses** by March 2018 (out of 153 countries sharing transboundary waters)
 - ⇒ **1st time countries submitted such information**
 - ⇒ High level of responses: **70% of countries sharing transboundary waters responded**
 - ⇒ Indicator 6.5.2 calculation available for 60% of the responses
 - ⇒ **95% of the Parties submitted a report**

Uganda: submitted a report, primary focus on the Nile River Basin, Indicator Value of 83%.

June 2020: Deadline for second cycle of reporting => aim is to be able to demonstrate progress.



Water Convention: from global vision to global application

Originally developed at a regional level but with future global implementation in mind

Opening of 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 now accede to the Convention as of 1st March 2016**
- In **2018**, Chad becomes first country outside ECE region to join the Water Convention, then Senegal,
- Both of which are the first from Africa

Why the global amendment?

- Build upon success achieved since 1992
- Apply principles and provisions worldwide
- Share experiences of Convention
- Learn from other regions
- Broaden political support for transboundary cooperation
- Joint develop solutions to common challenges



The Water Convention is active worldwide

43 Parties

Activities under the Water Convention

 Transboundary basins or aquifers with activities under the Convention

Areas of work

-  Support the development of agreements and the establishment of joint bodies
-  Identifying, assessing and communicating the benefits of transboundary water cooperation
-  Water-food-energy-ecosystems nexus in transboundary basins

-  Adaptation to climate change in transboundary basins
-  Opening of the Convention, promotion and partnerships
-  National Policy Dialogues on IWRM under the European Union Water Initiative

Country Status

-  Parties
-  Countries which have started a discussion on accession



PRACTICAL COOPERATION WITH UGANDA:

Strengthening transboundary water governance and cooperation in IGAD, including in the Sio-Malaba-Malakisi River Basin, 2016-2018

- ✓ During the period 2016-2018, the Water Convention Secretariat worked closely with Kenya and Uganda in the framework of the project “Strengthening transboundary water governance and cooperation in the IGAD region”
- ✓ Jointly implemented with IGAD, IUCN and the Bureau of Oceans and International Environmental and Scientific Affairs (OES) of the United States Department of State.
- ✓ **The project facilitated a stakeholder participative process focusing on the benefits of cooperation in the Sio-Malaba-Malakisi (SMM) River Basin between Kenya and Uganda.**
- ✓ **It resulted in, among other beneficial outcomes, the joint development of a basin investment framework which could boost development.**



PRACTICAL COOPERATION IN AFRICA:

Building the capacity of states of the Lake Chad Basin to develop bankable climate change adaptation projects (N'Djamena, 19-21 November 2018)

- Project that was initiated by Chad following its accession to the Water Convention in 2018
- Organized in partnership with the African Development Bank
- The training aimed to build the capacity of experts to address climate change and other transboundary water governance-related risks in the region by preparing well-designed bankable projects



Benefits of accession to the Water Convention: general level

✓ Benefit from the Water Convention's trust fund which supports implementation activities.

✓ offers a State the opportunity to commit to a baseline of legal and institutional standards that are systematically monitored and progressively strengthened in a transparent and collaborative manner.

✓ Contribute to developing a global institutional platform for transboundary water cooperation.

'Value add' of the Water Convention



A sound legal framework for shared understanding & common approaches



An active institutional framework to exchange experiences & capacity



Activities & projects 'on the ground' to promote practical cooperation

Why is the Water Convention relevant for Uganda?

- **Sound legal framework coupled with action** to support implementation
- Catalyst for transboundary cooperation, **balanced approach for both upstream and downstream countries**
- **African countries have shown a high interest in the Convention:**
 - Chad and Senegal acceded to the Convention in 2018
 - Several other African countries have started the accession process, eg Côte d'Ivoire, Cameroon, Guinée, Togo, Tunisia, Ghana
 - Most African countries have participated in the Convention's framework, **including most Nile basin countries**
- **The Convention already cooperates with many partners in Africa** such as AMCOW, ECA, EECCAS, IGAD, ANBO, **NBI** & others in growing network



Why is the Water Convention relevant for Uganda?

- **Several African agreements refer to the Water Convention:** the Niger and Lake Chad basin charters.
- **Obligations generally align with agreements such as CFA and SADC Protocol.**
- **Examples of practical cooperation with concrete outcomes:** In the NBI region, the Water Convention and partners supported the development of a basin investment framework and revised MOU on the SMM basin (Kenya-Uganda)
- **Participation in global workshops to share your expertise & exchange:**
 - Data exchange in transboundary basins: 4-6 Dec 2019, Geneva
 - Developing agreements in transboundary basins: 1-2 April 2020, Geneva
 - Financing transboundary basin institutions: 16-18 December 2020, Geneva



Thank you for your attention!

More information

<http://unece.org/env/water>
remy.kinna@un.org
water.convention@un.org

