Balancing different water uses in a transboundary basin

Alexandros Kolliopoulos
Deputy Legal Adviser
Ministry of Foreign Affairs of Greece
I. The two normative pillars of the Helsinki Convention

• Article 2 para 1: the no-harm rule
• Article 2 para 2 (c): the equitable and reasonable utilization principle
• Customary origin of both principles
• Mutual supportiveness and absence of priority between them
II. The no-harm rule

• Its purpose: prevention, control and reduction of transboundary impact
• The rule applies both to upstream and downstream countries
• Only “significant” adverse effects are envisaged by the rule
• The no-harm rule as a flexible due diligence obligation
III. The equitable and reasonable utilization principle

• The principle is relevant for both water quality and water quantity issues

• Association with the sustainability principle: the prospective dimension of the equitable and reasonable use

• Riparian States should take into account all relevant factors to achieve a mutually beneficial and sustainable use

• An assessment of the status of transboundary waters is required
IV. The integrated approach

• Article 2 para 6 of the Convention provides for cooperation at the level of the catchment area of a transboundary watercourse
• The integrated approach takes into account the interaction between waters and the related ecosystems
• Interconnections between the regulation of water quantity and water quality
• In the context of the integrated approach, not only human activities but also natural phenomena have to be taken into account
V. The obligation to cooperate

- Cooperation between riparian States as one of the key elements of the Helsinki Convention
- Obligation to cooperate in good faith, even under difficult political circumstances
- Cooperation as a prerequisite for achieving an equitable and reasonable utilization of transboundary watercourses
- Various options available for cooperation to materialize (consultations, conclusion of relevant agreements etc.)