

Session 7 - Revision and clarification of the guidance concerning Water management at the national level (Section III) and final questions (Section IV)

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III. Water management at the national level

In this section, you are requested to provide general information on water management at the national level as it relates to transboundary waters. Information on specific transboundary basins, sub-basins, part of basins and groups of basins, should be presented in section II and not repeated here.

1.(a) Does your country's national legislation, policies, action plans and strategies refer to measures to prevent, control and reduce any transboundary impact? Yes /No

If yes, please briefly describe the main national laws, policies, action plans and strategies [fill in]

(b) Does your country's legislation provide for the following principles? Precautionary principle

Yes /No

Polluter pays principle Yes /No

Sustainable development Yes /No

User pays principle Yes /No

If yes, please briefly describe how these principles are implemented at the national level: [fill in]

Notes included in the Draft Guide on question 1(a) & (b)

[79] The Water Convention stipulates that its Parties take «all appropriate measures» to prevent, control and reduce any transboundary impact (...) **many of these measures must be adopted at the national level.** (...)

[80] Question 1(a) should be answered “yes”, where there is an **explicit reference to transboundary waters** or impacts within the national laws, policies, action plans and strategies of a country.

[81] *Explanation that the brief description should highlight the main national laws, policies, action plans and strategies that explicitly refer to transboundary impact. Examples on how national laws may make reference to transboundary waters.*

[82] *Note on necessary differentiation of transboundary waters at a international level, federal and provincial or state level.*

Notes included in the Draft Guide on question 1(a) & (b)

[83] Where they differ, the main laws, policies, actions plans and strategies related to groundwater and surface water management should be described separately.

[84] The response to question 1(b) should consider whether the precautionary principle, polluter pays principle, sustainable development and user pays principles are incorporated into national laws, policies, actions plans and strategies related to transboundary water management, rather than, for example, more general laws relating to environmental protection or sustainable development.

[85] The description should focus on how the principles are incorporated into national laws, policies, actions plans and strategies related to transboundary water management.

Comments related to question 1(a) & (b)

- **Guatemala:** the principles mentioned here are mainly associated with environmental law, it might be worth to add and ask if national legislation includes the following principles:
 - principle of the unity of the water cycle
 - integrated management of water resources
 - efficient / rational use
 - sustainable use
- **Implementation Committee – Dinara Ziganshina:**
 - 1/ Don't think it is always possible. Many countries depend heavily on transboundary sources but regulate (transboundary) waters within their territory without such reference. Uzbekistan for example.
 - 2/ How to explicitly refer to transboundary waters in water abstraction licenses or concessions and wastewater discharge permits?

Comments related to question 1(a) & (b)(continuation)

- **Germany on question 1(b)** Is there a need to explain these principles shortly or refer to the Water Convention Guide or some other literature?
- **Implementation Committee – Dinara Ziganshina on question 1(b)**

The question does not refer to water legislation. Would not this narrow interpretation suggest restricted reading of national legislation? Water legislation is a part of environmental legislation in many countries.

(c) Does your country have a national licensing or permitting system for wastewater discharges and other point source pollution? (e.g., in industry, mining, energy, municipal, wastewater management or other sectors)?

Yes /No

If yes, for which sectors?

Industry

Mining

Energy

Municipal

Livestock raising

Aquaculture

Other (please list): [fill in]

Please briefly describe the licensing or permitting system, indicating whether the system provides for setting emission limits based on best available technology? [87]

If yes, for which sectors? (please list): [fill in]

If not, please explain why not (giving the most important reasons) or provide information if there are plans to introduce a licensing or permitting system: [fill in]

Notes included in the Draft Guide on question 1(c)

[86] The Water Convention obliges the Parties to develop, adopt and implement national measures in order to ensure that, “transboundary waters are protected against pollution from point sources through the prior licensing of waste-water discharges by the competent national authorities” (Art. 3(1)(b)). See also *Guidelines on Licensing Waste-water Discharges from point Sources into Transboundary Waters* (ECE, 1996).

[87] Definition of “Best available technology” according to Annex I of the Water Convention.

Comments

Germany: Is there a need to explain the possible content of a licence? See partly in [88].

(d) Are the authorized discharges monitored and controlled?

Yes /No

If yes, how? (Please tick the ones applicable):

Monitoring of discharges

Monitoring of physical and chemical impacts on water

Monitoring of ecological impacts on water

Conditions on permits

Inspectorate

Other means (*please list*): [fill in]

If your country does not have a discharge monitoring system, please explain why not or provide information if there are plans to introduce a discharge monitoring system: [fill in]

Notes included in the Draft Guide on question 1(d)

[88] *Explanation on what constitutes authorized discharges.*

[89] For example, self-monitoring, by license or permit holders, may be part of a monitoring system for point sources of pollution ([ECE](#), 1996, p. 35)

(e) What are the main measures which your country takes to reduce diffuse sources of water pollution on transboundary waters (e.g., from agriculture, transport, forestry or aquaculture)? The measures listed below relate to agriculture, but other sectors may be more significant. Please be sure to include these under “others”: [90]

Legislative measures

- Norm for uses of fertilizers
- Norms for uses of manure
- Permitting system
- Bans on or norms for use of pesticides
- Others (please list): [fill in]

Economic and financial measures

- Monetary incentives [91]
- Environmental taxes (such as fertilizer taxes)
- Others (*please list*): [fill in]

Agricultural extension services [92]

Technical measures

Source control measures

- Crop rotation
- Tillage control
- Winter cover crops
- Others (*please list*): [fill in]

Other measures

- Buffer/filter strips
- Wetland reconstruction
- Sedimentation traps
- Chemical measures
- Others (*please list*): [fill in]
- Other types of measures 0
- If yes, please list: [fill in]

(f) What are the main measures which your country takes to enhance water resources allocation and use efficiency?

Please tick as appropriate (not all might be relevant)

A regulatory system regarding water abstraction

Monitoring and control of abstractions

Water rights are defined

Water allocation priorities are listed

Water-saving technologies

Advanced irrigation techniques

Demand management activities

Other means (please list)

(g) Does your country apply the ecosystems approach?

Yes /No

If yes, please describe how: [fill in]

(h) Does your country take specific measures to prevent the pollution of groundwaters?

Yes /No

If yes, please briefly describe the most important measures: [fill in]

Notes included in the Draft Guide on questions 1(f) - 1 (h)

[90] Diffuse pollution may come from a range of other sources, including urban land, forestry, atmospheric deposition or rural dwellings.

[91] For example, rebates for lowering pollution levels or subsidies for moving to best environmental practices.

[92] Extension services are usually an administrative division of government that work with farmers to facilitate programmes and projects for change, such as improved pollution control, reduction and prevention practices.

[93] “**Water rights**”, in a broad sense, encompasses, “a variety of rights to access and use water, including those created by common law, and by administrative licensing regimes” (Hendry, 2014, p. 38).

Notes included in the Draft Guide on questions 1(f) - 1 (h)

[94] The “**ecosystems approach**” is defined as, “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way” (Decision V/6, Biodiversity Convention, 2000).

[95] Question 1(g) seeks to determine if an ecosystem approach is imbedded within any national law and policy framework for water resources management.

[96] Where available, the relevant parts of a national law and policy framework for water resources management in support of the ecosystems approach should be described here.

[97] *Explanation and provisions regarding “additional specific measures” to prevent the pollution of groundwaters.*

2. Do your national laws require transboundary environmental impact assessment (EIA)? [98 99]

Yes / No

If yes, please briefly describe the legislative basis, and any related implementing procedures. [fill in] [100]

If not, do other measures provide for transboundary EIA? [fill in] [101]

Notes included in the Draft Guide on question III,2

[98] Note on the obligation to conduct a EIA when preventing, controlling and reducing transboundary impact on the basis of the Water Convention, the ESPOO Convention and international law jurisprudence.

[99] While most countries have EIA legislation in place, question 2 asks more specifically whether national legislation is in place that requires a *transboundary* EIA.

[100] The description of the legislative basis should highlight the key elements of an EIA process that applies to projects that may have a transboundary impact. Where in place, countries may also wish to highlight a Strategic Environmental Assessment (SEA) framework that applies to transboundary waters. Brief description of the difference between EIAs and SEAs.

[101] “Other measures” might include those contained in bilateral or multilateral agreements.

Comment: Implementation Committee: Can it also imply soft law instruments? For example, Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asia Countries

https://www.unece.org/fileadmin/DAM/env/documents/2019/ece/Meeting_of_Parties_-_2019/G-Doc_documents/1820233E.docx

IV. Final questions [102]

1. What are the main challenges your country faces in cooperating on transboundary waters?

Differences between national administrative and legal frameworks

Lack of relevant data and information

Difficulties in data and information exchange

Sectoral fragmentation at the national level

Language barrier

Resource constraints

Environmental pressures, e.g. extreme events

Sovereignty concerns

Please list other challenges and/or provide further details: [fill in]

Notes included in the Draft Guide on Section IV, questions 1 and 2

[102] Questions 1 and 2 offer the opportunity to summarise the responses in the reporting template, and to highlight, from a national perspective, the key challenges and opportunities in advancing transboundary water cooperation. While response to specific questions in sections I-III may be technical, Section IV should be completed in a way that is accessible to policy- /decision-makers.

Comment: Guatemala: To add another challenge:
- Lack of agreement as regards the community of interest between states: what are each party's benefits/rights; responsibilities and challenges?

2. What have been the main achievements in cooperating on transboundary waters?

Improved water management

Enhanced regional integration, i.e. beyond water

Adoption of cooperative arrangements

Adoption of joint plans and programmes

Long-lasting and sustained cooperation

Financial support for joint activities

Stronger political will for transboundary water cooperation

Better knowledge and understanding

Dispute avoidance

Stakeholder engagement

Please list other achievements, keys to achieving success, and/or provide concrete examples: [fill in] [103]

Notes included in the Draft Guide on Section IV, questions 1 and 2

[103] Concrete examples might be those that **show specific improvements as a result of transboundary water cooperation, such as improved water quality, or the sharing of benefits.**

3. Please indicate which institutions were consulted during the completion of the questionnaire

Joint body or mechanism

Other riparian or aquifer countries

National water management authority

Environment agency/ authority

Basin authority (national)

Local or provincial government

Geological survey (national)

Non-water specific ministries, e.g. foreign affairs, finance, forestry and energy

Civil society organizations

Water user associations

Private sector

Other (please list): [fill in]

Please briefly describe the process by which the questionnaire was completed: [fill in]

4. If you have any other comments please add them here (*insert comments*): [fill in] [104]

5. Name and contact details of the person(s) who filled out the questionnaire (*please insert*): [fill in]

Date: [fill in]

Signature: [fill in]

Issues included in the Draft Guide on questions 3, 4 and 5

[104] Respondents may describe the process by which the template was completed here, such as the organisation of a national workshop and/or the establishment of a cross-governmental drafting committee.

This question also offers the opportunity to provide any further explanation to any of the responses given in the previous sections, or to highlight any other aspects of transboundary water cooperation that may not have been already captured.

Comments related to Section IV

- **Guatemala:** It is recommended to include a general question on *Which are the greatest benefits obtained by your country from cooperation in transboundary water management and governance? And which are the main challenges of transboundary water management for your country?*
- **Guatemala:** Add 3 additional questions to **IV. Final Questions.**
 - How does transnational water joint management contribute to binational or multilateral water safety? Comment. (open question)
 - What are the tangible benefits achieved? and what basin population percentage/or area, covered by the international agreement or arrangement, has benefited? List.
 - How do the benefits of transboundary water joint management, target 6.5.2, contribute to the achievement of other SDG 6 targets? and to the achievement of other SDGs?

Mention other SDGs 6's targets

Mention other SDG's targets