



**WORKSHOP**

**THE UNECE CONVENTION FOR THE PROTECTION AND USE OF  
TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES**

**KEY ASPECTS AND OPPORTUNITIES FOR LEBANON**

**Report**



**4–5 February 2015**

**Council of Ministers**

**Beirut, Lebanon**

## Background

Water is an increasingly scarce resource. In this regard, transboundary cooperation for the sustainable management of the three transboundary watercourses in Lebanon (the Asi-Orontes, Nahr el Kabir and Hasbani Rivers) becomes increasingly important.

In 1999, Lebanon ratified the United Nations Convention on Non-Navigational Uses of International Watercourses (United Nations Watercourses Convention), which entered into force in 2014. The 2002 Agreement between Syria and Lebanon regarding the Great Southern River Basin refers to the United Nations Watercourses Convention principles.

The United Nations Economic Commission for Europe (UNECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) has provided, since its entry into force in 1992, an important framework for improving the management of transboundary surface and groundwater resources in the UNECE region. The Water Convention became a global multilateral legal framework for transboundary water cooperation in 2013, open for accession by all United Nations Member States.

The workshop:

- Presented the current status, progress achieved and prevailing challenges for cooperation on transboundary waters in Lebanon
- Reviewed the legal frameworks for cooperation on shared water resources available at the global, regional and basin levels
- Detailed the guiding principles and general provisions of the Water Convention, its main obligations, as well as their potential relevance to the specific situation of Lebanon
- Presented the concrete outcomes of the thematic work achieved within the framework of the UNECE Water Convention, including technical and strategic guidance documents, and the practical experiences of its application on the ground
- Identified options for the way forward.

The workshop was co-organized by the Ministry of Energy and Water of Lebanon, UNECE and Global Water Partnership - Mediterranean (GWP-Med), with financial support from the Swiss Agency for Development and Cooperation.<sup>1</sup>

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<sup>1</sup> Annex 1 lists the participants in the workshop.

## Summary of the main points of discussion

### **Opening session**

*Chairperson: Ms. Chantal Demilecamps, UNECE*

Welcoming remarks from workshop partners:

- *Dr Fadi Comair, Director General of Hydraulic and Electrical Resources, Ministry of Energy and Water of Lebanon*
- *Mr. Nicholas Bonvoisin, Secretary to the United Nations Economic Commission for Europe (UNECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)*
- *Prof. Michael Scoullos, Chairman, Global Water Partnership - Mediterranean / MED EUWI Secretariat (GWP-Med/MED EUWI)*
- *HE Arthur Nazarian, Minister of Energy and Water*

Scope of the meeting – objectives and overview of the workshop programme: *Ms. Chantal Demilecamps, UNECE*

H.E. Arthur Nazarian, Minister of Energy and Water of Lebanon, opened the workshop. In his opening speech, he recognized that the preservation of international transboundary waters over future years and generations **required joining international agreements under the United Nations umbrella** and that acceding to the UNECE Water Convention was essential for Lebanon.

Dr. Fadi Comair underlined the importance of **looking at the possible benefits of acceding** to the UNECE Water Convention, considering the complexity of the management of shared water bodies in the Middle East.

Mr. Nicholas Bonvoisin insisted on the importance of a **sound legal framework for stable and reliable cooperation**, noting that the Water Convention had been an important driver for the development and improvement of transboundary water cooperation over the past 20 years in the pan-European region, even in complex geopolitical settings.

Prof. Michael Scoullos, Chairman of GWP-Med invited participants **to get the maximum from international water law principles** and the relevant international multilateral instruments to support their efforts in transboundary water cooperation.

### **Session 1: Transboundary water cooperation in Lebanon: situation analysis, benefits and challenges**

*Chairperson: Dr Fadi Comair, Director General of Hydraulic and Electric Resources, Honorary President of the Mediterranean Network of Basin Organizations (MENBO)*

- Hydrodiplomacy efforts and status of cooperation: Applying the United Nations Convention for conflict resolution on transboundary water resources in MENA Region – case study of Lebanon  
*Dr Fadi Comair, Ministry of Energy and Water, MENBO*
- The Inventory of shared water resources in Western Asia  
*Ms. Carol Chouchani Cherfane, United Nations Economic and Social Commission for Western Asia (ESCWA)*
- Panel discussion: reflections on the status of transboundary water cooperation in Lebanon and the role of legal frameworks for cooperation on international waters

- Mr Tony Issa, representative of President of Syndicate of Lawyers
- Representative of the Ministry of Justice
- Mr. Bassam Jaber, Water expert, Former Director General of Exploitation

Dr. Fadi Comair presented the importance of water diplomacy in the Middle East and Northern Africa (MENA) region, and for Lebanon in particular. He underscored that **international water law was key to preventing disputes over the management of transboundary waters** and noted that alignment with the principles of equitable sharing and reasonable use of transboundary waters was in the interest of Lebanon and riparian countries. He detailed the progress made and challenges related to the management of water resources shared between Lebanon and its neighbouring countries and recognized that international water law had already brought benefits to the country. In 1999, Lebanon ratified the United Nations Watercourses Convention, which paved the way for a mutually beneficial agreement with Syria in 2002 on sharing the water resources of the Nahr al-Kabir River.

Ms. Carol Chouchani Cherfane presented the key characteristics and status of shared water resources in Lebanon based on the findings of the *Inventory of Shared Water Resources in Western Asia*. The creation of databases is of paramount importance: collecting and **consolidating data can enable the initiation of discussion that may lead to cooperation**, and the Inventory provides a sound basis in this regard. She highlighted that bilateral cooperation over shared waters existed, but was not basin-wide. In addition, water quantity and allocation dominated the discourse on shared water resources in the region, while water quality, largely neglected, was rapidly deteriorating.

Participants stressed that **emphasis** should be put not only on quantity but also on **quality of shared water resources**.

### ***Session 2: International legal instruments for advancing cooperation on shared waters***

*Chairperson: Prof. Michael Scoullios, Chairman of GWP-Med*

- Two global water conventions: complementarity between the UNECE Water Convention and the 1997 United Nations Watercourses Convention  
*Dr Alistair Rieu-Clarke, Centre for Water Law, Policy & Science, University of Dundee*
- Fostering cooperation on transboundary aquifer resources: 2008 draft Articles on the Law of Transboundary Aquifers and Model Provisions on Transboundary Groundwater  
*Ms. Raya Marina Stephan, UNESCO*

This session introduced the different legal instruments that could be used to facilitate cooperation efforts over shared water bodies. Mr. Alistair Rieu-Clarke highlighted that two global water conventions, the **UNECE Water Convention and the United Nations Watercourses Convention, are now in force and open for accession by all United Nations Member States**, with already some countries being Parties to both. The two Conventions are fully **compatible** and complementary, with no contradiction between them. Still, some differences exist between the two Conventions: a major **strength of the UNECE Water Convention lies in its institutional framework**. The UNECE Water Convention has an institutional mechanism based on the Meeting of the Parties, including a programme of work, a secretariat etc., whereas no such mechanism is envisaged in the United Nations Watercourses Convention. It was stressed that the UNECE Water Convention was not a “European” Convention as the UNECE region also covers Central Asia, the Caucasus and South-Eastern Europe, facing similar challenges as MENA countries.

Ms. Raya Marina Stephan presented the **2008 draft Articles on the Law of Transboundary Aquifers**. These articles are non-binding, but have already **influenced** the **agreement** over the Guarani Aquifer System and guided the development of the *Model Provisions on Transboundary Groundwaters* under the UNECE Water Convention, which can serve as a basis for developing specific groundwater agreements.

The discussion provided clarifications on issues related to the rights and obligations of the Parties, and on what accession to the UNECE Water Convention would bring in addition to the ratification of the United Nations Watercourses Convention, taking into account the specificities of the region. While it cannot solve all issues, the UNECE Water Convention can support peaceful resolution of conflicts in the region (for example thanks to its Implementation Committee) and **pave the way for cooperation**. Its institutional framework is key and contributing to it could be considered by Lebanon as an asset. The United Nations Watercourses Convention is a codification of **customary international water law**, which is **binding on all states** (as customary legal obligations) even if a country is not a Party to the Convention. A country can make its neighbouring countries accountable based on customary international water law.

***Session 3: Implementing the Water Convention: challenges, success stories and lessons learned***

*Chairperson: Eng. Mona Fakih, Water Director, Ministry of Energy and Water*

- How the Water Convention promotes Transboundary water cooperation on the ground  
*Ms. Chantal Demilecamps, UNECE*
- Implementing the Water Convention and advantages to become a Party: a country experience  
*Mr. Serik Akhmetov, Representative from Kazakhstan, Vice-Chair of the Bureau of the Water Convention*
- Agreements and river basin organizations to strengthen the management of Transboundary waters: example of the Sava River Basin  
*Mr. Dejan Komatina, Secretary of the International Sava River Basin Commission*
- The Water Convention supporting cooperation in the Drin River Basin (South Eastern Europe)  
*Mr. Dimitris Faloutsos, GWP-Med*

This session discussed specific case studies where the implementation of the UNECE Water Convention resulted in different legal and institutional frameworks for promoting cooperation and management of transboundary water resources.

The **Water Convention** is a framework instrument and its **implementation can be tailored to diverse basin contexts**: its implementation on the ground in very diverse political landscapes, economic and social conditions, as well as water availability contexts, has contributed to the strengthening of cooperation, in particular through the obligation to cooperate by entering into specific agreements and establishing joint bodies. The Water Convention is a living instrument. Its three-year programme of work is demand-driven and therefore able to **respond to the evolving needs of the Parties**: the work addresses different issues (climate change, the water-food-energy-ecosystems nexus, assessment of the benefits of transboundary water cooperation, comprehensive assessments, etc.) and areas (governance, technical issues, water management instruments, etc.) through different ways of support (offering advice, developing guidance documents and soft law, implementing concrete projects on the ground).

Mr. Serik Akhmetov explained that Kazakhstan had decided to adhere to the Water Convention to strengthen the existing trust and develop cooperation with neighbouring countries on the use of water resources of transboundary rivers based on provisions of international legislation. Becoming a Party was beneficial for the country as it **helped to strengthen national water legislation, intersectoral cooperation and bilateral and multilateral cooperation.**

Cooperation in the Sava River Basin (shared by Bosnia and Herzegovina, Croatia, Serbia and Slovenia) and in the Drin River Basin (shared by Albania, the former Yugoslav Republic of Macedonia, Greece and Montenegro) was presented respectively by Mr. Dejan Komatina and Mr. Dimitris Faloutsos, to show the evolution as well as the current state of these **successful examples of transboundary cooperation** in two basins of South-Eastern Europe. The creativity and **willingness of countries** helped to build cooperation and even went beyond the legal requirements.

#### ***Session 4: Adapting to climate change in Transboundary basins***

*Chairperson: Dr Fadi Comair, Director General of Hydraulic and Electric Resources*

- The applicability of climate governance on National Strategies  
*Prof. Michael Scoullou, Chairman of GWP-Med*
- Climate change impact on water resources: challenges on Transboundary Basins  
*Dr Fadi Comair, Ministry of Energy and Water*
- Jointly adapting to climate change in Transboundary basins under the Water Convention  
*Ms. Chantal Demilecamps, UNECE*

The session focused on emerging issues, in particular on the **importance of joint actions** for adapting to climate change in transboundary basins. Prof. Scoullou highlighted the **need to take into consideration climate change in the framework of transboundary negotiations** and to integrate adaptation provisions in the planned management of transboundary water resources. He introduced the different regional initiatives of significance for the Mediterranean region in general and Lebanon in particular.

There are no explicit provisions in the UNECE Convention about climate change, but it includes a few references to adaptation to climate variability and change mostly under **emerging issues**. However, the need for guidance in this field was addressed through the Water Convention's programme of work, which shows that the institutional framework can address an emerging issue. Work on water and climate change in transboundary basins was addressed through the work of a Task Force on Water and Climate and a global network of pilot projects, which promote cooperation on adaptation and focus on the development of **joint adaptation strategies and measures**, building on the exchange of experiences.

#### ***Session 5: Interactive discussion on the obligations and benefits of the Water Convention***

*Chairperson: Dr Fadi Comair, Director General of Hydraulic and Electric Resources*

- Specific obligations under the Water Convention  
*Presentation by Mr. Nicholas Bonvoisin and Mr. Alistair Rieu Clark*
- Interactive discussion between participants and a responding panel of experts  
*Panel: Mr. Nicholas Bonvoisin, Mr. Alistair Rieu-Clark, Ms. Raya Marina Stephan*
- Questions by the participants on the following themes:
  - Definitions and scope: drainage basin, groundwater/surface water
  - Substantive norms: equitable and reasonable use, no significant harm,

protection of ecosystems

- Procedural and institutional aspects: duty to cooperate, notification and consultation, environmental impact assessment, exchange of data and information, agreements, joint institutions, institutional frameworks
- Dispute settlement mechanism: fact-finding, negotiation and arbitration
- Implementation of the Water Convention and support to transboundary water cooperation
- Relationship between the two water conventions (UNECE Water Convention and United Nations Watercourses Convention)

Mr. Nicholas Bonvoisin explained the principles and obligations, definitions and scope, substantive norms and the procedural norms under the UNECE Water Convention.<sup>2</sup>

Clarifications were provided about the following topics:

- The principles of “equitable use” and “no harm” are not more detailed in the UNECE Water Convention than in the United Nations Watercourses Convention. As framework agreements, neither of the conventions goes into a detailed level of specification; the principles have to be interpreted according to the specific context of the country. However, with practice from over 20 years of implementation of the UNECE Water Convention in diverse situations, experience has been accumulated on possible interpretations of its principles and these were taken into consideration when developing the *Guide to Implementing the Water Convention*.<sup>3</sup>
- A “contracting Party” has ratified and is bound by the Convention. A “riparian Party” is a country that shares water with the neighbouring country.
- A country has the right to express reservations when becoming a Party, but reservation should not go against the main purpose of the Convention, according to the principles of international water law.
- Dispute settlement: an Implementation Committee<sup>4</sup> has been established under the UNECE Water Convention to provide assistance to the countries – if requested – in terms of compliance. Its role is related to the non-confrontational nature of the Convention. The Implementation Committee members are independent experts who are elected by the Meeting of the Parties.

The institutional framework was also detailed, in particular the mandate of the secretariat, Meeting of the Parties, Bureau, Working Group on Integrated Water Resources Management, Implementation Committee, Working Group on Monitoring and Assessment, Legal Board and International Water Assessment Centre were explained. When becoming a Party, a country can participate in the Convention’s institutional structure and decision-making processes, thereby fostering its further development. In addition, priorities expressed by countries that are interested to accede to the Convention have already been taken into consideration when developing the future programme of work.

The need for technical assistance for the work under the joint committee on the management of the Nahr El Kebir River was raised.

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<sup>2</sup> Additional information on benefits of accession to the UNECE Water Convention are provided in annex 2.

<sup>3</sup> Publication available at :

[www.unece.org/fileadmin/DAM/env/water/publications/WAT\\_Guide\\_to\\_implementing\\_the\\_WC/ECE\\_MP.WAT\\_39\\_Guide\\_to\\_implementing\\_water\\_convention\\_small\\_size\\_ENG.pdf](http://www.unece.org/fileadmin/DAM/env/water/publications/WAT_Guide_to_implementing_the_WC/ECE_MP.WAT_39_Guide_to_implementing_water_convention_small_size_ENG.pdf)

<sup>4</sup> More information on the Implementation Committee available at :

[www.unece.org/env/water/implementation\\_committee.html](http://www.unece.org/env/water/implementation_committee.html)

### **Moving forward and conclusions**

Report of the discussion by the General Rapporteur: *Prof. Michael Scoullos*

Closing:

- *Dr Fadi Comair, Director General of Hydraulic and Electrical Resources*
- *Mr. Nicholas Bonvoisin, Secretary to the Water Convention*
- *Prof. Michael Scoullos, Chairman of GWP-Med*
- *Eng. Mona Fakih*

Closing the event, Mr. Fadi Comair informed the participants that H.E. the Minister of Energy and Water, Mr. Arthur Nazarian, acknowledged the importance of the meeting. Mr. Comair stressed that any legal framework that could assist Lebanon towards the sustainable use of water resources by securing at the same time its sovereign interests was welcome. He announced that the provisions of the Water Convention would be studied carefully to understand precisely the benefits that Lebanon could gain from becoming a Party.

Prof. Michael Scoullos summarized the main messages from the discussions:

- International legal instruments play a key role in supporting the sustainable management of transboundary waters.
- The opening of the UNECE Water Convention to all United Nations Member States offers the possibility for Lebanon to become a Party, in addition to already being a Party to the United Nations Watercourses Convention.
- Accession to the UNECE Water Convention could provide benefits and added value to Lebanon. In particular, the Water Convention's institutional framework and its activities are instrumental in providing assistance to countries.
- Mr. Nazarian stands ready to examine the initiation of the process for accession of Lebanon to the UNECE Water Convention. The Ministry of Energy and Water will commission a detailed legal and technical analysis of the Water Convention and its relevance to the Lebanese context, in order to guide next steps towards making an informed decision on whether to accede to the Water Convention.
- UNECE and GWP-Med reaffirmed their readiness to assist the process as necessary. The UNECE secretariat confirmed its availability to provide further information and responses to any questions related to the Convention.



## Annex 1. List of Participants

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## Annex 2. Advantages for States to become Party to the Convention (Extracts from the brochure *The Global Opening of the 1992 Water Convention*)

The advantages for countries to join the Water Convention include:

- **Solid international legal framework**

By becoming a Party, a country joins the international legal regime of the Convention that has already proven its effectiveness over the past two decades and provides benefits for cooperation to both upstream and downstream countries.

- **Developed institutional platform**

When becoming a Party, a country can participate in the Water Convention's institutional structure and decision-making, so fostering the implementation of the Convention and its further development. While the vast majority of the meetings under the Convention's framework are open to non-Parties, it is the Parties that decide on the development of the Convention, sit in the Convention's governing bodies and lead activities under the Convention.

- **Recognition by the international community**

By being a Party to the Water Convention, a State signals to other countries, international organizations, financial institutions and other actors its willingness to cooperate on the basis of the norms and standards of the Convention. Such a State is respected by other actors in the international community for adhering to certain rules and standards.

- **Developing the Convention's regime**

Parties to the Water Convention collectively decide on the development of the Convention's regime at the meetings of the Convention's governing bodies. They can initiate the negotiation of new legally-binding instruments such as protocols or amendments to the Convention. They can elaborate new soft-law instruments, such as guidelines, recommendations, model provisions, checklists and other tools. They can decide on the interpretation of the Convention. In this way, they participate in further developing the Convention and international water law.

- **Advice and sharing of experience**

A Party to the Water Convention benefits from the existing experience under the Convention, e.g. its guidance documents, activities and projects on the ground. For example, a State suffering from frequent floods or droughts would benefit from the Convention's activities on adaptation to climate change or on transboundary flood management. A State interested in the joint management of water infrastructure on transboundary rivers would benefit from Convention's activities on dam safety. A basin struggling with the allocation of water for irrigation and energy production would benefit from the Convention's activities on the water-food-energy-ecosystems nexus. The programme of work under the Convention is demand-driven and therefore able to respond to the differing and evolving needs of the Parties. All Parties – no matter whether “new” or “old” – actively participate in the sharing of knowledge and experience and learn from each other.

- **Support to bilateral and basin cooperation**

The Water Convention not only obliges its Parties to enter into bilateral and multilateral agreements for specific basins and establish joint bodies, but provides support to its Parties in establishing such agreements and bodies or in strengthening existing ones. This is particularly valuable in those basins where there are difficulties in achieving agreements.

- **Improvement of water management at the national level**

The implementation of obligations under the Convention, especially of the obligation aimed at prevention, control and reduction of significant transboundary impact, improves water resources management at the national level. The Convention's standards to be applied by all Parties — e.g. pollution prevention, control and reduction at source, prior licensing of waste-water discharges, application of biological treatment or equivalent processes to municipal waste-water, or application of the ecosystems approach — enhance national systems for water resources management and protection.

- **Access to financial assistance and donor cooperation**

Parties to the Water Convention may benefit from the use of the Convention's trust fund, which supports the effective implementation of the Convention. Interested Parties contribute voluntarily to the trust fund, so allowing them to target efficiently their assistance and to join forces with other donors in a coordinated way. The trust fund can be used for technical support to Parties, particularly to promote and implement the Convention through the organization of seminars and other training activities, studies and pilot projects, as well as for support to participation of experts from eligible countries in workshops, seminars, symposia and other meetings organized within the framework of the Convention. While non-Parties can also benefit from the Convention's trust fund, priority is given to Parties.

- **Support from the community of Parties**

The Water Convention is a collective forum. A Party may bring its needs and expectations to the attention of all other Parties. In other words, a Party is not left alone in its dealings with riparians — its concerns can be voiced at the Meeting of the Parties. The Convention's Implementation Committee can help Parties in all questions regarding implementation of the Convention and facilitate the settlement of the various differences and disputes.

- **Contribution to international peace and security**

Participation in and cooperation through the intergovernmental platform of the Water Convention reduces uncertainty in relations between riparian States and helps prevent potential tensions, disagreements and differences, so contributing to the maintenance of international peace and security.

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