

# Existing arrangements

## UNECE Water Convention (Art. 9(1))

- States *must* revise existing arrangements to 'eliminate contradictions' with UNECE Water Convention
- States *must* enter into watercourse-specific agreements where they do not exist

## UN Watercourses Convention (Art. 3)

- UN Watercourses Convention does not affect existing agreements.
- However, States should consider harmonizing those existing agreements with the Convention.
- States *may* enter into watercourse-specific agreements.

# Scope of the resource

## UNECE Water Convention (Art. 1(1))

- “Transboundary waters” – any surface *or* ground waters which mark, cross or are located on boundaries between two or more States.

## UN Watercourses Convention (Art. 2(a))

- “Watercourse” - a system of surface- *and* groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus.

# Substantive norms

## UNECE Water Convention (Art. 2)

- The Parties shall take *all appropriate measures* to prevent, control and reduce any transboundary impact.
  - Pollution prevention, reduction and control
  - Ecologically and rational water management
  - Conservation and, where necessary, restoration of ecosystems
  - Equitable and reasonable utilisation

## UN Watercourses Convention (Art. 5-7, & 20)

- Equitable and reasonable utilization and participation
- Relevant Factors (Art. 6)
- Take all appropriate measures not to cause significant harm
- Protection of ecosystems of an international watercourse

# Procedural norms

## UNECE Water Convention

- Prior licensing, and monitoring, of waste-water discharges
- BAT measures for nutrient inputs from industry and municipal sources
- BEP measures for diffuse pollution sources, e.g. agriculture
- EIA applied
- Contingency planning
- Monitoring programmes
- Research and development
- Exchange of information
- Warning and alarm systems
- Mutual assistance
- Public information

## UN Watercourses Convention

- On the whole not as detailed but...
  - Duty to regularly exchange data and information (Art. 9)
  - Emergency and Harmful situations (Arts. 27 & 28)
  - Detailed procedures for planned measures (Part III)

# Institutional aspects – watercourse level

## UNECE Water Convention (Art. 9(2))

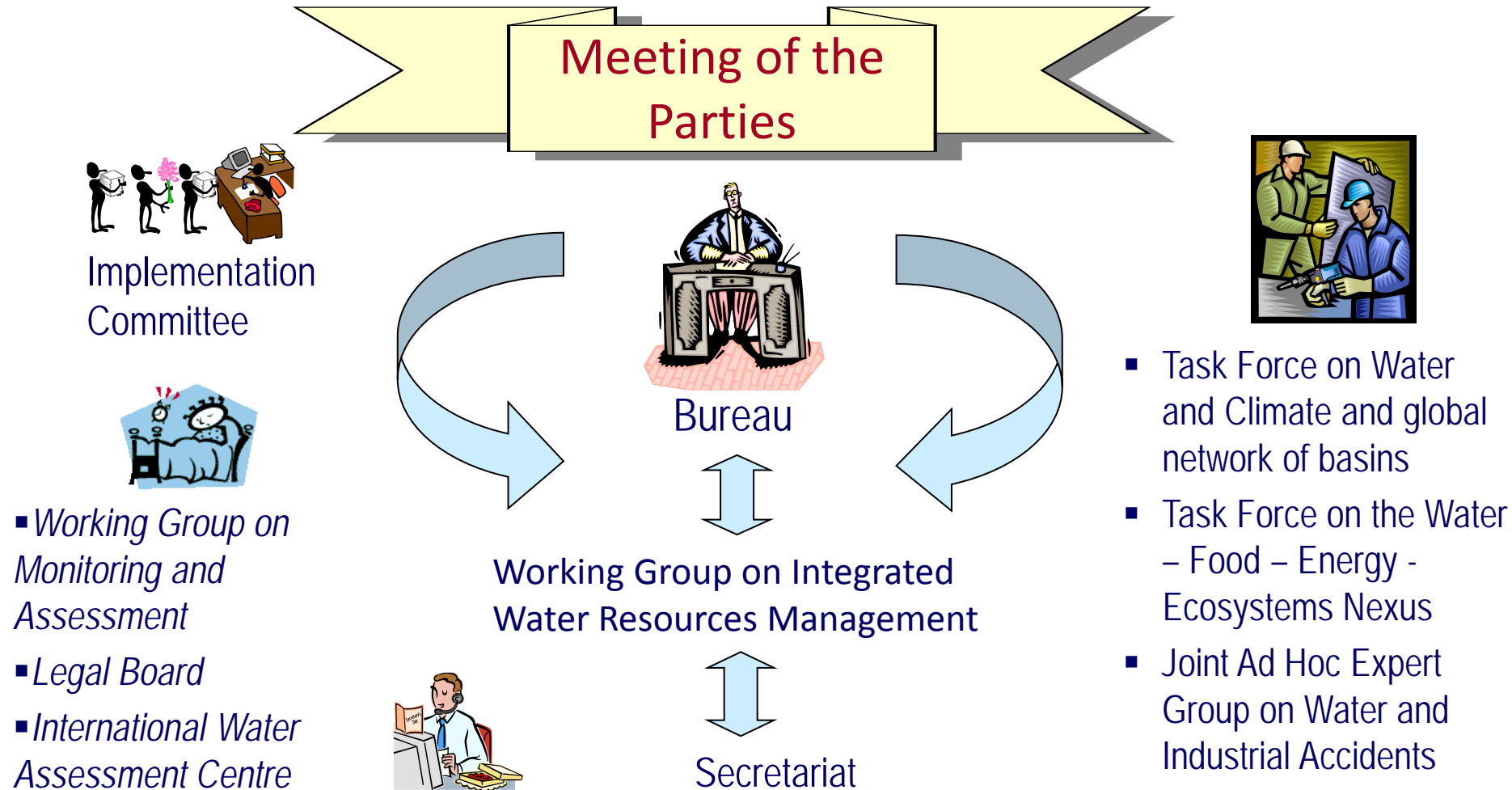
- Article States *must* establish joint bodies
- Task of joint bodies include
  - Data collection and evaluation
  - Joint monitoring
  - Elaborating emission limits for waste water, and water-quality objectives
  - Action programmes for pollution reduction
  - Establish warning and alarm procedures
  - Forum for information exchange on existing and planned uses, and best available technology
  - Participate in implementation of EIAs

## UN Watercourses Convention

- Art. 24(1) – States shall enter into consultations... which *may* include the establishment of a joint management mechanisms.
- Article (8)2) - States *may* consider the establishment of joint mechanisms or commissions....
- Strong emphasis on cooperation
  - Equitable participation (art. 5), duty to cooperate (art. 8), exchange of data and info (art 9), “where appropriate, joint”, prevent pollution (Art. 21), protect marine environment (Art. 23), regulation (Art. 25), harmful conditions (Art. 27) emergencies (Art. 28)

# Institutional aspects - Convention level

## UNECE Water Convention structure



UNECE for the Water Convention and Protocol on Civil Liability  
UNECE jointly with WHO/Europe for Protocol on Water and Health



# Comparing the Conventions – conclusions

## Relationship of interpretation:

**‘When several norms bear on a single issue they should, to the extent possible, be interpreted so as to give rise to a single set of compatible obligations’\***

\* “Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law”, Report of the Study Group of the United Nations International Law Commission, 2006

An aerial photograph showing a river meandering through a lush green landscape. The river flows from the bottom left towards the top right, with several sharp curves. The surrounding land is covered in dense vegetation, and there are some lighter-colored patches that could be fields or cleared areas. The overall scene is a natural, scenic view of a waterway in a rural or undeveloped area.

# Comparing the Conventions – conclusions

**‘The globalisation of the [UNECE Water] Convention should also go hand-in-hand with the expected entry into force of the United Nations Watercourses Convention. These two instruments are based on the same principles. They complement each other and should be implemented in a coherent manner’**

(UN Secretary-General, Ban Ki-Moon, 28 November 2013)





# Strengthening synergies between the Conventions

**Guide to Implementing the UNECE Water Convention –  
references to ILC work and UN Watercourses  
Convention**

## **UNECE Water Convention MOP (2012):**

all Parties to UN Watercourses Convention invited;  
mandate to promote coordination and offer an  
intergovernmental framework for discussion on the  
two Conventions

**Work programme:** issues present in UN Watercourses  
Convention and not explicit in Water Convention

**UN Watercourses Convention in capacity-building and  
field activities**