



# **The UNECE Water Convention: Provisions, experiences and lessons learned regarding RBOs**

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# Two United Nations Conventions: similar but different

- Two based on the same principles, very similar obligations, need to be interpreted in light of each other, fully compatible, complementary
- 1997 UN Watercourses Convention
  - Negotiated by the International Law Commission and General Assembly
  - In force since Aug. 2014 Currently without an intergovernmental framework
- 1992 UNECE Water (Helsinki) Convention
  - Negotiated by UNECE countries
  - In force since 1996
  - With an intergovernmental framework

# Main obligations under the UNECE Water Convention



- Protection of transboundary waters by preventing, controlling and reducing transboundary impacts
  - Reasonable and equitable use of transboundary waters
  - Obligation to cooperate through agreements and joint institutions
- ⇒ **Overall objective of sustainability**

## Two sets of obligations

- For all Parties
- For Riparian Parties, e.g. Conclude agreements, establish joint bodies, Joint activities, like monitoring

# Obligations of the Parties

- General obligations which apply to all parties, inter alia
  - Licensing of waste-water discharges by the competent national authorities and monitoring of authorized discharges
  - Best environmental practice for non-point pollution sources
  - Minimization of the risk of accidental pollution
- Obligations which apply to riparian parties

## Provisions relating to Riparian Parties

- Conclusion of bilateral and multilateral agreements and creation of joint bodies
- Consultation between Riparian Parties
- Joint monitoring and assessment
- Common research and development
- Exchange of information between Riparian Parties
- Warning and alarm systems
- Mutual assistance
- Public information

# Tasks of joint bodies of riparian countries

- Identify, draw up an inventory of and exchange information on pollution sources
- Elaborate joint monitoring programmes
- Set emission limits and elaborate joint water quality objectives
- Develop concerted action plans
- Establish warning and alarm procedures
- Represent a forum for the exchange of information

# Opening up the Convention to all UN member states



- Amendment entered into force in February 2013
- MOP6 approved all future requests for accession
  - = > Promote exchange/share experience
  - = > Raise awareness and build capacity
  - = > Work together



## In practice...

- The Convention played a crucial role in the region in supporting cooperation
- Most of the existing agreements in Europe are modelled on the Convention (Danube, Sava, Bug, Kazakh-Russian, Lake Peipsi, also the Water Framework Directive)
- Helped in the establishment of river basin commissions (e.g. Dniester, Chu Talas) and influenced their work
- A lot of guidance papers (soft law) to support implementation



# Advancement of transboundary cooperation





## How was this possible?

Becoming a Party = joining an institutional regime: MOP, Working Groups, Task Forces, Implementation Committee

Sharing of experience and good practices through the intergovernmental framework

Progressive development of the Convention: e.g. Guidance on Water and Climate Change, RBOs

Forum for bilateral and multilateral cooperation and capacity building

Address requests on clarifications: Guide, Implementation Committee

# Activities under the Convention in 2013-2015

- 1. Support to implementation and accession (projects on the ground and capacity building; Implementation Committee)
- 2. EU Water Initiative National Policy Dialogues
- 3. **Quantifying the benefits of transboundary cooperation**
- 4. **Adapting to climate change in transboundary basins**
- 5. **Water-food-energy-ecosystems nexus**
- 6. Opening of the Convention outside the ECE region and promotion

# Water Convention and joint bodies/ RBOs

- Negotiation of transboundary agreements and setting up of joint bodies is one of the main obligations of the Convention
- Projects on the ground to support creation and upgrading of RBOs, e.g. Chu Talas, Drin, Kura
- Two workshops for joint bodies organized in 2013 and 2014 with over 100 participants covering legal issues, conflict prevention, financing, stakeholder involvement etc.
- Outcome: Principles for effective joint bodies for adoption by MOP 7 in Hungary in Nov 2015

# **The Convention is working in difficult water-scarce regions: Tajikistan-Afghanistan example**

Establishing cooperation on hydrology and environment in upper Amudarya:

- bilateral working group
- towards exchange of hydrological data
- joint visits to hydrological monitoring stations
- first steps towards integrating Afghanistan in cooperation of Central Asian States

**Longer term security perspective**

# Convention is supporting agreements: Intergovernmental bilateral Dniester Basin Treaty of the Republic of Moldova and Ukraine



## Lessons learned

- Identification of common interest among riparians, including benefit-sharing
- Developing effective transboundary cooperation takes time - long-term engagement and patience important, but also sometimes support by a third party
- Technical cooperation and joint studies can be first step
- Involve relevant national authorities/ sectors into RBOs and ensure effective cooperation with nat. authorities
- Creation of RBOs gives new funding opportunities, but national funding is crucial for sustainability
- Forms of cooperation and of RBOs can be different
- Appropriate organizational structure and stakeholder participation

# Conclusions

- RBOs should be able to address new topics such as climate change
- The UNECE Water Convention provides a global legal and intergovernmental platform for countries and RBOs organizations
- UNECE Water Convention and New York Convention are complementary and should be implemented synergistically
- Invitation to all to the MOP7 in Budapest in November 2015

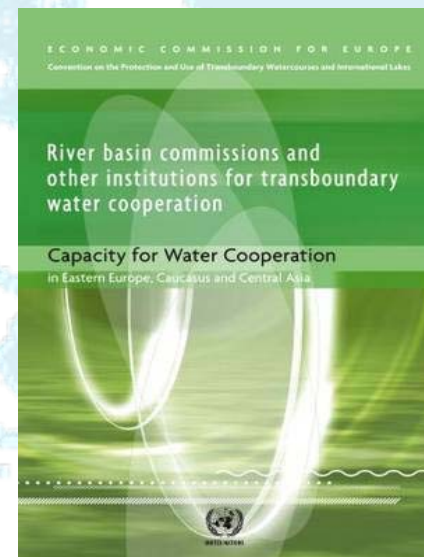
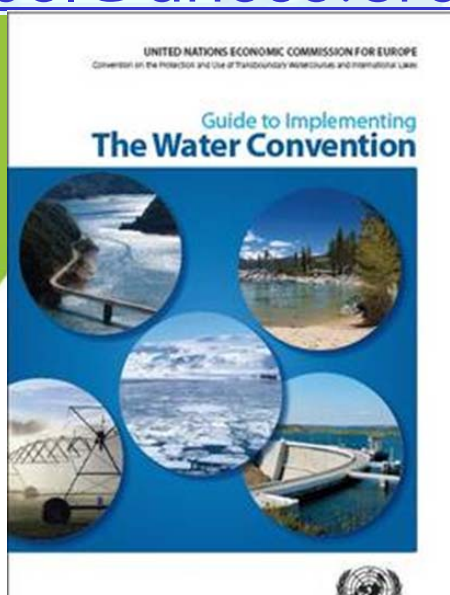
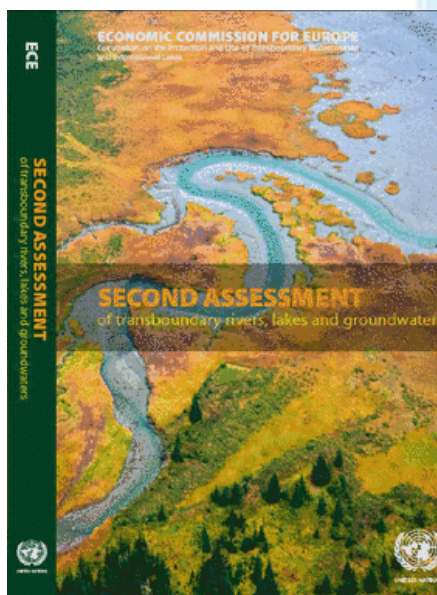


# Thank you!

## More information

including guidelines, publications and information on activities under the Convention can be found at

<http://unece.org/env/water>  
[water.convention@unece.org](mailto:water.convention@unece.org),  
[sonja.koeppel@unece.org](mailto:sonja.koeppel@unece.org)





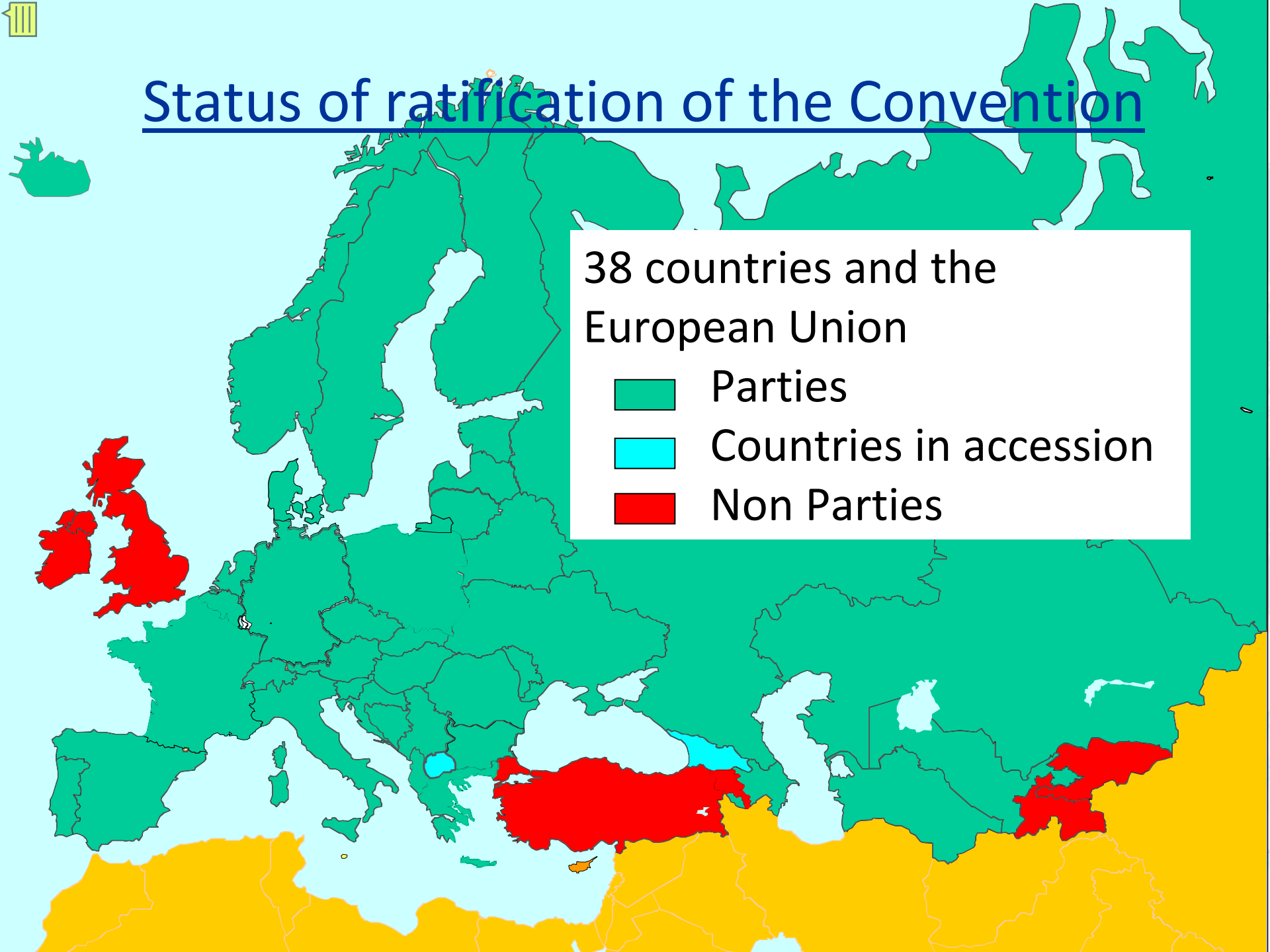
# Two categories of obligations

- 1. Obligations for all Parties => also benefit for national legislation
  - E.g. Licensing of waste-water discharges, Best environmental practice for non-point pollution sources, minimize industrial pollution, apply EIA
- 2. Obligations for Riparian Parties
  - Cooperate on the basis of equality and reciprocity
  - Conclude bilateral and multilateral agreements or revise existing ones, Establish joint bodies (e.g. river commissions)
  - Consult and exchange information, joint monitoring and assessment
  - Elaborate joint objectives and concerted action programme for their shared waters

# Status of ratification of the Convention

38 countries and the European Union

- Parties
- Countries in accession
- Non Parties



# Achievements

- ECE region is now most advanced in transboundary cooperation (show graph)
- Sava: first agreement after the war supported by Convention
- Dam safety in CA
- Chu Talas agreement