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ECONOMIC AND SOCIAL COUNCIL
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SUPPLEMENT No. 13

UNITED NATIONS

1. Recalls the inclusion of this topic in the agenda of the Seminar on Regulations and Technologies for Construction and Land Development, to be held in Paris (France) in June 1987 as part of the International Year of Shelter for the Homeless;

2. Takes note of the report of the Committee on Housing, Building and Planning on its forty-seventh session (ECE/HBP/64) and, in particular, of its work on the preparation of an ECE Compendium of Model Provisions for Building Regulations (ECE/HBP/55);

3. Recommends that its subsidiary bodies should continue their efforts on the preparation of these regulations as the first phase of a programme of action to promote the circulation of such materials, elements and components;

4. Requests the Executive Secretary to prepare a report on the implementation of this decision for the forty-third session.

12th meeting
10 April 1987
(see para.169 above)

I (42). PRINCIPLES REGARDING CO-OPERATION IN THE FIELD OF
TRANSBOUNDARY WATERS

The Economic Commission for Europe,

Recognizing the significance of the harmonious development, use and conservation of transboundary waters and aware that prevention and control of transboundary pollution in rivers and lakes crossing or forming frontiers between two or more countries, and in related ground-water aquifers, as well as prevention and control of floods, are important and urgent tasks whose effective accomplishment can only be ensured by enhanced co-operation among riparian countries,

Recalling its decision B (XXXV), whereby it adopted the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution, and other related decisions, in particular D (XXXVII) and B (41),

Taking into account the results of the Seminar on Co-operation in the Field of Transboundary Waters held in Dusseldorf at the invitation of the Government of the Federal Republic of Germany, in 1984,

Commending the efforts already undertaken by riparian countries to strengthen co-operation in the field of transboundary waters on a bilateral and multilateral level, in particular regarding prevention and control of both transboundary water pollution including accidental pollution and transboundary flood episodes,

Conscious of the role of ECE as an instrument for promoting international co-operation on prevention and control of transboundary pollution, including accidental pollution as well as floods, and in this regard recalling its decision B (41) containing recommendations to ECE Governments on co-operation in the field of transboundary waters,

1. Decides to adopt the Principles on Co-operation in the Field of Transboundary Waters, set forth hereunder;
2. Recommends to ECE member Governments that they apply these principles in formulating and implementing water policies;
3. Invites the member Governments to report in depth to the Commission at three-year intervals, through the Committee on Water Problems, on the action taken by them in this regard.

PRINCIPLES

The principles set out below should provide direction for fostering and strengthening co-operation among the countries concerned, thus facilitating and supporting their endeavours to overcome problems associated with the harmonious development, use and conservation of transboundary waters. The following principles address only issues regarding control and prevention of transboundary water pollution, as well as flood management in transboundary waters, including general issues in this field. Other issues concerning transboundary waters have not been covered in this document.

General

1. In accordance with the Charter of the United Nations, the Final Act of the Conference on Security and Co-operation in Europe (CSCE), the Concluding Document of the Madrid Meeting of Representatives of the Participating States of the CSCE and the principles of international law, every State has the sovereign right to use its own water resources pursuant to its national policy and must, in a spirit of co-operation, take measures such that activities carried out within its territory do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction. The ECE Declaration of Policy on Prevention and Control of Water Pollution including Transboundary Pollution, provides that riparian States shall undertake, on the basis of their national policies, concerted action to improve the quality of surface and ground water, to control pollution and to guard against accidental pollution.

1(a). Transboundary waters do not lend themselves to purely national approaches because natural phenomena and human activities, including effects originating beyond the transboundary area itself, may make themselves felt across borders, and require co-operation among riparian countries.

Co-operation

2. Transboundary effects of natural phenomena and human activities on transboundary waters are best regulated by the concerted efforts of the countries immediately concerned. Therefore, co-operation should be established as practical as possible among riparian countries leading to a constant and comprehensive exchange of information, regular consultations and decisions concerning issues of mutual interest: objectives, standards and norms, monitoring, planning, research and development programmes and concrete measures, including the implementation and surveillance of such measures.

2(a). On the basis of the principle of reciprocity, good faith and good-neighbourliness and in the interest of rational water-resource management and protection of these resources against pollution, riparian countries are called upon to enter into consultation if a riparian country so desires, aiming at co-operation regarding:

- Protection of ecosystems, especially the aquatic environment;
- Prevention and control of transboundary water pollution;
- Protection against such dangerous hazards as accidental pollution, floods and ice drifts in transboundary waters; and
- Harmonized use of transboundary waters.

Treaties and other arrangements

3. Riparian countries should, by means of bilateral or multilateral treaties, or of other arrangements, define their mutual relations regarding control of water pollution, accidental pollution, floods and ice drifts, in order to secure specific regulation of their conduct.

3(a). During the elaboration of such treaties or similar arrangements, riparian countries should envisage including, if necessary, these principles.

3(b). Taking into account hydrological, environmental, economic and other relevant conditions, such treaties or other arrangements could be established between neighbouring countries for all transboundary waters forming or crossing their common frontiers or could be concluded among riparian countries for specific transboundary waters separately. International co-operation frameworks may be established which cover parts or the whole river basin concerned.

3(c). Each contracting party could commit itself to taking the legislative, organizational, technical and financial measures necessary to achieve the objectives of these agreements.

Terms of agreements

4. Transboundary water agreements should stipulate the aims and objectives of joint co-operation, describe the conduct, define the geographical and substantive scope and provide for concrete measures as well as for implementation and surveillance of measures taken.

4(a). In these agreements or in subsequent arrangements, water quality standards and emission standards for particular transboundary water bodies should be established, where necessary. Such emission standards and quality objectives are aimed at the protection, preservation and improvement of the aquatic environment and at the promotion of the rational use of waters; they are complementary and should be applied simultaneously.

4(b). These agreements or subsequent arrangements should contain sufficiently detailed provisions regarding assessment of water quality and regarding monitoring and evaluation of transboundary pollution, accidental pollution,

floods, and ice drifts. They should also stipulate appropriate measures to prevent transboundary water pollution, reduce risks of water-related hazards as well as remedial measures for emergency cases.

4(c). Agreements negotiated on this subject usually contain provisions for peaceful settlement of disputes; the duration of the convention or agreement; possibilities of denunciation and periods of notice and for the distribution of expenditure resulting from the implementation of the convention or agreement.

Water-quality objectives and criteria

5. In transboundary water agreements or in subsequent arrangements, contracting parties should jointly define water quality objectives and commonly adopt water-quality criteria for the purpose of maintaining and, if necessary, improving water quality in transboundary waters.

5(a). Such objectives also serve as a guide for co-ordinating national policies on water quality. A general limitation of emissions at the national level is considered to be an important means of ensuring good water quality. Even more stringent regulations may be necessary for attaining water quality in accordance with regional requirements.

5(b). Each contracting party should implement, within the framework of its national legislation, on the basis of the principle that responsibility lies with the polluter, the necessary measures aimed at the preservation and, if possible, the significant improvement of water-resources' quality. In evaluating compliance with the qualitative characteristics of the agreed requirements, the criteria followed are the mutually observed water-quality standards and norms at the agreed site.

Institutional arrangements

6. Riparian countries should consider the setting up, where not yet existent, of appropriate institutional arrangements such as joint commissions and working groups, as a means of promoting the objectives of the agreement and facilitating implementation of its provisions. The structure, task, competence and financing of joint commissions or other co-operating bodies should be defined in the agreement.

6(a). The formal character, functions and geographical and substantive scope of activity of the commission should be adjusted to the prevailing conditions in the best possible way. Existing national structures and legal provisions in the contracting countries, as well as intergovernmental structures, should be fully taken into account together with hydrological, environmental, economic and other relevant conditions.

6(b). Where institutional arrangements are already set up, contracting parties should make full use of them by providing all necessary means for the efficient implementation of their tasks.

6(c). The commissions, working groups or other institutional arrangements should be composed of delegations appointed for this purpose by the individual contracting parties. Commissions should have their own rules of procedure for

their work. Commissions should have the right to seek advice from experts and scientific institutes and to appoint ad hoc or permanent working parties.

6(d). In the case of small projects of limited duration, ad hoc working groups could be set up by contracting parties to deal with specific concerns in common. Where the scope of the activities is broader and the projects more protracted in nature, joint commissions should be established, if necessary with permanent secretariats.

Functions of institutional bodies

7. In the respective agreements, contracting parties should stipulate the competence and tasks of commissions and other relevant bodies to achieve the best possible solution to existing and anticipated transboundary problems in the most appropriate, effective and economic way.

7(a). Transboundary water commissions or other relevant bodies should, where appropriate, be entrusted with the following functions, inter alia:

- To serve the contracting parties as an advisory and negotiating body in all matters concerning protection of water against pollution including accidental pollution, floods and ice drifts;
- To develop proposals for water-protection objectives and standards, as well as joint arrangements and control programmes, including common methodologies for monitoring and data interpretation;
- To monitor, collect, process, compare and evaluate the necessary data with a view to preparing inventories, time series and forecasts as well as to survey the state of transboundary waters and control the effectiveness of measures implemented, as a basis for drawing up new measures;
- To arrange for and carry out relevant research work in order to determine the nature, importance and origin of transboundary water pollution including accidental pollution, floods and ice drifts;
- To develop, propose, establish and operate early detection and warning systems;
- To monitor the effectiveness and compatibility of control measures implemented at the national level and to examine the extent to which objectives stipulated in the respective agreements are met;
- To prepare regular reports on work accomplished and information supplied with respect to the results of monitoring activities or special studies and surveys;
- To draft subsequent agreements on specific issues within its terms of reference;
- To co-ordinate its activities with those of other commissions where there are points of contact.

Prevention of water pollution

8. In order to protect transboundary waters against pollution, contracting parties should draw up control programmes, jointly if necessary, and implement these programmes. Contracting parties should commit themselves to taking all legal, administrative, financial and technical measures - compatible with balanced development - necessary to achieve at least an agreed upon reduction in pollution of such waters.

8(a). When defining their mutual relations, riparian States should envisage adopting provisions consistent with those adopted nationally.

8(b). For efficient control of transboundary water pollution, all waste water discharges should take place on the basis of permits issued by competent national authorities. When issuing waste-water discharge permits, specifications should be set for pollutants, both in terms of load and concentration, discharged into transboundary waters at the lowest possible amount in accordance with generally acknowledged rules of technology.

8(c). Observance of the limits for waste-water discharges stated in permits should be the subject of monitoring for compliance. The monitoring of discharges is a national task. Apart from obligatory permits for, and monitoring of waste-water discharges, great importance should be given to the monitoring of water quality in transboundary waters. The contracting parties should agree on a harmonized monitoring methodology as a means of exercising a decisive influence on the quality of transboundary waters.

8(d). In the prevention and control of transboundary water pollution, special attention should be paid to hazardous substances, especially those which are toxic, persistent and bioaccumulative, whose introduction into transboundary waters should be prohibited or at least prevented by using the best available technology; such pollutants should be eliminated within a reasonable period of time.

Reduction of flood risks

9. For transboundary water subject to risk of flooding, contracting parties should draw up programmes, jointly if necessary, in order to reduce the risk of floods and ice drifts.

9(a). Such programmes involve both harmonized construction measures along the waters and non-structural measures. The latter may comprise mutual information and notification (warning and alarm systems) before and during floods caused by precipitation and ice jams; relocation; flood mapping and zoning. When construction measures are envisaged, the entire river basin that may be affected should be investigated to avoid shifting problems onto other river sections as a result of measures taken elsewhere. In principle, activities that may increase the risk of flooding should be offset by measures which diminish these risks. The joint preparation of mathematical models for the simulation of floods is to be recommended as well as their application in designing measures and joint flood-control strategies.

Monitoring and data processing

10. Contracting parties should establish and implement co-ordinated programmes for monitoring and observation of transboundary water quality, transboundary water pollution, accidental pollution, floods and ice drifts. Likewise, common methodologies should be agreed upon for data processing and evaluation procedures.

10(a). Co-ordinated monitoring programmes and common methodologies would promote efficient implementation of relevant treaty provisions, provide for mutually acceptable assessment of water quantity and water quality and for reporting on progress and achievements in co-ordinated control programmes.

10(b). Contracting parties should, where appropriate, agree upon a list of relevant pollution parameters and pollutants, particularly for substances which are toxic, persistent and bioaccumulative, and whose introduction and concentration in transboundary waters should be regularly monitored.

10(c). In this connection, rules for the setting up and operation of programmes for the monitoring of water quality and quantity should be developed and eventually agreed upon. Furthermore, harmonized or even joint water-quality sampling programmes and analytical programmes should be agreed upon, in order to produce comparable results after analysis.

10(d). Data resulting from such programmes may also be used to establish water management balances, to assess current and future opportunities of water use, provide forecasts of water-management systems and develop schemes illustrating the comprehensive utilization and protection of transboundary waters for an appropriate period of time. Water-management balances could be achieved primarily on the national level. Sufficient relevant information should be exchanged within the framework of co-operation on transboundary waters.

10(e). As a basic principle, all data should first be recorded, collected and evaluated by each contracting party with the aid of a national monitoring network; where appropriate joint monitoring should be carried out. The data for the joint programme, following a prescribed pattern, should then be evaluated. These findings would serve as a basis for preparing conclusions in respect to common transboundary interests.

10(f). In the interest of data comparability, it is important to co-ordinate the recording, collection and transmission of data. Valid water-quality assessments can be made with the aid of a survey of pollutants and their effects on the ecosystem; trend reports are also an indispensable element in the transmission of data for protection against water-related natural phenomena.

Exchange of information

11. Contracting parties should, by means of transboundary agreements or other relevant arrangements, provide for the widest possible exchange, as early as possible, of data and information regarding transboundary water quality and quantity relevant to the control of water pollution, accidental pollution, floods and ice drifts in transboundary waters.

11(a). In addition to supplying each other with information on events, measures and plans at the national level affecting the other contracting parties, as well as on implementation of jointly harmonized programmes, contracting parties should maintain a permanent exchange of information on their practical experience and research. Joint commissions offer numerous opportunities for this exchange, but joint lectures and seminars serve also as suitable means of passing on a great deal of scientific and practical information.

11(b). The co-operating bodies should submit to the contracting parties a report, preferably annually, in which they account for their activities carried out to achieve the collective objectives. This report may also contain an evaluation of the monitoring data. The report could likewise be used to inform the public.

11(c). Besides establishing a flow of information between the contracting parties, informing the interested public is also of major importance. Only through an information policy that addresses the citizen can comprehension of the necessary measures and thus public support be obtained.

Warning and alarm systems

12. Contracting parties concerned should set up and operate efficient warning and alarm systems to counteract special cases of pollution such as pollution from accidents, negligence and offences and to reduce risks of floods and ice drifts. In such emergency cases, parties involved could consider the possibility of mutual assistance on an agreed basis.

12(a). Warning and alarm systems should consist of a small number of main communication centres, whether permanently manned or rapidly made operational which, on the basis of the national reporting system, would ensure the speediest possible transmission of data and forecasts following previously determined patterns.

12(b). Warning and alarm systems on transboundary waters should moreover be operated efficiently to permit early undertaking of corrective and protective measures, containment of damage and reduction of risks from natural phenomena and human activities on transboundary rivers.

12(c). In this connection, contracting parties should inform each other of measures taken on their territory to reduce or eliminate causes of accidental pollution, floods and ice drifts.

Services from competent international organizations

13. Riparian countries may consider the possibility of jointly seeking the services of any competent international organization in clarifying problems related to prevention and control of water pollution, accidental pollution, floods and ice drifts in transboundary waters.

12th meeting

10 April 1987

(see para.169 above)