

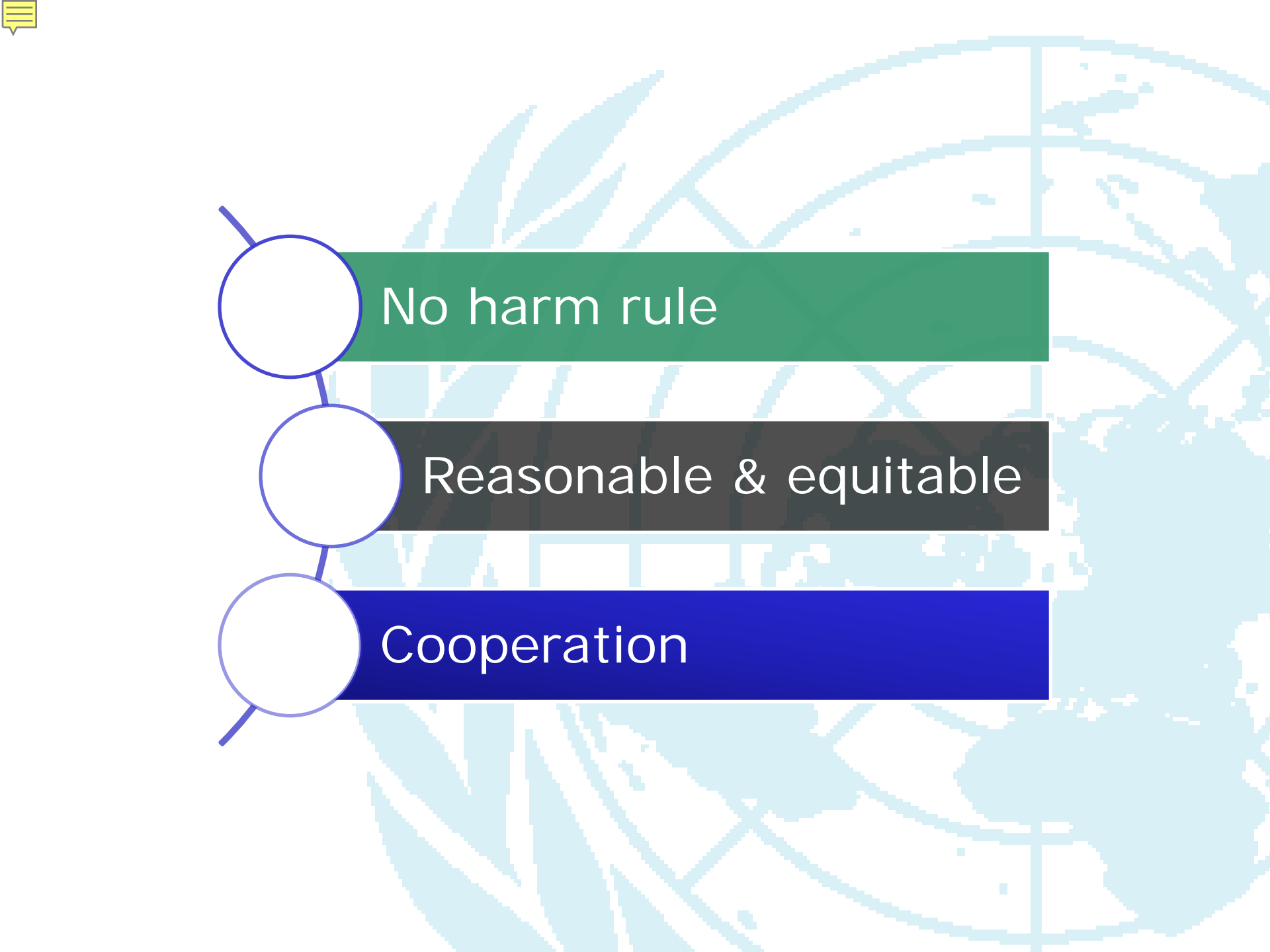


# **Main obligations under UNECE Water Convention An overview**

5 February 2015, Beirut

Nicholas Bonvoisin, Secretary to the Water Convention, UNECE



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- The background of the slide features a light blue, stylized globe with latitude and longitude lines, overlaid with several large, light blue leaf-like shapes that resemble the United Nations emblem.
- No harm rule
  - Reasonable & equitable
  - Cooperation



## **Two categories of obligations**

Part I. Obligations for all Parties

= > also benefit for national legislation

Part II. Obligations for riparian Parties

= > Convention does not replace basin agreements

## **A permanent framework**

Part III. Institutional framework

# Definitions and scope of UNECE Water Convention





# Definitions & scope of the resource

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

### Geographical scope

- “Transboundary waters” – any surface or ground waters which mark, cross or are located on boundaries between two or more States
- Not limited to water body but covering the catchment area (or recharge area for an aquifer)

### Substantive scope

- Prevention, control & reduction of transboundary impact

### Eligibility to participate

- Two categories : Parties (contracting Party) and riparian Parties (bordering same transboundary waters)



# 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

# Substantive norms of UNECE Water Convention





# Substantive norms

## UNECE Water Convention (Art. 2)

- **Equitable and reasonable utilization principle**

Equality of rights of all riparian States in the use of a shared water body

- **No significant harm**

Take all appropriate measures to prevent, control and reduce transboundary impact

- **Protection of ecosystems**

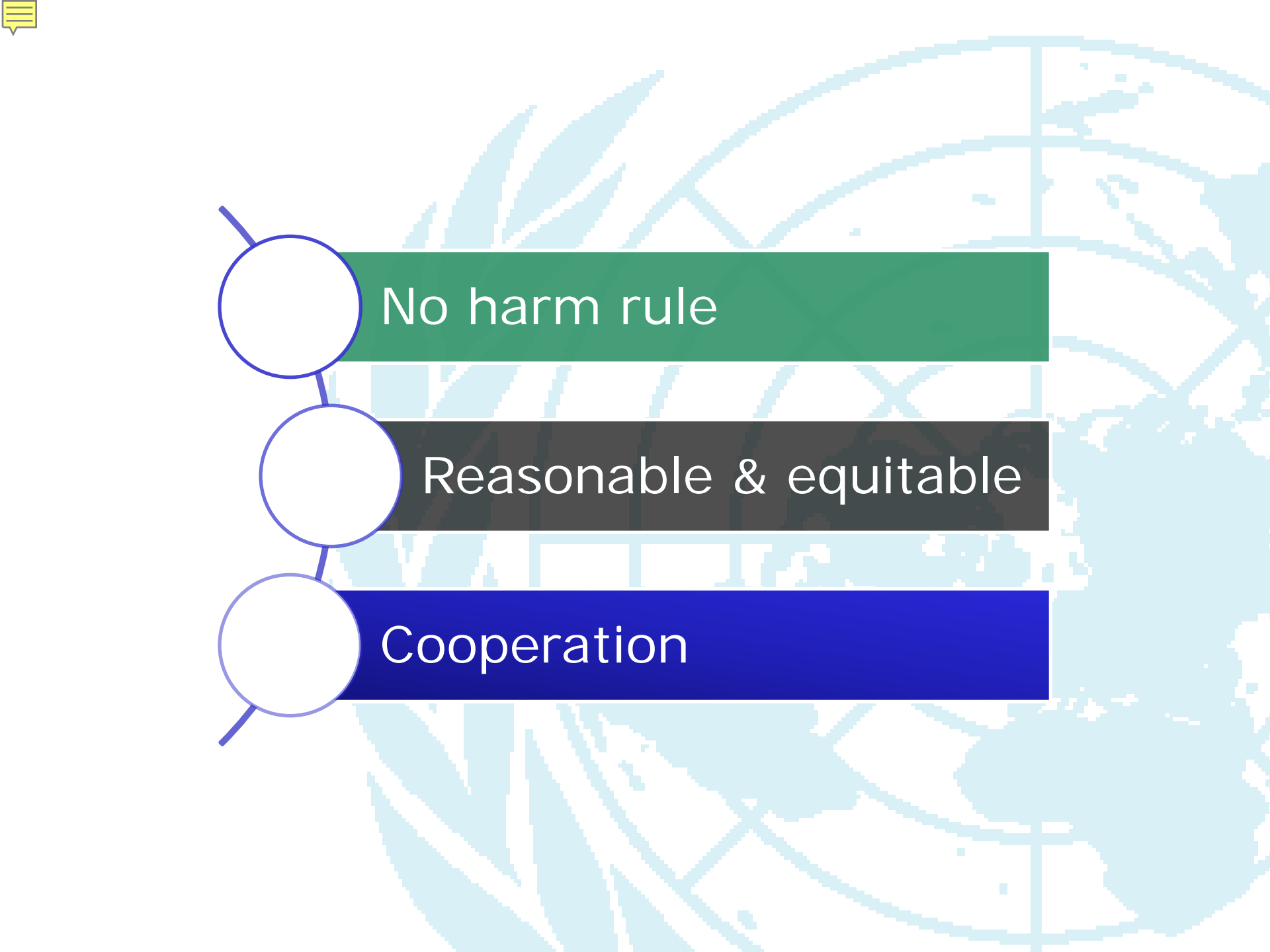
Conservation and, where necessary, restoration



# Procedural & institutional aspects of UNECE Water Convention





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- The background of the slide features a light blue, stylized globe with latitude and longitude lines, overlaid with several large, light blue leaf shapes. The globe is centered in the background, and the leaves are scattered around it, creating a natural, environmental theme.
- No harm rule
  - Reasonable & equitable
  - Cooperation



# Procedural norms

## Duty to cooperate

Principle of cooperation, to be implemented on a permanent basis through bilateral and multilateral agreements

Vast scope of application: development of harmonized (common or coordinated) policies, programmes and strategies

Can be a gradual process (due diligence)

Based on mutual trust (good faith)



# Procedural norms

## UNECE Water Convention (Art. 3-16)

- Prior licensing & monitoring of wastewater discharges
- Best available technique (BAT) measures for nutrient inputs from industry and municipal sources
- Best environmental practice (BEP) measures for diffuse pollution sources
- Environmental impact assessment (EIA)
- Contingency planning
- Monitoring programmes
- Research and development
- Exchange of information
- Warning and alarm systems
- Mutual assistance
- Public information



# Institutional aspects

## UNECE Water Convention (Art. 9)

### **Bilateral and multilateral agreements**

Enshrines general obligation to cooperate, providing the means and framework to implement this obligation

Obligation to enter into agreement or other arrangements

For riparian Parties with respect to other riparian Parties



# Institutional aspects

## UNECE Water Convention (Art. 9)

### Joint institutions

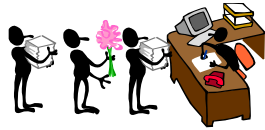
Obligation to establish joint bodies (specificity of the Water Convention)

Detailed list of tasks to be performed by joint body → consistency and substantive compatibility

If existing agreements do not provide for the establishment of joint body, take steps to adjust instruments accordingly

# Institutional framework

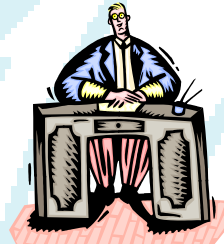
Meeting of the Parties



Implementation Committee



- *Working Group on Monitoring and Assessment*
- *Legal Board*
- *International Water Assessment Centre*



Bureau



- Task Force on Water and Climate
- Task Force on Water-Food-Ecosystems-Energy Nexus
- Joint ad hoc Expert Group on Water and Industrial Accidents

Working Group on Integrated Water Resources Management



Secretariat

# Dispute settlement mechanism







# Settlement of disputes

## UNECE Water Convention (Art. 22)

Obligation of peaceful settlement of dispute: seek a solution by negotiation or any other means of dispute settlement acceptable to parties to the dispute, to be conducted in good faith → flexible mechanism

Arbitration and adjudication not compulsory, but dispute prevention and assistance performed by the Meeting of the Parties



## **More information**

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

[www.unece.org/env/water](http://www.unece.org/env/water)

[water.convention@unece.org](mailto:water.convention@unece.org)

# 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 harmonising 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 utilisation 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, eg 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

- 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)