



Centre for
Water Law, Policy
and **Science**
under the auspices of UNESCO

Two Global Conventions: The UNECE Water Convention and the UN Watercourses Convention

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The UNECE Convention for the Protection and Use of
Transboundary Rivers and International Lakes – Key Aspects
and Opportunities for Lebanon, 4-5 Feb, 2015

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Presentation summary

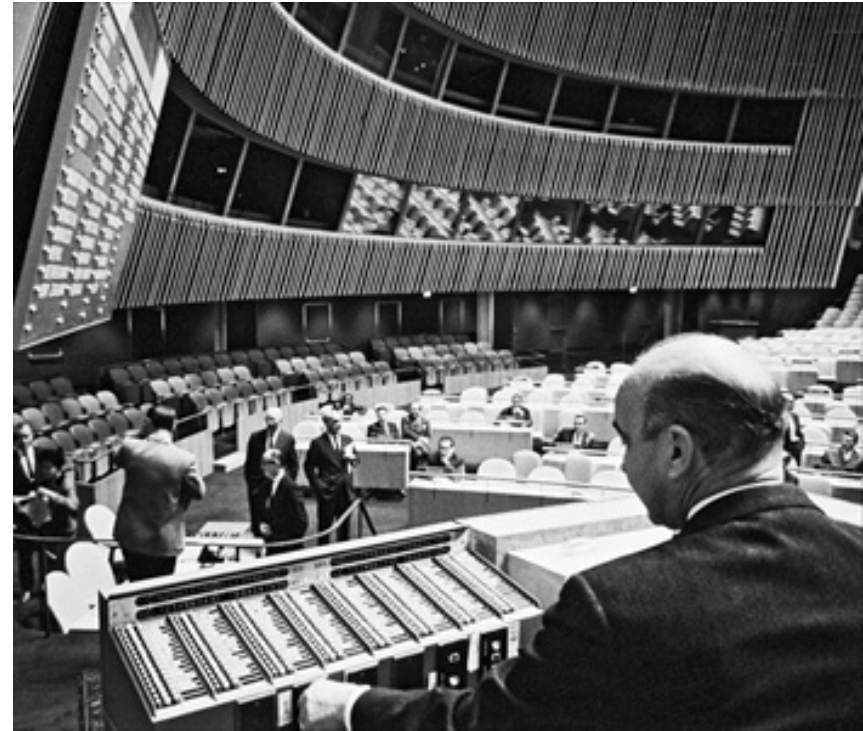
Comparing evolutionary paths

Current status

Comparative textual analysis

The UN Watercourses Convention – evolution

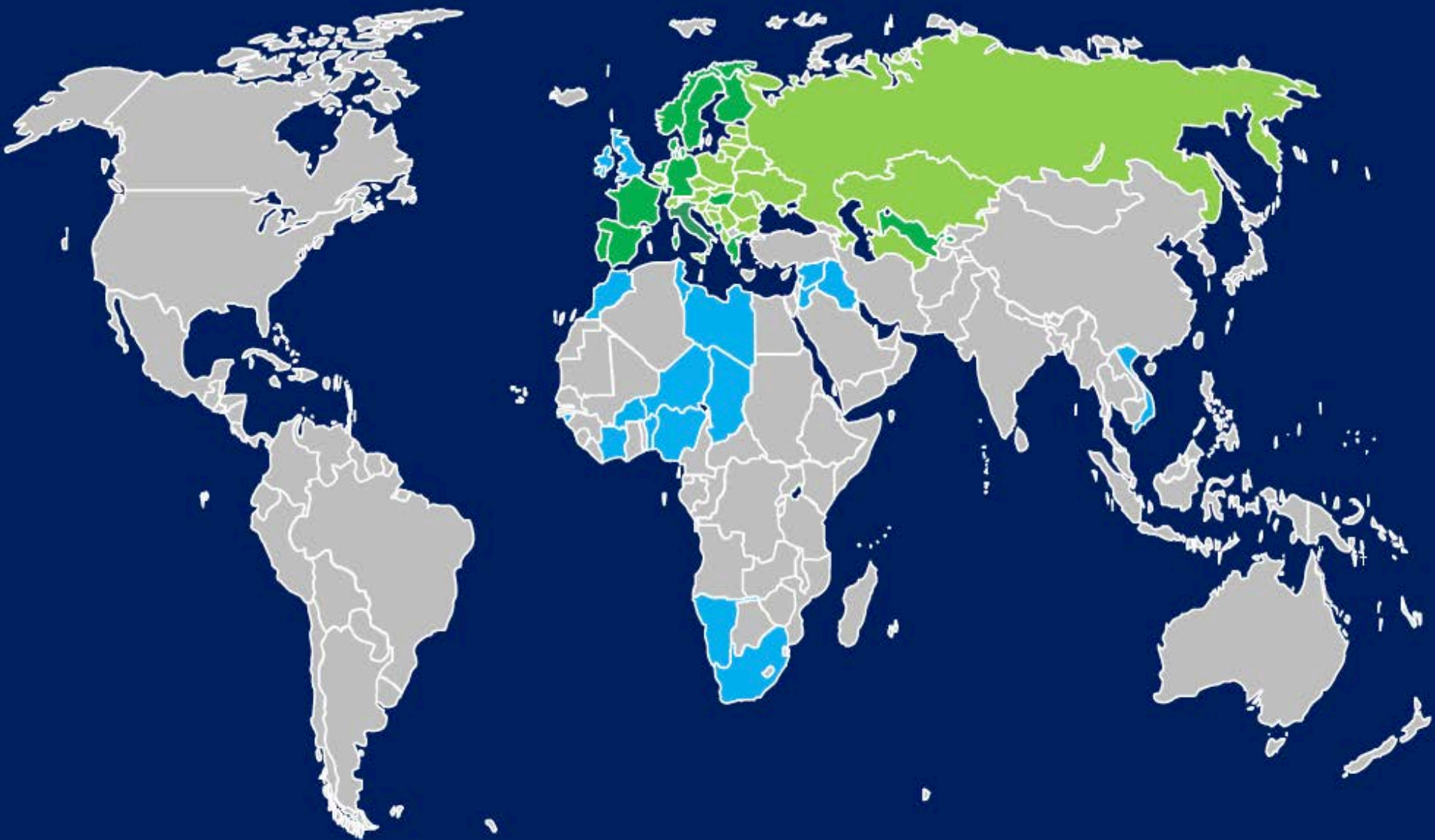
- UN GA Res 1401 (XIV), 1959
 - survey practice
- UN GA Res 2669 (XXV), 1970
 - ILC to codify and progressively develop the law
- 1976-1994
 - work of the ILC (in consultation with States)
- 1996-1997
 - negotiations in sixth committee of the GA
- 1997 Convention adopted
 - 103 in favour; 27 abstained; 3 against
- 2014 Entry into force
 - 35 Parties (36 Parties to date)



The UNECE Water Convention – evolution

- Late 1940s
 - Energy and water nexus!
- 1950s-1990s
 - Concerted effort to develop ‘non-binding’ instruments on a range of water-related topics
- 1989 Conference on Security and Cooperation
 - Call for UNECE Water Convention
- 1990-1991 UNECE Working Party on Water Problems
 - Developed draft text from UNECE secretariat
- 1992 UNECE Water Convention adopted and in force since 6 October 1996
- 1996-present
 - Concerted and successful effort to implement and develop the treaty regime
- 2003 Amendment to allow States outside the UNECE region to join





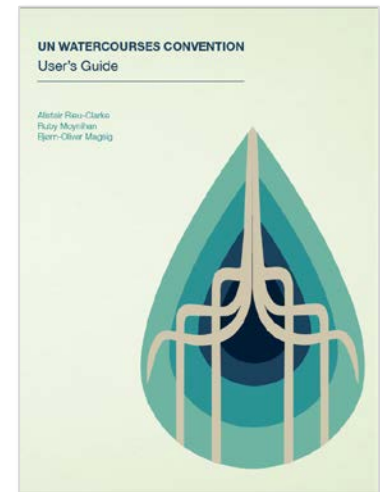
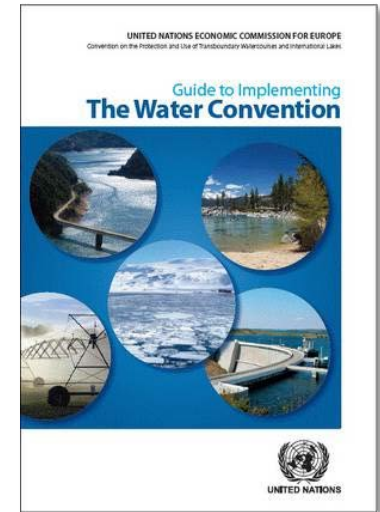
Party to UNECE Water
Convention (1992)

Party to UN Watercourses
Convention (1997)

Party to both Conventions

Comparing the text – key points to consider

- Both instrument are framework instruments
- Both derived from a bottom up approach
- Similarity is good, differences are even better!
- International law equipped to address differences
- Further info in *Guide to Implementing the Water Convention* and *UN Watercourses Convention User's Guide*



Comparative analysis

- Defining a watercourse
 - Surface water or groundwater under UNECE Water Convention
 - Surface water and connected groundwater under UN Watercourses Convention
- Entering into, or harmonising existing, watercourse agreements and joint arrangements
 - Obligation under the UNECE Water Convention (Art 9)
 - Recommendation under the UN Watercourses Convention (Art 8(2) & 24)

Comparative analysis – Substantive norms

- UNECE Water Convention
 - Obligation to **take all appropriate measures** to prevent, control and reduce any **transboundary impact** (Art 2)
 - Equitable and reasonable utilisation (Art 2(c))
 - Conservation and restoration of **ecosystems** (Art 2 (d))
- UN Watercourses Convention
 - Obligation to utilise an international watercourse in an equitable and reasonable manner (Art 5)
 - **Take all appropriate measures** not to cause **significant harm** (Art 7)
 - Protect **ecosystems** of an international watercourse (Art 20)

Comparative analysis – Procedure

UNECE Water Convention *(generally more detail)*

- Prior licensing and monitoring of waste water discharges (Art 3(1)(g))
- EIA applied (Art 3(1)(h) & Art 9(2)(j))
- Contingency planning development (Art 3(1)(j))
- Joint monitoring and assessment (Art 4, 9(2)(b) & Art. 11)
- Exchange of information (Art 6, 9(2)(c), 9(2)(h), 9(2)(i), Art. 13)
- Concerted action programme for reduction of pollution (Art 9(2)(f))
- Early warning and alarm procedures (Art 9(2)(g) & Art 14)
- Consultations (Art 10)
- Mutual assistance (Art 15)
- Public information (Art 16)

UN Watercourses Convention

- Regular exchange of data and information (Art 9)
- Notification and consultation (Art 11-19)

Detailed procedure for when to notify and consult on planned measures

- Prevention of harmful conditions (Art 27)
- Emergency situations (Art. 28)

Comparative analysis – institutional framework

- UNECE Water Convention
 - Meeting of the Parties (Art 17)
 - Secretariat (Art 19)
- UN Water Convention
 - No provision on Meeting of Parties



Key conclusions

- Different evolutionary paths but beginning to converge
- Both ultimately framework instruments that can be tailored to diverse basin contexts
- Significant synergies between the instruments
 - Similarities good; differences even better!
- Should be promoted *and implemented* in a mutually beneficial manner

Thanks for listening!