



**Convention on the Protection and Use of Transboundary
Watercourses and International Lakes**

**Working Group on Integrated Water Resources Management
Eleventh meeting**

Geneva, 18 and 19 October 2016

Item 10 (c) of the provisional agenda

WG.1/2016/INF.2

**Opening the Convention, promotion and partnerships -
Strategy for the implementation of the Convention at the global level**

**DISCUSSION PAPER ON THE STRATEGY FOR IMPLEMENTATION OF THE WATER CONVENTION
AT THE GLOBAL LEVEL**

Prepared by the Bureau with the assistance of the secretariat

Background and proposed action by the Working Group on Integrated Water Resources Management

At its seventh session (Budapest, 17-19 November 2015), the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) adopted Decision VII/3 on Establishing a framework for the implementation of the Convention at the global level (see document ECE/MP.WAT/49/Add.2).

The Decision reconfirms that the global opening and implementation of Water Convention and the promotion of cooperation worldwide through the Convention are a clear priority for its Parties.

By making the Convention universally available, Parties are “[s]eeking to create a global intergovernmental framework for transboundary water cooperation under the auspices of the United Nations, to foster advancement in this area at the policy, legal and technical levels, and to promote coherence and coordination of interventions by different actors”.

The Decision also underlines the important role that can be played by the Convention to support countries in implementing the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Paris Agreement.

To achieve the above objectives, the Decision stresses the important role to be played by all concerned actors: current Parties and prospective Parties, the secretariat, bilateral and multilateral donors, international organizations, financing institutions, non-governmental organizations, academia and other stakeholders.

To realize the full potential of the global implementation of the Convention, the Decision entrusts the Bureau and the Working Group on Integrated Water Resources Management, in cooperation with non-Parties, key partners and the secretariat, to develop a strategy for the implementation of the Convention at the global level, including the relationship with the Convention on the Law of the Non-navigational Uses of International Watercourses (Watercourses Convention) and the role of key partners, for adoption at the eight session of the Meeting of the Parties to the Convention in 2018.

To fulfil this mandate, the Bureau, with the assistance of the secretariat, has prepared the present document for discussion by the Working Group on Integrated Water Resources Management at its eleventh meeting (Geneva, 18-19 October 2016).

The document contains some draft elements of the strategy as well as a number of open questions for discussion by the Working Group.

The Working Group is invited to discuss, comment and provide inputs on:

- The overall structure of the strategy
- The parts that are partly developed: is the content complete and appropriate? Are the messages clear?
- The strategic objectives: are they the right ones? Is anything missing?
- For each strategic objective:
 - What: What should be done to achieve the objective?
 - Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?
 - Means: What tools are available or need to be developed?

DRAFT ELEMENTS OF THE STRATEGY

The Mission

Transboundary waters worldwide are managed in cooperation between riparian countries to promote sustainable development, peace and security.

Vision for the next 10 years

- *UN Member States accede to the Water Convention and manage their transboundary waters in accordance with its principles and provisions*
- *The Water Convention platform offers a global intergovernmental framework under the auspices of the United Nations to foster advancement on transboundary water cooperation at the policy, legal and technical levels, supporting the sharing of experience and mutual learning*
- *International organizations, bilateral and multilateral donors, financing institutions, academia and the civil society build win-win partnerships with the Convention*
- *Political support for transboundary cooperation at the global level is broadened and financial and human resources are sufficient to support Parties and non-Parties in their effort towards cooperative and integrative transboundary water management.*

1. Background and objectives

1. The Water Convention was originally negotiated as a regional instrument for the pan-European region. Following an amendment procedure, as of 1st March 2016 all United Nations Member States can accede to the Convention.

2. The opening and the global implementation of the Convention is a clear priority for its Parties. At the same time, the participation by more than 60 countries from outside the UNECE region in the activities of the Convention and the fact that several non-UNECE countries have already started national accession processes demonstrate that this process is also of high importance for countries outside the UNECE region.

3. This is the first strategy for the implementation of the Water Convention at the global level. In order to realize the benefits and potential advantages of the global opening of the Convention, the strategy lays the basis for the future Convention's evolution. Building on the success factors to date, the strategy defines objectives, means and approaches to ensure that the process of globalization of the Convention proceeds speedily and that the Convention's framework, modality of work and mechanisms are fit for the purpose of promoting global implementation and are able to respond to the related challenges. The strategy also aims at ensuring that partners and stakeholders can best contribute and benefit from this process, so that forces are joined, synergies been built upon and duplications avoided.

4. The strategy development has been mandated by Decision VII/3 of the seventh Session of the Meeting of Parties to the Convention on “Establishing a framework for the implementation of the Convention at the global level” (Budapest, 17-19 November 2015). The strategy complements the “Vision, for the future of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes” adopted by the sixth session of the Meeting of the Parties to the Convention (Rome, 28-30 November 2012).

5. The strategy should be adopted by the Meeting of the Parties at its eight session. Once adopted, the implementation of the strategy will be regularly reviewed by the Meeting of the Parties and its subsidiary bodies, in particular the Bureau and the Working Group on Integrated Water Resources Management.

2. The Water Convention: its importance and benefits

6. The Water Convention aims to protect and ensure the quantity, quality and sustainable use of transboundary surface waters and groundwater by strengthening transboundary water cooperation. The Convention fosters the implementation of integrated water resources management, in particular the basin approach.

7. The Water Convention requires Parties to prevent, control and reduce transboundary impact, use transboundary waters in a reasonable and equitable way and ensure their sustainable management. Parties bordering the same transboundary waters have to cooperate by entering into specific agreements and establishing joint bodies.

8. As a framework agreement, the Convention does not replace bilateral and multilateral agreements for specific basins or aquifers; instead, it fosters their establishment, implementation, and further development. The Convention enshrines a balanced approach, based on equality and reciprocity that offers benefits to and places similar demands on both upstream and downstream countries.

9. The Convention has proven its effectiveness and has made a real difference on the ground. It has fostered the development of agreements, the establishment of joint institutions and the strengthening and broadening of cooperation at both political and technical levels. At the same time, the Convention has strengthened national water governance.

10. Over the past 20 years, the Convention has proven its usefulness. It has provided an intergovernmental platform for the day-to-day development and advancement of transboundary cooperation. Its institutional framework has supported Parties and non-Parties in implementation, by promoting the sharing of experience, the development of guidance tools, fostering mutual assistance and adapting its work to the evolving needs of countries.

11. The Convention is also a powerful tool to promote the achievement of other global commitments, in particular other multilateral environmental agreements. It has contributed to the MDGs realization. Its role towards the achievement of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals will be even greater, in particular with respect to SDG 6 to “Ensure availability and sustainable management of water and sanitation for all”, and its target 6.5 calling for transboundary cooperation to implement integrated water resources management.

3. Global water issues and challenges for transboundary cooperation and the implementation of the Convention

12. Water use in many areas of the world is unsustainable and the water resource situation is projected to aggravate in the coming decades due to increasing pressures from agriculture, energy

production and population growth as well as from the effects of climate change. The main challenges include:

- a) Pressures due to poor management practices, pollution, overexploitation, unsustainable production and consumption patterns, hydromorphological alterations, inadequate investment in infrastructures and low efficiency in water use;
- b) Competition between water-using sectors and poor integration and coherence of sectoral policies;
- c) Climate change impacts on water resources, such as increased intensity and frequency of extreme weather events and impacts on quality and quantity, as well as increased demands from different sectors due to climate change (e.g., increased irrigation needs, increased hydropower production for climate change mitigation).

13. As international river basins account for nearly half of the earth's land surface and generate roughly 60% of global freshwater flow and that 40 per cent of the world's population live in shared basins, transboundary water cooperation will be increasingly vital to prevent conflicts and ensure effective and sustainable use and management of shared resources. However, in many cases

- a) Cooperation in many basins is not adequate to tackle the above problems, for a variety of reasons, including weak legal and/or institutional frameworks, insufficient implementation of joint policies and regulations, etc.;
- b) There is a low political will towards sustainability and transboundary cooperation, in some cases based on the (mis)perception that finding cooperative solutions hinders national interests rather than bringing benefits;
- c) Due to the long term nature of cooperation, to sustain progress there is a need for long term interventions which often do not correspond to the capacity and strategy of partners supporting such processes, nor to the interest in short term return by decision makers;
- d) Progress in transboundary water cooperation is not tracked, there is no mechanism for countries and other actors to measure advancements and set back and be accountable for them;
- e) Financial and human resources at the national and transboundary levels are lacking;
- f) Moreover, due to the lack of effective coordination mechanisms, there are many instances of duplication of activities by different actors, lack of coordination and missed opportunities to develop synergies. Resources are therefore wasted. But generating the political will to change such an approach will prove demanding.

14. There are also a number of challenges linked to global accession and global implementation of the Water Convention:

- a) While awareness about the Convention outside the UNECE region has grown remarkably in the past years, the Convention is still not known enough, at both technical and political levels;
- b) The entry into force of the Convention on the Law of the Non-navigational Uses of International Watercourses in 2014 is a great opportunity to strengthen international water law and promote transboundary water cooperation. The two Conventions are coherent and complementary and most effective as a package. They therefore need to be promoted together. However, the relationship between the two Conventions generates confusion that need to be clarified. Moreover, politically, it might prove not easy to convince about engaging in a double accession process. At the same time, having a very different membership of the two Conventions would weaken both instruments and their implementation.
- c) There are increasing demands vis-à-vis the Convention by Parties and non-Parties for support regarding implementation and compliance, including the in the form of assistance field projects and capacity building. The response capacity of Parties and the secretariat is very limited compared to such demands

4. Opportunities from the global opening of the Water Convention

15. The global opening of the Water Convention is a unique occasion to build a framework that can better respond to the above problems, providing many opportunities to countries, both Parties and prospective Parties, international organizations, financing institutions and the civil society.

16. The moment is timely. On one hand challenges are growing and responses are urgent. On the other, the implementation of the 2030 Sustainable Development agenda, the political momentum and the national and international arrangements it will trigger provide a window of opportunity for building a platform in the UN system that can best support efforts of governments and other actors.

Opportunities for Parties and prospective Parties

17. Current and prospective Parties to the Convention can greatly benefit from acceding and implementing it and from establishing a global framework bringing together countries, international organizations, financial institutions and NGOs to address technical, political and financial issues related to transboundary cooperation. Among others,

- a) The Convention's implementation brings strengthened water governance, in particular a better application of integrated water resources management, including the conjunctive use of groundwater and surface water, and the integration and reconciliation of sectoral policies, at both national and transboundary levels.
- b) Countries and joint bodies benefit from the existing experience under the Convention, e.g. its guidance documents, activities and projects on the ground, learn from each other and exchange good practices, thereby strengthening their capacity to address transboundary water challenges.
- c) The Convention and its institutional framework support countries' efforts towards the implementation of SDGs, in particular target 6.5 (by 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate), including the tracking of progress through the Convention's reporting mechanism, the development of political and technical responses and the establishment of partnerships
- d) Through the Convention's framework, countries can get support and direct assistance from other countries, international organizations and development partners to tackle emerging issues and solve their transboundary cooperation problems. In particular, the Convention's framework can provide easier access to financial resources, by bringing together bilateral and multilateral donors
- e) The Convention reduces uncertainty in relations between riparian States and helps prevent potential tensions, disagreements and differences, so contributing to the maintenance of international peace and security. Parties have also given themselves specific tools, in particular the Implementation Committee, to facilitate cooperation and prevent conflicts
- f) Through a global framework, countries can strengthen political attention and commitment to transboundary water cooperation. Moreover, Parties can further develop the Convention's regime by negotiating new instruments (both legally and non-legally binding) to better respond to global transboundary water issues.

Opportunities for international organizations, international financial institutions and bilateral and multilateral development partners, the civil society and NGOs

18. There is a plethora of very engaged actors supporting transboundary water cooperation processes which are key to ensure progress in this area. These actors by participating and contributing to the Convention's framework and work can increase the efficiency of their actions and better support countries in the implementation of the Convention and the strengthening of transboundary water cooperation worldwide. In particular,

- a) The Convention's framework can offer a global platform for coordination of activities and interventions, promoting synergies, joining forces, avoiding duplications of initiatives and ensuring continuity of efforts

- b) The Convention's framework can offer a global platform for the exchange of knowledge, where actors can tap from existing experience and access available tools, and at the same time upscale the impacts of their efforts by promoting them worldwide
- c) The Convention's framework can provide an accountability framework where countries and partners can demonstrate progress. For instance, the regular reporting under the Convention can provide a useful tool to measure progress and impacts of interventions.
- d) The Convention's framework represents a unique intergovernmental political forum where issues can be raised, political attention can be catalysed and actors can engage in dialogue with other stakeholders
- e) The Convention's framework can provide easier access to financial resources also to international organizations and other actors, by bringing together bilateral and multilateral donors
- f) The Convention can ensure a higher sustainability of cooperation projects and reduce investments risks thanks to the legally binding long term commitments taken by countries and the continuous support to cooperation
- g) The Convention's implementation as well as the many activities carried out under its framework strengthen countries capacity and improve bankability of projects and the efficiency in their implementation
- h) The Convention embeds progressive provisions for public information and promotes public participation, strengthening civil society rights in this respect
- i) The Convention's intergovernmental framework offers an open and participatory forum for civil society engagement, to raise political attention to global and specific issues.

5. Strategic objectives

In the final strategy, for each strategic objective, clear actions should be defined, together with the responsible actors and the tools and means to implement them.

Therefore, for each strategic objective, the Working Group should discuss:

What: What should be done to achieve the objective?

Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?

Means: What tools are available or need to be developed?

Actions should include the kind of activities which are already implemented under the Convention in support of the global opening (such as capacity building and awareness activities). However, the strategy should also aim at putting into place new actions, mechanisms and approaches, at involving partners in a different and more effective manner, so to take full advantage of the opportunities provided by the global opening of the Convention.

In the following section, some examples are listed to inspire the discussions in the Working Group meeting.

Goal 1: Increased awareness and political support to the Convention

What: What should be done to raise awareness about the Convention at the political level?

Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?

Means: What tools are available or need to be developed?

Example:

What: Political demarche by a number of Parties through their diplomatic channels to highlight the benefits of the Convention

Who: Involvement of Ministries of Foreign Affairs from Parties and non-Parties

Means: Preparation of short advocacy material highlighting the benefits of accession and responding to frequently asked questions about the Convention

Goal 2: Increased capacity to implement the Convention

What: What should be done to increase capacity to implement the Convention?
Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?
Means: What tools are available or need to be developed?

Example:

What: Support the development of agreements and the establishment of institutions
Who: Experts from the ministries and institutions responsible for transboundary water management, international organizations, river basin organizations, donors, secretariat
Means: Assistance projects by Parties, international organizations and other actors
Technical and policy guidance developed under the Convention (available, to be translated in other languages, as needed)
Train-the- trainer on the Convention and its tools

Goal 3: Increased accession to the Convention

What: What should be done to increase accession to the Convention?
Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?
Means: What tools are available or need to be developed?

Example:

What: Country-to-country support between existing and prospective Parties to clarify the obligations of the Convention and their practical implementation
Who: Experts from the ministries and institutions responsible for transboundary water management
Means: Technical and policy guidance developed under the Convention (available)
Field visits, establishment of points of contact for direct exchange between countries

Goal 4: Enhanced partnerships and better synergies with other actors

What: What should be done to enhance partnerships and improve synergies with:

1. Watercourses Convention
2. GEF
3. Regional commissions, regional organizations
4. International organizations such as UNESCO, IUCN, UNEP and others
5. International Financing Institutions, such as the World Bank and regional development banks
6. Private sector
7. NGOs

Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?
Means: What tools are available or need to be developed?

Example:

What: Joint support by the secretariat and the relevant UN regional commissions to countries for accession and implementation of the Convention
Who: UN Regional Commissions' secretariat and prospective Parties expressing the demands

Means: Assistance projects and capacity building events
Inclusion of these tasks in the work programme of the different regional commissions

Goal 5: Supporting SDGs implementation, in particular target 6.5, through the Convention

What: What should be done so that the Convention can best support the SDGs implementation, in particular:

1. In relation to the follow-up and review of transboundary aspects in target 6.5 and the Water Convention's reporting
2. In relation to the policy inputs on transboundary water management and cooperation to the High Level Political Forum

Who: What is the role of the different actors (Parties, non- Parties secretariat, partners)?

Means: What tools are available or need to be developed?

Example:

What: Preparation of regular reports on the status of transboundary water cooperation and progress in the implementation of target 6.5 as inputs to the High Level Political Forum

Who: Countries, Convention's secretariat, UNESCO, UN Water

Means: Reporting exercises, e-reporting, data elaboration