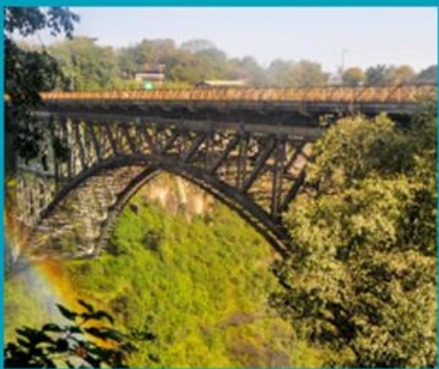


Practical Guide for the Development of
Agreements or Other Arrangements
for Transboundary Water Cooperation



Support for the Development of Transboundary River Agreements and Basin Institutions under the Water Convention: practical guide on developing agreements

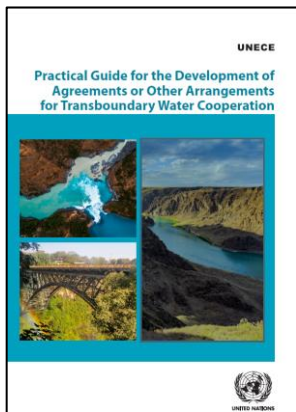
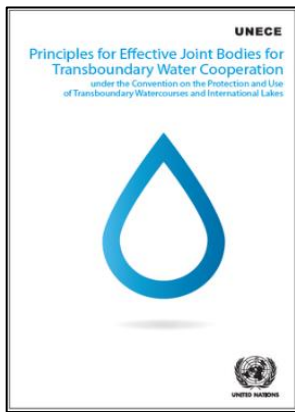
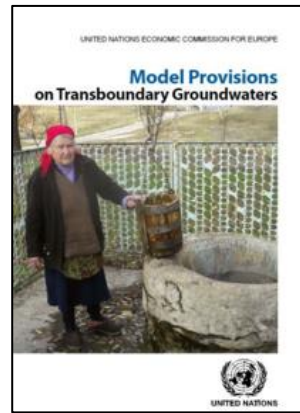
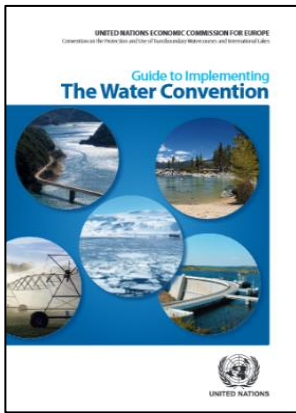
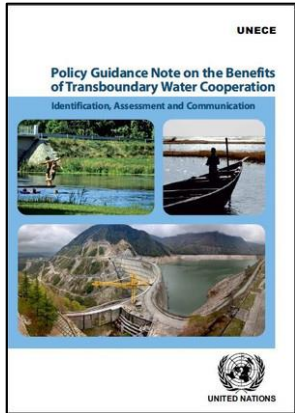
Komlan Sangbana

Legal Officer, Water Convention Secretariat

Provisions of the Water Convention (Art.9)

- Obligation to enter into agreements
- Obligation to establish a joint body

Tools of the Convention



Experiences and impact on the ground

- More than 80 bilateral/basins agreements signed by Convention's Parties since entry into force of the Convention
- Global workshops on progress of cooperation and RBOs (including designing legal frameworks)
- Support to Parties and other countries through projects

Background for the preparation of the Practical Guide

- Reporting under the 1992 Water Convention and on SDG indicator 6.5.2, which measures the existence of operational arrangements in shared basins, show that developing agreements on transboundary waters remain a challenge
- **At its eighth session in October 2018**, the Meeting of the Parties to the 1992 Water Convention therefore decided to **undertake activities supporting the development of agreements** and the establishment of joint bodies, including the preparation of a practical guide on developing agreements and good practices

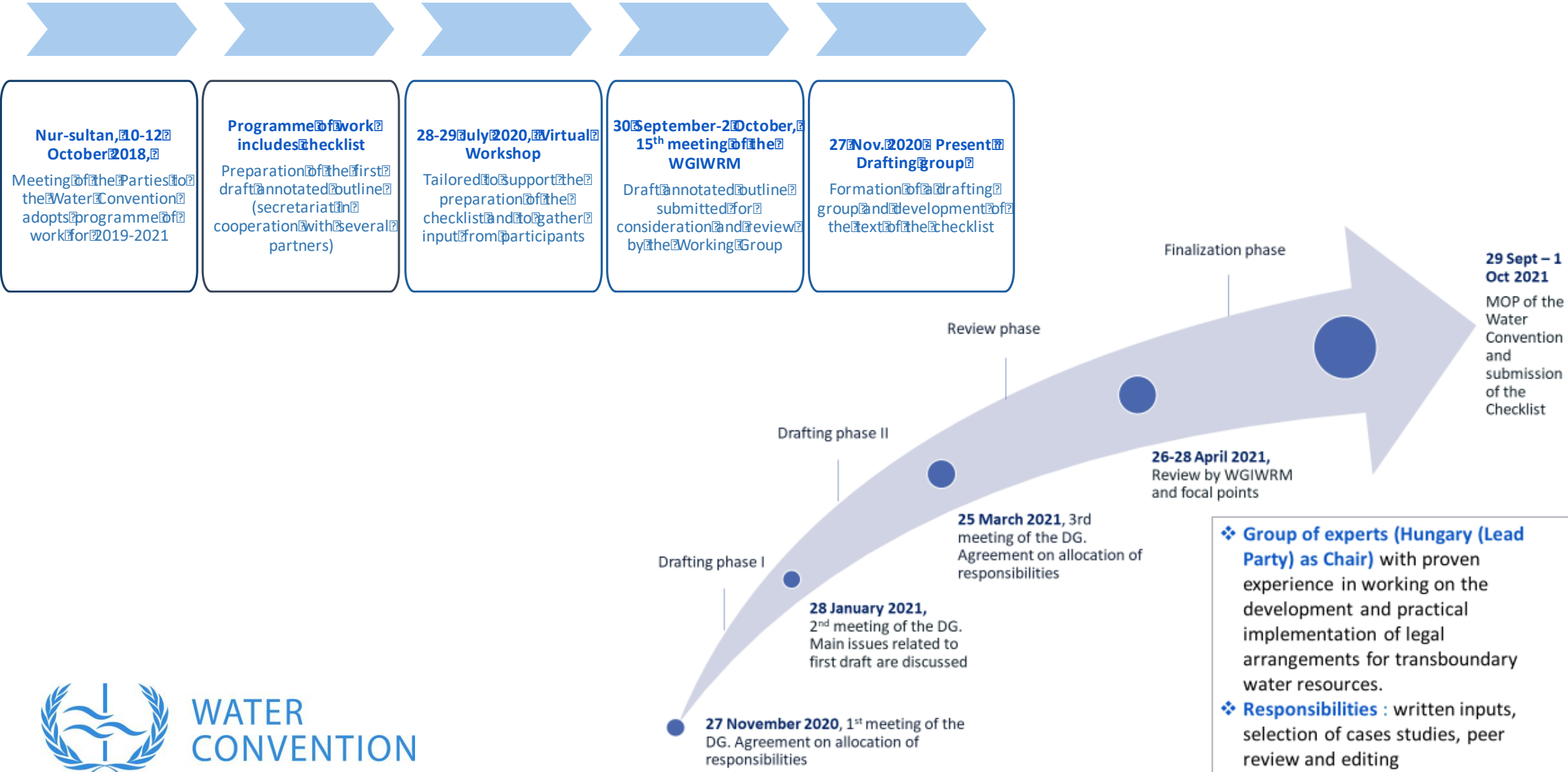
Objective: support countries in the **design and drafting** of agreements or other arrangements for transboundary waters that are effective, adaptable and sustainable.

Focus: on **content and drafting options** rather than on process.

Target audience: State representatives, legal and technical experts, decision-makers involved in negotiation of agreements or other arrangements for transboundary waters, the staff of river basin organizations, regional organizations, and other stakeholders working on transboundary cooperation and water diplomacy are the target audience of the Practical Guide.

Publication available at: <https://unece.org/info/publications/pub/361821>

Elaboration of the Practical Guide



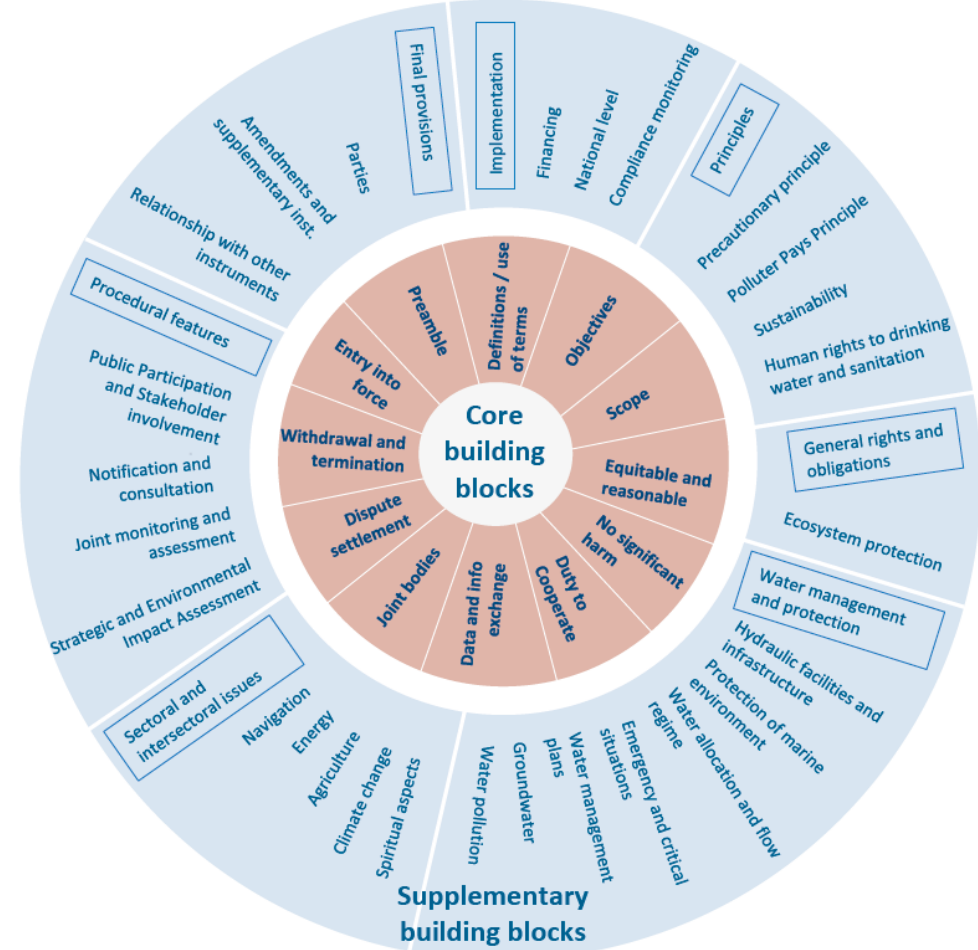
WATER
CONVENTION

Structure of the Practical Guide

- **6 thematic modules:** Preamble; General provisions; Substantive content; Procedural features; Implementation, institutional framework and dispute settlement; Final provisions.
- **Building blocks** provisions/issues that countries may consider including within each module
- **Key aspects:** help define content of building blocks

- **Introductory text** to each building block, setting out its context and rationale;
- **Key considerations**, which explain different approaches that might be taken within the arrangements, and the implications thereof;
- **Examples from treaty practice** that illustrate how to frame a particular provision; and
- **Supporting resources**, assist in further developing the content

How to use the Practical Guide?



Identify thematic modules to structure the arrangement or the agreement

Consider which building blocks to include from each module

Decide upon the type of provision to develop within a particular building block

Rely on support resources for further details, justification and explanations

Key messages

1. There are several benefits to developing agreements or arrangements for transboundary water cooperation.
2. The process of developing an agreement or other arrangement is itself an important outcome.
3. Arrangements can take many shapes and forms.
4. Consider existing national and international law and practices.

The Practical Guide in action

- ❑ **Application of the Practical Guide and request for capacities building activities from countries:**
 - **France and Switzerland – Rhône River:** apply the Practical Guide for negotiation to develop a legal framework for a joint cooperative management of the Rhône river
 - **Senegal, Guinea Bissau, The Gambia, Mauritania - Senegalo-Mauritanian aquifer basin:** support to development of agreement and joint bodies requested on the Guide for development of agreements and Model Provisions on groundwater
 - **Zambia- DRC- Luapala basin** - support to development of agreement and institution requested based on the guide for development of agreements.
 - **Panama/Colombia (Rio Jurado basin)** – provide guidance to the development of a bilateral agreement based on the Guide,
 - **SICA countries** – support to the development of regional guidelines for transboundary waters in Central America (used EU project so far)
- ❑ **Support from the secretariat are provided upon request and availability of funds (priority to Parties, Parties interested to accede)**

Programme of work 2022-2024:

- Possible regional training for SADC region on the Practical Guide in 2023
- Global Workshop on developing agreements and establishing joint bodies hosted by Hungary will be organized to support cooperation processes, promoting the “Practical Guide on the development of legal frameworks for transboundary water cooperation” and the “Principles for Effective Joint Bodies for Transboundary Water Cooperation”, and facilitating the exchange of experiences (2023/2024)



THANK YOU

Water Convention:

<https://www.unece.org/env/water/>

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