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

The Water Convention: responding to global water challenges



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THE WATER CONVENTION: RESPONDING TO GLOBAL WATER CHALLENGES

Access to clean water is one of the critical issues of the twenty-first century. While demands for water continue to increase, availability is dwindling. Water resources are stressed by overuse and pollution and floods and droughts are becoming more frequent and intense.

Water resources that cross political boundaries cover nearly half of the earth's land surface and account for an estimated 60 per cent of global freshwater flow. They support the incomes and livelihoods of more than 3 billion people and play a crucial role for countless ecosystems. Cooperation on shared water resources is therefore vital to secure peace and stability, economic development and growth, the protection of natural resources and sustainable development.

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) aims to protect and ensure the quantity, quality and sustainable use of these transboundary water resources by facilitating and promoting cooperation.

The Convention is designed to be applied in very different settings and conditions. It is implemented in water-rich as well as water-scarce countries. As the level of ambition of the implementation required is proportionate to the capacity and means of Parties, the Convention is ratified and implemented by countries with different levels of development. The Convention is based on equality and reciprocity. Therefore, it defends the rights and defines the obligations of both upstream and downstream countries.



“The Water Convention can help the world respond to the global challenge of sharing transboundary water resources in a sustainable and peaceful manner. I urge all United Nations Member States to accede to and implement this indispensable tool.”

António Guterres, United Nations Secretary-General



FROM REGIONAL TO GLOBAL

The Water Convention started as a regional convention for the Member States of the United Nations Economic Commission for Europe (UNECE). The Convention was adopted in Helsinki, Finland, in 1992 and entered into force in 1996. In 2003, the Convention's Parties agreed to amend the treaty to make it possible for any United Nations Member State to accede to this instrument. In 2016, the Convention officially became a global legal framework for transboundary water cooperation available for all Member States.

Like the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses, the 1992 Water Convention is based on and reflects customary international law. The two conventions are fully consistent and coherent, and the few differences between them provide useful complementarities. There is therefore significant benefit in promoting and implementing the two water conventions as a package and several countries are Parties to both instruments.

The Water Convention provides a unique legal and intergovernmental platform for transboundary water cooperation. More than 110 countries from all over the world are participating in its meetings and activities, including non-Parties, which can request assistance in acceding to the Convention and applying its provisions.

THE CONVENTION'S PROVISIONS: HOW DO THEY WORK?

The Water Convention is a framework agreement, which does not replace specific bilateral and multilateral agreements on transboundary basins and aquifers. Instead, it fosters the establishment and implementation of such agreements, as well as their further development. The Convention establishes principles and rules that form the basis for countries working together to protect and sustainably use their shared freshwater resources.

THE THREE PILLARS OF THE CONVENTION

The Convention has **three central obligations or principal pillars**

PILLAR 1 *Prevent, control and reduce transboundary impacts*

Parties are required to take measures to prevent, control and reduce any transboundary impact on the environment, human health and safety and socioeconomic conditions. Such measures include undertaking environmental impact assessments and other means of assessment, preventing and reducing pollution at its source, licensing and monitoring wastewater discharges and developing and applying best environmental practices to reduce inputs of nutrients and hazardous substances from agriculture and other diffuse sources.

Parties are obligated to use water resources sustainably, taking into account the ecosystem approach. They are also required to set water-quality objectives and criteria, draw up contingency plans and minimize the risk of accidental water pollution.

PILLAR 2 *Ensure reasonable and equitable use*

Parties must ensure that transboundary waters are used in a reasonable and equitable way. Whether the use of a watercourse can be considered reasonable and equitable depends on the specific characteristics of the basin, the population dependent on its waters, the existing and potential uses, the impact of such uses, the availability of alternative uses and other factors. In any case the use of water must be sustainable — that is, it should take into account the needs of future generations.

PILLAR 3 *Cooperate through agreements and joint bodies*

In order to translate the two previous obligations into practice, the Convention requires Parties to conclude transboundary agreements and set up joint bodies to cooperate on the management and protection of their transboundary waters. The Convention encourages cooperation on the river basin level. Joint bodies, such as river or lake commissions, are tasked to:

- Provide a forum for the exchange of information on existing and planned uses of waters, as well as on pollution sources and the environmental conditions of waters;
- Serve as a platform for regular consultations;
- Set up joint monitoring programmes;
- Carry out joint or coordinated assessments of the conditions of their shared waters and of the effectiveness of the measures taken to address transboundary impacts;
- Decide on emission limits for wastewater and set up joint water quality objectives;
- Develop concerted action plans for the reduction of pollution loads;
- Establish warning and alarm procedures.



The Convention's general obligations are of a due-diligence nature. This means that the level of implementation required is proportionate to the capacity of the Party concerned: the higher the degree of scientific, technological, economic and administrative development and capacity of the Party, the higher the standards of care expected and required by it. The Convention is therefore a flexible instrument which can be acceded to and implemented by countries with very different levels of development and capacity.



THE CONVENTION'S INSTITUTIONAL STRUCTURE

The Implementation Committee provides a simple, non-confrontational, non-adversarial, transparent and supportive mechanism to facilitate and support implementation of and compliance with the Convention

An important strength of the Convention lies in its institutional framework. The highest decision-making body of the Convention is the Meeting of the Parties, which convenes every three years. The Meeting of the Parties takes decisions that support the implementation of the Convention, including the adoption of amendments and Protocols, the development of soft law instruments to facilitate interpretation and implementation, and the definition of three-yearly programmes of work to respond to common challenges in implementation.

In the period between sessions of the Meeting of the Parties, a number of subsidiary bodies support Parties and non-Parties in implementing the Convention's provisions and the decisions of the Meeting of the Parties. These include bodies of a more political and policy-orientated nature — such as the Bureau, the Working Group on Integrated Water Resource Management or the Working Group on Monitoring and Assessment — and bodies of a more technical nature, that work on resolving practical and concrete issues — such as the Task Force on Water and Climate, the Task Force on the Water-Food-Energy-Ecosystem Nexus or the Joint Expert Group on Water and Industrial Accidents. These bodies, which normally meet once per year, review activities carried out by Parties and non-Parties to implement the Convention, in particular activities in its programme of work. They provide an important platform for the exchange of experiences and good practices, mutual learning and capacity-building.

In addition, the Implementation Committee provides a simple, non-confrontational, non-adversarial, transparent and supportive mechanism to facilitate and support implementation of and compliance with the Convention.

A permanent secretariat, hosted by UNECE in Geneva, services the Convention and its different bodies.

The institutional framework assists countries in the implementation and progressive development of the Convention. In other words, a Party is not left alone to implement the Convention: its needs and expectations may be brought to the attention of the Meeting of the Parties and its subsidiary bodies for advice and assistance.

The International Water Assessment Centre, hosted by the Government of Kazakhstan in Astana, is the Convention's collaborative centre to support the sustainable management of transboundary water resources and the implementation of the Convention in Central Asia, in its neighbouring countries and beyond.



SETTING UP AGREEMENTS AND JOINT INSTITUTIONS

The Water Convention has influenced the work of many joint bodies and prompted the establishment of several new ones

The Water Convention has played and continues to play a crucial role in the pan-European region in supporting the establishment and strengthening of cooperation on water, among countries and among users. Most of the transboundary water agreements negotiated after the break-up of the Soviet Union and the former Yugoslavia are modelled on the Convention. Examples from across Europe include the agreements on the Danube, Meuse and Scheldt basins. The Convention has also inspired agreements beyond the UNECE region, such as the Water Charters of the Lake Chad and Niger basins, and the agreement between Kazakhstan and China to protect the water quality of their transboundary rivers.

The Water Convention has influenced the work of many joint bodies and prompted the establishment of several new ones. Examples include the commissions for the Oder and Sava Rivers and for Lake Peipis.

In Central Asia, the sharing of water resources between upstream and downstream countries is particularly problematic, generating tension and insecurity. The cooperation on the Chu and Talas Rivers shared by Kazakhstan and Kyrgyzstan is a remarkable example of progress towards finding mutually beneficial solutions. The two countries concluded an agreement in 2000 and inaugurated the Chu-Talas Commission in 2006. The Commission is a mechanism for Kazakhstan and Kyrgyzstan to share responsibility for water infrastructure used by both countries. The Water Convention supported this important step and continues to help the two riparian countries broaden their cooperation.



LEGAL FRAMEWORKS TO IMPROVE WATER GOVERNANCE: THE EXAMPLE OF TURKMENISTAN

The Convention recognizes that sound transboundary water management needs to be rooted in solid national governance. The National Policy Dialogues (NPD) on Integrated Water Resources Management form a part of the work programme of the Water Convention. NPDs are platforms where key stakeholders from different sectors meet regularly at the national level to discuss and advance water policy reforms, with the support of the UNECE secretariat.

Since 2010, the NPD in Turkmenistan has supported the process of the country's accession to the Water Convention and the revision of the national legal frameworks for water management and protection. As a result, Turkmenistan became Party to the Convention in 2012 and adopted a modern Water Code in 2016. The new Code opens up the possibility for a shift from administrative to basin principles, clarifies the rights of water user associations, introduces goals for close cooperation with neighbouring countries and foresees the possibility to establish joint bodies for the management of transboundary water bodies.

ADDRESSING GLOBAL CHANGE AND RECONCILING COMPETING DEMANDS: THE WATER- FOOD-ENERGY- ECOSYSTEM NEXUS

... population growth, urbanization and economic development increase the demand for water, food and energy while putting additional pressure on ecosystems

Trends of global change, such as population growth, urbanization and economic development, increase the demand for water, food and energy while putting additional pressure on ecosystems. Recognizing the interlinkages between these sectors, which can cause friction in transboundary basins, Parties to the Water Convention have tackled the challenge of the water-food-energy-ecosystem nexus by developing a methodology for intersectoral dialogue in transboundary basins to foster cooperation. A number of participatory intersectoral assessments, informed by analysis, have been carried out in transboundary basins, such as the Alazani/Ganykh, the Sava and its tributary, the Drina, and the Syr Darya. This inclusive approach provides a good basis for identifying solutions jointly. Moreover, meetings and workshops on the water-food-energy-ecosystem nexus provide for exchange of experience on intersectoral impacts and trade-offs as well as good practices to address them.



IMPROVING DAM SAFETY IN CENTRAL ASIA

In Central Asia, failure of a dam, even of medium size, can have disastrous consequences in the often densely populated downstream regions and countries. In this region there is therefore a growing concern over the safety of the more than 100 large dams and other water infrastructure located on transboundary rivers. The Dam Safety Project under the auspices of the Water Convention helps Central Asian countries to develop, revise and harmonize their national laws on the safety of dams and other water infrastructure and also to strengthen institutions in charge of dam safety. At the national level, the project aims at improving legal and institutional capacity of authorities involved in dam safety management. At the regional level, the project enhances regional collaboration on dam safety with the objective of ensuring permanent cooperation, including through the timely exchange of information and notification in case of dam-related accidents.

IDENTIFYING AND COMMUNICATING THE BENEFITS OF TRANSBOUNDARY WATER COOPERATION

Transboundary water cooperation has the potential to generate many significant benefits for cooperating countries

Transboundary water cooperation has the potential to generate many significant benefits for cooperating countries, such as accelerated economic growth, improved well-being, enhanced environmental sustainability and increased political stability. The *Policy Guidance Note on the Benefits of Transboundary Water Cooperation: Identification, Assessment and Communication*, developed under the Convention, can assist countries and other actors to reap the numerous benefits of joint action. It can also help to support dialogue on the benefits of collaboration, for example between countries that are implementing the Water Convention or considering accession. Assessments of the benefits of cooperation have been undertaken in several basins: the Cubango-Okavango (Southern Africa), the Drina (South-Eastern Europe) and the Sio-Malaba-Malakisi (East Africa).



JOINTLY MONITORING AND ASSESSING TRANSBOUNDARY WATERS AS A BASIS FOR BETTER MANAGEMENT

The monitoring and assessment of water resources is of fundamental importance, as it forms the basis for rational decision-making and for sound management. Therefore, the Water Convention requires Parties to undertake joint monitoring and assessment of their shared waters. Guidelines on monitoring and assessment of transboundary rivers, lakes and groundwaters were developed to assist riparian countries in these tasks. Furthermore, Parties and non-Parties carry out regular assessments of transboundary surface and groundwaters in the framework of the Convention.



JOINTLY ADAPTING WATER MANAGEMENT TO CLIMATE CHANGE

Most climate change impacts are felt through the water cycle and then affect other related sectors, such as agriculture and energy. Transboundary cooperation on adaptation helps to prevent the negative impacts of unilateral adaptation measures and to maximize the benefits of cooperation. For this reason, the Parties to the Water Convention have developed a range of activities on adaptation to climate change in a transboundary context, such as the development of guidance, the exchange of experience and projects on the ground. These experiences have been summarized in the publication *Water and Climate Change Adaptation in Transboundary Basins: Lessons Learned and Good Practices*.

To promote further exchange on adapting to climate change, the Global Network of Basins Working on Climate Change was created in 2013. It is coordinated by the UNECE secretariat and the International Network of Basin Organizations. The network holds regular meetings and includes basins from around the world, such as the Congo, Danube, Dniester, Mekong, Niger, Senegal, Northern Sahara Aquifer System and others.



IMPLEMENTING THE SUSTAINABLE DEVELOPMENT GOALS

In particular, the Convention ensures the achievement of target 6.5: “By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate”

The Water Convention supports the implementation and monitoring of efforts to attain the Sustainable Development Goals. In particular, the Convention ensures the achievement of target 6.5: “By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate”. The explicit recognition of the importance of transboundary water cooperation in the 2030 Agenda for Sustainable Development marks a more ambitious commitment to water cooperation than any that has come before.

UNECE and UNESCO serve as co-custodian agencies for the monitoring of Sustainable Development Goal indicator 6.5.2, which measures progress on transboundary water cooperation at the global level. The reporting on indicator 6.5.2 is linked to the reporting under the Water Convention. It is therefore possible to benefit from the synergies and efficiencies between the two reporting exercises. The coupling of the two processes not only avoids duplication of work, it also offers an opportunity to both parties and non-Parties of the Water Convention to have a more in-depth analysis of the advancement of transboundary cooperation and to take advantage of the Convention’s intergovernmental platform to compare and exchange experiences and coordinate efforts.

Next to target 6.5, the Convention also supports the implementation of other targets of Goal 6, such as target 6.3 on improving water quality by reducing pollution, target 6.4 on increasing water-use efficiency across all sectors and ensuring sustainable withdrawals and target 6.6 on protecting and restoring water-related ecosystems. In addition, the work under the Convention supports the implementation of Sustainable Development Goal 2 on zero hunger and Goal 7 on affordable and clean energy through advancing the concept of the water-food-energy-ecosystem nexus. Furthermore, implementation and application of the Convention supports Goal 9 on industry, innovation and infrastructure, Goal 11 on sustainable cities and communities, Goal 13 on climate action and Goal 15 on life on land.

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