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Transboundary Basins, climate change and existing legal instruments

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Legal instruments on water and climate

- Draft articles on transboundary aquifers
- United Nations Watercourses Convention
- UNECE Water Convention
- Bilateral agreements on surface and groundwater
- Ramsar Convention
- UNFCCC and Kyoto Protocol
- Paris Agreement
- Many others...
- Generally, absence of any instrument directly focused on water, groundwater and climate change, but many cover the link somehow

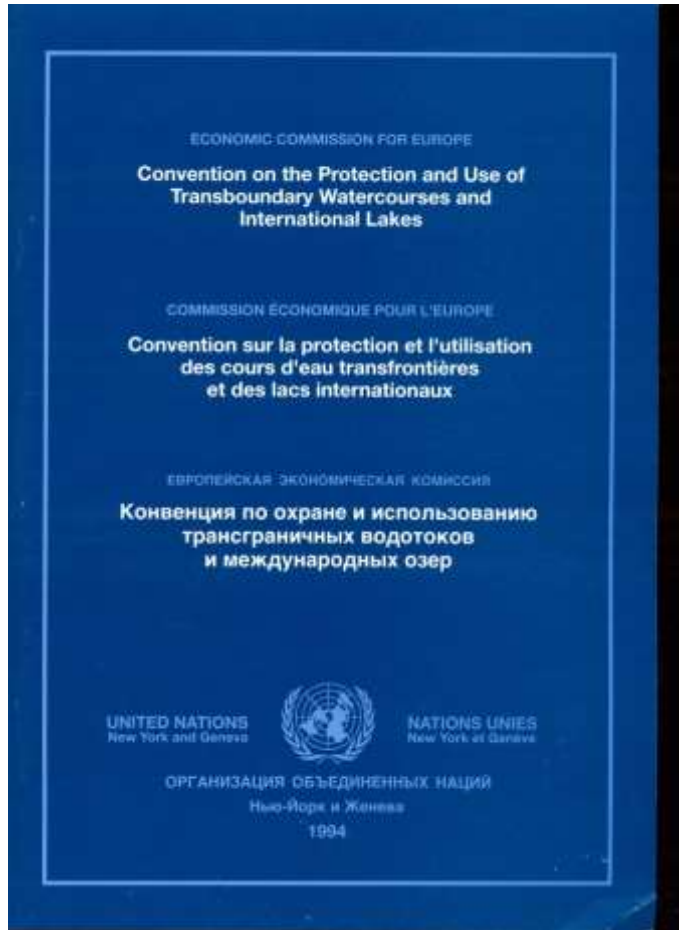


Some general observations – legal basis and institutions

- Many bilateral and multilateral **agreements** often do not explicitly refer to groundwater, or application to groundwater remains very low
- Principle of **integrated management of surface and groundwater** missing in water laws in a number of countries
- Very few basin organizations for aquifers, such as OSS
- Joint bodies in most cases do not deal with groundwaters; among the exceptions: the Danube Basin, groundwater monitoring cooperation of the Russian Federation and Estonia



UNECE/Helsinki Water Convention (1992)



- Signed on 17 March 1992
- Entered into force on 6 October 1996
- Amended in 2003 to allow accession to countries beyond the UNECE region
- Amendment entered into force on 6 February 2013
=> countries outside ECE can accede as of 1 March 2016



Main obligations under the Convention



- Protection of transboundary waters by preventing, controlling and reducing transboundary impacts
 - Reasonable and equitable use of transboundary waters
 - Obligation to cooperate through agreements and joint institutions
- => Overall objective of sustainability



Applicability of the Convention to groundwater

- applies surface waters and groundwaters alike and also makes a link to recipient seas
- "Transboundary waters" means any surface or ground waters which mark, cross or are located on boundaries between two or more States (Art.1(1))
- The Guide to Implementing the Convention: "As for groundwaters, the Convention includes both confined and unconfined aquifers"



Diverse activities

- **Inventory** of transboundary groundwaters (1999); First (2007) and Second (2011) **Assessments** of Transboundary Rivers, Lakes and Groundwaters
- **Guidelines** on monitoring and assessment of transboundary groundwaters (2000); **pilot projects**
- Preliminary **study** of the application of the principles of the Convention to transboundary groundwater (2010-2011) and Study on groundwater in transboundary water agreements in EECCA (2009)
- **Model Provisions** on Transboundary Groundwaters 2012



Model Provisions on Transboundary Groundwaters

- Non-binding guidance
- adopted by Meeting of the Parties in 2012
- Build on the ILC Draft Articles
- Active participation of UNESCO and IAH in their development
- To be used by Parties and non-Parties when entering into or reviewing bilateral or multilateral agreements on transboundary groundwaters (in the form of an additional protocol to an existing agreement or a new and separate specific agreement on groundwaters)
- Accompanied by commentaries with references to international commitments and existing State practice



Model Provisions on Transboundary Groundwaters

Provision 1: Obligations to prevent, control and reduce any transboundary impact ; equitable and reasonable use

Provision 2: Obligation of sustainable use

Provision 3: Obligation of cooperation in the identification, delineation and characterization; joint monitoring & assessment

Provision 4: Integrated management of surface & groundwater

Provision 5: Prevention, control and reduction of pollution

Provision 6: Exchange of information and data

Provision 7: Joint or coordinated management plans

Provision 8: EIA, notification and consultations, access to information and to justice, public participation

Provision 9: Joint body



Value of the UNECE Water Convention in managing transboundary groundwaters

- Already the platform for cooperation and sharing experience for some 41 Parties & increasingly beyond pan-Europe
- Convention has fostered the development of transboundary agreements, the establishment of joint bodies and cooperation at the political & technical levels for 20 years
- Strengthening of capacity, support to implementation
- The well-functioning institutional structure adjusts to the needs
 - Groundwater Task Force — monitoring guidelines
 - Core Group on Groundwater under the Legal Board — Model Provisions
- Rich experience accumulated; guidelines of wide applicability
- Regional assessments have inspired similar exercises



The UNECE Water Convention and climate change adaptation

Provisions relevant for climate change:

- Prevent, control and reduce transboundary impacts including those related to adaptation to or mitigation measures
- Use waters in a reasonable and equitable way
- Cooperate on the basis of equality and reciprocity
- Set joint water quality objectives, use best available technology, exchange information, follow the precautionary principle, develop joint monitoring and common research, assist each other...



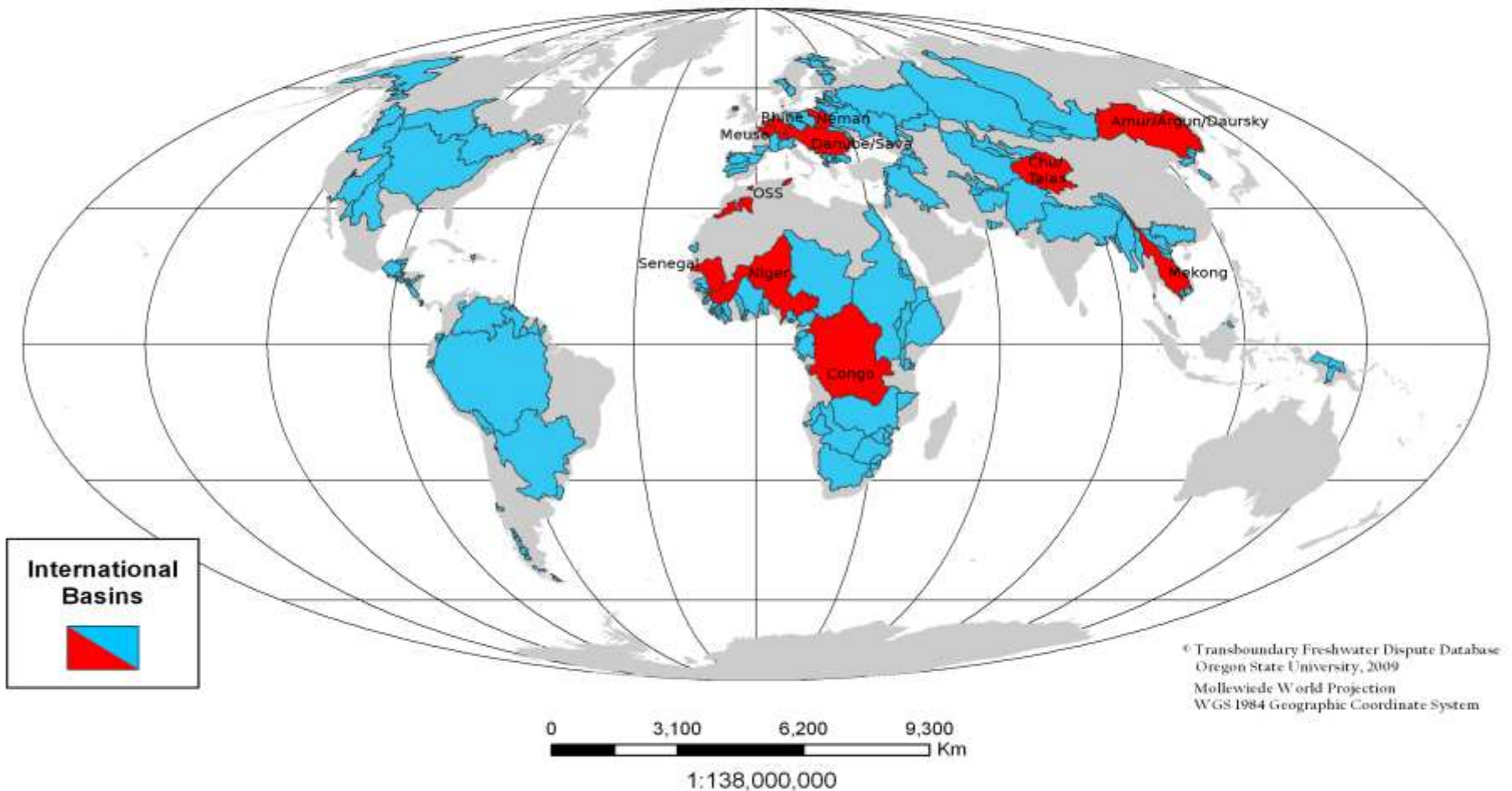
Adapting to climate change in transboundary basins in the Convention's work programme

- Guidance on Water and Adaptation to Climate Change adopted in 2009
- Programme of pilot projects on climate change adaptation in transboundary basins (Chu Talas, Neman, Dniester, Sava rivers)
- (Global) Platform for exchanging experience : next workshop on 13-14 September
- Global network of 14 basins working on cc
- Collection of good practices and lessons learned published in 2015



Global network of basins working on climate change adaptation

International River Basins



Some transboundary considerations related to adaptation – links to the Convention

- Unilateral adaptation measures potentially have transboundary impacts
- Cooperation enables more effective and efficient adaptation (through wider knowledge base, larger planning space etc.)
- Variability and change affect availability of the resource, and uses -> equitable & reasonable use
- Beneficial to develop common research, harmonized policies, programmes and strategies to adapt
- Well set-up transboundary cooperation can more effectively respond to changes



Thank you!

More information

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

<http://unece.org/env/water>

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Transboundary groundwaters in Europe



Information used on this map do not imply official endorsement or acceptance by the United Nations.

IGRAC 2011

Maps: IGRAC

Two categories of obligations

- For all Parties => also benefit for national legislation
- For Riparian Parties => the Convention does not replace basin agreements
 - Conclude bilateral and multilateral agreements
Cooperate on the basis of IWRM
 - Establish joint bodies (e.g. river commissions)
 - Consult and exchange of information
 - Joint monitoring and assessment
 - Elaborate joint objectives and action programme

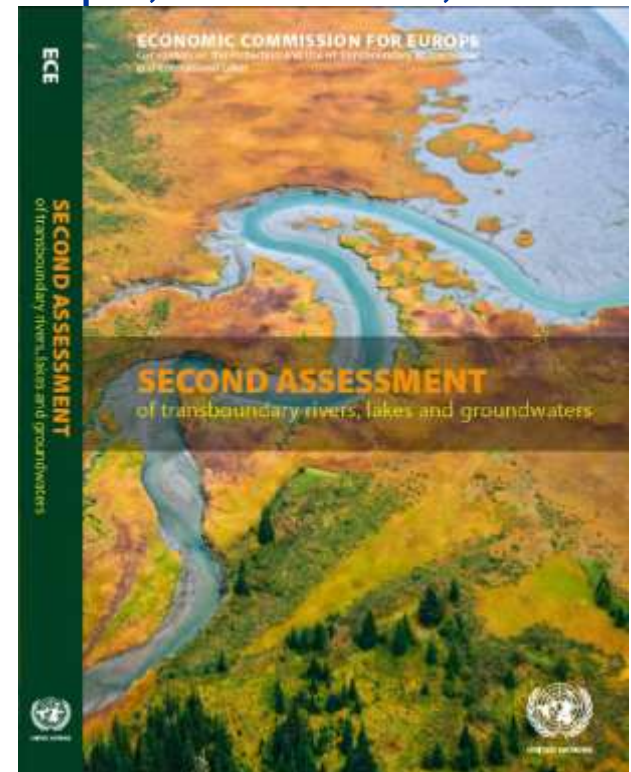


Pan-European regional assessment of transboundary waters

>140 rivers, 25 lakes, about 200 groundwaters and 25 Ramsar Sites/wetlands of transboundary importance covered EU, South-Eastern Europe, Eastern Europe, Caucasus, Central Asia

Information collected:

- Inventory
- Location, extent and delineations
- Quantity and quality status
- Pressure factors (abstractions, pollution sources)
- Transboundary impacts
- Management response
- Transboundary cooperation



Transboundary groundwaters in the Caucasus and Central Asia

