International water law as a tool to strengthen cooperation

Focus on the Water Convention: an opportunity for the MENA region?

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International Water Law:

• **Systems of laws** that **regulate the use and management** of water resources which cross boundaries.

• It **protects the rights of all riparian countries** and at the same time defines **obligations to ensure sustainability and prevent harm**.

• It provides a **common language** and a starting point for the discussion, adoption and further elaboration of **normative and institutional frameworks** for transboundary water resources management.

3 key principles in International Water Law:

1- Do **No Harm Rule**
2- Principle of **cooperation**
3- **Equitable and reasonable use**
International Water Law Instruments:

• The 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes which entered into force in 1996
  Also called: *The Water Convention* / *Helsinki Convention*

• The 1997 Convention on the Law of the Non-navigational Uses of International Watercourses which entered into force in 2014
  Also called: *UN Watercourses Convention* / *New York Convention*

• Draft Articles on Transboundary Aquifers adopted by the UN International Law Commission (2008)

• Treaties, agreements, protocols and other instruments at basin level
Water Convention (92) and UN Watercourses Convention (97)

- Party to the Water Convention (1992) Total: 43
- Party to UN Watercourses Convention (1997) Total: 36
- Party to both Conventions Total: 16
Why do we need multilateral and global framework instruments?

They are useful in situations:
- Where there is no specific legal and institutional arrangement at the basin level (in more than 60% of all basins)
- Where weak legal and institutional arrangements exist at the basin level (e.g. agreements that do not provide for regular data exchange)
- In basins where not all states are Parties to the basin agreement (in more than 80% of basins).

These instruments support ≠ don’t replace what exist already:
- Provide a common language and shared understanding
- Promote coordination at basin and regional level (for regional agreements/guidelines)
- Strengthen implementation (e.g. global platform for sharing experiences and good practices)
- Strengthen the profile of 'transboundary waters' at the global level
- Facilitate negotiations (tools and procedures available)
What would be the benefits of joining the Water Convention (1992) for MENA countries?

- Reinforce the **legal framework** (being already a Party of the 1997 Convention)
- Strengthen **national water governance**
- Improve **ability to cooperate** in the **management of transboundary waters** (even with non Party riparian countries)
- Offer a **platform** to openly discuss and **resolve challenges** and **address new problems** in its cooperation
- Contribute to international **peace and security**
- **Support** from the **community of Parties and partners** to implement the Convention
- Can facilitate access to **financial assistance** and donor **cooperation**
The Water Convention

A legal and institutional framework for transboundary water cooperation contributing to sustainable development, international peace and security.

A unique platform to discuss progress of transboundary water cooperation worldwide under the umbrella of the United Nations

Opened to all interested countries, with more than 100 countries exchanging experiences and knowledge to prompt progress in cooperation
Parties to the Water Convention (43)

States studying or in the process of accession to the Water Convention (>20)
The Water Convention:

Main objective

- Foster cooperation over transboundary waters in order to ensure that they are sustainably and equitably managed

Key Principles

- Principle of prevention
- Principle of equitable and reasonable utilization
- Principle of cooperation
Main provisions of the Water Convention (1)

General obligations for Parties:

Parties shall implement all appropriate measures to **prevent, control** and **reduce transboundary impact**:

- Waste water treatment, licensing of discharges and monitoring of authorized discharges
- Best environmental practice for non-point pollution sources
- Minimization of the risk of accidental pollution
- Protection of groundwaters
- Application of Environmental Impact Assessment
- Monitoring and assessment of water resources
Main provisions of the Water Convention (2)

Specific provisions for riparian countries:

- Conclusion of bilateral and multilateral agreements and creation of joint bodies
- Consultation between Riparian Parties
- Joint monitoring and assessment
- Common research and development
- Exchange of information between Riparian Parties
- Warning and alarm systems
- Mutual assistance
- Public information
Water Convention Programme of Work 2019-2021

Delivering at different levels:

- National
- Basin
- Regional
- Global

OVERALL OBJECTIVE
Transboundary waters worldwide are managed in cooperation between riparian countries in accordance with the Water Convention, promoting sustainable development, peace and security

OUTCOME 1
Countries understand the Convention, access to it, develop agreements and establish joint bodies

OUTCOME 2
Transboundary water resources in transboundary basins are monitored and assessed, and information is shared among riparian countries

OUTCOME 3
Integrated water resources management is implemented at all levels in a changing climate

OUTCOME 4
Transboundary water cooperation is sustainably financed

OUTCOME 5
Transboundary water cooperation is monitored and partners are mobilized to support it

Financing Programme Area 5
Facilitating financing of transboundary water cooperation

Reporting Programme Area 6
Reporting on Sustainable Development Goal indicator 6.3.2 and under the Convention

Partnership & knowledge Programme Area 7
Partnerships, communication and knowledge management
The Water Convention is active worldwide

Activities under the Water Convention

- Transboundary basins or aquifers with activities under the Convention

Areas of work
- Support the development of agreements and the establishment of joint bodies
- Identifying, assessing and communicating the benefits of transboundary water cooperation
- Water-food-energy-ecosystems nexus in transboundary basins
- Adaptation to climate change in transboundary basins
- Opening of the Convention, promotion and partnerships
- National Policy Dialogues on WRRM under the European Union Water Initiative

Country Status
- Parties
- Countries which have started a discussion on accession
Through its intergovernmental platform and program of work, the Water Convention...

- **Contributes to cooperation and peace** (inspire cooperation even in fragile areas where there is competition/war history)

- **Supports the creation of basin organizations to strengthen regional stability and integration** (more than 90 agreements entered into force since the entry into force of the Water Convention)

- **Helps country in adapting to climate change through a basin wide approach** (more efficient, joint measures)

- **Supports the reduction of trade-offs and cross-sectoral conflicts** (optimize the use of resources through cross-border cooperation)
The living Water Convention: its institutional mechanism

Meeting of the Parties (MOP)

Bureau

- Task Force on water and climate
- Task Force on Water-Food Energy-Ecosystems nexus
- Expert Groups

Implementation Committee

Working Group on IWRM

Working Group on M&A

Water Convention Secretariat

UNECE

BENEFITS

- Take decisions at the meeting of the Parties and the Working Group
- Shape the Programme of Work (activities and topics covered)
- Take on formal roles in bodies of the Convention (Vice Chair, Lead Party for the work on Benefits...)

→ Work closely with secretariat, receive support for implementation

→ Exchange of experience, foster collaboration with other Parties and Non-Parties
Thanks for your attention!

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For more information: https://www.unece.org/env/water/