

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

The UNECE Water Convention as a global legal framework for transboundary water cooperation

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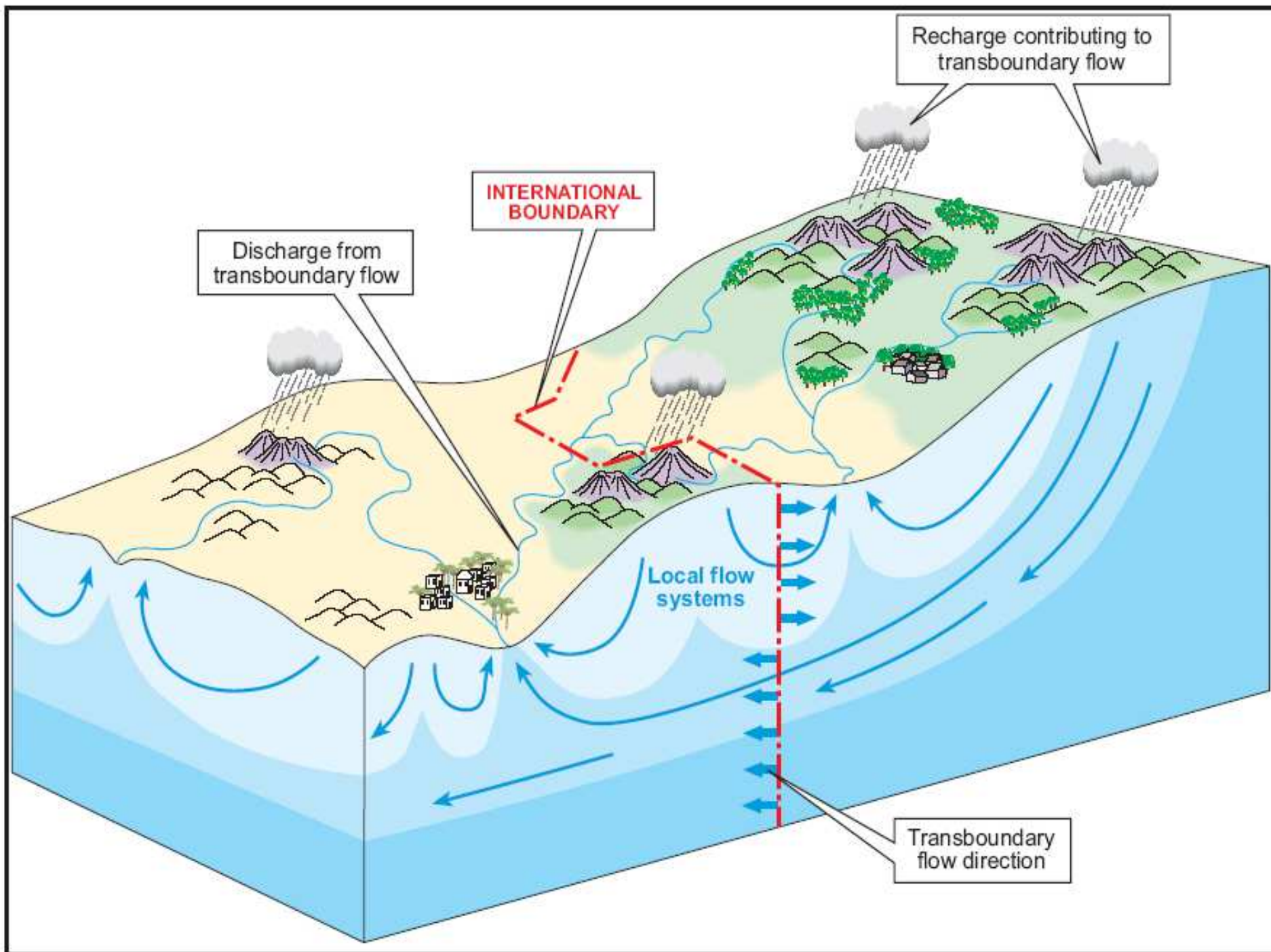
Member of the Bureau of the UNECE Water Convention

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MINISTERO DELL'AMBIENTE
E DELLA TUTELA DEL TERRITORIO E DEL MARE





Some facts and figures:

- 26 July 2010 : HUMAN RIGHT
- Water Resources The total volume of water on Earth is about 1.4 billion km³. The volume of freshwater resources is around 35 million km³, or about 2.5 percent of the total volume.
- How the world uses freshwater:
 - about 70 percent for irrigation
 - about 22 percent for industry
 - about 8 percent for domestic use
- Water, Agriculture and Food Security The daily drinking water requirement per person is 2-4 litres, but it takes 2 000 to 5 000 litres of water to produce one person's daily food.
- More than one in six people worldwide - 894 million - don't have access to this amount of safe freshwater.

[Source: World Health Organization \(WHO\) and UNICEF](#)

Figure 4.1 Global distribution of the world's water

Note: see Chapter 3 on water that is easily available to plants.

Total water

Oceans 97.5%

Freshwater 2.5%

Freshwater

Glaciers 68.7%

Groundwater 30.1%

Permafrost 0.8%

Surface and atmospheric water 0.4%

Surface and atmospheric water

Freshwater lakes 67.4%

Soil moisture 12.2%

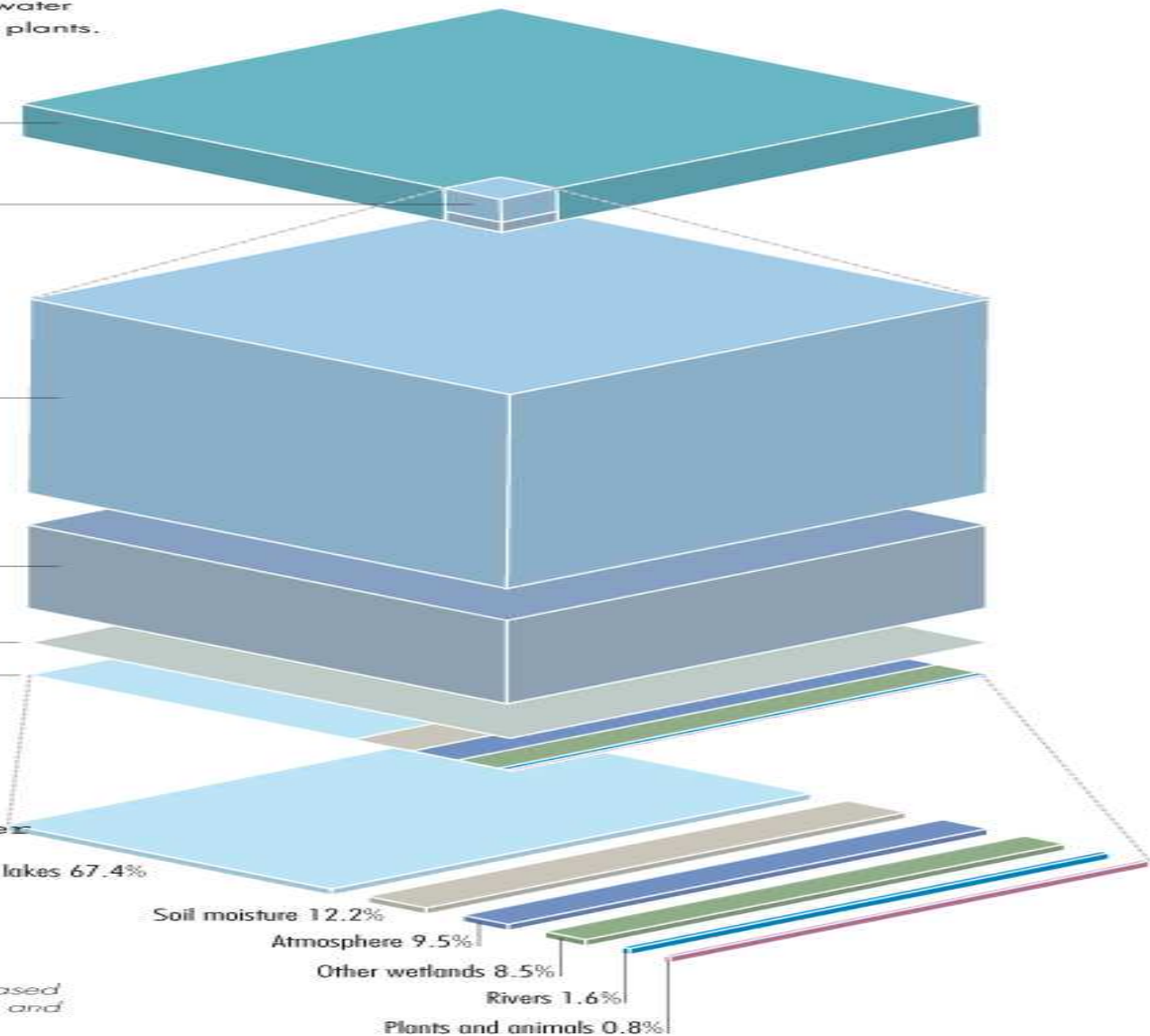
Atmosphere 9.5%

Other wetlands 8.5%

Rivers 1.6%

Plants and animals 0.8%

Source: WWAP 2006, based on data from Shiklomanov and Rodda 2003



Why the need for global framework instruments?

- Supports several scenarios
- Fosters harmonisation between basins and regions
- Consolidates, clarifies and develops customary international law
- Strengthen implementation, e.g. through a platform for sharing experiences and good practice
- Strengthens 'transboundary water' profile at the global level, and fosters synergies with other global initiatives, eg climate change

Four framework multilateral instruments

- 1997 Convention on the Law of the Non-navigational Uses of International Watercourses (UN Watercourses Convention, or New York Convention): very soon in force!
- 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention, or Helsinki Convention): now going global
- Articles on the Law of Transboundary Aquifers
- Water Framework Directive

1992 UNECE Water Convention

- Negotiated in 1990-1992 through an intergovernmental process under UNECE, largely relying on ILC Draft Articles process
- Adopted in 1992, in force since 1996, now 41 Parties
- Negotiated as regional instrument, but opened up to all UN Member States through an amendment in 2013 => **becomes a global instrument**, accession for all UN Member States from beginning 2016 (1st march)

Implementation – UNECE Water Convention

- 20 years of experience in supporting transboundary water cooperation
 - Capacity to adapt to changing conditions and to respond to countries demand
 - Continuity of efforts that ensured sustained progress and long-term results
 - Strong drive and ownership by Parties and the close involvement of non-Parties
 - Capacity to build trust
 - Concrete deliverables
- Significant diversity within UNECE region



Water challenges
Growing problem of water scarcity
Extreme events
Political landscape
Economic and social conditions

Main objectives and principles

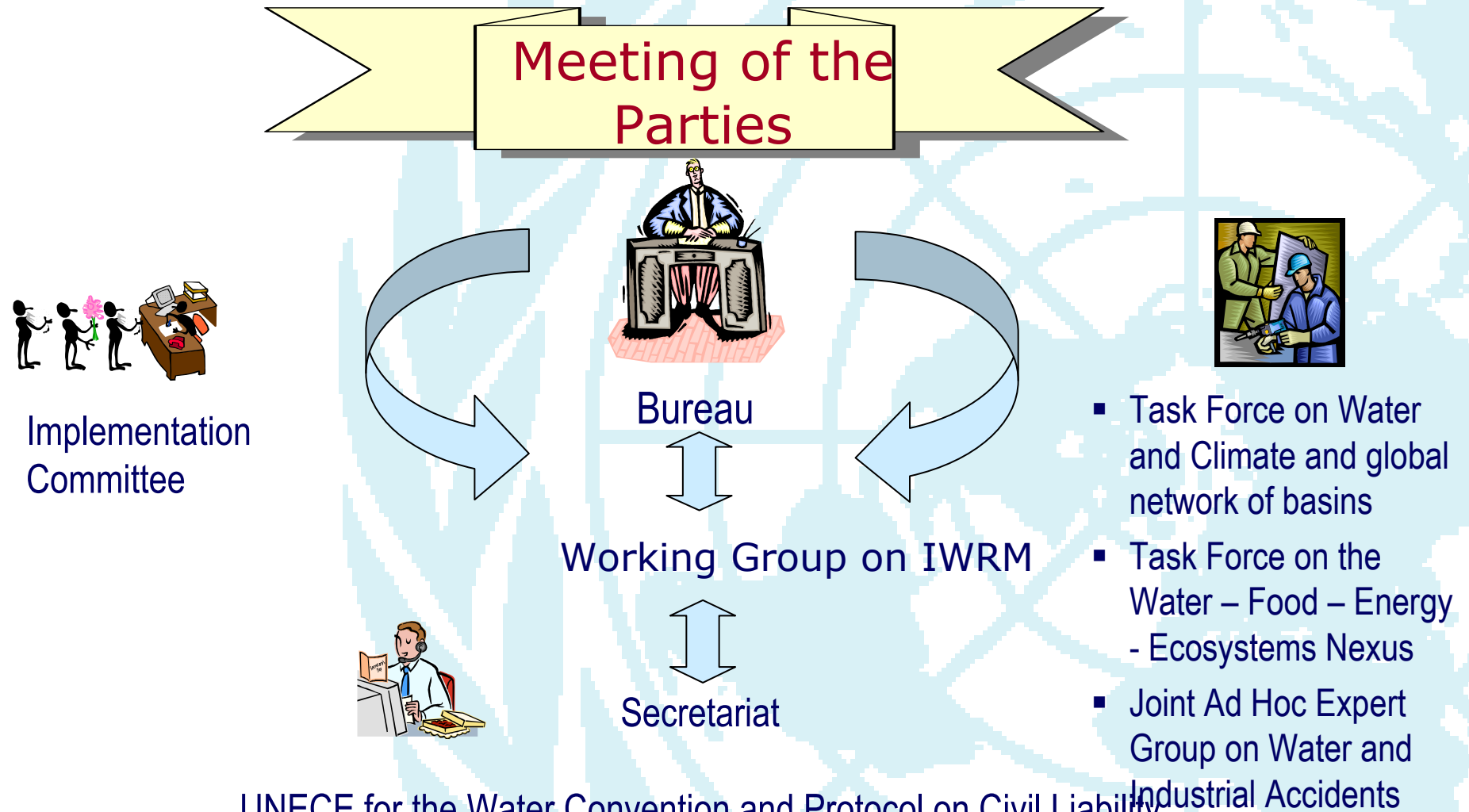
Objective: to protect and ensure the quantity, quality and sustainable use of transboundary water resources by facilitating cooperation

The Convention is based on three main pillars:

- Principle of prevention
 - Principle of reasonable and equitable utilization
 - Principle of cooperation
- Sustainability of resources is the overarching objective



Institutional structure



UNECE for the Water Convention and Protocol on Civil Liability
UNECE jointly with WHO/Europe for Protocol on Water and Health

Status of ratification of the UNECE Water Convention



Implementation

- The Convention played a crucial role in the region in supporting cooperation
- Most of the existing agreements in Europe are modelled on the Convention (Danube, Sava, Bug, Kazakh-Russian, Lake Peipsi, also the Water Framework Directive)
- Helped in the establishment of river basin commissions (e.g. Dniester, Chu Talas) and influenced their work
- Guidance papers (soft law) to support implementation

Obligations under the Convention – General (Part 1)

- Obligation of preventing, controlling and reducing transboundary impacts (due diligence obligation)
- Obligation to ensure that transboundary waters are used in a reasonable and equitable way
- Obligation for riparian to cooperate through the establishment of agreements and joint bodies

Other provisions:

- Art. 4. **Monitoring**

programmes for monitoring the conditions of transboundary waters

- Art. 5. **Research and development**

on effective techniques for prevention, control and reduction of impact

- Art. 6. **Exchange of information**

the widest exchange of information, as early as possible

- Art. 7. **Responsibility and liability**

support efforts to elaborate rules, criteria and procedures

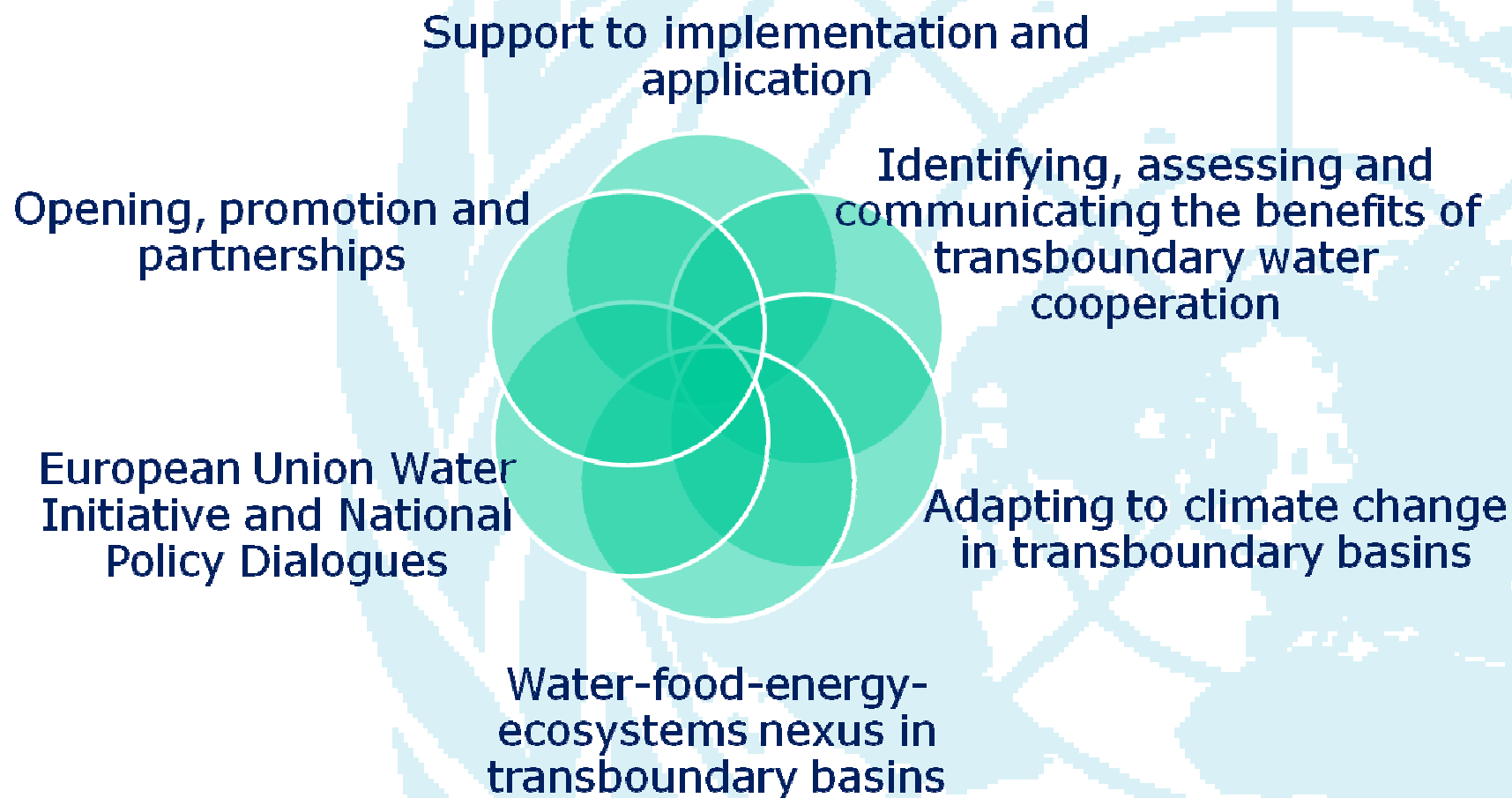
Obligations under the Convention – Riparian Parties (Part 2)

- Specific obligations for transboundary cooperation
- Not the obligations of conduct, but obligations of result
- Applicable between Riparian Parties
- Obligation to conclude specific agreements and establish joint bodies
- Consultation
- Joint monitoring and assessment
- Exchange of information
- Warning and alarm systems
- Mutual assistance

Challenges of Opening

- Entry into force of UN Watercourses Convention and global opening of UNECE Water Convention provide a great opportunity for fostering transboundary cooperation worldwide
- Water Convention can also help countries to implement and possibly monitor a possible SDG on water (esp. transboundary target)
- The two Conventions are entirely compatible and complementary- ratify and implement both in a coherent way
- Institutional structure and experience of UNECE Water Convention can also help Parties to the New York Convention
- Two Conventions are important tools for water diplomacy, but can also help (EU and EECCA-) countries to better implement EU-water related directives

Programme of work for 2016-2018



Water Convention's new Implementation Committee

- Established in 2012 for dispute prevention and practical case-oriented assistance
- 9 members in personal capacity, outstanding lawyers and water professionals, Elected by the Meeting of the Parties among candidates nominated by the Parties, Signatories and NGO's
- Meets twice a year in open, public and transparent manner
- Procedures (advisory procedure, Committee initiative and others)
- Measures (national plan of implementation, transboundary water agreement, capacity building, facilitating technical assistance), may recommend stronger measures to Meeting of the Parties



Italy: a Party to both Conventions – why?

- Ratified UNECE Water Convention: 1996
- Ratified UNECE Water Convention amendments: 2011
- Ratified UN Watercourses Convention: 2012
- Adopted Water Framework Directive, as EU Member State
- Comply with international water law principles

Italy actively promotes both Conventions:

- Chair of the Bureau of the UNECE Water Convention 2013-2015
- Hosted the 6th session of the UNECE Water Convention MoP (Rome, 2012) and Roundtable on transboundary water cooperation for the Mediterranean region → decision to promote synergies

Italy: a Party to both Conventions – why?

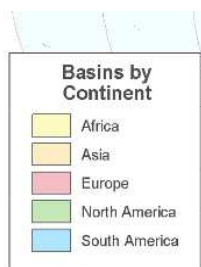
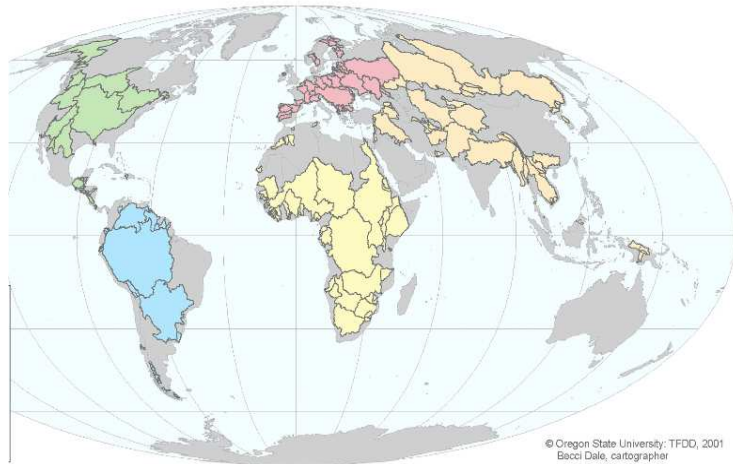
To support national processes & cooperation with riparians

- Bilateral cooperation with France, Switzerland, Slovenia based on principles of both Conventions, in particular the UNECE Water Convention (joint bodies, agreements)
- Guidance developed under the UNECE Water Convention supports main activities of the bilateral commissions:
 - flood management
 - adaptation to climate Change
 - intersectoral cooperation (nexus)



Italy: a Party to both conventions – why?

To promote transboundary water cooperation worldwide – diplomatic aspects



- Increase awareness on importance of transboundary water cooperation (to international community, donors..)
- Provide a solid legal and institutional framework as well as a platform for dialogue for countries which do not have an existing cooperation framework
- Promote the basin approach and IWRM
- Promote the coherent development of international water law and of the different legal instruments

Different levels of commitment

❖ **UN Watercourses Convention:**

- codifies customary international law
- detailed about principles and procedures

❖ **UNECE Water Convention** is more detailed in practical terms:

- preventing, controlling and reducing transboundary impacts
- ecologically sound and rational management of transboundary waters
- provides special obligations for riparian countries, e.g. joint bodies

❖ **EU Water Framework Directive:**

- good status of water bodies
- detailed technical provisions on monitoring, measures and planning
- cooperation in river basins

EU Council Conclusions on Water Diplomacy

- Para 9:

"The Council also encourages the promotion of international agreements on water cooperation. The relevant [UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes \(Helsinki 1992\)](#) and [United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses \(New York 1997\)](#) are important instruments to promote equitable, sustainable and integrated management of trans-boundary water resources. EU water diplomacy should develop systematic promotion of these and other relevant international agreements....."

Conclusions

Being a Party to Water Convention to:

...share experience and knowledge effectively through multilateral mechanisms

... have a voice in global discussions

... contribute to increasing global stability, peace and security by preventing water conflicts

... be part of solid international legal frameworks on water issues

..... for SDGs and Water as Human Right

Thank you for your attention!

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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