

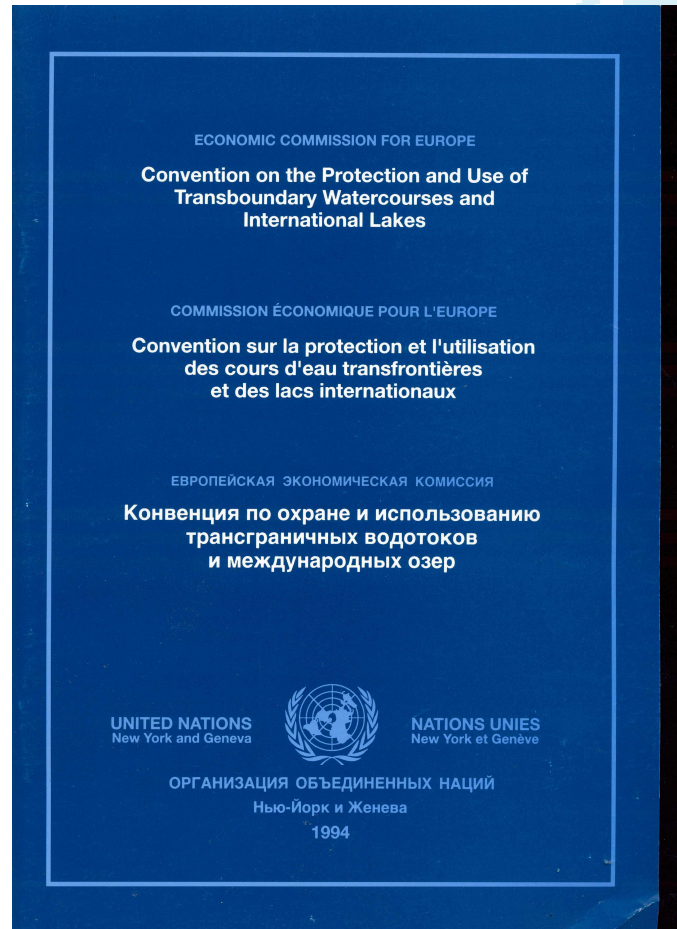


The UNECE Water Convention: obligations and practical application

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The Water Convention



- Signed on 17 March 1992
- Entered into force on 6 October 1996
- Protocol on Water and Health adopted in 1999, entered into force in 2005
- Protocol on Civil Liability adopted in 2003

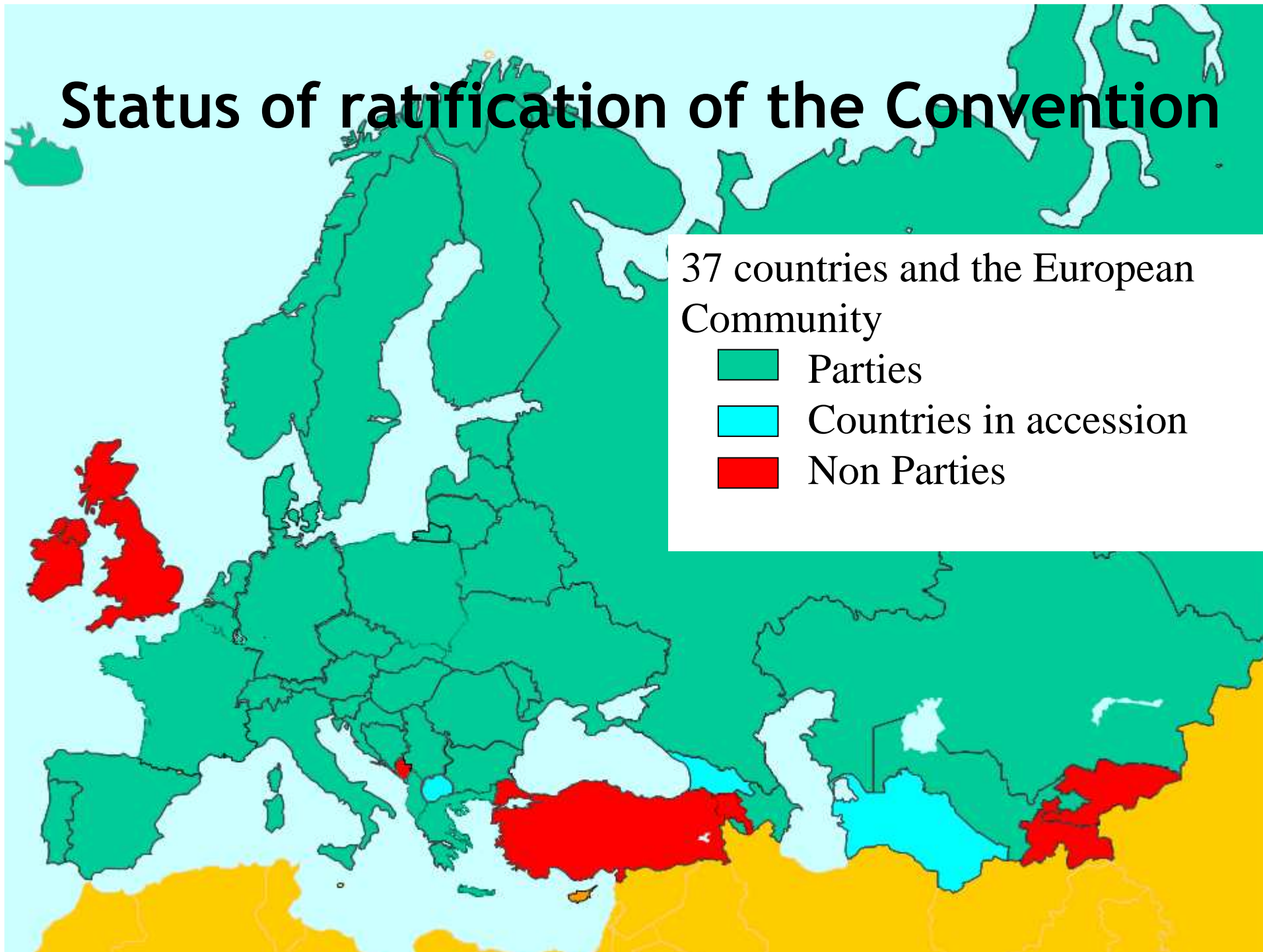
Status of ratification of the Convention

37 countries and the European Community

 Parties

 Countries in accession

 Non Parties

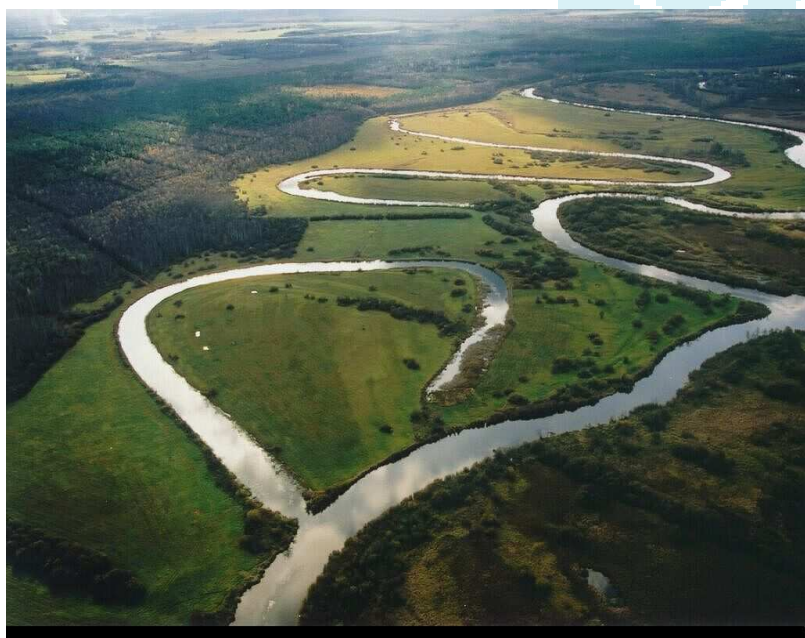


Amendment 2003



- Opening up the Convention to non-UNECE states
- Strong commitment to entry into force by 2012

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**

Step-by-step approach

- Due diligence nature of the obligation to prevent, control and reduce transboundary impacts
- “All appropriate measures” depend on potential risk involved, capacity of the country...
- Examples of measures contained in the Guide to Implementing the Convention
- Good practice to develop a national implementation plan

Holistic approach

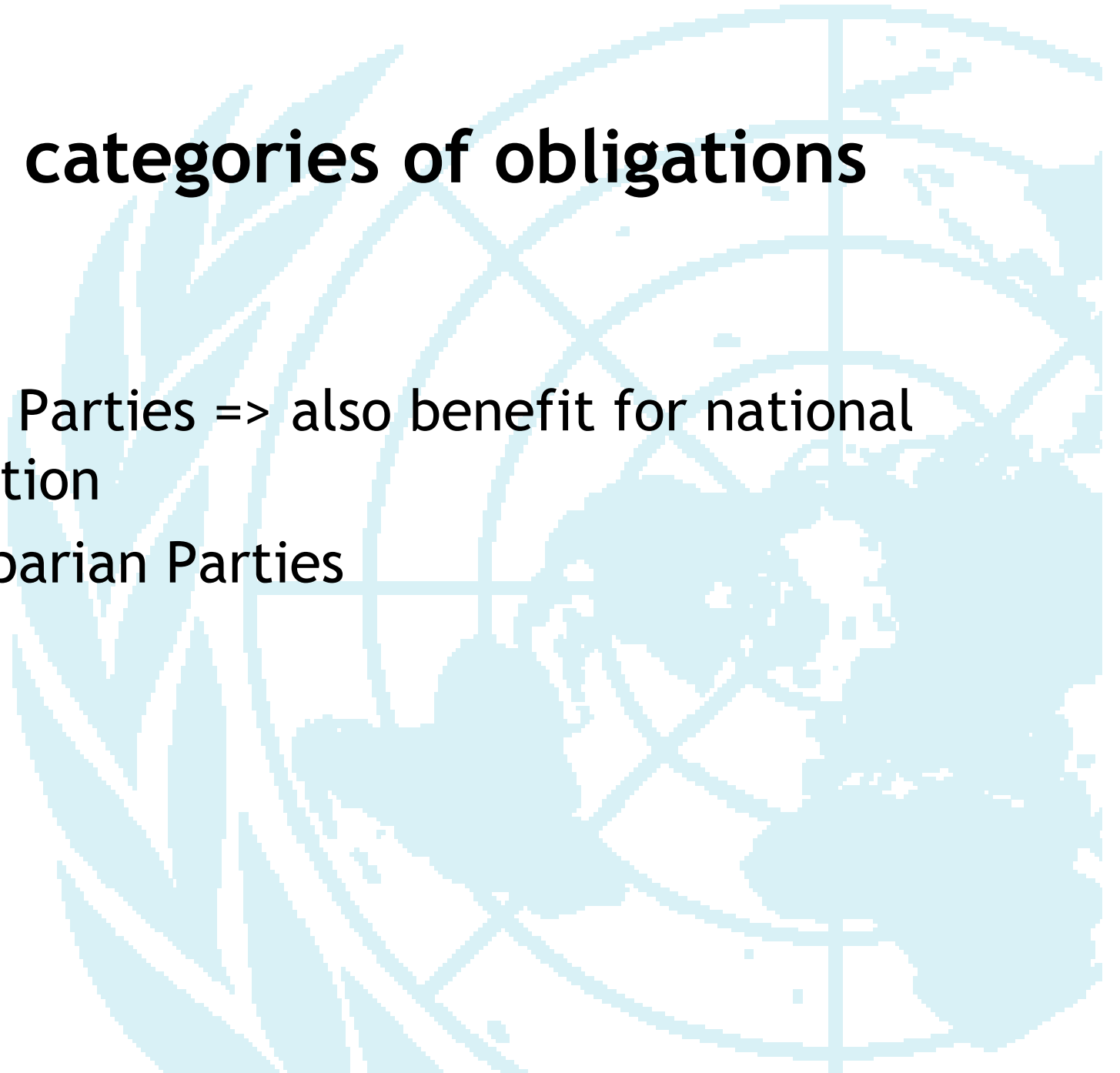
- Transboundary impacts means significant adverse effect on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures, and socio-economic conditions
- Surface and groundwaters, and links to the recipient seas
- Catchments area concept => IWRM
- “Significant” => acceptable threshold of harm

Polluter pays principle Art. 2.5 (b)

- The **costs** of pollution prevention, control and reduction measures shall be borne by the polluter
- Double function of the PPP:
 - Avoid damage (preventive character)
 - Mitigation and recovery of damage, as well as financing measures of reinstatement
- **Primarily domestic scope of application:** regulates relationship inside the territory of a Party and not between Parties
- **Not a legal basis for claims of compensation for transboundary damage between Parties**

Two categories of obligations

- For all Parties => also benefit for national legislation
- For Riparian Parties



Provisions relating to Riparian Parties

- Cooperate on the basis of equality and reciprocity
- Conclude bilateral and multilateral agreements
- Establish joint bodies (e.g. river commissions)
- Consult and exchange of information
- Joint monitoring and assessment
- Elaborate joint objectives and concerted action programme for their shared waters