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**MEETING OF THE PARTIES TO THE CONVENTION ON
THE PROTECTION AND USE OF TRANSBOUNDARY
WATERCOURSES AND INTERNATIONAL LAKES**

**SECOND INTERNATIONAL CONFERENCE ON SUSTAINABLE MANAGEMENT OF
TRANSBOUNDARY WATERS IN EUROPE**

Introduction

1. At the invitation of the Government of Poland, the second international conference on sustainable management of transboundary waters took place in Międzyzdroje (Poland) from 21 to 24 April 2002. The Conference marked the tenth anniversary of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, which was adopted in Helsinki on 17 March 1992 and entered into force on 6 October 1996.
2. The Conference brought together some 160 decision makers, scientists, water managers, and hydraulic engineers from 30 countries and a number of international governmental and non-governmental organizations.
3. The Conference was organized by the Environment Ministry of Poland, the Environment Ministry of Finland, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany, and the Ministry of Transport, Public Works and Water Management of the Netherlands under the auspices of the United Nations Economic Commission for Europe (UNECE).

I. CHALLENGES

4. The process of change in Europe poses new and compelling challenges to regional cooperation in general and to cooperation on the environment and security in particular. There are now 150 major transboundary rivers in Europe that form or cross borders between two or more countries, some 25 major transboundary and international lakes, and some 100 transboundary aquifers.

5. With their work under the Convention, which has proved to be an outstanding instrument of cooperation on transboundary waters, Governments and representatives of governmental and non-governmental international organizations and institutions have realized that progress in European water policy cannot be achieved in closed circles of administrators or scientific experts, as decision-making is the result of strategic interaction between multiple interdependent actors in different institutional environments. All stakeholders, the public at large and especially non-governmental organizations and local action groups, need to be much more involved in European water policies if progress is to be made.

6. Cooperation to manage transboundary waters requires an effective institutional structure such as a river commission based on an international agreement or other arrangement. It is important that joint bodies should interact closely with each other and with joint bodies established to protect the marine environment.

7. Europeans are also aware that none of the existing global, regional or subregional environmental conventions or other pieces of supranational legislation can be seen in isolation. Only if close links between them are established and nurtured will there be public support to resolve environmental and water issues.

8. This new perception has implications for Europe's new water policies:

(a) One of the major new goals of water management policy is the conservation and, where possible, restoration of aquatic ecosystems to a state of good or even high ecological quality. **This requires an integrated approach to transboundary water management;**

(b) The way in which monitoring strategies are designed and assessments are made is a crucial element of conflict prevention in a transboundary context. **This requires information and communication to bridge the gap between the actors;**

(c) Achieving the goals of sustainable development requires also significant changes in production and consumption patterns to optimize the use of water resources and minimize waste-water production. **This poses challenges to water management and requires a new framework for its modernization.**

The Conference's objectives

9. The Conference examined four major themes: an integrated approach to transboundary water management, information and communication to bridge the gap between actors, challenges to water management and a framework for its modernization, and European Union legislation and its link to the Convention.

10. In doing so, the Conference pursued four major objectives:

(a) Examine progress made in European water policies, both nationally and in a transboundary context, since the adoption of the Convention in Helsinki in 1992;

(b) Examine the opportunities for broadening the scope of cooperation on water and health-related issues over the next decade;

(c) Contribute to the review of the implementation of chapter 18 of Agenda 21 on freshwater resources, including the Rio+10 assessment;

(d) And finally, as with the first Conference held in 1997 in Mrzeżyno (Poland), provide a forum for the Parties to the Convention to share their experience with other regions in the world.

11. At the Conference, pre-prints of lectures were made available to the participants. The lectures and presentations will also be available on the Convention's web site at www.unece.org/env/water. The Conference Proceedings will be published by the end of 2002. The conclusions and recommendations set out below will be submitted to the Parties to the Convention for consideration at their third meeting in autumn 2003.

II. ACHIEVEMENTS

12. The 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, supported by soft-law recommendations, guidelines and specific action plans, has proved to be a useful tool for institutional cooperation on transboundary waters, and a platform for Parties and non-Parties to share their experience.

13. The Convention also proved to be a flexible instrument to cover cooperation on evolving issues. After its adoption, the Convention expanded into areas of cooperation that surfaced in the mid-1990s and early 2000s: the prevention, control and reduction of water-related diseases through its Protocol on Water and Health; and civil liability for damage caused by industrial accidents on transboundary waters through its forthcoming legally binding instrument on these issues.

14. When taking stock and exploring ideas for further developing cooperation, the Conference stressed the importance of the EC Water Framework Directive (WFD) as an important model for implementing the Convention as it further develops and strengthens the Convention in the WFD area of application. Future activities under the Convention and the Protocol on Water and Health should be closely linked to the implementation of this piece of supranational legislation and use the results of its implementation strategy.

15. The Conference was also instrumental in following up decisions taken by the Parties at their most recent meeting, documented in the Declaration of The Hague, which include cooperation with new partners, particularly the Global Water Partnership, the World Bank and the United Nations Development Programme (UNDP), and the offer of the Parties to share their experience with other regions in the world.

16. A number of specific conclusions and recommendations were drawn up that could guide the Parties in selecting future priorities. These conclusions and recommendations should not be seen in isolation; they supplement rather than replace the conclusions drawn at the first conference in 1997, and the decisions taken by the Parties at their first and second meetings.

Conference conclusions

17. Water is a catalyst for cooperation. Key factors for success include a shared vision, sustained political commitment, public support and broad-based partnership. Cooperation on water is a long-term activity requiring realistic objectives, time frames, phased implementation and performance indicators. International agreements provide the basis for long-term commitment, up to the highest political level.

18. Integration is a multifaceted concept. Water management is gradually extending its scope: it integrates surface water and groundwater, coastal water and the marine environment, on the one hand, and it integrates water, land, legal, social and economic components, on the other. Thus, possible new activities under the Convention could focus on establishing links between joint bodies and regional sea commissions; linking integrated river-basin management to coastal-zone management and wetland conservation; and including the social and economic aspects of water management.

19. The examination of existing structures, models and practices for transboundary water management and analyses of the role of public participation, and the institutional and administrative cultures of organizations engaged in European transboundary water management confirm the approaches and principles of the Convention and its Protocol. A number of potential weaknesses were also identified: lack of comprehensive legal framework, clear demarcation of responsibility between the different authorities, institutional and administrative competence, unequal access to information and lack of funding. These should be taken into account in the further

implementation of the Convention and supporting mechanisms, particularly the EC Water Framework Directive. There is also a need for institutional adaptation to the new paradigm of integrated water management.

20. The implementation of the Convention and the legal, administrative and institutional arrangements within its scope – particularly the compulsory establishment of joint bodies should be further enhanced and coordinated. These arrangements and the guidelines developed under the Convention, implemented on a case-by-case basis, are basic tools in ongoing pilot projects and programmes in different scenarios. Pilot projects are an emerging core of the Convention work. Their results show that they can also be useful for implementing the EC Water Framework Directive.

21. Decades of UNECE work have led to both soft-law and hard-law regulations on water, in particular during the past decade. This legislation also exerts its influence beyond the ECE region and covers not only transboundary aspects but also the domestic, internal dimension of water protection and management. As a result of these water-law developments, governance will undoubtedly be enhanced in the ECE region.

22. The Protocol on Water and Health added value by strengthening the domestic dimension and making the Water Convention more stringent. In providing access to safe water, special consideration has to be given to the specific needs of vulnerable populations and of the socially disadvantaged.

23. The work of legal and water experts in an intergovernmental working group on civil liability shows the advantages of an interface approach when dealing with issues concerning different UNECE Conventions. As a result of this work, a draft protocol on liability and compensation for damage resulting from the transboundary effects of industrial accidents on transboundary waters will be presented for adoption. This represents an important step forward in the implementation of a crucial provision of both the Water Convention and the Convention on the Transboundary Effects of Industrial Accidents.

24. The relevance of existing water law to predicted effects of climate change needs to be verified, as climate change will challenge integrated water resources management.

25. Experience with the implementation of the Convention and of subregional agreements confirms the need to strengthen the institutional aspects of compliance and implementation of the provisions of the Convention at the lowest appropriate level.

26. Involving the right institutions and people requires an enabling environment, as provided, inter alia, by the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Access to information, capacity for information management and use of information tools can often be improved. Stakeholder analysis needs to be performed in order to approach target groups in a tailor-made way. During this process, a cooperative

relationship needs to be maintained with the public authorities at all levels. Public involvement has been demonstrated to result in numerous benefits, including better formulated policies and better public acceptance of government initiatives.

27. Proper information requires an understanding of various cultural values and increased interaction between policymakers, stakeholders and scientists. In a transboundary context, it is necessary to integrate various types of information and propose practical solutions, understandable to the various stakeholders. Modern water management requires a large knowledge/information base. Monitoring needs to be embedded in a strategic, holistic approach. In addition to monitoring, institutional arrangements for the provision and exchange of socio-economic and health data and information are necessary.

28. The Convention facilitated the establishment of new, and the improvement of existing international and national networks that bring together people and organizations from different backgrounds. Innovative approaches should be used to promote and encourage network building.

29. Such innovative arrangements emerge in the ECE region where the networks are facilitated by specialized research and information centres such as the Convention's International Water Assessment Centre, the European Centre for River Restoration, the WHO European Centre for Environment and Health and the future international groundwater assessment centre of UNESCO that serve as hubs for knowledge on water and water management. These innovative arrangements help to develop the water knowledge base. Innovative approaches should be developed by linking the specialized centres to other research and development activities.

30. The contribution of the Water Convention to joint programmes, such as the International Shared Aquifer Resources Management (ISARM), shows the merits and synergies achieved through partnerships with other United Nations agencies and other bodies, as well as NGOs. Such cooperation needs to be continued and further encouraged.

31. Partnerships between Parties to the Convention and international financial institutions can be an important asset for implementing the Convention and its Protocol. For example, the European Bank for Reconstruction and Development (EBRD) is a major financial institution working mainly in Central and South-Eastern Europe on meeting European Union water and waste-water standards. Several financing structures are offered to municipal and local governments. EU accession countries are reminded that the soon-to-be available Structures Funds will provide another mechanism to fulfil their obligations under the Water Convention.

32. Small and medium-sized enterprises (SMEs) provide important services to reduce water pollution and water use. The sector is also of recognized importance for the provision of safe water and sanitation services to medium and small-scale housing, and is a recognized provider of environmentally sound technologies. SMEs often encounter difficulties in obtaining financing, for example, to introduce non-polluting practices. This is often caused by a lack of understanding of the appropriate

financial mechanisms. Advisory services have a role to play in bridging the gap between major financing institutions and SMEs. There are variety of financial instruments that allow commercial lending to support the protection of water resources and their sustainable use by SMEs and NGOs.

Conference recommendations

33. The Conference made the following recommendations:

(a) More should be done so that countries that are not yet Parties to the Convention and its Protocol, particularly newly independent States and Balkan States, ratify these legal instruments. They face serious problems with the management of their transboundary waters and need to be able to take advantage of achievements of this cooperative work;

(b) The implementation of the WFD in international river basins at the fringe of an enlarged EU area should be facilitates and a platform for an exchange of experience, approaches and tools with riparian countries in these river basins and in other transboundary catchment areas in the ECE region should be provided;

(c) An effort should be made to intensify the provision and dissemination of information and know-how in the right format, to share experience, to offer assistance for cooperation and to create partnerships and mechanisms for capacity-building, including funding;

(d) Joint work with the bodies established under the other ECE environmental conventions as well as other United Nations bodies and governmental and non-governmental organizations and institutions active in integrated water management should continue, and partnerships should be set up;

(e) Specific implementation projects should continue to be designed to address the major difficulties that countries face with the implementation of the Convention, provide guidance on normative approaches, support capacity-building, strengthen institutional frameworks, provide access to sources of finance, and assist in planning and implementing concerted action plans.

34. The conference's recommendations could form the basis for a long-term strategy for the Parties to the Convention to set new priorities or confirm the ongoing direction of work.