



**Convention on the Protection and Use of Transboundary Watercourses
and International Lakes**
- Secretariat -

Supporting equitable and sustainable water allocation in the transboundary context

Concept for the development of a practical guidance handbook for officials and practitioners

BACKGROUND & OVERVIEW

Water allocation, which is the allocation over time of water resources between and within different sectors and for different uses, is one of the biggest challenges in water management and protection. In the transboundary context, increasing competition over water resources between countries driven by growing water scarcity and increasing water use, makes water allocation ever more relevant to ensure sustainable development and the prevention of risks of political tensions and conflicts.

The key principles of international water law (in particular the principle of equitable and reasonable use of shared water resources, the no-harm rule, the sustainability principle, the ecosystem approach and the precautionary approach), embedded in the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), provide orientation for allocating water in transboundary basins. A benefit-sharing approach can also be central to the allocation of water resources.

A global workshop on water allocation in transboundary basins¹, organized under the Water Convention in Geneva on 16 and 17 October 2017, aimed to increase understanding and knowledge of criteria, mechanisms, tools and good practices for water allocation in transboundary basins and aquifers. Many delegates called for further activities under the Water Convention to promote sustainable, equitable and resilient water allocation, including the development of a document for guiding related efforts.

The Programme of Work for 2019-2021² under the Water Convention, adopted by Meeting of the Parties at its eighth session (Astana, 10-12 October 2018), includes Programme Area 3 on Promoting an integrated and intersectoral approach to water management at all levels, which aims, among others to “support the development of equitable and sustainable transboundary arrangements on water allocation, and, to this end, increase understanding and knowledge of the criteria, mechanisms, tools and good practices for water allocation in transboundary basins and aquifers”.

¹ The presentations and other documentation related to the global workshop is available at: <http://www.unece.org/index.php?id=43623>

² Available at: http://www.unece.org/fileadmin/DAM/env/documents/2018/WAT/10Oct_10-12_8thMOP/Official_docs/ECE_MP.WAT_2018_4_ENG.pdf

The main activity envisaged is the development of a handbook on water allocation in the transboundary context (activity 3.3.1), described as follows:

A handbook based on existing practices will be developed covering the key aspects of equitable and sustainable allocation of water in the transboundary context, addressing both surface waters and groundwaters, and also environmental flows. Work will be started with a global review of water allocation arrangements in transboundary basins. The publication will include references to relevant tools and information resources and examples of: (a) the prerequisites (e.g., institutional framework, data sharing) for agreeing on water allocations; (b) options and approaches that can be followed technically and legally; (c) relevant considerations in designing a process to agree on water allocation; and (d) the benefits that can be drawn from agreeing on water allocation. The experience in implementing existing allocation arrangements will be taken into account. The development of the handbook will be supported by an Expert Group which will meet twice. The manuscript will be translated into French, Russian and Spanish and published.

The development of the handbook will draw closely upon the global workshop on water allocation organized in 2017 under the Water Convention. It will also build on past relevant work under the Water Convention, for instance on the benefits of cooperation, climate change adaptation, the water-food-energy ecosystem nexus, and the different guidance material and soft law tools developed under the Convention. Major project milestones for the handbook are aligned with key meetings of relevant Convention bodies. (see timeline below).

AUDIENCE

The handbook's primary audience will be government officials, basin authorities and water sector practitioners working at different levels (local, national, inter-governmental) of governance of shared rivers, lakes and aquifers.

It aims to be a practical guide providing an overview of the key elements, frameworks and modalities to consider in the application of water allocation in basins. While it will touch upon theoretical perspectives for analyzing and assessing the suitability of water allocation measures for different needs, it will predominantly highlight options of practical arrangements that can address particular challenges. A selection of case studies will provide further context for assessing the appropriateness of water allocation arrangements in different contexts.

SUBSTANTIVE SCOPE & STRUCTURE

While each basin has its own specificities, the handbook should review different aspects that are fundamental to ensuring successful allocation arrangements. As a collection of resources, the handbook will provide a synthesis of existing practices and experiences from around the globe in order to guide riparian countries and joint bodies in assessing the need, considering a range of options and in developing or formalizing equitable and sustainable water allocation arrangements.

The handbook should have as a starting point the question: in what kind of situations would formalizing some aspect of water allocation be helpful, also by pointing to other types of management solutions which might be relevant and considered together with allocation (e.g. demand

management). The handbook should address water sharing within the broader concept of benefit-sharing between stakeholders and sectors.

The handbook should at a minimum cover the following aspects/topics:

- Allocation of both surface and groundwater resources, within the context of their integrated management;
- Both scarcity of water resources and dealing with too much water (flooding), taking into account the nature and frequency of events;
- Climate change considerations and resilience of arrangements;
- Different water uses and needs and their reconciliation. These should include the need for the environment (e.g. by determining environmental / ecological flows or other flow regulation specifications);
- Investments, including joint investments, in light of water allocation;
- Robustness and flexibility of arrangements;
- Information needs, decision support tools and process of agreeing on water allocation arrangements.

The above list is not exhaustive and based on the proposed structure and research to be carried out by the drafters and advice of the Expert Group, additional aspects may need to be addressed in the handbook.

The handbook should provide for an explanation of the relevant principles of international water law as well as a review of the practice until present globally of how different aspects of water allocation have been agreed upon at the transboundary level and what kind of modalities have been used for this.³

The handbook should also briefly describe salient options for developing a mechanism to formally agree on different aspects of water allocation between two or more riparians within transboundary basins.

It is expected that the handbook will also highlight a number of relevant case studies. These case studies should demonstrate the real application of the elements of water allocation discussed in the chapters. The selected case studies should also help put into context the practical steps, challenges and successes for riparians in assessing if specific water allocation measures fit within their basin situations and modalities.

Although the focus is on the transboundary level, national level water allocation (including the OECD work⁴) should be referred to, where relevant, and the experience from water allocation between federal states might also merit consideration.

³ Among the key sources is the Oregon State University's transboundary treaty data base and the reporting on SDG indicator 6.5.2 and the reporting under the Water Convention.

⁴ OECD (2015), *Water Resources Allocation: Sharing Risks and Opportunities*, OECD Publishing, Paris.

The preparation process will allow gathering relevant experience and needs of Parties and non-Parties and joint bodies world-wide, through the different Convention's bodies: the Expert Group to be established to this end, the Task Force on the Water-Food-Energy-Ecosystem Nexus, the Working Groups on Monitoring and Assessment and on Integrated Water Resources Management, together with relevant regional workshop foreseen on this topic.

The final structure and content of handbook remains to be defined, but the following should be covered:

- the prerequisites (e.g., institutional framework, information requirements (e.g. the available water resources, present and projected demands; and tools such as water balance calculation methods), data sharing) for assessing the need for water allocations and, if appropriate, agreeing on them;
- options and approaches that can be followed technically and legally (water allocation in the main agreement on transboundary waters, a protocol e.g. on specific aspects (e.g. flooding, environmental flow etc.), operational rules for dams etc.), specifying their advantages and limitations, in what kind of settings and situations they might be appropriate;
- relevant considerations in designing a process to agree on water allocation (or of assessing a need for it), also in a clear and graphical form (a flow chart, a check-list etc.); and
- the benefits that can be drawn from agreeing on water allocation as well as the potential limitations of the approach that one should be aware of.

PROCESS & TIMELINE

The Secretariat will be the over-arching coordinator for the handbook project and will take the lead on: formation of an Expert Group to advise on the content; organizing meetings of the various bodies and coordinating document preparation and inputs, liaising with the countries and Expert Group for feedback in design and review phases. Therefore, the Secretariat is seeking a partner organization who will focus mainly on designing the structure, searching for and analyzing relevant information, and drafting the handbook's substantive content to meet the major milestones.

Given the substantive and document drafting expertise required for this project, it has been identified that an institution or individual will be contracted for preparing and developing the detailed, extended outline of the handbook (which also involves the task of conducting a desk review to note all the relevant literature and resources to include within this handbook) and drafting all chapters (with assistance from the Expert Group to fill any content gaps). Hence, the contracted party will be responsible for drafting the complete handbook and leading the overall content development throughout the design, drafting, review and revision stages.

The work will be carried out between 2019 and 2021, linking it closely to the meetings of the Water Convention's bodies: the Expert Group; the Task Force on the Water-Food-Energy-Ecosystems Nexus; and the Working Groups on Integrated Water Resources Management and Monitoring and Assessment.

The estimated timeline for development of the water allocation handbook is presented in the table below.

2019		2020		2021	
Q1-2	Q3-4	Q1-2	Q3-4	Q1-2	Q3-4
<p>Call for proposals to relevant institutions with expertise in the field of water allocations.</p> <p>Evaluate submissions against criteria and select one project partner for awarding of grant to.</p>	<p>Development of an extended outline for the handbook</p> <p>Establishment of the Water allocation Expert Group (September/October 2019)</p> <p>1st Expert Group meeting (21 October 2019): discussion of the zero draft, agreement on the way forward, including topics and case studies to be included. Plan 2 regional workshops in Q2 and Q3 2020.</p> <p>IWRM Working Group (22-24 October 2019) to confirm and comment on the scope and outline</p> <p>Working Group on Monitoring & Assessment (6 December 2019): discuss relevant information needs for water allocation, monitoring of allocation arrangements and their effectiveness</p>	<p>Information collection and analysis of the practice and cases.</p> <p>Further elaboration of the handbook in the Expert Group.</p> <p>2nd Expert Group meeting (30-31 March 2020): discussion of the first draft so far, ID topics, case studies and gaps to be strengthened.</p> <p>Review of first regional workshop, plan preparations for second regional workshop.</p>	<p>3rd Expert Group meeting (8-9 October 2020; back-to-back with the nexus Task Force on 6-7 October), Dates TBC. Discussion of the revised second draft, ID case studies and gaps to be strengthened.</p> <p>Review of second regional workshop, finalized plans for any final workshop in Q1 2021.</p>	<p>Gap filling, presentation of the third draft handbook to the IWRM Working Group for review.</p> <p>Finalization of the handbook by the contracting organisation, accounting for the final review comments received.</p>	<p>Publication of the handbook for the 9th Meeting of the Parties (October/November 2021, TBC).</p> <p>Meeting of the Parties decision about any possible follow up.</p>