



Session 11

Chapter VII: Operationalising Transboundary Water Allocation

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Chapter VII

- Rationale:
 - Outlines a general set of legal, institutional and technical water allocation arrangements and approaches
 - Provides a modular suite of options including related flowcharts as well as descriptions of tools and models
 - Provides guidelines for measures to operationalize water allocation principles and objectives presented in previous chapters.
- Target length: 20 pages including flowcharts and case studies



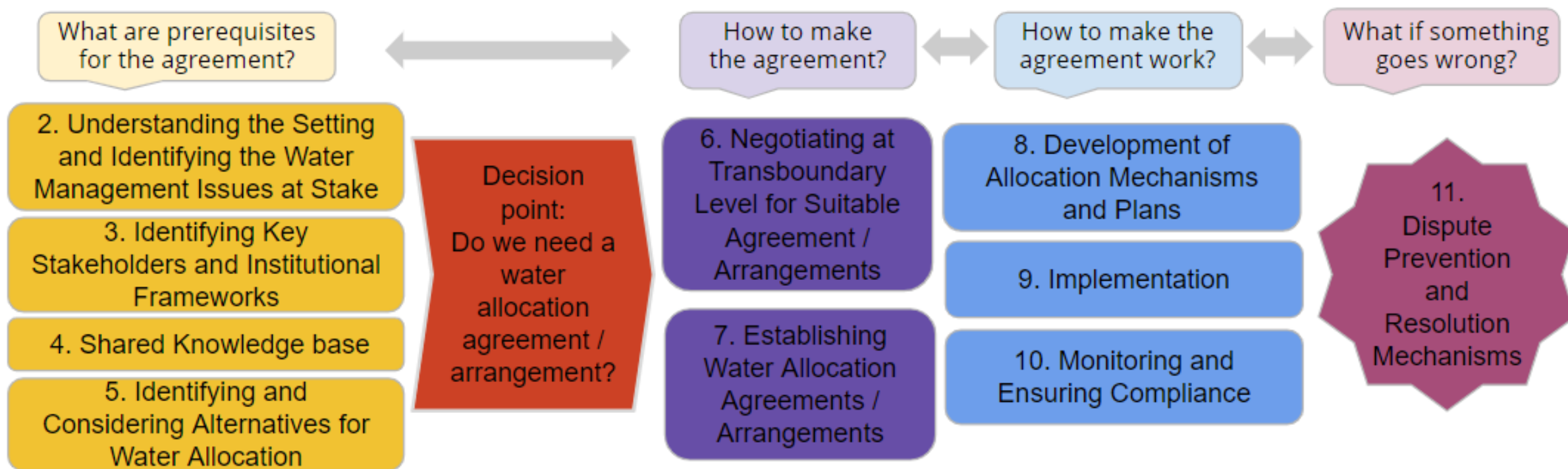
Chapter VII

- Comments and changes to previous version:
 - Current version based on the annotated outline
 - All comments to previous outline have been taken into account
 - Added introductory section *1. The Process of Water Allocation* to the beginning



Chapter VII

1. The Process of Water Allocation





Chapter VII

1) The Process of Water Allocation

- Introduction to the chapter
- Allocation as a governance vs. management issue at transboundary and national levels
- Examples of situations triggering allocation processes: e.g. changes in water availability and quality, environmental requirements, infrastructure development
- Relevance of scale and its implications



Chapter VII

2) Understanding the Setting and Identifying the Water Management Issues at Stake

- Defining the status of possible current transboundary water allocation arrangements
- Identifying the issue or potential challenge in the availability of, or demand for, shared water resources regarding quantity, quality and/or timing seeking to be addressed
- Scope and effectiveness of assessments (cross-ref Ch VI)
- Value-focused thinking, structuration of aims and targets
- ***Potential case studies: International Joint Commission's Share Vision Model establishing multi-stakeholder working groups for defining allocation issues to be addressed***



Chapter VII

3) Identifying Key Stakeholders and Institutional Frameworks

- The need for stakeholder analysis, Aarhus Convention
- Relevant stakeholders in transboundary water allocation: riparians, joint-bodies, relevant public authorities, private sector (e.g. major water-using sectors) and civil society (e.g. local communities)
- Possible stakeholder analysis and engagement methods
- Institutional frameworks: status of transboundary agreements or other arrangements, other relevant agreements and arrangement affecting allocation incl. transboundary flood protection, energy
- ***Potential case studies: Zarumilla, Limpopo?***



Chapter VII

4) Shared Knowledge Base

- Reliable assessment of available surface water and groundwater resources, cross-referencing Chapter VI
- Addressing diverging understandings between sectors and/or riparian states
- Tools and approaches for determining needs of different sectors and states; assessing future development of demands; potential for efficiency; application of different tools under different capacity availabilities
- Sufficiency of knowledge and data; to be revisited after identifying potential alternatives for allocation
- ***Potential case studies: Danube Basin (water balance); US- Canada International Joint Commission; Okavango-Cubango Basin; Columbia River (Information sharing); Central Asia***



Chapter VII

5) Identifying and Considering Alternatives for Water Allocation

- Why alternatives are needed, why transboundary water allocation may not be the solution; an assessment of when/under which circumstances allocation is the best option
- What types of alternatives exist; for example, the use of alternative water resources, demand management measures, reallocation, nexus and benefit sharing options, virtual water
- Cross-reference to Chapter III



Chapter VII

6) Negotiating at Transboundary Level for Suitable Agreement / Arrangements

- Framing of negotiations on particular contested aspect(s)
- Finding common basis for negotiations: conventions, agreements, principles
- Different starting points in negotiations, step-by-step approach
- Re-negotiation, re-allocation, adjustment
- ***Potential case studies: Indus River Treaty (India-Pakistan)***



Chapter VII

7) Establishing Water Allocation Agreements / Arrangements

- The role of transboundary water governance and institutions
- Water allocation approaches, mechanisms, criteria and plans
- Striking a balance between legal certainty and adaptivity
- Response strategies for floods, droughts and extreme events
- Mechanisms that account for flow variability
- **Potential case studies:**
 - ***The 2002 Tripartite Interim agreement between Mozambique, South Africa, and Swaziland.***
 - ***Chu-Talas (institutional setting for cooperation that provides also for maintenance of infrastructure)***
 - ***Cubango-Okavango River basin (terms of reference for the development of water allocation strategy)***



Chapter VII

8) Development of Allocation Mechanisms and Plans

- How to develop allocations mechanisms and plans based on transboundary agreements and other arrangements
- Key factors: Different scales of allocation mechanisms and plans, physical characteristics of the resource, how water is accessed, how the resource pool is defined, etc.
- Role of private sector, operators
- ***Potential case studies:***
 - ***The Amu Darya case (demonstrates the importance of ensuring that a sound long-term planning framework is in place for basin water allocation)***
 - ***The Doosti Dam on the Tejen/Harirud River (Investment as a means to agree about water allocation (jointly built TM-IR Dosti dam))***



Chapter VII

9) Implementation

- Entry into force of the transboundary agreements and arrangements
- Role of joint bodies and public authorities
- Implementation measures of states including national measures
- Possible step-by-step approach to implementation at different levels



Chapter VII

10) Monitoring and Ensuring Compliance

- Information-sharing and capacity-building to ensure compliance
- Role of joint bodies/management institutions and other institutions (e.g. water Convention Implementation Committee) in ensuring and reviewing compliance
- Promoting implementation and compliance (e.g. financing instruments and technical monitoring)
- ***Potential case studies:***
 - ***Murray Darling River basin (Differing allocations & entitlements between states, Water markets and trading water rights)***



Chapter VII

11) Dispute Prevention and Resolution Mechanisms

- Dispute prevention
 - Trust-building, the role of agreements and joint bodies, open communication, information and reporting, possible submissions to Water Convention Implementation Committee
- Dispute resolution
 - Global water conventions, negotiations, mediation, conciliation, fact-finding, arbitration, dispute resolution by a joint body or a court
- **Potential case studies:**
 - ***Okavango River Basin Commission (OKACOM), Indus Water Treaty (case examples), Finnish-Russian Commission***



Chapter VII

Questions for the Expert Group for discussion and commenting

- Is the structure logical?
- Is something missing?
- All inputs, ideas and resources are welcome!