Session 12: Structure & content development: Main messages

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WATER CONVENTION

TRANSBOUNDARY WATER ALLOCATION HANDBOOK
Third Meeting of the Expert Group
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BELÜGYMINISZTÉRIUM

Main Messages: Notes regarding development

1) These draft main messages build upon the skeleton messages that were circulated for comment after the last Expert Group meeting and now cover the whole content.

2) They have changed in title from “Final recommendations to “Main messages” to reflect the ‘a la carte’ menu nature of these points for consideration based on each specific context.

3) This is a work in progress and as the chapters evolve, the messages from those will become clearer.

4) The messages reflect the non-prescriptive character and need to evaluate options and tailor to the specific context.

5) What the Expert Group and the drafting team feel is emerging as messages informs also the ongoing drafting of the chapters as these of course must be consistent and aligned with the distilled messages from the chapters (which substantiate the messages)

Main Messages: Questions for Expert Group

WATER CONVENTION

- First reactions on the general scope and framing?
- Suggestions on structure-logic of how we are presenting the messages?
  - Main message in bold (one sentence or whole para), sub messages
- Any possible gaps that clearly need addressing?
- Specific suggestions?

MAIN MESSAGES

1. **Transboundary water allocation can best be defined as the distribution of water of rivers, lakes and aquifers–specifically the quantity, quality and timing of the water–crossing state borders.**

2. **Sustainable and equitable transboundary water allocation should be seen as a potentially beneficial element of transboundary water resources management depending on the basin situation, but allocation should also be considered in conjunction with its limitations and possible alternatives.**

a. Alternatives to consider are the nexus approach, depending upon the issues at stake and the context. Long-term basin planning and demand management may reduce need for water allocation. Sharing of benefits from water resources provides a broader range for negotiation, while applying a nexus approach may allow for addressing sectoral policy and development issues before it translates into sectoral demands.

MAIN MESSAGES

3. Transboundary water allocation, both its challenges and benefits, demands increasing attention from water practitioners in the rapidly changing contexts of today and in the future, especially due to the increasing demands on water resources as well as increasing impacts of physical water scarcity, drought and flooding, which are aggravated by climate change. Development (infrastructure, regulation etc.) adds to the need for coordination and arrangements for ensuring water availability for different needs.

4. Current practice in certain regions of the world facing frequent drought events or chronic water scarcity demonstrates a trend by riparian countries in those regions towards systems of transboundary re/allocation which prioritizes basic human needs for drinking water and sanitation. Environmental/ecosystem needs have gained attention also in shared water management, and a great variety of methods for defining e-flows have been developed. There are regional differences in the extent of considering ecosystem aspects beyond simple minimum flows.

MAIN MESSAGES

5. The global water conventions (1992 Water Convention and 1997 Watercourses Convention) provide general principles (equitable and reasonable, no harm, cooperation, peaceful settlement of disputes) frameworks, and tools (agreements, joint bodies) to assist riparian countries, also relevant for allocating water in transboundary basins and aquifers. For riparian states to actually do allocation, specific arrangements would need to be tailored by the riparians to the bilateral or basin level cooperation frameworks, if appropriate.

6. Joint arrangements, agreements and joint bodies lay a foundation for well functioning transboundary allocation systems. However, in some cases technical solutions or informal arrangements may be helpful to some degree but should not be viewed as preferable to formal arrangements which grant greater certainty and legal weight.

7. The following elements strengthen the knowledge base for transboundary water allocation (or assessing need for it): open and transparent sharing of up-to-date information; cooperative efforts at progressive harmonization of data, information and indicators on water resources across borders to foster a common understanding of the hydrological situation, uses and needs; joint or coordinated monitoring and assessment systems which utilise sound and financially sustainable technology.

MAIN MESSAGES

8. Adaptivity is essential: water allocation arrangements and agreements, existing and new, need to be adaptable to changing hydrological, climatic and other related conditions and contexts within basins and regions. Adaptivity can be integrated into arrangements and agreements e.g. by applying allocations in percentages instead of absolute amounts, periodic reviews, using objective tresholds (e.g. persistent low precipitation) as basis if exceptional deviations from agreed allocations are needed. In accommodating adaptivity into transboundary water allocation systems, it may be useful to review pre-existing usage patterns and any allocation arranegments on which they are based in order to accommodate and adapt to future conditions and needs. Factors related to needs that evolve over time include e.g. changes in demography, structural changes in water use (withdrawals consumptive use) as a result of e.g. improved efficiency in agriculture as a result of changing crops or urbanisation.

9. Developing transboundary water allocation is an iterative process: It is important that cooperative efforts take into account available resources, to assess the relevance of different factors and options for each context and adapt those elements which are relevant for the specific purposes and issues seeking to be addressed. It can be useful to incorporate systems and agreements for monitoring and assessment as well as scope for periodic review of the terms of allocation and their modalities for implementation.

MAIN MESSAGES

10. **In terms of general typology, water allocation mechanisms can be divided into direct mechanisms, indirect mechanisms or mechanisms based on principles. 1) Direct mechanisms specify fixed quantities (for all or some riparian), percentage of flow, equal division, variable by water availability, Variable according to time of the year, water loans, allocation of entire/partial aquifer/river (based on sole use), allocating time; cap, limit or no allocation allowed; 2) Indirect mechanisms include dividing allocation based on the priority of use, consultation and/or Prior Approval; allocation mechanism is to be determined by a river basin organization, commission, and/or committee; 3) Mechanisms based on principles refer to one of the following: benefits sharing, historical or existing uses, equitable use, sustainable use or allocation mechanism uses a market instrument.**

a. Groundwater is a distinct type of resource compared to surface water, and conseqspecific mechanisms refer to pumping rates, water table impact, spring outflow or relates to storage capacity of the aquifer.

b. In the case of hydropower, several different divisions of benefits have been applied: fixed quantities of power, variable quantities of power, percentage of assessed value of electricity generated, percentage of power generated, fixed value of electricity generated, other parties to determine or change the division of benefits.

MAIN MESSAGES

11. Negotiations over water allocation tend to follow a needs-based approach rather than one focused on rights, which emphasize water rights based on hydrography or historical use (Wolf 1999). Needs-based approaches that are based on basin characteristics, such as population, irrigation requirements, and projected growth, for example, are more easily quantifiable and provide a common starting point for negotiations. As a result, they offer more practical methods of dividing water. Assessment of present and future water needs is critical before going to a more detailed diagnosis of potential problems and the need for agreements and regulation.

12. Economic aspects are important to managing demand and water infrastructure as well as deciding about and implementing water allocation (mechanisms, externalities etc.). Trade-off analyses (e.g. cost-effectiveness analyses, cost benefit analyses) can inform evaluation of options in water allocation, even though not all benefits from water can be monetized. Coordinating infrastructure and incentivizing efficiency can help avoid over-sized water infrastructure and reduce demands for which water allocations might be tough to negotiate.

MAIN MESSAGES

13. Implementation of transboundary water allocation relies on national legislation and regulations in place (and may require revising them). Depending on the constitution, sub-national entities may have delegated authority and hence a particular role in negotiating, establishing and implementing allocation agreements and arrangements.

14. Given the often contested nature of water allocation across state borders, in order to ensure the peaceful negotiation of arrangements and resolution of potential disputes, clear and mandatory dispute settlement mechanisms should be incorporated into allocation arrangements or transboundary agreements which include allocation arrangements.

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Questions & Feedback?

Additional information on the Water Convention's work on transboundary water allocation: https://www.unece.org/environmental-policy/conventions/water/areas-of-work-of-the-convention/water-allocation-in-a-transboundary-context.html

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