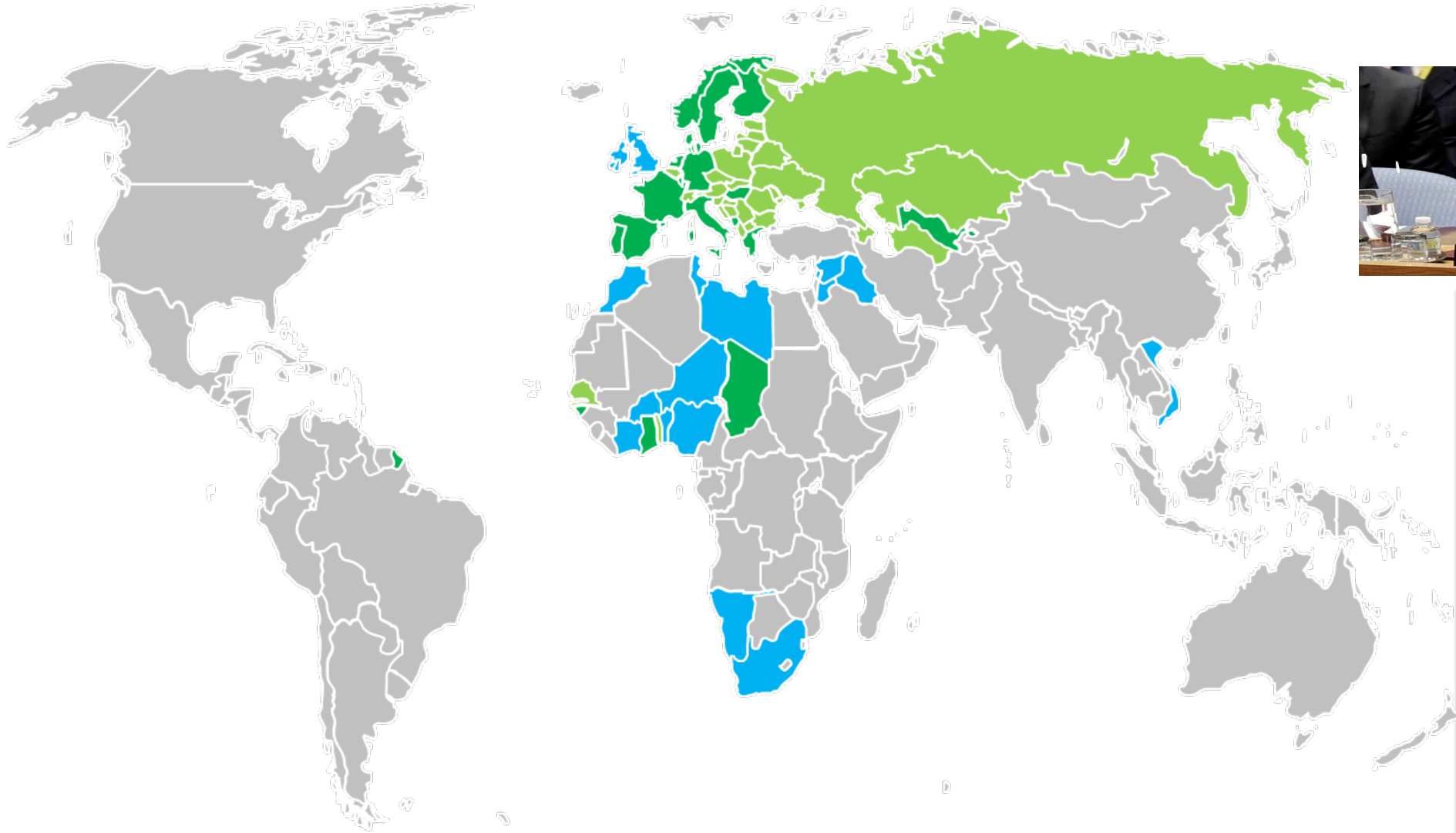


# The importance of legal and institutional arrangements for transboundary cooperation: role and relevance of the “Water Convention in Africa”

Sonja Koeppel, Secretary of the Water Convention



# Accession to the global conventions



*“The global opening of the Water Convention, the accession of the first countries from outside the UNECE region -- namely Chad and Senegal -- and the momentum in support of the Convention are promising developments. Along with the Convention on the Law of the Non-Navigational Uses of International Watercourses, the world has the ability to strengthen the rule of law in transboundary cooperation worldwide. **I call on Member States to join both Conventions and to strive for their full implementation.**”*

Party to Water Convention (1992) – 46

Party to Watercourses Convention (1997) – 37

Party to both Conventions – 18

# The Water Convention

*Sometimes called the 1992 Helsinki Convention*



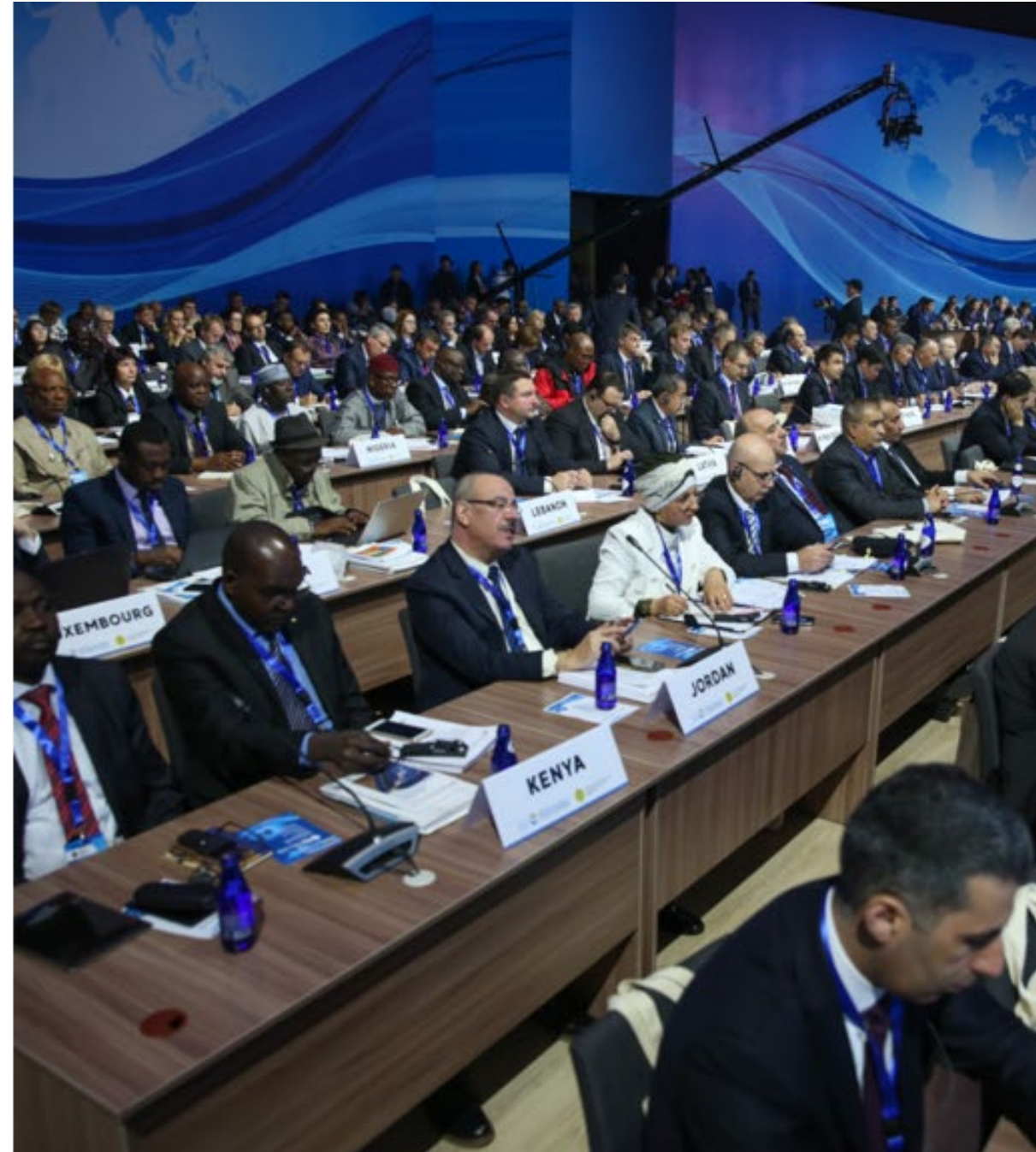
A legal and institutional framework for **transboundary water cooperation** contributing to **sustainable development**, international **peace** and **security**.



A **unique platform** to discuss progress of **transboundary water cooperation** worldwide under the umbrella of the **United Nations**



Opened to all interested countries, with **more than 130 countries** exchanging experiences and knowledge to prompt progress in cooperation



# 1992 Water Convention

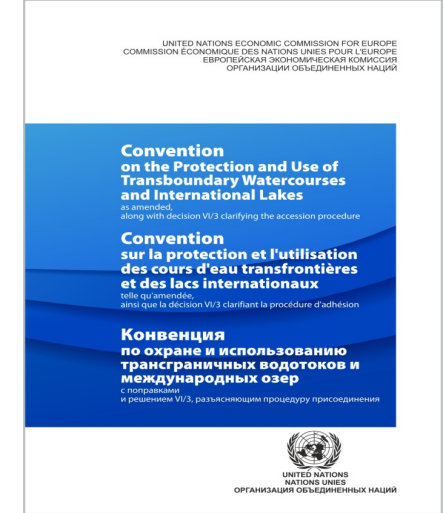
- Convention on Protection and Use of Transboundary Watercourses and International Lakes (**1992 Water Convention**), adopted in March 1992
- Negotiated in 1990-1992 via intergovernmental process under auspices of UNECE
- Entry into force 1996
- 2003 Amendment to allow States outside UNECE region became operational 1<sup>st</sup> March 2016
  - Global operation
- In Nov 2021, 46 Parties to the Water Convention

## Water Convention Key Principles

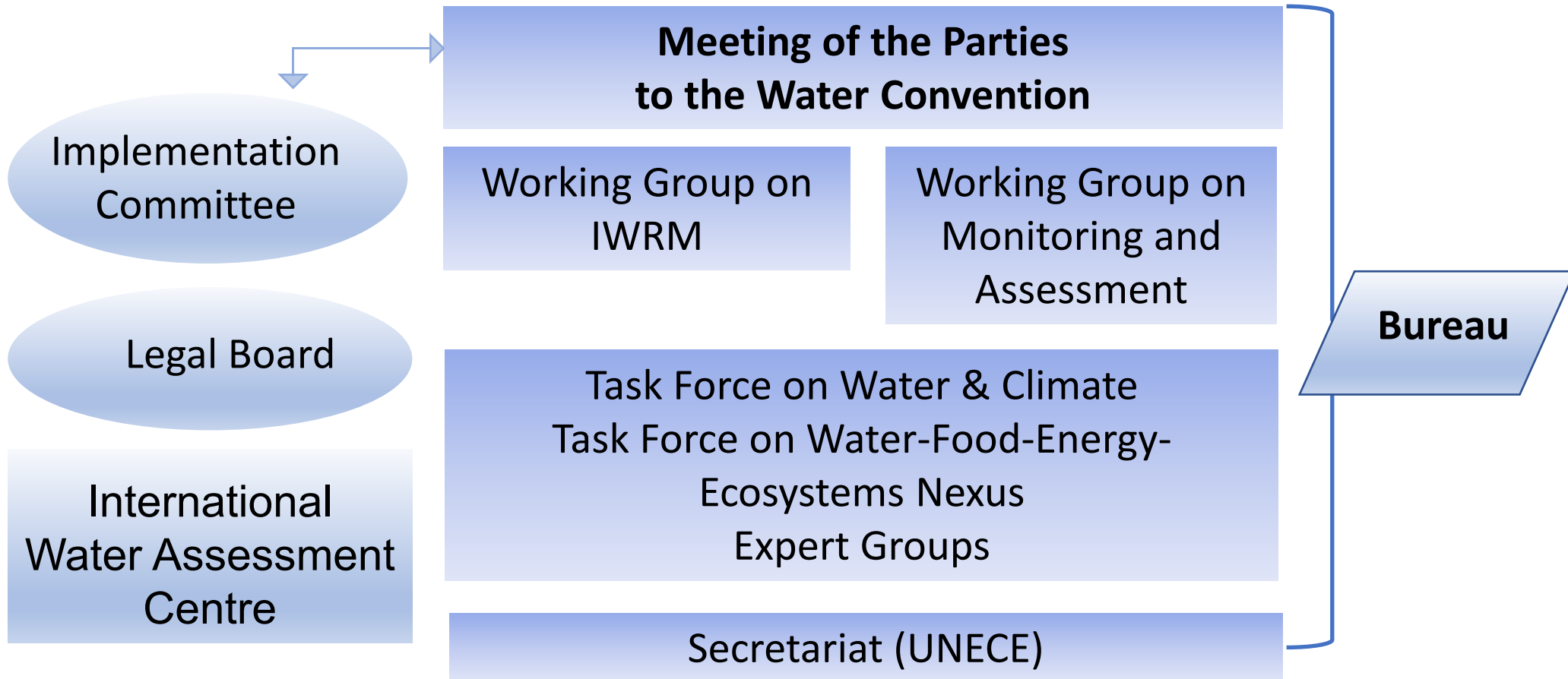
Principle of prevention

Principle of equitable and  
reasonable utilization

Principle of cooperation



# Institutional framework



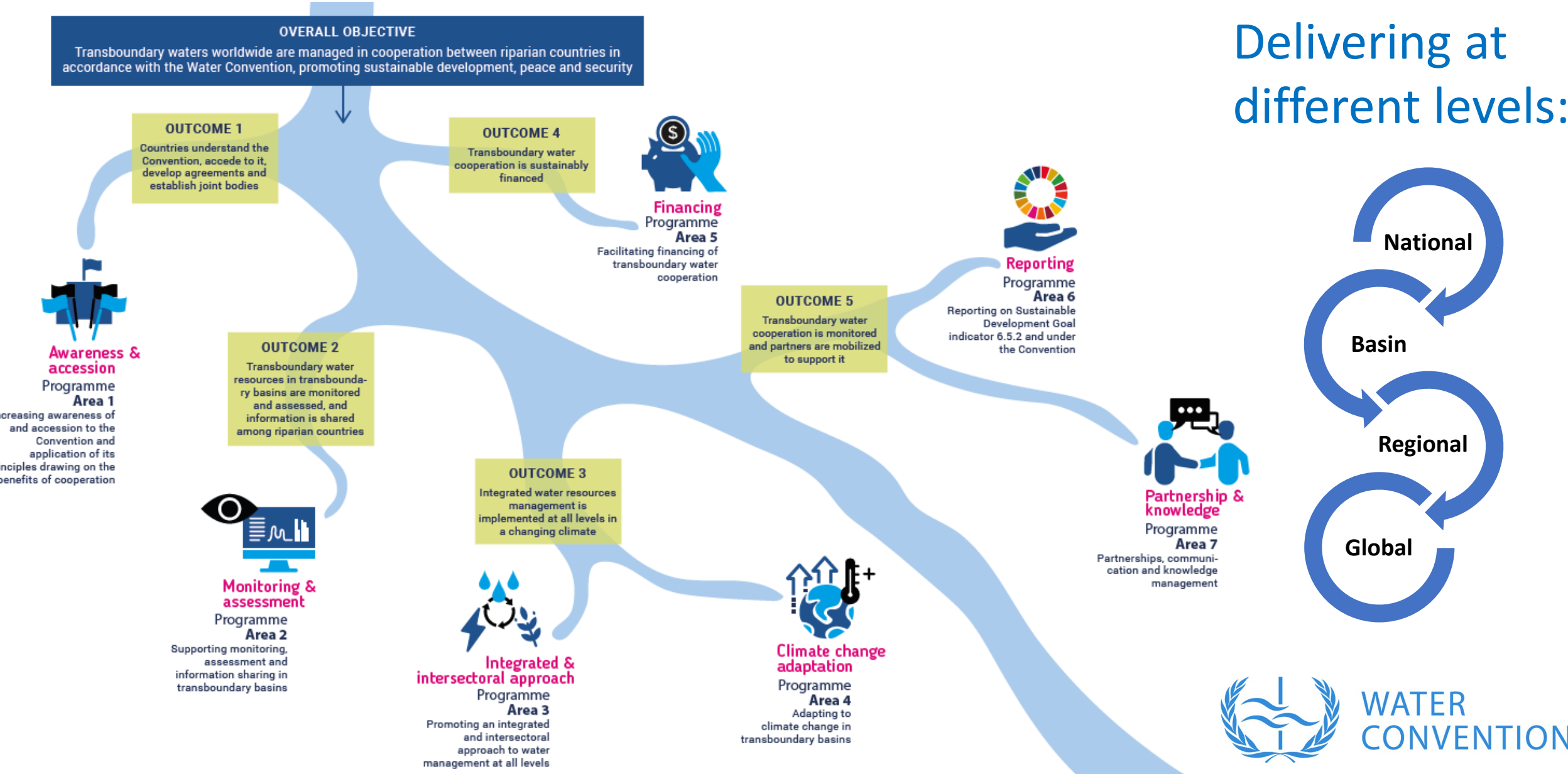


# MOP9 outcomes: 29 Sept - 1 Oct. 21

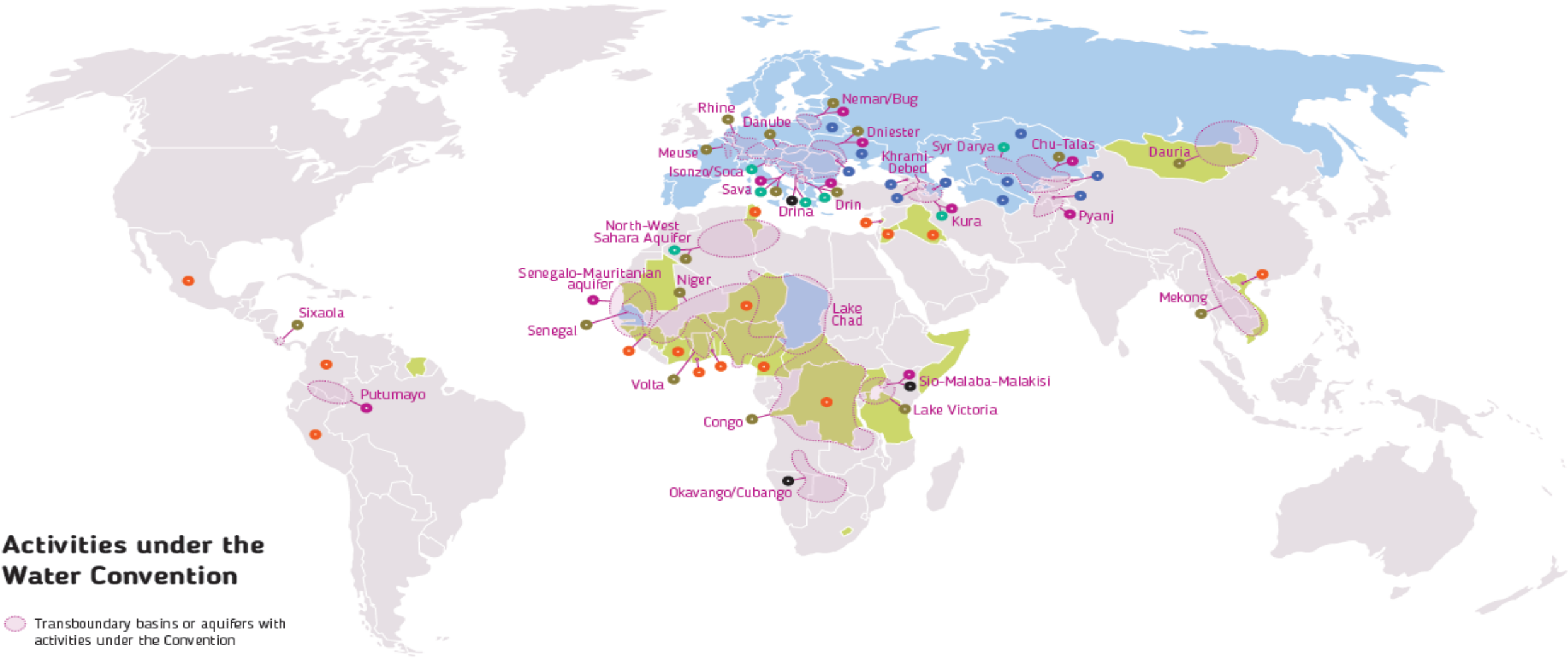
- More than **800** participants, over 110 countries
- Strong interest to **join** the Convention:
  - **Ghana, Guinea-Bissau and Togo** were welcomed as new Parties.
  - Several countries demonstrated significant progress in accession.
- **Water and Peace**: 30+ Ministers participated in the high-level segment
- Historical moment: A ministerial declaration between Senegal, Mauritania, The Gambia and Guinea Bissau on the shared **Senegalo-Mauritanian Aquifer Basin signed**.
- The Water Convention's **Programme of Work for 2022-2024** adopted, along with decisions on reporting, financial targets, implementation etc.

# Programme of work for 2022-2024

Delivering at different levels:



# Water Convention: Global implementation



## Activities under the Water Convention

Transboundary basins or aquifers with activities under the Convention

### Areas of work

- Support the development of agreements and the establishment of joint bodies
- Identifying, assessing and communicating the benefits of transboundary water cooperation
- Water-food-energy-ecosystems nexus in transboundary basins

### Country Status

- Adaptation to climate change in transboundary basins
- Opening of the Convention, promotion and partnerships
- National Policy Dialogues on IWRM under the European Union Water Initiative
- Parties
- Countries which have started a discussion on accession



## Support to implementation

- Assistance provided on request and depending on the availability of resources to support cooperation processes in basins and regions (Dniester, Chu-Talas, Drin, Dam Safety, Water Quality in Central Asia, ECCAS Regional Convention, ECOWAS Directive)



# Through its intergovernmental platform and programme of work, the Water Convention ...

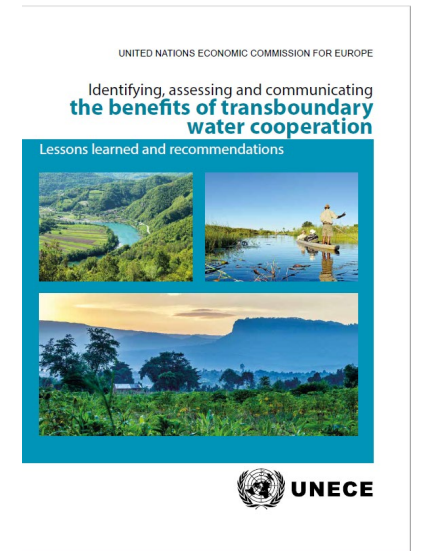
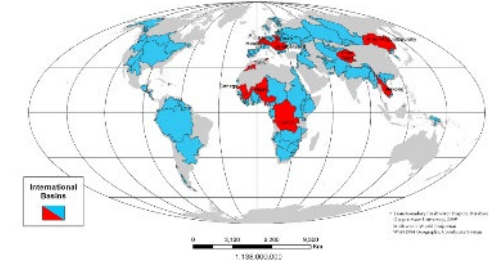
**Contributes to cooperation and peace** (inspire cooperation even in fragile areas where there is competition/war history)

**Supports the creation of basin organizations to strengthen regional stability and integration** (more than 90 agreements entered into force since the entry into force of the Water Convention)

**Helps countries in adapting to climate change through a basin wide approach** (more efficient, joint measures)

**Supports the reduction of trade-offs and cross-sectoral conflicts** (optimize the use of resources through cross-border cooperation)

International River Basins



## Why is the Water Convention relevant for Africa?

- Sound legal framework coupled with action to support implementation and implementation committee
- Catalyst for cooperation, balanced approach for both upstream and downstream countries
- Continuously evolves and address emerging issues with conflict potential ( such as dam safety)
- Many African countries already participate in the Convention's activities, more and more showed interest - the Convention can support such requests
- Cooperation with partners such as ECA, CEEAC, IGAD, ANBO, and many others
- You are invited to use the various guidance documents, participate in pilots etc.
- BUT: It is up to each country to decide whether to accede or not
- You are invited to participate in upcoming meetings:
  - Working Group on IWRM, 28-30 June 2022
  - Global workshop on the source-to sea approach: December 2022

# Other tools and guidance under the Convention



# MORE INFORMATION



WEB - [unece.org/env/water](http://unece.org/env/water)



EMAIL - [sonja.koeppel@un.org](mailto:sonja.koeppel@un.org); [water.convention@un.org](mailto:water.convention@un.org)



RESOURCES [www.unece.org/env/water/publications/pub.html](http://www.unece.org/env/water/publications/pub.html)



[www.unwatercoursesconvention.org/](http://www.unwatercoursesconvention.org/)



WATER  
CONVENTION



# Main achievements of the Convention in the past 20 years

Promoted transboundary cooperation in the pan European region (almost all basins are covered by agreements)

Fostered continuous improvement of cooperation: from specific water uses to integrated management and sustainable development

Built a bridge between the Western and Eastern parts of the region, harmonization of approaches, approximation to EU legislation

Fostered peace and stability in conflict prone areas

Supported brokering new agreements in countries in transition

Promoted both policy dialogue and action on the ground on emerging issues: climate change and water, water-food-energy-ecosystem nexus

Work at both technical and political level using «broad diplomacy»

Legal and institutional framework flexible and evolving to address Parties and non-Parties needs (Implementation Committee, reporting, etc)

# 1997 Watercourses Convention

- Convention on the Law of the Non-Navigational Uses of International Watercourses (**1997 Watercourses Convention**), adopted in May 1997
- Long development since 1970 by International Law Commission & state engagement via UNGA
- Codifies customary international law
- Adopted by UNGA (103 votes in favour, 26 abstentions, 3 against)
- Entry into force 17 August 2014
- Currently 37 Parties

## Watercourses Convention Key Principles

Principle of equitable and reasonable utilization

Principle of no harm

Principle of cooperation





# New publications:

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*Second report on the Water Convention implementation*

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*Funding and financing of transboundary water cooperation and basin development*

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*Solutions and investments in the water-food-energy-ecosystems nexus: a synthesis of experiences in transboundary basins*

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*The Handbook on water allocation in a transboundary context*

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*Practical guide on developing agreements and other arrangements for transboundary water cooperation*



# Practical Guide on the development of legal frameworks for transboundary water cooperation

UNECE

Practical Guide for the Development of  
Agreements or Other Arrangements  
for Transboundary Water Cooperation



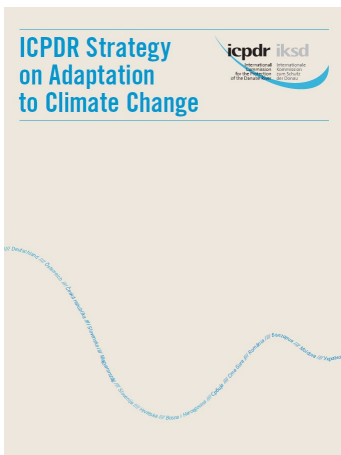
- Aimed at supporting countries in the **design and drafting** of agreements or other arrangements for transboundary waters
- Focus on **content and drafting options** rather than on process
- **Target audience:** State representatives, legal and technical experts, decision-makers involved in negotiation of agreements or other arrangements for transboundary waters, the staff of river basin organizations, regional organizations, and other stakeholders working on transboundary cooperation and water diplomacy are the target audience of the Practical Guide.
- Developed in 2020-2021 through a drafting group and reviewed by Parties and non-Parties
- Adopted at MOP9

- Publication available here:

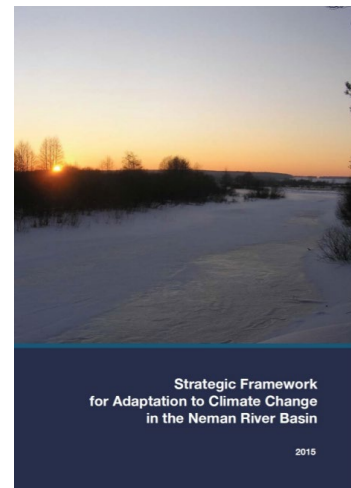
<https://unece.org/info/publications/pub/361821>

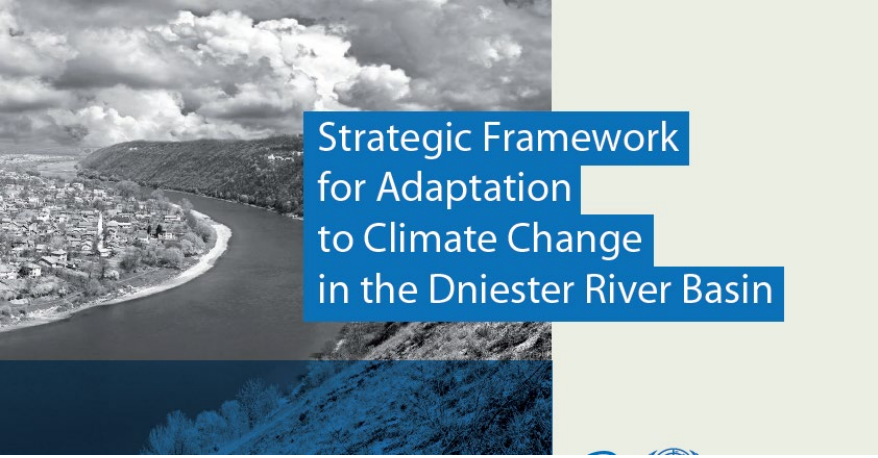
# Transboundary cooperation in climate change adaptation

- Transboundary/regional cooperation is needed to address floods and droughts and make adaptation more effective; however, most climate change activities are focused on the national level
- Water Convention is helping countries to adapt to climate change through its Task Force on Water and Climate, capacity-building, exchange of experience and projects on the ground



- The International Commission for the Protection of the Danube River (ICPDR) developed and updated a transboundary adaptation strategy for the **Danube**
- In the **Neman basin** shared by Belarus and Lithuania, development of climate change adaptation strategy facilitated overall transboundary water cooperation.

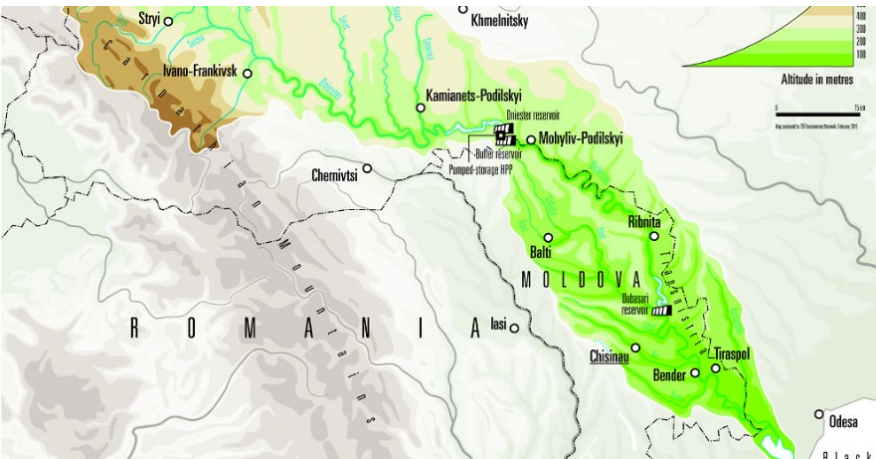




## Strategic Framework for Adaptation to Climate Change in the Dniester River Basin

# Case study example 1: Dniester basin

- The **Dniester basin** shared by Moldova and Ukraine (projects by UNECE, OSCE, UNDP, UNEP)
- Cooperation on climate change adaptation started with flood management activities
- Strategic Framework for Adaptation to Climate Change was endorsed in 2015 and followed by development of its Implementation Plan
- These activities increased the adaptive capacity in the basin and facilitated the entry into force of the transboundary Dniester Treaty in 2017 and the establishment of the Dniester Commission in 2018



HOME - JOINT MANAGEMENT - DNIESTER COMMISSION

## DNIESTER COMMISSION

The Commission on Sustainable Use and Protection of the Dniester River Basin (the Dniester Commission) was established under the Treaty between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin (Moldovan, Ukrainian), which was signed in Rome on 29 November 2012. The Treaty covers almost all aspects relating to river basin issues, except for navigation and hydropower, and is aimed at strengthening and expanding cooperation between the Republic of Moldova and Ukraine, which started in 1994. Besides, the execution of this document was an important step in fulfilling the obligations undertaken by the Republic of Moldova and Ukraine under the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992) and the EU Water Framework Directive (2000).

## RULES AND COMPOSITION

The rules of procedure and proceedings of the Commission were approved at the first meeting of the Commission (Chisinau, 17 September 2018)

[READ MORE >](#)

## WORKING GROUPS

The composition of the Moldovan and Ukrainian part the Commission is represented by the following work groups:



# Case study example 2: Chu-Talas basin

The **Chu-Talas basin** shared by Kazakhstan and Kyrgyzstan (project by UNECE and UNDP)

Basin-wide modelling of climate change impacts and a vulnerability assessment

Elaboration and implementation of climate change adaptation measures, covering issues from water quality to monitoring and education

Measures were integrated into a transboundary diagnostic analysis (TDA) and a Strategic Action Programme (SAP)

The Joint Bilateral Chu-Talas Water Commission played a crucial role and created a climate change sub-group



Climate-proofing cooperation in the Chu and Talas river basins





## Case study 3: Senegalo-Mauritanian Aquifer Basin (SMAB)

- Request by Senegal as new Party to Water Convention and following 2017 SDG indicator 6.5.2 exercise
- Regional Working Group established from countries (Gambia, Guinea Bissau, Mauritania, Senegal) & RBOs - OMVS, OMVG. Country consultation meetings and regional meetings.
- Partners: Water Convention, Geneva Water Hub, IGRAC; EU and SDC (financing)
- Aim: Produce the project document and an action plan for establishing a sustainable mechanism for concerted management of SMAB
- 2021, at MOP9: Ministerial Declaration on the SMAB: commitment to establishing a legal and institutional framework

# The Water Convention obligations

## Obligations for all Parties (Part I)

- Licensing of waste-water discharges and monitoring of authorized discharges
- Setting emission limits based on BAT
- Application of best environmental practices
- Minimization of the risk of accidental pollution
- Application of EIA and other assessments
- Exchange of information



# The Water Convention obligations



## Obligations for Riparian Parties (Part II)

Conclusion of bilateral and multilateral agreements and creation of joint bodies

Joint monitoring and assessment

Common research and development

Exchange of information between Riparian Parties

Consultation

Warning and alarm systems

Mutual assistance

Public information

# The United Nations global water conventions: Fostering sustainable development and peace

The United Nations  
global water  
conventions:  
**Fostering  
sustainable  
development  
and peace**



Experiences in the implementation of the United Nations global water conventions suggest that a number of benefits come from accession, including :

1. Reinforcing transboundary cooperative arrangements
2. Realising the benefits of transboundary water cooperation
3. A common platform to share experiences, enhance capacity and advance water diplomacy
4. Strengthening water governance at both national and transboundary levels
5. Increasing finance for transboundary basin development
6. Increasing political support for transboundary cooperation at the global level