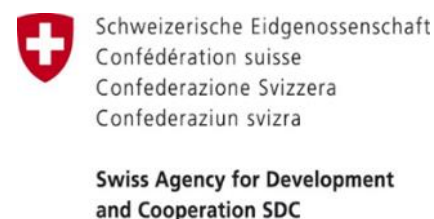


Training workshop “From practitioner to practitioner:
how to use the two global Water Conventions to promote cooperation on the ground”

Environmental protection and Climate Change in the global Water Conventions

Maria Apostolova
Project Coordinator
Amazon Cooperation Treaty Organization



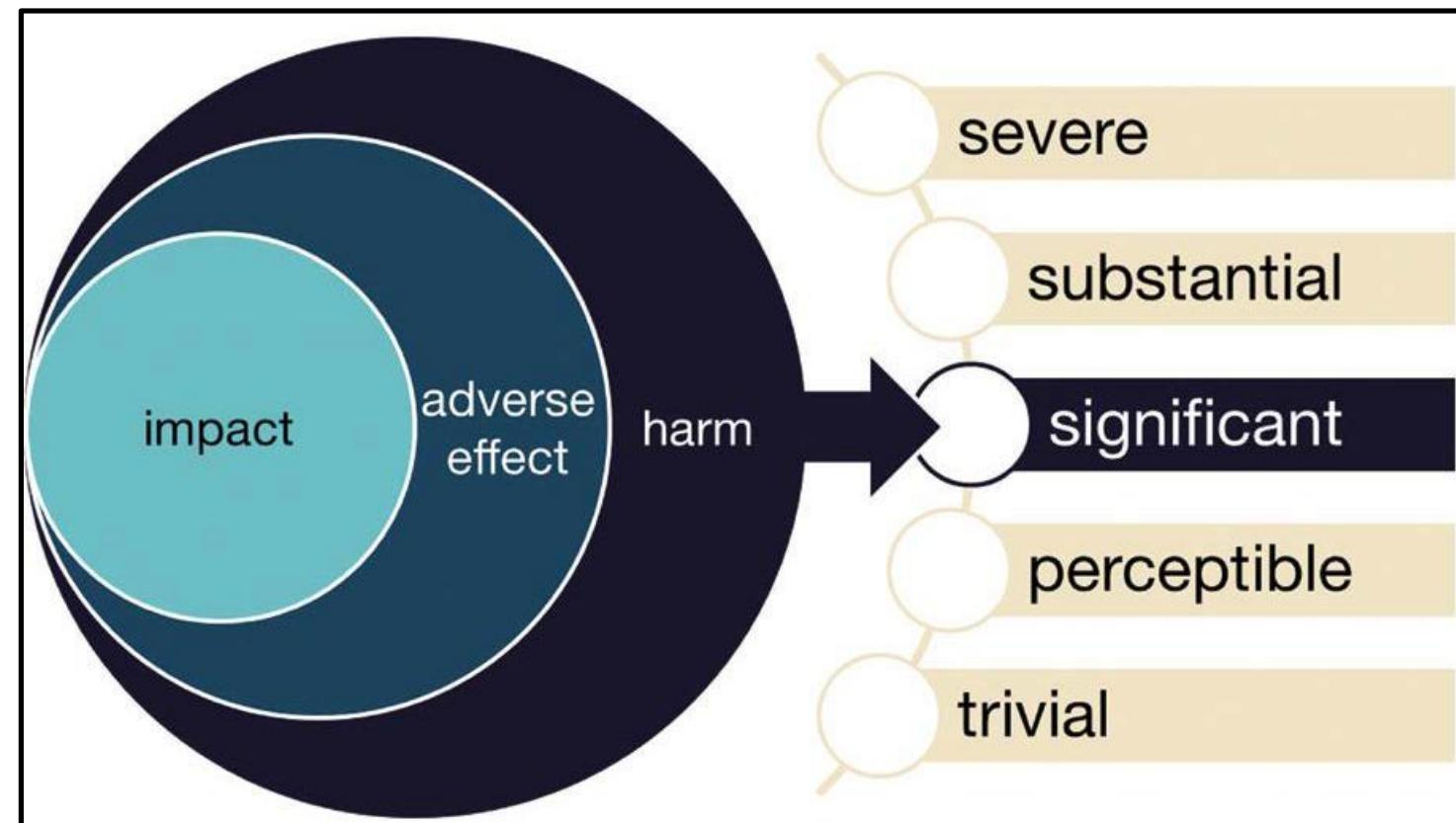
I. Environmental Protection: Key obligations

1997 Watercourses Convention / 1992 Water Convention

Principle / Obligation not to cause significant harm ('no harm rule')

Obligation to ensure the protection and conservation of ecosystems

How to determine what constitutes "significant harm"



Source: Rieu-Clarke, et al. *UN Watercourses Convention – User's Guide*, at 121

States are obliged to protect and conserve the ecosystem of international watercourses.

States have a due diligence obligation to prevent, control and reduce transboundary impact ("significant adverse effect on the environment", including on human health, climate, landscape, physical structures, cultural heritage or socioeconomic conditions).

States must take all necessary measures to prevent the introduction of exotic or new species which may have harmful effects on an ecosystem.

I. Environmental Protection: Key obligations:

1997 Watercourses Convention / 1992 Water Convention

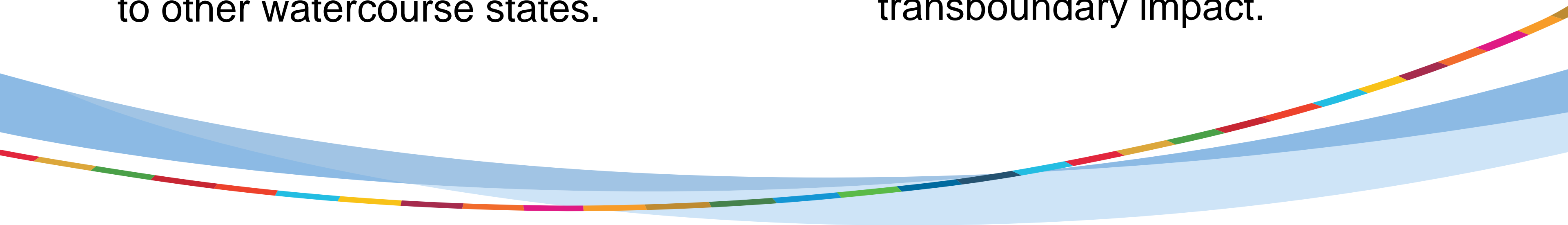
Obligation not to cause significant harm ('no harm rule')

Art. 7 1997 Watercourses Convention

Watercourse states shall, in utilising an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse states.

Art. 2 (1) 1992 Water Convention

The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.



I. Environmental Protection: Key obligations: 1997 Watercourses Convention / 1992 Water Convention

Obligation to ensure protection and conservation of ecosystems

Art. 20 1997 Watercourses Convention

Watercourse states shall, individually and, where appropriate, jointly, protect and preserve the ecosystems of international watercourses.

Art. 2 Paragraph 2 (d) 1992 Water Convention

The Parties shall, in particular, take all appropriate measures:
(d) To ensure conservation and, where necessary, restoration of ecosystems.

I. Environmental Protection: Specific Provisions

1997 Watercourses Convention and 1992 Water Convention

- Ensure water quality – establish water quality objectives and criteria.
 - Prevent and address water pollution: diffuse pollution and pollution from point sources.
 - Establish lists of prohibited substances
 - Undertake Environmental Impact Assessment for activities with potential for transboundary consequences.
 - Adopt measures to protect the marine environment.
- Prevent the introduction of alien or new species (1997 WCC)
 - BAT & Best environmental practices (1992 Water Convention)



I. Environmental Protection: Specific Provisions

1997 Watercourses Convention

Art. 21 Prevention, reduction and control of pollution

3. Watercourse states shall, at the request of any of them, consult with a view to arriving at mutually agreeable measures and methods to prevent, reduce and control pollution of an international watercourse, such as:

- a. Setting joint water quality objectives and criteria;
- b. Establishing techniques and practices to address pollution from point and non-point sources;
- c. Establishing lists of substances, the introduction of which into the waters of an international watercourse is to be prohibited, limited, investigated or monitored.



I. Environmental Protection: Specific Provisions

1997 Watercourses Convention

Art. 22 Introduction of Alien or New Species

Watercourse states shall take all measures necessary to prevent the introduction of species, alien or new, into an international watercourse which may have effects detrimental to the ecosystem of the watercourses resulting in significant harm to other watercourse States.



Art. 23 Protection and Preservation of the Marine Environment

Watercourse states shall, individually and, where appropriate, in cooperation with other states, take all measures with respect to an international watercourse that are necessary to protect and preserve the marine environment, including estuaries, taking into account generally accepted international rules and standards.



I. Environmental Protection: Specific Provisions

1992 Water Convention

Art. 3 Prevention, control and reduction

3. In addition, each Party shall define, where appropriate, **water-quality objectives and adopt water-quality criteria** for the purpose of preventing, controlling and reducing transboundary impact. General guidance for developing such objectives and criteria is given in annex III to this Convention. When necessary, the Parties shall endeavour to update this annex.

2. To this end, each Party shall set **emission limits for discharges from point sources into surface waters** based on the best available technology, which are specifically applicable to individual industrial sectors or industries from which hazardous substances derive.

The appropriate measures mentioned in paragraph 1 of this article to prevent, control and reduce the input of **hazardous substances from point and diffuse sources into waters**, may, inter alia, include total or partial prohibition of the production or use of such substances.



I. Environmental Protection: Specific Provisions

1992 Water Convention

Art. 9 Bilateral and Multilateral Cooperation

2. The agreements or arrangements mentioned in paragraph 1 of this article shall provide for the establishment of joint bodies. The tasks of these joint bodies shall be, inter alia, and without prejudice to relevant existing agreements or arrangements, the following:

(f) To develop concerted action **programmes for the reduction of pollution loads** from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);

Art. 2 General Provisions

6. The Riparian Parties shall cooperate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the **protection of the environment of transboundary waters or the environment influenced by such waters, including the marine environment.**

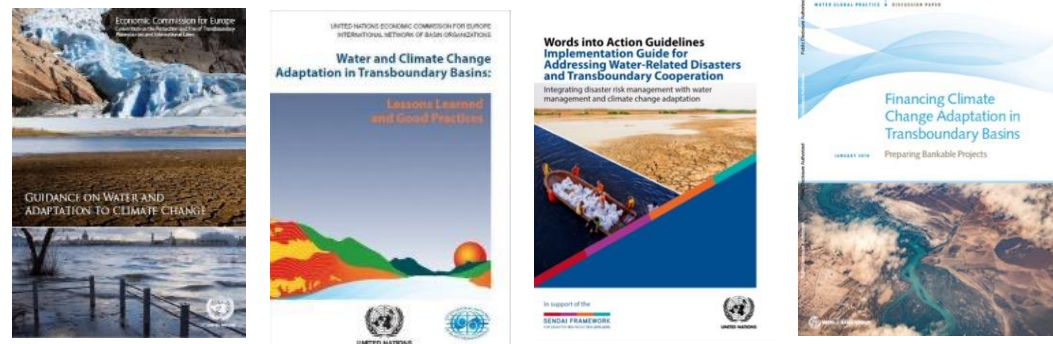
II. Climate Change: 1997 Watercourses Convention and 1992 Water Convention

- Climate change issues not directly covered by the two Conventions.
- The notion of transboundary impact under the 1992 Water Convention (Article 1(2)) includes effects on 'climate'.
- Factors relevant for equitable and reasonable utilization under the 1997 Watercourses Convention (Article 6) include 'climatic' factors.
- Provisions on critical/emergency situations (Art. 28 in 1997 Watercourses Convention and art.14 in the 1992 Water Convention) include floods and droughts and this has been related to climate change issues.

1992 Water Convention: Climate Change

Water Convention tools

- Task Force on Water and Climate since 2006
- Guidance and publications on water and climate



- Promoting water and climate in global processes
- Regular global workshops
- Pilot projects
- Global Network of basins working on climate change adaptation



Recent progress report

https://unece.org/sites/default/files/202305/Global_network_overview_pilot_projects_progress_May2023_ENGL.pdf

III. ENVIRONMENTAL PROTECTION AND ADAPTATION TO CLIMATE CHANGE IN THE AMAZON BASIN



ACTO

Amazon Cooperation
Treaty Organization



WATER RESOURCES

Regional and global water reserve
Regulates global and regional climate
(carbon absorption and evapotranspiration processes)

HYDROLOGY

Output flow: 220,000 - 300,000 m³/s in the rainy season.

Length: 6,992 km

Hydrographic basin area:
6,118,000 km²

Main contributors: Putumayo, Japurá and Negro River (north slope), Juruá, Purús, Madeira, Tapajós and Xingú (south slope).

BIODIVERSITY AND ECOSYSTEMS

Largest and mega-biodiverse tropical forest on the planet



POPULATION

Amazon Basin: 48 million of inhabitants.
420 indigenous peoples.
370 languages.

ECONOMIC ACTIVITIES

53% of agricultural activities.
31% of trade.
16% of manufacture.



Bolivia



Brasil



Colombia



Ecuador



Guyana



Perú



Suriname



Venezuela

AMAZON COOPERATION TREATY



ARTICLE I. The Contracting Parties agree to undertake joint actions and efforts to promote the **harmonious development** of their respective Amazonian territories in such a way that these joint actions produce equitable and mutually beneficial results and achieve also the **preservation of environment, and the conservation and rational utilization of the natural resources** of those territories.



1978

Amazon Cooperation Treaty
(ACT) signed on
July 3, 1978

1998

Amazon Cooperation Treaty
Organization (ACTO)
created in 1998

2002

Permanent Secretariat of
ACTO, inaugurated in 2002,
in Brasília, Brazil



BOLIVIA



BRAZIL



COLOMBIA



ECUADOR



GUYANA



PERU



SURINAME



VENEZUELA

AMAZON COOPERATION TREATY and International law



ARTICLE IV. The Contracting Parties declare that the exclusive use and utilization of natural resources within their respective territories is a right inherent in the **sovereignty of each state** and that the exercise of this right shall not be subject to **any restrictions other than those arising from International Law**.

ARTICLE XVI. The decisions and commitments adopted by the Contracting Parties under this Treaty shall not be to the detriment of projects and undertakings executed within their respective territories, **according to International Law fair practice between neighboring and friendly countries**.



Socio-economic development

Preservation of the environment

Conservation and rational use of
natural resources

NAVIGATION –TRADE – WATER RESOURCES – PRESERVATION OF FLORA AND FAUNA – SCIENTIFIC RESEARCH –
HEALTH – INFRASTRUCTURE – COMMUNICATIONS - INDIGENOUS PEOPLES - TOURISM

ARTICLE V. Taking account of the importance and multiplicity of the functions which the Amazonian rivers have in the process of economic and social development of the region, the Contracting Parties **shall make efforts aimed at achieving rational utilization of the water resources.**



AMAZON COOPERATION TREATY

ARTICLE VII. Taking into account the need for the **exploitation of the flora and fauna of the Amazon region to be rationally planned so as to maintain the ecological balance** within the region and preserve the species, the Contracting Parties decide to:

- Promote scientific research and exchange information ...so as **to increase their knowledge of the flora and fauna of their Amazon territories** and prevent and control diseases in said territories.
- Establish a regular system for the proper **exchange of information on the conservationist measures adopted** or to be adopted by each State in its Amazonian territories; these shall be the subject of an annual report to be presented by each country.

Declaration of the II Meeting of the Presidents of the Amazon Countries Manaos, 1992



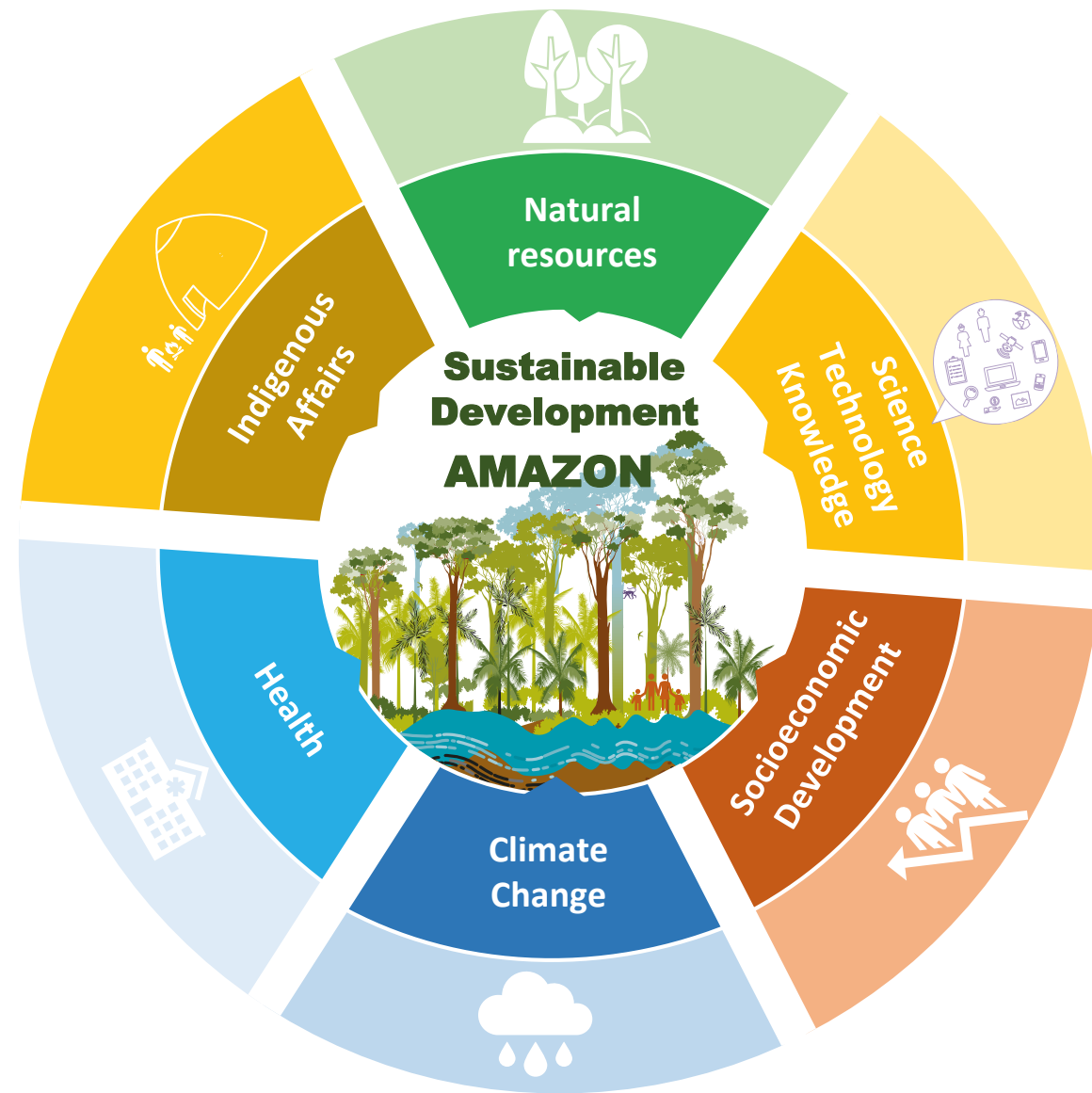
WATER RESOURCES

1. Environmentally suitable management of water resources is a key element in the **conservation of ecosystems**, health protection, and the promotion of wellbeing.
2. The close connection between an IWRM and the **protection of marine and terrestrial ecosystems, biodiversity** and a rational land use must be acknowledged.
3. In this sense, the measures taken at the national and regional levels specially stand out, aimed at managing, conserving, and providing a comprehensive management of watersheds. Such measures stand out as key for the right harnessing of water resources as a source of production activities such as irrigation, fishing, energy production and transportation; **also for the control of polluting agents, the adoption of measures for the prevention and control of environmental hazards**, and the protection of populations' health.



AMAZON STRATEGIC COOPERATION AGENDA (ASCA)

X Meeting of the Ministers of Foreign Affairs (2010)



**Actions within the framework of
the Amazonian Strategic
Cooperation Agenda (ASCA)**

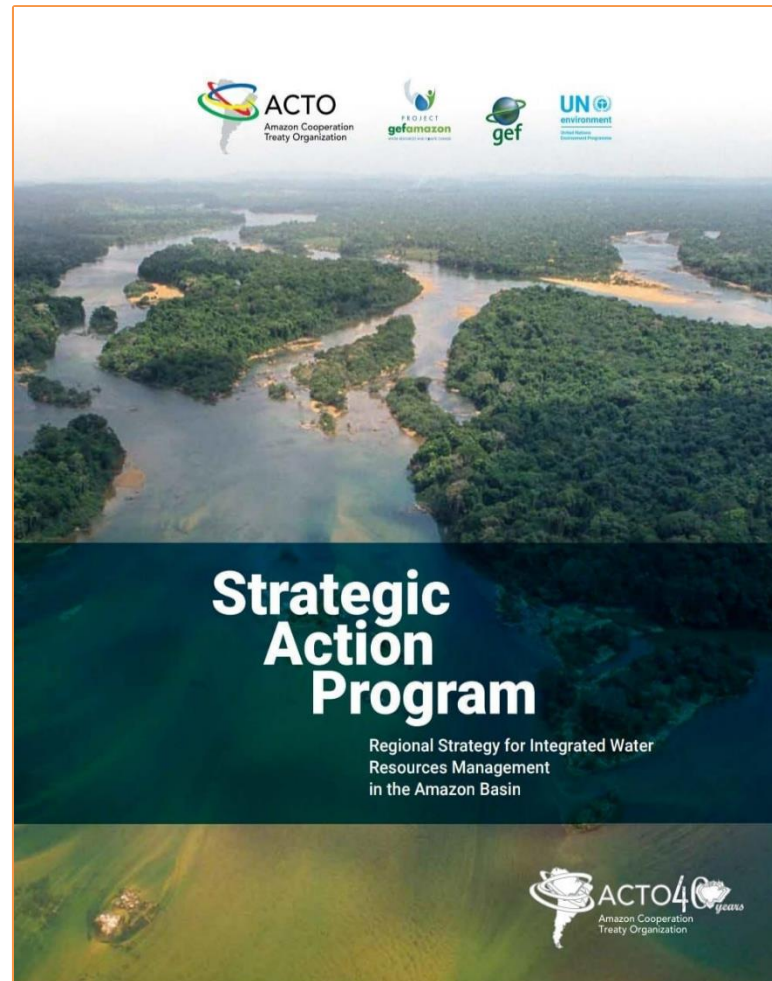
Conservation
and
sustainable/sust
ainable use of
renewable
natural
resources

Sustainable
development.

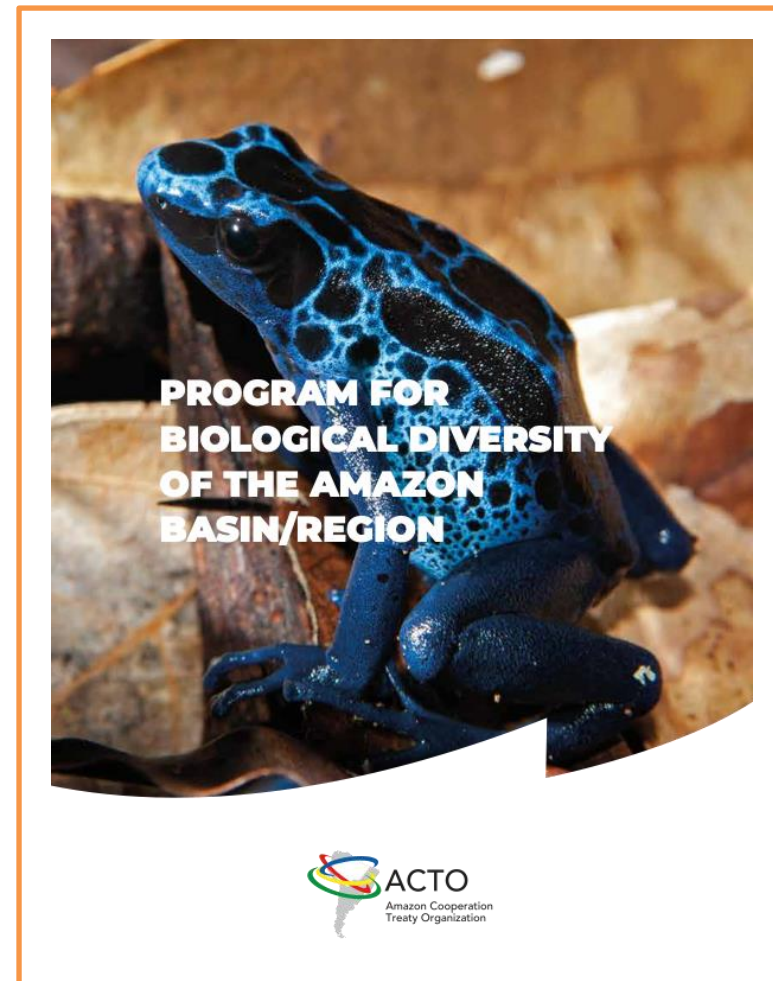


AMAZON COOPERATION TREATY ORGANIZATION

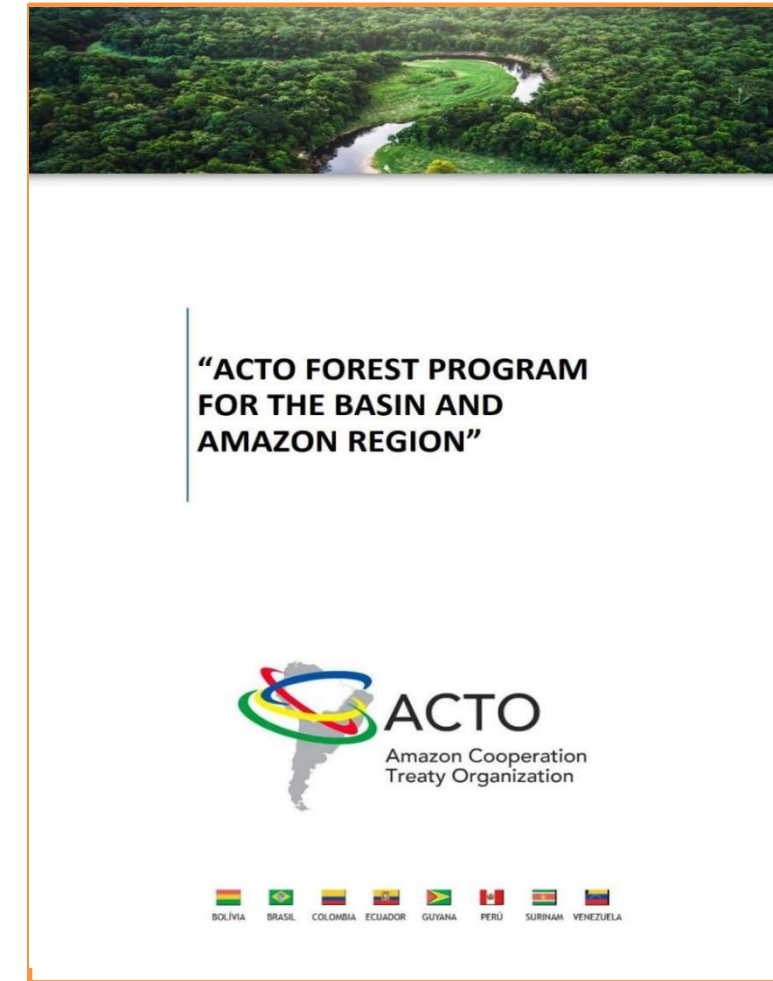
ACTO REGIONAL STRATEGIES



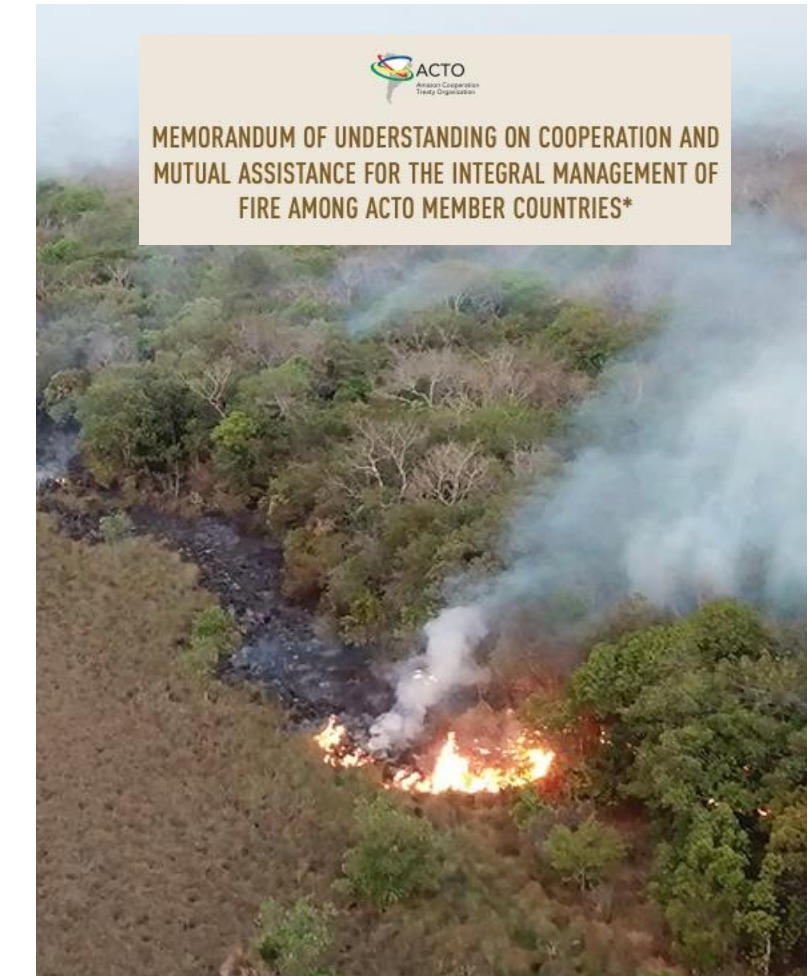
WATER



BIODIVERSITY



FORESTS



**MOU INTEGRATED
FIRE MANAGEMENT**

STRATEGIC ACTION PROGRAM

for Integrated Water Resources Management in the Amazon Basin.



SHARED VISION FOR THE AMAZON (2015)

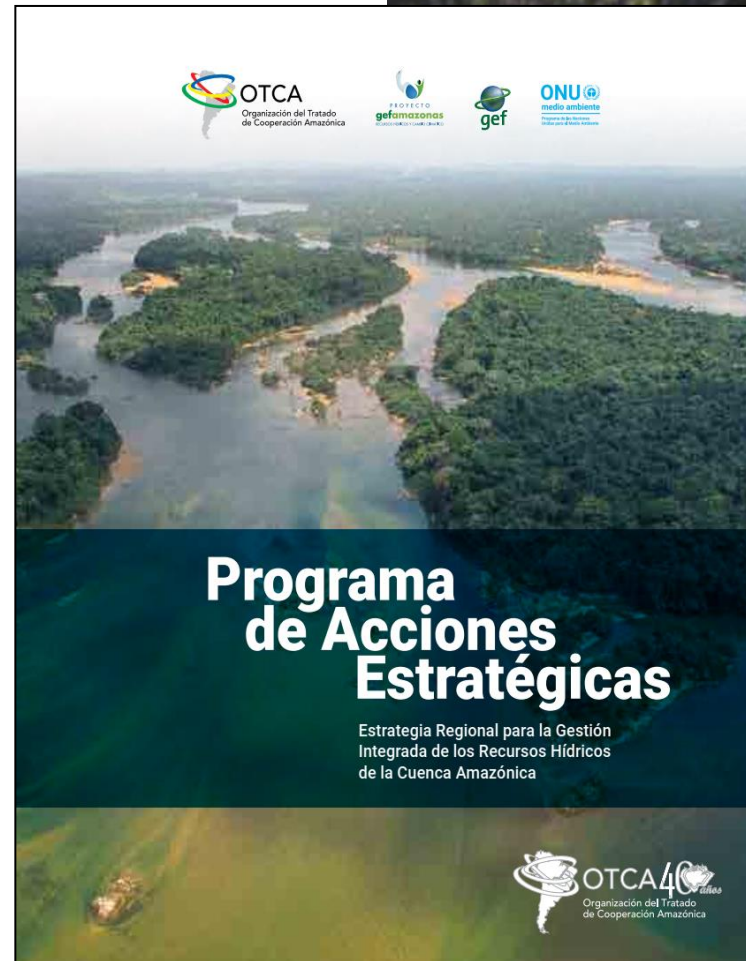
Water resources are strategic for the balanced and sustainable development of the peoples of the Amazon River Basin. These resources are subject to protection and conservation for their multiple uses with the purpose of improving quality of life* of present and future generations, respecting the ethnic and cultural diversity and the sovereignty of the Member Countries. The integrated management of water resources is made feasible by means of participatory management, exchange of information, research, implementation of actions to adapt to variability and climate change, through regional cooperation and the support of adequate institutions.

*Good living/wellbeing in harmony with Mother Earth, concept recognized by some Amazon countries.

TRANSBOUNDARY DIAGNOSTIC ANALYSIS (2015): MAIN ISSUES AGREED

1. Water pollution
2. Deforestation
3. Loss of biodiversity
4. Extreme hydroclimatic events
5. Erosion, sediment transport and sedimentation
6. Land use change
7. Loss of glaciers
8. Large infrastructure projects
9. Limited integrated water resources management

STRATEGIC ACTION PROGRAM



STRATEGIC ACTION PROGRAM: FIRST REGIONAL STRATEGY FOR IWRM IN THE AMAZON

STRATEGIC RESPONSE LINES

Strengthening IWRM

Adaptation to Climate Change and Variability

Knowledge Management

PRIORITIZED STRATEGIC ACTIONS

Water quality monitoring • Water governance • Groundwater use and protection

Ecosystem and biodiversity protection • Erosion and sedimentation monitoring • Alert systems

Natural infrastructure • Glaciers • Coastal zone protection

Education and Culture • Science and policy • Training and capacity building

ACTO REGIONAL ACTION FOR WATER RESOURCES MANAGEMENT



Strengthening IWRM governance for water and environmental security.

Institutional strengthening
Planning and management
Training and capacity building.
Gender mainstreaming.



Building community, ecosystem and infrastructure resilience to climate change.

Regional assessment of vulnerabilities and adaptive capacity.
Regional strategic planning.
Adaptation actions in the MC.



Regional monitoring for coordinated decision making.

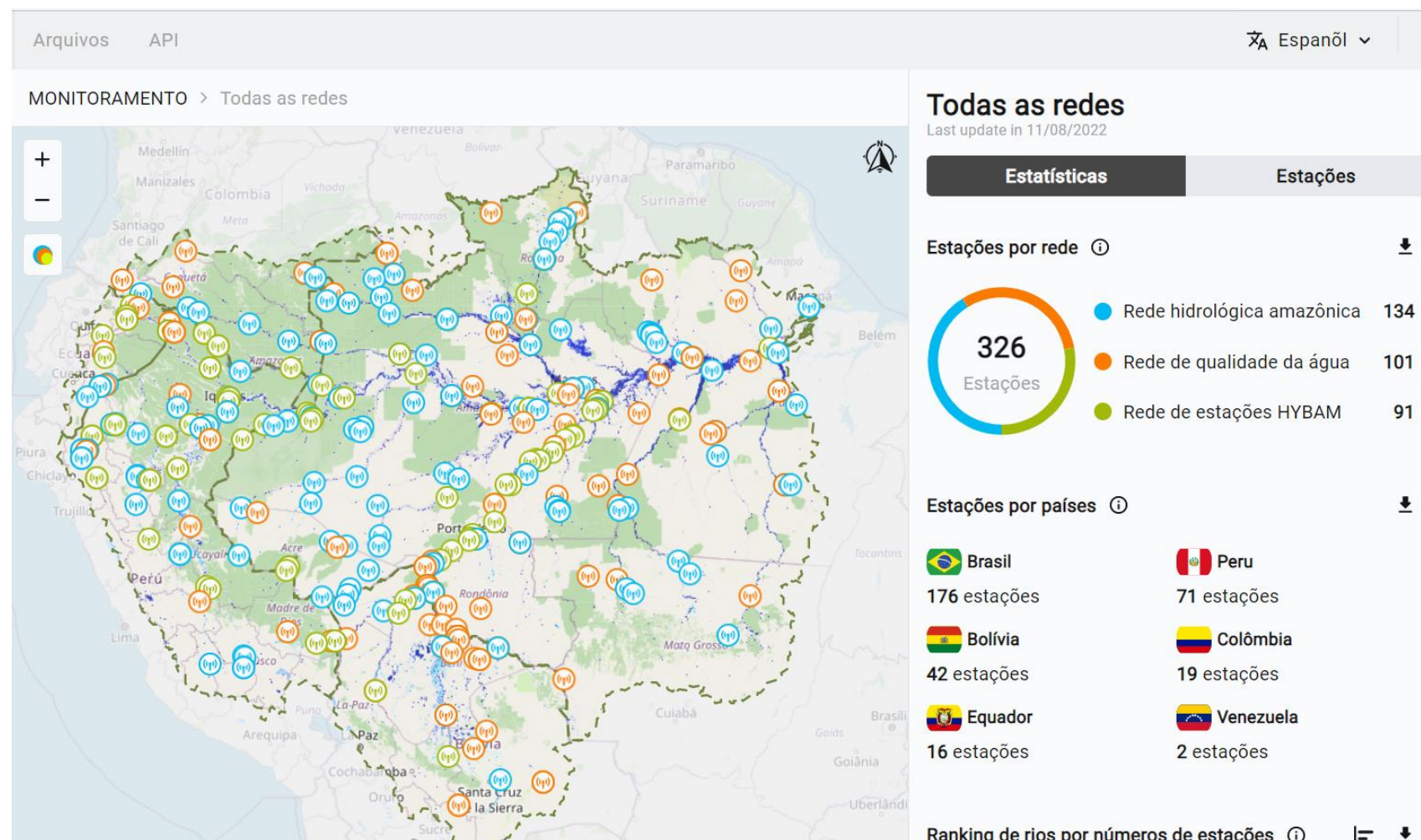
Establishment and operation of an integrated Regional Monitoring System.



Knowledge Management.

Knowledge on the Amazon through regional studies, assessments and modeling.
Dissemination of knowledge on the Amazon reality.
Regional IWRM Information Platform at the Amazon Regional Observatory (ARO).





**REGIONAL NETWORKS
MODULE**

www.oraotca.org

**SITUATION ROOM
(WATER RESOURCES)**

ACTO: TRANSBOUNDARY WATER COOPERATION IN THE AMAZON

NEW REGIONAL INITIATIVES

- Climate Change module and strengthening the Biodiversity and Forest module in the Amazon Regional Observatory, based on the Amazon Region Climate Baseline (ACTO/CAF).
- Towards a better understanding of the Amazon Aquifer Systems for its protection and sustainable management (ACTO/UNEP/IDB/GEF)
- Improving Climate Resilience by Increasing Water Security in the Amazon Basin (GCF/IDB/ACTO)



AMAZON COOPERATION: FROM ACT TO ACTO AND NEXT STEPS

The ACT and the Protocol of Amendment that created ACTO establish a **system of international cooperation and an institutional umbrella** that allows governments to address transboundary issues and generate a multisectoral cooperative agenda.

The **ACT reaffirms national sovereignty** over Amazonian territories and the natural resources, **while recognizing the principles of International Law.**

With the creation of ACTO, coordination and **technical cooperation for the development of studies and projects were greatly facilitated** by the new structure and can now be considered a catalyst for moving towards greater Amazonian integration processes.

Regional strategies and mandates further advance regional implementation of commitments from MEA.

Progress in Amazonian technical cooperation in the area of water resources **requires progress towards the harmonization of technical standards, monitoring and data exchange protocols,** technical regulations, integration of information systems for early warning, among others, as well as the need for permanent institutional mechanisms for coordination and sustainability.

A vibrant blue and yellow parrot is shown in flight, its wings spread wide, against a blurred green background. The parrot's head is turned towards the viewer, showing its yellow beak and eye. The text "Gracias, Dank U, Thank you, Obrigada!" is overlaid on the image in a white, sans-serif font, with a large white vertical bar to its left.

Gracias,
Dank U,
Thank you,
Obrigada!

www.otca.org