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

Planned Measures - Notification, Consultation, EIA

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WATER CONVENTION

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1997 Watercourses Convention

- Articles 11 through 19 of the UN Watercourses Convention provides detailed provisions related to the notification of planned measures
- Article 12 Notification concerning planned measures with possible adverse effects “Before a watercourse State implements or permits the implementation of planned Measures ...it shall provide those States with timely notification thereof.... including the results of any environmental impact assessment”.

1997 Watercourses Convention (2)

- Notification essentially triggers **a process of consultation and potentially negotiation**
- Once a State has been **notified of a planned measure the notified State has six months to evaluate the data and information and this period can be extended (Art .13)**
- The notifying State agrees **not to go ahead with the planned measure** during that period of time and to provide with **any additional information if needed (Art. 14)**

1997 Watercourses Convention (3)

- Art. 15 Reply to notification "… If the notified State finds the implementation of the planned measures inconsistent with provisions of the Convention (Art. 5 and Art.7) it shall attach a documented explanation
- Art. 16 Absence of reply to notification if within the period established in Art. 13, there is no communication, the State may proceed with the planned measures (subject to Art. 5 and Art. 7)

Art. 5 Equitable and reasonable utilisation consultation

Art.7 Obligation not to cause significant harm

1997 Watercourses Convention (4)

- Article 17 Consultations and negotiations concerning planned measures “1. If a communication is made under article 15 that implementation of the planned measures would be inconsistent with the provisions of articles 5 or 7, the notifying State and the State making the communication shall enter into consultations and, if necessary, negotiations...”

1992 Water Convention

- **Article. 3 Prevention, Control and Reduction**

- **Paragraph 1 (h)** “To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant …measures… in order to ensure, inter alia, that: Environmental impact assessment and other means of assessment are applied;…”

1992 Water Convention (2)

- **Article 10 Consultation “Consultations shall be held between the Riparian Parties** on the basis of reciprocity, good faith and good neighborliness', at the request of any such Party…”

Other Important Tool

- **UN ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)**
- Sets out the obligations of Parties **to assess the environmental impact of certain activities at an early stage of planning.** It also lays down the general obligation of States to notify and **consult each other on all major projects** under consideration that are likely to have a significant adverse environmental impact across boundaries

Relationship between Conventions and Articles

Examples from Danube River Basin

- **Danube River Protection Convention:**
  - **Art. 10 Obligations of reporting: "…communication on planned activities, which for reason of their character are likely to causetransboundary impacts".**
  - **Art. 11 Consultations: "…Contracting Parties involved shall at the request of one or several Contracting Parties concerned enter into consultations on planned activities…"**

Examples from Danube River Basin (2)

- Danube-Black Sea Deep Navigation Channel (RO/UA)
- Bala-Braila underwater sill to improve navigation conditions (RO, EU, NGOs)
- Consultations on implementation of the EU Water Framework Directive leading to development of the Danube River Basin Management Plan (2009, 2015, 2021)

Advisory Procedure under the 1992 Water Convention –practical example

- Decision VI/6 of Meeting of Parties (ECE/WAT/§//Add.2 on establishment of the Implementation Committee:
  - "…The advisory procedure is aimed at facilitating implementation and application of the Convention through the provision of advice by the Committee."

- Request from Montenegro for advice on the development of small hydropower projects on shared river Cijevna/Cem by Albania
- Albania agreed to enter the advisory procedure under the Implementation Committee and to start consultations with Montenegro
- Implementation Committee asked both Parties for additional information, conducted bilateral and joint meetings with both Parties, provided written advice on further steps…
- Based on this process Parties established Joint Technical Working Group aimed i.a. on exchange of information, and establishment of joint monitoring
- IC continues providing advice to both Parties on finalizing the protocol on the information exchange, establishment of monitoring and access to external funding of mutual activities supporting the consultations

1992 Water Convention and the Economy

- Many Parties to the Convention improved their status in the scale lower middle income to middle income or from middle income to high income countries since ratification/accession to the Convention
- IFIs and bilateral donors strongly value participation in multilateral agreement like Water Convention and existence of joint bodies established by such treaties (example WB Operational Policy and Bank Practice
- Methodology of assessing benefits of transboundary water cooperation developed under the Water Convention enables interested countries to look into the wide range of economic, social and environmental benefits that have already been realized

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Thank you!

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https://unece.org/environment-policy/water

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