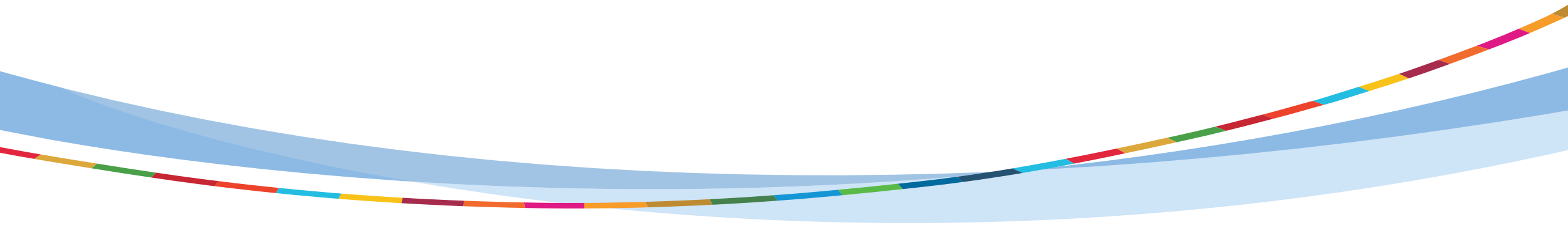


Negotiation process of legal arrangement for transboundary cooperation: benefits, steps and prerequisite to ensuring its success

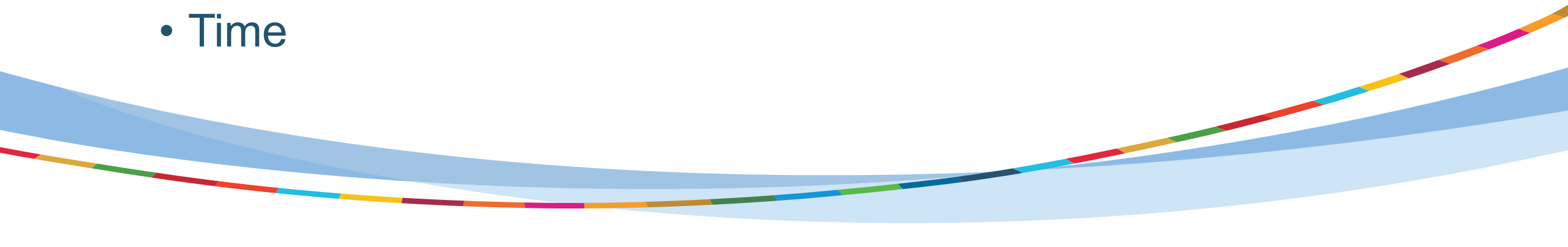
Mr. Peter Kovacs
Water Director of Hungary
Ministry of Interior




Why we need a legal arrangement for a transboundary cooperation?

- Water resources are shared between two or more countries
 - Coordinated/harmonized utilization of water resources
 - To prevent conflicts, reinforce regional cooperation
 - There is no legal arrangement in place
 - Existing arrangement is requiring a revision/renewal
 - General obligation from Water Convention, and SDG 6.5.2
- 

Effective transboundary cooperation is requiring the following elements:

- Strong political willingness
 - Sound legal base,
 - Financing (burden sharing)
 - Competitive technical staff
 - Clear organisational structure
 - Distribution of tasks
 - Time
- 

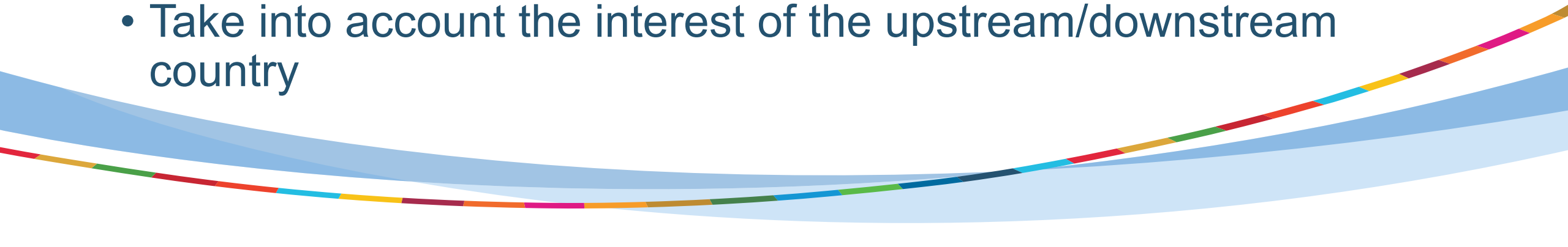
Start of the process

- Establishments for transboundary cooperation is an intergovernmental process, arrangements usually signed on governmental level
 - Negotiation is a lengthy process, you need authorization to start negotiation
 - Water and Foreign Ministries has to cooperate
 - Find appropriate partners
 - Have a roadmap for the process (milestones, deadlines)
- 

Steps of the negotiation process, prerequisites to ensuring its success

- Preliminary discussion on technical level what are your expectations
 - Good personal connections can help a lot
 - General agreement on the nature of the legal arrangement: Framework agreement or a detailed one
 - Start of the technical negotiation, exchange of opinions
 - When the technical content is agreed, start the internal interministerial process (Ministry of Justice, Foreign Ministry, etc.)
 - Close internal process, approach to the partners, finalize the text to be approved by governments
- 

Barriers and challenges countries/basins face throughout the process, and how you can solve them?

- Different views on the nature of the agreement – elaborate of a framework agreement – technical details can be elaborated later in a form of regulations
 - Political obstacles – exclude them as much as possible
 - Long evaluation process by other ministries – involvement from the beginning to make a smooth approval
 - Take into account the interest of the upstream/downstream country
- 

Latest example of the process – New agreement between Hungary and Republic of Serbia

Based on the authorization of the Hungarian Government 54/2016.(V.12.) Prime Minister's decision

Negotiations with personal participation at expert level:
May 2017

October 2017

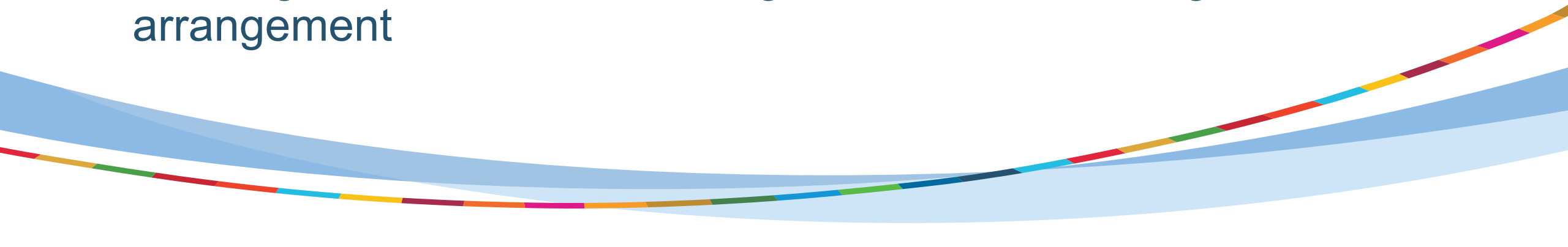
February 2018

January 2019

Signed: April 2019



Conclusions, lessons learnt and perspectives

- Adjust processes to the national systems (might be very different)
 - Start a negotiation on the technical level, proving benefits
 - Be flexible as much is possible
 - Obtain high level political support
 - Find a good occasion for the signature of the new legal arrangement
- 

Thank you!

peter.kovacs@bm.gov.hu

Objective: to support countries in designing and drafting effective, adaptable and sustainable transboundary water agreements or other arrangements.

Focus: on **content** and **drafting options** rather than process.

Target audience: State representatives, legal and technical experts, those responsible for negotiating transboundary water agreements or other arrangements, staff of basin organizations, regional organizations and other stakeholders working on transboundary cooperation and water diplomacy are the target audience of the Practical Guide.

Publication available at:

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

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

