

UNECE

Convention on the Protection and Use of Transboundary Watercourses and International Lakes

The Water Convention: responding to global water challenges



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THE WATER CONVENTION: RESPONDING TO GLOBAL WATER CHALLENGES

Access to clean water is one of the critical issues of the twenty-first century. While demands for water continue to increase, availability is dwindling. Water resources are stressed by overuse and pollution and floods and droughts are becoming more frequent and intense.

Water resources that cross political boundaries cover nearly half of the earth's land surface and account for an estimated 60 per cent of global freshwater flow. They support the incomes and livelihoods of more than 3 billion people and play a crucial role for countless ecosystems. Cooperation on shared water resources is therefore vital to secure peace and stability, economic development and growth, the protection of natural resources and sustainable development.

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) aims to protect and ensure the quantity, quality and sustainable use of these transboundary water resources by facilitating and promoting cooperation.

The Convention is designed to be applied in very different settings and conditions. It is implemented in water-rich as well as water-scarce countries. As the level of ambition of the implementation required is proportionate to the capacity and means of Parties, the Convention is ratified and implemented by countries with different levels of development. The Convention is based on equality and reciprocity. Therefore, it defends the rights and defines the obligations of both upstream and downstream countries.



“The Water Convention can help the world respond to the global challenge of sharing transboundary water resources in a sustainable and peaceful manner. I urge all United Nations Member States to accede to and implement this indispensable tool.”

António Guterres, United Nations Secretary-General



FROM REGIONAL TO GLOBAL

The Water Convention started as a regional convention for the Member States of the United Nations Economic Commission for Europe (UNECE). The Convention was adopted in Helsinki, Finland, in 1992 and entered into force in 1996. In 2003, the Convention's Parties agreed to amend the treaty to make it possible for any United Nations Member State to accede to this instrument. In 2016, the Convention officially became a global legal framework for transboundary water cooperation available for all Member States.

Like the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses, the 1992 Water Convention is based on and reflects customary international law. The two conventions are fully consistent and coherent, and the few differences between them provide useful complementarities. There is therefore significant benefit in promoting and implementing the two water conventions as a package and several countries are Parties to both instruments.

The Water Convention provides a unique legal and intergovernmental platform for transboundary water cooperation. More than 110 countries from all over the world are participating in its meetings and activities, including non-Parties, which can request assistance in acceding to the Convention and applying its provisions.

THE CONVENTION'S PROVISIONS: HOW DO THEY WORK?

The Water Convention is a framework agreement, which does not replace specific bilateral and multilateral agreements on transboundary basins and aquifers. Instead, it fosters the establishment and implementation of such agreements, as well as their further development. The Convention establishes principles and rules that form the basis for countries working together to protect and sustainably use their shared freshwater resources.

THE THREE PILLARS OF THE CONVENTION

The Convention has **three central obligations or principal pillars**

PILLAR 1 *Prevent, control and reduce transboundary impacts*

Parties are required to take measures to prevent, control and reduce any transboundary impact on the environment, human health and safety and socioeconomic conditions. Such measures include undertaking environmental impact assessments and other means of assessment, preventing and reducing pollution at its source, licensing and monitoring wastewater discharges and developing and applying best environmental practices to reduce inputs of nutrients and hazardous substances from agriculture and other diffuse sources.

Parties are obligated to use water resources sustainably, taking into account the ecosystem approach. They are also required to set water-quality objectives and criteria, draw up contingency plans and minimize the risk of accidental water pollution.

PILLAR 2 *Ensure reasonable and equitable use*

Parties must ensure that transboundary waters are used in a reasonable and equitable way. Whether the use of a watercourse can be considered reasonable and equitable depends on the specific characteristics of the basin, the population dependent on its waters, the existing and potential uses, the impact of such uses, the availability of alternative uses and other factors. In any case the use of water must be sustainable — that is, it should take into account the needs of future generations.

PILLAR 3 *Cooperate through agreements and joint bodies*

In order to translate the two previous obligations into practice, the Convention requires Parties to conclude transboundary agreements and set up joint bodies to cooperate on the management and protection of their transboundary waters. The Convention encourages cooperation on the river basin level. Joint bodies, such as river or lake commissions, are tasked to:

- Provide a forum for the exchange of information on existing and planned uses of waters, as well as on pollution sources and the environmental conditions of waters;
- Serve as a platform for regular consultations;
- Set up joint monitoring programmes;
- Carry out joint or coordinated assessments of the conditions of their shared waters and of the effectiveness of the measures taken to address transboundary impacts;
- Decide on emission limits for wastewater and set up joint water quality objectives;
- Develop concerted action plans for the reduction of pollution loads;
- Establish warning and alarm procedures.



The Convention's general obligations are of a due-diligence nature. This means that the level of implementation required is proportionate to the capacity of the Party concerned: the higher the degree of scientific, technological, economic and administrative development and capacity of the Party, the higher the standards of care expected and required by it. The Convention is therefore a flexible instrument which can be acceded to and implemented by countries with very different levels of development and capacity.



THE CONVENTION'S INSTITUTIONAL STRUCTURE

The Implementation Committee provides a simple, non-confrontational, non-adversarial, transparent and supportive mechanism to facilitate and support implementation of and compliance with the Convention

An important strength of the Convention lies in its institutional framework. The highest decision-making body of the Convention is the Meeting of the Parties, which convenes every three years. The Meeting of the Parties takes decisions that support the implementation of the Convention, including the adoption of amendments and Protocols, the development of soft law instruments to facilitate interpretation and implementation, and the definition of three-yearly programmes of work to respond to common challenges in implementation.

In the period between sessions of the Meeting of the Parties, a number of subsidiary bodies support Parties and non-Parties in implementing the Convention's provisions and the decisions of the Meeting of the Parties. These include bodies of a more political and policy-orientated nature — such as the Bureau, the Working Group on Integrated Water Resource Management or the Working Group on Monitoring and Assessment — and bodies of a more technical nature, that work on resolving practical and concrete issues — such as the Task Force on Water and Climate, the Task Force on the Water-Food-Energy-Ecosystem Nexus or the Joint Expert Group on Water and Industrial Accidents. These bodies, which normally meet once per year, review activities carried out by Parties and non-Parties to implement the Convention, in particular activities in its programme of work. They provide an important platform for the exchange of experiences and good practices, mutual learning and capacity-building.

In addition, the Implementation Committee provides a simple, non-confrontational, non-adversarial, transparent and supportive mechanism to facilitate and support implementation of and compliance with the Convention.

A permanent secretariat, hosted by UNECE in Geneva, services the Convention and its different bodies.

The institutional framework assists countries in the implementation and progressive development of the Convention. In other words, a Party is not left alone to implement the Convention: its needs and expectations may be brought to the attention of the Meeting of the Parties and its subsidiary bodies for advice and assistance.

The International Water Assessment Centre, hosted by the Government of Kazakhstan in Astana, is the Convention's collaborative centre to support the sustainable management of transboundary water resources and the implementation of the Convention in Central Asia, in its neighbouring countries and beyond.



SETTING UP AGREEMENTS AND JOINT INSTITUTIONS

The Water Convention has influenced the work of many joint bodies and prompted the establishment of several new ones

The Water Convention has played and continues to play a crucial role in the pan-European region in supporting the establishment and strengthening of cooperation on water, among countries and among users. Most of the transboundary water agreements negotiated after the break-up of the Soviet Union and the former Yugoslavia are modelled on the Convention. Examples from across Europe include the agreements on the Danube, Meuse and Scheldt basins. The Convention has also inspired agreements beyond the UNECE region, such as the Water Charters of the Lake Chad and Niger basins, and the agreement between Kazakhstan and China to protect the water quality of their transboundary rivers.

The Water Convention has influenced the work of many joint bodies and prompted the establishment of several new ones. Examples include the commissions for the Oder and Sava Rivers and for Lake Peipsi.

In Central Asia, the sharing of water resources between upstream and downstream countries is particularly problematic, generating tension and insecurity. The cooperation on the Chu and Talas Rivers shared by Kazakhstan and Kyrgyzstan is a remarkable example of progress towards finding mutually beneficial solutions. The two countries concluded an agreement in 2000 and inaugurated the Chu-Talas Commission in 2006. The Commission is a mechanism for Kazakhstan and Kyrgyzstan to share responsibility for water infrastructure used by both countries. The Water Convention supported this important step and continues to help the two riparian countries broaden their cooperation.



LEGAL FRAMEWORKS

The Convention recognizes that sound transboundary water management needs

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