

Informal Gathering 1997 UN Watercourses Convention

15 – 16 September 2015, Paris

Report

I. Introduction

The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention - UNWC) was concluded in New York in 1997 and entered into force in August 2014, thus creating a global, legally binding framework for inter-state cooperation in water issues. There are also other treaties dealing with cooperation in international watercourses, e.g the Revised SADC¹ Protocol on Shared Watercourses and the UNECE² Water Convention, the latter one of which has opened up for countries from outside the UNECE region.

The UNWC does not have an institutional structure of its own to maintain active cooperation within the framework of the Convention, nor have any other arrangements concerning continuous and active cooperation been agreed upon. Thus the question is whether the UN Watercourses Convention is considered to call for a process that requires continuous, active cooperation among the Parties or whether the Convention best serves its purpose as a compilation of rules to be complied with by the Parties in their transboundary cooperation in international watercourses with other countries.

In order to discuss those issues Finland, Germany and the Netherlands took the initiative to organize an informal gathering of the Parties to the UNWC in Paris; a first day (15th September 2015) for UNWC Parties only and on a second day (16th September 2015) the Parties were joined by interested countries, potential parties and international organizations/institutions as well as NGOs. The gathering was kindly hosted by UNESCO at its headquarters.

Attendance

The informal gathering on 15th and 16th September was attended by delegations of the following Parties³ to the UNWC: *Burkina Faso, Chad, Finland, France, Germany, Greece, Guinea-Bissau, Hungary, Iraq, Ireland, Italy, Ivory Coast, Lebanon, Luxembourg, Montenegro, Namibia, Netherlands, Nigeria, Palestine, South Africa, Tunisia and Vietnam.*

¹ Southern African Development Community

² United Nations Economic Commission for Europe

³ The UNWC has 36 Parties (as of September 2015), see

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-12&chapter=27&lang=en

The gathering on the 16th September was attended by the above mentioned delegations and the following interested countries, international organizations, NGO's and academic institutions: *Egypt, Ethiopia, Iran, Switzerland, United States of America, ESCWA (United Nations Economic and Social Commission for Western Asia), EU Commission, GEF, Green Cross International, IUCN, OECD, Ramsar Convention, UNECE Water Convention, UNEP, UNESCO-IHE, UNESCO, International Centre on Water Cooperation, The Butterfly Effect, WWF International, Dundee University, University of the Pacific - McGeorge School of Law.*

II. Summary of the gathering (15th September)⁴

The gathering opened with a speech of Jaana Husu-Kallio, Permanent Secretary of the Ministry of Agriculture and Forestry of Finland, highlighting the history and importance of transboundary water cooperation. The three organizing countries (FIN, DE, NL) introduced the set-up and aim of the gathering and informed on the UNWC ratification status. France gave a brief introduction on the history and contents of the UNWC. It was made clear that under the UNWC no working structure, secretariat or host (country) are foreseen. Presentations were given by Namibia, Germany and the Netherlands on other existing conventions, agreements and joint bodies on transboundary water cooperation as the SADC Protocol on Shared Watercourses and the UNECE Water Convention. The outcomes of the questionnaire which was sent out beforehand were presented by Finland giving a first overview on the motivation of countries to ratify the UNWC and on their ideas concerning possible next steps.

In the afternoon the Parties were invited to share their views on how to proceed further with the UNWC in three breakout groups, on the basis of following questions:

- 1) Would you like to see enhanced cooperation on transboundary watercourses and why? What would you consider to be the preferred relationship between global, regional and bilateral agreements? Please clarify the objectives as well as constraints for enhanced cooperation.
- 2) Please identify possible options for organizing the future cooperation in a long term among states parties to the UNWC. Discuss each option and list pros and cons of each option. Is there any preferred option?

Possible options may include:

- a) keeping the UN Watercourses Convention to a compilation of rules to be complied with by the Parties in their transboundary cooperation concerning international watercourses;
 - b) enhancing informal cooperation between UNWC partners without formal structures, institutions or processes;
 - c) formalizing UNWC structures and processes by establishing a self-standing UNWC executive secretariat and/or meeting of parties; based on an amendment of the UNWC;
 - d) building future cooperation on existing structures (e.g. UNECE Water Convention);
 - e) others?
- 3) What could be done in the short term to enhance cooperation among parties and other actors? Identify possible ways forward as to how to continue considerations.

⁴ Presentations and statements (as far as available) from both days and the report will be published on the following websites (*to be completed*)

The discussions in the break-out groups were intense, but it was obvious that more time is needed to discuss those important issues.

With regard to question no 1 it was stated that framework agreements at the global and regional level should connect with implementation on the ground (multi-level governance). It was stressed that the need for cooperation on transboundary watercourses is obvious, given that it is the only way to effectively deal with transboundary waters. It was highlighted that cooperation has to be considered not as a goal per se but as a facilitator to achieve objectives, such as joint management. On the interaction between agreements, the Parties stated that the general principles of the UNWC have to be translated into real situations.

The different options listed in question no 2 and the arguments in favor or against them have to be considered in more detail. Thus there was not one option preferred by all parties, though several Parties saw the attractiveness of building future cooperation on existing structures, thus joining forces and resources.

Until a preferred option emerges the Parties agreed to stay in touch after this gathering (question no 3). They will keep an up to date email list in order to enable further exchange of views as well as to inform about relevant events, publications etc. As a practical interim solution they envisaged to organize gatherings back to back with other global or regional events (Stockholm Water Week, Singapore Water Week, MOP UNECE Water Convention, AMCOW, INBO etc.), also to reduce the financial resources. A side event on the UNWC, also informing about the Paris gathering, will take place at the 7th Meeting of the Parties to the UNECE Water Convention in November 2015 in Budapest to which all UNWC Parties have already been invited.

The discussions proved that there is already a lot of experience on national, regional and global level. Though existing cooperation and agreements are mainly based on the same principles – as also provided by the UNWC – the needs, economic and political situations are different in the regions. Some Parties indicated that they need support to build capacity and implement the UNWC as well as develop regional agreements. All those aspects have to be taken into account in the further discussions and next steps.

The Parties agreed that it is necessary to promote the UNWC worldwide as there are still a lot of countries not being Party to this or other framework conventions on transboundary water cooperation. The importance of the SDG process, including a target on Governance/transboundary cooperation, was stressed. SDG implementation and growing challenges like the effects of climate change or demographic development need globally agreed principles and rules as provided by the UNWC. The Parties considered the possibility to develop a leaflet on the UNWC in order to have some material for promotion.

III. Summary of the gathering (16th September)

The second day started with an opening speech by Flavia Schlegel, UNESCO's Assistant Director General for Natural Sciences, followed by a summary of the first day and introductory information. The gathering on 16th September focused on views from interested non-UNWC countries, international organizations and institutions, NGOs and academia. The presentation on UNWC and its User's Guide (Dundee University) was followed by statements from Non-Party-Countries and their

possible interest in ratifying the UNWC. Ethiopia and Switzerland informed about their considerations. The Islamic Republic of Iran stated its interest in the UNWC, but made clear that there are still open questions on its provisions, which have to be discussed. In several presentations the UNECE Water Convention, the Ramsar Convention, UNESCO- IHP, UNEP, GEF, WWF International, Green Cross International and IUCN highlighted their experience with regard to transboundary water cooperation and declared their interest in the UNWC and its further development. They informed about the possible support they could give as well as about the platforms and structures they could provide, also in order to create synergies.

In the afternoon conventions/agreements on transboundary water cooperation and their relationship to the UNWC were discussed: the SADC Protocol on Shared Watercourses (Namibia) and the UNECE Water Convention (University of Eastern Finland). Both agreements are fully compatible with and complementary to the UNWC. Afterwards several participants (Burkina Faso, Hungary, the Netherlands, Vietnam, Palestine and Ivory Coast) intervened from the floor concerning the relationship of existing river basin and watercourse agreements to the UNWC. They stated inter alia that their agreements are compatible with the UNWC provisions and that not all the Parties to those agreements have ratified the UNWC, thus causing questions how to deal with this situation e.g. in case of conflicts.

The gathering ended with the following conclusions by the three organizing countries:

- There is a wealth of knowledge and experience in the countries on transboundary water cooperation, which should be better shared, taking into account that there are clear regional differences with regard to needs and resources.
- There are several instruments on transboundary water cooperation on different levels with a lot of similarities.
- The possible options concerning the future cooperation among the UNWC Parties need more time for in-depth discussion. There is not one option preferred by all Parties for now. All pro's and con's of the options should be considered.
- The Parties will stay in touch via an email list and also in the margins of global or international meetings and events, perhaps via back-to-back gatherings.
- The UNWC needs promotion by all Parties and relevant international players at all relevant events and platforms. There are still a lot of countries in the world not being Party to any framework convention on transboundary water cooperation. Next step might be a UNWC leaflet or handout.
- A lot of organizations, institutions, NGOs and academia offer their support and experience with regard to implementing the UNWC as well as their platforms and structures, thus enhancing exchange and creating synergies.
- The three inviting countries will develop a report in the next weeks. It will be available on the internet, together with the presentations and statements as well as the participants' list including email addresses.
- Keep the momentum!