



Transboundary Water Governance

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Transboundary rivers/lake basins



- 276 transboundary river/lake basins (TRB) and 200 transboundary aquifers
- 148 countries include part of their territories within one or more TRB
- 39 countries with more than 90% of their territory within 1 or more TRBs
- 21 countries entirely within one or more TRBs
- 60 % of the world's transboundary basins lack any type of cooperative management framework

Agreements on transboundary waters

- Establish the basis for transboundary water governance
- Codify International Law principles and State practice
- Promote equitable distribution
- Encourage efficient use of the resource
- Facilitate partnerships and cooperation between States, helping them to avoid disputes over water issues
- Provide policy guidance to negotiate and implement specific basin agreements and institutional arrangements



International Instruments (I)

- **Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE)**
 - Adopted on **17th of March, 1992**, entered into force on **6th of October, 1996**. It has 39 parties
 - Since 6th of February 2013 global instrument
 - Scope: any surface or ground waters which mark, cross or are located on boundaries between two or more States
- **Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourse Convention)**
 - Adopted **21st of May, 1997**. In force since **17th August 2014**
 - Scope: a system of surface waters and groundwater constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus; parts of which are situated in different States (Art. 2 (a) (b))

International Instruments (II)

UNWC

- **Duty to cooperate** (Art. 8)
- **Equitable and reasonable utilization** (Art. 5)
- **Duty not to cause significant harm** (Art.7)
- **Protection and preservation of ecosystems** (Art. 20)
- **Planned measures** (Art. 11 – 19)
- **Dispute settlement mechanisms** (Art.33)
- States may establish one or more agreements (“watercourse agreements”) which apply or adjust the provisions of the UNWC to the characteristics and the uses of a particular watercourse (Art.3)

Helsinki Convention

- **Duty to cooperate** (Art. 2(6) and 9)
- **Duty to undertake an Environmental Impact Assessment (EIA)** (Art. 3(1)(h))
- **Duty to take measures for:**
 - The protection of transboundary waters by preventing, controlling and reducing transboundary impacts (Art. 2 (1))
 - Reasonable and equitable use of transboundary waters (Arts.2(2)(c) and 2(5)(c))
 - The conservation and protection of the resource (Art. 2 (b) y (c))
- **Possibility to enter into bilateral or multilateral agreements** or other arrangements (Art. 9 (1))

Why is it important?

International treaties and agreements, once ratified, are translated into national law

- Legislators need to have an understanding of institutional cooperation, interjurisdictional management and interagency collaboration in the context of transboundary waters

Water governance is increasingly transnational

- Tensions and conflicts between domestic and transboundary use
- Hydropolitical relations can be influenced by the existence and adequacy of governance
- Water management transcend jurisdictional boundaries (e.g. principle of equitable and reasonable utilisation)
- Climate change

Multi-level governance

For transboundary water agreements to work effectively they need the “agreement” of water users at multiple levels

Multi-level transboundary water governance supported by IUCN

