

Application of the Helsinki Water Convention to transboundary groundwaters

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

Resolution A/RES/63/124 on the Law of Transboundary Aquifers (2008)

- *«Encourages the states concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers, taking into account the provisions of these draft articles»*
- Aquifer States should establish joint mechanisms of cooperation (similar to *1997 UN Watercourses Convention*)

- Formulates principles for management of transboundary aquifers: equitable and reasonable utilization and no harm rule → with specific adaptations to aquifers
- Resolution represents a first step towards the main objective: *«the development, utilization, conservation, management and protection of groundwater resources in the context of the promotion of the optimal and sustainable development of water resources for present and future generations»*



Applicability of the Helsinki Water Convention to groundwater

- "Transboundary waters" means any surface or ground waters which mark, cross or are located on boundaries between two or more States (Art.1(1))
- Guide to Implementing the Convention: "As for groundwaters, the Convention includes both confined and unconfined aquifers"



The obligation to cooperate: agreements and joint bodies

- Obligation to cooperate (enter into specific agreements, exchange information, notify and consult, establish management plans, etc...)
- Riparian Parties shall enter into bilateral or multilateral agreements which shall provide for the establishment of joint bodies

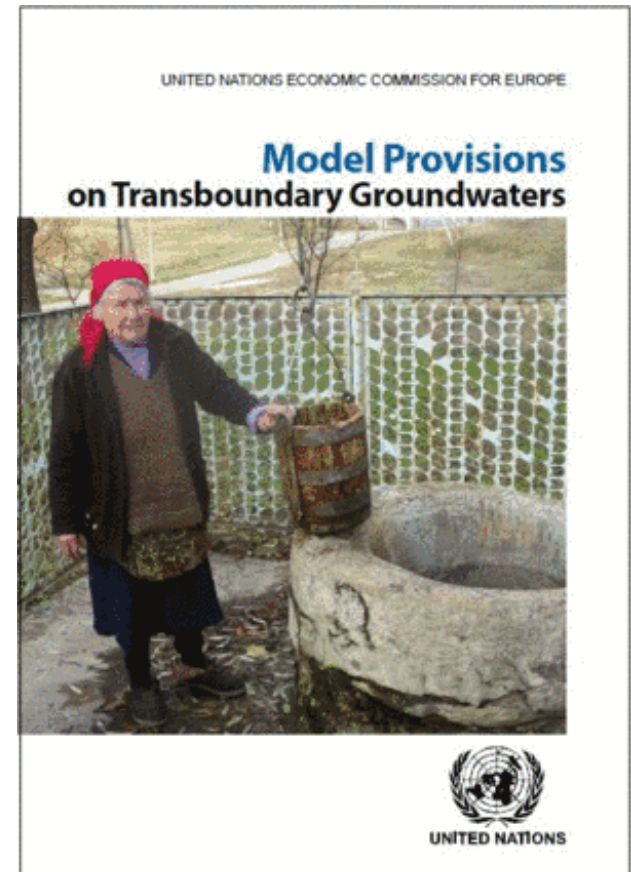
Diverse activities

- **Inventory** of transboundary groundwaters (1999); First (2007) and Second (2011) **Assessments** of Transboundary Rivers, Lakes and Groundwaters
- **Guidelines** on monitoring and assessment of transboundary groundwaters (2000); **pilot projects**
- Preliminary **study** of the application of the principles of the Convention to transboundary groundwater (2010-2011) and Study on groundwater in transboundary water agreements in EECCA (2009)
- **Model Provisions** on Transboundary Groundwaters 2012
- Capacity for Water Cooperation workshop for EECCA countries (Almaty, 2012), by UNECE, UNESCO etc.



Model Provisions on Transboundary Groundwaters

- Non-binding guidance, adopted by Meeting of the Parties in 2012
- Build on the ILC Draft Articles
- Active participation of UNESCO and IAH in their development



Model Provisions on Transboundary Groundwaters

- To be used by Parties and non-Parties when entering into or reviewing bilateral or multilateral agreements on transboundary groundwaters (in the form of an additional protocol to an existing agreement or a new and separate specific agreement on groundwaters)
- Accompanied by commentaries with references to international commitments and existing State practice



Model Provisions on Transboundary Groundwaters

Provision 1: Obligations to prevent, control and reduce any transboundary impact ; equitable and reasonable use

Provision 2: Obligation of sustainable use

Provision 3: Obligation of cooperation in the identification, delineation and characterization; joint monitoring & assessment

Provision 4: Integrated management of surface & groundwater

Provision 5: Prevention, control and reduction of pollution

Provision 6: Exchange of information and data

Provision 7: Joint or coordinated management plans

Provision 8: EIA, notification and consultations, access to information and to justice, public participation

Provision 9: Joint body



Model Provisions on Transboundary Groundwaters

Provision 1

- obligation to take all appropriate **measures** to prevent, control and reduce any transboundary impact
- obligation to use transboundary groundwaters in an **equitable and reasonable** manner, taking into account all relevant factors

Provision 2

- obligation to use transboundary groundwaters in a **sustainable** manner



Model Provisions on Transboundary Groundwaters

Provision 3

- Obligation of cooperation in the common identification, delineation and **characterization** of their transboundary groundwaters
- Programmes for the **joint monitoring and assessment** of quantity and quality of transboundary groundwaters

Provision 4

- **Integrated management** of transboundary groundwaters and surface waters



Model Provisions on Transboundary Groundwaters

Provision 5

- Prevention, control and reduction of the **pollution** of transboundary groundwaters

Provision 6

- **Exchange of information** and available data on transboundary groundwaters (condition, status of use)

Provision 7

- Joint or **coordinated plans** for the proper management of their transboundary groundwaters (allocation, abstraction volumes, authorizations, pumping limitation, preservation & rehabilitation)



Model Provisions on Transboundary Groundwaters

Provision 8

- Environmental impact assessment
- Notification of the other Party and consultations
- Access to information, public participation and access to justice with respect to the conditions of transboundary groundwaters

Provision 9

- Joint body

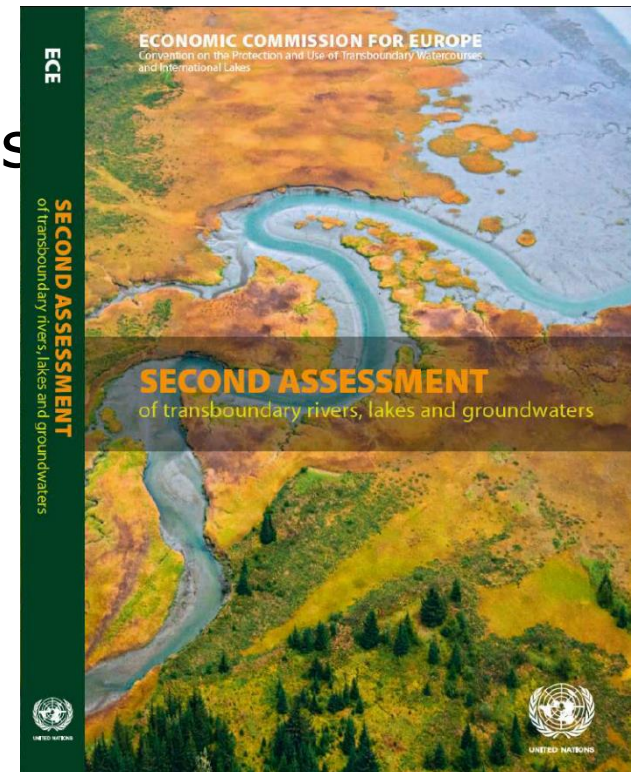


Pan-European regional assessment of transboundary waters

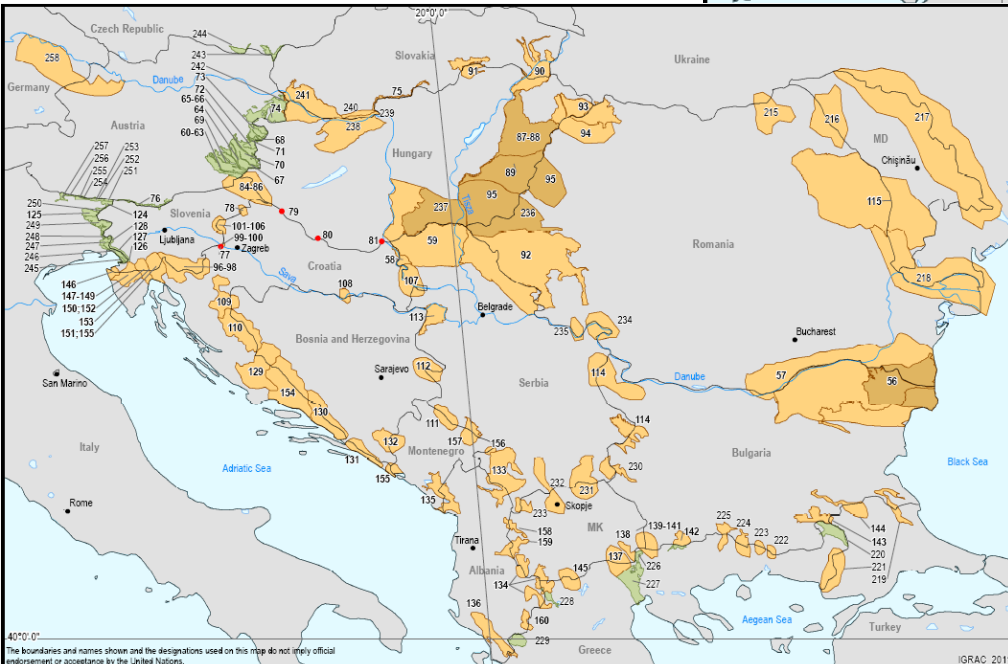
Transboundary groundwaters (>200 aquifers & groundwater bodies) assessed

Information collected:

- Inventory
- Location, extent and delineations
- Quantity and quality status
- Pressure factors (abstractions, pollution sources)
- Transboundary impacts
- Management response
- Transboundary cooperation



Transboundary groundwaters in Europe



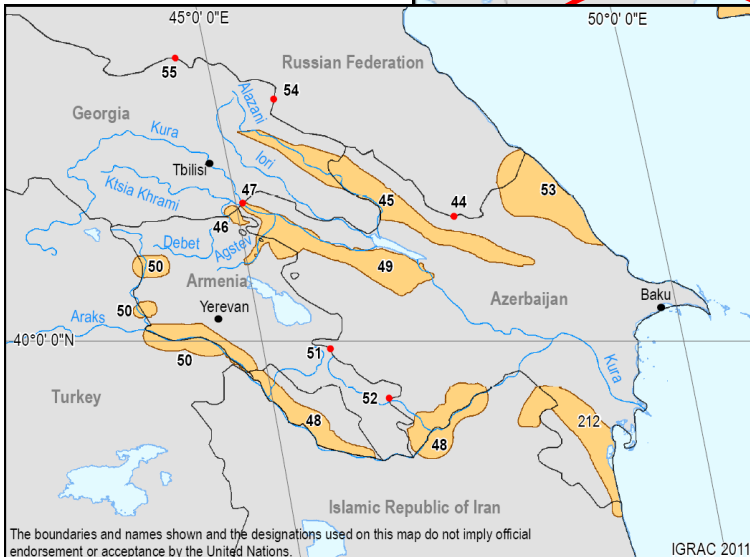
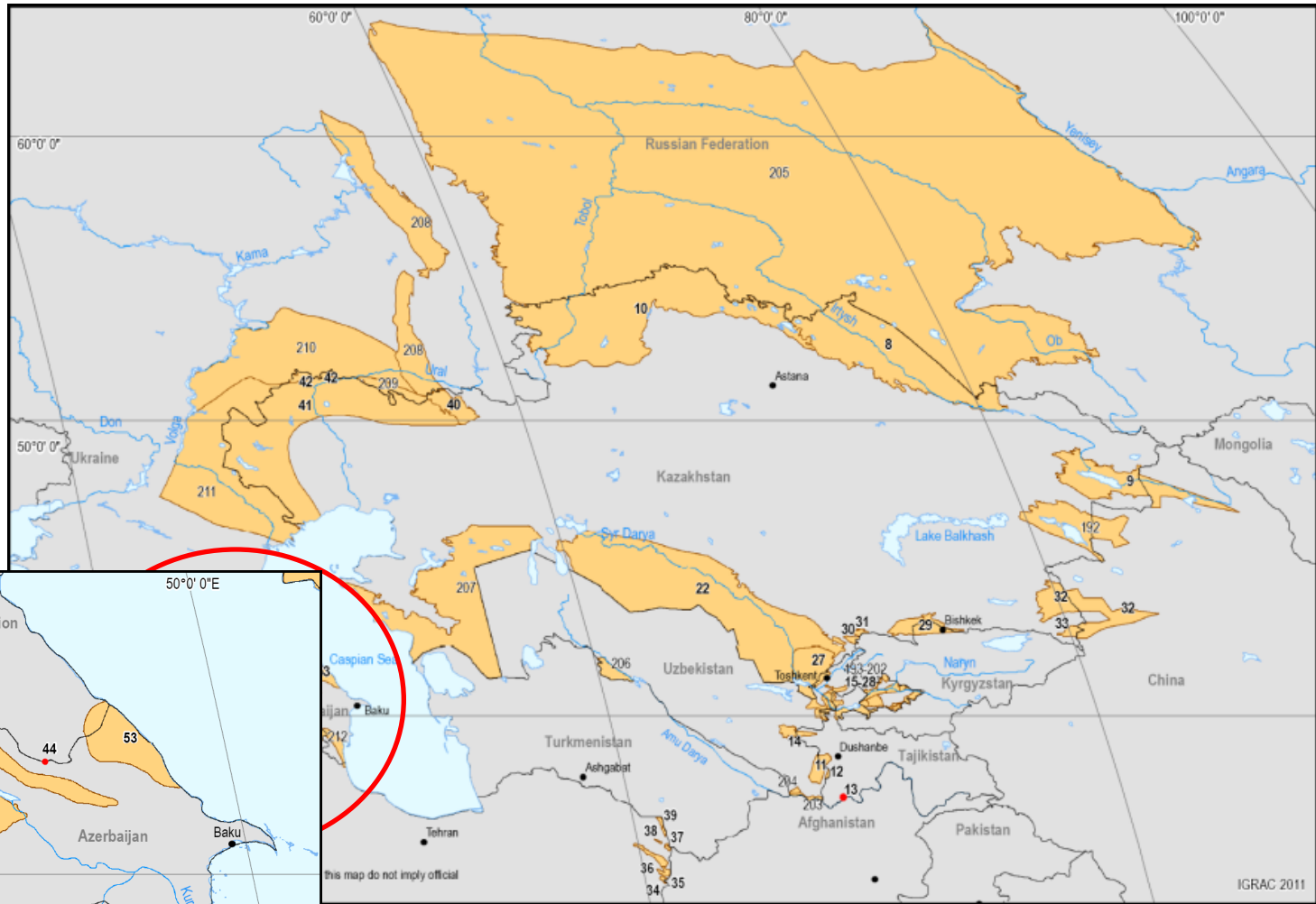
... used on this map do not imply official endorsement or acceptance by the United Nations.

IGRAC 2011

Maps: IGRAC

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations. IGRAC 2011

Transboundary groundwaters in the Caucasus and Central Asia



Some general observations – legal basis and institutions

- Many bilateral and multilateral **agreements**: often no explicit reference to groundwater, or application to groundwater remains very low
- Principle of **integrated management of surface and groundwater** missing in water laws in a number of countries
- Joint bodies in most cases do not deal with groundwaters



Value of the Helsinki Water Convention in managing transboundary groundwaters

- Platform for cooperation and sharing experience
- Convention has fostered the development of transboundary agreements, the establishment of joint bodies and cooperation at the political & technical levels for 20 years
- Strengthening of capacity, support implementation
- The well-functioning institutional structure adjusts to the needs
 - Groundwater Task Force —> monitoring guidelines
 - Core Group on Groundwater under the Legal Board —> Model Provisions



Thank you!

More information

including guidelines, publications and information on activities under the Convention can be found at

<http://unece.org/env/water>

water.convention@unece.org

