

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

as amended,
along with decision VI/3 clarifying the accession procedure

Convention sur la protection et l'utilisation des cours d'eau transfrontières et des lacs internationaux

telle qu'amendée,
ainsi que la décision VI/3 clarifiant la procédure d'adhésion

Конвенция по охране и использованию трансграничных водотоков и международных озер

с поправками
и решением VI/3, разъясняющим процедуру присоединения



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Note

**on the Convention on the Protection and Use of Transboundary Watercourses and International Lakes,
as amended**

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes was adopted in Helsinki, Finland, on 17 March 1992, and entered into force on 6 October 1996. At the time, the Convention was only open to member States of the United Nations Economic Commission for Europe (ECE) and regional economic integration organizations constituted by such States.

On 28 November 2003, the Meeting of the Parties to the Convention adopted decision III/1, amending articles 25 and 26 of the Convention to allow all United Nations Member States to accede to the Convention. These amendments entered into force on 6 February 2013.

In addition, on 30 November 2012, the Meeting of the Parties adopted decision VI/3 on accession by non-United Nations Economic Commission for Europe countries. Through this decision, the Meeting of the Parties clarified that, for the purposes of article 25, paragraph 3, any future request for accession to the Convention by United Nations Member States not members of ECE would be considered to be approved by the Meeting of the Parties. This approval is subject only to the entry into force, for all the States and organizations that were Parties to the Convention on 28 November 2003, of the amendments to articles 25 and 26.

Decision VI/3**Accession by non-United Nations Economic Commission for Europe countries**

The Meeting of the Parties,

Expressing the firm belief that cooperation among riparian States on transboundary watercourses and international lakes contributes to peace and security and to sustainable water management, and is to everyone's benefit,

Reconfirming the conviction that the Convention on the Protection and Use of Transboundary Watercourses and International Lakes is an effective instrument to support cooperation also beyond the region of the United Nations Economic Commission for Europe (ECE),

Wishing to share the knowledge, practices and experience collected in the 20 years since the adoption of the Convention, and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

Also wishing to collectively promote river basin cooperation throughout the world, including by offering a global intergovernmental platform for exchange and debate on transboundary water issues and for supporting the implementation of international water law,

Recalling its decision III/1 of 28 November 2003 to amend the Convention's articles 25 and 26, as well as the spirit of that decision,

Recognizing the increased interest in the Convention and its activities by many non-ECE countries and their wish to accede to the Convention,

Acknowledging the need for a procedure for accession by non-ECE countries not differing from the procedure for accession by ECE-countries,

Expressing the unanimous desire to enable the accession by non-ECE countries as soon as possible,

1. *Expresses its satisfaction* that the amendments to articles 25 and 26 adopted by decision III/1 will enter into force on 6 February 2013, in accordance with article 21, paragraph 4, of the Convention, for those States that have accepted them;
2. *Urges* all the States and organizations that were Parties to the Convention on 28 November 2003 that have not yet done so to ratify the amendments to articles 25 and 26 as soon as possible, and not later than by the end of 2013;
3. *Calls* for the strengthening of cooperation with non-ECE countries interested in acceding to the Convention, with a view to promoting the mutual exchange of experience as well as the application of the Convention beyond the ECE region;
4. *Decides* that, for the purposes of the amendment to article 25 of the Convention, adopted by decision III/1, any future request for accession to the Convention by any Member of the United Nations not a member of ECE is welcome and, therefore, shall be considered as approved by the Meeting of the Parties. This approval is subject to the entry into force, for all the States and organizations that were Parties to the Convention on 28 November 2003, of the amendments to articles 25 and 26. A State or organization referred to in article 23 of the Convention that becomes a Party to the Convention between the adoption of this decision and the entry into force of the amended article 25, paragraph 3, for all the States and organizations that were Parties to the Convention on 28 November 2003 shall be notified by the ECE secretariat of this decision and that the State or organization is deemed to have accepted it;
5. *Also decides*, accordingly, that reference to the present decision will have to be made by any Member State of the United Nations that is not referred to in article 23 of the Convention when submitting its instrument for accession;
6. *Requests* the secretariat to inform the United Nations Treaty Section about this procedure so that appropriate arrangements can be made, and to disseminate information on the procedure to interested Members of the United Nations that are not members of ECE.

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

as amended

PREAMBLE

The Parties to this Convention,

Mindful that the protection and use of transboundary watercourses and international lakes are important and urgent tasks, the effective accomplishment of which can only be ensured by enhanced cooperation,

Concerned over the existence and threats of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, economies and well-being of the member countries of the Economic Commission for Europe (ECE),

Emphasizing the need for strengthened national and international measures to prevent, control and reduce the release of hazardous substances into the aquatic environment and to abate eutrophication and acidification, as well as pollution of the marine environment, in particular coastal areas, from land-based sources,

Commending the efforts already undertaken by the ECE Governments to strengthen cooperation, on bilateral and multilateral levels, for the prevention, control and reduction of transboundary pollution, sustainable water management, conservation of water resources and environmental protection,

Recalling the pertinent provisions and principles of the Declaration of the Stockholm Conference on the Human Environment, the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluding Documents of the Madrid and Vienna Meetings of Representatives of the Participating States of the CSCE, and the Regional Strategy for Environmental Protection and Rational Use of Natural Resources in ECE Member Countries covering the Period up to the Year 2000 and Beyond,

Conscious of the role of the United Nations Economic Commission for Europe in promoting international cooperation for the prevention, control and reduction of transboundary water pollution and sustainable use of transboundary waters, and in this regard recalling the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution; the ECE Declaration of Policy on the Rational Use of Water; the ECE Principles Regarding Cooperation in the Field of Transboundary Waters; the ECE Charter on Groundwater Management; and the Code of Conduct on Accidental Pollution of Transboundary Inland Waters,

Referring to decisions I (42) and I (44) adopted by the Economic Commission for Europe at its forty-second and forty-fourth sessions, respectively, and the outcome of the CSCE Meeting on the Protection of the Environment (Sofia, Bulgaria, 16 October – 3 November 1989),

Emphasizing that cooperation between member countries in regard to the protection and use of transboundary waters shall be implemented primarily through the elaboration of agreements between countries bordering the same waters, especially where no such agreements have yet been reached,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Convention,

1. “Transboundary waters” means any surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these

transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks;

2. "Transboundary impact" means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; they also include effects on the cultural heritage or socio-economic conditions resulting from alterations to those factors;
3. "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;
4. "Riparian Parties" means the Parties bordering the same transboundary waters;
5. "Joint body" means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties;
6. "Hazardous substances" means substances which are toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent;
7. "Best available technology" (the definition is contained in annex I to this Convention).

PART I

PROVISIONS RELATING TO ALL PARTIES

Article 2

GENERAL PROVISIONS

1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.
2. The Parties shall, in particular, take all appropriate measures:
 - (a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact;
 - (b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection;
 - (c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;
 - (d) To ensure conservation and, where necessary, restoration of ecosystems.
3. Measures for the prevention, control and reduction of water pollution shall be taken, where possible, at source.
4. These measures shall not directly or indirectly result in a transfer of pollution to other parts of the environment.
5. In taking the measures referred to in paragraphs 1 and 2 of this article, the Parties shall be guided by the following principles:
 - (a) The precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand;

- (b) The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;
 - (c) Water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.
6. The Riparian Parties shall cooperate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the protection of the environment of transboundary waters or the environment influenced by such waters, including the marine environment.
7. The application of this Convention shall not lead to the deterioration of environmental conditions nor lead to increased transboundary impact.
8. The provisions of this Convention shall not affect the right of Parties individually or jointly to adopt and implement more stringent measures than those set down in this Convention.

Article 3

PREVENTION, CONTROL AND REDUCTION

1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures, in order to ensure, inter alia, that:
- (a) The emission of pollutants is prevented, controlled and reduced at source through the application of, inter alia, low- and non-waste technology;
 - (b) Transboundary waters are protected against pollution from point sources through the prior licensing of waste-water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;
 - (c) Limits for waste-water discharges stated in permits are based on the best available technology for discharges of hazardous substances;
 - (d) Stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires;
 - (e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;
 - (f) Appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources;
 - (g) Appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the

预览已结束，完整报告链接和二

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