

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Guide to Implementing The Water Convention



UNITED NATIONS

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

All references to Internet sites and their URL addresses in this publication are as last accessed on 1 January 2013.

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Guide to Implementing
The Water Convention



UNITED NATIONS

New York and Geneva, 2013



Foreword

The process of implementation — or translating intent into action — is fundamental to effective public policy. However, according to studies, countries' failures to fully implement international commitments are often unintentional. Also, the differences across countries and the unevenness of their institutional and economic capacities may lead to unbalanced implementation of international agreements. These challenges to implementation can often be overcome simply by enhancing dialogue and cooperation within the international community as well as with other States Parties.

The 1992 United Nations Economic Commission for Europe (UNECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), deals with multifaceted issues of transboundary water management. The complexity and diversity of the matters covered by the Water Convention can, however, create challenges for both current and future Parties in implementing the Convention's provisions. Therefore, the publication of this Guide to implementation is a timely and crucial effort.

The Guide provides a legal reference for implementing the Convention, but at the same time serves as a practical commentary. The team of experts from the UNECE region that have dedicated two years to the preparation of this Guide have accomplished a remarkable task of combining legal theory with useful and realistic advice. The publication includes a detailed explanation of selected provisions of the Convention, including those that may cause potential misunderstandings and difficulties in interpretation. For such provisions, the Guide provides the background, sets out the minimum implementation requirements and gives examples from the UNECE region to illustrate their application.

The target audience of this Guide are primarily government officials directly involved in transboundary water cooperation and water management at the national level, as well as those responsible for the preparation of legal and institutional platforms for the accession of their countries to the Convention and its further implementation. The publication also seeks to serve international organizations, non-governmental organizations and other stakeholders involved in the process of sustainable management of transboundary waters. Lawyers dealing with environment and international freshwater issues should also find the Guide useful.

With its global opening to accession by all United Nations Members States, the Water Convention enters a crucial stage of development. It will offer a global intergovernmental platform for exchange and debate on transboundary water issues and for supporting the implementation of international water law. Parties to the Convention will be able 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. The opening of the Water Convention makes the Guide a key tool for non-UNECE countries interested in acceding to the Convention to learn more about it and to prepare their respective legal and institutional frameworks accordingly.

There will always be challenges in implementing international agreements, and environmental and water cooperation agreements are no exception. However, establishing regular, institutionalized cooperation between countries can greatly contribute to successful implementation. I trust, therefore, that the Guide to Implementing the Water Convention will serve as a powerful tool to enhance the Convention's implementation and to enlarge the community of States cooperating under its framework for the sustainable management of transboundary waters and the well-being of populations around the globe.

Sven Alkalaj
Executive Secretary
United Nations Economic Commission for Europe



Preface

The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) adopted in 1992 in Helsinki, Finland, serves as a mechanism to strengthen national measures and international cooperation for the ecologically sound management and protection of transboundary surface waters and groundwaters. As of the date of this publication, the Water Convention has 39 Parties in the United Nations Economic Commission for Europe (UNECE)¹ region, and it is expected to achieve broader participation with its global opening to non-UNECE States.

Recognizing the importance of facilitating implementation of the Water Convention, and in response to requests for clarification of the legal, technical and economic implications of accession, the Convention's Bureau mandated the development of practical guidance designed to support accession to and implementation of the Convention. The present Guide to Implementing the Water Convention was prepared under the auspices of the Legal Board and the Working Group on Integrated Water Resources Management, through a broad participatory approach bringing together the legal and water experts from countries — both Parties and non-Parties to the Convention — and also non-governmental organizations and academia.

The Guide constitutes a comprehensive commentary to the Convention's provisions, providing explanations of the legal, procedural, administrative, technical and practical aspects of the Convention's requirements for appropriate implementation. These explanations are coupled with illustrative examples. Special attention is given to the explanation of the framework nature of the Convention, the due diligence character of its core obligations and its three-pillar normative structure, in order to ensure proper understanding and interpretation of the Convention's provisions. Like the Convention itself, the Guide comprises two main parts: one related to the provisions that are applicable to all Parties and the other covering provisions relevant to the cooperation of Riparian Parties. In addition, the Guide sets out the advantages of becoming a Party to the Convention and depicts the steps to be taken by countries before and after accession.

This publication presents the Guide to Implementing the Water Convention adopted by the fifth session of the Meeting of the Parties to the Water Convention in 2009, with relevant updates introduced under the guidance of the Convention's Bureau in accordance with the mandate given by the sixth session of the Meeting of the Parties in 2012. Recognizing the strategic importance of the Guide for implementation of and compliance with the Convention, as well as for enhancing the interest to the Convention worldwide, the Meeting of the Parties called upon Parties and non-Parties to use the Guide in their work on transboundary water cooperation and to promote it widely in the UNECE region and beyond. The Guide serves as a key reference document for activities included in the Convention's programme of work for 2013–2015.

¹ The official acronym for the United Nations Economic Commission for Europe is ECE; however, UNECE also sometimes appears.



ACKNOWLEDGEMENTS

The UNECE secretariat gratefully acknowledges the funding by Germany, Italy and Switzerland for the development of the present Guide, as well as its publication.

The UNECE secretariat also acknowledges the substantive contributions provided by the members of the Water Convention's Legal Board, the Working Group on Integrated Water Resources Management and the drafting group which prepared the Guide.

The drafting group was chaired by Mr. Attila Tanzi (Italy) and was composed of legal and water experts from the following countries and organizations: Ms. Doubravka Nedvedova (Czech Republic); Mr. Antti Tuomas Belinskij (Finland); Ms. Mariam Makarova and Mr. Malkhaz Adeishvili (Georgia); Ms. Heide Jekel (Germany); Mr. Alexandros Kolliopoulos (Greece); Mr. Gábor Baranyai, Mr. Péter Kovács and Ms. Maria Galambos (Hungary); Ms. Winifred Broadbelt (Netherlands); Ms. Ana Drapa (Romania); Ms. Dragana Milovanovic (Serbia); Ms. Zdenka Kelnarova (Slovakia); Ms. Jadranka Ivanova (the former Yugoslav Republic of Macedonia); Ms. Natalia Zakorshova (EuropeAid

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_1897



云报告
<https://www.yunbaogao.cn>

云报告
<https://www.yunbaogao.cn>

云报告
<https://www.yunbaogao.cn>