

The Water Convention as a conflict prevention tool: recent work by the Implementation Committee regarding Albania and Montenegro

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Webinar on preventing water conflicts through improving transboundary water cooperation in the Pan-European region, 25 October 2021



The Water Convention:



Water Convention Key Principles

1) Principle of prevention

1) Principle of equitable
and reasonable
utilization

1) Principle of cooperation

Main objective



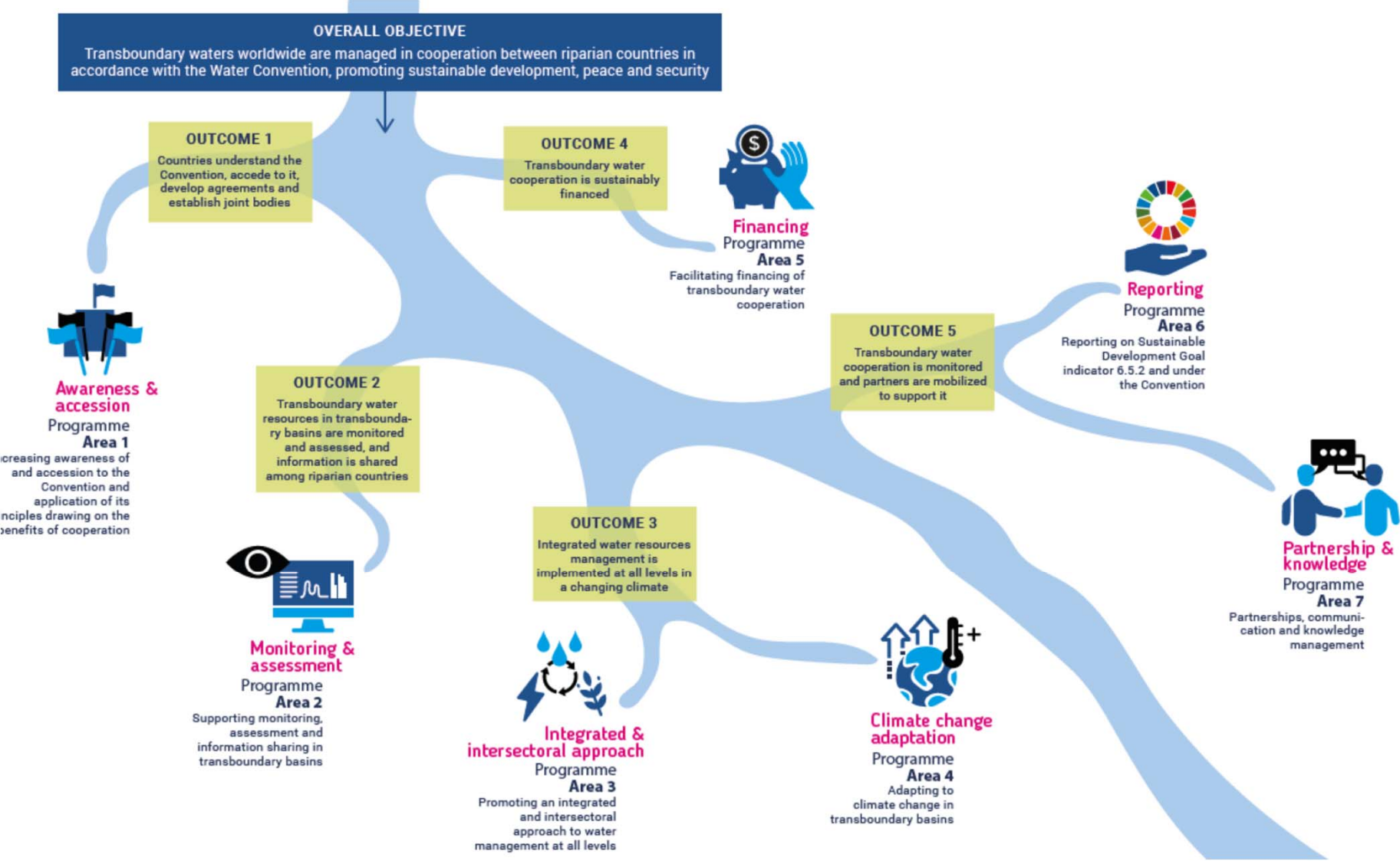
Foster cooperation
over transboundary
waters in order to
ensure that they are
sustainably and
equitably managed

- Since 2016: A global tool for sustainable management of transboundary waters
- October 2021: 46 Parties, including 5 outside UNECE region

Main achievements of the Convention in the past 30 years

- Promoted transboundary cooperation in the pan European region (almost all transboundary basins are covered by agreements)
- Fostered continuous improvement of cooperation: from specific water uses to integrated management and sustainable development
- Built a bridge between the Western and Eastern parts of the region, harmonization of approaches, approximation to EU legislation
- Fostered peace and stability in conflict prone areas
- Supported brokering new agreements in countries in transition
- Promoted both policy dialogue and action on the ground on emerging issues: climate change and water, water-food-energy-ecosystem nexus
- Work at both technical and political level using «broad diplomacy»
- Legal and institutional framework flexible and evolving to address Parties and non-Parties needs (Implementation Committee, reporting, etc)

Programme of work 2022-2024: support to implementation



Key aspects of the Convention to prevent conflicts

- Equality and reciprocity: experience show that when the interests of a riparian dominate an agreement, this will not lead to cooperation but rather perpetuate the conflict.
- All riparian states should be involved in the cooperation
- Overarching aim of sustainability.
- The obligation to establish joint bodies: The Convention set minimum tasks and competences that joint bodies should carry out and many of these tasks have a conflict preventive character. For instance:
 - To establish joint warning and alarm procedures
 - To serve as a forum for the exchange of information on existing and planned uses of water and related installations likely to cause a transboundary impact
 - Joint monitoring and assessment of the transboundary waters
 - Exchange of information
 - Dispute settlement

Institutional framework





Mechanism to support implementation and compliance

- Objective: facilitate, promote and safeguard the implementation and application and compliance with the Convention
- Simple, non-confrontational, non-adversarial, transparent, supportive and cooperative in nature, building on the distinctive collaborative spirit of the Convention
- Implementation Committee:
 - 9 members, who serve in personal capacity
 - Persons with experience and recognized expertise, including legal and/or scientific and technical expertise
 - Geographical distribution of membership and diversity of experience and expertise



Functions of the Implementation Committee

- Consider requests for advice (advisory procedure)
- Consider self-submission or Party-to-Party submission
- Consider undertaking “a Committee initiative”
- Carry out any other functions that may be assigned to it by the Meeting of the Parties, including examination of general issues of implementation and compliance that may be of interest to all Parties...

Measures: ...assist to conclude an agreement, prepare an action plan, facilitate capacity building, promote technology transfer, recommend to the Meeting of the Parties take ‘stronger’ measures....



Advisory procedure (1/2)

- Aimed at facilitating implementation and application of the Convention through the provision of advice by the Committee
- Should not be regarded as alleging non-compliance
- Who may request advice from the Committee:
 - a Party – about its difficulties in implementing the Convention
 - a Party, or Parties jointly – about its or their efforts to implement or apply the Convention vis-à-vis each other, other Parties and/or non-Parties



Advisory procedure (2/2)

- Participation by the Parties that are not the requesting Parties and by the non-Parties is subject to their consent
- Within the advisory procedure, the Committee may suggest to the Party(ties) to take certain measures but it cannot recommend the Meeting of the Parties to take any measures



Montenegro and Albania (1/3)

- In early 2020 the Committee initiated advisory procedure in response to a request from Montenegro (Nov. 2019) concerned about the possible transboundary impact of the planned construction of additional small HPPs on the Cijevna/Cem River in Albania. Albania had consented to participate in the procedure.
- The Committee:
 - Gathered information
 - Held several separate online consultation sessions with the countries
 - Prepared detailed Legal and Technical Advice to countries
 - Both countries, in a joint session, accepted the advice of the Committee



Montenegro and Albania (2/3)

- The Committee's Legal and Technical Advice to the countries includes:
 - Contextual clarification of obligations under the Convention
 - Establish a joint technical working group "Monitoring & Assessment" (details provided on its mandate and practical steps)
 - Develop and implement an information exchange protocol
 - Use meetings of the bilateral commission to exchange information on planned measures
- The Committee designated one member to assist the countries on technical matters of its advice, if needed
- Countries agreed to make the Committee's advice publicly available ([ECE/MP.WAT/IC/2021/1](#))



Montenegro and Albania (3/3)

- The Committee provided practical, solution-oriented advice
- Not about compliance
- The Committee looked at systemic issues, emphasized step-by-step approach
- The Committee's composition (lawyers and technical experts) allowed it to deal with complex issues
- Demonstrated the capabilities and usefulness of the Advisory Procedure as a conflict prevention tool

9th session of the Meeting of the Parties (29 September – 1 October 2021)

- Aleksandar Stijović, Minister of Agriculture, Forestry and Water Management, Montenegro:

Our great appreciation also goes to the esteemed members of the Implementation Committee for their profound cooperation, advice and expertise provided to Montenegro on the matter related to Cijevna/Cem river. We welcome the open objective and transparent manner, in which the Committee operated. [...] We believe this is a good example to be followed by other countries.

- Gerta Lubonja, General Director, Agency of Water Resources Management, Albania:

I would like to present the results of cooperation between Albania and Montenegro following the advice provided. [...] I take this opportunity to thank the Committee for the assistance provided to Albania and Montenegro in this process.

Case study example : Dniester basin

- Cooperation in the Dniester basin shared by Moldova and Ukraine was supported since 2006 by UNECE, OSCE, UNDP: on data exchange and assessment, fisheries, sanitary services etc.
- Cooperation on climate change adaptation started with flood management activities in 2010
- Strategic Framework for Adaptation to Climate Change was endorsed in 2015 and followed by development of its Implementation Plan
- These activities facilitated the entry into force of the transboundary Dniester Treaty in 2017 and the establishment of the Dniester Commission in 2018
- GEF-funded project since 2016 resulted in TDA and SAP; new project about to start

**Strategic Framework
for Adaptation
to Climate Change
in the Dniester River Basin**

WEBSITE OF THE DNIESTER COMMISSION
SAVE THE DNIESTER RIVER TOGETHER

Ministerul Agriculturii,
Dezvoltării Regionale și
Mediului

Міністерство
енергетики та
захисту довкілля

Lang: EN

HOME | RIVER MANAGEMENT | DNIESTER COMMISSION

DNIESTER COMMISSION

The Commission on Sustainable Use and Protection of the Dniester River Basin (the Dniester Commission) was established under the Treaty between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin (Moldovan, Ukrainian), which was signed in Rome on 29 November 2012. The Treaty covers almost all aspects relating to river basin issues, except for navigation and hydropower, and is aimed at strengthening and expanding cooperation between the Republic of Moldova and Ukraine, which started in 1996. Besides, the execution of this document was an important step in fulfilling the obligations undertaken by the Republic of Moldova and Ukraine under the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992) and the EU Water Framework Directive (2000).

RULES AND COMPOSITION

The rules of procedure and proceedings of the Commission were approved at the first meeting of the Commission (Chisinau, 17 September 2018)

[READ MORE >](#)

WORKING GROUPS

The composition of the Moldovan and Ukrainian parts of the Commission is represented by the following working groups:

More information

Implementation Committee's website:
www.unece.org/env/water/implementation_committee

Guidelines, publications and activities under the Water
Convention: www.unece.org/env/water

water.convention@un.org and Sonja.koeppel@un.org

Twitter: @UNECE_Water

Facebook: @UNECEWater



Example 1: Work on adaptation to climate change in the Neman shared by Belarus and Lithuania (and Russia)

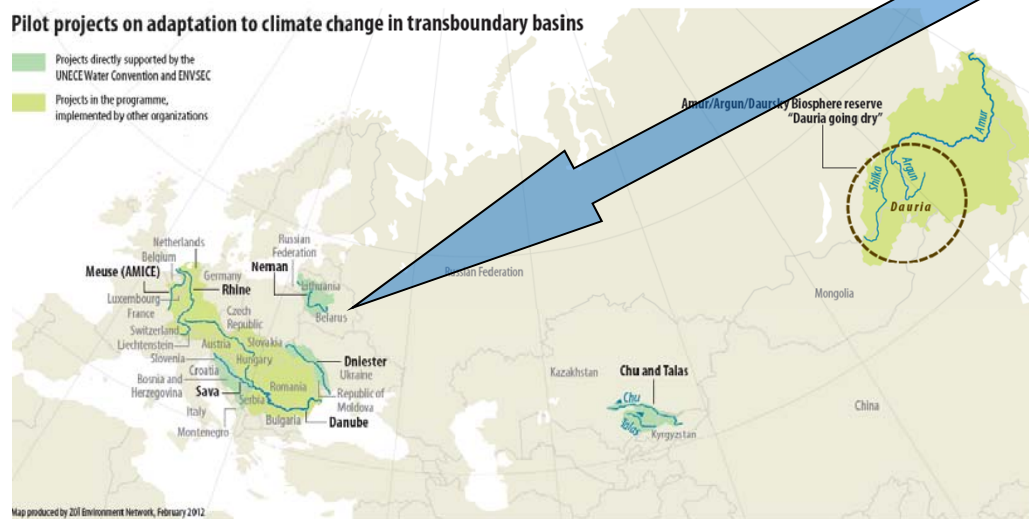
Baseline situation in 2010:

- Political tensions between the countries, absence of contacts at political level, some expert contacts
- No legal/ institutional cooperation framework
- Problems such as nutrient pollution, floods etc



Pilot projects on adaptation to climate change in transboundary basins

- Projects directly supported by the UNECE Water Convention and ENVSEC
- Projects in the programme, implemented by other organizations



Progress by 2016:

- Strengthened adaptive capacity of riparian countries
- Common understanding on future water availability and water use
- Improved transboundary cooperation: draft bilateral technical Protocol elaborated

Lesson 1: Focus on non-political issues of common concern

- Focusing on a non-political issue of common concern: climate
- Starting cooperation at expert level
- Comparing hydro-meteorological systems
- Sharing data: Development of a common information platform
- Joint experiences: Common Field trip on the Neman in 2012
- Involving stakeholders: Three multi-stakeholder workshops
- Agreeing on climate change impacts and actions: Vulnerability assessment and strategic framework for basin adaptation

