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Boisson de Chazournes, Laurence; Tignino, Mara; Leb, Christina

CHAPTER 5

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Laurence Boisson de Chazournes, Christina Leb** and Mara Tignino****

1 Introduction

Protecting the environment is an important dimension of the maintenance and management of shared water resources. Sustainable utilization of transboundary water resources cannot be separated from questions of environmental protection. It is therefore no surprise that environmental aspects have progressively made their way into the body of norms regulating the management and protection of freshwater resources, increasingly so since the Stockholm Conference of 1972. The Principles articulated in the resulting Declaration on the Human Environment[1] have since become the guiding standards for international environmental agreements; equally, the obligation to protect the environment of international watercourses has received increased recognition in specific treaty instruments.[2] The 1992 Rio Declaration on

* Professor, Faculty of Law, University of Geneva.

** Senior Water Resources Specialist, World Bank; Associate Member, Platform for International Water Law, Faculty of Law, University of Geneva.

***Senior Researcher and Coordinator, Platform for International Water Law, Faculty of Law, University of Geneva.

1 See Declaration of the United Nations Convention on the Human Environment ('Stockholm Declaration on the Human Environment') (Stockholm, 16 June 1972), UN Doc. A/CONF.48/14/Rev.1, 11 ILM (1972) 1416.

2 Examples include the Agreement between United States and Canada on Great Lakes Water Quality, 15 April 1972, which was superseded by the Agreement between Canada and the United States of America on Great Lakes Water Quality (Ottawa, 22 November 1978, as amended on 16 October 1983, on 18 November 1987 and on 7 September 2012) <http://www.ijc.org/files/tinymce/uploaded/Great%20Lakes%20Water%20Quality%20Agreement%20-%202012.pdf> accessed 18 May 2014. In South America, Argentina and Uruguay concluded in 1975 the Statute on the Uruguay River that created the Administrative Commission for the River Uruguay (CARU), tasked with environmental functions. Statute on the Uruguay River, (Salto, 26 February 1975), UNTS (1975) 1295 <http://www.internationalwaterlaw.org/documents/regionaldocs/Uruguay_River_Statute_1975.pdf> accessed 18 May 2014.

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Environment and Development[3] reiterated many of the Stockholm Principles, while balancing protection of the environment with the need for economic and social development. Since these two UN Conferences, international water agreements that deal with the protection of riverine ecosystems and water quality have seen a remarkable growth in number.[4]

Depending on the priorities of the interested parties in the region where they apply, water treaties may have a stronger or weaker environmental focus. In the UNECE region, environmental concerns and pollution control are given central importance. Initiatives to clean up polluted rivers have been rolled out in Western Europe and North America since the 1970s, in particular in reaction to catastrophic industrial accidents.[5] The effects of 40 years of economic development characterized by a focus on heavy industry and on output maximization rather than sustainability in both industry and agriculture led to numerous environmental initiatives in Eastern Europe and Central Asia after the end of the Cold War. It was against this background that the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter 'UNECE Water Convention') was developed.[6] The UNECE Water Convention's focus is on prevention, control and reduction of transboundary impacts, with the particular objective of water quality control. It encompasses important environmental principles embodied in the Rio Declaration of 1992, such as the polluter-pays principle and the precautionary principle.[7]

The Convention's objective – namely, to promote the protection of the environment, health and sustainable development – receives support from other multilateral environmental agreements (MEAs) signed by its parties. A number of these MEAs intervene in the protection of riverine ecosystems and aquifer recharge zones and thus contribute to achieving sustainable management of transboundary water resources (2). While the objectives of these conventions are often focused on a specific environmental issue, they complement international water agreements, such as the UNECE Water Convention (3).

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3 Declaration of the United Nations on Environment and Development ('Rio Declaration on Environment and Development'), (Rio de Janeiro, 14 June 1992), UN Doc A/CONF.151/26 (Vol. I), 31 ILM (1992) 876.

4 See Laurence Boisson de Chazournes, *Fresh Water in International Law* (Oxford University Press, 2013) 117, 118.

5 See Alexandre-Charles Kiss, 'Tchernobâle' ou la pollution accidentelle du Rhin par des produits chimiques' (1987), *Annuaire français de droit international*, 33, 719, 727.

6 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992), UNTS (1992) 1936.

7 Articles 2.5 (a) and (b).

2 Multilateral Environmental Agreements and the Management and Protection of Freshwater Resources

Both the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (hereinafter referred to as 'Ramsar Convention')[8] and the Convention on Biological Diversity (CBD)[9] assist in protecting wetlands and aquatic ecosystems. The aesthetic and cultural value of freshwater resources is protected by the Convention concerning the Protection of the World Cultural and Natural Heritage ('World Heritage Convention').[10] Though they may be focused on different environmental objectives, other conventions incidentally regulate the negative impact of human activities on water resources, among them the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol,[11] the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCDD)[12] and a number chemical and waste conventions, among them the Convention on Persistent Organic Pollutants ('POPs Convention').[13]

2.1 *Convention on Wetlands of International Importance Especially as Waterfowl Habitat*

Wetlands perform a variety of functions, protecting human settlements from natural calamities such as flooding, and gradual harms like shoreline erosion. In Europe, the Danube Delta, for example, provides rich fishing grounds, transport routes and habitat wildlife. These inland water ecosystems are nonetheless under continuous threat of damage or destruction from urban sprawl and human activities to satisfy water needs for agriculture and domestic uses. The sound protection and management of wetlands enhances the protection of freshwater for particular uses such as fishing, transportation and access to freshwater for drinking and sanitary reasons.

8 Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 2 February 1971), UNTS (1971) 996.

9 Convention on Biological Diversity (Rio de Janeiro, 5 June 1992), UNTS (1992) 1760.

10 Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972), UNTS (1972) 1037.

11 United Nations Framework Convention on Climate Change (New York, 9 May 1992), UNTS (1994) 1771.

12 Convention to Combat Desertification (Paris, 12 September 1994), UNTS (1995) 1954.

13 Convention on Persistent Organic Pollutants (Stockholm, 22 May 2001), UNTS (2001) 2256.

The Ramsar Convention adopted in 1971 provides the legal framework to adopt measures to conserve and make wise use of wetland resources. Motivated by the general trend toward protecting universally valuable ecosystems, the Ramsar Convention not only seeks conservation of wetlands but also emphasizes the need for their wise use and sustainable development.[14] The original objective of the treaty was to protect the natural habitat of avian fauna (both migrating and non-migrating birds). In 1996, however, the Conference of Parties adopted a resolution on 'Ramsar and Water', recognizing 'the important hydrological functions of wetlands, including groundwater recharge, water quality improvement and flood alleviation' and noting 'the inextricable link between water resources and wetlands'.[15] A number of guidance notes on water resources management for parties to the Convention have since been adopted.[16] With currently 168 parties to the Convention, these guidance documents once implemented by the parties will have considerable impact on the quality of global freshwater resources.[17]

The Ramsar Convention establishes a list of sites of international importance.[18] While the obligation of parties to promote the conservation of wetlands and to provide for their care is independent of whether a specific site has been included in the list or not,[19] listing a national or transboundary site has the advantage of increased publicity, and access to international support for conservation efforts.[20] There is an increasing number of Ramsar sites, including transboundary water basins. Examples within the current geographic scope of the UNECE Water Convention include the Tisza River between

14 See Laurence Boisson de Chazournes, (n. 4), 133.

15 Resolution VI.23 'Ramsar and Water' (Sixth Meeting of the Conference of the Contracting Parties, Brisbane, 19–27 March 1996) <http://www.ramsar.org/cda/en/ramsar-documents-resol-resolution-vi-23-ramsar/main/ramsar/1-31-107%5E21028_4000_0__> accessed 18 May 2014.

16 They include guidelines for the allocation and management of water for maintaining the ecological functions of wetlands, guidelines for the management of groundwater to maintain wetland ecological character, and a consolidated guidance for integrating wetland conservation and wise use in river basin management.

17 Laurence Boisson de Chazournes, Christina Leb, & Mara Tignino, 'Environmental Protection and Access to Water: the Challenges Ahead' in Michael R. van der Valk and Penelope Keenan (eds.), *The Right to Water and Water Rights in a Changing World* (UNESCO-IHE, 2011) 13, 14.

18 The List is available at: <http://www.ramsar.org/pdf/sitelist_order.pdf> accessed 18 May 2014.

19 Article 4 of the Ramsar Convention.

20 Ramsar Convention Secretariat, *The Ramsar Convention Manual* (2013) 12.

Hungary and Slovakia, and the Prypiat and Stokhid River Floodplains between Ukraine and Belarus.[21] Watercourse States have thus formally agreed to collaborate on protecting their rivers through the endorsement of the commitments of the Ramsar Convention.

2.2 *Convention Concerning the Protection of the World Cultural and Natural Heritage*

In 1972, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the World Heritage Convention. Large infrastructure projects conceived to advance economic development had been threatening cultural and natural heritage sites. According to the agreement, State Parties submit an inventory of dedicated heritage sites to the World Heritage Committee.[22] The Committee itself has a mandate to identify world heritage sites which it considers in danger of disappearance or destruction due to deterioration, human activity or natural catastrophe.[23] Though primary responsibility to protect these sites rests with the State in which the site is found,[24] the identification of a site as a heritage site opens access to financial assistance for conservation operations.[25]

In addition to historic monuments, the World Heritage Convention also protects natural heritage sites on the basis of the habitat they provide for threatened plant and animal species, or for their scientific value.[26] A number of the natural heritage sites contain transboundary freshwater ecosystems, including the Upper Middle Rhine Valley and Lake Baikal.

2.3 *United Nations Framework Convention on Climate Change*

Adaptation is the issue in which climate change and water resources find congruent space. This is recognized in the UNFCCC, calling for cooperation in preparing for adaptation through the elaboration of appropriate plans for water resources, in particular with regards to areas affected by drought, desertification and floods.[27] Other than this reference in Article 4, the Convention and its

21 See <http://www.ramsar.org/cda/en/ramsar-documents-trss/main/ramsar/1-31-119_4000_0_> accessed 18 May 2014.

22 Article 15 (1) World Heritage Convention.

23 Article 15 (4).

24 Article 4.

25 Article 13.

26 Article 2.

27 Article 4 (1) (e) United Nations Framework Convention on Climate Change. See Christina Leb, *Cooperation in the Law of Transboundary Water Resources* (Cambridge University Press, 2013).

Kyoto Protocol are curiously mute on the topic of water. However, this does not mean that the parties of the UNFCCC are unaware of the linkages between surface and groundwater resources, the hydrological cycle and climate change. The UNFCCC was adopted in parallel with Agenda 21 at the 1992 Rio Conference. Agenda 21 explicitly talks about the impacts of climate change on freshwater ecosystems and recommends an action plan to take full account of these interdependencies.[28] The topic of water and climate change has been picked up as agenda item within the UNFCCC institutional framework in recent years. At its nineteenth meeting in Warsaw 2013, the COP decided to include the consideration of water resources in the official work program of the Subsidiary Body for Scientific and Technological Advice (SBSTA),[29] a permanent subsidiary advisory body of the COP, supporting its work through timely information on scientific and technological matters in relation to the Convention. The consideration of water resources by the SBSTA will most certainly lead to increased cross-cutting integration of water issues in the work program of the UNFCCC secretariat and related institutional framework. The parties of the UNECE Water Convention have already made an important step towards the integration of climate change adaptation and water resources management with the issuance of the (Guidance on Water and Adaptation to Climate Change) at their Fifth Meeting of the Parties.[30]

2.4 *Convention on Biological Diversity*

The particular value of inland water systems is an issue that has also been recognized within the framework of implementation of the CBD. As defined in Article 1, the objectives of the Convention are 'the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources'. Geomorphological changes brought about by river-regulating infrastructure often cause an increase in flow velocity and the loss of floodplains; this in turn impacts on a river's ecosystem. For example, works constructed for navigation and transport transformed the beds and riverine environment of the Danube and Rhine rivers in Europe.[31]

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28 "Agenda 21: Earth Summit – the United Nations Program of Action from Rio" (1993) UN doc. A/CONF.151/26/REV.1 paras. 9.19–9.21.

29 Decision 17-/CP.19 "Nairobi Work Programme on Impacts, Vulnerability and Adaptation to Climate Change (Nineteenth Session of the Conference of the Parties, Warsaw 11–23 November 2013) para. 5, <http://unfccc.int/resource/docs/2013/cop19/eng/10a02.pdf> accessed 18 May 2014.

30 UNECE, "Guidance on Water and Adaptation to Climate Change" (2009), ECE/MP.WAT/30.

31 The Rhine is the most important inland waterway in Europe, carrying about 300 million tons of goods every year, three times the amount carried on the Danube. European

By promoting the principles of sustainable utilization and the protection of aquatic biodiversity and non-aquatic flora and fauna such as fish, the CBD supports the protection of inland water systems. Pollution, invasive alien species, dams, climate change, and increased water diversion for agriculture all threaten local fish species and have destroyed large parts of inland water ecosystems.[32]

In 1998, the Conference of Parties to the Convention identified 'inland waters' as an important thematic area of work and launched a work program focusing on the status and trends of the biological diversity of inland water ecosystems and the identification of options for conservation and sustainable use.[33] In 2004, the revised program identified the 'restoration of inland water ecosystems' and 'the recovery of threatened species' as priority activities.[34] The Salmon 2000 Program and renaturalization of flood plains in the Rhine river basin are today among the most prominent examples of successful river protection programs. They have also led to an improvement of biodiversity.

The CBD also supports the UNECE Water Convention's objective of closer cooperation on transboundary waters. At its eighth meeting, the Conference of Parties of the CBD called for the enhancement of international water arrangements, recognizing that 'cooperative arrangements' contribute to the realization of the goals of the Convention on Biodiversity.[35]

Framework for Inland Navigation, *A New Institutional Framework for the European Inland Navigation* (2004) 28.

32 Laurence Boisson de Chazournes, Christina Leb, Mara Tignino, (n. 17) 14–15.

33 Decision IV/4 'Status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use' (Fourth Meeting of the Conference of the Parties to the Convention on Biological Diversity, Bratislava, 4–15 May 2004) <http://www.cbd.int/decision/cop/default.shtml?id=7127> accessed 18 May 2014.

34 Decision VII/4 'Biological diversity of inland water ecosystems' (Seventh Meeting of the Conference of the Parties to the Convention on Biological Diversity, Kuala Lumpur, 9–20 February 2004) <http://www.cbd.int/decision/cop/?id=7741> accessed 18 May 2014.

35 Decision VIII/27 'Alien species that threaten ecosystems, habitats or species (Article 8 (h)): further consideration of gaps and inconsistencies in the international regulatory framework' (Eight Meeting of the Conference of the Parties to the Convention on Biological Diversity, Curitiba 20–31 March 2006) para. 22. The decision adopted by the COP in 2008 '*urges* Parties and other Governments, as appropriate and where necessary, to strengthen relevant international cooperative arrangements for the management of inland watercourses and water bodies consistent with Article 5 of the Convention and as a contribution towards the achievement of the 2010 target of achieving a substantial reduction in the rate of biodiversity loss'. Decision IX/19 'Biological Diversity of inland water ecosystems' (Ninth Meeting of the Conference of the Parties to the Convention on Biological Diversity, Bonn 19–30 March 2008) para. 3 <http://www.cbd.int/decisions/cop> accessed 18 May 2014.

2.5 *Convention to Combat Desertification*

The Convention to Combat Desertification complements other MEAs in the protection of water resources and related ecosystems. Practices of land management have an impact on freshwater resources. Changes in forest and plant cover can influence groundwater recharge, with an increasing risk of flooding and landslides.

Drought and desertification threaten the livelihoods of over one billion people and are exacerbated by both climatic change and human activities. Land degradation and desertification in Africa had already attracted global attention by the 1970s. However, the Plan of Action adopted at the time was inadequately funded and its results were disappointing.[36] The Convention to Combat Desertification adopted in 1994, today has 195 State Parties. Its aim is to improve living conditions for the poor residing in drylands as well as to address the root causes of desertification, such as deforestation and land use change. The objective of the Convention is to combat these effects 'through effective action at all levels, supported by international cooperation and partnership agreements'.[37] It is designed so that its objectives are to be implemented through a bottom-up approach. National action programs are prepared by national consultative committees, with participatory community involvement, to support measures to combat desertification.[38] Sustainable development and integrated management of water resources play a prominent role in this context, addressing the vital role of land-water linkages.

2.6 *Chemical and Waste Conventions*

Every year countries produce millions of tonnes of hazardous waste, many of which find their way into freshwater basins. Hazardous waste is the object of an international convention, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was adopted in 1989 and entered into force in 1992.[39] The control and reduction of chemicals are subject to specific Conventions, including the POPs Convention,[40] the Convention on the Prior Informed Consent Procedure for

36 See resolution 32/172 of 19 December 1977, A/RES/32/172.

37 Article 2.1.

38 Articles 9–14.

39 Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel, 22 March 1989) UNTS (1989) 1673.

40 Convention on Persistent Organic Pollutants (Stockholm, 22 May 2001) UNTS (2001) 2256.

Certain Hazardous Chemicals and Pesticides in International Trade ('Rotterdam Convention')[41] and the recent (2013) Minamata Convention on Mercury.[42]

The Basel Convention addresses the challenges posed by the generation of hazardous wastes and their transboundary movement and management. According to Article 4 of the Basel Convention, the control and reduction of transboundary movements of hazardous wastes is promoted through methods such as the disposal and treatment of these wastes as close as possible to their source of generation, the reduction and minimization of their generation, the environmentally sound management of such wastes and the active promotion of the transfer and use of cleaner technologies. The Conference of the Parties of the Basel Convention adopted technical guidelines for minimizing and safely disposing of toxic substances that threaten water quality.[43] The Convention Secretariat has also published a training manual on the destruction and decontamination of Polychlorinated Biphenyl (PCBs) and other POPs which are a significant source of contamination of water resources.[44]

Beyond hazardous wastes, water resources are polluted by the excessive use of insecticides and industrial chemicals and fertilizers, and by the occasional accidental spills of toxic substances. This pollution has negative impacts on human health and the quality of water ecosystems. Some agreements such as the POPs Convention and the Rotterdam Convention can play a role in the protection of water resources. These Conventions represent the nearly universal efforts to eliminate or restrict the production and use of harmful chemical substances that persist in the environment. While the objective of the POPs Convention 'is to protect human health and the environment from persistent organic pollutants',[45] the Rotterdam Convention provides States Parties considering the importation of certain hazardous pesticides and chemicals with

41 Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam, 10 September 1998) UNTS (1998) 2224.

42 Convention on Mercury (Minamata, 19 January 2013) <http://www.mercuryconvention.org/Portals/11/documents/conventionText/Minamata%20Convention%20on%20Mercury_e.pdf> accessed 18 May 2014. As of February 2015, the Convention has received 128 signatures and 10 ratifications.

43 See the listing of the Basel Convention on Technical Guidelines for Environmentally Sound Management (ESM) of Persistent Organic Pollutants (POPs) Waste, <http://chm.pops.int/Portals/0/flash/popswastetrainingtool/eng/All_technical_guidelines_on_POPs_4.pdf> accessed 18 May 2014.

44 Training Manual on the Destruction and Decontamination of PCBs and other POPs, Wastes under the Basel Convention, 2002, <http://www.basel.int/Portals/4/Basel%20Convention/docs/meetings/sbc/workdoc/TM-A.pdf> accessed 18 May 2014.

45 Article 1.

the tools and information they need to identify potential risks. It helps States Parties to exclude chemicals they cannot manage safely.[46] The latest legislative attempt to control and reduce the use of dangerous substances which create risks to the quality of water resources is the Minamata Convention. The objective of the Convention is the protection against the release of mercury into the environment that might have harmful effects on human health.[47]

3 Complementarities between MEAs

By influencing and shaping State actions and responsibilities as they relate to freshwater, MEAs like those described above can help to clarify and define the rights and obligations arising from water treaties. The responsibilities laid out in MEAs help to deepen the meaning, the substance, and scope of the rights and obligations laid down in the 1992 UNECE Water Convention, as well as to supplement those rights and obligations.[48] The contribution of MEAs to the protection of transboundary freshwater resources was recognized by the International Court of Justice in its decision in the *Gabčíkovo-Nagymaros* case when it said: 'Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. [...] Owing to new scientific insights and to a growing awareness of the risks for mankind – for present and future generations – of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades'.[49]

46 According to Article 1 of the Rotterdam Convention, the aim of the Convention is 'to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties'.

47 Article 1.

48 Laurence Boisson de Chazournes, (n. 4) 144.

49 In particular, with respect to activities damaging aquatic ecosystems, the Court made the following statement: 'Project's impact upon, and its implications for the environment are of necessity a key issue. The numerous scientific reports which have been presented to the Court by the Parties – even if their conclusions are often contradictory – provide abundant evidence that this impact and these implications are considerable. In order to evaluate the environmental risks, current standards must be taken into consideration. This is not only allowed by the wording of Articles 15 and 19, but even prescribed, to the

Like most international Conventions, each MEA reflects the moment and the conditions under which it was adopted. They all provide for different legal instruments and tools to achieve their goals which are developed over time. These Conventions should not be interpreted and applied in isolation from other norms of international law, and in particular from water agreements such as the UNECE Water Convention. The interaction between these instruments can take the form of mutual support of principles enunciated in various MEAs such as the sustainable development, prevention and precautionary principles. Institutional relationships and other forms of collaboration can also be envisaged as for instance through the decisions adopted by various Conferences or Meetings of the Parties. Through the adoption of decisions with similar content or through cooperation of their secretariats, MEAs may assist in enhancing consistency and promoting cooperation in pursuit of environmentally sound management and protection of transboundary water resources.

It is in this context that the Sixth Meeting of the Parties of the Helsinki Water Convention decided to seek closer collaboration with the Global Environmental Facility (GEF).[50] A number of GEF-financed projects implemented in the territories of the parties to the UNECE Water Convention directly contribute to implementing the objectives of the Convention[51] and activities carried out under the auspices of the Convention's secretariat contribute to the broad mandate of the GEF which integrates water and environmental concerns under 'one roof'.

The GEF is an independent financial mechanism supporting transboundary water cooperation through its International Waters Window. This financing window directly supports the UNECE Water Convention's objectives of establishing bilateral and multilateral agreements and joint institutions for transboundary water resources management.[52] GEF funding has, for instance, supported the establishment of the International Commission for Protection

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extent that these articles impose a continuing – and thus necessarily evolving – obligation on the parties to maintain the quality of the water of the Danube and to protect nature'. *Gabčíkovo-Nagymaros Project* (Hungary/Slovakia) (1997) *I.C.J. Reports 1997*, 140.

50 Decision VI.4 'Cooperation with the Global Environment Facility' (Sixth session of the Meeting of the Parties to the UNECE Water Convention, Rome 28–30 November 2012), 19 September 2013, ECE/MP.WAT/37/Add.2, 13, <http://www.unece.org/fileadmin/DAM/env/water/mop_6_Rome/Official_documents/ECE_MP.WAT_37_Add.2_ENG.PDF> accessed 18 May 2014.

51 For example, the GEF assisted the Danube countries to enhance cooperation and mitigate pollution in the Danube Delta and the Black Sea since the early 1990s.

52 Article 9.

of the Danube River and the adoption of the Convention for Sustainable Management of Lake Tanganyika.[53] Since the decision by the Sixth Meeting of the Parties to seek closer cooperation with the GEF, the financial mechanism and UNECE Water Convention's secretariat have engaged in cooperation at the project level, such as in the Chu-Talas and Drin River Basins.[54]

At the same time, the UNECE Water Convention strengthens the regulatory frameworks of MEAs for which the GEF is the primary financial mechanism: the CBD, UNFCCC, UNCCD and the POPs Convention. There is significant complementarity. One of the primary objectives of the UNECE Water Convention is mitigation and prevention of pollution; to this aim, the Convention specifically promotes the concept of best available technology and offers specific guidelines for parties to develop water quality objectives and criteria.[55] The Convention thus adds specifications to other MEAs, by clarifying the content and scope of the obligations related to transboundary waters. Similarly, the 'Guidance on Water and Adaptation to Climate Change' adopted by the parties of the Helsinki Water Convention[56] was designed to promote implementation of international commitments undertaken under other agreements, however related to the UNECE Water Convention. It recalls obligations established under the UNFCCC, the Ramsar Convention and the European Union instruments.

Fruitful relationships, interaction and joint actions taken under the MEAs and the UNECE Water Convention support the development of their normative content and expand the potential reach of water agreements. One such example is the call for increase of transboundary cooperation on water resources by the parties to the Biodiversity Convention. The international relationships between Conferences of the Parties and secretariats enhance the effectiveness of measures taken under these instruments.

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53 UNECE Water Convention, (The UNECE Water Convention and the Global Environment Facility), MOP-6/2012/INF.5 (2012), 5, 10, <http://www.unece.org/fileadmin/DAM/env/water/mop_6_Rome/Unofficial_documents/MOP6.2012.INF.5_GEF_final.pdf> accessed 18 May 2014.

54 Decision VI.4 'Cooperation with the Global Environment Facility' (Sixth session of the Meeting of the Parties to the UNECE Water Convention, Rome 28–30 November 2012) ECE/MP.WAT/37/Add.2, 13, <http://www.unece.org/fileadmin/DAM/env/water/mop_6_Rome/Official_documents/ECE_MP.WAT_37_Add.2_ENG.PDF> accessed 18 May 2014.

55 Article 3.3 and Annex 1.

56 UNECE Water Convention, (Guidance on Water and Adaptation to Climate Change) (Fifth Session of the Meeting of the Parties, Geneva 10–12 November 2009) ECE/MP.WAT/30 <http://www.unece.org/fileadmin/DAM/env/water/publications/documents/Guidance_water_climate.pdf> accessed 18 May 2014.

4 Conclusion

Though water is not necessarily their primary objective, many MEAs support and complement the objective of international water agreements, such as the UNECE Water Convention. Based on the same uniting principles of environmental law, such as the prevention of transboundary harm, the polluter-pays principle and the precautionary approach, these agreements facilitate the achievement of the broader goal of sustainable development and management of the human environment. It should therefore not be a surprise that, over time, the international community has come up with a multi-pronged framework of overlapping and mutually supportive international agreements and institutions that work towards the protection of water resources.