



## Virtual Workshop on designing legal frameworks for transboundary water cooperation

To be held on 28-29 July 2020

The main objective of the Virtual Workshop is to assist countries and/or other relevant stakeholders in the design and drafting of agreements or other arrangements for transboundary water cooperation. In particular, the meeting is tailored to support the preparation of a checklist on developing legal frameworks for transboundary waters.

The workshop will take stock of existing experience worldwide with drafting and design, it will explore common challenges and gather lessons learned. Some key aspects related to the drafting of legal frameworks will be discussed, namely preliminary considerations and general provisions typically included in an agreement or arrangement; substantive content and procedural features; and aspects related to implementation, the institutional framework and dispute settlement.

The workshop is organized under the leadership of the Government of Hungary, with the support of the secretariat of the Water Convention, hosted by the United Nations Economic Commission for Europe (UNECE). Funding is provided by Germany, Hungary and the Geneva Water Hub.

The following organizations are partners in organizing the workshop: Geneva Water Hub/University of Geneva; Global Water Partnership (GWP); International Commission for the Protection of the Danube River (ICPDR); International Network of Basin Organizations (INBO); International Union for Conservation of Nature (IUCN); Senegal River Basin Development Organization (OMVS); University of Northumbria.

## Day 1 – Tuesday 28 July

### Morning session: 11:00 – 13:00

**Moderator:** Mr. Aleš Bizjak, EU Coordination and International Affairs Service, Ministry of the Environment and Spatial Planning, Slovenia

#### 11:00 – 11:35 Opening

- **Opening remarks**
  - Introduction by *Mr. Peter Kovacs, Head of the Department of River Basin Management and Water Protection, Ministry of Interior, Hungary, Vice-Chair of the Bureau of the Water Convention*
  - *Ms. Sonja Koeppel, Secretary of the Water Convention, UNECE*
  - *Mr. Abdoulaye Sene, Executive Secretary of the 9th World Water Forum*
  
- **Presentation of the draft checklist on the development of legal frameworks for transboundary waters, Mr. Komlan Sangbana, UNECE and Ms. Valentina Paderi, Consultant**

#### 11:35 – 13:00 Session 1: Preliminary considerations and general provisions

The session will begin by taking stock of different approaches related to designing the content of legal frameworks for transboundary waters, to give a sense of the diversity that exists in international water law practice. It will then focus on the second module of the checklist, which is concerned with general provisions typically included within agreements or other arrangements. These may address how to define states that can become Parties to a legal framework; the definition of key terms and the scope covered.

1. Grounding by the moderator
2. Content
  - The different designs of legal frameworks for transboundary waters in international water law practice, *Mr. Alistair Rieu-Clarke, Professor of Law, Northumbria University*
  - Defining Parties to the agreement or other arrangement, and relation with Third Parties, *Ms. Mara Tignino, Lead Legal Specialist, Platform for International Water Law, Geneva Water Hub, Reader, Faculty of Law and Institute for Environmental Sciences, University of Geneva*
  - Definition of terms, scope: how to address ambiguities? *Mr. Sylvester Matem, Expert on Transboundary Waters*
3. Engagement with participants
  - Responding expert, *Mr. Aaron Wolf, Professor, Director of Water Conflict Management and Transformation, Oregon University*
  - Q&A with the panellists
  - Interactive discussions
4. Harvesting

## **Afternoon session: 15:00 – 17:00**

### **15:00 – 16:20 Session 2: Substantive content and procedural features**

This session will be concerned with modules 3 and 4 of the checklist, which address the substantive content and procedural features of agreements or other arrangements for transboundary waters. Participants will hear about examples of design from different regions of the world and will have the opportunity to exchange on how to formulate general obligations and principles within a legal framework; which key water management, protection, sectoral and intersectoral issues may be covered; and the type of procedural provisions supporting an effective cooperation.

**Moderator:** Mr. Eric Tardieu, International Network of Basin Organizations (INBO)

1. Grounding by the moderator
2. Content
  - Designing substantive and procedural features of an agreement or other arrangement: general considerations, *Ms. Christina Leb, Senior Counsel, The World Bank*
  - Example of substantive and procedural features within an agreement on groundwater in Latin America: the case of the Guarani Aquifer, *Mr. Alberto Manganelli, Executive Director of the Regional Centre for Groundwater Management in Latin America and the Caribbean*
  - Example of substantive and procedural features within agreements in the European region, *Mr. Timo Jokelainen, President of the Commissions on transboundary rivers/waters between Finland, Norway, Russia and Sweden*
3. Engagement with participants
  - Responding expert, *Mr. Alistair Rieu-Clarke, Northumbria University*
  - Q & A with the panellists
  - Interactive discussions
4. Harvesting

### **16:20 Breakout session with general questions on drafting and design**

## **Day 2 – Wednesday 29 July**

### **Morning session: 11:00 – 13:00**

#### **11:00 – 12:05 Session 3: Substantive and Procedural features II**

**Moderator:** Ms. Yumiko Yasuda, Global Water Partnership (GWP)

1. Grounding by the moderator
2. Content
  - Designing substantive and procedural features of an agreement or other arrangement: general considerations, *Ms. Zaki Schubber, Lecturer, IHE Delft Institute for Water Education (Netherlands)*
  - Example of substantive and procedural features: the case of the Agreement for the Establishment of the Orange-Senqu Commission, including establishment of a multi

country cooperation mechanism for the Stampriet Aquifer, *Mr. Lenka Thamae, Executive Secretary, Orange-Senqu Commission (ORASECOM)*

- Example of substantive and procedural features within an agreement on freshwater in Asia: the case of the Mekong Basin, *Mr. Ly Thim, Chief River Basin Planner, Mekong River Commission Secretariat*
- 3. Engagement with participants
  - Responding expert, *Mr. Makane Moise Mbengue, Professor, Director of the Department of International Law and International Organization, Law Faculty, University of Geneva (Switzerland)*
  - Q & A with the panellists
  - Interactive discussions
- 4. Harvesting

### **12:05 – 13:00 Special focus – addressing health issues in transboundary water cooperation**

**Moderator:** Mr. Diego Jara, International Union for Conservation of Nature (IUCN)

1. Content
  - Water and health and links with the COVID-19 pandemic – Introducing the UNECE-WHO Regional Office for Europe Protocol on Water and Health, *Mr. Alisher Mamadzhonov, UNECE*
  - Access to safe water and international health cooperation in transboundary basins: the case of the Senegal River Basin, *Mr. Fawzi Bedredine, Regional Programme Coordinator, Organisation pour la mise en valeur du fleuve Sénégal (OMVS)*
2. Engagement with participants
  - Responding expert, *Mr. Ivan Zavadsky, Executive Secretary, International Commission for the Protection of the Danube River (ICPDR)*
  - Q&A to the panellists
  - Interactive discussions
3. Harvesting

### **Afternoon session: 15:00 – 17:00**

#### **15:00 – 16:00 Session 4: Implementation, institutional framework and dispute settlement**

This session will focus on module 5 of the checklist, which is concerned with implementation, the institutional framework and dispute settlement mechanisms. It will discuss the legal provisions that may contribute to the establishment of an effective institutional framework, and how to settle disputes within a cooperative framework, including with regard to the role of Third Parties. There will also be a special focus on how to secure the financing base for legal frameworks, with expert speakers from river basin organizations and international financial institutions.

**Moderator:** Mr. Ivan Zavadsky, International Commission for the Protection of the Danube River (ICPDR)

1. Grounding by the moderator
2. Content

- What type of legal provisions contribute to the establishment of effective institutional frameworks, examples from West and Central Africa, *Mr. Christophe Brachet, Deputy Secretary General, International Network of Basin Organizations (INBO)*
  - Addressing dispute settlement within legal frameworks for transboundary waters and the role of Third Parties in supporting implementation, *Ms. Dinara Ziganshina, Deputy Director of the Scientific Information Centre of Interstate Commission for Water Coordination in Central Asia, Vice-chair of the Water Convention Implementation Committee*
3. Engagement with participants
    - Responding expert, *Mr. Peter Kovacs, Hungary*
    - Q&A to the panellists
    - Interactive discussions
  4. Harvesting

**16:00 – 16.45 Special focus – Securing the financing base for legal frameworks for transboundary waters**

**Moderator:** Mr. François Münger, Geneva Water Hub

1. Content
  - The financing structure of the International Meuse Commission, *Mr. Jean Noel Pansera, Secretary General, International Meuse Commission*
  - Exploring new financing mechanisms to implement joint investments in the Gambia River Basin Development Organization, *Mr. Ababakar Ndao, Secretary General, Organisation de Mise en Valeur du Fleuve Gambia (OMVG)*
2. Engagement with participants
  - Responding expert, *Ms. Christina Leb, The World Bank*
  - Q & A with the panellists
  - Interactive discussions

**16.45 – 16.55 Recap of the harvesting findings and next steps, Ms. Sonja Koepfel and Mr. Komlan Sangbana, UNECE**

**16.55 – 17:00 Closure, Mr. Peter Kovacs, Hungary**