

# Transboundary water cooperation, public participation and civil society

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Pokhara, 24<sup>th</sup> May 2017



- International water law was primarily developed in the context of inter-State relations
- Today, the focus is increasingly on rights and duties of non-State actors, i.e. local communities
- Human needs find their place in international water law (i.e. art.10 of the UN Watercourses Convention and art.5.2 of the ILC Draft Articles on Transboundary Aquifers))

## Scope of public participation

- “Public” means individuals, communities or groups
- Public participation includes access to information, consultation with concerned communities, access to justice

## Principle 10 of the 1992 Rio Declaration on environment and sustainable development

“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. [...] States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”

# 1991 UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

“The Party of origin shall provide [...] an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin”

Art.2.6 of the Espoo Convention

## 1998 UNECE Convention on Access to Information, Public Participation and Access to Justice (Aarhus Convention)

“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters”

Art.1 of the Aarhus Convention

## Access to information

“The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public”

Art. 16 of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention)

## Consultation with affected people


“The Court is of the view that no legal obligation to consult the affected populations arises for the Parties from the instruments invoked by Argentina.

Regarding the facts, the Court notes that both before and after the granting of the initial environmental authorization, Uruguay did undertake activities aimed at consulting the affected populations, both on the Argentine and the Uruguayan sides of the river”

Pulp Mills on the Uruguay River (Argentina/Uruguay), International Court of Justice (ICJ), 2010, paras. 216-217



# Questions for discussion

 In your experience, how local communities are involved in transboundary water management?

 Do you think that local communities may increase water cooperation and prevent the risks of conflicts? If yes, how?