

# UN Watercourses Convention and Myanmar



# Water Resources in Myanmar

At least 90% of its territory is comprised within major river basins, five of which are transboundary.

River	Total area of river basin (km <sup>2</sup> )	Riparian countries	% of river basin area in Myanmar
<b>Ayeyarwady</b>	404,200	Myanmar, China, India	91.2
<b>Kaladan</b>	30,500	Myanmar, India	74.9
<b>Pakchan</b>	3,900	Myanmar, Thailand	49.1
<b>Salween</b>	244,000	China, Myanmar, Thailand	43.8
<b>Mekong</b>	787,800	Laos, Thailand, China, Cambodia, Vietnam, Myanmar	3.51

# UN Watercourses Convention - UNWC

- Approved by the UN General Assembly in 1997
- Entered into force on 17 August 2014
- Constitutes the global framework (or legal “gold standard”) to ensure the protection, preservation and management of shared waters and the promotion of cooperation
- Provides a clear and consistent legal framework

# Key elements of the UNWC

- The UNWC in its text adopts the concept of “international watercourses” as a **holistic approach** to include both surface and groundwater;
- includes **substantive rules** referring to the rights and duties of transboundary basin States. These rules are contained under the UNWC as the **equitable and reasonable utilization, the obligation not to cause significant harm, protection and preservation of ecosystems and cooperation**. The text includes a list of relevant factors and circumstances to further define the rules.
- includes **procedural rules**, as practical means to implement the **substantive rules**. These rules also establish the operational framework for the management of transboundary water resources. The main rules in this sense are the **regular exchange of data and information and notification, consultation and negotiation**.

# Key elements of the UNWC

- The UNWC incorporates provisions relating to the **institutional set up for management of shared waters**. Institutions serve as platforms for dialogue among riparian countries, as well as mechanisms to coordinate exchange of data and information, and prevent and resolve controversies on interpretation or implementation of agreements.
- The UNWC incorporates a clear and comprehensive set of procedures for the **resolution of disputes** deriving from its interpretation and application. In cases in which States have not been able to resolve their differences by means of negotiation, the UNWC gives the possibility to jointly seek the good offices of, or **request mediation or conciliation** by a third party, or even of a competent institution that has been established by the concerned parties. Only in the case that all the above procedures have failed to reach an agreement, **the UNWC contemplates the possibility to submit the dispute to arbitration or adjudication by the International Court of Justice**.

# Potential Benefits for Myanmar

- 1. Accession could support and facilitate the protection, preservation, and management of all transboundary waters shared by Myanmar.*
- 2. Accession could inform and support the development of international agreements for the protection of specific transboundary river basins.*
- 3. Accession could promote and encourage cooperation between Myanmar and its neighbours in a range of fields including and beyond water.*

# Potential Benefits for Myanmar

4. *Accession could inform and support the development of IWRM policies covering domestic water bodies that face competing and sometimes conflicting claims.*
5. *Myanmar might benefit as well from the exchange of lessons and experiences from other countries that have ratified the UNWC.*
6. *Strengthening cooperation through the accession of Myanmar to the UNWC would also ratify the fulfilment of its commitments within the Association of Southeast Asian Nations ASEAN*

# Accession process and capacity building

- establishment of awareness platforms to discuss the content of the UNWC;
- legal training to water and cooperation entities in the Government of Myanmar
- specific legal training for Myanmar's Assembly of the Union
- judges might be appropriate to substantiate the rulings of National Tribunals

## Next step

- IUCN pleased to facilitate a National Dialogue on UNWC on 4,5 or 6<sup>th</sup> April with support from Dr Iza, Director of IUCN Environmental Law Centre.
- IUCN will include Myanmar as part of its Building River Dialogue and Governance Programme (BRIDGE) in phase 4, to start in 2019.

# Thank You

