

CONSOLIDATED SUMMARY

SECOND PREPARATORY SEMINAR FOR THE TENTH OSCE ECONOMIC FORUM ZAMORA, SPAIN, 11 AND 12 FEBRUARY 2002

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Organization for Security and Co-operation in Europe

The Secretariat

Office of the Co-ordinator of OSCE Economic and Environmental Activities

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SUMMARY OF THE SECOND PREPARATORY SEMINAR FOR THE TENTH OSCE ECONOMIC FORUM ON "CO-OPERATION FOR THE SUSTAINABLE USE AND THE PROTECTION OF QUALITY OF WATER IN THE CONTEXT OF THE OSCE", ZAMORA, SPAIN, 11-12 FEBRUARY 2002

1. The Zamora seminar, the second held in preparation for the OSCE's Tenth Economic Forum which is scheduled for the 28th of May, underlined the importance of regional co-operation in the sustainable use of water for promoting confidence and ensuring stability.

The event was organized by the Office of the Co-ordinator of OSCE Economic and Environmental Activities on behalf of the Portuguese Chairmanship of the OSCE, in collaboration with Spain's Environment and Foreign Affairs Ministries and the City of Zamora.

It drew more than 100 participants from 32 of the OSCE's participating States, OSCE Partners for Co-operation, OSCE Mediterranean Partners for Co-operation, 7 OSCE Field Presences, the OSCE Parliamentary Assembly, the European Commission, the Council of Europe Parliamentary Assembly, the Black Sea Environmental Commission, the Regional Environmental Centre, the Interstate Co-ordination Water Commission of Central Asia, the Mekong River Commission, the Stability Pact, UNDP and 13 NGOs, who discussed the importance of legal and institutional mechanisms for improving co-operation in water management.

2. International water agreements can positively contribute to peace and co-operation by addressing the future water needs of countries that share a river basin, according to Professor Ashok Swain, Director of the Department for Peace Conflict Research at Uppsala University, Sweden. In his keynote speech Professor Swain stressed that such international agreements are a necessary, though not a sufficient condition for maintaining a stable situation. The water regimes that such agreements could establish also needed to be sustainable, lasting and progressive, he added.

The Director General of the Spanish Ministry of Environment, Alvarez Maqueda, stressed that water is a key issue on the political agenda of a great number of countries, and pointed to the need to develop better co-operative mechanisms for water sharing, capable of benefiting all social levels. Prof. Goncalves Henriquez, Director General of Portugal's Ministry of Environment, stressed that where an international river basin extended beyond the boundaries of the EU, member states should try to produce a single international river basin management plan.

When discussing of water, it is important to stress not only the threat to security posed by the lack of good, co-operative management, but also the opportunity to build confidence and promote co-operation across the board by forward thinking and win-win approaches to technical

environmental questions, said Mr. Marc Baltes, Acting Co-ordinator of OSCE Economic and Environmental Activities.

3. In the five working group sessions, participants discussed the benefits achieved by cooperating on water management in the OSCE region, the Water Framework Directive and its implications for candidate countries and partner countries and lastly the role of civil society, in particular NGOs, in promoting environmental awareness and stimulating the elaboration and the adoption of legal and institutional frameworks for water management.

Working Group Sessions 1 and 2 - The experiences in transboundary management in five very important and distinctive regions were presented. Each highlighted the most important challenges, achievements and problems encountered in the respective basin and underlined the methods available for enhancing co-operation, preventing conflicts and increasing the shared benefits related to transboundary water resources.

Working Group Session 3 – The EU Water Framework Directive (WFD) was presented and discussed. The "EU model" can be used as a reference but is not the standard An important factor is the continuous commitment of the parties involved. River Basin Commissions are of vital importance for water management in all its aspects on basin level. It was suggested that the EU, and more in general the international community could provide training as well as technical and financial assistance to continue supporting the work of River Basin Commissions.

Working Group Session 4 – Participants had the opportunity to follow five presentations on EU enlargement and partnership process on water related issues, which provided a sound basis for further analysis and debate; as well, practical recommendations emerged. The five speakers, representing countries in different stages of accession/partnership process with the EU, addressed the issue under discussion from different regional and institutional perspectives.

Working Group Session 5 – The implementation of the EU Directive is a complex process, and public participation through consultation is necessary in order to obtain better results. Non-governmental organisations play an active role in promoting implementation at national and international levels of commitments to access to information, participation and justice in environmental decision-making. Representatives of NGOs, enterprises and users outlined the need for greater involvement of civil society in all aspects of water management

- 4. In the Closing Plenary, the rapporteurs presented a number of proposals and recommendations made by the speakers and participants. The recommendations contribute to identifying priorities for OSCE action and are going to help shaping the agenda for the Tenth OSCE Economic Forum.
- ➤ Participants stressed that the OSCE is a political body designed to encourage participating states to reach positive solutions and that the Organization should promote greater co-operation so as to prevent destabilising crises.
- ➤ Participants argued that the OSCE could play a co-ordinating role both in encouraging consensus and stronger economic co-operation among Central Asian states and, more importantly, among the many international donors and programmes in the region.
- A request for the OSCE to support the elaboration and facilitate the signing of agreements on co-operation between Central Asia Governments in the field of economy and environment,

including water resources management, as a step to prevent tensions from arising, was made by a number of participants. It was also suggested that OSCE states create an OSCE fund for economic and environmental programmes. These proposals were welcomed by a number of delegations, and were rejected specifically by two delegations with the argument that the Seminar had no mandate in this respect.

- Delegates underlined that the support of the OSCE, along with the Stability Pact, can help to translate the strong will for full co-operation within the Danube basin into a reality. The letter of intent signed by BiH, Croatia and FRY during the First OSCE Preparatory Seminar, held in Belgrade in November 2001, was mentioned in this regard.
- All transboundary management requires effective local management. OSCE has experience in confidence building in multi-ethnic societies. This expertise could be useful in water management. Participants agreed that there are many ways in which water issues can be addressed by creative international partners, and called upon the OSCE to investigate further its potential role on water issues.
- A number of speakers underlined the importance of ensuring public participation in the development and implementation of water management policies and programs. Involvement of local communities and NGOs at the earliest stages was a guarantee for success in the end result. The OSCE's role in promoting ratification and implementation of regional and international conventions, such as the Aahrus Convention, was emphasized by several speakers. A success story was presented: in Ukraine, the OSCE played a useful role in the process of adopting and implementing the Aarhus Convention. Based on this positive example, with the support of the OSCE, a working group involving representatives of the executive and legislative branches as well as of the civil society, will be established, with a view to implementing the WFD.
- Participants stressed that the OSCE should better integrate the concept of "Platform for Cooperation" in its current activities, should enhance its catalytic role and consider ways to ensure the practical implementation of this concept. It was proposed that a working group of the Economic Forum address the specific catalyst role that the OSCE can play, under the concept of the "platform for security co-operation".
- ➤ In the field of water resources management, a specific role for the OSCE was identified by delegates in the following areas: stimulating the creation of data banks, facilitating meeting of experts and developing and supporting co-operation projects.
- ➤ The OSCE should consider ways of improving its relationship with partner states, was argued. Participants called upon the OSCE to act as a facilitator in relation with other international organizations, including the EU.
- 5. In his closing remarks, Mr. Joao Bernardo Weinstein, Representative of the CiO, pointed out that by their complexity, the solutions already found and the ongoing discussions on cooperation for the sustainable use and the protection of the quality of water, constitute a particularly important subject to be dealt with by the OSCE. Water can teach how to better co-ordinate in view of achieving better results in the rationalisation of the use of water and this is an important confidence building measure in itself. Mr. Weinstein stressed that addressing the theme of water can also help the OSCE to better implement the Platform for Co-operation since it encourages the creation of synergies and avoids duplication with partner organizations.

Mr. Erwan Fouéré, European Commission, underlined the opportunity that such Seminars provide for an intensive exchange of information of experiences and expertise, as well as the best practices that can stimulate change in participating states; this seminar has offered an eloquent example of this outcome, the suggestions and recommendations it has generated will be particularly useful in the final preparations for the Tenth Economic Forum.

Mr. Marc Baltes closed the meeting by recalling some of the ideas echoed from the floor. Confidence and trust building are at the heart of OSCE preoccupations. The OSCE can make a difference in identifying and raising awareness on potentially destabilising factors and the Organization should continue to encourage the building of consensus among states and promote win – win solutions, including the facilitation of signing and implementing agreements, he concluded.

OPENING PLENARY

WELCOMING REMARKS

by Mr. Marc Baltes, acting Co-ordinator of OSCE Economic and Environmental Activities

Your Excellencies, Ladies and Gentlemen, Dear colleagues,

I would like to welcome all of you to the second preparatory seminar to the Tenth OSCE Economic Forum. In particular, I would like to welcome and thank for their support in preparing this meeting the Lord Mayor of the city of Zamora, Mr. Antonio Vazquez Jimenez, the Spanish Ministry of Foreign Affairs represented by Ms. Maria Victoria Scola, the Spanish Ministry of Environment, represented by Mr. Ramon Alvarez Maqueda, and the Portuguese Chairmanship of the OSCE, represented at this table by Prof. Gocalves Henriques, Director of the International Relations Department, from the Portuguese Ministry for the Environment and Land Use Planning. I would also like to thank the European Commission for their input and advice while setting up the agenda and for being with us at high level today.

At the current rate of world consumption and population growth, we will experience a severe water shortage of fresh water by the year 2050. We should remember that 98% of the worlds water is salt water. Of the remaining 2 %, less than one percent is readily available for human consumption. The majority of our freshwater is tapped is polar ice caps. This supply of fresh water is constant, it will not become greater. The world's population however is growing at an alarming rate. On top of this, the average consumption of water per capita is rising at least twice as fast as the population, which means that the amount of water left will not last very long.

Growing demand, coupled with centuries of poor water management and water pollution, which renders a number of available water resources unusable, has already created local shortages of a renewable but finite resource.

Therefore, when discussing of water, it is important to stress not only the threat to security posed by the lack of good, co-operative management, but also the opportunity to build confidence and promote co-operation across the board by forward thinking and win-win approaches to technical environmental questions.

The first preparatory seminar to the Tenth OSCE Economic Forum, held in Belgrade in November 2001, by promoting regional environmental co-operation and assisting the reconciliation process through joint efforts in solving common environmental problems, constituted a further step in confidence building in the Balkans.

The signing, in Belgrade, by BiH, Croatia and FRY of a "letter of intent" for co-operation in the implementation of a project on the Sava River is a clear example of the positive repercussions that a project aiming at facilitating a co-operative regional approach to environmental reconstruction, fostering sound environmental management and promoting long term sustainable development, can have on regional stability.

This seminar in Zamora has been structured so as to underline the importance of regional cooperation in the sustainable use of water for promoting confidence building and stability, by indicating the importance of legal and institutional mechanisms for improving co-operation in water management, and by analysing the implication of EU water policies on third countries, especially with regard to candidate and partner countries, and by considering the role of NGOs in the context of water policies.

In the five sessions of the working groups, we expect you to analyse, and to discuss the benefits achieved by co-operating on water management in the OSCE region; the importance of water for health, economy and environment; the EU Directives on water, especially the Water Framework Directive, and their implications for candidate countries and partner countries; the role of civil society, in particular NGOs, in promoting environmental awareness and stimulating the elaboration and the adoption of legal and institutional frameworks for water management.

Ladies and Gentlemen,

Water is one, if not the most precious resource that we have. I am confident that our seminar will contribute to pursue the search for viable solutions in order to prove that in one point the author Mark Twain was wrong when he wrote: "Whiskey is for drinking. Water is for fighting".

OPENING PLENARY

KEYNOTE SPEECH

Co-operation for Sustainable Water Management in the EU Water Framework Directive

António Gonçalves Henriques
Director General, Office for International Relations,
Ministry for the Environment and Land Use Planning of Portugal.
Associate Professor, Department of Civil Engineering and Architecture of the Technical University of Lisbon.

Cristina Afonso West
Deputy Director General, Office for International Relations,
Ministry for the Environment and Land Use Planning of Portugal.

In the recent years, particularly after the 1992 Rio UN Conference on Environment and Development, a great deal of environment law applying the concepts of sustainable development and integrated management and the precautionary principle has emerged. The basis of this law is to ensure the protection of natural assets from uncontrolled human development.

While the emerging new environment law when applied in the water field aim the protection of water bodies from development in favour of ecological concerns, traditional water law is focused on the development of water resources for consumptive uses, and on guarantying fair access to water of differing and very often conflicting users. Even the traditional law on water quality is directed to the protection of water bodies mainly to ensure the water quality required for water uses, such as drinking water supply, bathing and fishing.

The emerging environment law and the traditional water law have been built upon different concepts thus creating a risk of conflict between what ought to be closely related pieces of law.

The EU Water Framework Directive can be regarded as the first piece of law where those two different concepts were merged. While ensuring the protection of aquatic ecosystems, the EU Water Framework Directive also takes into account the need to safeguard water uses arising from human development, with the aim to achieve sustainable development.

The final negotiations of the EU Water Framework Directive took place during the Portuguese Presidency of the EU in 2000, leading to its adoption in June 2000. The Portuguese Government had made the approval of the Directive a priority of its Presidency and a tremendous effort was put in by Portugal in achieving this objective. Being such a far reaching piece of legislation aimed at establishing a system to co-ordinate the activities of 15 Member States to improve the protection of all waters in the EU while ensuring sustainable use of those waters, it took three years of intense and enlighten discussions among Member States with a large participation of stakeholders and NGO's before an agreement has be reached on it.

Within the EU there are diverse conditions and needs that require different specific solutions and these had to be addressed accordingly in the Directive.

The Directive establishes a framework for the protection of inland surface and ground waters, transitional waters and coastal waters in the EU which:

- prevents further deterioration and protects and enhances the status of aquatic ecosystems,
- promotes sustainable water use based on a long-term protection of available water resources,
- ensures the progressive reduction of pollution of groundwater and
- contributes to mitigating the effects of floods and droughts,

and is built on the principle of subsidiarity. It calls for close co-operation and coherent action at Community level, Member States and local level and for public and private partnership.

The Water Framework Directive establishes ambitious environmental objectives for both surface waters and groundwater bodies. It calls for the implementation of the necessary measures to prevent deterioration of the status of all waters and for the protection, enhancement and restoration of all water bodies with the aim to achieve good water status in 2015, at the latest for all waters in the Community.

The attainment of good water status is the general objective of the EU Water Framework Directive requiring zero levels or levels below pre-defined standards for certain chemicals that may pose a risk to the aquatic ecosystem and to human health.

Furthermore, the Directive requires the maintenance of certain biological, chemical and hydromorphological conditions in order to protect the aquatic and associated terrestrial ecosystems. In other words, the conditions of aquatic and terrestrial ecosystems subject to the impacts of human activity should not differ significantly from the conditions that would otherwise exist under pristine conditions.

The principle underlying the main objective of the Directive is very simple: ensuring the good status of aquatic ecosystems also ensures that the quality of surface water bodies is good for all human water uses -e.g. drinking water supply, bathing and fishing.

Moreover, all significant sources of pollution of groundwater bodies and all groundwater abstractions must be controlled so as to ensure that both the quantitative (i.e. the water table levels) and the qualitative condition of groundwater do not lead to significant impacts on the associated surface water bodies and terrestrial ecosystems, and the chemical quality of groundwater is good.

Unlike all previous EU Directives on water, the Water Framework Directive does not set uniform water quality standards. Each Member State is responsible for setting the appropriate hydromorphological, chemical and biological standards for each water body with the aim to achieve the general objective, taking into account the specific climatic, geological and the other relevant natural conditions of the different regions of the EU.

Very often, in practice, protection of good water quality status is an issue considered separately from water resources management. The Water Framework Directive no longer allows this distinction. All abstractions from water bodies and water regulation – in dams and reservoirs – must comply with the general objective of ensuring a good water status for all water bodies. Thus, the extent and magnitude of water uses are bound by the requirements of environment protection.

One of the areas where agreement in the negotiation of the Directive was difficult was in the setting up of environmental objectives applicable to the whole of the EU territory.

During the discussions, questions were raised by Member States with regards to the applicability of the Directive in circumstances where the bodies of water are so affected by human activity, or their natural condition is such, that the achievement of these objectives would be unfeasible or disproportionately expensive, or where a failure to achieve good water status or to prevent deterioration from high status to good status is due to new sustainable human development activities. The latter situation was particularly important for countries that have waters in near pristine condition and might want to develop uses of those waters in the future. These special situations are addressed in the Directive by means of the possibility of establishment of less stringent environmental objectives for these water bodies which need to be thoroughly justified.

Another important aspect was the fact that in the EU a significant proportion of surface water bodies have had their hydromorphological conditions significantly changed due to development – such as port facilities, navigation, drinking water supply, power generation, irrigation, etc – and would therefore not be able to meet the Directive's objectives without substantial and costly changes to their hydromorphological conditions and additional environmental impact. This was also a cause of concern to most Member States which led to the creation of a new category of water body - known as artificial or heavily modified – to which less stringent objectives also apply.

In the particular case of bodies of water used for the abstraction of drinking water, more stringent environmental objectives than those above apply under the Water Framework Directive. A point of discussion in this matter during the negotiations was the extent to which these waters should be protected and, with regards to treatment for human consumption, if there should be a direct link between the level of protection of the water body and the level of treatment prior to consumption, i.e. if waters should require minimum treatment prior to consumption. Some Member States felt, at this stage, that it was not the objective of the Directive to determine the level of treatment for the production of drinking water. Instead, it was agreed that Member States should protect the bodies of water identified as existing or future drinking water sources with the aim of avoiding deterioration in their quality in order to reduce the level of purification treatment required in the production of drinking water.

These are a few examples that show the complexity of the matters being addressed in the development of the Directive. They also show how compromise solutions had to be developed in order to address specific concerns of Member States.

Now, let's briefly look into how the EU Water Framework Directive addresses transboundary waters.

The Water Framework Directive pays due regard to the transboundary effects of the use of water and calls for a co-ordination of the requirements for the achievement of the environmental objectives for the whole of the international river basin. At the request of the Member States involved, the European Commission shall act to facilitate the assigning of an international river basin district.

Where a river basin extends the territory of the Community, the Member State or Member States concerned shall endeavour to establish appropriate co-ordination with the relevant non-Member States, with the aim of achieving the objectives of this Directive throughout the river basin.

In the case of an international river basin falling entirely within the EU territory, there is an obligation on Member States to ensure co-ordination with the aim of producing a single international River basin Management Plan. Whenever this is not possible, Member States are

required to co-ordinate the programmes of measures to apply to meet the objectives of protection, restoring and enhancing the status of all water bodies within the international river basin district.

In the case of an international river basin extending beyond the boundaries of the Community, Member States shall endeavour to produce such a single plan.

The Directive also calls for the need to ensure the participation of the public in the establishment and updating of river basin management plans, and to provide proper information of planned measures and to report on progress of their implementation to the public before final decision on the necessary programmes of measures are adopted.

The Portuguese-Spanish Convention on the protection and sustainable use of shared river basins is a first bilateral agreement between the two Member States to apply those principles.

OPENING PLENARY

KEYNOTE SPEECH

by Ashok Swain, Department of Peace & Conflict Research, Uppsala University, Sweden

Water tables are falling increasingly on every continent. Many countries in the South already face serious problems in meeting rapidly increasing water demands. Today, two or more countries share 261 first order river basins. The increasing scarcity of water and the unequal and multilateral distribution of this resource paves the way for a greater number of international river water disputes. A number of commentators believe that the dependence of many developing countries on an external water supply may force them to re-orientate their national security concerns in order to protect or preserve such availability. Several countries are currently in dispute over the sharing of their common water.

Table 1. Some of the Countries Heavily Dependent on Imported Surface Water

Country	Import Component of Renewable Water Resources (%)
Turkmenistan	98
Egypt	97
Hungary	95
Mauritania	95
Botswana	94
Bulgaria	91
Uzbekistan	91
Netherlands	89
Gambia	86
Cambodia	82
Romania	82
Luxembourg	80
Syria	80
Congo	77
Sudan	77
Paraguay	70
Niger	68
Iraq	66
Albania	53
Uruguay	52
Germany	51
Portugal	48
Bangladesh	42
Thailand	39
Austria	38
Pakistan	36
Jordan	36
Venezuela	35
Senegal	34
Belgium	33

Sources: Peter H. Gleick, "Water and Conflict: Fresh Water Resources and International Security", *International Security*, vol. 18, no. 1, Summer 1993; David R. Smith, "Environmental Security and Shared Water Resources in Post-Soviet Central Asia", *Post-Soviet Geography*, no. 36, 1995.

High possibilty for conflict has brought global water issues into the arena of 'high politics'. UN officials and World Bank analysts regularly proclaim that "the previous war was about oil, the next war will be about water."

Water and Conflict

Several countries are currently in dispute over the sharing of their common rivers. In this century, water scarcity has caused few minor skirmishes but no war has yet been fought. Wars are very rarely fought over one issue. So, establishing water as the sole incompatible factor to cause violent armed conflict between two nation-states is not that easy. If we move beyond the immediate factors contributing to the hostile actions of warring parties and examine the origin of the conflicts, then there is a greater possibility of finding the contribution of water and water related issues in many of these cases. Water may be a factor in the armed conflicts between Israelis and Arabs, Ethiopian and Eritreans, Bangladesh and Mynamar. In short, the river water issues have, thus far, not been the sole or imeediate reasons for violent episodes. Few possible reasons can explain why the so-called 'water war' has not taken place in the last decade, inspite of many threats and many predictions in this direction.

- 1. Time Factor: Threat by one riparian does not necessarily reduce water supply to the other users of the basin. To carry out the threat of water diversion and / or withdrawal, a long period of time is needed to construct the infrastructure. Long interval between the 'expression of threat' and 'execution of threat' provides opportunity for negotiated settlement among the riparian countries. The time factor can also help the parties to prepare themselves to face the possible water scarcity situation. Syria seems to be prepared now to adjust itself with the reduced water availability from the Euphrates after the GAP in Turkey.
- 2. Risk Factor: Many international rivers and lakes are the source of livelihood for a large number of people in the basin. Any violent conflict over the water issue might disrupt the water supply and bring damage to the water storage and distribution system. This can bring misery to a large number of civilian populations on the both sides. The massive adverse consequence deters many disputing riparian states to wage 'water war' (e.g., Sharing of Indus between India and Pakistan).
- 3. Aid Factor: Most of the developing countries need financial and technical aid and assistance to undertake large water project. Very few countries who can undertake expensive water projects on their own, but it comes with a heavy economic and political price tag (e.g. GAP project in Turkey, Three Gorges Project in China and Narmada Project in India). In recent years, it is becoming increasingly difficult to receive external support for a disputed project in the international basin (e.g., World Bank's OP 7.50 in October 1994). End of Cold War has also stopped the alternative source of borrowing from the Eastern Bloc (e.g., Soviet assistance to Aswan Dam Project in 1950s & 1960s). Inspite of increasing water demand, this new development restricts many (e.g., Ethiopia in the Nile basin; Kyrgyzstan and Tajikistan in Aral Sea basin) to undertake new projects, which might become the source of violent conflict in the basin.

In this century, water scarcity has caused few minor skirmishes but no war has yet been fought. Wars are very rarely fought over one issue.

Water and Cooperation

Water not only brings conflict, it can also play its part to build co-operation. In several cases, competing and disputing riparian countries are now moving towards co-operation. In the 20th century, 145 water-related treaties have been signed. Growing competition over the waters of the Mekong, Jordan, Ganges, Mahakali and Zambezi rivers have resulted in co-operative sharing arrangements in the 1990s. Inspite of retaliatory nuclear tests and on-going virtual war in the

Kashmir Mountains, India and Pakistan are continuing their co-operative sharing of the Indus water since 1960. India can very easily bloc the waters of the Indus and also open the lower gates of some dams to destroy agriculture in Pakistan. But, it has not done that in spite of internal demand. The Nile River, which was being regularly referred in teh 1990s as the most prone to cause violent conflict in the region, has shown the sign of being the source of cooperation among the basin countries. With the World Bank support, the Nile Basin Initiative has led to Nile River Commission. Even in the Euphrates-Tigris basin, a Technical Committee is in operation where all three major riparians are the members.

Competition results, in most cases, in co-operation to maximise the benefits of water use in order to meet growing demand. However, evidence suggests that water agreements among the riparian states cannot last if the latter does not interact with and gain support from such institutions for proper water management at the basin level.

Sustaining, not only the Signing

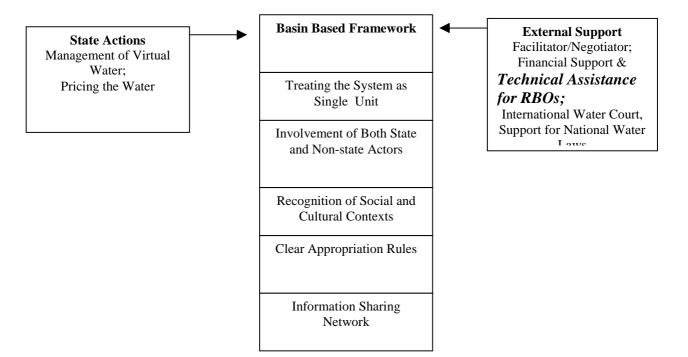
Signing of agreements on water sharing may be easy, but the real problem is how to keep the agreement working. Agreement needs to stand the taste of time. An agreement can positively contribute to peace and co-operation in the basin by addressing the future water needs of the riparian countries. Thus, it is not only we need agreements on international water systems; we need the water regimes to be sustainable, lasting and progressive.

For the appropriate and competent management of shared freshwater systems, it is vital to build upon institutions at the basin level. Some of the international organisation and legal principles are aiming at providing guidelines for the basin-based arrangements to emerge. Even if the 1997 UN Convention is ratified (till date, only 13 countries have signed and /or ratified the Convention, by member states and becomes a legal framework, it will not be sufficient to address the problem of water sharing in different parts of the world.

The sharing of international freshwaters among the riparian countries in different geographical regions is a problem of huge magnitude. In the presence of strong regional variance over the availability, need and perception of the fresh water, establishing an internationally acceptable legal principle may not itself bring the solution. As it has been said, the golden rule is not to have a golden rule. Complex water disputes can be solved only by co-operation and compromise, not by a strict insistence on rules of law.

For a fruitful and long lasting co-operation on shared waters, there is need for a comprehensive approach to address the water scarcity issue. This comprehensive approach includes a series of measures to be taken at the basin level. The basin based measures include: (1) treating the river system as a single unit, (2) involvement of both state and non-state actors in water management, (3) recognition of social and cultural context in water use, (4) clear appropriation rules in water sharing and (5) information sharing network among the riparian countries. These basin based initiatives have to be supported by the measures at the state level: (1) effective management of virtual water and (2) fair water pricing. However, here we are to explore the ways and means to support these initiatives, which are feasible to be extended by an external agency, like OSCE.

Figure 1. Comprehensive Approach for Lasting Cooperation on Shared Basins



OPENING PLENARY

ADDRESS BY THE HOST COUNTRY

by Mr. Ramon Alvarez Maqueda, General Director of Hydraulic Works and Water Quality, Ministry of Environment, Spain

Human development and water are two concepts that have been joined together since the dawn of humanity. Human settlements have always appeared at the banks of rivers, which, besides satisfying their supply needs, also fulfilled a role as a defence barrier for the population, an example of which may be seen here in the city of Zamora.

This city also has other examples of how man has used water to his advantage: the water mills, which were man's most important source of energy prior to the industrial revolution, and irrigated lands, which made it possible to attend the needs for food and provide an economic base of great importance for regions or countries.

Hydroelectric energy is another of the ways in which water and development intertwine. Its characteristics as an autochthonous energy that is clean and renewable mean that water is becoming more and more valuable as part of the strategy to face up to the climatic change. Near here stands the section of the River Duero that is shared between Spain and Portugal, in which both countries coordinate their exploitation by virtue of an agreement that dates back to 1964, although agreements of this nature existed before this date.

Nowadays, water is a key element on the political agenda. We need to contribute to a better use of the planet's water resources but these must also be better distributed in order to reach all social strata. The concept of water security conceived in the Hague Forum is an objective for us all: water for all, in good conditions and at a reasonable price, water for improving health and the living conditions of the population, water for the production of food, water for the protection of ecosystems. To achieve these objectives, we must look at mobilising the human and economic resources of every country and start up the instruments that are appropriate for a more careful management of the water resource.

The management of water in societies as complex as today's implies the need for specific instruments. It is obvious that these tools depend on the characteristics of each country and on the type of challenges and problems they face. However, they basically come down to three: a law that defines the rights and obligations in which the use of water is materialised; a plan which specifies the mid-term and long-term social objectives of water use; and finally, institutions that carry out everyday management of these resources and make the contents of the plan operational, institutions in which the participation of users and society in general is seen as fundamental.

The current Spanish Water Law dates from 1985 and came to renew the former law of 1879, which was one of the first specific laws for water in the whole world. However, water regulations are much older, as is the case with the Water Tribunal of Valencia, which is still in operation today, and has existed for one thousand years. The pioneering character of this law is closely linked to Spanish hydrographical characteristics – a semi-arid country, with strongly seasonal rivers – which required an early regulation of the conditions for access to the use of water.

The Spanish Water Law considers that water belongs to the public domain, in other words, it is a good that is beyond the realms of trade, and its use by third parties is possible only by government concession. On the other hand, the management of the resource is carried out with its uniqueness in mind, and integrates both surface and underground water (and, with the 1999 reform, water resulting from reuse and desalination). Secondly, the Spanish law bases itself on the management of the hydrographical basin, since this is the physical framework in which the natural processes interact with human activity. The cross-border character of some of our hydrographical basins leads them to require special treatment, which has been the object of international agreements, to which I shall refer later.

The Law of 1985 incorporates an environmental dimension referring fundamentally to the protection of water quality, which the old law considered only very basically. This environmental concern has been motivated by both the demands of Spanish society and the need for incorporating into Spanish law the provisions existing along these lines in the European Community, which Spain joined as a full member on 1st January 1986. The environmental component has been strengthened in the law reform of 1999, and shall be completed with the incorporation into national law of the Water Framework Directive of the European Union.

The second pillar on which the water policy in Spain lies is hydrological planning. The need for developing strategic planning in water matters is evident if we take into account the long maturing process of hydraulic projects, or the great inertia of natural systems with regard to man-induced actions. Even others, not directly linked to the natural resource, such as water price policies, have great social repercussion, which requires social debate, agreement and transition periods of a certain duration.

In Spain, the hydrological planning is global in correspondence with the global character of the management for which it acts as a reference framework, taking on both the aspects of sectorial allocation of the resources available and the definition of the objectives of quality and measures for lessening the adverse effects of droughts and flooding. It also defines the instruments required for reaching these objectives, both regarding infrastructure actions and legal and regulatory measures.

Planning is carried out at two separate, though complementary, levels. In the first case, the planning is developed in the scope of the hydrographical basin, with a detailed analysis of both the raw and available existing resources. It is important to bear in mind the great significance of this evaluation in Spain, since in order to increase the availability of our resources we have had to carry out important infrastructure works, and although to a lesser degree, this need shall continue.

It is also essential to clearly define the objectives we seek to achieve with our water policy and those to which we must adapt our planning. These objectives are manifold but tend to focus on questions of a quantitative character on the one hand, such as attending in the most appropriate way the demands from the different production sectors, and preferentially those of the supply for the population, and of a qualitative character on the other, such as how to improve the water quality, even with regard to protecting ecosystems.

In a society with a mature water economy, both aspects are mutually interdependent, which means that choosing between them is necessary. It is at this point where the dysfunctions that exist between the target situation and the current situation are determined, leading to the diagnosis of the current situation and, correlatively, the necessary actions for correcting them, which constitutes the essence of the basin Plan.

The choice of objectives, the design of instruments and the action programme imply social options; they also imply costs. For both circumstances, and also because the actions in water matters are long term, broad social participation in the taking of these decisions is essential. This is materialised in a public query put to the interested parties and the approval of both the Guideline project and the plan itself by the basin's Water Board, which is a body made up of representatives from concurrent public administrations and those representing the interested users.

The final approval of the basin Plans corresponds to the Cabinet of Ministers, which is justified by both the strategic character of the plan itself and by the convenience of reaching minimum standardisation levels of the Plans as a whole.

The second level of planning corresponds to the National Hydrological Plan, which is determined in accord with the necessary coordination that must exist between the different basin Plans. The content of the National Hydrological Plan is regulated by the Water Law itself and includes, besides the aforementioned coordination, the approval of interbasin diversions, if considered necessary, since these involve various basins, and general modifications regarding the use of the resource when it is aimed at public supply or irrigated land.

The drawing up of the Plan corresponds to the services of the General Offices of Hydraulic Works and Water Quality. The initial project is submitted to the report of the National Water Board, a body made up of representatives of the interests of water use and the representatives of general interest; in other words, consumer organisations, environmentalist organisations and other social movements. Once this phase is finalised, the Government sends the project of Law to parliament for it to be passed.

Spain has recently culminated the hydrological planning process with regard to both basin plans (1996) and the National Hydrological Plan. As a whole, this work has taken over ten years (double this amount if we consider the time given to preliminary work), but has made it possible to update analysis instruments for the management of water resources, in most of the original cases, as well as improve human resources and technological capacity.

Water management in Spain is carried out by specific autonomous organisations, called Hydrographical Confederations, which were created in 1926. These confederations involve all the social agents that are interested in water management, with a view to carrying out global water management with regard to both quantity and quality. The participation of users in its governing and planning bodies is very important, as is that of local and regional authorities.

Within the field of international cooperation, Spain shares hydrographical basins with France and Portugal, with the latter being the most important. They also constitute a key element to the relations between the two countries.

The cooperation between Spain and Portugal for the use of the water they share goes back a long way, with an agreement from 1912, which established an equal distribution of the water of the frontier sections, and which remains in force today. However, the greatest motivation for cooperation in hydraulic matters between the two countries came from the need for making use of the hydroelectric potential of a unique area very near to Zamora. The Arribes del Duero, one of the best hydroelectric enclaves in the world, is a narrow gorge where the River Duero, over a distance of a few kilometres, drops from the 800 metres of the Castilian plateau to heights near sea level as it enters Portuguese territory.

In 1964, both countries agreed the equal distribution of this area's hydroelectric potential by means of a set of stepped dams. This same distribution formula was applied in the 1968 Agreement for

the rest of the shared rivers. The formula used was the treatment of each river as a whole, attempting to optimise its possibilities without taking into account its international character. Both agreements instituted an international commission to monitor their application. At this moment, it may be said that with the start of the filling operation of the Portuguese dam of Alqueva, the development of both agreements has reached its highpoint.

With a view to improving the use of the shared water resources beyond the energy plan, in 1993, Spain and Portugal began talks for a new Agreement, which culminated in November 1998 with the signing of the Albufeira Agreement, to which you will be referred many times during this seminar. I would like to emphasise only a few of its characteristics. Firstly, it is a not a river agreement, but rather one of cooperation, with water as a vehicle for said collaboration. Secondly, the scope of application of the Agreement does not circumscribe to the frontier sections, but rather includes the entire hydrographical basin, incorporating the new concept on the international plane of treatment by basins, even though Spain has been doing this for over 75 years. Finally, the incorporation, together with quantitative obligations, of the matters referring to water quality.

The coincidence in time of the negotiations of the Spanish-Portuguese Agreement with those of the Framework Directive of the European Union have made it possible to incorporate a great part of the inspiring principles of this directive into the Albufeira Agreement, extending them in accord with the specific characteristics of Iberian hydrology and respecting, in all cases, the specific responsibilities of each of the States. Whatever the case, the Albufeira Agreement represents a starting point that must be improved with time, in particular based on the works developed by the Commission for the Application and Development of the Agreement.

Spain has a great wealth of technology, experience and knowledge regarding hydraulic resources, which it wishes to share by means of current international formulas. We are convinced that this cooperation must consist of a broad evolution of the capacities of each country, strengthening their institutions and improving their human resources. Water, which, as I pointed out at the beginning of my speech, has so often been used as a defensive barrier, must now be a vehicle for bringing nations together and an element that contributes to safety and peace. In this way, we have lent our support to this seminar to contribute to its efforts for cooperation and safety.

Zamora (Spain), 11th February 2002

WORKING GROUP- SESSION I & II

WATER CO-OPERATION IN THE OSCE REGION: SHARING THE BENEFITS AND INCLUDING THE CASE OF THE OSCE PARTNERS

Rapporteur: Ms Fiona Curtin, Green Cross International

The experiences in transboundary management in five very important and distinctive regions were presented. Each highlighted the most important challenges, achievements and problems encountered in the respective basin and drew important conclusions regarding the methods available for enhancing co-operation, preventing conflicts and increasing the shared benefits related to transboundary water resources.

It appeared that there is no universally applicable framework for co-operation over shared water resources, but several issues, problems and suggestions emerged from the presentations of experts and the interventions from the floor:

- Water management is a **highly complex and sensitive issue** of great political, social, environmental, cultural and economic importance.
- **Mismanagement** is often the most important cause of water problems.
- Co-operation over transboundary water can be a **catalyst** for broader regional stability, confidence building and prosperity especially during transition periods.
- Co-operation is usually sparked by belief in important regional **incentives** such as increased economic growth, regional security, international investments, sharing costs of management, etc. Identification of **mutually beneficial solutions** can accelerate process.
- Need to **share burdens** as well as benefits of co-operative IWRM among riparian states and different sectors of water use (agriculture, energy, tourism, domestic, etc).
- Easier to **share benefits** than to share/allocate water.
- Freshwater management should be considered at the **basin level**, and integrated with saltwater, land and other **related resources**.
- Basin co-operation can take the shape of **bi-lateral or multi-lateral agreements**: these should reinforce not contradict each other, and always keep in mind the natural integrity of the entire basin.
- **Political will** among key decision makers in the region is essential to achieve co-operation.
- The **determination** to cooperate to improve water management can exist even in the face of severe problems, even wars.
- The collection of, and equitable access to, reliable information, "Good Science", is necessary to evaluating problems and developing regional solutions.
- Education, awareness and participation of all stakeholders is key to effective policy making, public acceptance of outcomes of co-operation process, and implementation of regulations.
- Co-operation frameworks and basin institutions need to be adaptive to demographic, economic, climatic and political changes – and take measures to prevent potential problems.
- Need strong joint institutions.
- Increasingly important role of **civil society** the private sector, NGOs, unions, etc.
- External assistance and financing is crucial and welcome but should be appropriate to the region, well co-ordinated, and allocated and managed in spirit of true partnership with local people and representatives.
- Building the appropriate co-operative framework, institutions and arriving at basin agreements takes **time**.

• The **international community** has a role to play in encouraging states to arrive at positive solutions to their problems – not dictating these solutions to them.

SUGGESTIONS FOR OSCE ROLE:

Identifying and raising awareness of potentially destabilising factors and promoting confidence building measures.

OSCE could play a co-ordinating role – both in encouraging consensus and stronger economic cooperation among Central Asian states and, more importantly, among the many international donors and programmes in the region. This way the OSCE could be a real partner in the region.

The support of the OSCE, along with the Stability Pact, can help translate the strong will to cooperate fully within the Danube basin into a reality.

OSCE is a political body designed to encourage member states to reach positive solutions – the organisation can spread encouragement for co-operation and try to prevent destabilising crises.

All transboundary management requires effective local management. OSCE has experience in confidence building in multi-ethnic societies. This expertise could be useful in water management. There is no magic formula, but there is a role for OSCE. There are many ways in which water issues can be addressed by creative international partners. There is a clear need to investigate further potential role for OSCE.

1. THE DANUBE BASIN

Gheorghe Constantin

The Danube is of great socio-economic and environmental importance as the artery linking West and East Europe. Co-operation, which dates back to at least 1856, is absolutely essential to the region, and all 17 nations have a role and responsibilities to fulfil. The ICPDR was established with the signing of the Danube River Protection Convention in 1994, and now is also a key player in the process towards European integration. The planned accession of many Danube countries to the EU, and the subsequent need to harmonise with the EU Water Framework Directive, is a great opportunity and a huge challenge. Co-operation must be enlarged and standards improved.

Other recent developments include: the agreement on the creation of a Lower Danube Green Corridor, especially dedicated to preserving the wetlands and biodiversity of the Delta (WWF is an important partner in this initiative); the reaffirmation of support for the ICPDR and the EU WFD by nine Danube heads of state in 2001; and the creation of the DABLAS Taskforce for the protection of the Black Sea region (supported by European Commission).

Accomplishments in the region include the successful PHARE-EU projects, strengthening of institutions, modernisation of legal frameworks, improved cross-border co-operation, better monitoring systems, etc. There is now a strong legal and institutional framework, political commitment, many ongoing and effective initiatives and studies, and the EU enlargement will be an important catalyst for more progress.

What is still needed is further commitment of international donors, a framework for financial support, greater coordination of activities and improved systems for information exchange.

Oksana Tarasova

Coming from the Black Sea perspective, the links between salt and fresh water were stressed. There should be stronger co-operation between management of rivers, seas and coastal zones.

In 1992, the Convention on the Protection of the Black Sea against Pollution was signed, largely as a result of a UNEP programme in the region. Its purpose is conservation, protection and sustainable management. In 1996, a Strategic Action Plan was agreed by Ministers (Objectives: pollution reduction, biodiversity protection, sustainable coastal development. Achievements: established regional co-operation, improved public dialogue, clear national political will, improved knowledge base, improved national and regional legislation.). Originally aimed to return pollution to 1960s levels, now, in the face of economic growth of 9% per year, have adopted the realistic aim to maintain the 1997 levels. In 2001, an MOU was signed between Black Sea Commission and the ICPDR creating the DABLAS taskforce.

This progress was achieved through national efforts but with the strong and essential assistance of international institutions (EU, PHARE, UNEP, WWF, GEF, World Bank). Still more work needed to implement the plans. Close co-operation with the EU WFD, and between coastal and river management (not only Danube, also Don, Dnieper...) is essential.

Zdravko Tuvic

The Federal Republic of Yugoslavia needs to re-establish its political, regional and international role. This re-integration within the region must also take place against the background of enormous domestic problems inherited from the previous regime and decade of turmoil. The nation needs to create the best environment to allow domestic improvements and pursue its foreign policy. International assistance is not only crucial, it is an obligation. The legacy of the 1990s is very difficult and complex; there are social, political, environmental, economic and moral consequences to be addressed.

Water management is one important issue and the nation needs to find a new foundation for cooperation. It is key to regional stability. Fed. Rep. Yugoslavia needs support of the international community in confidence and capacity building.

Progress is already being made:

Establishment of an international commission, including Bosnia and Herzegovina, Croatia, Slovenia and Fed. Rep. of Yugoslavia, for the protection and management of the Sava River (important tributary of Danube).

Agreements have been made with the EU for the rebuilding of the destroyed bridges.

Joint initiative with Romania for examination of the Tisza River.

Fed. Rep. of Yugoslavia signed the declaration made in Brussels in 2001.

FRY is preparing itself to become full member of ICPDR and ratify the Danube Convention.

The support of the OSCE, along with the Stability Pact, can help translate this strong will to cooperate fully within the Danube basin into a reality.

2. ARAL SEA BASIN

Victor Dukhovny

The roots of collaboration over the management of the Aral Sea go back many centuries through the common history and culture of the peoples of Central Asia.

The problem stems from the fact that both land and water are unevenly distributed among the five nations, and in the past decades population has grown from 14 to 41 million, and the area of irrigated land has greatly expanded. Since 1965, the region has exceeded the sustainable level of water extraction, and now with added population pressures water scarcity is a threat.

In the case of transboundary watercourses, problems cannot be solved by **unilateral action** alone.

Competition, and potential conflicts, over water:

Between water and food production.

Between sectors and countries.

Between human beings and the environment.

Problems faced:

Water and the environment (desertification, disaster, loss of biodiversity).

Water quality and public health.

Water for socio-economic development (30% of GDP and 60% of employment comes from water complex) – water is a limiting factor in development.

Climate change – uncertainty of future flows.

But – there is hope for the future. There is co-operation, steadily progressing through 4 important agreements and 5 meetings of Heads of State since 1992. This takes time and should not be rushed by international community or donors.

Destabalising Factors:

Population growth

Institutional Weakness

Climate Change

Economic weakness – and variability between 5 nations.

Increase in local consumption

Increase in pollution.

No country is self-sufficient in food – but if a single food market was created all requirements could be met. Need to improve economic co-operation over water use – as only in the most optimistic scenarios are the environmental conditions expected to improve. Co-operation in all water related areas is essential. Productivity of water use could double with more co-operation and efficiency (especially in irrigation).

Need integration of: states, knowledge, practice, users, DONORS.

Need an integrated institutional scheme for the Aral basin, backed up by a strong scientific network.

Need:

Consensus inside the countries.

Consensus between the 5 states.

Consensus among the donors.

Consensus between donors and the regional community.

Donors have to be coordinated and work with local communities in order to be effective and for the benefits to be felt by the local people.

OSCE could play a coordinating role – both in **encouraging consensus and stronger economic co-operation** among the states and, more importantly, among the many international donors and programmes in the region. This way the OSCE could be a real partner in the region.

DISCUSSION:

Issues raised in discussion included:

- Problem of mismanagement more important than scarcity in the Aral Sea.
- Statistics related to per capita water use are misleading and simplistic.
- Ground water is also very important.
- Should also think of water for jobs as well as for food.
- Role of the private sector, civil society, NGOs etc. in encouraging co-operation.
- Suggested that OSCE could play a role in engaging these different actors, especially the private sector, as they are playing a key if sensitive role, especially in the Danube which faces the huge cost of EU integration. There is special chapter in the WFD on cost recovery, privatisation etc. This is one way of solving the problem which OSCE could investigate. Privatisation in Danube basin is in transition phase and could be assisted.
- Principles are also very important in creating links between experts, politicians, decision makers, lawyers, donors, etc.
- Time for a multilateral consortium, in Central Asia, external financing is needed but Central Asia needs its own instruments to take control of all elements. Should think carefully before accepting further credits for their children to repay.

3. NORTH AMERICAN EXPERIENCE

Alice Chamberlain

The perceived potential for conflict was the original incentive for co-operation between Canada and the USA. Took six years as both states were reluctant to cede any control over their territory. The boundary treaty set commitment to control pollution, promote joint projects, set up the International Joint Commission. The IJC is separate from the governments, and the governments are also free to negotiate directly. The IJC has equal representation and is based on good science and joint development of fact-finding for effective decision making. Public involvement and a consultative system of defining common goals helps ensure acceptance of outcomes by stakeholders. But – the public gets frustrated if the measures agreed to are not implemented due to lack of funds. Also have to relay unpopular decisions to the public – such as the need to control local consumption.

The IJC is flexible to changing circumstances, such as question of inter-basin exports, uncertainty of climate change, and threats to national security. Pushes for integrated solutions, strong institutions, dialogue, collaboration, etc. Not miracle cures or finger pointing.

4. THE MEKONG BASIN

Chaiyuth Sukhsri

Messages from 50 years of co-operation in the Mekong Basin - one of the most productive and biodiversity-rich regions of the world - which can be helpful to the OSCE region:

- All states should be involved, if not as full members (because of political problems) then as dialogue partners.
- Need to define and balance priorities of all states (hydropower, agriculture, flooding)
- Need to identify incentives for co-operation (in Mekong case it was strengthening economic and international relations of newly independent states)
- Importance of well coordinated, targeted, donor support and strong role of international organisations.

- Even during severe difficulties (in Mekong case, decades of conflict and turmoil) there was a strong determination to continue to share information, make plans, and cooperate as much as possible.
- Respect for basic principles such as equitable and reasonable use.
- Co-operation takes time and needs to be clarified and adaptable.
- People are at the centre awareness and participation crucial.
- Consensus transparency, sense of ownership within all countries, partnerships.

5. SPAIN – PORTUGAL CO-OPERATION.

Pedro Serra

Strong history of co-operation between the two neighbours – strengthened as they are noth now members of the EU. Agreement in 1998 committed to co-operation, impact mitigation, environment, information sharing and public participation (Aarhus Convention), and flow guarantees (the most difficult). Also created institutions for political and technical sides of co-operation.

Carlos Escartin

Continuing the presentation from the Portuguese speaker, important experiences from this interstate co-operation were the need to:

mitigate transboundary impacts and widen the reference framework.

Coordinate activities (WFD will help for this)

Have respect for existing situations and agreements.

Institutional mechanisms to prevent damage to other nations.

Include public opinion and information dissemination in all activities.

DISCUSSION:

Mr. Jacob Keidar, Director, Multilateral Peace Talks Coordination and Water Issues, Ministry of Foreign Affairs, Israel, offered the experience of the Israel, Palestinian and Jordan co-operation. Water management is under heavy political influence in this region, and is still in progress with an inevitably uncertain outcome. But the basis and will to cooperate over water remains even in these very difficult times. The chronic shortage of water, and the fact that 90% is transboundary, is the reason for this strong will to cooperate.

- 1. Water can serve to accelerate co-operation during transition periods.
- 2. Parallel tracks can co-exist regional integration can strengthen bilateral co-operation, and vice versa.
- 3. Cannot "share the shortage" the "short blanket dilemma". Need to create new sources through conservation, greater efficiency, technology.
- 4. Importance of donor nations.

OTHER POINTS OF DISCUSSION:

Water management is complex and politically sensitive, with serious repercussions. There are
not always ready made structures for regional water management. Bilateral relations are also
very important. Pressures for regional settlements cannot be successful if riparians cannot
reach bilateral agreements. OSCE involvement in complicated socio-economic issues related
to water will be counterproductive. Should stick to quality, sustainable development, etc.
(Turkey)

- Need to develop a sense of community among riparians and use whatever means appropriate to
 the region to gain the attention of government leaders to the importance of water resources.
 Need comprehensive, integrated and realistic management frameworks. Politicians should be
 trained in water management questions. Mutual understanding over water can improve
 regional stability and prosperity. (Thailand)
- OSCE is a political body designed to encourage member states to reach positive solutions the organisation can spread encouragement for co-operation and try to prevent destabilising crises (Switzerland).
- Transboundary co-operation is not only international also within states. All transboundary management requires effective local management. OSCE has experience in trust building and confidence building in multi-ethnic societies within states. This experience could be useful in water management. There is no magic formula, but there is a role for OSCE. There are many ways in which water issues can be addressed by creative international partners. Need to investigate further potential role for OSCE. (USA)
- Topic of this seminar goes beyond that agreed for the Forum. Supports view of Turkey. (Turkmenistan).
- Threat of Natural Disasters in Aral sea should be realised and co-operative measures taken to prevention. OSCE could have a role in raising awareness, creating guidelines and raising funds. (Tajikistan).

WORKING GROUP – SESSION III THE EU WATER FRAMEWORK DIRECTIVE

Rapporteur: Mr. Jos Schellaars, Permanent Representation of the Netherlands to the OSCE

Mr. Patrick Murphy, of the DG Environment of the European Commission, gave an overview of the EU Water Framework Directive, which came into force in December 2000, and which aims at an integrated approach of water issues, including water protection, quality control, water management, as well as the economic instruments for a responsible use of water and involvement of the public.

Mr. Carlos Alcon, of the North River Basin Office in Spain, concentrated on the local situation and the organizational structure that was chosen in Spain through Hydrographical Confederations. After a historical overview and an explanation of the geographical setting in Spain, which complicated an integrated approach, he came to the conclusion that the Spanish experience, structured by particular circumstances, had resulted in a similar structure as the EU now proposed. An integrated approach, with a wide participation from civic society and the private sector, will create a greater responsibility among users and to more efficient use of the limited resources.

Prof. Ashok Swain, of the Department of Peace and Conflict Research of Uppsala University (Sweden), made a plea for a high degree of donor co-ordination in order to achieve the best results and avoid overlaps. The EU was in a position to play a leading role in this, as reflected in a number of examples illustrated (Danube, Rhine, Nile River Basin Initiative). In developing initiatives it was essential that all riparian countries be involved, ensuring a sense of ownership by the countries in the region concerned. The "EU model" can be used as a reference but is by no means the standard. Important is the continuous commitment of the parties involved. River Basin Commissions are of vital importance for water management in all its aspects on basin level. It was suggested that the EU could provide training as well as technical and financial assistance to continue supporting the work of River Basin Commissions.

It was suggested that the EU encourage countries who have not yet done so to sign and ratify the UN Convention of 1997, and, moreover, that the EU promote the idea of establishing an International Water Court.

In the discussion that followed the lack of principle criteria for the equitable use of water was noticed. International Law is not clear on this issue, which also stresses the need for a better legal framework.

A request was made for clear, pragmatic recommendations by the Seminar. For example OSCE should support the elaboration and facilitate the signing of agreements on co-operation between Central Asia Governments in the field of economy and environment, including water resources management, as a step to prevent tensions from arising. It was also suggested that OSCE states create an OSCE fund for economic and environmental programmes. These proposals were welcomed by a number of delegations, and were rejected specifically by two delegations with the argument that the Seminar had no mandate in this respect.

On the issue of ownership, and the involvement of civic society in the use of water resources, one delegation mentioned the gap which in some countries exists between the decision making level and the population.

A number of speakers underlined the importance of ensuring public participation in the development and implementation of water management policies and programs. Involvement of local communities and NGOs at the earliest stages was a guarantee for success in the end result.

Others underlined the importance of a holistic approach particularly for areas with little economic development opportunities, i.e. the need to integrate social, economic and environmental objectives into the water management policies being developed.

The OSCE's role in promoting ratification and implementation of regional and international conventions, as the Aahrus Convention, was emphasized by several speakers.

WORKING GROUP - SESSION IV EU ENLARGEMENT AND PARTNERSHIP PROCESS: WATER RELATED ISSUES

Rapporteur: Mr. Gabriel Leonte, Ministry of Foreign Affairs, Romania

The working session IV of the second preparatory seminar for the Xth OSCE Economic Forum was dedicated to the EU enlargement and partnership process on water related issues. Participants in the session had the opportunity to follow five presentations on this matter, which provided a sound basis for further analysis and debate; as well, practical recommendations emerged. The five speakers, representing countries in different stages of accession/partnership process with the EU, addressed the issue under discussion from different regional perspectives; one of the speakers was a representative of a Mediterranean partner for co-operation. They also brought to the attention of the audience different institutional perspectives, as they were experts representing ministries of environment, a national agency for water, a parliamentary commission and an international organization.

The management of water resources, in the context of EU enlargement or partnership with the EU, is a complex and challenging process. It includes a wide range of issues, such as the quality of drinking water, the management of urban waste, preventing and fighting pollution, management of dangerous substances and industrial wastes, losses in distribution, improving management and saving strategies etc. It has an impact on economy, agriculture, health care, and environment in general, including protection of natural life and bio-diversity. It is a continuous process of learning and improving.

Addressing this wide range of issues consists in developing national strategies that cover a number of stages: identifying priorities or vulnerable zones, assessing the implications, developing or adapting legislation and institutional framework, practical implementation. Each of these elements has a significant impact on the final result, which should be measured mainly in qualitative terms.

Many stakeholders are involved (central and local authorities, international organizations, civil society). The responsibility regarding water resources management does not rest only with the state and its institutions, but also with the society in broader sense.

It was also noted that this process is an expensive one. The costs are covered by governmental funds and also by loans from international financial institutions or assistance programs. Among them, those developed and financed by the EU play a major role.

The concept of "environmental governance" was brought into discussion, illustrating the complexity of the issue as well as the need for integrated solutions.

The importance of the EU Water Framework Directive (WFD), as well as other European documents dealing with water related or environmental matters has been emphasized. These documents contain principles relevant for developing a sound and sustainable management of water resources. One of these principles is that sustainable management of water resources should be seen as integrated with other policy areas such as energy, transport, agriculture, regional policies or tourism. The WFD and the EU experience served in many countries as a model for developing national legislation and institutions as well as for implementing different programs and plans of action.

Among the support received from the EU, from other international organizations or individual states, the twinning programs were mentioned as having a significant contribution. As well, training projects, information and expertise sharing, meetings at expert level and setting up groups

of experts, are instrumental in developing environmental legislation and improving the management of water resources.

At the same time, the benefits of the accession and partnership process with the EU were highlighted: less pollution and more efficiency as a result of restructuring in different sectors.

Besides the relationship with the EU, which have a multiplying effect and a catalytic role, bilateral and regional co-operation represent an important tool. Membership in different regional bodies, development of agreements with neighbor countries or joint cross-border projects have a positive influence on the effectiveness of the management of water resources. One of the speakers described multilateral co-operation as an innovative approach, that complements and strengthens bilateral co-operation. Creation of databases and information systems at regional level should be sought. Some positive examples from both Central and Eastern Europe and the Mediterranean region were mentioned.

The management of water resources at local (municipal) level, both in national and regional context, should receive increased attention. It was stressed that the effectiveness and sustainability of the management of water resources largely depends on the institutions called to implement the legislation. Increased attention should be paid to streamlining the institutional framework at national level. Establishing of focal points was seen as useful in facilitating co-operation and streamlining the assistance programs.

Public awareness and public participation in this field is crucial. Holding consultations and public hearings on environmental matters, as well as continuing the translation of relevant legislation into local languages, were described as key modalities contributing to this end.

The importance of the Aarhus Convention was highlighted. A success story was presented. In Ukraine, the OSCE played a useful role in the process of adopting and implementing the Aarhus Convention. Based on this positive example, with the support of the OSCE, a working group involving representatives of the executive and legislative branches as well as of the civil society, will be established, with a view to implementing the WFD.

RECOMMENDATIONS FOR THE OSCE

The OSCE should better integrate the concept of "platform for co-operation" in its current activities, should enhance its catalytic role and consider ways to ensure the practical implementation of this concept. It was proposed that a working group of the Economic Forum address the specific role of catalyst that the OSCE can play, under the concept of the "platform for security co-operation".

In the field of water resources management, a specific role for the OSCE was identified in the following areas: stimulating the creation of data banks, facilitating meeting of experts, developing and supporting co-operation projects, coordinating the relationship between donors and recipients.

The OSCE should consider ways of improving its relationship with partner states. The OSCE should continue the ongoing programs but could also act as a facilitator in relation with other international organizations, including the EU.

WORKING GROUP – SESSION V THE ROLE OF THE NGOS IN THE PROMOTION, ADOPTION AND IMPLEMENTATION OF THE EU WATER FRAMEWORK DIRECTIVE

Rapporteur: Mr.Gustavo Pallarés, International Secretariat, OSCE Parliamentary Assembly

This working group demonstrated the importance of public participation in the promotion, adoption and implementation of the EU Water Framework Directive. The views of the representatives of NGOs, enterprises, and users outlined the need for better involvement by civil society in all aspects of water management. The experience in the European Union regarding public involvement in the promotion, adoption and implementation of the Water Framework Directive should be valued and shared by the OSCE participating States in regards to the implementation of the Århus Convention.

The implementation of the EU Directive is a complex process, and public participation through consultation and involvement is necessary in order to obtain better results. Non-governmental organisations play an active role in promoting implementation at national and international levels of commitments to access to information, participation and justice in environmental decision-making. The specific cases of Kazakhstan and Turkmenistan illustrated the need to involve the citizens and local authorities in environmental issues. The need to amend the decision-making process to include the needs and daily realities of the people is essential, and could help avoid disasters as in the case of the Aral Sea.

In order to make the Water Framework Directive workable, public participation has been encouraged by the EU. In fact, in its common strategy on the implementation of the Water Framework Directive, the EU recognises the active importance of Non-governmental actors.

The following points illustrate the need of input from NGOs:

- Decision-making and monitoring need reliable information, which is often locally held:
- NGOs and public input provide an increased pool of ideas and knowledge;
- NGOs have a key role in strengthening public awareness on water issues, as well as in empowering public responses to government actions;
- Decisions regarding environmental management should not be taken without involving the public;
- Long-term practice of public involvement will help build a culture of co-operation and prevent conflicts and tensions.

The need for NGOs to work together and join efforts is an important element in order to achieve better results, meaning a greater involvement of civic organisations and citizens in the implementation process. Partnerships and coalitions between organisations working on different issues are therefore instrumental.

In order to enhance the involvement of citizens in the promotion and implementation of the Directive, information is essential. Dissemination of information, through seminars, publications, etc., will generate active public involvement and favour public participation.

From the point of view of entrepreneurs and enterprises the EU Directive is considered positive. The process of implementation, however, requires large investments. The more the public is informed and involved the better for the process.

Organisations of water users in the agricultural sector are the link between the administrations of the member States and the final users of water resources.

Representatives of such organisations should have been more involved in the EU Directive. The political representatives of the EU have not been very conscious of the necessity to count on the expertise and input from the main users of water resources: the agricultural sector. Therefore, collaboration between the political, legislative, and planning representatives of hydraulic policy and the users must be coordinated so that a dialogue and a link exist, and that the established objectives of the Framework Directive in regards to water policy can be attained.

Public participation in the implementation process varies from country to country. EU Member States are currently developing the implementation procedures, and public participation has been quite effective.

The 10th OSCE Economic Forum on "the Co-operation for the Sustainable Use and Protection of Quality of Water in the Context of the OSCE" should continue to address the importance of public involvement – through NGOs - in environmental matters. The human and economic aspects of the OSCE are directly addressed in such a process.

The experience of the European Union regarding public involvement needs to be transferred to the OSCE participating States in the sense of implementing the Århus Convention. The OSCE has been very active in the promotion of the Århus Convention in the participating States, and it is essential to bring about more participation from citizens in all matters that relate to the environment.

CLOSING PLENARY

Closing remarks by Mr. Joao Bernardo Weinstein, Ministry of Foreign Affairs, Portugal/CiO.

I would like to start these closing remarks by thanking the speakers and participants for their important contribution to this seminar that constitutes another step forward in the strengthening of the Economic and Environmental Dimension of the OSCE.

Indeed, this Dimension of our Organization as it was generally acknowledged by the Ministerial Meeting in Bucharest, does need to be somehow revisited.

The establishment of the Economic and Environmental Sub-Committee in Vienna reflects that need and together with all participating states and our Partners for co-operation, the Portuguese Chairmanship of the OSCE will try to assure the conditions for a good debate and the further development of the Economic and Environmental Dimension thus improving co-operation and contributing to the confidence building and security within our region.

By their complexity, the solutions already found and the ongoing discussions on co-operation for the sustainable use and the protection of the quality of water, constitute a particularly important subject to be dealt with, by the OSCE.

Water can teach us how to better coordinate in view of achieving better results in the rationalization of its use and this is an important confidence building measure in itself.

Addressing the theme of water can also help the OSCE to better implement the Platform for Cooperation since it encourages and helps to create synergies and avoid duplications. It also provides information on how member states can improve their neighbourly relations in different areas.

I would now like to thank the acting Co-ordinator for Economic and Environmental Activities, Mr. Marc Baltes, whose work not only allowed this seminar to take place, but also constituted an important asset in enhancing the Economic and Environmental Dimension of the OSCE. The suggestions and recommendations that were made during this seminar by different participants are particularly helpful to achieve this goal.

And before giving up the floor, gostaria de agradeceras autoridades espanholas e, particularmente, o Sr. Alcaide de Zamora pela sua hospitalidade e pela organização do nosso seminario.

CLOSING PLENARY

Closing Statement by Mr. Erwan Fouéré, OSCE Unit, Directorate General for External Relations, European Commission

Of the many comments one could make following a very productive two day seminar, I would underline three:

- the great care and preparatory work that is involved in the elaboration of legislative instruments in the field of environment and natural resource management, whether they are EU directives or regional/international conventions, and the responsibilities they impose on supra-national, national or local authorities in terms of public participation; public involvement at all stages of project development and decision making has been a recurring theme at this seminar;
- the multiplyer effect of the EU's regulatory framework approach in the EU, in the candidate countries and the wider OSCE region; the catalytic role of the EU's approach reflects the spirit of the OSCE's Platform for Cooperative Security;
- the opportunity that such Seminars provide for an intensive exchange of information of experiences and expertise, as well as the best practices that can stimulate change in participating states; this seminar has offered an eloquent example of this outcome; the suggestions and recommendations it has generated will be particularly useful in the final preparations for the Tenth OSCE Economic Forum.

INTRODUCTORY NOTE

The first preparatory seminar to the Tenth OSCE Economic Forum, held in Belgrade in November 2001, by promoting regional environmental co-operation and assisting the reconciliation process through joint efforts in solving common environmental problems, constituted a further step in confidence building in the Balkans. The seminar also supported existing mechanisms and frameworks aimed at assessing the security implications of pollution and water management in the border rivers and water reservoirs.

The signing by BiH, Croatia and FRY of a "letter of intent" for co-operation in the implementation of a project on the Sava River is a clear example of the positive repercussions that a project aiming at facilitating a co-operative regional approach to environmental reconstruction, fostering sound environmental management and promoting long term sustainable development, can have on regional stability.

The second preparatory seminar will concentrate on water management looking at successful experiences throughout the OSCE region. Special attention will be given to the EU Water Framework Directive which was adopted in December 2000.

The seminar in Zamora aims at underlining the importance of regional co-operation in the sustainable use and the protection of the quality of water for promoting confidence building and stability by:

- Indicating the importance of legal and institutional mechanisms for improving co-operation in water management;
- Analysing the implication of EU water policies on third countries, especially with regard to candidate and partner countries;
- Considering the role of NGOs in the context of water policies.

The prime target audience will include officials from national administrations and IOs, civil society (NGOs) and the private sector from the OSCE region. Much importance will be given to transition countries and the OSCE Partners.

Specifically, the following issues are proposed for discussion:

- 1) Consideration and analysis of the benefits achieved by co-operating on water management in the OSCE region;
- 2) Overview of the water situation in the European Union, underlining the importance of water for health, economy and environment and addressing methodological issues in terms of assessing and monitoring water quality;
- 3) Presenting EU Directives on water, especially the Water Framework Directive, including annexes and major implementation aspects;
- 4) EU Directives directly concern third countries, and in particular the "candidate countries" of Central and Eastern Europe. CIS countries that have Partnership and Co-operation Agreements with the EU are also engaged in an approximation of EU legislation exercise that encompasses environmental matters. The Barcelona Process dealing with the Mediterranean Partners also covers water issues;
- 5) Analysing the role of civil society, in particular NGOs, in promoting environmental awareness and stimulating the elaboration and the adoption of legal and institutional frameworks for water management. The seminar intends to continue the discussions initiated in Belgrade underscoring the need for greater public awareness and information dissemination, including media involvement, as to the risks and implications of water pollution, and highlight the importance of public ownership, environmental education, and capacity building of civil society as a means to promote sustainable development.

10th OSCE Economic Forum on "The Co-operation for the Sustainable Use and the protection of Quality of Water in the Context of the OSCE"

Second Preparatory Seminar Zamora (Spain), 11-12 February 2002

AGENDA

SUNDAY, 10 FEBRUARY 2002

21:00 - 22:30 Welcoming informal dinner offered by the host country.

MONDAY, 11 FEBRUARY 2002

8:00 - 10:00 **Registration**

10:00 - 11:00 **Opening Plenary**

Welcoming address: Mr. Antonio Vazquez Jimenez, Lord Mayor of Zamora

Ms. Maria Victoria Scola Pliego, Multilateral Affairs and OSCE,

Ministry of Foreign Affairs

Welcoming remarks: Mr. Marc Baltes, Co-ordinator for Economic and Environmental

Activities a.i.

Keynote speech: Prof. Goncalves Henriques, Director General, Office for International

Relations, Ministry of the Environment and Land Use Planning,

Portugal

Prof. Ashok Swain, Department of Peace and Conflict Research,

Uppsala University, Sweden

Discussion

Address by host Country: Mr. Ramon Alvarez Maqueda, Ministry of Environment, Spain

11:00 Coffee break

11:15 - 13:15 Working Group - Session I

Water co-operation in the OSCE region: sharing the benefits.

Co -Moderators: Mr. Douglas Tookey, OSCE Centre in Tashkent and Mr. Riccardo Lepri, OSCE Centre in Ashgabad Rapporteur: Ms. Fiona Curtin, Green Cross International

Speakers:

• The Danube experience Mr. Gheorghe Constantin, Ministry of Environment, Romania

Ms. Oksana Tarasova, Black Sea Environment Commission

Mr Zdravko Tuvic, Federal Ministry of Foreign Affairs of the Federal

Republic of Yugoslavia

• Discussion

• The Aral Sea experience

Prof. Victor A. Dukhovny, Scientific Information Centre of the Interstate Co-ordination Water Commission of Central

Asia

• Discussion

13:15 **Lunch**

14:30 - 16:00 Working Group - Session II

Continuation including the case of the OSCE partners.

Co-Moderators: Mr. Douglas Tookey, OSCE Centre in Tashkent and Mr. Riccardo Lepri, OSCE Centre in

Ashgabad

Rapporteur: Ms. Fiona Curtin, Green Cross International

Speakers:

• The North American experience

Ms. Alice Chamberlin, Water Expert, USA

The Mekong experience

Mr. Chaiyuth Sukhsri, Water Utilization Programme,

Mekong River Commission

• The Spanish – Portuguese experience Mr. Carlos Escartin, Ministry of Environment, Spain

Mr. Pedro Serra, Portuguese Public Road Institute,

Portugal

• Discussion

16:00 Coffee break

16:30 - 18:00 Working Group - Session III

The EU Water Framework Directive.

Moderator: Mr. Erwan Fouéré, DG External Relations,

European Commission

Rapporteur: Mr. Jos Schellaars, Permanent Representation of

the Netherlands to the OSCE

Speakers:

Mr. P. Murphy, DG Environment, European Commission Mr. Carlos Alcón, Office for the River Basin Duero of Spain Prof. Ashok Swain, Department of Peace and Conflict Research,

Uppsala University, Sweden

19:45 City cultural tour and Official Dinner offered by the Municipality of Zamora.

TUESDAY, 12 FEBRUARY 2002

8:30 - 10:00 Working Group - Session IV

EU enlargement and partnership process: water related issues.

Moderator: Mr. Erwan Fouéré, DG External Relations,

European Commission

Rapporteur: Mr. Gabriel Leonte, Ministry of Foreign

Affairs, Romania.

Speakers:

Mr. Jaroslav Kinkor, Ministry of Environment, Czech

Republic

Mr. Milan Matuska, Ministry of Environment, Slovakia Mr. Rachid Taibi, National Agency for Water Resources,

Algeria

Ms. Valentina Pidlisnyuk, Ecological Committee,

Ukrainian Parliament "Verkchovna Rada"

Mr. Andrej Steiner, United Nations Development Programme, Regional Bureau for Europe and the CIS

10:00 Coffee break

10:15 - 11:45 Working Group - Session V

The role of the NGOs in the promotion, adoption and implementation of the EU Water Framework Directive.

Moderator: Mr. Josef Aregger, Swiss Delegation to the

OSCE

Rapporteur: Mr. Gustavo Pallares, International Secretariat,

OSCE Parliamentarian Assembly

Speakers:

Mr. Guido Schmidt, Donana Project Coordinator,

WWF/Spain

Ms. Kirsty Lewin, European Environmental Bureau (EEB),

United Kingdom

Mr. Carles Mendieta, Fundacio Forum Ambiental, Member of the World Business Council for Sustainable Development

(WBCSD), Spain

Mr. Andrés del Campo Garcia, Federación Nacional de

Communidades de Regantes of Spain

11:45 Coffee break

12:00 - 13:15 **Closing Plenary** with Rapporteurs' reports.

Closing Remarks Mr. Joao Bernardo Weinstein, Ministry of Foreign Affairs,

Portuga

Closing Statement: Mr. Erwan Fouéré, OSCE Unit, Directorate General for

External Relations

Ms. Maria Victoria Scola Pliego, Department of Multilateral Affairs and OSCE, Ministry of Foreign Affairs, Spain/EU

Closing Remarks Mr. Marc Baltes, Co-ordinator of OSCE Economic and

Environmental Activities a.i.

13:15 - 14:45 **Farewell Luncheon** offered by the host country

LIST OF PARTICIPANTS

PARTICIPATING STATES

GERMANY

Carius, Mr. Alexander Director, Adelphi Research, Consultant to the

BMU,German Federal Ministry for Environment, Nature Conservation and Nuclear Safety (BMU)

/Adelphi Research.

UNITED STATES OF AMERICA

Brucker, Ms.Catherine Counsellor, United States Mission to the OSCE.

Chamberlin, Ms. Alice Water Expert, Commissioner 1994-2001,

International Joint Commission.

Norin, Ms.Leaksmy OSCE Desk Officer, US Department of State.

ARMENIA

Margarian, Mr. Ara First Secretary, Mission of Armenia to the

European Community.

AZERBAIJAN

Davudov, Mr.Irfan Third Secretary, Department for Economic Co-

operation and Development, Ministry of Foreign

Affairs.

Guseynova, Ms.Latifa Deputy Head, Environmental Monitoring Service,

Ministry of Ecology and Natural Resources.

CANADA

Lotin, Mr.Henry Mikel First Secretary, Canadian Delegation to OSCE.

CROATIA

Sirac, Mr. Sinisa Croation Water Institute.

SPAIN/EU

Alvarez Maqueda, Mr. Ramon Director General, Obras Hidraulicas y Calidad de

las Aguas, Ministry of Environment.

Alcon, Mr. Carlos President, Confederacion Hidrografica del Duero,

Ministry of Environment.

Zelada, Ambassador Fermin Ambassador in Special Mission, Ministry of

Foreign Affairs.

Scola, Mr. Maria Victoria Head of Department for Multilateral Affairs and

OSCE, Ministry of Foreign Affairs.

de Salas, Mr. Alvaro Counsellor, Permanent Mission of Spain to the

OSCE.

Fernandez, Mr. Manuel Deputy Director, Confederacion Hidrografica del

Norte, Ministry of Environment.

Santafe, Mr. Jose Maria Head of Unit of Planification and Programmes, DG

Obras Hidraulicas y calidad de las aguas, Ministry

of Environment.

Fouéré, Mr.Erwan Head of OSCE Unit, Directorate General for

External Relations,

European Commission, European Union.

Murphy, Mr.Patrick Head of Unit, Water Policiy, Directorate General

for Environment,

European Commission, European Union.

ESTONIA

Tessalu, Mr. Paul Second Secretary, Permanent Mission of Estonia to

the OSCE.

FINLAND

Tuire, Ms. Taina Legal Affairs, Department of Rural Areas and

Natural Resources, Water Resources Unit, Ministry

for Agriculture and Forestry.

FRANCE

de Kerdrel, Mr.Guillaume OSCE Desk Officer, Ministry of Foreign Affairs.

GREECE

Ioammou, Mr.Dimitrios OSCE Division, Ministry of Foreign Affairs.

Karakatsoulis, Prof.Panayiotis Consultant, Ministry of Foreign Affairs, University

of Athens, Agricultural School.

HUNGARY

Szucs, Mr.Laszlo Senior Counsellor, D. Arms Control and Security

Policy, Ministry of Foreign Affairs.

ITALY

Guerrini, Dr. Angelo Scientific Attaché, Italian Embassy, Spain.

KAZAKHSTAN

Auanasov, Mr.Bakhram Head, Department of multilateral Co-operation,

Committee of CIS.

Sarsembekov, Mr. Tulegen Chairman, Water Resources and Environmental

Protection of Kazakhstan.

Shakenov, Mr. Aidar First Secretary, Department of multilateral Co-

operation, Ministry of Foreign Affairs.

KYRGYZSTAN

Mambetov, Mr.Bazarbai Vice Prime Minister, Cabinet of the Prime

Minister.

Toimatov, Mr. Almaz Deputy Head of Delegation to the OSCE,

Permanent Delegation of Kyrgyzstan to the OSCE.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Avramovski, Mr. Aleksandar Desk Officer, Multilateral Sector/UN, OSCE, CoE,

Ministry of Foreign Affairs.

MALTA

Riolo, Ing. Antoine Chief Executive Officer, Malta Resources

Authority.

NETHERLANDS

Bergsma, Ms. Daphne Task Force OSCE, Ministry of Foreign Affairs.

Schellaars, Mr. Jos Counsellor, Permanent Representation to the

OSCE.

POLAND

Wozniak, Mr. Boleslaw Attaché, Embassy from Polan in Spain.

PORTUGAL/CIO

Goncalves Henriques, Prof. Antonio Head of Delegation, Director General, Office for

International Relations, Ministry for the

Environmental and Land Use Planning of Portugal.

Weinstein, Mr.Joao Bernardo Director, OSCE Department, Ministry of Foreign

Affairs.

Cunha Serra, Mr. Pedro President, Public Road Institute of Portugal

(IEP).

Rufino, Mr. Paulo Deputy Head of the Portuguese OSCE Delegation

in Vienna.

Rodrigues, Mr. Rui Portuguese Water Institute.

Machado Veieira, Mr. Jose Pedro OSCE Departement, Ministry of Foreign Affairs.

ROMANIA

Matache, Mr. Constantin Director, OSCE Department, Ministry of Foreign

Affairs.

Constantin, Mr. Gheorghe Director, Directorate for Strategies, Regulations

and Permitting, Ministry of Water and

Environmental Protection, Ministry of Foreign

Affairs.

Leonte, Mr.Gabriel Economic Dimension Expert, OSCE Department,

Ministry of Foreign Affairs.

RUSSIAN FEDERATION

Ashina, Ms. Yulia Third Secretary, Department for European Co-

operation, Ministry of Foreign Affairs.

HOLY SEE

Garcia-Durán, Mr.José Antonio Full Professor of Economic Analysis, Barcelona

University, Navarra University.

SLOVAKIA

Matuska, Mr.Milan Director General, Ministry of Environment Slovak

Republic.

SLOVENIA

Ponikvar, Mr.Jasna Second Secretary, Embassy of the Republic of

Slovenia in Madrid.

SWEDEN

Bolin Pennegard, Ms. Ann Marie Minister, Permanent Delegation of Sweden to the

OSCE.

Swain, Mr.Ashok Associate Professor, Department of research,

Uppsala University, Uppsala University.

SWITZERLAND

Aregger, Mr. Josef Minister, Deputy Head of Delegation, Swiss

Delegation to the OSCE.

TAJIKISTAN

Kurbanov, Dr. Abdukarim Deputy Minister, Ministry of Nature Protection.

CZECH REPUBLIC

Kinkor, Mr.Jaroslav Dipl.Ing., Director for Water Protection

Department, Ministry of Environment.

Krouzek, Mr.Petr Desk Officer, External Economic Relations and

International Organizations, Ministry of Foreign

Affairs.

TURKMENISTAN

Astanakulov, Mr.Bekmourad First Secretary, Delegation of Turkmenistan to the

OSCE.

TURKEY

Ercin, Mr.Ersin Minister Counsellor, Deputy Permanent

Representative, Permanent Mission of Turkey to

the OSCE.

Koncagul, Dr.Engin Advisor, Department of Regional and

Transboundary Waters, Ministry of Foreign

Affairs.

UKRAINE

Pidlisnyuk, Ms. Valentina Director, Ecology Department, Presidential

University, Inter-regional Academy of Personnel Management Sustainable Development &

Ecological Research Center of Ukraine.

FEDERAL REPUBLIC OF YUGOSLAVIA

Tuvic, Mr.Zdravko Head of the Group for Stability Pact for South

Eastern Europe, Head of the Delegation of FRY to

the ICPDR, Federal Ministry of Foreign Affairs.

OSCE PARTNER FOR CO-OPERATION

JAPAN

Kawanishi, Mr.Masato Project Formulation Advisor, Japan International

Co-operation Agency (JICA), Austria Office.

THAILAND

Panichyanont, Mr. Sirasit Second Secretary, Department of European Affairs,

Ministry of Foreign Affairs.

MEDITERANEAN PARTNER FOR CO-OPERATION

ALGERIA

Taibi, Mr. Rachid Director General, National Agency for Water

Resources, Ministry of Water Resources.

ISRAEL

Keidar, Mr.Jacob Director, Multilateral Peace Talks Coordination

and Water Issues, Ministry of Foreign Affairs.

INTERNATIONAL ORGANIZATIONS

Agudo, Ms.Cristina Membre of the Committee on the Environment and

Agriculture, Member of the Spanish Senat,

Parliamentary Assembly of the Council of Europe.

Cagnolati, Mrs. Antonella Head of Secretariat, Committee on the

Environment and Agriculture, Parliamentary

Assembly of the Council of Europe.

Dukhovny, Prof. Victor A. Director, Scientific Information Centre of the

Interstate Coordination Water Commission of

Central Asia.

Martignago, Mr.Gabriele Expert, Stability Pact for South Eastern Europe,

WTII (Regional Infrastructures).

Steiner, Mr. Andrej Regional Environmental Adviser, Economic and

Social Policies, United Nations

Development Programme, Regional Bureau for

Europe and the CIS.

Sukhsri, Mr.Chaiyuth Team Leader, Water Utilization Programme,

Mekong River Commission, Mekong River

Commission.

Tarasova, Mr.Oksana Black Sea Environmental Programme (BSEP).

NON GOVERNMENTAL ORGANIZATIONS

Choduraev, Mr. Temirbek President, Ecological Movement Tabiyat,

Kyrgyzstan.

Curtin, Ms.Fiona Water Program Manager, GREEN CROSS Int.

Del Campo, Mr. Andres FENACORE, Spain.

Lewin, Ms.Kirsty European Environmental Bureau (EEB) – RSPB.

Makhambetova, Mr.Zhannat Director, Aral Tenizi, Kazakhstan.

Popovski, Mr. Toni Executive Director, The Regional Environmental

Center for Central and Eastern Europe.

Salimov, Dr. Talbak Team leader, National Center for Public Awareness

on Water Reusing, Tajikistan.

Schmidt, Dr.Guido Doñana Project Coordinator, Conservation

Department, WWF Spain/Adena.

Tukhbatullin, Mr.Farid Co-Chairman, Dashoguz Ecoclub, Turkmenistan.

BUSINESS COMMUNITY

Mendieta, Mr.Carles Director, World Business Council for Sustainable

Development (WBCSD), Fundacio Forum

Ambiental.

ACADEMIC COMMUNITY

Fabra, Ms. Adriana Instituto International de Derecho y Medio

Ambiente, Spain.

Llamas, Dr.Ramon Professor, Department of Geodynamics,

Complutense University, Madrid.

Herrero de la Fuente, Prof. Alberto A. European Council on Environmental Law Faculty

of Law, Valladolid.

OSCE PARLIAMENTARY ASSEMBLY

Pallares, Mr.Gustavo Councellor, International Secretariat, OSCE

Parliamentarian Assembly

OSCE FIELD PRESENCES

Lepri, Mr.Riccardo Economic and Environmental Office, OSCE Centre

in Ashgabad.

Melenevsky, Mr.Mykola Economic and Environmental Officer, OSCE

Centre in Bishkek, Osh Field Office.

Nazarov, Mr. Vadim Deputy Head , OSCE Mission to Tajikistan.

Pupols, Mr.Armand Economic and Environmental Officer, OSCE

Centre in Almaty.

Tookey, Mr.Douglas Economic and Environmental Officer, OSCE

Centre in Tashkent.

Vasiljevic, Mr.Dusan Head of Department, Environmental and Economic

Department, OSCE Mission to the Federal

Republic of Yugoslavia.

Visapaa, Mr. Markku Economic and Environmental Officer, OSCE

Centre In Bishkek.

Wohlmuther, Ms.Cordula Project Officer, OSCE Project Coordinator in

Ukraine.

OSCE SECRETARIAT

Baltes, Mr.Marc Co-ordinator of the OSCE Economic and

Environmental Activities a.i., OCEEA

Santiago Fink, Ms. Helen Senior Economic Affairs Officer, OCEEA

Rampolla, Mr. Gianluca Environmental Adviser, OCEEA

Gredler, Ms. Andrea Assistant, OCEEA

11 February 2002

STATEMENT OF THE TURKISH DELEGATION AT THE SECOND PREPARATORY SEMINAR FOR THE TENTH ECONOMIC FORUM OF THE OSCE

It is obvious that one of the increasingly urgent global challenges before the mankind is to properly tackle with the environmental pollution and particularly conservation of aquatic environment.

The sustainable use and the protection of the quality of water have gained an ever-growing importance as a result of rapid industrialization, technological advancements as well as the swift increase in the world-wide demand for fresh water. The reliable statistical data with regard to the global water situation indicates that less than 1% of the world water resources is available for human consumption and more than 1 billion people have no direct access to drinking water.

Turkey therefore, is closely following and actively participating in the efforts and activities conducted by the relevant economic and environmental organizations in that regard, not only as a country with limited fresh water resources but also as a country having been seriously hit by the droughts and floods in recent years.

We have listened with interest a number of national/regional experiences on water cooperation. We congratulate those countries that have resolved their individual water related problems in a peaceful and co-operative manner.

However, this is a matter of complex political sensitivities and prone to have a series of socio-economic repercussions. Therefore, ready-made regional co-operation models on water management are not feasible nor applicable to geographically, politically, economically and socially different cases in the world.

If you look at closely the successful examples of bilateral co-operation on water management between the OSCE states, even the EU members, you can see the existence of sometimes centuries long conflicts over the issue preceding the final settlement they have reached. Prevailing international tendencies for co-operation and pressure for regional settlement of water related issues can not yield any result as long as the riparian states fail to reach a common understanding and bilateral agreement among themselves in dealing with the issue. The states can draw certain conclusions from the respective national experiences but it would be an oversimplistic approach to assume that the previous experiences of co-operation could be instrumental in resolution of water related problems elsewhere in the world.

Having said that, the OSCE apparently may only contribute to the ongoing search for better ways and more effective means of sustainable use and protection of the quality of water in coordination with relevant international organizations.

The OSCE involvement in any other politically complex water related subject by violating the clear-cut Permanent Council Decision (No:429) dated 19 July 2001 with regard to the theme of the Tenth Economic Forum of the OSCE will no doubt be counter productive from the economic and environmental point of view, let aside the lack of required expertise of the OSCE on the subject matter.

Political realism and pragmatic approach should be the guiding concepts, if we genuinely want to create any value added within the OSCE context in a vitally important field.

(The representative of Turkmenistan also subscribes to this statement)