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ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION
ON THE PROTECTION AND USE OF TRANSBOUNDARY
WATERCOURSES AND INTERNATIONAL LAKES**

Third meeting,
Madrid, Spain, 26-28 November 2003
Item 6 of the provisional agenda

AMENDMENT TO ARTICLE 25 OF THE CONVENTION

Submitted by the Government of Switzerland and prepared
with the assistance of the secretariat

1. On 20 August 2003, the Government of Switzerland submitted in writing to the Executive Secretary of the United Nations Economic Commission for Europe the text of a proposed amendment to article 25 of the Convention. In this submission, Switzerland proposed to the Parties to amend at the third meeting of the Parties (26-26 November 2003) the Convention by adding a new paragraph 2bis to article 25 on ratification, acceptance, approval and accession as follows:

“2bis. Any other State, not referred to in paragraph 2, that is Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Convention had been obtained from the Meeting of the Parties and shall specify the date on which approval was received.”

2. According to article 21, paragraph 3, of the Convention, the Executive Secretary communicated this submission on 27 August 2003, respecting the 90 days deadline, to all Parties.

Draft decisions:

3. The Meeting of the Parties may wish to:

(a) Examine the text of the proposed amendment and the explanatory statement (annex);

(b) Following article 21, para. 4, of the Convention adopt the text of the proposed amendment by consensus;

(c) Call upon all Parties to deposit with the Depositary their instruments of acceptance of the amendment as soon as possible and report to the fourth meeting of the Parties about the status of acceptance.

Annex

COMMUNICATION BY SWITZERLAND

1. On the occasion of the third meeting of the Parties to the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Madrid, Spain, 26-28 November 2003) and according to the provisions of article 21 of this instrument, the Federal Council at its session on 20 August 2003 has decided to present in the name of Switzerland a proposal for an amendment to the above-mentioned Convention in order to enable States which are Member States of the United Nations but not member States of the United Nations Economic Commission for Europe to accede to this Convention.

2. Switzerland proposes that a new paragraph 2bis to article 25 (“Ratification, acceptance, approval and accession”) should be added as follows:

“2bis. Any other State, not referred to in paragraph 2, that is Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Convention had been obtained from the Meeting of the Parties and shall specify the date on which approval was received.”

3. In making this proposal, Switzerland was guided by two general considerations:

(a) Legal aspects: Switzerland wishes to harmonize the provisions regarding accession to multilateral environmental agreements of the UNECE region in order to promote consistency; the more so because the Water Convention is the parent Convention of the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters, which already contains such a provision. Even if countries bordering the UNECE region are members of other regional commissions of the United Nations, only the UNECE has such legally binding environmental instruments;

(b) Effects on the environment and promotion of peace: The majority of UNECE legally binding environmental instruments are of a transboundary nature. However, UNECE countries share their environment with bordering countries outside the region. Promoting peace through transboundary cooperation in the case of shared natural resources is also crucial. Within the framework of environmental protection, this would also make it possible to implement one of the objectives of the plan of implementation of the Johannesburg World Summit on Sustainable Development (elaboration by 2005 of plans for integrated water management on the basis of river basins). An extension of the countries able to accede to the Convention would make it possible to build capacities in other States with the view of harmonizing environmental law.