

Reviewing and promoting implementation of and compliance with the Convention on Protection and Use of Transboundary Watercourses and International Lakes

Statement by the Czech Republic

The Czech Republic considers the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (“Water Convention”) a valuable international instrument that promotes bilateral and multilateral cooperation within transboundary water protection and sustainable and integrated use of water resources. The Czech Republic welcomes the draft Guide for Implementation of the Water Convention that can assist Parties in their implementation of the Water Convention’s provisions as well as encourage non-Parties to ratify Water Convention through providing guidance on basic principles of its application.

Effective implementation is vital for the Water Convention and the compliance mechanism will be an important tool to promote this objective. Therefore, the Czech Republic supports the intention to establish a sound compliance procedure under this Convention. The newly developed document Guide for Implementation of the Water Convention can serve, beside its originally intended role, also as an important technical basis for this purpose.

A compliance mechanism should be of a facilitative character and to this end it should provide advice, assistance and recommendations to Parties to address their problems with compliance. In case of repeated compliance difficulties of a Party, while specific circumstances of an individual case are to be taken into account (e.g. cause, type, degree or frequency of non compliance), the mechanism should enable to apply additional measures such as issuance of caution to the Party concerned, requirement to develop a compliance action plan, etc.

The right to initiate a compliance procedure should be given not only to a Party which has difficulties with compliance but under defined conditions also to other Parties to the Water Convention, Secretariat and/or NGOs.

The Water Convention can follow examples of other UNECE multilateral environmental agreements and establish a Compliance Committee/Implementation Committee, which is responsible for reviewing compliance by the Parties. This body should work in accordance with principles of transparency, fairness, expedition and predictability as stated in the Protocol on Water and Health (para. 2, Art. 15) to the Water Convention. Composition of this body should be duly considered. For the sake of efficiency the Czech Republic would recommend a body with a small number of members (e.g. 9).

The Czech Republic would like to point out that access to sufficient and relevant information, for assessment of an individual case and deciding on necessary adequate measures, is a substantial basis for an effective work of such body. Another prerequisite for a timely and required response of the body to a case of non-compliance is, in our view, clear stated decision-making procedure based on majority voting principle.

All the other four UNECE multilateral environmental agreements provide legal basis for establishment of a compliance review procedure. This is not the case of Water Convention and therefore application of para. 2f, Art. 17 of the Water Convention, giving the Meetings of the Parties of the Water Convention power “to undertake any additional action that may be required for the achievement of the purposes of this Convention”, should be considered.