



Convention on the Protection and Use of Transboundary Watercourses  
and International Lakes

## **Working Group on Integrated Water Resources Management**

### **Eighth meeting**

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## **PRELIMINARY CONSIDERATIONS TO SUPPORT THE DEVELOPMENT OF AN ANALYSIS ON THE NEEDS FOR REPORTING UNDER THE WATER CONVENTION**

Submitted by the Bureau

### **I. Introduction**

1. During the negotiations on the establishment of the Implementation Committee under the Legal Board (2010-2012), several Parties raised the need for the introduction of a reporting mechanism to monitor progress under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and to foster implementation. Most other multilateral agreements have reporting mechanisms in place.

2. In this regard, the sixth session of the Meeting of the Parties (Rome, 28-30 November 2012) entrusted the Working Group on Integrated Water Resources Management, in consultation with the Implementation Committee, to carry out an analysis on the needs for reporting under the Convention, taking into account the capacity of countries and other relevant reporting mechanisms. Such an analysis might serve as the basis for the elaboration of the scope and modalities of a reporting mechanism to be submitted for consideration and possible adoption by the Meeting of the Parties at its seventh session. The Meeting of the Parties asked the Convention's Bureau to lead this activity.

3. This document therefore aims to facilitate the discussion by the Working Group by:

- (i) Providing an overview of relevant considerations to support the development of an analysis on the needs for reporting under the Convention, including discussion on potential advantages, challenges and burdens of introducing the reporting requirements;
- (ii) Proposing the process to elaborate such analysis.

4. The Working Group is invited to:

- (i) Discuss the potential advantages, challenges and burdens of introducing a reporting mechanism under the Convention. In particular, the Working Group may wish to consider how the outcomes of a possible reporting mechanism, if introduced by the Parties, would be used to improve the management and protection of transboundary waters and implementation of the Convention;
- (ii) Agree on the process to elaborate the analysis on the needs for reporting under the Convention.

## **II. Overview of relevant considerations to support the development of an analysis on the needs for reporting under the Convention**

### **A. Reporting requirements under Multilateral Environmental Agreements – general considerations**

5. In general, reporting contributes to the effective functioning of a multilateral environmental agreement (MEA), by providing: (i) a basis for evaluating the effectiveness of an MEA; (ii) a means for sharing information amongst Parties; and (iii) a basis for reviewing Parties' implementation of and compliance with their obligations under the MEA.<sup>1</sup>

6. Reporting also helps promote implementation by identifying gaps in implementation and compliance and therefore stimulating specific measures directed at improving implementation. Such specific measures, taken as a follow-up of the reporting exercise, could be both domestic (e.g. adoption or revision of legislation, strengthening inter-agency coordination, etc.) and international (e.g. international assistance, exchange of experience, transfer of technology and know-how in order to enable and facilitate implementation). Reporting may also reveal widespread difficulties with implementation, experienced by many Parties, as well as problems of interpretation of the MEA provisions. These difficulties might need to be addressed by guidance, by decisions by the respective governing body on interpretation and other means.

7. However, reporting is often connected with burdens, in particular, with regard to time and resources of the governmental officials in charge of compiling the reports, as well as costs associated with collecting and processing data and information. As emphasized in the *UNEP Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements*, special care should be taken to ensure that data collection and reporting requirements are not too onerous and are coordinated with those of other MEAs.<sup>2</sup> With regard to parallel reporting requirements it is necessary to avoid duplication of work and to find synergies.

8. Apart from placing a certain burden on the governments, reporting also means additional tasks for the secretariat servicing an MEA. While the degree of such pressure depends on the design of the reporting system, relevant issues include: (a) availability of human resources at the

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<sup>1</sup> Guidelines for Strengthening Compliance with and Implementation of Multilateral Environmental Agreements in the ECE region, ECE/CEP/107, available at <http://www.unece.org/env/documents/2003/ece/cep/ece.cep.107.e.pdf>

<sup>2</sup> UNEP Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements, UNEP(DEPI)/MEAs/WG.1/3, annex II, available at <http://www.unep.org/DEC/docs/UNEP.Guidelines.on.Compliance.MEA.pdf>

secretariat; (b) needs for translation and editing of the reports; (c) various models for the production of compilation/synthesis/summary reports; (d) related opportunities to outsource certain work (translation, production of summary report, etc.); and (e) public accessibility of reports. In addition, if a body under the MEA—for example, an implementation or compliance committee—is to play a role in reviewing reports, this means an additional burden on that body with cost implications for the members of that body and for the secretariat.

9. A carefully designed reporting system under an MEA can reduce many of the burdens mentioned above. The common ways to ease the burdens connected with reporting include: (a) formulating optimal and realistic reporting cycles; (b) focusing the reporting on particular provisions and aspects of implementation, so as to limit the number of questions asked; (c) setting deadlines that would take into account both the frequency at which data becomes available at the national level and the timing of international meetings scheduled to discuss such data; (d) harmonizing different reporting systems, linked to definitions, methodologies and data collection, to enable countries to use similar underlying sets of data where appropriate; (e) coordinating deadlines for reporting under relevant MEAs; (f) using electronic questionnaires to facilitate reporting; (g) designing a model for reporting which would rely, to the extent possible, on available data; (h) engaging various stakeholders, both governmental and non-governmental, in the reporting exercise, in order to minimize the burden on the responsible governmental agency; and (i) periodic review of the reporting system in order to be able to make necessary adjustments based on lessons learned.

10. An important aspect to consider is the use of the results of reporting by individual Parties as well as in the framework of the governing and working bodies of an MEA. It is crucial that reporting leads to concrete actions to stimulate and improve implementation of an MEA.

## **B. Reporting requirements of relevance to the Water Convention**

### *Global and regional level*

11. National implementation reports for several global and regional MEAs often include information that can be a source for assessing implementation of some obligations under the UNECE Water Convention. In the context of global MEAs, relevant information may be found in:

- (a) National reports submitted every three years under the 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) (e.g. information in section 2 “General information of national implementation progress and challenges”; information under Goal 2 “Wetlands of international importance”; information under Goal 3 “International Cooperation”)<sup>3</sup>;
- (b) National reports submitted under the 1994 United Nations Convention to Combat Desertification (e.g. information on legal and institutional measures)<sup>4</sup>;
- (c) National communications under the 1992 United Nations Framework Convention on Climate Change (e.g. information in sections “Policies and measures” and “Vulnerability

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<sup>3</sup> See national reports under Ramsar Convention at [http://www.ramsar.org/cda/en/ramsar-documents-national-reports/main/ramsar/1-31-121\\_4000\\_0](http://www.ramsar.org/cda/en/ramsar-documents-national-reports/main/ramsar/1-31-121_4000_0)

<sup>4</sup> See national reports under UNCCD at <http://www.unccd.int/cop/reports/menu.php>

assessment, climate change influence, and adaptation measures” of fourth national communications)<sup>5</sup>.

12. National implementation reports under some other global agreements (e.g. 2001 Convention on Persistent Organic Pollutants) may contain water pollution data but usually are much less relevant to assess the implementation of obligations under the Water Convention. In addition, national reports on the achievement of the Millennium Development Goals (MDGs), in sections on water-related MDGs, sometimes contain information relevant to implementation of obligations under the UNECE Water Convention.

13. As for the regional MEAs, some relevant information on implementation of some obligations under the Water Convention may be traced in questionnaires or reports submitted under the following MEAs:

- (a) Questionnaires completed once per inter-sessional period (3-4 years) in the framework of the review of implementation under the 1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) (e.g. information on the domestic environmental impact assessment system and information on the application of environmental impact assessment to transboundary water projects, if any)<sup>6</sup>;
- (b) National reports submitted every three years under the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (e.g. information on public participation in international forums when access to information on transboundary water cooperation and public participation in joint bodies are addressed)<sup>7</sup>;
- (c) National reports to be submitted every three years under the 1999 Protocol on Water and Health to the Water Convention (e.g. information on water quality parameters and criteria, measures to improve water quality, pollution sources).<sup>8</sup>

14. At the same time, none of the above national reports provides a full picture for assessing the implementation of the Water Convention by a country at the national or transboundary /basin level and the extent of their relevance for assessing the implementation of the Water Convention may differ depending on the information reported by different countries. Moreover, it may be time-consuming for national administrations to use these diverse sources of information to assess the implementation of the Water Convention, even if intended to ease the burden of reporting.

#### *Reporting under EU legislation*

15. At subregional level – for EU member States – the most relevant information on the implementation of obligations under the Water Convention may be found in the information and data reported under the EU water legislation, in particular the EU Water Framework Directive (WFD) as described below. The reporting regimes for the Flood Risk Management Directive, the Urban Waste Water Treatment Directive, Nitrates Directive, Bathing Water Directive and Drinking Water Directive also include data and information relevant for the implementation of

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<sup>5</sup> See national reports under UNFCCC at [http://unfccc.int/national\\_reports/items/1408.php](http://unfccc.int/national_reports/items/1408.php)

<sup>6</sup> See completed questionnaires during the second and third review cycles under the Espoo Convention at [http://www.unece.org/env/eia/implementation/review\\_implementation.htm](http://www.unece.org/env/eia/implementation/review_implementation.htm)

<sup>7</sup> See national implementation reports under Aarhus Convention at <http://www.unece.org/env/pp/Reports.htm>

<sup>8</sup> See summary reports submitted in the first reporting cycle under the Protocol at [http://www.unece.org/env/water/Protocol\\_implementation\\_reports.html](http://www.unece.org/env/water/Protocol_implementation_reports.html)

the Water Convention. In the rest of the UNECE region, there are no reporting systems on water of similar level of substance and detail.

16. Taking the example of the WFD, the reporting requirements of WFD are specified in Articles 3, 15 and 18 of the Directive. Article 3 requires EU member States to provide information to the European Commission on the identification of river basin districts and competent authorities. Article 15 requires information to be provided to the Commission on: (a) the analysis carried out according to Article 5; (b) monitoring programmes; (c) river basin management plans; and d) an interim report on the implementation of the programmes of measures. Article 18 of the Directive requires the Commission to publish reports on the implementation of the Directive and to submit them to the European Parliament and Council.

17. The reporting with regard to WFD is twofold. The EU member States submit the documents produced according to the provisions of the Directive, as explained in paragraph 14 above. Additionally and without a legal obligation, the EU member States submit reporting sheets for each WFD implementation step, as established in the EU Common Implementation Strategy process (CIS).<sup>9</sup> EU Member States provide data to the Water Information System for Europe – WISE, developed by the European Commission (DG Environment, Joint Research Center and Eurostat) and the European Environment Agency (EEA). Moreover, a number of non-EU countries (Iceland, Liechtenstein, Norway, Switzerland and Turkey) and cooperating countries of the EEA also provide data to the European Environment Information and Observation Network. On the basis of the information provided, EEA regularly prepares State of the Environment Reports covering among others also water issues, both quality and quantity related.

18. Information reported under WFD includes, *inter alia*, information on river basin management planning (see Annex VII WFD); geographically referenced information (maps, including those reflecting pollution loads and status of water bodies); status of surface water and groundwater bodies and information on surveillance, operational and investigative monitoring programmes, management objectives; pressures, impacts and summarized programmes of measures; and economic data, including economic analysis of water use and recovery of the costs of water services.

19. Therefore under the EU water legislation, in particular the EU WFD, EU member States report a significant amount of information and data on water that is also relevant for implementation of the Water Convention. At the same time, this information and data refer to implementation of the EU WFD and do not allow making precise conclusions about implementation of the Water Convention without specific efforts to extract and summarize relevant information.

20. Reporting under EU water legislation undoubtedly represents an extensive workload for national administrations of EU member States. This aspect should be taken into account in the discussion on possible introduction of reporting under the Water Convention. Therefore if reporting would be introduced under the Water Convention, it should not lead to a duplication of work by EU member States or to a significant increase in effort. Ideally, a lot of information

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<sup>9</sup> In the framework of the Common Implementation Strategy for EU WFD, the reporting requirements under WFD are formulated in the Guidance Document No 21: Guidance for reporting under the Water Framework Directive. See [http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework\\_directive/guidance\\_documents/guidance\\_guidance\\_report/\\_EN\\_1.0\\_&a=d](http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/guidance_guidance_report/_EN_1.0_&a=d)

compiled in the context of EU reporting should be used for reporting under the Water Convention.

#### *Reporting to joint bodies*

21. At the river basin level, information and data relevant for assessing the implementation of the Water Convention is often provided by countries to their joint bodies for transboundary water cooperation, when such bodies exist. At the same time, countries mostly report to joint bodies about implementation of the decisions of these joint bodies,<sup>10</sup> rather than providing comprehensive standardized periodic reports. With regard to providing information and data to joint bodies which are the coordination platforms for the purposes of the EU WFD and other river basin related Directives and, therefore, lead the preparation of e.g. respective river basin management plans or at least the international parts of such plans, the requirements on the provision of information and data by riparian countries to joint bodies are often more intense.

### **C. Regular assessments under the Water Convention**

22. In 2003, Parties to the Water Convention decided to regularly carry out regional assessments in order to keep the status of transboundary waters in the UNECE region under scrutiny. Subsequently, the First Assessment of Transboundary Rivers, Lakes and Groundwaters was prepared in 2007, and the Second Assessment of Transboundary Rivers, Lakes and Groundwaters - in 2011. At its sixth session (Rome, 28-30 November 2012) the Meeting of the Parties decided to prepare the next comprehensive assessment in 6 to 8 years time and to prepare a shorter thematically focused assessment by 2015. Thus, in 2013-2015 a thematic Assessment focused on the topic of water-energy-food-ecosystems nexus is being prepared.

23. Although those Assessments provide a comprehensive picture of the state of transboundary waters and, in this way, indirectly of the implementation of the Water Convention, they have not been initiated with the aim to raise issues of implementation, and have never been considered as reports on implementation of the Convention. The Assessments have therefore been able to actively involve Parties as well as non-Parties, which is one of their important strengths.

### **D. Relevance to implementation and compliance under the Water Convention**

24. Reporting may play an important role for the work of implementation and compliance bodies, where those exist. While such bodies may well exercise a general monitoring function without a reporting mechanism, they may also be empowered to monitor, assess and facilitate the implementation of and compliance with the reporting requirements. Information contained in the reports may provide valuable data for consideration by such bodies. Such information may also be considered as being reliable and provide the basis for consistent and systematic decisions

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<sup>10</sup> According to Article 9 of the 1999 Convention on the Protection of the Rhine, the Contracting Parties shall report regularly to the International Commission for the Protection of the Rhine on:

- (a) the legislative, regulatory and other measures they have taken with a view to implementing the provisions of this Convention and on the basis of the Commission's decisions;
- (b) the results of the measures implemented in accordance with subparagraph (a);
- (c) problems arising in the implementation of the measures referred to in subparagraph (a).

about initiatives that such bodies might themselves begin, as appropriate, to review implementation and compliance by Parties.

25. At its sixth session (Rome, 28-30 November 2012), the Meeting of the Parties through its decision VI/1 (see ECE/MP.WAT/37/Add.2, forthcoming) established the mechanism to facilitate and support implementation and compliance with the Water Convention and elected the Implementation Committee for the Convention.

26. At its first meeting (Geneva, 5 June 2013), the Implementation Committee exchanged views on the need for the introduction of reporting under the Convention (see ECE/MP.WAT/IC/2013/2, forthcoming). The Committee stressed that a reporting mechanism would help promote implementation by identifying gaps in implementation and compliance and therefore stimulating specific measures directed at improving implementation. In addition, reporting would provide a basis for evaluating the effectiveness of the Convention and for the exchange of experience between Parties on implementation of the Convention. Furthermore, the Committee felt that reporting would provide the Committee with the information on the implementation of the Convention that would enable the Committee to implement its core functions.

### **III. Proposed process to prepare an analysis of the needs for reporting under the Convention**

27. To support the elaboration of an analysis of the needs for reporting under the Convention, the Bureau has developed a draft questionnaire (see annex I). The Working Group is invited to review and approve the questionnaire and ask Parties, other States and interested partner organizations to submit their responses to the secretariat by 31 November 2013.

28. On the basis of the responses received, the Bureau will develop the draft analysis of the needs for reporting under the Convention. The draft analysis will be presented for comments to the third meeting of the Implementation Committee (Geneva, 15-16 May 2014) and the ninth meeting of the Working Group (Geneva, 25-26 June 2014). At its ninth meeting, the Working Group would review the draft analysis and recommend further steps for its finalization. The Working Group would then also be expected to take a decision on whether to proceed with the elaboration of the scope and modalities of a reporting mechanism to be submitted for possible adoption by the Meeting of the Parties at its seventh session.

**Annex I. Questionnaire to support the development of an analysis of the needs for reporting under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)**

**Completed by (name, title):**

**On behalf of (country/organization):**

	<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Undecided/ Flexible</b>
<b>1.</b>	<b>Would the introduction of reporting under the Water Convention:</b>			
	<b>(a) strengthen the effectiveness of the Convention?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>(b) be useful to enhance implementation of the Convention by countries through stimulating concrete measures to address gaps in implementation?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>(c) contribute to information and experience exchange between its Parties?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>(d) be useful to enhance cooperation in specific transboundary waters and basins, i.e. cooperation between Parties sharing transboundary waters?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please provide comments if any:			
<b>2.</b>	<b>Do the current reporting requirements and formats under other international agreements, to which your country is a Party, adequately reflect the implementation of obligations that your country has under the Water Convention?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please provide comments if any:			



	Question	Yes	No	Undecided/ Flexible
3.	<b>Would the introduction of reporting under the Water Convention represent a considerable burden:</b>			
	<b>(a) for your country?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>(b) for the Convention's secretariat?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please provide comments if any:			
4.	<b>Do you believe that the various burdens of reporting can be reduced through a carefully designed reporting system?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please provide comments if any:			
5.	<b>Would your country be willing to support the introduction of reporting under the Water Convention?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please provide comments if any:			
<b>6. Please provide other comments regarding the position of your country on the introduction of reporting under the Water Convention, if any:</b>				
<b>7. If Parties to the Water Convention would decide to introduce a reporting mechanism, how in your opinion such a mechanism could look like:</b>				

THANK YOU VERY MUCH.