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Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Implementation Committee

First meeting

Geneva, 5 June 2013

Report of the Implementation Committee on its first meeting

I. Attendance and organizational matters

1. The first meeting of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 5 June 2013 in Geneva.
2. The meeting was attended by the following members of the Implementation Committee: Ms. Vanya Grigorova, Mr. Saghit Ibatullin, Mr. Kari Kinnunen, Mr. Stephen McCaffrey, Ms. Anne Schulte-Wülwer-Leidig, Mr. Aliaksandr Stankevich, Mr. Attila Tanzi and Mr. Ivan Zavadsky. The secretariat informed the Committee that Mr. Johan Gerrit Lammers was not able to attend the meeting.
3. The Deputy Director of the Environment Division of the United Nations Economic Commission for Europe (ECE), in welcoming remarks, stressed the importance of the Implementation Committee for the strengthened implementation and future development of the Water Convention.
4. The members of the Committee unanimously elected Mr. Attila Tanzi as Chair of the Committee and Mr. Saghit Ibatullin as Vice-Chair.
5. The Committee adopted the agenda as set out in document ECE/MP.WAT/IC/2013/1. The Committee noted that no requests for advice or submissions had been received from Parties and that it was not otherwise aware of information that would trigger a Committee initiative.

II. Lessons learned from other implementation and compliance mechanisms

6. The Committee was informed about the tasks, modalities of work, rules of procedure and experience of several other bodies of multilateral environmental agreements dealing with implementation and compliance issues.

7. Presentations were heard from the secretariat of the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) regarding its Compliance Committee and from the secretariat of the ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment regarding the Espoo Implementation Committee. A presentation was made by a representative of the United Nations Environment Programme regarding the mechanism for promoting implementation and compliance under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and efforts to establish similar mechanisms under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants. An overview was also provided by a member of the ECE secretariat on the experience of the Compliance Committee under the ECE/World Health Organization Regional Office for Europe Protocol on Water and Health.

8. The follow-up discussion addressed a number of issues with regard to the functioning of the mechanisms to facilitate and support implementation and compliance, in particular the relationship between implementation and compliance procedures and the exhaustion of domestic remedies, the relationship between periodic reporting and implementation and compliance procedures, the needs for communicating clearly the non-adversarial and facilitative role of the mechanisms, the practice of appointing curators for leading the activities of implementation and compliance bodies in specific cases, the role of the secretariat and other issues.

9. The Chair informed the Committee members of the communication between the Espoo Implementation Committee and the European Commission, whereby a legal note was provided by the European Commission with regard to Party-to-Party submissions to the Espoo Implementation Committee by European Union (EU) member States.

10. The members of the Implementation Committee of the Water Convention stressed that the scope of the Water Convention mechanism lay outside dispute settlement, and that the purpose of the mechanism was to assist Parties to avoid disputes. The Committee requested the secretariat to seek the agreement of the Espoo Implementation Committee to share with it the relevant correspondence with the European Commission, in order to be better positioned to determine possible implications and the appropriate course of action.

III. Exchange of views on the Committee's role and functions and core rules of procedure

11. The Committee exchanged views on its role and functions, as outlined in annex I to decision VI/1 of the Meeting of the Parties to the Water Convention (see ECE/MP.WAT/37/Add.2). The Committee requested the secretariat to inform it of the water-related cases dealt with by the Aarhus Compliance Committee and the Espoo Implementation Committee.

12. The Committee discussed the modalities for undertaking a Committee initiative described in section VII of annex I to decision VI/1. The Committee agreed that that process should not be invoked by the Committee arbitrarily. The mission of the Committee

was to assist Parties in implementing the Convention and facilitate the prevention of water-related disputes and differences. It was important to preserve the credibility and authority of the Committee in fulfilling that mission. The Committee would therefore develop a working document detailing general criteria or factors to guide the determination of when a Committee initiative might be started.

13. The secretariat informed the Committee of the discussions of the Convention's Legal Board in 2010–2012 regarding reporting under the Convention when — during the negotiations on the establishment of the Implementation Committee — several Parties raised the need for the introduction of a reporting mechanism to monitor progress under the Convention and to foster implementation. The Committee was also informed that the programme of work for 2013–2015 (ECE/MP.WAT/37/Add.1), adopted by the Meeting of the Parties at its sixth session (Rome, 28–30 November 2012) included area 1.4 “Consideration of the need for reporting under the Convention”, to be led by the Convention's Bureau with the support of the secretariat. Under that area, the Working Group on Integrated Water Resources Management, in consultation with the Implementation Committee, was mandated to carry out an analysis of the need for reporting under the Convention, taking into account the capacity of countries and other relevant reporting mechanisms. That analysis would serve as a basis for the possible 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.

14. The Committee then exchanged views on the need for the introduction of reporting under the Convention. 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.

15. Furthermore, the Committee felt that reporting would provide it with the information it needed to implement its core functions. While a lot of information and data on the state of water bodies, including transboundary waters, was available, in particular through the EU reporting mechanisms and the databases of the European Environment Agency, it would not be straightforward to derive from those sources information about actual implementation of the Convention. Reporting under the Convention would be an objective source of information for the Committee that would allow it to be better placed to perform its tasks. The reporting under the Convention would be different from the EU reporting, as it would concentrate on policy issues, not data, in conformity with the spirit of the Convention. The Committee therefore expressed its willingness to be consulted and its commitment to provide advice during the future discussion on the reporting issue.

16. Introducing the core rules of procedure, as set out in annex II to decision VI/1, the Chair stressed that the activities of the Implementation Committee would be governed by those core rules until the adoption by the Meeting of the Parties, at its next session or at a following session thereafter, of the rules of procedure, upon a proposal by the Committee. Such a proposal should be developed by the Committee on the basis of decision VI/1, its annex I, the rules of procedure of the Meeting of the Parties, and the core rules of procedure, taking into account the experience in the application of the latter.

17. The Committee discussed the basic rules for electronic communication regarding its work. The secretariat stressed the need for all Committee members to reply to electronic messages. It was decided that the replies should normally be provided within one week, with a longer time limit to be set for replies involving comments on substantive issues or the review of documents.

IV. Strategy for publicizing the mechanism and facilitating its use

18. The secretariat informed the Committee of the opportunities to publicize the work of the Committee by the resources of the secretariat, including: (a) promoting the mechanism during capacity-building activities and through distribution of relevant material; (b) issuing a press release or article after the meetings of the Committee with some newsworthy results; (c) making a summary of the professional background of the Committee members available online; and (d) making material produced by the Committee available online.

19. The Committee further discussed ways to publicize the mechanism and facilitate its use by the Parties and other actors. It stressed the importance of participation by the members of the Committee in the meetings under the Convention in order to communicate to the Parties the availability of the Committee and its commitment to implementing its mandate. It also underlined the importance of promoting the mechanism also during meetings outside the Convention's programme of work, e.g., at the Stockholm World Water Week, the Budapest Water Summit, the World Water Forum, etc. The Committee requested the secretariat to prepare a power point presentation of a general character that could be used by the Committee members to promote the Committee at various forums.

20. The Committee emphasized that the launch of its activities was an important contribution to the International Year of Water Cooperation (2013) declared by the United Nations General Assembly. Parties and other stakeholders were encouraged to seek the Committee's assistance, support and facilitation to address difficulties in implementing the Convention and in order to prevent water-related disputes.

V. Schedule of future meetings

21. The Committee agreed to hold its second meeting in Geneva on 12 and 13 December 2013, with the understanding that the meeting might be reduced to one day depending on the workload. The Committee took note of the dates preliminarily reserved for its meetings in 2014 (15–16 May and 2–3 December).

VI. Other business

22. The secretariat informed the Committee of the upcoming eighth meeting of the Working Group on Integrated Water Resource Management (Geneva, 25–26 September 2013), during which the Committee would have an opportunity to report on its first meeting, as well as to participate in discussion on other issues. The Committee members exchanged information on their availability to participate in the meeting. The secretariat noted that the eighth meeting of the Working Group would take place back to back with the first of two workshops to promote the exchange of experience and good practices between joint bodies worldwide: "River Basin Commissions and Other Joint Bodies for Transboundary Water Cooperation: Legal and Institutional Aspects" (Geneva, 23–24 September 2013).

23. The secretariat announced that the revised version of *the Guide to Implementing the Water Convention* (ECE/MP.WAT/39), reflecting the opening of the Convention and the decision on accession by non-ECE countries (decision VI/3), had been prepared by the secretariat under the guidance of the Bureau. The Guide was soon to be printed for use in capacity-building and other activities aimed at raising awareness on the Convention and enhancing implementation.

24. The Committee was also informed of the first meeting of the informal network of the Chairs of compliance and implementation bodies under the ECE multilateral

environmental agreements, which took place in Geneva on 25 March 2013. The second meeting of the network was provisionally scheduled to take place in Geneva on 24 March 2014.

VII. Adoption of the report

25. The Committee entrusted the secretariat to prepare and circulate the draft meeting report. The Committee agreed to discuss and approve the meeting report through electronic communication means.
