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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

Implementation Committee

Eleventh meeting

Geneva, 31 August–2 September 2020

Report of the Implementation Committee on its eleventh meeting

I. Attendance and organizational matters

1. The eleventh meeting of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held from 31 August to 2 September 2020 in a hybrid format.
2. The following members of the Implementation Committee took part in the meeting: Mr. Kari Kinnunen; Mr. Johan Lammers; Mr. Stephen McCaffrey; Mr. Martins Paporinskis; Ms. Anne Schulte-Wülwer-Leidig; Mr. Pedro Cunha Serra; Mr. Attila Tanzi (Chair); Mr. Ivan Zavadsky; and Ms. Dinara Ziganshina. Mr. Tanzi and Mr. Lammers attended in person, with other members attending through videoconference.
3. The Implementation Committee adopted its agenda as set out in document ECE/MP.WAT/IC/2020/1, with adjustments indicated in the provisional time schedule.¹ Due to the coronavirus disease (COVID-19) pandemic, the meeting, which had originally been scheduled to take place on 19 and 20 May 2020, was held from 31 August to 2 September 2020.
4. The Chair recalled that the Committee had approved the report of its tenth meeting (ECE/MP.WAT/IC/2019/2) during the preparatory meeting held on 19 May 2020 by videoconference.²

¹ Documents for the meeting are available on a dedicated web page of the Convention's website (www.unece.org/index.php?id=52829).

² Documents for the preparatory meeting for the eleventh meeting of the Implementation Committee are available on a dedicated web page of the Convention's website (www.unece.org/index.php?id=54213).



II. Requests for advice, submissions and Committee initiatives

Advisory procedure WAT/IC/AP/1 (Montenegro and Albania) (closed)

5. The Committee decided to hold the discussions under the item in a closed session.
6. The Chair recalled that advisory procedure WAT/IC/AP/1 had been initiated by the Committee in response to the request from Montenegro related to that country's concerns about the possible transboundary impact of the planned construction of additional small hydropower plants on the Cijevna/Cem River in Albania. The Chair recalled that Albania had consented to participate in the advisory procedure by its letter of 31 January 2020.
7. The Chair reported that, following the discussion by the Committee during its preparatory meeting on 19 May 2020, he had sent letters to the two countries on 8 June 2020 requesting further information and seeking replies to specific questions formulated by the Committee. The Chair also reported that, in August 2020, both countries had provided their replies to the questions. In addition, Albania had provided a map of the existing and planned hydropower plants on the Cijevna/Cem River in its territory, while Montenegro had provided a scientific article on the issue.
8. The Committee discussed the information received from the countries concerned. It identified issues requiring clarification during the planned information-gathering and consultation sessions with the delegations from the countries concerned and discussed opportunities for the provision of advice and facilitation of assistance by the Committee within its mandate as stated in decision VI/1 on support to implementation and compliance (ECE/MP.WAT/37/Add.2). The Committee recalled that the advisory procedure was aimed at facilitating implementation and application of the Convention through the provision of advice by the Committee and should not be regarded as alleging non-compliance.
9. The Committee then held two separate information-gathering and consultation sessions with the delegations of Montenegro and Albania, respectively. During those sessions, held through videoconference, the Committee members raised questions regarding the following key issues:
 - (a) The design of the planned small hydropower plants and their impact on groundwater recharge and ecosystems;
 - (b) The availability of surface and groundwater monitoring data in the Cijevna/Cem River basin;
 - (c) The transboundary impact of the planned small hydropower plants and the evaluation of cumulative transboundary impact;
 - (d) Procedural obligations under the Convention;
 - (e) The capacity and operation of the bilateral commission;
 - (f) Potential assistance to be provided by the Committee.
10. Following the two information-gathering and consultation sessions, the Committee formulated its messages to the countries, which were subsequently delivered by the Chair to the delegations of Montenegro and Albania. Among other things, the Committee:
 - (a) Stated that it found it reassuring that both countries were willing to cooperate and ready to discuss the matter further within their joint body;
 - (b) Expressed appreciation for the fact that both countries had demonstrated their willingness to both work and engage in an open and constructive discussion with the Committee;
 - (c) Emphasized to both countries that the procedural obligations laid down in the Convention were instrumental in operationalizing its core obligation of cooperation, irrespective of the likelihood of the occurrence of a transboundary impact arising out of the situation currently under consideration by the Committee;

(d) Noted that both countries had recognized the lack of information and data as being among the key challenges for the assessment of any transboundary impact of small hydropower plants in the Cijevna/Cem River basin;

(e) Also noted that both countries had shown their willingness to establish joint monitoring mechanisms and readiness to accept international expertise to assist them to that end;

(f) Further noted that joint monitoring and assessment of the results thereof were of the utmost importance for the proper assessment of transboundary impact, including in the matter under consideration in the advisory procedure;

(g) Encouraged the two countries to set up a joint or coordinated monitoring and assessment framework for surface waters, water ecosystems and groundwaters in the Cijevna/Cem River basin, but not necessarily exclusively, as a prerequisite for proper understanding of the status of transboundary waters.

11. The Committee then consulted with each of the two countries separately on the proposed way forward in the advisory procedure, with particular regard to the possible involvement of the Committee in assisting the two countries in setting up a joint or coordinated monitoring and assessment framework in the Cijevna/Cem River basin. Both countries agreed on the need for joint or coordinated monitoring and assessment in the Cijevna/Cem River basin and welcomed the assistance of the Committee in setting up a joint or coordinated monitoring and assessment framework, including the idea of a joint meeting as part of the next Committee meeting. A potential field visit by the Committee was also discussed and considered positively by both countries.

12. Montenegro emphasized that, being a European Union candidate country, it was aligning its monitoring systems to the requirements of the European Union Water Framework Directive³ and the related guidance documents. The Committee emphasized the complementarity of efforts to set up a joint or coordinated monitoring and assessment framework to the implementation of the relevant European Union Directives, particularly from a river basin management planning perspective.

13. The delegation of Albania reiterated its concerns about the missing exchange of information on planned developments in the Cijevna/Cem River basin by the riparian countries and that it would appreciate the assistance of the Committee in that respect.

14. Following consultations with the two countries and subsequent discussion within the Committee, the Committee decided to:

(a) Send additional questions for clarification to the two countries to complement or clarify information received during the meeting;

(b) Continue its involvement in the Cijevna/Cem River-related issues following a two-track approach under which the Committee would:

(i) Stay in contact with the countries to facilitate the exchange of information related to the Cijevna/Cem River basin;

(ii) Assist the countries in setting up a joint monitoring and assessment framework for surface waters, groundwaters and ecosystems in the Cijevna/Cem River basin;

(c) Hold a joint meeting with both countries in December 2020, subject to developments concerning the COVID-19 pandemic.

15. Lastly, the Committee stressed that the advice provided by the Committee within the advisory procedure was without prejudice to the use by the two countries of the other relevant tools available under the Water Convention, which were complementary to the work of the Committee.

³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, *Official Journal of the European Communities*, L 327 (2000), pp. 1–72.

Submissions and Committee initiatives

16. The Committee noted that no submissions had been received prior to the meeting and that no Committee initiatives had been undertaken by the Committee.

III. Contribution of the Committee to activities under the Convention

17. The secretariat briefed the Committee on progress achieved in the development of a handbook on water allocation in a transboundary context and thanked two members of the Committee for their contribution to the work of the Expert Group on the Transboundary Water Allocation Handbook. Members of the Committee were invited to provide input to and comments on the handbook as per the draft annotated outline (ECE/MP.WAT/WG.1/2020/INF.5) submitted to the fifteenth meeting of the Working Group on Integrated Water Resources Management (Geneva, 30 September–2 October 2020).⁴

18. The secretariat also briefed the Committee on progress made in the elaboration of a checklist for the development of legal frameworks for transboundary water cooperation. Two members of the Committee had already contributed their expertise to that exercise during the Virtual workshop on designing legal frameworks for transboundary water cooperation (Geneva (online), 28 and 29 July 2020). Members of the Committee were invited to provide input to and comments on the revised version of the draft outline of the checklist on the development of legal frameworks for transboundary water cooperation (ECE/MP.WAT/WG.1/2020/INF.2) submitted to the fifteenth meeting of the Working Group on Integrated Water Resources Management.⁵

19. An update was provided by the secretariat on the status of reporting under the Convention in connection with the second reporting cycle taking place in 2020. The secretariat recalled that, at its tenth meeting (Geneva, 2 and 3 December 2019), the Committee had requested that the main analysis of the reports in the second reporting cycle be done by the secretariat while the Committee could review and advise (ECE/MP.WAT/IC/2019/2, para. 13). The secretariat reported that it expected to make available a draft synthesis report for comments by the Committee in early 2021, together with the reports of the Parties to the Convention.

IV. Promotion of the mechanism to facilitate and support implementation and compliance

20. The Chair invited the Committee members to exchange ideas on possible activities or events where they could promote the mechanism to facilitate and support implementation and compliance. The secretariat informed the Committee of a webinar being planned by the Compliance Committee under the Protocol on Water and Health to increase awareness about its procedures.

V. Programme of work and calendar for the next meetings

21. The Chair recalled that the twelfth meeting of the Committee had been rescheduled to take place on 14 and 15 December 2020, in order to run back-to-back with the Global workshop on financing transboundary water cooperation and basin development scheduled to take place from 16 to 18 December 2020 in Geneva. Following a discussion on the availability of the Committee members, the Committee asked the secretariat to request that the twelfth meeting be rescheduled to the first or the second week of December and to inform the Committee members accordingly.⁶ The Committee further discussed the impact of the

⁴ See www.unece.org/index.php?id=52818.

⁵ See www.unece.org/index.php?id=52818.

⁶ The twelfth meeting of the Committee has subsequently been rescheduled to take place from 7 to 8 December 2020 in Geneva.

pandemic on the organization of the joint meeting of the Committee with the two countries involved in the advisory procedure in December 2020.

22. The secretariat informed the Committee of the timeline to prepare the report of the Committee to the Meeting of the Parties and the draft decision on implementation for submission to and possible adoption by the Meeting of the Parties at its ninth session (Tallinn, 29 September–1 October 2021).

VI. Presentation of the main decisions taken, modalities for preparation of the meeting report and closing of the session

23. The Committee entrusted the secretariat to prepare and circulate the draft report on its eleventh meeting, which the Committee would subsequently approve through electronic communication means.
