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**ECONOMIC COMMISSION FOR EUROPE**

**WORLD HEALTH ORGANIZATION  
REGIONAL OFFICE FOR EUROPE**

MEETING OF THE PARTIES TO THE  
PROTOCOL ON WATER AND HEALTH  
TO THE CONVENTION ON THE PROTECTION  
AND USE OF TRANSBOUNDARY  
WATERCOURSES AND INTERNATIONAL  
LAKES

Compliance Committee

**REPORT OF THE COMPLIANCE COMMITTEE ON ITS THIRD MEETING,  
HELD ON 25 AND 26 FEBRUARY 2009 IN GENEVA**

**INTRODUCTION**

1. The third meeting of the Compliance Committee was held on 25 and 26 February 2009 in Geneva. The following members of the Committee attended: Ms. Diana Iskрева-Idigo (Bulgaria), Mr. Pierre Chantrel (France), Mr. Attila Tanzi (Italy), Ms. Ilona Drulyte (Lithuania), Mr. Truls Krogh (Norway), Ms. Magdalena Bar (Poland) and Mr. Serhiy Vykhryst (Ukraine). A representative of the non-governmental organization Earth Justice participated in the meeting as observer. The meeting was chaired by Mr. Tanzi and serviced by the United Nations Economic Commission for Europe (UNECE) secretariat.

**I. ADOPTION OF THE AGENDA**

2. The Committee adopted the agenda as contained in document ECE/MP.WH/C.1/2009/1 - EUR/09/5069385/3.

## **II. RELEVANT DEVELOPMENTS SINCE THE PREVIOUS MEETING OF THE COMPLIANCE COMMITTEE**

3. The secretariat informed the meeting about a communication received from Mr. Željko Dadić stating his inability to serve the Committee and his consequent resignation as a member. The Committee discussed potential candidates for his replacement in accordance with paragraph 7 of the annex to decision I/2. Two alternative candidates were proposed, Mr. Henri Dumond (Belgium) and Mr. Ilya Trombitsky (Republic of Moldova). While the Committee felt that both would be suitable, some members had had first-hand experience working with Mr. Trombitsky and held his expertise in high regard. The Committee felt that his experience with the technical aspects of water resources management, in particular relating to water quality and ecosystems, would bring a desirable sense of balance to the Committee's composition. Moreover, the Committee felt that Mr. Trombitsky's experience with the compliance procedure of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) would present an additional asset.

4. It was agreed that these two candidates would be brought to the attention of the Bureau, but that Mr. Trombitsky would be recommended as a first choice, on the understanding that the final decision would be made by the Bureau.<sup>1</sup>

## **III. RULES OF PROCEDURE OF THE COMPLIANCE COMMITTEE**

5. On the basis of a document (informal paper no. 1) elaborated at the Committee's first and second meetings, as well as on the modus operandi of the Aarhus Convention, the Committee further discussed, revised and finalized its rules of procedure.

6. The Committee focused mainly on issues relating to the holding of meetings and to decision-making. It decided that the Chairperson would conduct meetings only when at least five of the Committee members were present. Given the Committee's size, the importance of all members being present at every meeting was reiterated.

7. One of the main aspects discussed was related to electronic correspondence, in particular to the process of decision-making by e-mail. After extensive discussion, the Committee decided that, for practical reasons and in order to expedite the processing of communications from the public, preliminary determinations of the admissibility of communications and of which points should be raised with the Party concerned when forwarding the communication could be taken by e-mail, unless one third of the Committee members asked otherwise. Moreover, it was agreed that granting observer status could also be taken by e-mail.

8. Handling communications from the public was discussed on the basis of a document (informal paper no. 2) prepared by the secretariat and Mr. Cesare Pitea (University of Parma). The Committee agreed on the procedures related to communications from the public and made additional amendments to handling submissions and referrals. As a general principle, the

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<sup>1</sup> After the meeting, the Bureau, taking into account the Committee's recommendation, appointed Mr. Trombitsky as the new Committee member to replace Mr. Dadić.

Committee agreed that it would not bound to address all issues, points or arguments put forward in a communication or during its consideration. On the other hand, the Committee would be free to address issues related to the communication which might not directly emerge from the points or arguments put forward by the communicant. It was agreed that the communications should be dealt with by the Committee at the earliest possible/practicable meeting scheduled after the response from the Party concerned is received.

9. Further to the rules of procedure, the Committee members discussed and amended a document on information-gathering prepared by the Chairperson (informal paper no. 4). The Committee discussed means for information-gathering and agreed on the activities related to information-gathering that could be conducted by the joint secretariat without the need for a mandate from the Committee.

10. Finally, the Committee agreed that the amended informal papers on communications from the public and the information-gathering should be merged to create the rules of procedure, which could be supplemented or amended over time, as necessary.

#### **IV. GUIDELINES FOR COMMUNICATION FROM MEMBERS OF THE PUBLIC**

11. The discussed draft guidelines were based on the outcomes of the Compliance Committee's first and second meetings and comments sent to the secretariat by Committee members after the meetings (informal paper no. 3). The Committee further improved the draft guidelines, making a number of comments and amending the text accordingly.

12. Most of the issues discussed related to practicalities, e.g. how and to which address the communication should be sent. It was agreed that the communications should be sent by e-mail; in addition, however, a signed copy of the communication, together with corroborating material, should be sent by registered post.

13. Once more, it was reiterated and reflected in the guidelines that although communications could be submitted in any of the official languages of the Protocol on Water and Health, communications in English would speed up their consideration by the Committee.

14. The Committee also discussed procedures for communications lacking essential information and agreed on its right to direct a number of clarifying questions to the communicant.

#### **V. REPORTING REGIME FOR PARTIES**

15. The secretariat informed the Committee members about the progress made by the Task Force on Indicators and Reporting with respect to the development of a set of guidelines on target-setting, the evaluation of progress and reporting, and the guidelines for summary reports for reporting Parties' progress in accordance with article 7 of the Protocol. The draft guidelines for summary reports were presented together with the time frame for the first round of pilot reporting under the Protocol, in view of the second meeting of the Parties.

16. Once again, the Committee reiterated that, as the draft guidelines to be used for the pilot reporting still needed to be adopted by the Meeting of the Parties, the first reporting cycle could not be considered a formal reporting in accordance with article 7, paragraph 5, of the Protocol, subject to review of compliance.

## **VI. COOPERATION WITH THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

17. A representative of Office of the High Commissioner for Human Rights (OHCHR) informed the Compliance Committee about Human Right Council resolution 7/22 (Human rights and access to safe drinking water and sanitation). In response to this resolution, the Council, in September 2008 for a period of three years, had appointed Ms. Catarina de Albuquerque, as an Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

18. The representative of OHCHR informed the Committee about the mandate and areas of work foreseen for the Independent Expert, which, included inter alia: (a) the development of criteria for good practices related to access to safe drinking water and sanitation, and in this regard, the preparation of a compendium of best practices; (b) the undertaking of a study to clarify the content of human rights obligations relating to access to safe drinking water and sanitation; and (c) the development of recommendations that could help realize the Millennium Development Goals, in particular Goal 7.

19. In response, the Chairperson provided information on the ongoing work of the Compliance Committee. He underlined the human rights dimension of the rules of procedure and guidelines for communication from the public, stressing that the applicant did not have to be directly affected by the situation of non-compliance in order to make a communication.

20. Moreover, the Committee members provided information on other areas of work under the Protocol that offered potential for cooperation between the Protocol and OHCHR; in particular, the activities related to equitable access to water and sanitation and the plan to produce a document on good practices in this area.

21. Finally, the Chairperson requested the representative of OHCHR to disseminate information on the Protocol's Compliance Committee to human rights institutions, including the Human Right Council. He stressed that the development of environmental law was getting closer to human rights, and that this Committee, as well as the Compliance Committee of the Aarhus Convention, were good examples of this trend.

## **VII. PROGRAMME OF WORK AND CALENDAR OF FUTURE MEETINGS**

22. The Committee then discussed issues that should be addressed at its next meetings, including:

- (a) Reporting to the Meetings of the Parties;
- (b) Possible cases of non-compliance;

(c) Cooperation with the Human Right Council and OHCHR, and the possibility of inviting the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation to its fourth meeting;

(d) Cooperation with the Compliance Committee of the Aarhus Convention.

23. The Committee tentatively scheduled its fourth and fifth meetings for 22 and 23 September 2009 and 26 and 27 January 2010, respectively.

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