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**Economic Commission for Europe****World Health Organization  
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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****Eighth meeting**

Geneva, 10 October 2012

**Report of the eighth meeting of the Compliance Committee**

1. The eighth meeting of the Compliance Committee under the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 10 October 2012 in Geneva, Switzerland. The following members of the Committee attended: Ms. Magdalena Bar (Poland), Ms. Ilona Drulite (Lithuania), Ms. Diana Iskrev-Idigo (Bulgaria), Mr. Veit Koester (Denmark), Mr. Oddvar Georg Lindholm (Norway), Mr. Ilya Trombitsky (Republic of Moldova) and Mr. Serhiy Vykhryst (Ukraine). The meeting was chaired by Mr. Koester and serviced by the United Nations Economic Commission for Europe (ECE) secretariat.

**I. Adoption of the agenda**

2. The Compliance Committee adopted its agenda as set out in document ECE/MP.WH/C.1/2012/1–EUDCE/1206123/3.1/2012/2.

**II. Relevant developments since the seventh meeting of the Compliance Committee**

3. The Chair welcomed the new member of the Compliance Committee, Mr. Lindholm, who was elected by the Bureau of the Protocol to replace Mr. Truls Krogh in accordance with paragraph 7 of the annex to decision I/2 on the review of compliance (ECE/MP.WH/2/Add.3–EUR/06/5069385/1/Add.3).

4. The Chair recalled the rules of procedure of the Committee developed at its third meeting, and specifically the rule on the replacement of a Committee member in case of his/her inability to complete the term. He noted that the formulation of the rules of procedure with regard to the role of the joint secretariat in the election process was misleading, and seemed to contradict the provision of paragraph 7 of the annex to decision I/2 on the review of compliance. In that regard, the Compliance Committee decided to amend paragraph 4 of the rules of procedure, to align the text with paragraph 7 of the annex to decision I/2, as follows: "In accordance with decision I/2, when a member resigns or is otherwise unable to complete the assigned term or to fulfil his or her duties, the Bureau of the Meeting of the Parties shall appoint another member to serve for the remainder of the term, subject to the approval of the Committee." The Committee entrusted the secretariat with posting the updated version of the document on the website of the Protocol.

5. The secretariat briefed the Committee on the developments related to the establishment of a mechanism to support implementation and compliance under the Water Convention, particularly highlighting the outcomes of the tenth meeting of the Legal Board of the Convention (Geneva, 31 January–1 February 2012). The negotiations on the mechanism, which had commenced in 2009, were nearing their conclusion, and the text of the draft decision on the establishment of the Implementation Committee had been finalized for submission to the sixth session of the Meeting of the Parties to the Water Convention (Rome, 28–30 November 2012).

6. The Chair informed Committee members about his participation in the eighth meeting of the Bureau of the Protocol (Bonn, Germany, February 2012). He also reported on the initiative launched by the Chair of the Compliance Committee to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) to provide a platform for the chairs of the compliance review bodies of ECE multilateral environmental agreements to exchange experience on common challenges. A first informal meeting between the chairs of the compliance review bodies was scheduled to take place in Geneva on 25 March 2013. Committee members also discussed the outcomes of the United Nations Conference on Sustainable Development (Rio+20 Conference) and the paragraphs of its outcome document related to the Protocol on Water and Health, in particular those that referred to the human right to water and sanitation.

### **III. Consultations with Parties to facilitate implementation of the Protocol**

7. The Chair recalled the letter he had sent to all focal points of Parties to the Protocol in January 2012 in accordance with the Committee's decision at its seventh meeting. The letter had aimed to inform Parties about the consultation process and had invited them to avail themselves of that opportunity. He also recalled that the eighth meeting of the Compliance Committee was being held back to back with the fifth meeting of the Working Group on Water and Health (Geneva, 11–12 October 2012) to allow the Committee to directly engage with Parties. Following the arrangement of the back-to-back meetings held in 2011, representatives of Parties would be given an opportunity to have informal meetings with members of the Committee to receive more information about the consultation process in parallel with the fifth Working Group meeting.

8. The Committee regretted that no Party had taken advantage of the consultation process despite the obvious widespread difficulties in implementation. It therefore discussed possible steps it could take in that regard. It was noted that, while non-governmental organizations (NGOs) could not directly initiate a consultation process, they had an important role to play in prompting Parties to make use of the consultation

process. In particular, NGOs could encourage a Party to engage in a consultation process as a possible way to resolve an issue that would otherwise be submitted in the form of a communication to the Committee.

9. The Committee also noted that, with the inception of the second cycle of reporting in accordance with article 7 of the Protocol, it might be demanding for Parties to engage in the consultation process simultaneously with the preparation of their national summary reports. In that regard, the Committee agreed that the second reporting exercise under the Protocol would be useful for identifying the challenges faced by Parties in implementing it, and would thereby reconfirm the necessity for a consultation process. It was also probable that, when preparing their national summary reports, Parties that faced particular challenges would realize the need to obtain assistance through the consultation process.

10. The Committee therefore decided to reassess its modus operandi in proposing the consultation process to Parties after its review of the results of the second reporting exercise. It agreed that, based on the reporting results, the Committee could decide to officially invite a Party to engage in a consultation, even if there was no advance guarantee that the Party in question would respond favourably to the invitation.

11. In connection with the rules of procedure governing the consultation process (ECE/MP.WH/C.1/2011/2–EUR/DHP1003944/4.2/2011/2, annex), the Committee addressed the issue of a possible conflict of interests. Since the rules of procedure of the Compliance Committee applied *mutatis mutandis* to the rules governing the consultation process (*ibid.*, para. 8), a situation of conflict of interests would have to be resolved on the basis of the rules set out in chapter II, paragraphs 5 to 8, of the rules of procedure — although it was not likely that conflicts of interest would arise in connection with the consultation process.

#### **IV. Cooperation with the Office of the High Commissioner for Human Rights and with other bodies of relevance for the work of the Committee**

12. The Chair briefed the Committee about the steps taken to promote cooperation between the Protocol and the Special Rapporteur on the human right to safe drinking water and sanitation, Ms. Catarina de Albuquerque, including the short informal meeting with the Special Rapporteur.

13. The secretariat informed the Committee about the progress made in the work area on equitable access to water and sanitation, led by France, and the inputs provided in that regard by the office of the Special Rapporteur. The secretariat also briefed the Committee about developments in the framework of the Joint Monitoring Programme for Water Supply and Sanitation of the World Health Organization and the United Nations Children's Fund, in particular the process to identify possible targets and indicators for drinking water, sanitation and hygiene linked to the post-2015 sustainable development goals.

14. The Committee decided to continue to seek synergies with the work carried out under the mandate of the Special Rapporteur in ECE countries. It was highlighted that the Special Rapporteur could be requested to consider raising issues pertaining to the Protocol, and especially in relation to compliance, during her missions to ECE countries. The Committee mandated the secretariat to remain in close communication with the office of the Special Rapporteur and to inform the Committee on any upcoming missions of the Special Rapporteur to ECE countries and visits to Geneva which would allow another meeting with the Chair or with the full Committee.

15. The Chair informed the Committee about his communication with the chairs of the compliance review bodies of the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers, and their concurrence on the usefulness of attending the annual meetings of the chairs of the human rights treaty bodies. However, given that the twenty-fourth meeting had been held in Addis Ababa (25–29 June 2012), it had not been possible to attend that meeting due to budget constraints. The next meeting of the chairs of the human rights treaty bodies would take place in Geneva, which would make participation easier.

## **V. Review of compliance with reporting requirements under the Protocol**

16. In connection with the commencement of the second cycle of reporting in accordance with article 7 of the Protocol, the Chair informed the Committee that the deadline for submission of national summary reports by Parties was 29 April 2013. A workshop on target setting and reporting (Geneva, 12–13 February 2013) would be held back to back with the sixth meeting of the Task Force on Target Setting and Reporting (14 February 2013) to assist Parties in the finalization of their summary reports.

17. Taking into account the timeline for preparation of the official documents for the third session of the Meeting of the Parties to the Protocol (Oslo, 25–27 November 2013), the secretariat informed the Committee that the deadline for submission of the final draft of the Compliance Committee's report to the Meeting of the Parties would be sometime around 16 August 2013 to allow sufficient time for editing and translation.

18. The Committee discussed arrangements for its review of the national summary reports, taking into consideration the experience of the first pilot reporting exercise prior to the second session of the Meeting of the Parties. Noting that the analysis of the national summary reports constituted an important part of the Committee's report to the Meeting of the Parties, the Committee considered how to coordinate its work on those two tasks.

19. The Committee agreed on the distribution of tasks and related timeline for the analysis of the summary reports under the Protocol submitted to the third session of the Meeting of the Parties (summarized in an informal table) and finalized a template for analysis of summary reports for internal use by the Committee members. When agreeing on the distribution of tasks, the Committee took into consideration the need for technical and legal expertise for each area of targets under the Protocol and language requirements for analysis of the national summary reports. The Committee entrusted the secretariat with sharing those informal documents with all Committee members and coordinating the work, as needed.

## **VI. Report from the Committee to the Meeting of the Parties at its third session**

20. The Chair referred to the contents of the Committee report to the second session of the Meeting of the Parties to the Protocol (ECE/MP.WH/2010/3–EUDHP/1003944/4.2/1/9) and opened the floor for discussion of the contents of the next report and distribution of tasks for its preparation. In order to follow-up on the issues highlighted in its previous report, the Committee decided to include once again in its next report a list of Parties that had still failed to submit their national summary reports for the first reporting exercise under the Protocol, as well as countries that had failed to report in the second reporting cycle. Moreover, the Committee would examine and reflect in its upcoming report whether Parties, in their second reporting exercise, managed to address the concerns and

recommendations spelled out by the Committee in its report to the second session of the Meeting of the Parties.

21. In its work on the upcoming report, the Committee would carefully consider which concerns identified during the analysis of the national summary reports deserved to be mentioned as recommendations. It was also agreed that the Committee's report should be structured in such a way that the recommendations would be clearly identifiable.

22. The Committee agreed on the distribution of tasks for the preparation of its report to the third session of the Meeting of the Parties to the Protocol and finalized a preliminary table of contents for the report. The Committee also agreed on the timeline and the modality of the preparatory work. Specifically, the Committee agreed to maximize the use of e-mail communication in its work in order to decrease the frequency and length of its meetings. The deadline for submission of individual inputs for the report by the Committee members to the secretariat was set as 1 June 2013, with two additional weeks for the members working on the reporting requirements section. In that regard, the secretariat was instructed to forward the incoming national summary reports to the Committee members as soon as possible. As the secretariat would play a central role in the preparation of the regional report on the status of implementation of the Protocol, which was also being prepared on the basis of the national summary reports, coordination and coherence would be ensured between the two reports.

## **VII. Awareness-raising on the compliance procedure**

23. The secretariat briefed the Committee on the outcomes of the meeting, "Public participation in environmental decision-making: focus on water and health" (Geneva, 6–8 June 2012), which had been held jointly with the Aarhus Convention, including several recommendations on the role of the public in the review of compliance. The Committee was also informed about the progress in the work to elaborate guidelines on public participation under the Protocol.

## **VIII. Programme of work and calendar of future meetings**

24. Taking into account the agreed timeline for analysis of national summary reports and the elaboration of the Committee report to the third session of the Meeting of the Parties — and the fact that to date there had been no expressions of interest by Parties in receiving information on the consultation process — the Committee agreed to postpone its ninth meeting, originally scheduled for April 2013. The next meeting would be held on 2 and 3 July 2013, back to back with the sixth session of the Working Group on Water and Health (Geneva, 4–5 July 2013). The Committee also agreed to discuss any matters related to the composition of its membership during its ninth meeting.

25. The Committee tentatively scheduled its tenth meeting for 8 April 2014, where the main item on the agenda would be the follow-up on the outcomes of the third session of the Meeting of the Parties.