**draft**

**Principles for effective joint bodies**

***Background and introduction***

The existing joint commissions and other joint bodies for transboundary water cooperation differ from one another for example in terms of the scope of application, competence, functions, powers and organizational structure. This was well demonstrated by the presentations and findings at the First Workshop “River Basin Commissions and Other Joint Bodies for Transboundary Water Cooperation: Legal and Institutional Aspects”, held in Geneva, 23‐24 September 2013. The workshop, as well as the current Second Workshop, represent an important gathering of expertise in the work of joint bodies, making it therefore opportune to take stock and draw some elements of good and efficient operation.

Because of the diversity of institutional arrangements for transboundary water cooperation, it is challenging to make general conclusions or recommendations about their make-up or operation. Furthermore, the practice of existing joint bodies has been established in relation to specific waters in order to address particular tasks in the context of real hydrological, political, economic and social conditions.

Nevertheless, joint bodies and the development of international law on the management of transboundary water resources allow for the identification of certain principles of organization and activities that increase the efficiency of joint bodies and contribute to reaching a mature level of cooperation between the riparian States.

**Such principles, derived mostly from the pan-European experience through a workshop held in 2007 for countries in Eastern Europe, Caucasus and Central Asia, were published in *River basin commissions and other institutions for transboundary water cooperation*.[[1]](#footnote-1) Drawing on that publication, principles are presented below for review and comments by the participants in the present workshop. The review is intended to determine their appropriateness and usefulness globally in the light of the worldwide experience from the work of river basin organizations and other joint bodies.**

**If it seems that there is further basis for their elaboration or adding of additional principles, related in particular to the themes to be discussed in the Second Workshop, then such specific suggestions can be made in the session on 10 April devoted to this issue.**

The principles will be revised in 2014 in the light of the findings of the two workshops on joint bodies, and will then be circulated to the Parties and partners of the Water Convention for comments. A revised version with all the relevant comments incorporated will be presented for review and endorsement by the Working Group on Integrated Water Resources Management (IWRM) under the UNECE Water Convention. The principles can be presented in their final form to the Meeting of the Parties for adoption in November 2015. The principles will thus synthesize valuable lessons from the collective experience of the joint bodies, Parties to the Water Convention and other States, as well as other stakeholders.

***Principles for effective joint bodies: for discussion***

The following principles of organization and activities generally increase the efficiency of joint bodies for transboundary water cooperation and contribute to reaching a mature level of cooperation between the riparian States:

1. **Establishment, structure and functions**

1.1 Broad competence of a joint body, which allows for addressing in a complex way, on the basis of IWRM, the entire spectrum of issues related to the management, use and protection of transboundary waters.

1.2 A sufficiently broad and complete representation of national authorities in the joint body, implying participation beyond the water management authorities to include representatives from environment, fishery, health, energy, hydrometeorology authorities, economy and finance ministries, as appropriate. If very broad participation in the joint body is not practical, opportunities for regular consultations with non-represented agencies should be provided.[[2]](#footnote-2)

1.3 Clear definition of the waters subject to cooperation, in accordance with the basin approach, and participation of all basin countries in a joint body. The conclusion of bilateral agreements and establishment of bilateral joint bodies for boundary waters is important; however, it should not be regarded as a substitute to cooperation on the entire transboundary basin(s).

1.4 Clearly defined tasks and powers for the joint body, which are sufficient for effective activities related to the management, use and protection of transboundary waters.

1.5 An organizational structure that allows for developing and adopting decisions as well as implementing them. This presumes the existence of decision-making, executive and working (technical) bodies, including preferably a permanent organ (secretariat) to support the activities of a joint body. It also presumes a clear definition of tasks and functions for each element of an organizational structure.

1.6 Certain flexibility of the agreement establishing the joint body, allowing to progressively develop cooperation, in terms of scope, mandate and riparian States involved. When a basin-wide agreement by all riparian States cannot be reached, cooperation may start from an agreement and a joint body established by some riparian States with a view to attracting all riparian States to such cooperation in the future.

1.7 A good information basis to support the activities of a joint body, including a joint study of the basin. A valuable part of this may be an analysis of national authorities, organizations and institutions in each riparian State to identify their competences, functions and expertise to contribute to IWRM as well as to ensure close cooperation of all relevant national authorities with the joint body to be created, complemented with a stakeholder analysis.[[3]](#footnote-3)

2 **Operation**

2.1 Effective mechanisms for cooperation of a joint body with national authorities, and the availability of mechanisms to support implementation of decisions.[[4]](#footnote-4)

2.2 Clearly defined reporting lines and mechanisms.

2.3 Mechanisms for public participation and stakeholder involvement in the activity of a joint body. Appropriate tools for public participation should be selected, according to the purpose — to identify stakeholders, to notify, to inform, to consult, and to take into due account — reflecting the specific context and the objectives. Drawing on the Aarhus Convention, the following are recalled as key principles relating to public participation: equity and inclusiveness, accountability and transparency, flexibility, effectiveness and speed, as well as responsiveness.2.4 A mechanism that ensures the involvement of groundwater expertise and consideration of groundwater issues in the work of the joint body whose scope includes integrated management of transboundary surface and groundwaters.

2.5 Use of neutral facilitators and external expertise in the process of initiating/restarting a dialogue and cooperation.[[5]](#footnote-5)

2.6 Coordination of activities with other joint bodies in the same catchment area, as well as with relevant joint bodies established for preservation of the marine environment.

2.7 Functioning as a forum for the exchange of information and data, and for harmonization of monitoring approaches.

2.8 Mandate to identify and assess accurately the potential benefits of transboundary water cooperation taking into account the economic, social, environmental and geopolitical aspects.

2.9 Facilitation of assessment of impacts (transboundary and inter-sectoral) from developments in the basin, and of finding an agreement about them between the riparians at the transboundary level. Providing a framework for monitoring the long-term impacts of infrastructure projects and then, as appropriate, signaling the possible need for mitigation or compensation.

2.10 Capacity/Provision of means for flexibly handling large variations in water availability and water quality, allowing to adjust to gradual change in flow resulting from climate variability and change, as well as to respond to extreme hydrological events.

**3. Funding**

3.1 Adequate financial and human resources to support of a joint body’s organizational structure; to ensure the development, adoption and implementation of the joint body’s decisions; and as appropriate, to provide means for implementation of joint programmes.

3.2 Financial sustainability of a joint body ensured by defining the financial commitments of the Parties and by analysing possible additional funding mechanisms. As appropriate, the expectations need to be reflected in a corresponding mandate for fundraising.

**This draft list of principles will be discussed in the closing session of the Second Workshop “River Basin Commissions and Other Joint Bodies for Transboundary Water Cooperation: Technical Aspects“, scheduled from 16.45 to 17.30 on 10 April 2014. Possible follow-up regarding revision, consultations and dissemination will also be agreed upon then.**

1. UNECE Capacity for Water Cooperation in Eastern Europe, Caucasus and Central Asia Series, ECE/MP.WAT/32, New York and Geneva, 2009, available at http://www.unece.org/index.php?id=11628. [↑](#footnote-ref-1)
2. The Global Environment Facility (GEF) has as a principle for its projects to establish an inter-agency committee for preparations of transboundary discussions. This could be an option to involve a broad/full inclusion of agencies. Too many actors in the actual commission may lead to an unfocused discussion. [↑](#footnote-ref-2)
3. Transboundary Diagnostic Analyses, promoted by GEF, are science-based analyses of transboundary water-related concerns and opportunities that exist in multi-country water systems. They are used to identify priorities for joint action, root causes and scope for the concerns or opportunities. [↑](#footnote-ref-3)
4. See item on inter-agency committee above. An appropriate inter-sectoral scope also serves coordination. [↑](#footnote-ref-4)
5. Advice and practical case-tailored assistance could be provided by the Implementation Committee in a facilitative, supportive and preventive manner, reflecting the distinctive cooperative spirit of the UNECE Water Convention. [↑](#footnote-ref-5)