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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

### Working Group on Integrated Water Resources Management

#### Ninth meeting

Geneva, 25 and 26 June 2014

Item 4 (d) of the provisional agenda

#### Support to implementation and accession:

Consideration of the need for reporting under the Convention

## Draft analysis on the needs for reporting under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes\*

Prepared by the secretariat

### *Summary*

At its sixth session (Rome, 28–30 November 2012), the Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes mandated the Working Group on Integrated Water Resources Management, in consultation with the Implementation Committee, to carry out an analysis on the needs for reporting under the Convention. The Working Group was to take into account the capacity of countries and other relevant reporting mechanisms. The Meeting of the Parties asked the Convention's Bureau to lead this activity.<sup>1</sup>

The Working Group is expected to review the resulting draft analysis presented in this document and to recommend further steps for its finalization. The Working Group is also expected to discuss whether to proceed with the elaboration of the scope and modalities of a reporting mechanism to be submitted for possible adoption by the Meeting

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\* This document was not formally edited due to resource constraints.

<sup>1</sup> See ECE/MP.WAT/37/Add.1, available from <http://www.unece.org/env/water/mop6/documents.html>.



of the Parties at its seventh session.
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## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–6	3
II. Analysis of the questionnaires received.....	7–40	3
A. Value of the reporting.....	9–14	4
B. Relation with other reporting requirements and formats.....	15–19	5
C. Workload implications for the countries and the secretariat.....	20–22	5
D. Reducing the burden by careful design of the reporting system.....	23–25	6
E. Support to the introduction of reporting under the Convention.....	26–30	6
F. Possible modalities of the reporting mechanism.....	31–38	7
G. Frequency of reporting.....	39–40	8
III. Conclusions.....	41–47	8
Annex		
List of respondents.....		10

## I. Introduction

1. During the negotiations on the establishment of the Implementation Committee under the Legal Board (2010–2012), several Parties raised the need for the introduction of a reporting mechanism to monitor progress under the United Nations Economic Commission for Europe (ECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and to foster its implementation.

2. In response, at its sixth session (Rome, 28–30 November 2012), the Meeting of the Parties to the Convention mandated the Working Group on Integrated Water Resources Management, in consultation with the Implementation Committee, to carry out an analysis on the needs for reporting under the Convention, taking into account the capacity of countries and other relevant reporting mechanisms. Such an analysis would serve as the basis for the elaboration of the scope and modalities of a reporting mechanism to be submitted for consideration and possible adoption by the Meeting of the Parties at its seventh session. The Meeting of the Parties asked the Convention's Bureau to lead this activity (see ECE/MP.WAT/37/Add.1).

3. The Bureau prepared the document *Preliminary considerations to support the development of an analysis on the needs for reporting under the Water Convention* (WGIWRM/2013/Inf.2) to facilitate discussion on this matter at the eighth meeting of the Working Group (Geneva, 25–26 September 2013).

4. The Working Group at its eighth meeting requested the Bureau, with the help of the secretariat, to prepare a draft analysis on the need for reporting and, depending on the outcomes of the draft analysis, to prepare a rough proposal for a reporting mechanism. The Working Group approved a questionnaire developed by the Bureau to support the elaboration of the analysis. The questionnaire was sent to the Parties, other States and interested partner organizations with a request that they submit their responses to the secretariat by 30 November 2013.

5. All responses submitted by 15 March 2014 were considered for the preparation of the present analysis. The Bureau, at its nineteenth meeting (Geneva, 8 April 2014), provided its comments on the draft analysis prepared by the secretariat and subsequently submitted the document for comments to the Implementation Committee.

6. At its present meeting, the Working Group is expected to review the draft analysis and recommend further steps for its finalization. The Working Group is also expected to discuss whether to proceed with the 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.

## II. Analysis of the questionnaires received

7. Forty-seven completed questionnaires in total were submitted.<sup>2</sup> Of the 39 Parties to the Convention, 30 provided their responses. Seven other States also submitted questionnaires, five of these countries being from outside the ECE region. Three partner organizations, four non-governmental organizations and three individuals provided their views by submitting questionnaires.

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<sup>2</sup> See the annex for the full list of Parties, other States, interested partner organizations and individuals that submitted the questionnaires.

8. The Parties, other States and interested partner organizations were asked a series of seven open-ended questions and given the possibility to provide detailed comments.<sup>3</sup>

## A. Value of the reporting

*Question 1. Would the introduction of reporting under the Water Convention:*

*(a) Strengthen the effectiveness of the Convention?*

*(b) Be useful to enhance implementation of the Convention by countries through stimulating concrete measures to address gaps in implementation?*

*(c) Contribute to information and experience exchange between its Parties?*

*(d) Be useful to enhance cooperation in specific transboundary waters and basins, i.e. cooperation between Parties sharing transboundary waters?*

9. More than 30 respondents considered that the introduction of reporting would contribute to strengthening the effectiveness of the Convention and would be useful to enhance implementation of the Convention by countries, through stimulating concrete measures to address gaps in implementation and enhancing cooperation between Parties in specific transboundary waters and basins.

10. Many respondents highlighted the stimulating effect that reporting might have for countries to strengthen the understanding of the Convention's provisions and mechanisms, to assess the implementation of the Convention and to identify successes and gaps. Reporting might also raise awareness on the need for enhanced implementation of the Convention by national authorities thus contributing to the reinforcement of political will and the encouragement of implementation measures.

11. European Union (EU) member States are already subject to comprehensive and detailed reporting obligations in the field of environment and water management. Most of the EU member States that are Parties to the Convention stressed the need for avoiding duplications and for increasing the burden on national administrations. Countries that are implementing the EU Water Framework Directive<sup>4</sup> already produce data and reports that could be used for evaluating the implementation of the Convention. It was suggested that the reporting requirements are developed in line with the obligations under the EU Water Framework Directive and other EU legislative acts on water. At the same time, the reporting mechanism could focus on the areas that are not covered by the EU legislation. Such a mechanism would be particularly useful with regard to transboundary waters shared with non-EU countries.

12. Three Parties indicated that they did not have a clear answer on these points at this stage and would be able to provide their comments once the reporting system would be developed.

13. Forty-one respondents agreed that the introduction of reporting would contribute to the exchange between Parties of information, good practices and experience. It would also enhance communication of this information to the relevant stakeholders. In addition, the exchange of information would lead to the enriching of cooperation over transboundary

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<sup>3</sup> The questionnaire initially had 8 questions. Responses to question 6 of the questionnaire have been integrated in the analysis of the other questions. Questions 7 and 8 of the questionnaire have become questions 6 and 7 respectively in the present analysis.

<sup>4</sup> Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy.

waters by revealing different perspectives within the same transboundary basin. However, the exchange of technical water management data should make use of existing databases at international level, such as those of the European Commission (EC), the European Environmental Agency (EEA) and the Organisation for Economic Co-operation and Development (OECD), as well as of reports of international river basin commissions, etc.

14. Five Parties responded negatively to two or more sub-questions. Reporting was said to be a source of data rather than a tool to strengthen the effectiveness of the Convention, whereas political will was seen as the real trigger for the Convention's implementation and transboundary cooperation in general. Two Parties referred to the sufficiency of reporting under bilateral agreements and the EU water-related Directives, respectively. One Party did not see reporting as a useful tool to enhance cooperation as in this particular case most of its neighbouring countries were not Parties to the Convention.

## **B. Relation with other reporting requirements and formats**

*Question 2. Do the current reporting requirements and formats under other international agreements, to which your country is a Party, already adequately reflect the implementation of obligations that your country has under the Water Convention?*

15. Sixteen countries considered that reporting requirements to which they are subject under other international agreements adequately reflect the implementation of obligations under the Convention. Countries regularly report under their bilateral and multilateral agreements and in the framework of different international river basin commissions. EU member States submit comprehensive reports to EC concerning the implementation of EU legislation covering certain obligations under the Convention. It was underlined, however, that the reporting requirements would not be identical.

16. Many of the EU member States suggested the taking into account of the relevant EC and EEA requirements when developing the reporting mechanism under the Convention. This exercise could be undertaken in close collaboration with the two organizations.

17. Parties recommended referring to the EEA, Eurostat,<sup>5</sup> the Shared Environmental Information System and OECD to identify available information and information gaps.

18. Sixteen respondents considered that the existing reporting requirements do not appropriately reflect the implementation of all obligations under the Convention. Some States that were neither EU member States nor Parties to the Convention would find the reporting particularly useful to complement their obligations under different bilateral and multilateral mechanisms.

19. Eleven respondents felt that the current reporting mechanisms only reflect the implementation of the Convention's provisions to a limited extent.

## **C. Workload implications for the countries and the secretariat**

*Question 3. Would the introduction of reporting under the Water Convention represent a considerable burden for the countries or for the secretariat?*

20. Many respondents viewed the introduction of reporting under the Convention as a potential additional administrative burden — in terms of the time and resources of the

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<sup>5</sup> The EU statistical office.

governmental officials in charge of compiling the reports — and technical burden — in terms of the costs associated with collecting and processing data and information — for the countries. However, the extent of the burden would very much depend on the final format of the reporting mechanism and the frequency of reports. The burden would be significantly reduced by providing a reporting template and specific guidance and by streamlining the reporting requirements with the reporting obligations under the EU and other existing mechanisms. The burden might be reduced further by integrating information from the related reports into the reporting under the Convention.

21. Respondents generally considered that reporting would place an extra burden on the Convention's secretariat, possibly resulting in a need for the allocation of additional human and financial resources for compiling, synthesizing and summarizing the information received from the Parties and for making the reports publicly available. It was underlined that the Convention's bodies, such as the Working Group on Integrated Water Resources Management and the Implementation Committee, would have a role to play in reviewing the reports, with the assistance of the secretariat.

22. Two respondents stated that the ultimate value and impact of reporting under the Convention and the usefulness of the reports for enhancing transboundary water cooperation would outweigh the extra efforts to be undertaken.

#### **D. Reducing the burden by careful design of the reporting system**

*Question 4. Do you believe that the various burdens of reporting can be reduced through a carefully designed reporting system?*

23. Forty-two respondents agreed that a carefully designed reporting system might ease the burden on both the countries and the secretariat. A concise electronic questionnaire focusing on particular provisions and aspects of the implementation of the Convention and relying, to the extent possible, on available data was identified by many as a possible reporting model. Some Parties requested to be involved in the early stages of the design of the mechanism.

24. The harmonization of reporting under the Convention with the reporting systems under other relevant multilateral environmental agreements (MEAs) and particularly with the reporting requirements for the EU member States was repeatedly mentioned as a prerequisite for a successful reporting mechanism.

25. Three Parties considered that a review of the reporting system would be useful after the pilot phase in order to be able to make necessary adjustments based on lessons learned. Specific guidelines and training material would need to be developed and adopted by the Meeting of the Parties, in addition to the already existing materials such as the *Guide to Implementing the Water Convention*,<sup>6</sup> to assist Parties in their duty to report.

#### **E. Support to the introduction of reporting under the Convention**

*Question 5. Would your country be willing to support the introduction of reporting under the Water Convention?*

26. Sixteen Parties strongly supported the introduction of reporting under the Convention, considering that it would provide a clear picture to the Parties and other interested stakeholders of the status of implementation of the Convention. That would

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<sup>6</sup> See <http://www.unece.org/index.php?id=33657&L=0>

ultimately promote transboundary water cooperation. The reports would be particularly useful to the Implementation Committee by providing it with the information it needs to carry out its functions.

27. Five Parties were uncertain on whether they would support the introduction of reporting at this stage when the focus and contents of the reporting procedures are not yet defined.

28. Four Parties responded negatively to this question, as they were concerned with possible duplication of efforts, or because they needed more information to be able to give a positive answer.

29. Respondents from countries that are not Parties to the Convention generally felt that reporting in the framework of the Convention would help them to identify gaps in the transboundary water cooperation in their respective basins.

30. Some international and non-governmental organizations actively supported the introduction of reporting under the Convention, also offering support in the process of developing the mechanism.

## **F. Possible modalities of the reporting mechanism**

### *Question 6. How could a reporting mechanism look like?*

31. An article-by-article reporting system was supported by those that were in favour of more detailed reports, while also focusing on concrete provisions of the Convention (8 respondents). Such a system would allow easier comparison of data and the preparation of a synthesis report by the secretariat. An issues-based reporting system was considered to reflect better the implementation of the different areas of work under the Convention (supported by 15 respondents).

32. Two respondents considered that, while the first reporting exercise could follow the article-by-article system, an issues-based reporting could be introduced at a later stage, focusing, for example, on emerging issues under the Convention.

33. In terms of format, almost all respondents were supportive of a concise, web-based reporting mechanism, with realistic indicators and the possibility of accessing the relevant information provided under other reporting mechanisms, particularly the ones of the other MEAs and/or those related to the EU reporting requirements. The possibility of including good practices examples was also mentioned.

34. Many respondents considered a periodic review of the reporting system as necessary in order to be able to make necessary adjustments based on the lessons learned.

35. Examples of reporting mechanism mentioned by Parties included the reporting system under the Convention's Protocol on Water and Health, the Astana Water Action<sup>7</sup> and the reporting system under the Framework Agreement on the Sava River Basin.

36. According to most respondents, the role of the Convention's Implementation Committee would be to review the reports, make recommendations to the Parties, if required, and, with the help of the secretariat, prepare a synthesis report to be submitted to

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<sup>7</sup> The Astana Water Action is a collection of possible actions for improving the status of water and water-related ecosystems through their more sustainable management that was endorsed by ECE region ministers attending the "Environment for Europe" Ministerial Conference (Astana, 21–23 September 2011) (ECE/ASTANA.CONF/2011/2/Add.1).

the Meeting of the Parties. The Committee would also be involved in the process of designing the reporting mechanism.

37. The Meeting of the Parties would monitor the implementation of the Convention based on the synthesis reports submitted by the Implementation Committee. It would be crucial that reporting lead to concrete actions to stimulate and improve the implementation of the Convention.

38. The secretariat, in consultation with the Bureau, would have a coordinating and organizational role, collecting the reports, providing assistance to the Implementation Committee and disseminating the results of the reporting exercise.

## **G. Frequency of reporting**

### *Question 7. What should be the frequency of reporting?*

39. All respondents felt the need for formulating optimal and realistic reporting cycles that would take into account the frequency at which data become available at the national level. Most of the respondents were in favour of a three-year reporting cycle, which would be in line with the implementation of the Convention's programme of work and the frequency of the ordinary sessions of the Meeting of the Parties.

40. Some EU member States would prefer coordinating deadlines for reporting under the Convention with the deadlines for submitting reports under the EU Water Framework Directive, every six years. A six-year reporting cycle could also be linked to every other ordinary session of the Meeting of the Parties.

## **III. Conclusions**

41. The majority of the respondents supported the introduction of reporting under the Convention, provided that the reporting mechanism would be designed taking into account the preferences and different suggestions put forward in the questionnaires. Some Parties expressed their interest in participating in the design of a reporting mechanism that would be of added value and would have a clear impact on the implementation of the Convention.

42. Generally, respondents considered that the introduction of reporting would contribute to strengthening the effectiveness of the Convention and would be useful to enhance its implementation, as well as cooperation and information exchange between the Parties to the Convention and other States. Reporting would be particularly useful for providing the Implementation Committee with the information it needs to carry out its functions.

43. The EU member States reiterated the need to avoid duplication and prevent placing an extra burden on government officials. To this end, it would be important to explore options for streamlining the reporting requirements with the reporting obligations under the EU, to the extent possible.

44. The introduction of reporting would also have implications for the secretariat and would require the allocation of additional human and financial resources.

45. Most respondents would prefer a web-based reporting template that would be concise and rely on available data. The design of the reporting mechanism would need to be coordinated with relevant existing mechanisms.

46. There were different views on the frequency of reporting with a slight majority of respondents in favour of a three-year cycle. There was no consensus on whether an article-by-article or issues-based mechanism would be better.

47. Most of the States not party to the Convention were in favour of the introduction of reporting under the Convention.

## Annex

### List of respondents

#### Parties

1. Albania
2. Austria
3. Azerbaijan
4. Belarus
5. Belgium
6. Bosnia and Herzegovina
7. Bulgaria
8. Croatia
9. Czech Republic
10. Estonia
11. Finland
12. France
13. Germany
14. Greece
15. Hungary
16. Italy
17. Kazakhstan
18. Lithuania
19. Luxembourg
20. Norway
21. Republic of Moldova
22. Romania
23. Russian Federation
24. Serbia
25. Slovakia
26. Spain
27. Sweden
28. Switzerland
29. Turkmenistan
30. Ukraine

**Other States**

- 31. Algeria
- 32. Armenia
- 33. Georgia
- 34. Honduras
- 35. Nigeria
- 36. Tunisia
- 37. Venezuela (Bolivarian Republic of)

**Organizations**

- 38. International Commission for the Protection of the Elbe River
- 39. International Network of Basin Organizations
- 40. International Union for Conservation of Nature

**Non-governmental organizations**

- 41. Eco-Tiras Environmental Association of River Keepers
- 42. European ECO-Forum
- 43. Regional Environmental Centre for Central Asia
- 44. Scientific Information Centre of Interstate Commission for Water Coordination in Central Asia

**Individuals**

- 45. Kari Kinnunen (Member of the Convention's Implementation Committee)
  - 46. Lagutov Vladimir (Non-governmental organization Green Don, Russian Federation)
  - 47. Bernal Soto Zúñiga (Global Water Partnership, Costa Rica)
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