



Economic and Social Council

Distr.: General
11 May 2017

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on
the Protection and Use of Transboundary
Watercourses and International Lakes

Implementation Committee

Seventh meeting

Budapest, 1 and 2 December 2016

Report of the Implementation Committee on its seventh meeting

I. Attendance and organizational matters

1. The seventh meeting of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 1 and 2 December 2016 at the National University of Public Service, Budapest.
2. The following members of the Implementation Committee took part in the meeting: Vanya Grigorova; Kari Kinnunen; Johan Lammers; Stephen McCaffrey; Anne Schulte-Wülwer-Leidig; Aliaksandr Stankevich; Attila Tanzi; and Ivan Zavadsky. Dinara Ziganshina was not able to attend, but provided written input for the discussions under agenda item 4, Information gathering.
3. The Implementation Committee meeting was preceded by a seminar on “Transboundary water dispute prevention and settlement in Europe: do we have effective tools and mechanisms at hand?”, which served, among others, to promote the Convention and the Committee.

II. Relevant activities under the Convention

4. The secretariat reported on the outcomes of the eleventh meeting of the Working Group on Integrated Water Resources Management (Geneva, 18-19 October 2016). In particular, the Working Group had decided to couple the pilot reporting exercise under the Convention pursuant to decision VII/2 and the monitoring of global Sustainable Development Goals indicator 6.5.2, “percentage of transboundary basin area with an

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operational arrangement for transboundary cooperation”. The template for reporting under the Convention and the questions related to indicator 6.5.2 would be sent to all Parties and all countries globally sharing transboundary waters. The first pilot reporting exercise would be implemented in early 2017.

5. The Committee discussed its future role in relation to the results of the pilot reporting exercise, the review of Parties’ reports, the review of the template for reporting and the Committee’s report to the eighth session of the Meeting of the Parties.

6. The Committee considered that the reporting represented an essential tool for the fulfilment of its mandate. It therefore decided to review all the reports submitted by Parties. The Committee members agreed to share the workload between them, with each Committee member reviewing no more than 10 reports and each report being checked by at least two reviewers. The Committee asked the secretariat to split the responsibilities between the Committee members according to those criteria, while taking into consideration members’ expertise and language knowledge.

7. Subsequently, the Committee discussed the criteria according to which it would review the reports by the Parties. Those would include procedural criteria, such as timeliness and completeness of the report submitted, and substantive criteria, such as pertinence and compliance with the Convention’s provisions.

8. The Committee also started a preliminary exchange of views on how its review should be reflected in its report to the Meeting of the Parties. It considered that the report should reflect general issues and, possibly, include a subregional analysis.

9. The Committee also reiterated its intention to contribute to the eventual revision of the reporting template, based on the results of the reporting exercise.

10. Finally, the Implementation Committee took note of the interpretation by the Compliance Committee of the Protocol on Water and Health of the Protocol’s provisions related to transboundary waters.¹ It noted that the cooperation between the two bodies was extremely important and that in general health issues should have more prominence in the implementation of the Convention. In particular, it considered that health-related aspects could be included in the future template for reporting.

III. Requests for advice, submissions and Committee initiative

11. The Committee regretted that no requests for advice or submissions had been received since its sixth meeting (Geneva, 3-4 May 2016), and reiterated its readiness to address such requests.

IV. Information gathering

12. Within its competence under section VIII of annex I to decision VI/1 of the Meeting of the Parties to the Convention (see ECE/MP.WAT/37/Add.2), and further to its deliberations at its third, fourth, fifth and sixth meetings,² the Committee continued to discuss its information gathering regarding the Irtysh and Ili River Basins in relation to development activities in the upstream part of the basins.

¹ The study is available on the web page for the Compliance Committee’s thirteenth meeting (<http://www.unece.org/index.php?id=41701>).

² See ECE/MP.WAT/IC/2014/2, paras. 5-9, ECE/MP.WAT/IC/2014/4, paras. 5-9, ECE/MP.WAT/IC/2015/2, paras. 5-8, and ECE/MP.WAT/IC/2016/2, paras. 14-16.

13. Since its sixth meeting, the Committee had requested additional information from Kazakhstan, from the individual who had originally submitted information to the Committee and from the following experts and non-governmental organizations: World Wide Fund for Nature (WWF) Russian Federation; a member of Irtysh Basin Council; and an expert from the Kazakhstan Agency of Environmental Experts. Only WWF Russian Federation had replied to its request. Moreover, the Committee had itself gathered information on the matter from reliable public sources.
14. The Committee discussed the information received from WWF Russian Federation and the information it had gathered itself. On the basis of the analysis of that information and the information previously received, the Committee decided that there was no ground for further action by the Committee under its mandate.
15. The Committee noted that it had experienced difficulty in receiving the information requested from the Parties involved, despite decision VII/1 on general issues of implementation, which stressed that Parties had a good faith obligation to cooperate with the Committee. The difficulties in obtaining information had prevented the Committee from dealing with the matter expeditiously.
16. The Committee encouraged Kazakhstan and the Russian Federation to continue their bilateral cooperation and their cooperation with China in the pursuit of the objectives of the Convention and international customary water law.
17. The Committee also encouraged Kazakhstan and the Russian Federation to continue their best efforts to establish a basin-wide cooperative framework in the Irtysh River Basin in the pursuit of the Convention and international customary water law.
18. The Committee reiterated that it would continue to welcome relevant information from the public.

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

19. The Chair reported on his participation in the round table on “Promoting the Effectiveness of International Water Law in Support of Security and Peace” (Geneva, 26 October 2016), organized by the Geneva Water Hub, as a preparation for the High-level Panel on Water and Peace discussions on that topic. The secretariat informed participants about the informal debate on water, peace and security held by the United Nations Security Council on 22 November 2016. The Committee considered that it would very much strengthen its future work if the Panel’s final report and recommendations would refer to it.
20. Mr. Lammers reported on the fourth meeting of the informal network of chairs of the ECE multilateral environmental agreements, held on 20 June 2016 in Geneva, and suggested that the background note prepared for the meeting providing an overview of the mandates and work of the different committees established under the different ECE multilateral environmental agreements could be shared with all Implementation Committee members.
21. Mr. Kinnunen said that he had attended an international symposium organized in Viet Nam on 3 October 2016, where he had presented the Committee and the Finnish-Swedish transboundary water cooperation. Viet Nam had on that occasion shown interest in joining the Convention.
22. With regard to the future, it was suggested to promote the Committee in the framework of World Water Week and the Global Environment Facility (GEF) International

Waters Learning Exchange and Resource Network (IW:LEARN) 4 project. It was agreed that the Committee should focus its promotion efforts on Parties and interested non-Parties.

23. The Committee resumed its discussion on reinforcing linkages with international financial institutions, while underlining that any such efforts should be done in line with the Committee's mandate. In that regard, Mr. Zavadsky offered to explore the interest of international financial institutions and multilateral development banks, such as GEF and the World Bank, but also the European Investment Bank and the European Bank for Reconstruction and Development, in attending the Committee's next meetings and in cooperating with the Committee.

24. With regard to promoting the Committee among non-governmental organizations (NGOs), Mr. Kinnunen mentioned that he had informed some of them about the Committee's work. It was therefore decided to invite some local and possibly international NGOs, such as WWF, the International Union for Conservation of Nature, Earthjustice and the European Environmental Bureau, to parts of the Committee's future meetings. The Committee also decided to establish a list of relevant NGOs and to send them information about the Committee.

VI. Role of the Committee in the global opening of the Convention

25. At its sixth session, the Committee had received a mandate from the Bureau to support the secretariat in answering questions from countries outside the region of the United Nations Economic Commission for Europe (ECE) interested in acceding to the Convention. The secretariat thanked the Committee for its support in replying to the questions submitted by Lebanon and promised to keep the Committee updated on the feedback and next steps.

26. Subsequently, Committee members and the secretariat reported on the latest developments with regard to countries outside the region interested in acceding to the Convention and efforts to build their capacity, such as the national workshop on the Water Convention for Tunisia (Tunis, 21-22 September 2016), the regional Workshop on the General Principles of Transboundary Water Cooperation for Latin America (Campeche, Mexico, 3-4 October 2016) and a train-the-practitioner event (Geneva, 20-21 October 2016). Mr. Zavadsky informed the Committee that the International Commission for the Protection of the Danube River was engaged in a discussion on possible cooperation with the La Plata Commission and, should those talks bear fruit, there would be an opportunity to also promote the Convention and the Committee within the context of such cooperation.

VII. Programme of work and calendar for the next meetings

27. The Committee decided to hold its next meeting on 23 and 24 May 2017 in Haparanda, Sweden, at the invitation of the Finnish-Swedish Transboundary River Commission. The meeting would mainly focus on the review of the implementation reports submitted by Parties. The meeting would include a seminar or open session with the Commission, NGOs and the public on 23 May in the morning, followed by the Committee meeting on 23 May in the afternoon and on 24 May. The Committee agreed to decide at a later stage which part of the meeting would be open to the public, but that the discussion of the implementation reports would take place in closed session.

VIII. Adoption of the report

28. The Committee entrusted the secretariat to prepare and circulate the draft report on its seventh meeting, which the Committee subsequently approved through electronic communication means.
