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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

#### Sixth session

Rome, 28–30 November 2012

## Report of the Meeting of the Parties on its sixth session

### Addendum

### Decisions and vision for the future of the Convention

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## I. Decisions

### Decision VI/1 Support to implementation and compliance

*The Meeting of the Parties,*

*Determined* to facilitate implementation and application of and compliance with the Convention on the Protection and Use of Transboundary Watercourses and International Lakes,

*Recognizing* the need for a specific mechanism under the Convention to this end,

*Recognizing also* the Convention's distinctive cooperative spirit,

*Recalling* article 17, paragraph 2 (f), of the Convention,

1. *Establishes* the Implementation Committee with the aim to facilitate, promote and safeguard the implementation and application of and compliance with the Convention;
2. *Decides* that the structure, functions and procedures of the Implementation Committee shall be those set out in annex I to this decision;
3. *Also decides* that the activities of the Implementation Committee shall be governed by the core rules of procedure set out in annex II to this decision until the adoption by the Meeting of the Parties, at its next session or at a following session thereafter, of the rules of procedure of the Committee, upon a proposal by the Committee;
4. *Further decides* to regularly review the implementation of the procedures and mechanism set forth in annex I to this decision;
5. *Encourages* Parties and non-Parties to make use of the established mechanism which is to be simple, non-confrontational, non-adversarial, transparent, supportive and cooperative in nature, thereby facilitating the implementation and application of and compliance with the Convention;
6. *Commends* the Legal Board for its excellent work.

#### **Annex I** **Mechanism to support implementation and compliance**

##### *I. Objective, nature and principles*

1. The objective of the mechanism is to facilitate, promote and safeguard the implementation and application of and compliance with the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.
2. The mechanism shall be simple, non-confrontational, non-adversarial, transparent, supportive and cooperative in nature, building on the distinctive collaborative spirit of the Convention.

##### *II. Structure and procedure of the Implementation Committee*

3. The Implementation Committee shall consist of nine members, who shall serve in their personal capacity and objectively, in the best interest of the Convention.
4. The members shall be persons with experience and recognized expertise in the fields related to the Convention, including legal and/or scientific and technical expertise.

5. The members shall be elected by the Meeting of the Parties to the Convention from among candidates nominated by the Parties. To that end, Parties may take into consideration any proposal for candidates made by Signatories or by non-governmental organizations (NGOs) qualified or having an interest in the fields to which the Convention relates.
6. In the election of the Committee members, consideration shall be given to the geographical distribution of membership and to the diversity of experience and expertise.
7. At its sixth session, the Meeting of the Parties shall elect five members of the Implementation Committee for a full term of office and four members for a half term of office. Subsequently, the Meeting of the Parties shall elect for a full term new members to replace those whose term has expired. If a member of the Committee can no longer perform his or her duties as a member of the Committee for any reason, the Bureau of the Meeting of the Parties shall appoint another member fulfilling the criteria provided for in this section to serve for the remainder of the term. A full term of office commences at the end of an ordinary session of the Meeting of the Parties and runs until its second ordinary session thereafter. Members shall not serve for more than two consecutive terms, unless the Meeting of the Parties decides otherwise.
8. Unless the Meeting of the Parties, in a particular instance, decides otherwise, the procedure for the nomination of candidates for the Committee shall be the following:
  - (a) Nominations shall be sent by Parties to the secretariat in at least one of the official languages of the Convention not later than 12 weeks before the opening of the session of the Meeting of the Parties during which the election is to take place;
  - (b) Each nomination shall be accompanied by a curriculum vitae (CV) of the candidate, which shall not exceed 600 words in length and may include supporting material;
  - (c) The secretariat shall distribute the nominations and the CVs, together with any supporting materials, as soon as they become available.
9. The operation of the Committee will be governed by rules of procedure approved by the Meeting of the Parties.
10. The Committee shall elect its own chair and vice-chair.
11. The Committee shall meet in person at least once between the sessions of the Meeting of the Parties. The secretariat shall arrange for and service the meetings of the Committee. The Committee may, in appropriate circumstances, undertake some of its activities through electronic communication systems.
12. The Committee shall make every effort to adopt its decisions by consensus. If all efforts towards reaching consensus have been exhausted and no agreement has been reached, decisions shall be adopted by a three-quarter majority of the members present and voting or by a majority of five members, whichever is the greater number.

### *III. Conflict of interest*

13. Each member of the Committee should, with respect to any matter that is under consideration by the Committee, avoid a direct or indirect conflict of interest. Where a member finds himself or herself faced with a direct or indirect conflict of interest, that member shall bring the conflict of interest to the attention of the Committee before consideration of that particular matter or as soon as he or she becomes aware of it. The concerned member shall not attend the parts of the meeting related to that particulate matter.

14. If, as a result of the operation of paragraph 13, the size of the Committee is reduced to five members or less, the Committee shall forthwith refer the matter in question to the Meeting of the Parties.

*IV. Functions of the Committee*

15. The Committee shall:

(a) Consider any request for advice relating to specific issues concerning difficulties in implementation or application made in accordance with section V below;

(b) Consider any submission relating to specific issues concerning difficulties in implementation and compliance made in accordance with section VI below;

(c) Consider undertaking a Committee initiative in accordance with section VII below;

(d) Examine, at the request of the Meeting of the Parties, specific issues of implementation of and compliance with the Convention;

(e) Take measures, including recommendations, as appropriate, pursuant to section XI;

(f) Carry out any other functions that may be assigned to it by the Meeting of the Parties, including examination of general issues of implementation and compliance that may be of interest to all Parties, and report to the Meeting of the Parties accordingly.

16. Where the activities of the Committee with respect to particular issues overlap with the responsibilities of another body of the Convention, the Committee may consult with that body.

17. As a general rule, the above functions will be carried out by the Committee according to the time and resources available to it.

*V. Advisory procedure*

18. The advisory procedure is aimed at facilitating implementation and application of the Convention through the provision of advice by the Committee and shall not be regarded as alleging non-compliance.

19. A Party may request advice from the Committee about its difficulties in implementing the Convention.

20. A Party, or Parties jointly, may request advice from the Committee about its or their efforts to implement or apply the Convention vis-à-vis each other, other Parties and/or non-Parties. Participation in the advisory procedure by the Parties that are not the requesting Parties and by the non-Parties is subject to their consent. The Parties or non-Parties considered to be potentially concerned and which choose not to participate in the advisory procedure will be kept informed of its progress.

21. Any request for advice shall be addressed in writing to the secretariat and supported by corroborating information. The secretariat shall, within two weeks of receiving the request for advice, transmit it to the Committee, which shall consider as soon as practicable how to best respond to the request and how to involve the Parties and/or non-Parties that the Committee considers to be potentially concerned. Once the procedure has been accepted by the Parties and/or non-Parties concerned, the Committee shall as soon as practicable consider the appropriate legal, administrative and/or technical advice with a view to assisting the parties involved in overcoming their difficulties in implementation or application of the Convention.

22. The Committee may suggest:
- (a) To provide advice and facilitate assistance to individual Parties and groups of Parties in order to facilitate their implementation of the Convention, which may include:
    - (i) Suggesting or recommending that domestic regulatory regimes be set up or strengthened and relevant domestic resources be mobilized as appropriate;
    - (ii) Assistance in establishing transboundary water cooperation agreements and arrangements for strengthening cooperation and sustainable management of transboundary waters;
    - (iii) Facilitating technical and financial assistance, including information and technology transfer, and capacity-building;
    - (iv) Assistance in seeking support from specialized agencies and other competent bodies, as appropriate;
  - (b) To request and assist, as appropriate, the Party or Parties concerned to develop an action plan to facilitate implementation of the Convention within a time frame to be agreed upon by the Committee and the Party or Parties concerned;
  - (c) To invite the Party concerned to submit progress reports to the Committee on the efforts that it is making to implement its obligations under the Convention.
23. When the Committee receives a request for advice with respect to efforts to apply the Convention vis-à-vis one or more non-Parties in accordance with paragraph 20, it shall explain the proposed advisory procedure to the non-Parties concerned and suggest that the non-Parties participate in the proposed procedure.

#### VI. *Submissions by Parties*

24. A submission may be brought before the Committee by a Party that concludes that, despite its best endeavours, it is or will be unable to comply fully with the Convention. Such a submission shall be addressed in writing to the secretariat and shall explain, in particular, the specific circumstances that the Party considers to be the cause of its non-compliance. The secretariat shall, within two weeks of receiving the submission, transmit it to the Committee, which shall consider the matter as soon as practicable.
25. A submission may be brought before the Committee by a Party(-ties) that is(are) affected or may be affected by another Party's difficulties in implementing and/or complying with the Convention. Any Party intending to make a submission under this paragraph should, before so doing, inform the Party whose implementation and/or compliance is in question.
26. Such a submission shall be addressed in writing to the secretariat and supported by corroborating information. The secretariat shall, within two weeks of receiving a submission, send a copy of it to the Party which is considered to have difficulties in implementing and/or complying with the Convention.
27. Within three months, or such longer period as the circumstances of a particular case may require, but in no case later than six months, the Party considered to have difficulties shall submit a reply with corroborating information to the secretariat, which shall transmit these materials within two weeks to the submitting Party(-ties). The secretariat shall within two weeks transmit the submission and any reply, as well as all corroborating information, to the Committee, which shall consider the matter as soon as practicable.

*VII. Committee initiative*

28. Where the Committee becomes aware of possible difficulties in the implementation by a Party of or the possible non-compliance by a Party with the Convention, including from information received from the public, it may request the Party concerned to provide the necessary information on the matter. Any reply and relevant information shall be provided to the Committee within three months or such longer period as the circumstances of a particular case may require, but in no case later than six months. The Committee shall consider the matter as soon as possible in the light of any reply that the Party may provide.

29. In determining whether to take the initiative, the Committee should take into account, inter alia, that:

(a) The source of the information, by which the Committee has become aware of possible difficulties in the implementation by a Party of or possible non-compliance by a Party with the Convention, is known and not anonymous;

(b) The information is the basis for a reasonable assumption of possible difficulties in implementation or possible non-compliance;

(c) The information relates to the implementation of the Convention;

(d) An appropriate amount of time and resources are available to the Committee to consider the matter.

*VIII. Information gathering and consultation*

30. In order to perform its functions, the Committee may:

(a) Request further information on matters under its consideration;

(b) Undertake, with the consent of any Party concerned, information gathering in the territory of that Party;

(c) Gather any information it deems appropriate, subject to the protection of information according to article 8 of the Convention;

(d) Invite the Parties and non-Parties concerned to attend its meetings;

(e) Seek the services of experts and advisers, as appropriate;

(f) Seek the advice of the Meeting of the Parties and consult with other bodies of the Convention, as appropriate.

31. The Committee shall take into account all relevant information made available to it, including from the public, and may consider any other information it deems appropriate.

*IX. Confidentiality*

32. Save as otherwise provided for in this section, no information held by the Committee shall be kept confidential.

33. The Committee and any person involved in its work shall ensure the confidentiality of any information that has been provided to it in confidence.

34. Taking into account the desirability of transparency, particularly as regards information related to transboundary waters, where the Committee has concerns about whether any information provided to it in confidence should be kept confidential, it shall consult the party concerned with a view to achieving, as far as possible, a restrictive application of paragraph 33.

35. The meetings of the Committee shall be held in public unless the Committee decides otherwise.

36. The reports of the Committee shall not contain any information that the Committee must keep confidential under paragraphs 33 and 34 above.

X. *Entitlement to participate*

37. A Party in respect of which a request for advice, a submission, or a Committee initiative is made or which makes a request for advice or a submission, as well as the member of the public submitting information to the Committee, shall be entitled to participate in the discussions of the Committee with respect to that request for advice, submission, or Committee initiative. The same entitlement applies to the Parties and/or non-Parties that the Committee considers to be potentially concerned, if that Party or non-Party has expressed its consent to participate in the procedure.

38. Only the members of the Committee shall take part in the preparation and adoption of any findings and measures.

39. The Committee shall send a copy of its draft findings and measures, which shall contain the information considered and the reasoning by the Committee, to all parties entitled to participate under paragraph 37 with an invitation to send comments within six weeks.

40. The Committee shall take into account any comments made by the parties indicated in paragraph 37 in the finalization of those findings and measures.

XI. *Measures to facilitate and support implementation and compliance and to address cases of non-compliance*

41. The Committee may decide upon one or more of the following measures:

(a) To provide advice and facilitate assistance to individual Parties and groups of Parties in order to facilitate their implementation of and/or compliance with the Convention, which may include:

(i) Suggesting or recommending that domestic regulatory regimes be set up or strengthened and relevant domestic resources be mobilized as appropriate;

(ii) Assistance in establishing transboundary water cooperation agreements and arrangements for strengthening cooperation and sustainable management of transboundary waters;

(iii) Facilitating technical and financial assistance, including information and technology transfer, and capacity-building;

(iv) Assistance in seeking support from specialized agencies and other competent bodies, as appropriate;

(b) To request and assist, as appropriate, the Party or Parties concerned to develop an action plan to facilitate implementation of and compliance with the Convention within a time frame to be agreed upon by the Committee and the Party or Parties concerned;

(c) To invite the Party concerned to submit progress reports to the Committee on the efforts that it is making to comply with its obligations under the Convention;

(d) To recommend to the Meeting of the Parties that it take measures listed in paragraph 42 below.

42. Upon consideration of the report and of any recommendations by the Committee, the Meeting of the Parties to the Convention may, depending on the particular question before it and taking into account the cause, type, degree and frequency of the difficulties with implementation and/or of non-compliance, decide upon one or more of the following measures:

- (a) To take the measures referred to in paragraph 41 (a)–(c);
- (b) To recommend that Parties provide financial and technical assistance, training and other capacity-building measures and facilitate technology transfer;
- (c) To facilitate financial assistance and provide technical assistance, technology transfer, training and other capacity-building measures, subject to financial approval, including, when appropriate, seeking support from specialized agencies and other competent bodies;
- (d) To issue a statement of concern;
- (e) To issue declarations of non-compliance;
- (f) To issue cautions;
- (g) To suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to the Party concerned under the Convention;
- (h) To take other non-confrontational, non-judicial and consultative measures as may be appropriate.

43. The Committee shall monitor the consequences of action taken pursuant to paragraphs 41 and 42 above.

*XII. Committee reports to the Meeting of the Parties to the Convention*

44. The Committee shall report on its activities at each ordinary session of the Meeting of the Parties and make such recommendations as it considers appropriate. The Committee shall list the information that it has received and shall provide the reasoning for its decisions. Each report shall be finalized by the Committee not later than 15 weeks in advance of the session of the Meeting of the Parties at which it is to be considered. Committee reports shall be made available to the public.

*XIII. Relationship between settlement of disputes and the implementation procedure*

45. This procedure to facilitate and support implementation and compliance shall be without prejudice to article 22 of the Convention on the settlement of disputes.

*XIV. Enhancement of synergies*

46. In order to enhance synergies between this procedure and those procedures to facilitate and support implementation and compliance under other agreements, and in particular under the Protocol on Water and Health to the Convention, the Committee may decide to communicate, as appropriate, with the relevant bodies of those agreements and may report to the Meeting of the Parties on such communication, including with recommendations, as appropriate. The Committee may also submit a report to the Meeting of the Parties on relevant developments between the sessions of the Meeting of the Parties to the Convention.

47. The Committee may transmit information to the secretariats of other international environmental agreements for consideration in accordance with their applicable procedures to facilitate and support implementation and compliance. The Committee may invite for

consultation members of other committees dealing with issues related to those before the Implementation Committee.

## **Annex II**

### **Core rules of procedure of the Implementation Committee**

#### *I. Scope of the core rules*

1. In accordance with decision VI/1 of the Meeting of the Parties, the activities of the Implementation Committee will be governed by these core rules of procedure until the adoption by the Meeting of the Parties, at its next session or at a following session thereafter, of the rules of procedure, upon a proposal by the Committee. The Committee shall submit a proposal for adoption of its rules of procedure on the basis of decision VI/1, its annex I, the rules of procedure of the Meeting of the Parties and these core rules of procedure, taking into account the experience in the application of the latter.
2. These core rules of procedure apply to any meeting and to any other business of the Committee and should be read together with and in furtherance of its structure, functions and procedures as set out in annex I.
3. In the event of a conflict between any provision in these core rules and any provision in the Convention or in annex I, the provisions of the Convention or of annex I shall prevail.

#### *II. Membership of the Committee*

4. Each member of the Committee shall serve in his or her personal capacity and, with respect to any matter that is under consideration by the Committee, act in an independent and impartial manner and avoid any real or apparent conflict of interest.
5. A member of the Committee that is unable to attend one of its meetings is not entitled to designate a substitute.
6. When a member resigns or is otherwise unable to complete the assigned term or to fulfil his or her duties, the Committee may make proposals to the Bureau for the appointment of a new member for the remainder of the term.
7. The Committee shall elect its own chair and vice-chair for one term. They shall serve in those capacities until their successors are elected. The chair and the vice-chair are eligible for re-election. If an officer resigns during, or is unable to complete, his or her term of office, the Committee shall elect a successor until the end of the term. No officer shall serve for more than two consecutive terms, unless the Meeting of the Parties decides otherwise.

#### *III. Conflict of interest*

8. In accordance with paragraph 13 of annex I, each member of the Committee should, with respect to any matter that is under consideration by the Committee, avoid a direct or indirect conflict of interest. Where a member finds himself or herself faced with a direct or indirect conflict of interest, that member shall bring the conflict of interest to the attention of the Committee before consideration of that particular matter or as soon as he or she becomes aware of it.
9. If the Committee becomes otherwise aware of a possible conflict of interest of one of its members, it will take the matter up for decision. Being a citizen of the State whose implementation is to be discussed is not in itself to be considered as a conflict of interest.

10. Where a member has been found by the Committee to have a conflict of interest, he or she shall not attend the parts of the meetings related to that particular matter.

11. Members of the Committee may not represent Governments or organizations in meetings of other bodies of the Convention, except for technical expert meetings, such as task forces.

12. The members of the Committee may accept invitations to present the implementation mechanism at appropriate events, such as conferences and workshops.

*IV. Holding of a meeting and decision-making*

13. The Chair may declare a meeting of the Committee open, permit debate to take place and decisions to be taken when at least five of the Committee members are present.

14. Given the size of the Committee, the aim should be for all members to be present at every meeting of the Committee.

15. In accordance with paragraph 12 of annex I, the Committee shall make every effort to adopt its decisions by consensus. If all efforts at reaching consensus have been exhausted and no agreement has been reached, decisions shall be adopted by a three-quarter majority of the members present and voting or by a majority of five members, whichever is the greater number.

16. In accordance with paragraph 11 of annex I, the Committee may, when appropriate, undertake some of its activities through electronic communication systems.

17. At the end of each meeting, the Committee will set tentative dates for its next two meetings, to be publicized on the Convention website and reflected in the report.

*V. Presence of the public and participation of observers*

18. In accordance with paragraph 35 of annex I, the meetings of the Committee shall be held in public unless the Committee decides otherwise.

19. The parts of the meeting when findings and measures are prepared and adopted shall be limited to the attendance of the Committee members, subject to paragraph 10 of these rules.

20. A meeting, or a part of a meeting, will be held in private when the Committee finds it necessary to ensure the confidentiality of information in accordance with paragraphs 32–35 of annex I.

21. The meetings of the Committee should be open to observers, unless the Committee decides otherwise. Observers should register with the secretariat in advance of the meeting, but no later than two weeks before the meeting.

*VI. Publication of meetings and documentation*

22. The provisional agenda and meeting report, together with related official documents of a meeting of the Committee, should be publicly available on the Convention website, without prejudice to the rules on confidentiality set out in paragraphs 32–34 and 36 of annex I.

23. Discussion papers prepared by the secretariat or by members of the Committee should not be publicly available unless the Committee decides otherwise.

24. Without prejudice to the rules on confidentiality set out in paragraphs 32–34 of annex I, essential information concerning any request for advice, submission, or a Committee initiative will be made available to the public through the website.

25. Decisions and recommendations of the Committee and any decisions of the Meeting of the Parties relating thereto will be made available on the website.

*VII. Information gathering*

26. The acquisition of accurate and more detailed information, under paragraphs 30 and 31 of annex I, as needed, shall be conducted through a pragmatic and cost-effective approach, taking into account time and budget constraints. Accordingly, the Committee shall resort to easily accessible and free-of-cost or low-cost means of information gathering before resorting to more complex and costly means.

27. The Committee may decide to delegate information-gathering activities to the secretariat, through easily accessible and no-cost or low-cost means. Such means may include the use of technical literature, the Internet, and information from international organizations with a field presence in the Party concerned.

28. The Committee may seek and request information:

- (a) Available in the public domain;
- (b) In the knowledge of Committee's members or the secretariat;
- (c) From the Party in respect of which a request for advice, a submission, or a Committee initiative is made or which makes a request for advice or a submission, as well as from a member of the public who submits information to the Committee under paragraph 28 of annex I;
- (d) From another Party;
- (e) From experts and advisers, Governments, academia and intergovernmental and non-governmental organizations.

29. Unsolicited information from the same sources may be considered by the Committee as it deems appropriate. In conformity with paragraph 44 of annex I, the Committee, with the assistance of the secretariat, shall keep a record of information submitted to it, with the exception of information that is manifestly irrelevant.

30. In using the information gathered, the Committee shall take into account the reliability of the source and the interests and motivations of its provider.

**Decision VI/2  
Model Provisions on Transboundary Groundwaters**

*The Meeting of the Parties,*

*Determined* to promote transboundary cooperation and to facilitate implementation of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes,

*Recognizing* the need for providing specific non-binding guidance for the implementation of the Convention with regard to groundwater and facilitating the application of the principles of the Convention to transboundary groundwaters,

*Recalling* the 2008 draft articles on the law of transboundary aquifers of the United Nations International Law Commission, commended to the United Nations Member States by the General Assembly in 2008 and 2011,

1. *Adopts* the Model Provisions on Transboundary Groundwaters and their commentary as contained in document ECE/MP.WAT/2012/L.5;

2. *Invites* Parties and non-Parties to the Convention to use these Model Provisions when entering into or reviewing bilateral or multilateral agreements or arrangements on transboundary groundwaters;

3. *Requests* the secretariat to publish the Model Provisions on Transboundary Groundwaters and disseminate them as widely as possible;

4. *Entrusts* the Legal Board with the task of assisting Parties and non-Parties to the Convention in the process of entering into or reviewing bilateral or multilateral agreements or arrangements on transboundary groundwaters upon request;

5. *Commends* the Legal Board, the Core Group on Groundwater and the Working Group on Integrated Water Resources Management for their excellent work.

### **Decision VI/3**

#### **Accession by non-United Nations Economic Commission for Europe countries**

*The Meeting of the Parties,*

*Expressing* the firm belief that cooperation among riparian States on transboundary watercourses and international lakes contributes to peace and security and to sustainable water management, and is to everyone's benefit,

*Reconfirming* the conviction that the Convention on the Protection and Use of Transboundary Watercourses and International Lakes is an effective instrument to support cooperation also beyond the region of the United Nations Economic Commission for Europe (ECE),

*Wishing* to share the knowledge, practices and experience collected in the 20 years since the adoption of the Convention, and, at the same time, to benefit from the knowledge, practices and experience in other regions of the world,

*Also wishing* to collectively promote river basin cooperation throughout the world, including by offering a global intergovernmental platform for exchange and debate on transboundary water issues and for supporting the implementation of international water law,

*Recalling* its decision III/1 of 28 November 2003 to amend the Convention's articles 25 and 26, as well as the spirit of that decision,

*Recognizing* the increased interest in the Convention and its activities by many non-ECE countries and their wish to accede to the Convention,

*Acknowledging* the need for a procedure for accession by non-ECE countries not differing from the procedure for accession by ECE-countries,

*Expressing* the unanimous desire to enable the accession by non-ECE countries as soon as possible,

1. *Expresses its satisfaction* that the amendments to articles 25 and 26 adopted by decision III/1 will enter into force on 6 February 2013, in accordance with article 21, paragraph 4, of the Convention, for those States that have accepted them;

2. *Urges* all the States and organizations that were Parties to the Convention on 28 November 2003 that have not yet done so to ratify the amendments to articles 25 and 26 as soon as possible, and not later than by the end of 2013;

3. *Calls* for the strengthening of cooperation with non-ECE countries interested in acceding to the Convention, with a view to promoting the mutual exchange of experience as well as the application of the Convention beyond the ECE region;

4. *Decides* that, for the purposes of the amendment to article 25 of the Convention, adopted by decision III/1, any future request for accession to the Convention by any Member of the United Nations not a member of ECE is welcome and, therefore, shall be considered as approved by the Meeting of the Parties. This approval is subject to the entry into force, for all the States and organizations that were Parties to the Convention on 28 November 2003, of the amendments to articles 25 and 26. A State or organization referred to in article 23 of the Convention that becomes a Party to the Convention between the adoption of this decision and the entry into force of the amended article 25, paragraph 3, for all the States and organizations that were Parties to the Convention on 28 November 2003 shall be notified by the ECE secretariat of this decision and that the State or organization is deemed to have accepted it;

5. *Also decides*, accordingly, that reference to the present decision will have to be made by any Member State of the United Nations that is not referred to in article 23 of the Convention when submitting its instrument for accession;

6. *Requests* the secretariat to inform the United Nations Treaty Section about this procedure so that appropriate arrangements can be made, and to disseminate information on the procedure to interested Members of the United Nations that are not members of ECE.

#### **Decision VI/4 Cooperation with the Global Environment Facility**

*The Meeting of the Parties,*

*Recognizing* the need for long-term, sustainable funding for transboundary water cooperation,

*Appreciating* the important role played by the Global Environment Facility (GEF), and in particular its International Waters programme area, in catalysing multi-State cooperation in order to balance conflicting water uses in transboundary surface water and groundwater basins while considering climatic variability and change,

*Underlining* the crucial role of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes in the sustainable, equitable and reasonable use of transboundary water resources and in fostering cooperation,

*Recalling* the significant progress made in transboundary water cooperation in the pan-European region during the past 20 years since the adoption of the Convention,

*Recognizing*, at the same time, the significant remaining challenges in the implementation of the Convention and management of transboundary waters, for example, the lack of transboundary agreements and institutions in many basins worldwide and the subsequent need for support, including financial support,

*Also recalling* the expected opening of the Convention to non-United Nations Economic Commission for Europe (ECE) countries based on the entry into force of the amendment to its articles 25 and 26 and decision VI/3 on accession by non-ECE countries,

*Welcoming* the interest shown by numerous countries from outside the ECE region in the Convention and its activities,

*Recognizing* the many benefits which a closer cooperation between the Convention and GEF could offer to both sides, as well as to all Parties and non-Parties to the Convention,

1. *Decides* to seek a closer cooperation with GEF, in accordance with GEF rules and procedures, with the shared objective to support implementation of the Convention and thereby the sustainable joint management of transboundary waters and the enhancement of transboundary water cooperation worldwide;

2. *Agrees* to cooperate closely concerning exchange of experience, in particular between the GEF International Waters Learning Exchange and Resource Network (IW: LEARN) and the different bodies and activities under the Convention;

3. *Entrusts* the secretariat and the Bureau to discuss the opportunity and possible modalities to further strengthen and formalize the cooperation with GEF on different levels, including the preparation and submission of project proposals according to GEF procedures and the eventual implementation of projects, and to report on this at the next meetings of the Working Group on Integrated Water Resources Management and at the seventh session of the Meeting of the Parties to the Convention;

4. *Invites* GEF to consider using the Convention, once it is open to accession by all United Nations Member States, as a basic legal framework for the work in the International Waters Programme, and to promote the use of the different guidance documents developed under the Convention as useful tools to enhance the joint management of transboundary waters in GEF-funded projects.

## **Decision VI/5 Cooperation with the United Nations Educational, Scientific and Cultural Organization**

*The Meeting of the Parties,*

*Acknowledging* the increasingly important role of transboundary groundwaters for social and economic development and for the protection of groundwater-related ecosystems, as well as the risks of unsustainable use of these precious resources,

*Also acknowledging* the success of the cooperation between the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Economic Commission for Europe (ECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes in the area of transboundary groundwaters, linked both to inventories and assessments of transboundary groundwaters and to capacity-building for their management,

*Recalling* United Nations General Assembly resolution 66/104, which encourages the States concerned to make appropriate bilateral or regional arrangements for the proper management of their transboundary aquifers and which encourages the International Hydrological Programme (IHP) to offer further scientific and technical assistance to Member States,

*Also recalling* resolution XX-3 adopted at the twentieth session of the Intergovernmental Council of IHP (Paris, 4–7 June 2012) on the International Initiative on Transboundary Aquifers Management (IHP-ISARM Project), which requests the IHP secretariat to continue studies on transboundary aquifers and assist interested Member States in their studies of transboundary aquifers resources management, including by promoting capacity-building and awareness-raising activities on existing instruments and discussions,

*Recognizing* the challenges in the implementation of the Convention related to the management and protection of transboundary groundwaters and the importance of joining forces with partners in this area,

*Considering* the forthcoming opening of the Convention to non-ECE countries with the expected entry into force of the amendment to its articles 25 and 26, as well as the expected entry into force of the United Nations Convention on the Law of the Non-navigational Uses of International Watercourses, which will require additional efforts to support implementation of the two instruments worldwide,

*Highly valuing* the importance of the global network offered by UNESCO, its collaborative centres, regional partners and national IHP committees all over the world, and the potential role of UNESCO in promoting the Convention's application beyond the ECE region,

*Recognizing* the many benefits which a closer cooperation between the Convention and UNESCO could offer to both sides and, ultimately, to all Parties and non-Parties to the Convention,

1. *Decides* to continue and further enhance cooperation with UNESCO with the shared objective to promote the protection and the reasonable, equitable and sustainable use of transboundary groundwaters, through the exchange of experience and the organization of joint activities;

2. *Invites* UNESCO IHP, within the framework of the Internationally Shared Aquifers Resources Management (ISARM) Programme, to consider the Convention, once it is open for accession by all United Nations Member States, for its work on transboundary groundwaters worldwide;

3. *Also invites* UNESCO IHP, within the framework of the ISARM Programme, to promote the Convention and the guidelines developed under its framework when organizing capacity-building and awareness-raising activities within and outside the ECE region, and to promote the use and implementation of the Model Provisions on Transboundary Groundwaters;

4. *Further invites* UNESCO IHP to report at the meetings of the Working Group on Integrated Water Resources Management and at the seventh session of the Meeting of the Parties about its activities and the efforts undertaken to provide assistance to interested Member States to implement the Convention in relation to transboundary groundwaters.

## **II. Vision for the future of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes**

### **A. Strengths and achievements of the Convention**

1. In the 20 years since its adoption, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) has provided a sound legal framework and an active intergovernmental platform for the promotion of cooperation and the sustainable management of water resources in the pan-European region. Its implementation has promoted the adoption of better policies for the management of water resources resulting in an overall improvement of their status. Moreover, the Convention has led to stronger cooperation at the basin, regional and international levels, with positive effects also on security, poverty reduction and economic integration.

2. During the past two decades, since 1992, the pan-European region has become the most advanced in terms of cooperation on transboundary waters. By now, almost all the countries of the region have taken measures to establish cooperation on their shared waters, have entered into bilateral and multilateral agreements and have established joint bodies for transboundary water cooperation. Much of this progress has been driven by the Water Convention, which has served as a model for transboundary cooperation arrangements. The Convention has also promoted the river basin approach in the region. At the time of the sixth session of the Meeting of the Parties, 38 United Nations Economic Commission for Europe (ECE) countries and the European Union (EU) are Parties to the Convention. Moreover, the Convention is also regarded as a reference by non-Parties.
3. Many river basin agreements are based on the Convention, such as the Convention on Cooperation for the Protection and Sustainable Use of the River Danube, the agreements on Lake Peipsi and on the Sava, Meuse, Rhine and Scheldt River Basins, all the bilateral agreements developed in the mid-1990s between Central and Eastern European countries and the bilateral agreements between countries in the Eastern part of the region, among them the Kazakh-Russian, Russian-Ukrainian and Moldovan-Ukrainian agreements, just to mention a few.
4. The Convention has also provided an invaluable framework to support the step-by-step approximation of the Central and Eastern European countries that acceded to the EU in the 2004 and 2007 enlargements. The challenge facing those countries was to bring their legislation and regulations up to EU environmental standards. The Convention provided an important platform for the building of capacity and the exchange of experience between old and new EU member States as well as neighbouring non-EU countries. For example, through the National Policy Dialogues, the Convention has facilitated national water sector reforms in Eastern Europe, the Caucasus and Central Asia, in line with principles of EU water-related directives.
5. The Convention has been central to promoting transboundary cooperation on the ground, especially in the Balkans, Eastern Europe, the Caucasus and Central Asia. For example, thanks to the guidance developed and the support mobilized under the Convention, cooperation in joint monitoring and assessment has increased throughout the region, dam safety has improved in Central Asia, and experience has accumulated on topics such as the prevention and reduction of risks from industrial accidents, flood management and adaptation to climate change in transboundary basins.
6. Over these past 20 years, the work under the Convention has continuously evolved to respond to the needs and particular challenges of transboundary cooperation. The Convention has led to the negotiation and adoption of two Protocols: the Protocol on Water and Health and the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.
7. Moreover, the Convention and its Protocol on Water and Health have provided a sound framework for achieving the water-related Millennium Development Goals and for translating the human right to safe drinking water and sanitation into practice.
8. These achievements have been possible due to a number of success factors on which the future work of the Convention needs to continue building:
  - (a) The existence of an effective institutional framework to support implementation of the Convention, namely the Meeting of the Parties, its subsidiary bodies and the secretariat, as well as its capacity to detect trends and its readiness to continuously adapt to changing needs and to tackle emerging, politically relevant issues;
  - (b) The long-term nature of the work under the Convention, which is required for processes with a high political dimension such as the work on transboundary issues. This

has allowed consistency and continuity of efforts, which over time have brought durable results. The capacity to couple work at the technical and political levels has also proved successful;

(c) The capacity to deliver high-quality products and publications (such as the different guidance documents and the assessments of transboundary rivers, lakes and groundwaters) through a broad process of participation which has increased the acceptance, impact and use of such products;

(d) The steadily increasing work on the ground, i.e., projects in specific river basins or subregions, which have supported implementation of the Convention at the regional, national and subnational level. The concrete outcomes of such projects provide powerful evidence of the usefulness of the work in the framework of the Convention;

(e) The high level of ownership of Parties, in particular, the key role played by lead Parties in most of the activities, as well as the readiness of Parties to share experience and to assist each other;

(f) The important role played by the International Water Assessment Centre (IWAC) in providing the Convention with a precious operational arm;

(g) The effective partnerships and cooperation established with an ever-increasing number of intergovernmental organizations within and outside the United Nations system and with non-governmental organizations, including local and subregional organizations;

(h) The contributions to regional and global policy development and implementation, such as the “Environment for Europe” process, the World Water Forums, the EU Water Initiative, the Environment and Security Initiative (ENVSEC), and the work of UN-Water;

(i) The reinforcement of the links with other water-related policy sectors and areas (e.g., biodiversity, forests and wetlands management, energy and security), broadening the political impact of the Convention;

(j) The provision by Parties, including some new EU member States and even countries with economies in transition, of significant extrabudgetary financial resources as well as in-kind contributions to support implementation of the workplan, totalling altogether around \$9 million for the period 2010–2012. The level of extrabudgetary support has increased thanks to the growing involvement of ministries of foreign affairs and of development cooperation, which recognize the usefulness of the work under the Convention for sustainable development, poverty reduction, stability and security;

(k) The growing recognition and increased visibility of the Convention at the regional level and beyond, achieved through personal engagement and intensive promotional work by the Chair of the Bureau, Bureau members, focal points and the secretariat.

## **B. Remaining challenges**

9. The regular assessments of the status of transboundary rivers, lakes and groundwaters provide an important tool for the Convention to identify joint priorities and challenges, benchmark progress and inform, guide and stimulate further action. The *Second*

*Assessment of Transboundary Rivers, Lakes and Groundwaters*<sup>1</sup> identified a number of challenges that need to be considered in orienting future work under the Convention:

- (a) Pressures due to poor management practices, pollution, overexploitation, unsustainable production and consumption patterns, hydromorphological alterations, inadequate investment in infrastructures and low efficiency in water use;
- (b) Competition between water-using sectors and poor integration and coherence of sectoral policies. In the transboundary context such conflicts may occur across sectors and across borders;
- (c) Climate change impacts on water resources, such as increased intensity and frequency of extreme weather events and impacts on quality and quantity, as well as increased demands from different sectors due to climate change (e.g., increased irrigation needs, increased hydropower production for climate change mitigation);
- (d) Inadequacy of the cooperation in many basins to tackle the above problems, for a variety of reasons, including weak legal and/or institutional frameworks, insufficient implementation of joint policies and regulations, etc.;
- (e) Low political will towards sustainability and transboundary cooperation, in some cases based on the (mis)perception that finding cooperative solutions hinders national interests rather than bringing benefits;
- (f) Inadequate financial and human resources at the national and transboundary levels.

10. In addition, there are a number of internal challenges for the work under the Convention:

- (a) Increasing demands by Parties and non-Parties for support regarding implementation and compliance, field projects, etc., which challenge the response capacity of Parties and the secretariat;
- (b) Heavy reliance on extrabudgetary resources to address such demands, coupled with a difficult financial situation in the pan-European region and the relatively limited number of Parties contributing to the financial effort;
- (c) Inadequate awareness about the Convention outside the ECE region, which will be one of the main challenges to its true globalization;
- (d) An increasing number of organizations working on transboundary water management and the resulting need for cooperation and coordination to avoid duplications;
- (e) The high demands on EU member States from EU directives and EU processes, which reduce the capacity of some of them to engage under the Convention.

### **C. Opportunities**

11. The global opening of the Convention will be a major opportunity to advance transboundary cooperation at the global level. Moreover, by further consolidating the political role of the Convention, it will also contribute to its better implementation in the pan-European region. The opening of the Convention will offer the chance to engage in exchanges with other regions, share experience, learn from each other, and thereby further enrich the Convention's store of knowledge. The participation of many interested non-ECE

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<sup>1</sup> United Nations publication printed in July 2011, Sales No. E.11.II.E.15.

countries in past meetings under the Convention has demonstrated the usefulness of such exchanges.

12. A substantial body of experience has accumulated during the 20 years of work under the Convention, summarized in various published guidelines and model agreements. Such tools are key foundations for further progress. They will be particularly important in promoting application of the Convention beyond the ECE region. The Guide to Implementing the Convention will be highly useful in this respect, as well as for new Parties in the ECE region. The model provisions on transboundary groundwaters will assist Parties and non-Parties in the application of the Convention to groundwaters — an area which, while being of strategic importance, suffers from a generally lower level of cooperation.

13. There are strong synergies with the EU water legislation. The EU water-related directives, and in particular the Water Framework Directive<sup>2</sup>, play an important role in harmonizing and improving water management in EU countries, thereby benefiting the implementation of the Convention. At the same time, the Convention offers a solid framework for cooperation between EU and non-EU countries and for the progressive approximation to EU legislation. The important role played by the EU (both the European Commission and EU member States) in promoting transboundary water cooperation in other regions of the world provides the opportunity to replicate such a synergistic approach.

14. The increased understanding and recognition of the importance of greening the economy will offer a firm basis for the cooperation with water-related sectors. Dialogues between different sectors such as agriculture, hydropower and navigation have already started in some basins, such as the Danube, the Sava and the Rhine, and will be important starting points for the future work of the Convention in this area.

15. The relevance of the Convention has been underlined through global processes. The United Nations Conference on Sustainable Development (Rio de Janeiro, Brazil, 20-22 June 2012) has reconfirmed the key importance of water for sustainable development and highlighted the necessity of adopting intersectoral approaches, which is also required by the Convention and Protocol on Water and Health. Many activities carried out under their framework, such as the National Policy Dialogues, the work on water and adaptation to climate change, as well as the work on the water-food-energy-ecosystems nexus and on the benefits of cooperation, support countries in putting into practice the principles and objectives of the conference's outcome document "The future we want". It can be expected that the Convention and the Protocol on Water and health will also be useful tools for the achievement of the future Sustainable Development Goals. Above all, the Convention provides a unique global platform to further the political and technical debate on transboundary water issues.

16. The Bureaux and secretariats of the ECE multilateral environmental agreements are increasingly working together to identify synergies and improve cooperation resulting in joint capacity-building activities, joint publications and fund-raising efforts.

17. The Convention, also due to its umbrella under the United Nations, has a convening power also for non-Parties, which actively participate in the Convention's activities.

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<sup>2</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

## **D. Main objective and strategic priorities**

18. The main objective of the work under the Water Convention is to ensure wider ratification and more effective implementation of the Convention and its related tools in order to improve transboundary cooperation, protection and sustainable management of water resources and related ecosystems, and their reasonable and equitable use.

19. With this main objective, work under the Convention contributes to the three dimensions of sustainable development. A number of strategic priorities are linked to the achievement of the above objective.

### **Strengthen cooperation and prevent conflicts at the transboundary level**

20. With the growing pressures on water, there are increasing challenges to resource availability, management and sustainability, which call for stronger cooperation to prevent potential conflicts on water use. The many activities on the ground to support implementation of the Convention are an effective means to strengthen cooperation and dialogue. The Implementation Committee will also play a crucial role in this regard. The work on quantifying benefits of cooperation will contribute to this priority in a novel way. The regular assessments will show progress achieved and identify hot spots. Additional tools and guidelines might need to be developed.

### **Promote sound water management through national water sector reform and application of integrated water resources management**

21. The Convention is intended to strengthen national measures for the protection and ecologically sound management of transboundary surface waters and groundwaters since appropriate national water management is a precondition for effective transboundary water management. The National Policy Dialogues on integrated water resources management under the EU Water Initiative are key instruments to improve national water management. At the same time, all the Convention's activities at the transboundary level benefit water management at the national and local levels. The work on monitoring and assessment, ecosystems, climate change, flood management, prevention and reduction of risks from industrial accidents, the water-food-energy nexus, etc., provide valid guidance to improve national approaches to these issues.

### **Global expansion of the application and implementation of the Convention**

22. The application and implementation of the Water Convention at the global level is a priority to promote transboundary cooperation worldwide. Such globalization is highly demanded, especially as the debate on transboundary issues at the global level is deficient. The opening of the Convention globally will bring new challenges and resource requirements. Awareness-raising, capacity-building and activities on the ground in other regions will be needed. The opening will also entail a growing involvement of non-ECE countries in the Convention's activities, enriching them with new perspectives. The attendant needs will have to be taken into account in the development of future programmes of work. Moreover, the framework for servicing and assisting implementation of the Convention will have to be supportive to its globalization.

23. The relationship with the 1997 Convention on the Law of the Non-navigational Uses of International Watercourses will also need to be clarified. The Water Convention will promote synergies and coordination with the 1997 United Nations Watercourses Convention by sharing the experience collected under the Water Convention to support the implementation of the 1997 Convention, promoting exchanges and coordination between the Parties to the two Conventions and by offering an intergovernmental framework for debate on the two Conventions.

**Ensure implementation of the Convention under changing circumstances, such as climate change and variability, and growing demographic and economic pressures**

24. Climate change and numerous other pressures, such as population growth, migration, globalization, changing consumption patterns, and agricultural and industrial developments, affect water resources. The work under the Convention will continue to address emerging issues and trends, insofar as they relate to transboundary water management. Activities on water and adaptation to climate change in transboundary basins, which are unique at the international level, will be expanded and globalized. The work on the water-energy-food nexus (in particular in transboundary basins) will provide a better understanding of the interdependencies across water, energy and food challenges and help to identify mutually beneficial responses and resolve trade-offs without compromising sustainability.

**E. Means**

**Capacity-building, promotion of guidance, sharing of experience and awareness-raising**

25. A significant amount of guidance material, recommendations, good practices, etc., has been gathered under the Convention, making it a rich clearinghouse. Capacity-building to promote the use of such guidance material, and in general to strengthen transboundary water management, will be the key means to achieve the Convention's objective and priorities. Awareness of the Convention (and of its material) has improved in recent years, but is still limited. Therefore, increased efforts are needed to promote the Convention, including outside the ECE region, identifying the most appropriate communication and dissemination channels. For both capacity-building and awareness-raising, existing and new partners will be key (see below). Focal points also actively need to play their important role of multipliers and promoters. IWAC will continue to serve a crucial function, in particular to strengthen capacity.

**Cooperation, partnerships and synergies**

26. Partners have always played a key role in the implementation of the Convention and the Convention will continue to seek mutually beneficially cooperation with existing and new partners. In particular, the global implementation of the Convention will not be possible without additional partnerships with global organizations, other United Nations regional commissions and organizations working on water management in other regions. Strengthening cooperation with the Global Environment Facility is a priority in this regard. Also the work on cross-sectoral issues will require the building of new partnerships. UN-Water will provide an important framework for the development of such partnerships.

**Long-term sustainable financing**

27. Sustainable and predictable financing will be crucial for the future under the Convention. It is a prerequisite for the continuity of activities, effective planning and implementation, as well as for keeping and attracting qualified staff in the secretariat. Additional resources will be required for the global opening of the Convention. In this respect, it will also be critical that all Parties contribute to the efforts to finance the Convention's activities.

**Institutional framework of the Convention**

28. In order to continue providing a platform for transboundary dialogue and exchanges on pertinent political issues, the Meeting of the Parties will continue to scrutinize its institutional framework and to adapt it to the changing needs identified. Also, the format of

the meetings of subsidiary bodies and other meetings under the Convention will evolve, in particular to take into account opportunities offered by technological solutions.

**Programme of work under the Convention**

29. The programme of work will remain the main instrument for achieving agreed objectives and strategic priorities under the Convention. It will continue to include elements of assessment, capacity-building, exchange of experience, projects on the ground and legal assistance, among others. Specific activities in the programme of work will continuously adapt to evolving situations and emerging needs. A balance will need to be found between ensuring long-term continuity of efforts and adapting to changing needs. Activities might therefore be discontinued, interrupted, further revitalized or newly established. In this respect, the Meeting of the Parties and its Bureau will need to exercise a clear prioritization of objectives and activities.

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