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Implementation and Compliance

Report of the Implementation Committee to the Meeting of the Parties and draft decision on implementation

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 established the Implementation Committee. The Committee is required to report on its activities at each ordinary session of the Meeting of the Parties and to make such recommendations as it considers appropriate (ECE/MP.WAT/37/Add.2, decision VI/1, annex I, para. 44).

The present report provides an overview of the activities of the Implementation Committee since the seventh session of the Meeting of the Parties. Annexed to the report is a draft decision on general issues of implementation, prepared by the Committee for possible adoption by the Meeting of the Parties at its eighth session.

The Meeting of the Parties may wish to take note of the report of the Committee, discuss its conclusions and adopt the draft decision on general issues of implementation.

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Contents

	<i>Page</i>
I. Introduction	3
A. Membership of the Committee	3
B. Meetings of the Committee.....	3
C. Work of the Committee	4
II. Committee's role, functions and core rules of procedure.....	5
III. Information gathering and consultation.....	6
IV. Reporting requirements	6
V. Provision of assistance to the secretariat in answering specific questions on the Convention posed by countries considering accession	11
VI. Raising awareness of the mechanism to support implementation and compliance	11
VII. Conclusions	12
Annex	
Draft decision on general issues of implementation.....	13

I. Introduction

1. 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 (Water Convention) established the Implementation Committee with the aim to facilitate, promote and safeguard the implementation and application of and compliance with the Convention (ECE/MP.WAT/37/Add.2, decision VI/1, para. 1).

2. As required by the Meeting of the Parties (*ibid.*, annex I, para. 44), this report presents the Committee's activities and makes such recommendations as the Committee considers appropriate. The report lists the information that the Committee has received and provides the reasoning for its decisions. Annexed to the report is a draft decision on general issues of implementation, which has been prepared by the Committee for consideration and possible adoption by the Meeting of the Parties at its eighth session.

A. Membership of the Committee

3. The Committee consists of nine members, who serve in their personal capacity and objectively, in the best interests of the Convention. A full term of office of a Committee member commences at the end of an ordinary session of the Meeting of the Parties and runs until its second ordinary session thereafter.

4. At its seventh session, the Meeting of the Parties re-elected by consensus the following members of the Implementation Committee for a full term: Mr. Johan Gerrit Lammers (Netherlands); Ms. Anne Schulte-Wülwer-Leidig (Germany); and Mr. Attila Tanzi (Italy). Ms. Dinara Ziganshina was also elected for a full term as a new member of the Implementation Committee. At its sixth session, the Meeting of the Parties had previously elected by consensus the following members of the Implementation Committee for a full term: Mr. Kari Kinnunen (Finland); Mr. Stephen McCaffrey (United States of America); Mr. Aliaksandr Stankevich (Belarus); Ms. Vanya Grigorova (Bulgaria) and Mr. Ivan Zavadsky (Slovakia).

5. At their sixth meeting, the members of the Committee unanimously re-elected Mr. Tanzi as Chair and elected Ms. Grigorova as Vice-Chair. The nine Committee members served throughout the intersessional period.

6. Certain meetings or parts thereof were also attended by observers:

(a) From the Geneva Water Hub and the Global High-Level Panel on Water and Peace (sixth meeting);

(b) From the Finnish Ministry of Agriculture and Forestry (eighth meeting);

(c) From the Ministry of Natural Resources and Environment of the Russian Federation (ninth meeting);

(d) From the public (ninth meeting).

7. During its ninth meeting, the Committee held a joint session with the Compliance Committee of the Protocol on Water and Health.

B. Meetings of the Committee

8. The Committee met on four occasions during the intersessional period:

(a) Its sixth meeting was held on 3 and 4 May 2016 in Geneva (see ECE/MP.WAT/IC/2016/2);

(b) Its seventh meeting was held on 1 and 2 December 2016 in Budapest (see ECE/MP.WAT/IC/2016/4);

(c) Its eighth meeting was held on 23 and 24 May 2017 in Haparanda, Sweden (see ECE/MP.WAT/IC/2017/2);

(d) Its ninth meeting was held from 7 to 9 March 2018 in Geneva (see ECE/MP.WAT/IC/2018/2).

9. At the end of each meeting, the Committee entrusted the secretariat with the task of preparing and circulating the draft meeting report. The Committee agreed to discuss and approve each meeting report through electronic communication means.

C. Work of the Committee

10. According to decision VI/1, the Implementation Committee is entrusted with the following functions:

(a) Consider any request for advice relating to specific issues concerning difficulties in implementation or application (advisory procedure);

(b) Consider any submission relating to specific issues concerning difficulties in implementation and compliance (submissions by Parties);

(c) Consider undertaking a Committee initiative;

(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;

(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.

11. During the intersessional period, no Parties requested advice or made any submissions, and the Committee did not receive information sufficient to determine whether a Committee initiative would be appropriate. There were also no requests from the Meeting of the Parties for the Committee to examine specific issues of implementation or compliance.

12. Through Decision VII/2, adopted at the seventh session of the Meeting of the Parties to the Convention, the Parties recognized the importance of reporting to the work of the Implementation Committee and requested the Committee to cooperate with the Working Group on Integrated Water Resources Management during the review of the pilot reporting exercise (2017–2018).

13. The global opening of the Convention has resulted in the secretariat receiving a growing number of questions from non-ECE countries interested in acceding to the Convention. These questions concern both the provisions and the implementation of the Convention. Given the lack of expertise of the secretariat, especially on legal issues not covered in the *Guide to Implementing the Water Convention* (ECE/MP.WAT/39), the secretariat requested the assistance of the Committee in order to respond effectively to certain questions that were posed by non-ECE countries. At its sixth meeting, the Committee discussed its role in assisting the secretariat in answering such questions. It considered that its involvement would be within its general mandate of promoting implementation of the Convention. However, as this kind of task was not explicit in the decision establishing the Committee, it felt that it would be preferable to receive a specific mandate in that regard from the Bureau. Following an electronic consultation during the

Committee meeting, the Water Convention Bureau mandated the Implementation Committee to assist the secretariat in answering specific questions on the Convention posed by countries considering accession.

14. The work of the Committee during the intersessional period was therefore limited to the following topics:

- (a) Exchanges of views on the Committee's role, functions and core rules of procedure;
- (b) Information gathering and consultation (decision VI/1, annex I, paras. 30–31);
- (c) Reviewing the pilot reporting exercise (decision VII/2, para 6);
- (d) Helping the secretariat to answer specific questions on the Convention posed by countries considering accession;
- (e) Raising awareness of the mechanism to support implementation and compliance.

II. Committee's role, functions and core rules of procedure

15. At its second meeting, the Committee took note of the correspondence between the Chair of the Implementation Committee of the Convention on Environmental Impact Assessment in a Transboundary Context and the Legal Service of the European Commission with regard to Party-to-Party submissions by European Union member States under the above-mentioned mechanism. In that context, the Committee stressed that the scope of the Water Convention mechanism lay outside dispute settlement, and that the purpose of the mechanism was to assist Parties to avoid disputes.

16. At its sixth meeting, the Committee resumed the discussions it had started at its second meeting on procedures and criteria for dealing with submissions, in particular for Party-to-Party submissions by European member States. The Committee had become aware that Parties to the Convention that were members of the European Union considered that they could be prevented from having recourse to the Implementation Committee on the basis of article 344 of the Treaty on the Functioning of the European Union. That article, according to the case law of the Court of Justice of the European Union, stipulated that European Union member States could not submit a dispute concerning the interpretation or application of international agreements to which the European Union and its member States were Parties to any method of settlement other than those provided under the Treaty on the Functioning of the European Union. The Committee considered that the provision in article 344 did not involve non-binding dispute settlement procedures. The mechanism established through the Implementation Committee was "simple, non-confrontational, non-adversarial, transparent, supportive and cooperative in nature", and therefore distinct from the dispute settlement procedure envisaged in article 22 of the Convention. The mechanism was by its nature intended to be an alternative to the dispute settlement procedure and might also often serve as a means to prevent situations from evolving into a dispute. Therefore, the Committee was of the view that a Party-to-Party submission by European Union member States would not infringe on European Union competence.

17. At its ninth meeting, the Committee held a joint session with the Compliance Committee under the Protocol on Water and Health in which the two committees exchanged views and experiences on various matters of common interest. Topics covered included consideration of how national reports are analysed by each of the committees; increasing understanding of the role and function of both committees, especially among

Parties and non-governmental organizations (NGOs), and exploring opportunities for joint activities in that regard; and experiences in the implementation of the advisory, interpretative and consultative functions of the committees. The committee members welcomed the opportunity to exchange views and agreed to explore further opportunities to hold joint events on matters of common interest.

III. Information gathering and consultation

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

19. At its sixth meeting, the Committee welcomed the additional information received from the Russian Federation regarding transboundary water cooperation in the Irtysh and Ili River Basins and noted with concern that Kazakhstan had still not replied to the Committee's letters. It also decided to continue to gather information through its own means, inter alia, by requesting the original submitter and other recognized experts from authoritative NGOs active in the area – namely the World Wide Fund for Nature (WWF) Russian Federation; a member of Irtysh Basin Council; and an expert from the Kazakhstan Agency of Environmental Experts – to supply authoritative information on: water status (quantity, quality and related ecosystems); planned developments and measures taken or planned to be taken of transboundary relevance in terms of their impacts; and any plans or measures of the different riparian countries to prevent, control and reduce transboundary impacts. At the same time, it decided to inform Kazakhstan of that step and to enquire about plans and measures taken by that Party to prevent, control and reduce the transboundary impacts. Only WWF Russian Federation replied to the Committee's request.

20. At its seventh meeting, and on the basis of the analysis of the information received and gathered itself, the Committee decided that there were no grounds for further action by the Committee under its mandate. 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.

21. 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.

22. 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.

23. The Committee reiterated that it would continue to welcome relevant information from the public.

IV. Reporting requirements

24. At its seventh session, the Meeting of the Parties decided to establish a regular reporting mechanism and to launch a pilot reporting exercise in 2016–2017 (ECE/MP/WAT/49/Add.2, decision VII/2). It also adopted a template for reporting (*ibid.*,

annex). As reporting under the Convention also provided an opportunity to review progress towards target 6.5 of the Sustainable Development Goals on transboundary water cooperation, the Working Group on Integrated Water Resources Management, at its eleventh meeting (Geneva, 18–19 October 2016), agreed to revise the reporting template to include questions related to the calculation of indicator 6.5.2 (see ECE/MP.WAT/WG.1/2016/2). In early 2017, the Executive Secretary of ECE wrote to all Parties, inviting them to report on the basis of the new template by 15 May 2017.

25. At its seventh meeting, 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. The Committee considered that the reporting represented an essential tool for fulfilment of its mandate. It therefore decided to review all the reports submitted by Parties.

26. At its eighth meeting, on the basis of the reports received and the experience shared by Mr. Seppo Rekolainen, Finnish Ministry of Agriculture and Forestry, during the preparation of his country's report, the Committee reviewed the template for reporting. It emphasized that reporting should, above all, be a helpful exercise allowing countries to assess their situation, improve cooperation with other riparian States and communicate to the public and other stakeholders the progress achieved and the remaining challenges as set out in decision VII/2. The Committee considered that some simple modifications of the template would improve the overall readability of the country reports and help to achieve these objectives. The Committee's suggestions were discussed at the technical meeting on the template for reporting under Sustainable Development Goal indicator 6.5.2 and under the Water Convention (Budapest, Hungary, 16–17 January 2018). Two members of the Implementation Committee, Mr. Lammers and Ms. Schulte-Wülwer-Leidig, participated in the technical meeting in order to ensure that the Committee's views were reflected in the revised template; another member, Ms. Ziganshina, represented the Committee during the discussion on reporting at the joint session of the Working Group on Integrated Water Resources Management and the Working Group on Monitoring and Assessment (Geneva, 28–30 May 2018).

27. At its seventh and eighth meetings, the Committee also reviewed the national reports submitted by Parties. The Committee based its review on an analysis of the reports from a procedural point of view, both in terms of timeliness of submission and completeness; and on the answers provided under the different sections of the reporting template, with the exception of section III on monitoring Sustainable Development Goal indicator 6.5.2.

28. With regard to the timeliness of report submission, the Committee noted that only 13 reports had been received by the deadline of 15 May 2017; an additional 25 had been received after the deadline. The Committee expressed concern at the fact that in several instances, national reports had been submitted several months after the deadline, leaving the Committee little time to consider them and incorporate them into its analysis. While recognizing the pilot nature of the initial exercise, the Committee strongly urged that the Parties ensure that reports were submitted in a timely manner during subsequent rounds of reporting.

29. The Committee considered the completeness of the reports from two perspectives. Firstly, the Committee considered the number of Parties that submitted reports during the pilot reporting exercise and was encouraged by the fact that 38 of the 40 Parties had submitted reports. Secondly, the Committee, while appreciating the tremendous effort made by the Parties to complete the reports, was concerned that some of the questions in the template had been left unanswered or had received only partial responses. For some of the questions, it is hoped that revisions to the template will make it easier for Parties to respond, e.g. more 'tick box' questions. However, the Committee encouraged Parties, where appropriate, to build on the information provided during the pilot reporting exercise

and submit fuller responses during subsequent reporting rounds. In particular, the Committee encouraged Parties to respond with more details to open-ended questions. This would allow to underline the specific needs of basins, and thereby support the mobilization of resources. Moreover, only with more detailed answers to the open questions it will be possible to identify emerging issues and difficulties in the implementation of the Convention, and inform the development of future programmes of work under the Convention and the work of the Committee, and at the same time distil lessons learned and good practices to enhance implementation.

30. The content of the reports was analysed by the Committee following the structure of the reporting template.

Transboundary water management at the national level (section I)

31. All Parties reported under section I to have implemented national legislation aimed at preventing, controlling and reducing any transboundary impact, and almost all countries listed national policies, action plans and strategies to cope with such impact. The precautionary principle, the polluter pays principle and the sustainable development principle were generally incorporated into national laws. Almost all Parties, have also introduced a licensing/permitting system for wastewater discharges and other point source pollution and authorized discharges were, in most cases, monitored and controlled.

32. The vast majority of Parties reported that they implement all of the legislative measures indicated in the reporting template (norm for uses of fertilizers, norms for uses of manure, bans on or norms for use of pesticides). Monetary incentives were the most frequently indicated economic and financial measures and environmental taxes were the least utilized. A number of Parties did not indicate any economic or financial measures. Few Parties were implementing chemical measures to reduce diffuse sources of water pollution in transboundary waters; a number of Parties made no mention of agricultural extension services; and the replies concerning the existence of technical measures were varied or partial.

33. Only one country did not reply to the question on measures taken in order to enhance water efficiency (some of which might not be relevant to all countries). Parties were requested to indicate whether they were taking the following measures: a regulatory system regarding water abstraction (reported by a few countries); monitoring and control of abstractions (reported by very few countries); water rights are clearly defined (reported by a few countries); water allocation priorities are listed (reported by a few countries); water-saving technologies (reported by most countries); advanced irrigation techniques (not reported by quite a few countries); demand management activities (not reported by quite a few countries); and other means.

34. Very few countries indicated that they did not apply the ecosystems approach or did not describe it. As to whether they took specific measures to prevent the pollution of groundwaters, only one country did not mention the most important measures. Procedures for environmental impact assessment were widely adopted.

Agreements and arrangements (section II, questions 1 and 2)

35. All of the Parties reported that they had concluded agreements on transboundary lakes or river basins, the vast majority of which had already entered into force. Most of those agreements specify the area subject to cooperation and cover aquifers or groundwater bodies. In the majority of cases, those agreements cover the entire basin or group of basins, and all riparian States.

36. The vast majority of the agreements reported under section II cover all water uses. Where an agreement covers only specific uses, the most frequently regulated are nature

protection, energy and households and the least frequently envisaged are tourism and transport.

37. Among the topics or subjects of cooperation included in the agreements, procedural and institutional issues are the most frequent; almost all agreements provide for the establishment of institutional cooperation through joint bodies while a few envisage mutual assistance under article 15 of the Convention. Most agreements regulate environmental protection and water quality; some also address navigation. The activity most frequently envisaged in cooperation arrangements is monitoring and exchange. Such agreements usually include data collection and exchange of the kind required under article 13 of the Convention, as well as exchange of experience between riparian States. Few agreements provide for the maintenance of joint pollution inventories. Within the framework of joint planning and management activities, the development and management of shared infrastructure are seldom regulated whereas the majority of agreements envisage the development of international or joint river, lake or aquifer basin management or action plans.

38. While few Parties reported no difficulties with the implementation of cooperation agreements, the majority reported problems in harmonizing national laws and policies and several mentioned difficulties arising from a lack of financial and/or human resources.

39. With regard to the main achievements related to cooperation agreements, several Parties mentioned a substantial improvement in water management and in the ecological and chemical quality of transboundary lake or river basins.

Joint bodies (section II, question 3)

40. The vast majority of the cooperative arrangements reported under section II of the template have joint bodies for a transboundary basin, river, lake or aquifer in the form of plenipotentiaries, bilateral commissions, or basin or similar commissions. Most of these joint bodies have subsidiary bodies, such as working groups, expert groups, subcommissions and ad hoc committees, in order to facilitate their activities.

41. Data collection and exchange, and the exchange of experience between riparian States were two of the most frequently indicated tasks of joint bodies. Climate change adaptation, however, was only rarely included among their activities and few of them have joint resources to support transboundary cooperation and joint communication strategies.

42. The vast majority of large transboundary basins within the territory of member States of the European Union have river basin management plans as prescribed in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for the Community action in the field of water policy and in Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks. Some countries also mentioned joint strategies, development programmes and flood management plans. However, less progress was reported for countries outside the European Union and for basins shared between European Union and other States.

43. The important role that joint bodies play in transboundary river basin governance is evident from their achievements, which in many cases were reported as achievements in implementing the agreement or arrangement as a whole. These include delivering quality outputs such as agreements, river basin plans, joint studies, scientific reports, enabling conditions for improved understanding and communication, and contributions to impacts on the ground in terms of improved ecological and chemical status of waters and enhanced trust. Joint bodies have been praised for providing a platform for joint actions and for the coordination of river basin plans, political decisions, knowledge exchange, awareness raising and cross-sectoral dialogue.

44. Governance issues and lack of resources stood out as the greatest difficulties and challenges reported in relation to the operation of joint bodies. This points to the need to improve the governance and strengthen the financial basis of joint bodies' operation both in river basins with long-standing institutional cooperation and under less-advanced cooperative arrangements.

Technical issues (section II, question 4–13)

45. On the whole, information and data exchange between riparian Parties is at a good level although some countries reported that they did not exchange information and data. Where information and data are exchanged, the subjects include the most important sectors of transboundary water cooperation. However, shared databases or information platforms are only evident in a few cases and the fact that the existing databases are not often available to the public is a major source of concern. The difficulties reported concerned technical issues, such as the timely exchange of data.

46. Most Parties implement monitoring in their transboundary waters. Joint monitoring is carried out by national monitoring stations and countries tend to adopt joint methodologies and parameters. However, a common monitoring network appears not to be implemented in the majority of the cases. While virtually all monitoring programmes include hydrological and chemical monitoring, biological monitoring is often lacking even though ecological problems are quite common in transboundary waters.

47. In about 80 per cent of the cases, Parties carry out joint assessments of transboundary waters. These assessments are generally presented in common annual reports, reported at joint coordination meetings of water experts or included in the joint monitoring programmes of riparian States. Failure to conduct joint assessments is most common for waters shared by European Union and non-European-Union countries.

48. Notification and communication, and coordinated or joint alarm systems for floods or droughts are the most common measures used by the reporting Parties to prevent or limit the transboundary impact of extreme weather events. Joint climate change adaptation strategy and joint disaster risk reduction strategy have been implemented in only about 20% of the cases.

49. The most common features of public participation involve the provision of information to the public, and consultation on planned measures or river basin management plans. Many of these countries are Parties to the Aarhus Convention. Some countries report that their stakeholders have observer status in a joint body and that they hold consultations on planned measures or river basin management plans.

Final questions (section III, questions 1–5)

50. The main achievements in implementing the Convention and cooperating on transboundary waters as outlined in several national reports include the adoption of bilateral and/or basin agreements (joint rules and regulations); strengthened institutional arrangements (regular meetings, working groups, communication channels, networking and discussion platforms); improved national regulatory frameworks; technical cooperation (exchange of experience, data and information; joint monitoring; river basin planning; and joint projects); and greater trust and mutual understanding of pertinent issues.

51. The most common challenges that countries face in implementing the Convention and cooperating on transboundary waters include a lack of financial, human or/and technical resources; differences in national legal or institutional settings; data and information; management requirements; methodologies and evaluation procedures (including between European Union and non-European-Union countries and between Parties and non-Parties).

Overall impression of implementation from the national reports

52. The Committee welcomed the substantial efforts made by the Parties during the first pilot reporting exercise. While it was recognized that, as a pilot exercise, the quality of reporting is likely to improve during subsequent rounds, it was also appreciated that the reports provided a useful means of assessing implementation of the Convention. Clearly, there has been widespread and significant progress in implementing the Convention. However, Parties appear to face some general difficulties in the implementation of certain provisions of the Convention and there are problems and gaps within specific basins.

V. Provision of assistance to the secretariat in answering specific questions on the Convention posed by countries considering accession

53. At its sixth session, based on the mandate received by the Bureau to assist the secretariat in answering specific questions on the Convention formulated by countries considering accession, the Committee discussed some of the replies to the questions that the secretariat had received from Lebanon. Responses from the Committee were provided on the understanding that those answers would be without prejudice to the interpretation of the Convention, which was beyond the Committee's mandate. The Committee also suggested that, in the long term, such questions should be considered in future revisions of the Implementation Guide.

54. Mr. Lammers also participated as a legal expert in the national workshop on the Water Convention for Tunisia (Tunis, 21–22 September 2016), organized in order to support that country in its considerations with respect to accession to the Convention.

VI. Raising awareness of the mechanism to support implementation and compliance

55. Mr. Lammers represented the Committee at the fourth meeting of the informal network of chairs of the ECE multilateral environmental agreements (Geneva, 20 June 2016). He also participated in a side event on the role of the public in supporting compliance with international water agreements, held on 14 September 2017 within the framework of the sixth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Budva, Montenegro, 11–15 September 2017). On 3 October 2016, Mr. Kinnunen participated in an international symposium organised by Viet Nam, where he presented the work of the Committee.

56. At its sixth meeting, the Committee engaged in a fruitful exchange with the Geneva Water Hub and members of the High-Level Panel on Water and Peace. Thereafter, Mr. Tanzi participated in the roundtable on Promoting the Effectiveness of International Water Law in Support of Security and Peace (Geneva, 26 October 2016), organized by the Geneva Water Hub, which fed into the discussions of the High-level Panel on Water and Peace. Subsequently, in its final report, the High-Level Panel on Water and Peace stated: "We...encourage the use of UNECE Water Convention's cooperation mechanism, in particular resort by countries and civil society to the Convention's Implementation Committee".¹

¹ Geneva Water Hub, "A Matter of Survival: Report of the Global High-Level Panel on Water and

57. In cooperation with the secretariat, the Committee organized several seminars on issues closely related to its mandate. Back-to-back with the Committee's seventh meeting and in cooperation with the Centre for Sustainable Development Studies of the National University of Public Service in Budapest, it organized a seminar on Transboundary Water Dispute Prevention and Settlement in Europe: Do we have effective tools and mechanisms at hand? (Budapest, 1 December 2016). A seminar on the Water Convention and its Implementation Committee was organized in cooperation with the Finnish-Swedish Transboundary River Commission, back-to-back with the Committee's eighth meeting (Haparanda, Sweden, 23 May 2017). During its ninth meeting, in cooperation with the Compliance Committee of the Protocol on Water and Health, the Committee organized a public round-table discussion on the role of non-State actors in supporting implementation of and compliance with multilateral environmental and human rights agreements (Geneva, 7 March 2018). The round-table was chaired by Mr. Tanzi, Chair of Implementation Committee and was comprised of Mr. Jonas Ebbesson, Chair of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; Ms. Juliette Kohler and Ms. Amélie Taoufiq-Cailliau of the Secretariat of the Basel, Rotterdam and Stockholm Conventions at the United Nations Environment Programme; Mr. Jorge Viñuales, Chair of the Compliance Committee under the Protocol on Water and Health; and Ms. Ziganshina, member of the Implementation Committee. The event provided a useful opportunity to promote the work of both committees, particularly amongst NGOs, which stressed the critical importance of continuing the dialogue between NGOs and bodies established under multilateral environmental agreements and human rights instruments as an important means by which to monitor and foster compliance and implementation.

58. Lastly, the Committee prepared a list of NGOs in fields relevant to its mandate and drafted a letter, subsequently sent by the secretariat, to inform them of its existence and functions.

VII. Conclusions

59. Having examined decision VII/1 on general issues of implementation, the Committee concludes that almost all its elements are still relevant.

60. Based on the results of the pilot reporting exercise, the Committee considers that, generally speaking, the Parties have made significant progress in implementing the Convention. It notes, however, that certain common challenges to implementation and compliance remain and that some Parties face specific challenges in that regard.

61. The Committee continues to encourage Parties and other stakeholders to seek its assistance, support and facilitation in order to address difficulties encountered in implementing and complying with the Convention and to prevent water-related disputes.

Peace", 2017, available at www.genevawaterhub.org/resource/matter-survival

Annex

Draft decision on general issues of implementation

The Meeting of the Parties,

Having regard to its decision VI/1 on support to implementation and compliance (see ECE/MP.WAT/37/Add.2),

Taking note of the report of the Implementation Committee to the Meeting of the Parties at its eighth session (ECE/MP.WAT/2018/8) and endorsing its findings,

Welcoming the way in which the Committee has been working and the progress made in establishing working procedures and in promoting the mechanism to support implementation and compliance,

Expressing its appreciation for the suggested revision of the reporting template and for the Implementation Committee's analysis of the reports submitted by the Parties during the pilot reporting exercise,

1. *Reiterates* that Parties are under a good faith obligation to cooperate with the Committee's information-gathering procedures;
2. *Recalls* that transboundary cooperation is a key principle of the Convention, as it supports the achievement of the Convention's object and purpose;
3. *Recognizes*, at the same time, that cooperation *per se* is not the only objective of the Convention and that the principles of reasonable and equitable use and of prevention, control and reduction of transboundary impact are no less important;
4. *Welcomes* the interaction between the Implementation Committee and non-governmental actors in relation to information gathering;
5. *Welcomes* the exchanges of experiences between the Implementation Committee and other relevant bodies that facilitate and support implementation of and compliance with other agreements, particularly the Protocol on Water and Health;
6. *Welcomes* the contribution of the Implementation Committee and its members to support interpretation and application of the principles of the Convention also amongst non-Parties;
7. *Stresses* the importance of the reporting mechanism for effective fulfilment of the Implementation Committee's mandate;
8. *Express its appreciation* for the general progress achieved by the Parties in implementing the Convention as reflected in the pilot reporting exercise;
9. *Notes with concern* that certain common challenges to implementation and compliance remain and that some Parties appear to face specific challenges in implementation and compliance;
10. *Encourages* Parties and other stakeholders to seek the Committee's assistance, support and facilitation to address difficulties in implementing and complying with the Convention, so as to ensure that the object and purpose of the Convention are advanced and to prevent water-related disputes.