

Implementation Committee

1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Presentation by the Committee members



UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Legal basis

Decision VI/1 on support to implementation and compliance adopted at the sixth session of the Meeting of the Parties to the UNECE Water Convention (Rome, 28-30 November 2012)*

*ECE/MP.WAT/37/Add.2

Objective, nature and principles

- The objective of the mechanism is to facilitate, promote and safeguard the implementation and application and compliance with the Convention.
- The mechanism is to be simple, non-confrontational, non-adversarial, transparent, supportive and cooperative in nature, building on the distinctive collaborative spirit of the Convention.

Composition

- 9 members, who serve in their personal capacity and objectively, in the best interest of the Convention
- Persons with experience and recognized expertise in the fields related to the Convention, including legal and/or scientific and technical expertise
- Geographical distribution of membership and diversity of experience and expertise
- Elected by the Meeting of the Parties to the Convention among candidates nominated by the Parties (Signatories and NGOs may propose candidates to Parties)
- Members of the Implementation Committee normally serve for a full term of office (6 years), with half of the members being replaced at each session of the Meeting of the Parties (every 3 years).

Methods of work

- Committee normally meets twice a year for a period of one or two days, depending on its workload
- No information held by the Committee is to be kept confidential, unless it was provided to it in confidence
- The Committee meetings are held in public, unless the Committee decides otherwise*
 - Observers should register no later than 2 weeks before the meeting
- Committee reports to the Meeting of the Parties at each ordinary session
- Decision-making:
 - Consensus
 - If no consensus, $\frac{3}{4}$ majority of members present and voting, or
 - by a majority of 5 members, whichever is the greater number.
- Working language is English

Functions of the Committee

- Consider requests for advice
- Consider self-submission or Party-to-Party submission
- Consider undertaking a Committee initiative

Committee may also:

- Examine specific issues of implementation of and compliance with the Convention at the request of the Meeting of the Parties
- Take measures, including recommendations, as appropriate
- 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.

These functions will be carried out by the Committee according to the time and resources available to it.

Advisory procedure I

Section V

- Aimed at facilitating implementation and application of the Convention through the provision of advice by the Committee.
- Should not be regarded as alleging non-compliance.
- Who may request advice from the Committee:
 - a Party – about its difficulties in implementing the Convention
 - a Party, or Parties jointly – about its or their efforts to implement or apply the Convention vis-à-vis each other, other Parties and/or non-Parties.

Advisory procedure II

Section V

- Participation in the advisory procedure by the Parties that are not the requesting Parties and by the non-Parties is subject to their consent.
- If Parties or non-Parties potentially concerned choose not to participate, they will be kept informed of its progress.
- Within the advisory procedure, the Committee may suggest to the Party(ties) to take certain measures but it cannot recommend the Meeting of the Parties to take any measures.

Submissions by Parties

Section VI

- Self-submission: submission is brought before a Committee by a Party that concludes that, despite its best endeavours, it is or will be unable to comply fully with the Convention.
- Party-to-Party submission: submission by a Party(-ties) that is(are) affected by another Party's difficulties in implementing and/or complying with the Convention.

Committee initiative

Section VII

- The Committee, when it becomes aware of difficulties in the implementation or the possible non-compliance by a Party with the Convention, including from information received from the public, may request the Party concerned to provide the necessary information.
- In determining whether to take the initiative the Committee takes into account that:
 - Source of the information is known and not anonymous
 - Information is basis for a reasonable assumption of possible difficulties in implementation or possible non-compliance
 - Information relates to the implementation of the Convention
 - An appropriate amount of time and resources are available.

Information gathering and consultation

Section VIII

To perform its functions, the Committee may:

- Request further information on matters under its consideration
- Undertake, with the consent of the Party concerned, information gathering in its territory
- Gather any information it deems appropriate
- Invite the Parties and non-Parties concerned to attend its meetings
- Seek the services of experts and advisers
- Seek the advice of the Meeting of the Parties and other Convention's bodies.

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

Measures to facilitate and support implementation and compliance / address non-compliance

Section XI

The Committee may decide to:

(A) Provide advice and facilitate assistance, including:

- Suggesting or recommending that domestic regulatory regimes be set up or strengthened
- Assistance in establishing transboundary water cooperation agreements and arrangements for strengthening cooperation
- Facilitating technical and financial assistance, including information and technology transfer, and capacity-building
- Assistance in seeking support from specialized agencies and other competent bodies.

(B) Request and assist the Party(ties) concerned to develop an action plan to facilitate implementation and compliance

(C) Invite the Party concerned to submit progress reports to the Committee on its efforts to comply with its obligations

(D) Recommend to the Meeting of the Parties that it takes measures.

Measures by the Meeting of the Parties

Meeting of the Parties, upon recommendation of the Committee, may decide to:

- Take all the above measures (listed on the previous slide)
- Recommend Parties to provide financial and technical assistance, training and other capacity-building measures and facilitate technology transfer
- Facilitate financial assistance and provide technical assistance, technology transfer, training and other capacity-building measures
- Issue a statement of concern
- Issue declarations of non-compliance
- Issue cautions
- Suspend the special rights and privileges accorded to the Party concerned
- Take other non-confrontational, non-judicial and consultative measures as may be appropriate.

Core rules of procedure

- Activities of the Implementation Committee are governed by its core rules of procedure until the adoption by the Meeting of the Parties of the rules of procedure, upon a proposal by the Committee.
- The Committee decided in December 2013 to review the possibility of developing a proposal for its rules of procedure at a later stage, taking into account the experience in the application of its core rules of procedure.

More information

Visit the Implementation Committee's website:
www.unece.org/env/water/implementation_committee

More information including guidelines, publications and information on activities under the UNECE Water Convention:

www.unece.org/env/water
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