



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

**Working Group on Integrated Water Resources Management**

Second meeting

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Working paper 3

**ACTIVITIES IN THE DRAFT WORKPLAN 2007-2009  
RELATED TO FLOOD MANAGEMENT AND LEGAL ASPECTS**

1. The following proposed activities for the workplan 2007-2009 under the Water Convention are based on the outcome of the joint meeting of the Flood Task Force and the Legal Board (Geneva, 20-21 June 2006).
2. The Flood Task Force proposed that its future work plan for 2007-2009 should include:
  - (a) Advisory service to Parties and non-Parties to improve transboundary flood management;
  - (b) Transfer of the experience and lessons-learned of the “European Network of Expertise on Flood Management” to non-EU countries and extension of the network to non EU-countries;
  - (c) Development of policy recommendations for transboundary flood management covering the gaps of the 2000 Guidelines on Sustainable Flood Prevention;
  - (d) Promotion of the use of the model provisions for transboundary flood management and their further development (in cooperation with the Legal Board);
  - (e) Capacity building activities, mostly focusing on countries in Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE).
3. The Legal Board proposed that its future work plan for 2007-2009 should include, besides activities to be undertaken at the request of other bodies under the Convention, the following activities:
  - (a) Support to the ratification of the amendment to articles 25 and 26 opening the Convention for accession to countries outside the UNECE region, and promotion of the Convention achievements outside the UNECE region;
  - (b) Promotion of the use of the model provisions for transboundary flood management and their further development (in cooperation with the Flood Task Force);
  - (c) Support to the ratification of the Protocol on Civil Liability;

(d) Development of guidance for legally-sound interpretation of provisions of the Convention which misinterpretation hampers ratification (such as the polluter-pays principle);

(e) Advisory service to Parties and non-Parties to support the Convention's implementation, in particular with regard to drafting and adaptation of bilateral and multilateral agreements.

4. The details of the proposed activities are presented below as additions to the "Workplan for 2007–2009 and beyond on the promotion of the Convention and its activities and advisory service and on integrated management of water and related ecosystems" (document ECE/MP.WAT/WG.1/2006/4).

5. The Working Group may wish to:

(a) Examine the proposals contained in the present working paper, and further elaborate those elements which should become part of the draft workplan, including, whenever possible, information on the method of work and the time frame;

(b) Draw up additional elements for the workplan related to flood management and legal aspects, following proposals by Parties and non-Parties, including, whenever possible, information on the method of work and the time frame;

(c) Inform regarding the willingness of Parties and non-Parties to lead or participate in the implementation of the various workplan elements.

## **PROGRAMME AREA I: PROMOTION OF THE CONVENTION AND ITS ACTIVITIES AND ADVISORY SERVICE**

### **1. Promotion and dissemination of information**

Work to be undertaken: Activities will include:

[...]

(d) Promotion of the Convention, its Protocols and its soft law tools outside the UNECE region. Regional workshops will be organized in Latin America, Asia, and North Africa on the compatibility of the Convention in those regions to implement the international principles of water law and support transboundary water cooperation;

(c) Support to the ratification by Parties of the amendment to articles 25 and 26 opening the Convention for accession to countries outside the UNECE region, in particular by disseminating the results of the workshops organized outside the UNECE region;

Lead Party: To be defined. The Legal Board will prepare the necessary background studies for the workshops.

Main partners: Cooperation will be sought with UN Regional Commissions, the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization for Security and Co-operation in Europe (OSCE) and WWF.

### **2. Advisory service**

[...]

In the period 2007–2009, The Legal Board and the Flood Task Force will help Parties and non-Parties to improve transboundary flood management. Such assistance will include the support to the implementation of the UNECE Guidelines on Sustainable Flood Prevention and for using the Model Provisions on Transboundary Flood Management in developing or updating bilateral or multilateral agreements on transboundary basins or specific bilateral or multilateral transboundary flood management agreements.

The Legal Board will in general provide legal assistance to Parties and non-Parties, at their request, in drawing up new agreements or adapting existing ones on transboundary waters in line with article 9, paragraph 1, as well as other relevant articles of the Convention.

Lead Party: Germany [to be confirmed] in cooperation with [to be defined].

Main partners: Cooperation will be sought with the World Meteorological Organization (WMO), UNESCO and its Centre for Water Law, Policy and Science.

## PROGRAMME AREA II: INTEGRATED MANAGEMENT OF WATER AND RELATED ECOSYSTEMS

### 1. Implementation of the Convention

#### 1.3 Flood protection, prevention and mitigation

##### *1.3.1 Networks of expertise*

Work to be undertaken: The Flood Task Force will transfer the experience and results of the European Network of Expertise on Flood Risk Management to non-EU countries, in order to strengthen their capacity to manage floods and, in particular, to develop flood forecast, systematic risk assessment and disseminate information.

To this aim, two workshops will be organized in 2007-2009. A first workshop will be devoted to the presentation of the activities of the two existing European exchange circles: the European exchange circle on flood forecasting (EXCIFF, co-pilots: France and DG Joint Research Centre) and the European exchange circle on flood risk mapping (EXCIMAP, co-pilots: France and Switzerland) and will allow to extend the networks to non EU countries.

A second workshop will be organized on specific issues of transboundary flood management dealt by the European Network of Expertise on Flood Risk Management of particular relevance to non-EU countries.

Lead Party/Organization: Germany [to be confirmed] in cooperation with France, Switzerland and the European Commission (DG JRC) [to be confirmed].

Main partners: Cooperation will be sought with the WMO Commission for Hydrology and UNESCO.

##### *1.3.2 Policy recommendations on transboundary flood management*

Work to be undertaken: The Flood Task Force will prepare a set of recommendations for decision makers at governmental as well as regional, municipal and local level on a range of relevant or emerging issues not covered by the 2000 Guidelines on Sustainable Flood Prevention.

Such recommendations will address in particular regional and spatial planning as well as land use management, and their role in reducing flood risks and damage potential, in particular in transboundary context.

Other aspects which will be addressed in the recommendations are possible impacts of climate change for flood management, health related aspects, practical ways to implement the solidarity principle, financial mechanisms, the involvement of the public and of stakeholders in the planning process for flood management, ecological aspects of flood management, integrated management of surface and groundwater for flood mitigation and response, and benefits of floods to increase water availability and to improve the ecological status of waters.

The recommendations will be based on the analysis of some successful cases and/or running projects of transboundary cooperation. A Task Force will be responsible for the preparation of the recommendations.

Lead Party/Organization: Germany [to be confirmed] in cooperation with Hungary [to be confirmed].

Participating Parties: Serbia.

Main partners: The Meeting of the Parties to the Protocol on Water and Health for health related aspects. Cooperation will be sought with the WMO Commission for Hydrology and UNESCO.

### ***1.3.3 Model provisions on transboundary flood management***

Work to be undertaken: The Flood Task Force and the Legal Board will promote the use of the model provisions for transboundary flood management. On the basis of the legal developments in the region and the experience gained in the use of the model provisions, the two bodies will further develop the provisions and their supporting commentary, as needed.

Lead Party/Organization: Germany [to be confirmed] in cooperation with Greece [to be confirmed].

Main partners: Cooperation will be sought with WMO and UNESCO.

## **1.6 Water and industrial accidents**

### ***1.6.1 Protocol on Civil Liability***

Work to be undertaken: [...] The Legal Board will prepare an analysis of the progress towards ratification of the Protocol on Civil Liability highlighting obstacles and possible solutions.

## **1.7 Legal guidance**

Work to be undertaken: The Legal Board will develop guidance for a legally-sound interpretation of the provisions of the Convention which misinterpretation hamper ratification (such as the polluter-pays principle).

Lead Party/Organization: [to be defined].

Main partners: Cooperation will be sought with UNESCO and its Centre for Water Law, Policy and Science.

## **2. Capacity-building**

### **2.4 Transboundary flood management**

Work to be undertaken: The Flood Task Force will develop capacity building activities to provide training for local and national authorities as well as joint bodies responsible for transboundary flood management, with a special focus on SEE and EECCA.

Training to EECCA expert will be provided through the organization of a workshop within the framework of the UNECE project “Capacity for Water Cooperation” (CWC) (see activity 2.1).

Lead Party/Organization: Germany [to be confirmed] in cooperation with [to be defined].

Main partners: Cooperation will be sought with UNESCO, WMO, established joint bodies in the region, RECC and EECCA RECs.