

## **CONSULTATION PROCESS OF THE COMPLIANCE COMMITTEE**

### **UNDER THE PROTOCOL ON WATER AND HEALTH**

#### **Terms of Reference, as amended by the Committee at its tenth meeting**

**(Geneva, 25 November 2014)**

#### **Nature, scope and objectives**

1. The objective of the Consultation Process is to assist Parties in implementing the provisions of the Protocol on Water and Health. It consists of advice and assistance, which vary depending on the specific conditions and needs of the Party involved. It can address scientific, technical, legal and administrative issues.
2. The Consultation Process focuses on — but is not limited to considering — core applications of the Protocol. The Process is mainly linked to the areas covered by the national summary reports.
3. Taking into account the capabilities and resources of the Committee, the Consultation Process aims to offer effective tailor-made advice to implement and apply the Protocol's provisions.
4. The Consultation Process is not a compliance review procedure. Hence, it is not of an inquisitive nature and its objective is not to establish whether a Party is non-compliant. The procedure is guided by the same principles guiding the work of the Compliance Committee, i.e., that it be simple, facilitative, non-adversarial and cooperative.

#### **Procedures**

5. The basis for the Consultation Process is a request by a Party to engage in the Process or, as applicable, a positive response by a Party to an invitation of the Compliance Committee to engage in the Process.
6. The Compliance Committee will endeavour to conduct two or three consultation processes, as appropriate, during the intersessional period.
7. The rules of procedure of the Compliance Committee apply, *mutatis mutandis*, to the Consultation Process, including in respect of the nature of meetings. However, a particular Consultation Process may be conducted wholly or partly in closed sessions if requested by the Party concerned.
8. The Consultation Process is guided by the principles of confidentiality of the Compliance Committee, i.e., in general the procedure is not confidential; however, information provided in confidence by the Party concerned is kept confidential.
9. The Consultation Process is conducted mainly by means of a dialogue with the Party concerned at an ordinary meeting of the Compliance Committee and/or, as appropriate, during a mission upon the invitation of the Party concerned.

10. The dialogue is based on a pre-examination of information available to the Committee, e.g., the national summary report, supplemented as need be by other information gathered by the Committee, in particular information provided by the Party concerned in response to questions posed by the Committee.
11. In performing its functions under the Consultation Process, the Compliance Committee, as appropriate, cooperates with:
  - (a) The Task Force on Water-related Disease Surveillance;
  - (b) The Task Force on Target Setting and Reporting;
  - (c) The Project Facilitation Mechanism.

#### **Relationship with compliance procedures**

12. If during a Consultation Process the Party concerned is being targeted by a submission, referral or communication, the Committee may decide, depending on the circumstances and in agreement with the parties concerned, to suspend either the Consultation Process or the deliberations on the submission, referral or communication.
13. The Committee does not consider that a completed Consultation Process per se would entail a conflict of interest of the Compliance Committee vis-à-vis submissions, referrals or communications targeting the Party concerned.

#### **Results of the Consultation Process**

14. In accordance with the resources available, results of a Consultation Process may take the form of assistance to the Party concerned to develop an accurate analysis of its situation enabling it to set targets; recommendations to the Party on how to improve its situation; and assistance to the Party in seeking support from donors, specialized agencies and other competent bodies, including assistance to prepare project proposals supporting the implementation of the Protocol.
  15. The results of a Consultation Process will be reported to the Meeting of the Parties only in general terms. It may also take the form of general recommendations to the Meeting of the Parties.
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