

COMPLIANCE PROCEDURE

UNECE/WHO-EUROPE PROTOCOL ON WATER AND HEALTH TO THE 1992 CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES

CONSULTATION PROCESS: TERMS OF REFERENCE

Nature, scope and objectives

1. The objective of the Consultation Process is to assist Parties in implementing the provisions of the Protocol. 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 aspects.
2. The Consultation Process is focusing on – but not limited to consider – core applications of the Protocol. It 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 will be guided by the same principles guiding the work of the Compliance Committee, i.e. simple, facilitative, non-adversarial and cooperative.

Procedures

5. The basis of the Consultation Process is a request by a Party to engage in a consultation process.
6. A request by a Party may be initiated by the Compliance Committee by addressing the Party, to be decided by the Committee on an ad hoc basis pending the circumstances and taking into account the national summary reports.
7. The Compliance Committee endeavours to conduct two to three consultation processes as appropriate during the intersessional period.
8. The rules of procedure of the Compliance Committee apply *mutatis mutandis* including in respect of the nature of meetings. However, a consultation process may be conducted wholly or partly in closed sessions if requested by the Party concerned.
9. 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 having been provided in confidence by the Party concerned is kept confidential.
10. 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, at a mission upon invitation by the Party concerned.

11. The dialogue is based on a pre-examination of information available to the Committee, e.g. the national summary report, supplemented by other information gathered by the Committee in particular information provided by the Party concerned in response to questions posed by the Committee.
12. In performing its functions under the consultation process the Compliance Committee is, as appropriate, cooperating with:
 - Task Force on Water-related Disease Surveillance
 - Task Force on Target Setting and Reporting
 - Project Facilitation Mechanism

Relationship with compliance procedures

13. If during a consultation process the Party concerned is being targeted by a submission, referral or communication, the Committee may decide pending the circumstances and in agreement with the parties concerned, to suspend either the consultation process or the deliberations on the submission, referral or communication.
14. 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

15. 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, as well as assistance in seeking support from donors, specialized agencies and other competent bodies, including assistance to prepare project proposals supporting the implementation of the Protocol.
16. The results of a Consultation Process will be only reported to the Meeting of the Parties in general terms. It may also take the form of general recommendations to the Meeting of the Parties.