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**ECONOMIC COMMISSION FOR EUROPE**

MEETING OF THE PARTIES TO THE CONVENTION ON  
THE PROTECTION AND USE OF TRANSBOUNDARY  
WATERCOURSES AND INTERNATIONAL LAKES

**REPORT OF THE FOURTH MEETING OF THE PARTIES  
HELD FROM 20 TO 22 NOVEMBER 2006 IN BONN, GERMANY**

Addendum

**Part Two: Declaration of Bonn, rules of procedure for meetings of the Parties and  
Model Provisions on Transboundary Flood Management**

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## I. DECLARATION OF BONN

1. *We*, the Parties to the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, gathered at Bonn from 20 to 22 November 2006 for our fourth meeting, *stress again* the importance of multilateral and bilateral cooperation and coordination on transboundary watercourses and international lakes as well as in international river basins. The Convention provides important guidance for this work with regard to different aspects of environmental protection and sustainable water management. Therefore we reaffirm the commitments we made at our three previous meetings (Helsinki, 2–4 July 1997; The Hague, 23–25 March 2000; and Madrid, 26–28 November 2003).
2. *We reaffirm* our commitment to the decisions adopted at the thirteenth session of the United Nations Commission on Sustainable Development in April 2005 on water, sanitation and human settlements, and we believe that the Convention and its protocols will provide a useful framework for the regional implementation of these decisions.
3. *We take note* of the outcome of the Fourth World Water Forum in Mexico (16–22 March 2006), which stressed the need for “local actions for a global challenge” inter alia in order to promote the implementation of the Millennium Development Goals and the Johannesburg Plan of Implementation.
4. *We call upon* countries that have not yet done so to ratify the Convention. We urge the Parties to the Convention to ratify the amendment to articles 25 and 26 opening the Convention to countries outside the UNECE region.
5. *We reiterate* our invitation to States outside the UNECE region – especially but not only those sharing waters with UNECE countries – to cooperate within the framework of the Convention. We believe that the involvement of such States could be of mutual benefit by enriching the processes under the Convention and its protocols and affirming the global relevance of their standards while at the same time strengthening transboundary water cooperation and contributing to peace and security worldwide.
6. *We welcome* the entry into force on 4 August 2005 of the Protocol on Water and Health and the intention of several countries to ratify this Protocol in the near future. We invite other countries to ratify the Protocol. We acknowledge the progress achieved in the implementation of the Protocol. We are committed to cooperate with the Meeting of the Parties to the Protocol on all issues of common relevance.
7. *We affirm* the importance of the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters that was adopted in Kiev on 21 May 2003. We welcome the proposal by the Government of Hungary to host a workshop on transboundary waters, transboundary accidental pollution, liability – challenges and opportunities, in order to, inter alia, exchange information and to analyse obstacles to the ratification of the Protocol. The proposal of a joint organization of this workshop will be made to the Bureau of the Convention on the Transboundary Effects of Industrial Accidents.

8. *We further encourage* UNECE countries to update, where necessary, their agreements and arrangements and to conclude and ratify new ones in accordance with the provisions of the Convention and its Protocols, and we offer them assistance through the Convention's Advisory Service. We also encourage countries that are riparian to the same transboundary waters to prepare and carry out joint projects.
9. *We appreciate* the contributions of the Parties to the Convention's trust fund as well as their in-kind contributions. We invite countries, financial institutions and funding mechanisms to further contribute resources to the achievement of the objectives and purposes of the Convention. In particular we invite countries that have not so far done so to consider contributing to the Convention's trust fund. Also, resource contributions in the form of secondment of staff and offers of junior professional officers are highly welcome.
10. *We encourage* all Parties to contribute actively to the implementation of the workplan for 2007–2009, especially in the working groups.
11. *We express* our appreciation to the working groups and other bodies for the excellent work accomplished under the workplan for 2004–2006, which will contribute to achieving the objectives and purposes of the Convention. We commit ourselves to the promotion and implementation of the Safety Guidelines and Good Practices for Pipelines, the Recommendations on Payments for Ecosystem Services in Integrated Water Resources Management, the Model Provisions on Transboundary Flood Management and the Strategies for Monitoring and Assessment of Transboundary Rivers, Lakes and Groundwaters.
12. *We acknowledge* that our cooperation with the governing body of the Convention on the Transboundary Effects of Industrial Accidents has proved to be a pioneer experience in establishing synergies between UNECE conventions. We are committed to further joint work and to supporting the activities of the Joint Expert Group on Water and Industrial Accidents.
13. *We reaffirm* that capacity-building is vital for the successful implementation of the Convention. There is an obvious need to provide training for national and local authorities on the various aspects of water management. We recognize the usefulness of the Convention's project "Capacity for Water Cooperation" to address the capacity-building needs of authorities in Eastern Europe, Caucasus and Central Asia (EECCA). We welcome the results of the first three workshops under the project and support the project's continuation. We also support the other capacity-building activities in the 2007–2009 workplan and call upon Parties and non-Parties to contribute to them.
14. *We appreciate* the activities of the European Union (EU) Water Initiative, especially the EECCA and Mediterranean components, which are closely related to the Convention's implementation in the UNECE region. We will support the work of UNECE in the development of National Policy Dialogues under the EECCA component to strengthen integrated water resources management.
15. *We continue* to cooperate with initiatives within the UNECE region promoting transboundary cooperation in water management such as the Petersberg II/Athens Declaration Process. This Process began successfully in December 2005 with an international roundtable in

Berlin and is designed to provide a platform for a continuing structured dialogue among representatives of all countries of South-Eastern Europe, involving international and regional as well as non-governmental organizations, on opportunities, constraints and emerging issues in the management of the many transboundary waters in this rapidly changing part of Europe.

16. *We acknowledge* the work done under the EU Water Framework Directive, especially the analyses of the water bodies in river basin districts and the strengthening of international river basin commissions for enabling cooperation between EU countries and between EU and non-EU countries. These successful activities demonstrate the advantage of basin-wide international cooperation in the water sector, and especially the importance of assessment of transboundary waters to show progress in reducing impacts. We recognize the synergies and the complementary roles of the Convention and the EU Water Framework Directive.

17. *We acknowledge* the important role that the International Water Assessment Centre (IWAC) has played for the Convention. We thank the Government of the Netherlands for having hosted and supported the centre since its establishment in 2000, and we also thank all other members participating in the IWAC network. We welcome and gratefully accept the offer of the Government of the Slovak Republic to host the centre in the future. We are committed to supporting IWAC so that it can continue its tasks as a collaborating centre under the Convention, to supporting implementation projects and to making a substantive contribution to the water-related activities of the United Nations.

18. *We are convinced* that pilot projects have played and will continue to play an important role in implementing the obligations under the Convention. They have helped to establish effective and efficient monitoring and assessment programmes sustainable in the specific economic context of the countries concerned. They also have helped to initiate bilateral and multilateral cooperation, leading to institutional strengthening and capacity-building. We therefore call upon international organizations, institutions and programmes, such as the United Nations Development Programme, the United Nations Environment Programme, the Global Environment Facility, the Organization for Security and Co-operation in Europe and the European Commission, to provide further funding for new pilot projects initiated under the auspices of the Convention.

19. *We will contribute actively* to the Sixth Ministerial Conference “Environment for Europe” (Belgrade, 10–12 October 2007). To this end, we will prepare an assessment of transboundary rivers, lakes and groundwaters to illustrate progress made in the prevention, control and reduction of transboundary impacts; trends and remaining pollution problems; and measures for improving the status of watercourses and preventing overuse of water resources.

20. *We recognize* the importance of UNECE water-related technical cooperation activities, developed together with the Regional Advisor on Environment, for strengthening the Convention’s implementation.

21. *We consider* that our activities under the Convention can contribute substantially to overcoming the water and sanitation problems faced by many developing countries. We will therefore continue to assist the secretariat in playing a key role in the activities of UN-Water and

the compilation of the third edition of the World Water Development Report, to be published in 2009.

22. In view of the recent flood catastrophes in many UNECE countries, *we stress* the importance of increasing transboundary cooperation with regard to joint strategies and action programmes for flood protection, prevention and mitigation. We therefore stress the importance of the adopted Model Provisions on Transboundary Flood Management containing vital elements such as cooperation in flood prevention, in warning and alarm issues and in data exchange. In future work we will also take into account adaptation to climate change, in particular its impacts on water resources such as more frequent and more intense floods, water scarcity and droughts.

23. *We recognize* the need and the opportunities to take into account the value of ecosystem services for implementing integrated water resources management. We therefore stress the importance of the adoption of the Recommendations on Payments for Ecosystem Services for the protection, restoration and sustainable use of water-related ecosystems. They represent the starting point of an innovative approach. On the basis of future experience through pilot projects on payments for ecosystem services in the region, we will further develop these Recommendations.

24. *We greatly appreciate* and will continue our joint work with the bodies established under the other UNECE environmental conventions as well as with other United Nations bodies and governmental and non-governmental organizations and institutions active in sustainable and integrated water management. We thank them for their support to date and invite them to keep cooperating actively in our work so that we all can benefit from each other's experience. We will also seek new partners, including non-governmental organizations and the private sector.

25. *We acknowledge* the vital role of the secretariat services for the Convention and its Protocols in enabling us to support and intensify our activities concerning information dissemination, exchange of experiences and know-how, training and capacity-building.

26. *We, the Parties, note with appreciation* that at this meeting UNECE countries that have not yet become Parties to the Convention<sup>1</sup> have associated themselves with this declaration.

27. *We express* our gratitude to the Government of Germany for hosting our meeting and for its hospitality.

28. *We welcome* the offer of the Government of Switzerland to host our fifth meeting in the year 2009.

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<sup>1</sup> Georgia and Kyrgyzstan.

## **II. RULES OF PROCEDURE FOR MEETINGS OF THE PARTIES**

### **PURPOSE**

#### **Rule 1**

These rules of procedure shall apply to the meetings of the Parties convened in accordance with article 17 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

### **DEFINITIONS**

#### **Rule 2**

For the purposes of these rules:

1. “Convention” means the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted at Helsinki, Finland, on 17 March 1992.
2. “Parties” means Contracting Parties to the Convention.
3. “Parties present and voting” means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.
4. “Meeting of the Parties” means the body established by the Parties in accordance with article 17 of the Convention.
5. “A meeting of the Parties” means an ordinary or extraordinary meeting convened in accordance with article 17 of the Convention.
6. “Regional economic integration organization” means an organization in accordance with article 23 of the Convention.
7. “Chairperson” means the Chairperson elected in accordance with rule 17 of these rules of procedure.
8. “Secretariat” means, in accordance with article 19 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe.

## **PLACE OF MEETINGS**

### **Rule 3**

The meetings of the Parties shall be held at the United Nations Office at Geneva unless other appropriate arrangements are made by the Parties and/or the Bureau in consultation with the secretariat.

## **DATES OF MEETINGS**

### **Rule 4**

1. The Meeting of the Parties shall set the indicative date for the opening and the duration of its next ordinary meeting. Ordinary meetings shall be held at least every three years.
2. In the case of an extraordinary meeting convened at the written request of a Party pursuant to article 17, paragraph 1, of the Convention or at the written request of the Bureau, it shall be convened not later than 90 days after the date on which the request is supported by at least one third of the Parties.

## **NOTIFICATION**

### **Rule 5**

1. The secretariat shall notify all Parties of the date and venue of a meeting of the Parties at least six weeks before it is due to take place.
2. The secretariat shall also provide notification of the date and venue of a meeting of the Parties, at least six weeks before it is due to take place, to:
  - (a) Those member States of the Economic Commission for Europe and regional economic integration organizations which are entitled to become a Party to the Convention but have not yet done so;
  - (b) Any other State Member of the United Nations that has requested to be so notified;
  - (c) Organizations of the United Nations system with specific competence on issues of the Convention;
  - (d) Other relevant intergovernmental organizations, qualified or having an interest in the fields to which the Convention relates, that have requested to be so notified;
  - (e) Relevant non-governmental organizations, qualified or having an interest in the fields to which the Convention relates, that have requested to be so notified.

3. Unless a Party or an observer requests a different method of communication, notification by electronic mail shall be considered sufficient for the purposes of this rule, provided receipt of the electronic mail is acknowledged by the recipient.

## **OBSERVERS**

### **Rule 6**

1. Representatives of the States and the organizations identified in rule 5, paragraph 2 (a), (c) and (d), shall be entitled to participate in the proceedings of any meeting governed by these rules. Representatives of any other State Member of the United Nations shall also be entitled to participate in such meetings, regardless of whether it has requested to be notified of such meetings.
2. Representatives of any of the organizations referred to in rule 5, paragraph 2 (e), shall be entitled to participate in the proceedings of any meeting governed by these rules, unless one third of the Parties present at that meeting objects to the participation of representatives of that organization.
3. Observers entitled to participate in the proceedings of meetings pursuant to this rule do not have the right to vote at such meetings.

## **AGENDA**

### **Rule 7**

In consultation with the Bureau, the secretariat shall prepare the provisional agenda of each meeting of the Parties.

### **Rule 8**

1. The provisional agenda for a meeting of the Parties shall include, where appropriate:
  - (a) Items specified in article 17, paragraph 2, of the Convention;
  - (b) Items arising from previous meetings of the Parties;
  - (c) Any item proposed by the Bureau and/or the secretariat;
  - (d) Any item proposed by a Party before the agenda is circulated.
2. The first item on the provisional agenda for each meeting shall be the adoption of the agenda.



### **Rule 9**

The provisional agenda for a meeting of the Parties, together with available supporting documents, shall be distributed by the secretariat to the Parties at least six weeks before the opening of the meeting. In this regard, the provisions of rule 5, paragraph 3, shall apply.

### **Rule 10**

The secretariat shall, in consultation with the Chairperson, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting of the Parties in an addendum to the provisional agenda, which the Meeting of the Parties shall examine together with the provisional agenda.

### **Rule 11**

The Meeting of the Parties, when adopting the agenda of its meeting, may add, delete, defer or amend items. The Meeting of the Parties may amend the agenda at any time.

## **REPRESENTATION AND CREDENTIALS**

### **Rule 12**

Each Party participating in the meetings of the Parties shall be represented by a delegation consisting of a head of delegation and such other representatives, alternate representatives and advisers as it thinks appropriate.

### **Rule 13**

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

### **Rule 14**

The credentials of all representatives and names of alternate representatives and advisers shall be submitted to the secretariat at the opening of any meeting of the Parties. Any later change in the composition of the delegation shall also be submitted to the secretariat.

### **Rule 15**

The officers of the Meeting of the Parties shall examine the credentials and submit their report to the Meeting.

### **Rule 16**

Pending a decision of the Meeting of the Parties upon their credentials, representatives shall be entitled to participate in the meeting.

## **OFFICERS**

### **Rule 17**

1. A meeting is hosted by a Party, a representative of the host country may nominate a person to chair the meeting whether or not he/she has been previously elected as a member of the Bureau.
2. At the end of each meeting, the Meeting of the Parties shall elect a Chairperson and two Vice-Chairpersons from among the representatives of the Parties. The Meeting of the Parties shall elect additional officers, as it deems necessary for the performance of its functions, taking into account rule 20, paragraph 1.
3. The Chairperson, the Vice-Chairpersons and the other elected officers shall serve as the officers of the Meeting of the Parties and remain in office until their successors are elected. They shall be eligible for re-election. The Meeting of the Parties may assign specific tasks to the officers to be carried out before its next meeting. In electing the officers, due account shall be taken of the need to ensure a balanced representation of the different geographical subregions of ECE. If the Chairperson or one of the Vice-Chairpersons or one of the other elected officers is permanently unable to serve as officer, the remaining members of the Bureau shall co-opt a successor by consensus. The Bureau should take into account the proposal for a successor by the Party represented by the outgoing Chairperson, Vice-Chairperson or other elected officer.
4. The Chairperson shall participate in the meeting of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the Party concerned shall designate another representative who shall be entitled to represent it in the Meeting of the Parties and to exercise its right to vote.

### **Rule 18**

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall:
  - (a) Declare the opening and closing of the meeting of the Parties;
  - (b) Preside at the sessions of the meeting;
  - (c) Ensure the observance of these rules;
  - (d) Accord the right to speak;
  - (e) Put questions to the vote and announce decisions;
  - (f) Rule on points of order;
  - (g) Subject to these rules, exercise control over the proceedings and maintain order.

2. The Chairperson may, moreover, propose:
  - (a) The closure of the list of speakers;
  - (b) A limitation on the time allowed to speakers and on the number of times each representative may speak on a question;
  - (c) The adjournment or closure of the debate;
  - (d) The suspension or adjournment of the meeting of the Parties.
3. The Chairperson, in the exercise of his/her functions, remains under the authority of the Meeting of the Parties.

### **Rule 19**

1. If the Chairperson is temporarily absent, or asks to be temporarily replaced, a Vice-Chairperson shall act as Chairperson.
2. At any time, the Chairperson may ask one of the Vice-Chairpersons or the person nominated by the host country, in accordance with rule 17, to chair the meeting.

## **BUREAU**

### **Rule 20**

1. The Bureau of the Meeting of the Parties shall be composed of not fewer than eight persons including the Chairperson and the two Vice-Chairpersons of the Meeting of the Parties, the Chairpersons of the working groups established according to rule 21 and, if applicable, the other officers elected according to rule 17, paragraph 2.
2. The Chairperson of the Meeting of the Parties to the Protocol on Water and Health shall be invited to participate in the Bureau of the Meeting of the Parties to the Convention without the right to vote.
3. The Bureau shall be chaired by the Chairperson or the acting Chairperson of the Meeting of the Parties.
4. The Bureau, with the assistance of the secretariat, shall:
  - (a) Make arrangements to further develop the workplan, adapt it to changing circumstances and avoid, to the extent possible, duplication of efforts with water-related activities of other United Nations bodies and other international organizations;
  - (b) Take initiatives to strengthen the application of the Convention; maintain liaison with the Bureau of the Meetings of the Parties to the Protocol on Water and Health, the bureaux

of governing bodies of other environmental conventions, the Bureau of the UNECE Committee on Environmental Policy, international organizations, financial institutions, environmental policy-making bodies and non-governmental organizations to improve the implementation of the Convention; and take other appropriate measures to facilitate the implementation of the workplan;

- (c) Carry out other tasks entrusted to it by the Meeting of the Parties.

5. Subject to rule 21, paragraph 1, the Bureau may decide on the convening of meetings of working groups and other bodies which have been established or need to be established to implement the programme of work.

## **BODIES TO IMPLEMENT THE WORKPLAN**

### **Rule 21**

1. The Meeting of the Parties may establish such working groups and other bodies such as task forces and expert groups, as it deems necessary for the performance of its functions and the implementation of the workplan, and may request them to help organize workshops, seminars, training courses and other meetings under the Convention. Unless otherwise decided by the Meeting of the Parties, the working groups and other bodies shall elect their own officers and decide on the dates and frequency of their meetings.
2. The Meeting of the Parties shall determine the matters to be considered by the working groups and other bodies, their term and their working languages. The Meeting of the Parties may at any time terminate the function of the working groups and other bodies.
3. To promote harmonious cooperation, the Meeting of the Parties to the Convention shall make arrangements with the Meeting of the Parties to the Protocol on Water and Health regarding the terms of reference of working groups and other bodies established under the Convention and the Protocol.
4. Unless otherwise decided by the Meeting of the Parties, these rules of procedure shall apply *mutatis mutandis* to the proceedings of working groups and other bodies established by the Meeting of the Parties under the present rule, save as otherwise specified in this rule.
5. Any official supporting document for a meeting of a working group or other body shall be distributed at least one month before the opening of the meeting.
6. A majority of the Parties designated by the Meeting of the Parties to take part in the body shall constitute a quorum, but in the case of open-ended bodies, one quarter of the Parties shall constitute a quorum.
7. The chairperson of a working group or other body may exercise the right to vote.

8. Rules 4, 12 to 17 and 20 shall not apply to the proceedings of working groups and other bodies.
9. Attendance by members of the public and participation without the right to vote by, inter alia, Parties and observers in meetings of bodies of limited membership shall be decided by the Meeting of the Parties or the body concerned.

## **SECRETARIAT**

### **Rule 22**

The Executive Secretary of the United Nations Economic Commission for Europe shall provide secretariat services for the Meeting of the Parties and all meetings organized under the auspices of the Meeting of the Parties. He/she may delegate these functions to a member of his/her staff.

### **Rule 23**

For meetings of the Parties, the secretariat shall:

- (a) Prepare the documentation, in consultation with the Bureau;
- (b) Arrange for interpretation;
- (c) Arrange for the translation, reproduction and distribution of the documents;
- (d) Arrange for the custody and preservation of the documents in the archives of the United Nations Economic Commission for Europe.

## **CONDUCT OF BUSINESS**

### **Rule 24**

1. The meetings of the Parties shall ordinarily be held in public. The Meeting of the Parties may decide that a meeting or parts of it shall be held in private.
2. Where it is not feasible to accommodate in the meeting room all the members of the public who have requested to attend the meeting, the proceedings of the meeting shall be relayed to those members of the public using audio-visual equipment wherever appropriate.
3. The secretariat and, if the meeting is held in a location other than the United Nations Office at Geneva, the host government or organization shall ensure that practical arrangements are made to facilitate the entitlements of members of the public under this rule.

### **Rule 25**

The Chairperson may declare a meeting of the Parties open and permit debate to proceed when representatives of the majority of the Parties are present.

### **Rule 26**

1. The Chairperson shall determine the list and order of speakers at a meeting of the Parties. Without prejudice to rules 27, 28, 29 and 31, the Chairperson shall call upon speakers in the order in which they indicate their wish to speak. The secretariat shall be in charge of drawing up a list of such speakers. The Chairperson may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

2. The Meeting of the Parties may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chairperson shall call him/her to order without delay.

3. The Executive Secretary or his/her representative may at any meeting make either oral or written statements concerning any question under consideration.

### **Rule 27**

An officer of a body established by the Meeting of the Parties may be accorded precedence by the Chairperson of the Meeting of the Parties for the purpose of explaining the conclusions arrived at by this body.

### **Rule 28**

During the discussion of any matter, a representative may at any time raise a point of order, which shall be decided immediately by the Chairperson in accordance with these rules. A representative may appeal against the ruling of the Chairperson. The appeal shall immediately be put to the vote and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

### **Rule 29**

Any motion calling for a decision on the competence of the Meeting of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

### **Rule 30**

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be presented in writing and handed to the secretariat, which shall circulate copies to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations not later than 24 hours in advance. The Chairperson may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though those amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals for amending the Convention, including its annexes, shall be submitted to the secretariat at least 120 days before the meeting of the Parties at which they are proposed for adoption by consensus, so that the secretariat, in accordance with article 21, paragraph 3, of the Convention, can communicate these proposals to the Parties at least 90 days before the meeting of the Parties.

### **Rule 31**

1. Subject to rule 28, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend the meeting of the Parties;
- (b) To adjourn the meeting of the Parties;
- (c) To adjourn debate on a question under discussion;
- (d) For closure of the debate on a question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall immediately be put to the vote.

### **Rule 32**

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion that is withdrawn may be reintroduced by any other Party.

### **Rule 33**

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless the Meeting of the Parties, by a three-fourths majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall immediately be put to the vote.

## **VOTING**

### **Rule 34**

1. The Meeting of the Parties shall make every effort to reach its decisions by consensus, that is the absence of any formal objection by a Party. If all efforts at consensus have been exhausted, and no agreement reached, the decisions – except for amendments to the Convention and its annexes (article 21 of the Convention), to rule 33, to rule 47 and to paragraph 2 of this rule – shall be taken by a majority of the Parties present and voting.
2. Decisions of the Meeting of the Parties on financial matters shall be adopted by consensus of the Parties present.

### **Rule 35**

If two or more proposals relate to the same question, the Meeting of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Meeting of the Parties may, after each vote on a proposal, decide whether or not to vote on the next proposal.

### **Rule 36**

Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall immediately be put to the vote.

### **Rule 37**

If the motion referred to in rule 36 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

### **Rule 38**

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote and, if the amendment is adopted, the amended proposal shall then be voted on.

### **Rule 39**

If two or more amendments to a proposal are moved, the Meeting of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the



amendment next furthest removed there from, and so on, until all amendments have been put to the vote.

#### **Rule 40**

Except for elections, voting shall normally be by show of hands. A roll call shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting of the Parties beginning with the Party whose name is drawn by lots by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

#### **Rule 41**

The voting of each Party participating in a vote by roll call shall be recorded in the report of the meeting.

#### **Rule 42**

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting, and may limit the time allowed for such explanations. He/she shall not permit the proposer of a proposal or an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, unless it has been amended.

#### **Rule 43**

All elections shall be decided by secret ballot, unless, in the absence of any objection, the Meeting of the Parties decides to proceed without taking a ballot on an agreed candidate or slate.

### **OFFICIAL LANGUAGES**

#### **Rule 44**

The official languages of the Meeting of the Parties shall be English, French and Russian.

#### **Rule 45**

1. Statements made during meetings of the Parties in an official language shall be interpreted into the other official languages.

2. A representative may speak in a language other than an official language if he/she provides for interpretation into one of the official languages.

**Rule 46**

Official documents of the Meeting of the Parties shall be drawn up in one of the official languages and translated into the other official languages.

**AMENDMENTS TO THE RULES OF PROCEDURE**

**Rule 47**

Amendments to these rules of procedure shall be adopted by consensus of the Meeting of the Parties.

**OVERRIDING AUTHORITY OF THE CONVENTION**

**Rule 48**

In the event of conflict between any provision of these rules and any provision of the Convention, the provision of the Convention shall prevail.

### III. MODEL PROVISIONS ON TRANSBOUNDARY FLOOD MANAGEMENT

#### Introduction

1. The following Model Provisions on Transboundary Flood Management adopted by the Parties to the Convention at their fourth meeting are meant to help States in developing either a general bilateral or multilateral normative instrument on transboundary water issues or a flood-specific one among Riparian States, in order to address transboundary flood prevention, protection and mitigation and enhance preparedness thereto. The Model Provisions may need to be adapted by the Riparian States according to their specific needs. On the other hand, States may adopt further provisions dealing with these matters in more detail, or opt for more stringent measures such as those contained in Part III of the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (hereinafter the United Nations 1997 Watercourses Convention) and in the UNECE 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter the UNECE 1992 Water Convention).
2. It is understood that general principles of international law related to matters covered by these model provisions are fully applicable, as appropriate.
3. For the purposes of these provisions:
  - (a) “Parties” means parties to any instrument in which these provisions may be incorporated;
  - (b) “Riparian Parties” means Parties bordering the same transboundary watercourse.
4. Throughout the provisions, wording suitable to legally binding instruments has been used (e.g. “shall do”). If States choose a soft law type of instrument, then different wording (e.g. “should do”) should be used.

#### Provision 1

- 1. The Riparian Parties shall take all appropriate measures to prevent, mitigate and protect against flood risks in transboundary river basins. Flood risks are the probability of flood occurrence combined with its possible adverse impact.**
- 2. Each Party shall refrain from taking action or adopting measures which may, directly or indirectly, result in a transfer of flood risks to other Riparian States or generate flood risks in such other Riparian States.**

#### Commentary to provision 1

1. Paragraph 1 of provision 1 is an enunciatory statement covering the whole Model Provisions, reflecting the most fundamental principle thereof and also defining the term “flood

risks". As to the definition of "impact", reference can be made to article 1, paragraph 2 of the UNECE 1992 Water Convention.

2. As far as paragraph 2 is concerned, national flood protection measures should always take into account their possible impact on other Riparian States. Paragraph 3.2 (bullet 4) of the 2004 Action Programme for Sustainable Flood Protection in the Danube River Basin states that "Rivers do not recognize national borders. Experience has shown that local flood protection measures can have negative effects both downstream and directly upstream. Therefore these effects need to be assessed..." The term "generate flood risks" is intended to include man-made floods.

## **Provision 2**

**The Parties shall jointly develop a long-term flood management strategy and measures covering the transboundary river basin. Their cooperation shall include:**

**(a) Monitoring/data collection, exchange of hydrological and meteorological data, and development of a forecasting model covering the whole river basin or of a linkage between the Parties' respective forecasting models;**

**(b) Preparation of surveys, studies (including cost-benefit or cost-effectiveness analysis), flood plain maps, flood risk assessments and flood risk maps, taking due account of local knowledge, and exchange of relevant national data and documentation;**

**(c) Development of a comprehensive flood action plan or a set of co-ordinated flood action plans addressing prevention, protection, preparedness and response and providing for common objectives, joint action, contingency plans, information policy, flood plain management and, where appropriate, flood control works and financing mechanisms;**

**(d) Raising awareness and providing access to information, public participation and access to justice.**

## **Commentary to provision 2**

1. This provision establishes the principle of long-term cooperation between Riparian Parties on flood issues for the whole river basin as part of an integrated river basin management. Paragraph 2.1 of the communication of the European Commission on flood risk management (document COM (2004) 472) rightly states that "If one area implements engineering solutions to evacuate the water from its stretch of the river as quickly as possible, this simply means that the water arrives faster to their downstream neighbours. Therefore, it is imperative that flood protection is dealt with in a concerted and coordinated manner along the whole length of the river".<sup>2</sup> In this context, flood risk management should be coordinated with and, where appropriate, integrated into river basin management planning and be linked with other policy fields, such as urban planning, rural and industrial development, agriculture, transport and

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<sup>2</sup> See also paragraph 3.2 of the 2004 Action Programme for Sustainable Flood Protection in the Danube River Basin and paragraphs 13 (c) and 22 (a) of the UNECE Guidelines on Sustainable Flood Prevention.

recreation. Established joint bodies between the Riparian Parties constitute the appropriate framework for such cooperation.

2. The fields of cooperation mentioned in subparagraphs (a)–(d) are of an illustrative character, and no hierarchy is established among them, as it is for the Parties to fix the priorities of their common action in accordance with the specific needs of each river basin. The matters suggested in subparagraphs (a)–(d) are often mentioned in bilateral conventions, the Guidelines on Sustainable Flood Prevention (UNECE Guidelines) and also the New York Flood Control Rules (1972) of the International Law Association (ILA), as updated and incorporated in article 34, paragraph 4, of the 2004 Berlin Rules on Water Resources of the ILA.

3. As far as exchange of data and joint development of a forecasting model are concerned, similar provisions are contained in article 9 of the United Nations 1997 Watercourses Convention; in articles 3 and 6 of the 1999 Agreement between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan and the Government of the Republic of Uzbekistan on cooperation on hydrometeorology; and in paragraphs 24 and 28 of appendix I to the UNECE Guidelines. Note should also be taken of paragraph 1 of Resolution 25 (Cg-XII) of the World Meteorological Organization (1999) on the exchange of hydrological data, according to which Members should provide on a free and unrestricted basis those hydrological data and products which are necessary for the provision of services in support of the protection of life and property and for the well-being of peoples.

4. The wording of subparagraph (b) is modelled on that of subparagraph (b), paragraph 4, of article 34 of the Berlin Rules on Water Resources of ILA (see also para. 23 of the UNECE Guidelines).

5. Concerning subparagraph (c), mention should be made of article 13, paragraph 1, of the 2002 Framework Agreement on the Sava River Basin and of articles 7 and 8 of the 2000 Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on the Use of Interstate Water Management Installations on the Rivers Chu and Talas.

6. The use of cost-benefit and/or cost-effectiveness analysis allows for finding the most appropriate measures, with a fair sharing of costs and responsibilities, in the framework of solidarity among Riparian Parties. The establishment of suitable financial mechanisms can support the implementation of joint action.

7. This provision provides for joint action and measures by the Parties in the field of flood protection. The adoption of joint action plans by the Riparian Parties is also suggested in paragraph 22 (d) of the UNECE Guidelines and in annex A, paragraph 1 (a), of the communication of the European Commission on flood risk management (document COM (2004) 472).

8. Subparagraph (d) draws inspiration from section V of the UNECE Guidelines and from the Action Programme for Sustainable Flood Protection in the Danube River Basin (of the International Commission for the Protection of the Danube River).

### Provision 3

- 1. The Parties shall without delay inform each other about any critical situation likely to cause flooding in the other Parties' territory. The Riparian Parties shall set up and operate coordinated or joint communication, warning and alarm systems with the aim of obtaining and transmitting information, or adjust existing systems. These systems shall operate on the basis of compatible data transmission and processing procedures and facilities to be agreed upon by the Riparian Parties. The Riparian Parties shall designate competent authorities and points of contact at all appropriate levels and inform each other thereof.**
  
- 2. Whenever one Party ascertains the existence of a situation causing or likely to cause flooding in the other Parties' territory or in the process of flooding the other Parties' territory, it shall:**
  - (a) Immediately convey this information to the competent authorities and points of contact of the other Parties following the agreed-on procedure. Such information shall contain, inter alia, the available data on precipitation, run-off and water level;**
  
  - (b) Adopt, to the extent possible, all appropriate emergency measures to prevent or mitigate the adverse impact of the flood in the other Parties' territory;**
  
  - (c) Consult the other Parties without delay in order to arrive at common remedial action.**

### Commentary to provision 3

1. The first paragraph of this provision draws from article 14 of the UNECE 1992 Water Convention. This article puts upon the Riparian States the obligation to inform each other about any critical situation that may have transboundary impact and also to set up, where appropriate, coordinated or joint communication, warning and alarm systems. Some bilateral agreements also provide for such a communication procedure or for a common warning model.<sup>3</sup>
  
2. The second paragraph draws inspiration from article 28 of the United Nations 1997 Watercourses Convention. The first such obligation (i.e. the obligation to inform) is contained in paragraph 2 of article 28 as well as in many bilateral agreements dealing with floods.<sup>4</sup> The

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<sup>3</sup> Article 16, paragraph 1, of the 1994 Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention); article 8, paragraph 1 (c), of the 1999 Convention for the Protection of the Rhine; article 11, paragraph 1, of the 1998 Convention on Cooperation for the Protection and Sustainable Use of the Waters of the Hispano-Portuguese Catchment Areas. See also paragraph 25 of the UNECE Guidelines.

<sup>4</sup> See article 3, paragraph 6, of the 1999 Convention for the Protection of the Rhine; article 18, paragraph 3, of the 1998 Convention on Cooperation for the Protection and Sustainable Use of the Waters of the Hispano-Portuguese Catchment Areas (1998 Convention between Portugal and Spain); article 16, paragraph 2, of the Danube River Protection Convention; article 8 of the 2000 Agreement between the Government of the Republic of Kazakhstan and the Government of the Kyrgyz Republic on the Use of Interstate Water Management Installations on the Rivers Chu and Talas; article 3 of the 1999 Agreement between the Government of the Republic of

usefulness of the information provided is contingent upon the prior establishment of a bilateral warning arrangement ensuring that the information gets as early as possible to the right people. Therefore, subparagraph (a) mentions the need for an agreed procedure for communicating the relevant data.

3. The obligation to prevent or mitigate, to the extent possible, the adverse impact of a flood in the other Parties' territory can be considered as an expression of solidarity among States and peoples in cases of national disasters. Article 28, paragraph 3, of the United Nations 1997 Watercourses Convention provides that "A watercourse State within whose territory an emergency originates shall, in cooperation with potentially affected States and, where appropriate, competent international organizations, immediately take all practicable measures necessitated by the circumstances to prevent, mitigate and eliminate harmful effects of the emergency".<sup>5</sup> Provisions similar to the rule in subparagraph (b) are contained in article 18, paragraph 5, of the 1998 Convention between Portugal and Spain and in article 3 of the 2001 Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on cooperation regarding the protection and use of transboundary rivers.

4. Situations likely to cause flooding include those generated by excess water of meteorological origin as well as man-made floods, including those from failure of hydraulic infrastructures, such as dams and levees, and from reservoir operation. Making information available to Riparian States on reservoir management, with special regard to discharge rate, timing of discharge and its duration, has proven to be essential in such situations.

5. In order to identify the measures to be taken in accordance with paragraph 2, subparagraph (b) of this provision, the UNECE Guidelines, the conclusions and recommendations of the UNECE Seminar on the Prevention of Chemical Accidents and Limitation of Their Impact on Transboundary Waters (Hamburg, Germany, 4-6 October 1999) and the European Union Best Practices on Flood Prevention, Protection and Mitigation can be consulted for guidance.

6. The duty to consult the other Riparian Parties is provided for in express terms only in article 10 of the 1995 Agreement on the Mekong River. However, it can be argued that the silence of the other bilateral agreements is due to the fact that such an obligation in case of emergency is inherent to the rules of bona fides between Riparian States which, moreover, have concluded a bilateral agreement regarding their transboundary waters.

#### **Provision 4**

**1. The Parties shall strive to incorporate environmental requirements into their flood management strategy. In particular, they shall take, to the extent possible, all appropriate measures to maintain, improve and/or restore the natural function of the watercourse and the natural potential of the water resources; protect and restore water-related ecosystems;**

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Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan and the Government of the Republic of Uzbekistan on Cooperation on Hydrometeorology. See also paragraph 24 (a) of the UNECE Guidelines.

<sup>5</sup> See also article 27 of the same Convention.

**ensure that flow management takes into account the natural flow of solid matter; enhance interactions between river, groundwater and alluvial areas; and conserve, protect and reactivate alluvial areas as natural floodplains.**

**2. The Parties shall also promote, to the extent possible, measures to maintain, improve and restore the retention capacity of small watercourses, wetlands, forests, soils and grasslands throughout the river basin. To this end, they shall pursue an active policy against deforestation; support good agricultural practice; and promote schemes for payment for ecosystem services, where appropriate.**

#### **Commentary to provision 4**

1. When formulating their flood management strategy, States should not underestimate the storage effect of soil or the importance of vegetation for regulating erosion. The water retention capacity of nature should not be set aside in favour of purely technical works. In addition to flood mitigation, the preservation and restoration, to the extent possible, of the river's flood zones also has ecological benefits in the form of preserving landscape and biodiversity, thus contributing to the fulfilment by the Riparian States of their obligation to protect and preserve the ecosystems of international watercourses, proclaimed in article 20 of the United Nations 1997 Watercourses Convention and also in article 2, paragraph 2 (d), of the UNECE 1992 Water Convention.

2. The environmental dimension of flood protection strategies has not been taken into account in the older bilateral treaties reported in the commentary to the New York Flood Control Rules (1972) of the International Law Association.<sup>6</sup> Nowadays there is a widespread feeling that a purely technical consideration of flood protection is outdated. The environmental dimension of flood strategy has already been taken into account in article 3, paragraphs 1 (c) and 1 (f), of the 1999 Convention on the Protection of the Rhine and in paragraphs 3.2 and 3.4.1 of the 2004 Action Programme for Sustainable Flood Protection in the Danube River Basin, where clear emphasis is placed upon the flood mitigation impact that elements of nature have. The wording of the first paragraph of this article draws inspiration from the above-mentioned paragraphs 1(c) and 1(f) of article 3 of the Convention on the Protection of the Rhine.

3. To this end, flood action plans should, where feasible, be linked with general river basin management plans, as flood strategy should “promote the coordinated development, management and conservation of water, land and related resources. Such a holistic approach is based on multilateral and even multinational cooperation, including interdisciplinary planning for the entire catchment areas” (see the 2004 Action Programme for Sustainable Flood Protection in the Danube River Basin, para. 3.2).

4. “Payments for ecosystem services” (or PES) means a contractual transaction between a buyer and a seller for an ecosystem service or a land use/management practice likely to secure

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<sup>6</sup> However, see article 16, paragraph 2, of the 1963 Treaty Concerning the Regime of the Hungarian-Romanian State Frontier and Cooperation in Frontier Matters: “The position and direction of frontier watercourses must, in so far as possible, be preserved unchanged. To this end the two Parties shall, by agreement, take the necessary steps to remove any obstacles which may cause displacement of the beds of frontier rivers or streams or a change in the position of canals or which obstruct the natural flow of water”.



that service (see the Convention's Recommendations on Payments for Ecosystem Services in Integrated Water Resources Management – ECE/MP.WAT/22). Water-related ecosystem services include flood prevention, protection and mitigation; regulating runoff and water supply; improving the quality of surface waters and groundwaters; withholding sediments, reducing erosion, stabilizing river banks and shorelines and lowering the potential of landslides; improving water infiltration and supporting water storage in the soil; and facilitating groundwater recharge. It follows from the above that flood protection is an important service that different ecosystems – forests and wetlands in particular – do provide within a given basin. PES can be an environmentally effective, economically efficient and socially equitable tool for implementing integrated water resources management, including flood management.

### **Provision 5**

**Each Party shall consult the other Party/Parties for every project which might cause, directly or due to accumulation with existing projects and activities, a significant change in the flow regime or the hydromorphological characteristics of the watercourse or of the alluvial areas which is likely to increase flood risk.**

### **Commentary to provision 5**

1. Paragraph 10 (c) of the annex to the report of the Berlin Seminar on Flood Prevention, Protection and Mitigation (MP.WAT/SEM.3/2004/3) refers to the need to take into account the principles of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment in order to better integrate environmental and health considerations into the preparation of flood action plans and programmes. The Espoo Convention provides, in its appendix I in conjunction with article 3, for an obligation to notify and involve in an environmental impact assessment procedure any Party that might be affected by the transboundary impact of large dams and reservoirs. The proposed provision goes further and, in accordance with the spirit of Part III of the United Nations 1997 Watercourses Convention, sets the obligation to consult the other Party for any project that might endanger the ecosystem and hydromorphological conditions of the basin in a manner likely to increase the risk of floods for it. An obligation to consult the other Party is included in paragraph 3 (b) of annex II of the 1998 Agreement between Spain and Portugal, which covers cases of significant change in the flow regime and the canalization and regularization of the riverbeds within 10 kilometres of the border. As far as the flow regime is concerned, article 25, paragraph 1, of the United Nations 1997 Watercourses Convention puts upon States a general obligation of cooperation for the regulation of the flow of transboundary waters.

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