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

Fifth session
Geneva, 10–12 November 2009
Item 5 (f) of the provisional agenda

INTEGRATED MANAGEMENT OF WATER AND RELATED ECOSYSTEMS

WATER AND INDUSTRIAL ACCIDENTS

**DRAFT STRATEGY FOR THE JOINT AD HOC
EXPERT GROUP ON WATER AND INDUSTRIAL ACCIDENTS**

Draft strategy prepared by the Bureaux of the Convention on the Protection and Use of
Transboundary Watercourses and International Lakes and the Convention on the Transboundary
Effects of Industrial Accidents

Summary

The present document is submitted following a decision by the Working Group on Integrated Water Resources Management at its fourth meeting (ECE/MP.WAT/WG.1/2009/2, paras. 52–55). It includes a proposed Strategy for decision by the Meeting of the Parties regarding future activities of the Joint Ad Hoc Expert Group on Water and Industrial Accidents. The draft Strategy outlines, inter alia, the proposed mission, areas of work and work arrangements of the Joint Ad Hoc Expert Group.

BACKGROUND AND PROPOSED ACTION BY THE MEETING OF THE PARTIES

1. Major industrial accidents may cause far-reaching transboundary effects and may lead to accidental water pollution. For this reason, the Signatories to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) and the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) decided to cooperate on issues related to the prevention of accidental pollution of transboundary waters.
2. As a result of this cooperation, a workshop on the “Prevention of Chemical Accidents and Limitation of Their Impact on Transboundary Waters” was held (Berlin, 7–9 May 1998). Taking into account the results of this workshop, the seventh meeting of the Signatories to the Industrial Accidents Convention (13–15 May 1998) proposed that a joint ad hoc expert group on water and industrial accidents be established under both Conventions. This proposal was endorsed by the first meeting of the Working Group on Water Management, established under the Water Convention in July 1998.
3. The Joint Ad Hoc Expert Group on Water and Industrial Accidents prepared the seminar on the “Prevention of Chemical Accidents and the Limitation of Their Impact on Transboundary Waters” (Hamburg, Germany, 4–6 October 1999). The conclusions and recommendations of this seminar were then adopted at the second session of the Meeting of the Parties to the Water Convention, (The Hague, 23–25 March 2000), and endorsed by the first meeting of the Conference of the Parties to the Industrial Accidents Convention (Brussels, 22–24 November 2000).
4. The Parties to the two Conventions extended the mandate of the Joint Ad Hoc Expert Group to support and provide guidance in the implementation of the above recommendations. They agreed on the Group’s future workplan as contained in decision 2000/5 on the prevention of accidental water pollution, taken by the first meeting of the Conference of the Parties to the Industrial Accidents Convention (ECE/CP.TEIA/2, annex VI) and subsequently amended by both bodies.
5. Since then, the Joint Ad Hoc Expert Group has produced several guidance documents on different subjects, e.g. the safety of pipelines and of tailing management facilities, and has provided inputs to other documents, e.g. location criteria for identification of hazardous activities. It has also promoted international response exercises on transboundary rivers, through the organization of specific thematic activities.
6. Despite its achievements, since its establishment in 2000 the Joint Ad Hoc Expert Group has encountered a number of challenges and difficulties in its work in recent years. These are raised in its progress report (ECE/CP.TEIA/2008/8 - ECE/MP.WAT/WG.1/2008/6, paras. 22–28). The main difficulties have been the lack of support for the Group’s work from the focal points of the Water Convention and the often limited participation of experts competent in specific subjects related to its work.
7. The progress report was discussed by the Water Convention’s Working Group on Integrated Water Resources Management at its third meeting in Rome (22–24 October 2008). It

was suggested that the Bureaux of the two Conventions discuss the issues raised in the progress report and propose possible solutions to be presented to the fifth meeting of the Conference of the Parties to the Industrial Accidents Convention (Geneva, 25–27 November 2008) together with the progress report.

8. The two Bureaux worked out their joint position addressing the difficulties faced by Joint Ad Hoc Expert Group and a common approach for improving its functioning. This was presented to the fifth meeting of the Conference of the Parties to the Industrial Accidents Convention. The joint position was that the best way for the two Bureaux to steer the Group and to address the current challenges was by preparing a strategy for the Group that should ensure its effective, needs-driven functioning.

9. Based on the presented proposal, the Conference of the Parties to the Industrial Accidents Convention entrusted its Bureau, in cooperation with the Bureau of the Water Convention, to develop and start implementing, as appropriate, a strategy for the Joint Ad Hoc Expert Group that also included a mechanism for the steering of its work by the two Bureaux (ECE/CP.TEIA/19, paras. 52–58).

10. In line with this decision, the two Bureaux prepared the draft Strategy contained in the annex to this document.

11. The draft Strategy was discussed and approved by the Bureau of the Water Convention at its twelfth meeting (Geneva, 6–7 July 2009), by the Working Group on Integrated Water Resources Management at its fourth meeting (Geneva, 8–9 July 2009) and by the Bureau of the Industrial Accidents Convention at its fifteenth meeting (Geneva, 13–14 July 2009). The Working Group on Integrated Water Resources Management also agreed that the draft Strategy should be submitted to the fifth session of the Meeting of the Parties to the Water Convention for endorsement (ECE/MP.WAT/WG.1/2009/2, paras. 52–55).

12. The need for the Joint Ad Hoc Expert Group to tailor its work to the requirements of countries, including the needs of the water sector was also stressed. To this end, the Bureaux of the two Conventions decided that the best approach would be to send out a questionnaire to all focal points of the two Conventions that would allow countries to express their priority needs and to identify specific activities to be carried out by the Group. Such a questionnaire should be concise and with precise questions. The two Bureaux would thereafter decide on the next steps in accordance with the Strategy.

13. The Meeting of the Parties to the Water Convention may wish:

(a) To take note of the report of the Joint Ad Hoc Expert Group and to express its appreciation for the work done and results achieved during the past three years, recognizing at the same time the lack of support from the water sector, which posed challenges for the Group's work;

(b) To thank Hungary and Germany for leading this activity and for providing the resources that enabled the Joint Ad Hoc Expert Group's work;

(c) To confirm its commitment to cooperate with the Parties to the Convention on the Transboundary Effects of Industrial Accidents to prevent, control and reduce the effects of industrial accidents on transboundary waters;

(d) To endorse the Strategy contained in the annex of this document, and to entrust its Bureau, in cooperation with the Bureau of the Industrial Accidents Convention, to implement the Strategy and report on the progress achieved at the sixth session of the Meeting of the Parties;

(e) To underline the importance of tailoring the future work of the Joint Ad Hoc Expert Group to the needs of countries, including from the perspective of the water sector, and to agree to participate actively in a survey to identify one or more priority activities for the period 2010–2012;

(f) To urge both Parties and non-Parties to support the Joint Ad Hoc Expert Group by providing the required expertise and by active participating in its activities.

Annex

DRAFT STRATEGY FOR THE JOINT AD HOC EXPERT GROUP ON WATER AND INDUSTRIAL ACCIDENTS

I. MISSION

1. The mission of the Joint Ad Hoc Expert Group on Water and Industrial Accidents (Joint Expert Group) is to assist Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) and to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) in drawing up and implementing measures aimed at strengthening the prevention of and preparedness regarding accidental water pollution in the transboundary context.
2. In carrying out its mission, the Joint Expert Group may:
 - (a) Provide assistance in organizing exercises, workshops and seminars;
 - (b) Draw up methodological training materials;
 - (c) Draft booklets of good practices;
 - (d) Develop or review specific guidelines and recommendations.

II. AREAS OF WORK

3. The areas of interests for Joint Expert Group are identified by the two Conventions:
 - (a) Measures for prevention, control and reduction of transboundary accidental water pollution (article 6 of the Industrial Accidents Convention and article 3 of the Water Convention);
 - (b) Effective transboundary contingency planning, including warning and alert systems (articles 8 and 10 of the Industrial Accidents Convention and articles 3 and 9 of the Water Convention);
 - (c) Exchange of information and experience, particularly through joint training programmes and the organization of relevant seminars and meetings (article 16 of the Industrial Accidents Convention and article 13 of the Water Convention).

III. WORK ARRANGEMENTS

4. The Joint Expert Group delivers products as demanded by the Parties to either Convention. The demands are clearly specified by Parties.

Step 1

5. To identify the demands, the Bureaux:

- (a) Examine outcomes of the meetings of the working groups and task forces, as well as workshops, seminars and exercises under either Convention;
- (b) Perform simple surveys on specific subjects, as needed, and examine those surveys.

Step 2

6. On the basis of the examination, the Bureaux decide whether to activate the Joint Expert Group to work on delivering specific demand-driven product(s). The basis for activating the Joint Expert Group is that:

- (a) The two Conventions are the appropriate international forums for undertaking the activity(ies);
- (b) Duplication of efforts is avoided and synergies ensured, as appropriate, with other of the Conventions' activities;
- (c) Practical results can be expected.

7. The Bureaux agree on:

- (a) The kind of product to be delivered by the Joint Expert Group;
- (b) The format of work (e.g. a drafting group, workshop or training session);
- (c) The time frame, including the tentative number of meetings of the Joint Expert Group and other relevant events, as appropriate;
- (d) Budgets and fund-raising (e.g. available and required funding).

Step 3

8. Following their decision, the Bureaux, with the support of the co-chairpersons, as appropriate, and the secretariat, prepare a detailed proposal on an activity, which will include the above elements ((a)–(d)). For the Water Convention, this proposal is submitted to the Working Group on Integrated Water Resources Management for discussion and comments. If the Working Group's comments entail a redefinition of the activity, the Bureau of the Water Convention communicates such information to the Bureau of the Industrial Accidents Convention for joint decision. Based on the joint decision, the Bureaux include this specific activity in the workplans of both Conventions.

Step 4

9. The Bureaux steer the follow-up to these decisions. The Joint Expert Group, once activated on the specific subject, performs its task(s) in accordance with the approved detailed proposals of the Bureaux and their additional instructions, as needed. Progress in implementing the task(s) is reported to the Bureaux and through them to the meetings of both Conventions' governing bodies. For the Water Convention, the progress is also reported to the Working Group on Integrated Water Resources Management for discussion and comments.

IV. COMPOSITION

10. The Joint Expert Group is open to Parties to either Convention. Non-Parties and stakeholders may also participate in the work of the Joint Expert Group.

11. Depending on the task for which the Joint Expert Group is being activated, the Parties are invited to nominate their experts in the specific subject. To facilitate the nomination of experts, the Parties receive a profile with expertise needed.

V. CHAIRMANSHIP

12. The Joint Expert Group is led by two co-chairpersons, representing the Water Convention and the Industrial Accidents Convention.

13. Parties with interest and expertise in the subject that the Joint Expert Group should work on may offer their chairmanship for the Joint Expert Group in dealing with this subject.

14. The Bureaux can decide to appoint the co-chairpersons at their first meetings following, respectively, meetings of the Conference of the Parties to the Industrial Accidents Convention or sessions of the Meeting of the Parties to the Water Convention.

15. The co-chairpersons are eligible for reelection.

16. In the case that the elected co-chairperson is not a Bureau member, each Bureau ensures that he/she is invited to participate in those Bureau meetings at which the Group's tasks are on the agenda.

17. The co-chairpersons, with the support of the appointed Bureau members (see section VI below), as appropriate, have the responsibility to facilitate the work of the Bureaux on the examination of Parties needs/demands in the Group's areas of interests. To this end, they provide the Bureaux at their relevant meetings with:

(a) Information on the outcome/conclusions of workshop/seminars relating to the Joint Expert Group's areas of interest;

(b) Suggestions regarding the Joint Expert Group's involvement and the profiles of experts to be nominated by Parties;

- (c) Proposals for surveys.

VI. COORDINATION BETWEEN THE BUREAUX

18. The Bureaux work separately and therefore need to coordinate their decisions related to Joint Expert Group. To this end, at its meetings each Bureau takes only recommendations for decisions regarding the work of the Joint Expert Group, which are to be reciprocally accepted by the other Bureau.

19. Each Bureau shall also decide to appoint one of its members to support and promote the work of the Joint Expert Group as well as facilitate communication and reporting during and between the Bureaux meetings.

20. The chairpersons of the Bureaux, assisted by the Bureaux members appointed for support to the Joint Expert Group, ensure effective communication between both bodies with the aim of working out common decisions. If needed, the chairpersons call for a joint meeting or other format of joint consultation (e.g. teleconference, e-mail consultation) of the Bureaux.

VII. SECRETARIAT

21. The secretariats to the Water Convention and the Industrial Accidents Convention provide support to the work of the Joint Expert Group, taking into consideration the availability of resources.
