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Economic Commission for Europe**World Health Organization
Regional Office for Europe****Meeting of the Parties to the Protocol on Water
and Health to the Convention on the Protection
and Use of Transboundary Watercourses
and International Lakes****Compliance Committee****Fifth meeting**

Geneva, 22 and 23 June 2010

Report of the fifth meeting of the Compliance Committee**Introduction**

1. The fifth meeting of the Compliance Committee was held on 22 and 23 June 2010 in Geneva. The following members of the Committee attended: Ms. Diana Iskrevva-Idigo (Bulgaria), Mr. Pierre Chantrel (France), Mr. Attila Tanzi (Italy), Ms. Ilona Drulyte (Lithuania), Mr. Truls Krogh (Norway), Mr. Ilya Trombitsky (Republic of Moldova) and Mr. Serhiy Vykhryst (Ukraine). The meeting was chaired by Mr. Tanzi and serviced by the United Nations Economic Commission for Europe (UNECE) secretariat.

I. Adoption of the agenda

2. The Compliance Committee adopted the agenda as set out in document: ECE/MP.WH/C.1/2010/3-EUR/10/56335/15.

**II. Relevant developments since the previous meeting of the
Compliance Committee**

3. The secretariat provided information on the completion of the first reporting exercise under the Protocol on Water and Health. By the time of the meeting, the secretariat had received 23 summary reports, out of which 19 had been submitted by Parties to the Protocol and 4 by non-Parties.

4. Committee members were informed about the intervention made by the Committee's Chair at the third meeting of the Working Group on Water and Health (27–28

May, Geneva) in which he reported on the activities conducted and planned up until the second session of the Meeting of the Parties.

5. The secretariat also informed the Committee about the recent workshop on access to information and public participation on water and health related issues (Bucharest, 15-16 June 2010) where Mr. Serhiy Vykhryst made a presentation on the compliance procedure under the Protocol. The workshop had been attended by more than 60 participants, including a large number of non-governmental organizations (NGOs), especially from countries in Eastern Europe, the Caucasus and Central Asia. It had therefore been considered a useful event for raising awareness on the compliance procedure among NGOs.

6. The Chair informed the Committee about the outcomes of the “Consultation with International Organizations on Good Practices in Drinking Water, Sanitation and Human Rights” (18–19 May, Lisbon) organized by the United Nations Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation. The Chair had attended the meeting and had presented the Protocol, including its compliance review procedure, as a tool and a good practice on water and sanitation, underlining its provisions related to equitable access to water.

III. Review of the outcome of the first reporting exercise in accordance with article 7 of the Protocol on Water and Health

7. The general view of the Committee on the responses received within the first reporting cycle was positive. Most of the countries took their obligation to report seriously, with 19 of the Protocol’s 24 Parties having submitted their summary reports. Moreover, four reports had been received from non-Parties, which was considered a very positive sign.

8. The Committee noted that in most cases the reports were complete; however, the information provided was of varying quality. Parts I (General aspects) and II (Common indicators) of the template were filled in by all countries but one. Some countries provided clear and accurate answers, others submitted reports which were confusing and very difficult to analyse. Certain reports did not provide sufficient information to enable an assessment of implementation.

9. Although all countries filled in Part II of the template (Common indicators) many provided figures without giving information on how those figures had been calculated or the methodology and definition used, thus hindering understanding of the significance of the data provided.

10. Due to the fact that in many countries the process of setting targets was ongoing, the completeness of information with regard to Part III (Targets and target dates set and assessment of progress) varied significantly. In some cases very detailed information was provided, whereas one Party left Part III totally empty. The Committee considered it particularly commendable that, in line with the spirit of cooperation and exchange of information of the reporting exercise, some Parties which were in the process of setting targets but had not officially adopted them had provided information on their draft targets and on the considerations that were guiding the target-setting process. On a less positive note, the Committee regretted that many countries did not complete Part IV (Overall evaluation of progress achieved in implementing the Protocol).

11. Information on cost-benefit analysis of target setting and actions taken to ensure public participation in the process of setting targets (Part I) were among the commonly missing elements in the reports.

12. The Committee regretted the fact that, in general, in Part III of the reports countries had provided elaborate information for target areas related to article 6, paragraph 2,

subparagraphs (a) to (d) (quality of drinking water, reduction of water-related disease, access to water and sanitation) but information was scarcer for areas linked to the following subparagraphs of Article 6, paragraph 2, and in some cases information on those areas had been completely omitted.

13. The Committee considered it a bad practice that some Parties had reported the same information for different subparagraphs of article 6, paragraph 2, or had just made a cross-reference. It stressed that the areas identified under each of the subparagraphs were indeed related but different, and that they all deserved distinct targets and related actions.

14. It was clear from the reports that implementation of European Union (EU) legislation was an important and solid cornerstone for the Protocol's implementation in EU countries. However, the Committee felt that implementation of the Protocol went beyond implementation of the different EU Directives and thus EU countries should look into the additional requirements and opportunities of the Protocol.

15. The Committee was further concerned that the information provided in the reports mostly focused on the description of the existing situation, in particular on the existing related legislation, and very little information had been provided on the measures taken to reach the targets, on the challenges encountered in the process and on the progress achieved. That approach was at odds with the forward-looking, action-oriented approach of the Protocol.

16. A few countries did not follow the template for reporting, which was considered unacceptable, as it did not allow assessment at regional level and direct exchange of experience.

17. In some cases, countries had failed to address the questions asked in the template and instead had provided related information. That was particularly the case for countries which had not yet set their targets. On the basis of the vague information provided by some countries, the Committee could not assess whether any progress had been made on the implementation of the Protocol in general and, in particular, whether progress was being achieved by those countries on the setting of targets.

18. Information provided in certain sections of Part III of the template suggested a misunderstanding of the Protocol and of the target areas identified in article 6, paragraph 2. Those misunderstandings could have been easily avoided by making use of the draft guidelines on setting targets, evaluation of progress and reporting.

19. The Committee noted with regret that only 12 Parties had submitted their reports in accordance with the requested deadline of 31 March 2010. The late submission of the others put the Committee members in a difficult position as the time available for the examination of the reports was very limited. In some cases the delay was of more than a month and that was considered unacceptable. The Committee agreed that in the future the late submissions would not be included in the overall analysis.

20. Except for one case, in which the country clearly stated that the public had not been involved, the majority of countries had included some information on public participation. However, no specific indication had been provided on what had been done to ensure public participation in the process of target setting and on how the outcome of public participation had been taken into account in the final targets set. Only a few countries had provided information on the procedures to involve the public. Moreover, no country had mentioned that NGOs had been involved in the reporting exercise. In light of that information and of the outcome of the workshop on access to information and public participation on water and health issues, the Committee considered that public participation in the implementation of the Protocol should receive greater attention in the future work under the Protocol, both at the national and regional level.

21. It was evident that countries which had established a mechanism for coordination between concerned water and health authorities had used the coordination mechanism also to prepare the summary report. However, where no specific actions to implement the Protocol had been taken, the report had been prepared by the focal points alone or with inputs from only a few institutions without consultation and consolidation of findings and conclusions.

22. The Committee also discussed the template for reporting on the basis of the experience of the first reporting cycle. It recognized that the template had been the result of long discussions and compromise, and therefore agreed to refrain from suggesting major changes.

23. The Committee made some concrete suggestions to amend Parts I and III of the template to make the questions more straightforward and to allow for gathering basic information on the process of setting targets.

24. Even if it recognized that the Protocol did not require Parties to use the methodology of the Joint Monitoring Programme (JMP), the Committee felt that specific reference to it in the template was misleading and not appropriate to the real problems in the region. It therefore suggested the deletion of the reference to JMP methodologies for measuring access to water and sanitation and instead to clearly require countries to explain in their reports how they measured those data. Those and other suggestions by the Committee to Part II of the template for reporting would be considered by the small group of experts entrusted by the Working Group on Water and Health to revise and finalize that part of the template.

IV. Future steps to stimulate compliance among the Protocol's Parties

25. The Committee discussed possible future actions to stimulate compliance among the Protocol's Parties. After analysis of the summary reports, the Committee members concluded that a number of countries were facing difficulties in complying with the Protocol, in particular with its core obligation to set targets and target dates. To respond to that situation, the Committee decided to enhance its facilitation and assistance functions. Thus, in accordance with Decision I/2, in its future work, it would provide advice and assistance to Parties in order to facilitate, promote and aim to secure their compliance with the obligations under the Protocol (ECE/MP.WH/2/Add.3–EUR/06/5069385/1/Add.3, Annex, para. 1 (b)).

26. To that end, the Committee agreed that it would enter into consultations with a number of Parties which, on the basis of the national summary reports, appeared to have problems in implementing the Protocol.

27. Those consultations would allow the Committee to gather additional information, in particular through exchanges with focal points and other authorities responsible for the implementation of the Protocol, in order to better understand the kind of difficulties that had emerged. If required by the concerned Party, consultations might also include information gathering in the territory of that Party.

28. Through such consultations, the Committee aimed to offer effective, tailor-made advice to implement and apply the Protocol's provisions of a scientific, technical, legal and administrative nature. The consultations would not be of an inquisitive nature; their objective would not be to ascertain/declare whether a Party is in non-compliance.

29. In its consultations, the Committee would seek the cooperation of the Task Force on Surveillance, the Task Force on Setting Targets and Reporting and the Project Facilitation Mechanism.

30. Considering capacity and resource limitations, the Committee recognized that it would not be able to enter into consultations with all Parties showing difficulties with compliance, but would need to focus its efforts on a limited number of Parties. Those would be selected on the basis of the information available to the Committee and in consultation with the Bureau of the Protocol. The Committee welcomed expressions of interest from Parties to voluntarily engage in that procedure.

V. Report from the Committee to the second session of the Meeting of the Parties

31. The Committee discussed a first draft of its report to the second session of the Meeting of the Parties prepared by the secretariat, on the basis of contributions received from the Committee members.

32. Due to length limitations on official documents, the procedural part of the report needed to be significantly shortened. The chapter addressing reporting requirements would constitute the main part of the document and would be based on the analysis of the summary reports conducted by the Committee members, as well as on the basis of discussions during the Committee meeting.

33. The report would contain a section addressing the general compliance issues. As there had not been any submissions, referrals or communications, that part would be based only on the analysis of national summary reports under the pilot reporting exercise and could highlight general problems of compliance. Moreover, that section would also include recommendations to the Parties on how to implement their obligations under the Protocol and to the Meeting of the Parties, for instance, on future action to be included in the programme of work for 2011-2013 to address the identified issues.

34. The Chair would further elaborate on the chapter on the cooperation with the Office of the High Commissioner for Human Rights and the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.

35. The Committee agreed that its report to the second session of the Meetings of the Parties would also include a draft decision on compliance for possible adoption by the Meeting of the Parties, addressing the main issues of concern revealed by the first reporting cycle.

VI. Awareness-raising on the Compliance procedure

36. The Committee discussed and made a number of comments and suggestions for further improvement of the leaflet on “Improving compliance with the Protocol on Water and Health” prepared by the Chair. It requested the secretariat to finalize the text and to arrange for the printing of the leaflet in English and in Russian in time for the second session of the Meeting of the Parties.

VII. Composition of the Compliance Committee

37. The Committee members discussed the composition of the Compliance Committee after the second session of the Meeting of the Parties. It was recalled that, at their first meeting, the Parties had elected the nine Committee members without specifying which of them had been elected for a full term of office and which had been elected for a half term. On an exceptional basis, the Meeting of the Parties requested the Committee members to

reach an agreement on the above issue. According to decision I/2 on review of compliance, Parties should proceed with the election of four Committee members at the second session.

38. Mr. Tanzi and Ms. Daskalopoulou-Livada decided to limit their mandate to half a term and were not available to be re-elected. Thus, there would be need for two new Committee members with legal expertise.

39. Ms. Iskrevva-Idigo and Ms. Drulyte were eager to continue serving in the Committee, but, to make things easier for the Committee, were ready to subject their continuation in the Committee to a re-election at the second session of the Meeting of the Parties.

VIII. Programme of work and calendar of future meetings

40. The Committee agreed on the dates of its sixth and seventh meetings, which would be held, respectively, on 1 and 2 March 2011 and on 4 and 5 October 2011.
