



# Economic and Social Council

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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

#### Seventeenth meeting

Geneva, 5 and 6 November 2018

## Report of the Compliance Committee on its seventeenth meeting\*

### I. Organizational matters

1. The seventeenth meeting of the Compliance Committee under the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 5 and 6 November 2018 in Geneva, Switzerland. The following members of the Committee attended: Ingrid Chorus; Zsuzsanna Kocsis-Kupper (Vice-Chair), Oddvar Georg Lindholm, Vadim Ni, Natalja Sliachtic, Ilya Trombitsky, Jorge Viñuales (Chair), and Serhiy Vykhryst. Delegations of Estonia, Latvia and Lithuania, invited to consult with the Committee, attended the first day of the meeting (5 November 2018). The meeting was serviced by the United Nations Economic Commission for Europe (ECE) secretariat.

### II. Adoption of the agenda

2. The Compliance Committee adopted its agenda as set out in document ECE/MP.WH/C.1/2018/3-EUPCR/1611921/2.1/2018/CC2/03.

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\* The present document is being issued without formal editing.



### **III. Consideration of submissions, referrals and communications**

3. The Committee noted that no submissions, referrals or communications had been received prior to the meeting.

### **IV. Review of compliance with the obligation to set targets and target dates under the Protocol**

4. The Chair recalled that at its fourth session (Geneva, 14–16 November 2016), the Meeting of the Parties to the Protocol adopted decision IV/2 on general issues of compliance, which requested Parties to communicate their targets to the joint secretariat for wider dissemination. Further to that decision, Parties that had not communicated their targets were contacted by the secretariat on behalf of the Committee and requested to provide information about their progress in the target-setting processes or to communicate the targets that had been formally established. All the countries contacted responded to this request and many communicated their targets.

5. Following its sixteenth meeting (Geneva, 6–7 March 2018), the Committee decided that the situation of those Parties that had provided information which was not sufficient to allow for an overall understanding of the targets set would be reviewed within the fourth reporting cycle under the Protocol.

6. The Committee, however, decided to further consider the reply from Belgium. It noted that the letter received from Belgium in March 2018 indicated that the assistance of the Committee to set targets would be useful reiterating, however, the lack of capacity to engage in the target-setting process in the Brussels Capital Region. The Committee further recalled that Belgium had sent separate summary reports for its sub-national entities within the third reporting cycle under the Protocol in 2016 and that no information had been submitted on the Brussels Capital Region.

7. The Committee therefore requested the secretariat to send a letter to the Belgian authorities, recalling the obligations of Belgium to set targets and target dates under the Protocol and to report on progress in achieving them and renewing the readiness of the Committee to provide assistance to Belgium in fulfilling these obligations, specifically as regards the Brussels-Capital Region, through a Consultation Process.

### **V. Consultation Process**

8. The Chair recalled that at its fifteenth meeting (Geneva, 13–14 November 2017), the Committee had decided that the consultations with Estonia, Latvia and Lithuania would take place between November 2017 and November 2018 and would have the following components:

- (a) A stock-taking exercise to understand the situation regarding water and health in each country;
- (b) An interpretive note clarifying the relevant legal provisions of the Protocol, based on the information gathered and lessons learned during the process;
- (c) Provision of specific advice in writing and during the Committee's meetings;
- (d) Follow-up on the implementation of the advice.

9. At its sixteenth meeting, the Committee held consultations with Estonia, Latvia and Lithuania, including plenary discussions on their needs, expectations and cross-cutting priorities, and individual discussions on the specific challenges faced by each country. During

the intersessional period, the Committee commenced work on the interpretive note and drafted specific advice.

10. At its seventeenth meeting, the delegations of Estonia, Latvia and Lithuania presented developments in their water and health situation since the last meeting of the Committee. The delegations highlighted that the consultation process was useful for triggering action and advancing Protocol implementation at national level. For example, Estonia was using the Protocol as a tool to raise attention and mobilize resources on the issue of small scale and individual water and sanitation systems which is a priority area at national level. In Latvia, the Consultation process contributed to better understanding of the nature of targets to be set under the Protocol which would also be useful for the preparation of the 2019 national summary report on the implementation of the Protocol. In the case of Lithuania, the Consultation process facilitated intersectoral cooperation and helped to streamline different activities on water, sanitation and health at national and international level. The process also provided valuable opportunity to exchange information between the three Baltic States. The Committee welcomed concrete progress achieved in the three countries as a result of taking part in the consultations and noted that the process was useful to boost intersectoral and inter-state cooperation on water and health.

11. Subsequently, the Chair introduced the draft specific advice that was communicated to the three Parties concerned prior to the seventeenth meeting.<sup>1</sup> The advice covered specific challenges faced by each country and a number of cross-cutting priorities, namely the target-setting process under the Protocol and its relation to the implementation of the European Union legislation, small-scale water supply and sanitation systems, the organizational structure at the domestic level and financing. The three delegations expressed appreciation for the advice provided by the Committee as it met their expectations and was in line with countries' priorities and action in the area of water, sanitation and health.

12. As regards the interpretive note, the Chair explained that it could not be finalized in time for the Committee's seventeenth meeting due to lack of resources. The Chair then introduced the preliminary outline of the note and invited Parties' representatives to provide their feedback on the suggested contents. A representative of Lithuania proposed that the note include a table of correspondence between the provisions of the Protocol and the European legislation in the area of water, sanitation and health. The Committee considered that such table could be provided as a technical annex to the note, for indicative purposes. The Committee then agreed on the allocation of responsibilities for the development of the note.

13. The Baltic States highlighted the potential significance of the outcomes of the Consultation Process for Protocol Parties and other States that are Member States of the European Union or are interested in joining. It was agreed that, upon completion of the process, the Committee would recommend to the Bureau of the Meeting of the Parties to the Protocol to share the relevant information with those countries and with the European Commission.

14. With regard to the next steps of the Consultation Process, the Committee requested the delegations of Estonia, Latvia and Lithuania to revert in writing to the Committee with their comments on the draft specific advice and on the outline of the interpretive note by 5 December 2018. The Committee also decided to:

- (a) Circulate the final version of the specific advice in December 2018;
- (b) Follow up on the possibility of a private law firm assisting with legal research and analysis for the development of the interpretive note;

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<sup>1</sup> See [www.unece.org/fileadmin/DAM/env/water/Compliance\\_Committee/Consultation\\_process.pdf](http://www.unece.org/fileadmin/DAM/env/water/Compliance_Committee/Consultation_process.pdf).

- (c) Finalize the interpretive note by February 2019 or as soon as possible thereafter;
- (d) Follow up on the implementation of the specific advice in January 2020.

## **VI. Awareness-raising on the compliance procedure**

15. The Chair briefed the Committee about awareness-raising activities carried out in the intersessional period. In particular, he informed about the outcomes of two events organized in March 2018 to promote synergies with human rights bodies, namely:

(a) A joint event with representatives of the Economic, Social and Cultural Rights Committee, the Human Rights Committee and the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters organized by the Chair of the Compliance Committee with support of the Graduate Institute of International and Development Studies (Geneva, 15 March 2018); and

(b) A special session “Engaging with International Mechanisms to Realize the Human Rights to Water and Sanitation”, organized by ECE with the Special Rapporteur on the human rights to water and sanitation, which took place on World Water Day 2018 at the 8<sup>th</sup> World Water Forum (Brasilia, 18–23 March 2018).

16. With regard to the summary guide for the submission of communications from the public, the secretariat reported that the guide was now available in English, French and Russian and that it had been distributed to relevant non-governmental organizations.

17. With regard to the next steps to be taken in order to raise awareness on the Protocol and its compliance procedure, the Committee decided:

(a) To call the attention of Parties to the need of providing an easily understandable, visual and concise explanation of the Protocol obligations and areas of work to different stakeholders. It therefore decided to recommend the Bureau of the Meeting of the Parties and the Working Group on Water and Health to explore a possibility of developing a communication package on the Protocol, including infographics and promotion videos;

(b) To endeavour to participate in water, health and environment related events with the aim of raising awareness on the compliance procedure. It agreed that all Committee members would circulate to the secretariat a list of the events they plan to attend before the fifth session of the Meeting of the Parties;

(c) To further engage with the human rights community, in particular by organizing events with the Special Rapporteur on the human rights to water and sanitation and/or representatives of other human rights treaty bodies, including on the occasion of the 2019 World Water Day. The Committee also requested the secretariat to identify relevant non-governmental organizations active in the areas of human rights, migrants and refugees and approach them with targeted information on the Protocol and the compliance procedure.

(d) To rely on the Consultation Process with Estonia, Latvia and Lithuania and the forthcoming interpretive note developed in its context to raise awareness of the Protocol’s compliance procedures.

## **VII. Report of the Committee to the Meeting of the Parties at its fifth session**

18. The Committee agreed on the distribution of tasks for the preparation of its report to the Meeting of the Parties to the Protocol at its fifth session (Belgrade, 19–21 November 2019), and outlined a preliminary table of contents for the report. The Committee also agreed on the timeline and the modalities for the preparatory work. The deadline for Committee members to submit individual contributions for the report to the secretariat was 14 May 2019. The secretariat was requested to circulate the draft report prepared based on the above inputs on 4 June 2019, with the deadline of 15 June 2019 for the Committee members to provide final comments. The Committee would discuss the final version of the draft report at its eighteenth meeting, scheduled to be held in Geneva on 1–2 July 2019. The secretariat would then assist the Chair in finalizing the report for submission to the fifth session of the Meeting of the Parties.

## **VIII. Programme of work and calendar of future meetings**

19. The Committee agreed to hold its eighteenth meeting on 1–2 July 2019. It was decided that the main issue for consideration at its next meeting would be the preparation of the report of the Committee to the Meeting of the Parties to the Protocol on its fifth session and other matters relating to compliance, as appropriate.

## **IX. Adoption of the report**

20. The Committee adopted the report of its seventeenth meeting by electronic means after the meeting.

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