

Session 5 - Joint Bodies (Section II, question 3)

First meeting of the drafting group on the guide to reporting under the water convention and as a contribution to SDG indicator 6.5.2
Geneva, Switzerland, 9-10 May 2019

3. Is your country a member of any joint body or mechanism for this agreement or arrangement?

Yes / No
If no, why not?

Where there is a joint body or mechanism

(a) If there is a joint body or mechanism, which kind of joint body or mechanism (please tick one)?

- Plenipotentiaries
- Bilateral commission
- Basin or similar commission
- Expert group meeting or meeting of national focal points

(b) Does the joint body or mechanism cover the entire transboundary basin, sub-basin, or part of a basin?

Yes/ No

(c) Which States (including your own) are members of the joint body or mechanism?

(d) Are there any riparian States that are not members of the joint body or mechanism?

Proposed text

- Make reference to the Water Convention wherever appropriate:
 - “A ‘*joint body or mechanism*’ can be considered as ‘*any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties*’ (Article 5(1), Water Convention). “
- Make reference to the *Guide to Implementing the Water Convention* wherever appropriate:
 - “The *Guide to Implementing the Water Convention* [include REF/LINK] (paras. 258-260) highlights several common features of such a joint body or mechanism, namely i) a permanent body meeting at reasonably regular intervals (see question 3(i) below); ii) composed of representatives of the riparian States, headed usually by officials, authorised for that purpose by governments; iii) usually comprised of a decision-making body, an executive body, and iv) usually having a secretariat; and v) sometimes supplemented by subsidiary bodies, such as working or expert groups, monitoring units, data and processing units, an auditing commission, a network of national offices, a consultative group of donors, an information centre, a training centre and/or observers. ”

Proposed text

Be efficient with explanations, ie., not all terms defined but rather common elements presented:

- “While likely to have the aforementioned features in common, a ‘joint body or mechanism’ may be called by a variety of names, including ‘plenipotentiaries’, ‘basin or bilateral commission’, ‘expert group meeting’, ‘meeting of national focal points’, ‘joint water authority’, ‘committee’, or ‘working group’.”
- Cross-reference to previous explanations
 - “The geographical scope of a joint body or mechanism can usually be found within the agreement or arrangement in which it is established, and is likely to align to the geographical scope of the agreement or arrangement itself (see Question 2(a) above).

Proposed text

How to deal with questions of interpretation?

- Provide examples of global practice
 - “For instance, *the Zambezi Watercourse Commission* [include REF/LINK] stipulates that the Commission has the objective, ‘to promote the equitable and reasonable utilisation of the water resources of the Zambezi Watercourse as well as the efficient management and sustainable development thereof’. Such an objective **implies** that the Commission covers the entire basin, as it would not be possible to achieve this objective without considering the basin as a whole.”
 - “In other cases, the Commission might apply to all transboundary rivers, lakes and/or aquifers shared between countries. For instance, the 2001 Agreement between China and Kazakhstan established a joint Commission on the Use and Protection of Transboundary Rivers. ‘Transboundary rivers’, are defined in the agreement as covering, ‘all rivers and river flows that cross state borders or are located along the border between the Republic of Kazakhstan and the People’s Republic of China’.

Additional points to consider

- Question 3(e) and (f)
 - Explain difference between 'member' and 'observer' status
 - Explain what a 'joint secretariat is'
 - Explain type of 'subsidiary body or bodies', and explain that an organigram can be included
- Question 3(g)
 - Tasks and activities of a joint body or mechanism
 - Provide a general explanation that such tasks and activities are usually found in the agreements themselves. Tasks and activities might also be added through decisions of the parties
 - Do any of the tasks and activities require explanation?
- Question 3(h)
 - Does the term 'governance issues' require explanation?
 - Do any other terms require explanation?

Additional points to consider

- Question 3(i)
 - Is there a need to explain what counts as a meeting? Is making the distinction between technical and political meetings useful?
- Question 3(k)
 - Define what is meant by a non-riparian coastal State