



**BUWAL** Bundesamt für Umwelt, Wald und Landschaft  
**OFEFP** Office fédéral de l'environnement, des forêts et du paysage  
**UFAFP** Ufficio federale dell'ambiente, delle foreste e del paesaggio  
**SAEFL** Swiss Agency for the Environment, Forests and Landscape

## The State Secretary

CH-3003 Berne, 10 October 2003

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To the Environment Ministers of the  
Parties to the Convention on the  
Protection and Use of Transboundary  
Watercourses and International Lakes

Your reference

Your letter dated

Our reference 8-01 Water 2003 - GRU

Subject **3<sup>rd</sup> Meeting of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes- Amendment of the convention: Swiss proposal for a decision**

Your Excellency,

On 20 August 2003, the Government of Switzerland submitted in writing to the Executive Secretary of the United Nations Economic Commission for Europe the text of a proposed amendment to article 25 of the Water Convention. In this submission, Switzerland proposed to the Parties to amend at the third meeting of the Parties (26-28 November 2003) the Convention by adding a new paragraph 2bis to article 25 on ratification, acceptance, approval and accession. According to article 21, paragraph 3, of the Convention, the Executive Secretary communicated this submission to all Parties on 27 August 2003, respecting the 90 days deadline prior to the meeting of the Parties at which the amendment should be considered.

The amendment mentions that:

*“ Any other State, not referred to in paragraph 2, that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Convention had been obtained from the Meeting of the Parties and shall specify the date on which approval was received. “*

This amendment is consistent with what has just been adopted by the Parties to the Water Convention for the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters. The same amendment was done during the second Meeting of the Parties of the Convention on Environmental Impact Assessment in a Transboundary Context (<http://www.unece.org/env/eia/amendment.html>).

Consultations among Parties carried out by the Government of Switzerland and by the secretariat have shown a general support to the proposed amendment.

They have shown two major concerns about the entering into force of the amendment:

(a) A long period of time could be necessary to gather the 23 instruments of acceptance needed for the entering into force of the amendment, according to article 21 of the Convention;

(b) The cumbersome and delicate situation which could arise at the entry into force of the amendment (article 21, para. 4), in case there would be only the 23 necessary Parties for which the amendment is in force and the other Parties for which it is not.

These concerns have induced the Government of Switzerland and the secretariat to develop a possible solution, in the form of a decision to be adopted by the Parties at their third meeting (Annex).

The decision proposes to solve the problematic situation of having a set of Parties to the amendment and another one of non Parties has been solved by deciding that the Meeting of the Parties shall not consider or approve any request for accession by such a State until this amendment has entered into force for all the States and organizations to the Convention.

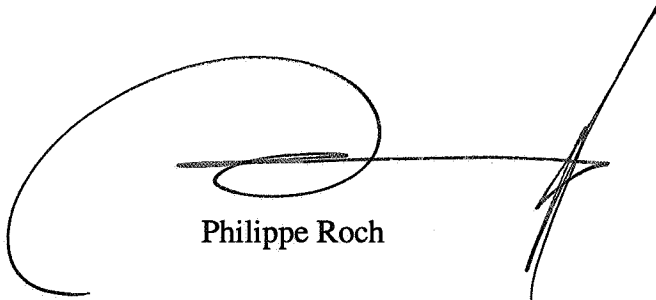
We are aware that this will postpone the amendment entry into force but we suggest in the same decision that enhanced cooperation takes place between UN Member States, specifically riparian States to the UNECE transboundary waters.

I hope that the proposed decision will help you to decide in favor of the amendment to the convention.

As you know, the 12<sup>th</sup> session of the Commission on sustainable development, starting in April 2004 will discuss the thematic cluster of water, sanitation and human settlements. It would be a great opportunity to announce that the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes have decided to open the convention to all UN Member States.

Wishing you a fruitful preparation of this important meeting of the Parties, I remain

Yours sincerely

A handwritten signature in black ink, consisting of a large, sweeping loop on the left and a series of vertical strokes on the right, crossing a horizontal line.

Philippe Roch

Enclosure

## Annex

**DRAFT DECISION III/ ...**  
**Amendment of**  
**the Convention on the Protection and Use of Transboundary Watercourses and**  
**International Lakes**

The Meeting of the Parties,

Expressing the firm belief that cooperation among riparian States on transboundary watercourses and international lakes contributes to peace and security and to sustainable water management, and is to everyone's benefit,

Desiring to promote river basin cooperation throughout the world and to share its experience with other regions in the world,

Wishing therefore to allow States situated outside the UNECE region to become Parties to the Convention, as is already possible under other UNECE environmental conventions (i.e. the Aarhus and the Espoo Conventions) as well as under the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters,

1. Adopts the following amendment to the Convention:

In article 25, after paragraph 2, insert a new paragraph reading

“3. Any other State, not referred to in paragraph 2, that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Convention had been obtained from the Meeting of the Parties and shall specify the date on which approval was received.”

and renumber the remaining paragraphs accordingly;

2. Decides that it shall not consider or approve any request for accession by such a State until this amendment has entered into force for all the States and organizations Parties to the Convention;

3. Requests any State or organization that ratifies, accepts or approves the Convention to simultaneously ratify, accept or approve the above amendment;

4. Calls upon Parties to the Convention to deposit their instruments of acceptance of the amendment rapidly;

5. Encourages States situated outside the UNECE region, in particular those bordering it, to accede to the Convention and, to that end, to seek the approval of the Meeting of the Parties;

6. Invites interested United Nations Member States to take part in the meetings of the Parties to the Convention as observers until they can become Parties and to participate in the activities under the Convention's programme of work;

7. Invites the States bordering the UNECE region that have not done so already to enter into technical cooperation and bilateral or multilateral agreements with the riparian UNECE States, in accordance with the provisions of Part II of the Convention, without delay. -