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

Second meeting,
The Hague, Netherlands, 23-25 March 2000
Item 5 (a) of the provisional agenda

BILATERAL AND MULTILATERAL COOPERATION UNDER THE CONVENTION */

Prepared by the secretariat

1. At their first meeting, the Parties agreed to review regularly policies for, and methodological approaches to, the protection and use of transboundary waters, and exchange information on steps taken by the Parties for the implementation of the Convention to facilitate the selection of priority issues for policy discussion at meetings under the Convention and identify areas of specific cooperation. (ECE/MP.WAT/2, annex II, programme element 3.1).
2. The Parties also agreed that the topic of the first review will be chosen by the Working Group on Water Management. The Working Group decided at its first meeting to focus this review on those provisions of part II of the Convention that did not form part of other activities under the work plan (MP.WAT/WG.1/1998/2, paragraph 11).

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2. The Parties also agreed that the topic of the first review will be chosen by the Working Group on Water Management. The Working Group decided at its first meeting to focus this review on those provisions of part II of the Convention that did not form part of other activities under the work plan (MP.WAT/WG.1/1998/2, paragraphh 11).

Draft decisions

3. The Meeting of the Parties may wish to:

(a) Take note of the review of activities on bilateral and multilateral cooperation under the Convention (annexes I - III));

(b) Welcome the many activies undertaken by the Partie to comply with the Convention, and encourage the other Parties to do so by the third meeting of the Parties;

(c) Adopt the conclusions and recommendations of this review as basis for future action;

(d) Invite the Working Group on Legal and Administrative Aspects to carry out a review of major existing agreements and other arrangements regarding their compliance with the provisions in article 9, paragraph 1, of the Convention (see programme element 1.1.1 of the draft work plan MP.WAT/2000/11);

(d) Request the secretariat to update this review on the basis of replies by the Parties to the Convention (see programme element 1.1.2 of the draft work plan MP.WAT/2000/11).

Annex I**BILATERAL AND MULTILATERAL AGREEMENTS**

1. The Convention in its article 9, paragraph 1, obliges Parties, inter alia, to enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of the Convention.
2. Following this provision, Parties and non-Parties reported that a number of existing agreements have been revised in the 1990s. Moreover, new bilateral and multilateral agreements have been drawn up, signed and ratified, respectively, or entered into force. Thus, currently more than 150 agreements on transboundary waters exist in the region.
3. It follows from the replies to the questionnaire that - with the exception of two catchment areas - all Parties to the Convention bordering the same transboundary waters have drawn up, signed and/or ratified agreements on the protection and use of transboundary waters. For the remaining two catchment areas, the conclusion of agreements is expected by 2001. The scope of some of these agreements is also being extended as it is the case with transboundary waters in the catchment area of the river Prut, where Romania and the Republic of Moldova reported on the intention to draft a comprehensive agreement on transboundary water management replacing the existing agreement concluded between relevant ministries. In addition, some agreements concluded with the former Soviet Union are being revised, including those on transboundary waters in catchment areas shared by the Russian Federation (Kaliningrad oblast) and Poland.
4. It also follows from these replies that Parties and non-Parties to the Convention bordering the same transboundary waters, if they have not already done so, will have drawn up agreements on their transboundary waters by 2000/2001.

Conclusion: It is to be expected that by the year 2001, all Parties will have complied with the relevant provisions of the Convention.

Recommendation 1: The Meeting of the Parties should request Parties to the Convention and invite non-Parties to provide information on agreements and their status (under development, signed, ratified, entered into force) so that the secretariat can update the existing compilation on bilateral and multilateral agreements for wide dissemination.

Recommendation 2: The Meeting of the Parties should examine the existing agreements with a view to providing its advice to the riparian Parties,

where necessary, to eliminate contradiction with the basic principles of the Convention.

Appendix I

CATCHMENT AREAS FOR WHICH AGREEMENTS DO NOT YET EXIST

I. CATCHMENT AREAS SHARED BY PARTIES TO THE CONVENTION

1. The catchment areas of two main watercourses are not yet or incompletely covered. These are (Parties underlined):

(a) Transboundary waters shared by Latvia and the Russian Federation in the catchment area of Lake Peipsi where a bilateral agreement between Estonia and Russia already exist;

(b) Transboundary waters in the catchment area of the river Daugava (Belarus, Latvia and Russian Federation). All three countries undertook with the assistance of Sweden and the secretariat steps to draft elements of such an agreement. It is expected that an agreement can be concluded by 2000/2001.

II. CATCHMENT AREAS SHARED BY PARTIES AND BY NON-PARTIES

2. There are some transboundary waters shared by Parties and non-Parties, which are not yet covered by agreements. However, preliminary draft agreements have been drawn up or are in the course of preparations.

3. The status is as follows (Parties underlined):

(a) Croatia and Bosnia and Herzegovina are in the course of drafting an agreement on the river Sava and transboundary rivers in the Adriatic Sea basin. Croatia also started negotiations with Yugoslavia regarding bilateral agreements on the rivers Danube and Sava;

(b) Latvia and Lithuania are expected to conclude soon an agreement on the rivers Venta and Lielupe;

(c) The Russian Federation is negotiating with Azerbaijan an agreement on the river Samur expected to be concluded by 2000/2001. Russia also started consultations to prepare with Belarus an agreement on the river Dnepr. A preliminary draft of an agreement on the river Amur has been drawn up by the Russian Federation and communicated to China. Georgia and the Russian

Federation negotiate an agreement on the rivers Psou and Terek. Consultations started on an agreement between Lithuania and the Russian Federation on the river Neman which is expected to be concluded by 2001;

(d) An agreement between Slovakia and the Czech Republic on the river Morava is expected to be concluded soon;

(e) Ukraine and Belarus negotiate agreements on the rivers Dnieper and Pripit.

III. CATCHMENT AREAS SHARED BY NON-PARTIES

5. The Czech Republic and Poland are updating an agreement concluded between Poland and former Czechoslovakia. Poland is also drafting agreements with Belarus and Lithuania which still cooperate under an agreement concluded between Poland and the former Soviet Union.

6. An agreement has recently been successfully concluded between Azerbaijan and Georgia on the river Kura, however, little progress is expected to be made for the other parts of the entire catchment area (i.e. the area shared by Azerbaijan, Armenia and Iran, i.e. the sub-basin of the river Araks, see paragraph 7).

7. No agreements exist on the rivers Araks (Armenia, Azerbaijan and Iran), Choroki (Georgia and Turkey), Debeda (Armenia and Georgia), Drina and Trebisnjica (Bosnia and Herzegovina and Yugoslavia) and on Lake Gandari (Azerbaijan and Georgia). There are also no agreements on waters shared by two or more Central Asian countries and/or countries bordering the Central Asian countries (except the agreement between Kazakhstan and the Russian Federation).

Annex II

ACTIVITIES OF JOINT BODIES

1. The Convention in its article 9, paragraph 2, lays down that the agreements or arrangements to be drawn up or revised according to the Convention's basic principles shall provide for the establishment of joint bodies. Per definition, a joint bodies means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties. Paragraph 2 also enumerates tasks of joint bodies which shall be carried out without prejudice to relevant existing agreements and arrangements, and paragraphs 3, 4 and 5 deal with cooperation among various joint bodies as well as cooperation between joint bodies and coastal States.

2. The purpose of the questionnaire on this part of the Convention was to examine which of these tasks became already part of the operational activities of joint bodies, and which conclusions on good practice could already been drawn.

I. WATER BODIES DEALT WITH BY JOINT BODIES

3. It follows from the replies to the questionnaire that, as a rule, joint bodies focus their activities on the protection and use of transboundary surface waters, i.e. transboundary rivers and international lakes. This is mostly driven by the great number of rivers, and the important role which transboundary surface waters play in the region.

4. Work on the protection and use of transboundary groundwaters is still in its infancy. This is particularly true of joint bodies established by more than two Parties, for example, the International Commissions for the Protection of the Elbe, Danube, Meuse, Moselle, Rhine and Saar. Reasons include:

(a) The existing staff of joint bodies is trained in the management of surface waters rather than groundwaters;

(b) The knowledge on the existence of transboundary groundwaters is still rather limited although a recent survey identified some 100 transboundary aquifers in western and central Europe and more of them are expected to be identified in other parts of the UN/ECE region (MP.WAT/2000/9);

(c) Water supply from groundwaters is usually not an activity supervised by a joint body, and licensing of water abstraction from transboundary groundwaters and other work linked to groundwater management is not part of activities of joint bodies;

(d) According to the mandate of joint bodies, these bodies inform water supply companies and other entities about critical situations which may have adverse impact on groundwaters, however, action to protect groundwaters is - as a rule - the responsibility of the supply companies.

5. The picture regarding groundwater management is different for bilateral agreements. Most noticeable is the work of bilateral joint bodies in which Austria, Croatia, Hungary, Italy, Portugal, Slovakia, Slovenia, Spain and Ukraine, respectively, are represented. By way of example, most of these countries also contributed to the drafting of the guidelines on transboundary groundwater monitoring and assessment (MP.WAT/2000/9).

6. Information on the work of joint bodies regarding transboundary estuaries is rather limited. However, more information will be gathered on existing transboundary estuaries within the new element of the work plan 2000-2003 to draw up guidelines on monitoring and assessment of these waters. Examples on the work of joint bodies linked to estuaries include the Finnish-Russian Joint Commission on the Utilization of Frontier Waters, and the work of the International Commission for the Protection of the Schelde related to sea water and brackish water.

Recommendation 3: Riparian countries and their joint bodies should pay particular attention to one of the provisions of the Protocol on Water and Health (MP.WAT/2000/1, article 5) according to which A... water resources should, as far as possible, be managed in an integrated manner on the basis of catchment areas, with the aims of linking social and economic development to the protection of natural ecosystems, and of relating water resource management to regulatory measures relating to other environmental mediums. Such an integrated approach should apply across the whole of a catchment area, whether transboundary or not, including its associated coastal waters, the whole of a groundwater aquifer or the relevant parts of such a catchment area or groundwater aquifer.@

II. SPECIFIC TASKS OF JOINT BODIES

7. As mentioned above, the following presents examples of good practice and/or conclusions and recommendations on activities to be undertaken by joint bodies.

1. Identification of pollution sources, inventories and exchange of information on pollution sources, joint monitoring programmes, warning and alarm procedures, emission limits for waste water

8. The above four obligations are complied with by all joint bodies that replied to the questionnaire. The level of performance achieved by the joint bodies is being examined by the task force on monitoring and assessment of transboundary waters.

Recommendation 4: Parties bordering the same transboundary waters should apply, if they not already do so and as appropriate, the recommendations of the guidelines on monitoring and assessment of transboundary rivers and groundwaters (MP.WAT/2000/9 and 10), including those on inventories, surveys and risk assessment.

Recommendation 5: The Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Meeting of the Signatories to the Convention on the Transboundary Effects of Industrial Accidents should jointly work on the following topics: identification of hazardous activities for the purposes of both Conventions, notification and alarm systems, and response measures.

2. Effectiveness of control programmes

9. The assessment of the effectiveness of control programmes is still a weak point of the activities of many joint bodies.

10. An example of a good practice is given by the International Commission for the Protection of the Rhine. This commission has defined water-quality objectives, and the joint monitoring programme provides the basis for regular evaluation of the water quality against these objectives. This evaluation leads to a certain Aindicator@ for further action: as long as the water-quality objectives are not met further emission reduction measures have to be developed/undertaken. Other joint bodies, established by Finland and the Russian Federation, by the Republic of Moldova and Ukraine, and by Slovakia and some of its neighbouring countries, also undertake such evaluations, however, details were not given.

Recommendation 6: The International Water Assessment Centre (IWAC), expected to be established under the Convention ((MP.WAT/2000/11, 14 and 15) should include in its future programme of work an analysis of existing practices to assess the effectivity of control programmes on the basis of which recommended good practices should be developed.

3. Cooperation and exchange of information on the best available technology

11. Three joint bodies informed about their approaches to promote cooperation and exchange of information on the best available technology.

12. Good practices include:

(a) On-site visits of industrial and other installations which are organized back-to-back with meetings of the joint bodies or its subsidiary organs to provide information, establish contacts among potential partners and exchange reference material (Finland and Russian Federation).

(b) Creation (by Polish authorities) of a database on research and development;

(c) Identification of best available technology for the following branches of industry: surface treatment, paper and pulp, organic chemistry, cellulose (International Commission for the Protection of the Rhine).

<p><u>Recommendation 7</u>: Information on the best available technologies identified by International Commission for the Protection of the Rhine for various industrial branches should be made available to the other joint bodies, for example as part of relevant workshops on joint bodies, through the exchange of background documentation, and other appropriate ways and means.</p>
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4. Implementation of environmental impact assessment (EIA)

13. EIA has become a usual practice in almost all countries that replied to the questionnaire, however, only a few joint bodies were involved in EIA of proposed measures to be undertaken in the catchment areas of transboundary waters.

14. Criteria use for carrying out EIA were the same as listed in the Convention on Environmental Impact Assessment in a Transboundary Context. Finland and Norway have developed a specific methodology to take account of sub-regional climatic and other conditions and agreed on Guidelines for EIA in the Arctic sustainable development and utilization, published by the Finnish Ministry of the Environment.

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Recommendations 8: It seems that there is currently no specific need to include an activity on environmental impact assessment in the work plan under the Convention. However, Parties bordering the same transboundary waters should make the appropriate arrangements (e.g. training) so that their joint bodies participate, if need be, in EIA of planned activities to be carried out in the respective transboundary catchment area(s).

E. Specific experience of joint bodies to act as AForum for the exchange of information@

15. Good practice of joint bodies include:

(a) Representatives from local authorities are involved in the joint body (Finland and Russian Federation);

(b) Water management and other concerted action plans are distributed to municipalities, interest groups, and libraries;

(c) In bilateral joint bodies, the representatives of joint bodies from the downstream country participate in national meetings on water, organized by the up-stream country, and vice versa (Bosnia and Herzegovina and Croatia).

Recommendation 9: Future work of joint bodies should be guided by the conclusions and recommendations contained in: the preliminary guidelines on public participation in water management (MP.WAT/2000/6); the report on the 1997 Conference on management of transboundary waters in Europe (Mrzezyno, Poland, MP.WAT/WG.1/1998/4); the report of the 1999 workshop on joint bodies (Bonn, MP.WAT/2000/WG.1/4); and the report on the 1999 Conference on management of international lakes in Europe (Tartu, Estonia, MP.WAT/WG.1/1999/5).

F. Cooperation with joint bodies responsible for the marine environment, and cooperation among joint bodies that exist in the same catchment area

16. To comply with the relevant provision on cooperation with joint bodies responsible for the marine environment (article 9, paragraph 4), focal points are designated by the respective joint bodies to participate as observer in meetings.

17. As concerns such cooperation between the International Commission for the Protection of the Danube and the Black Sea Environmental Programme, joint

activities include the exchange of experience on technical and scientific issues, elaboration of joint proposals regarding the protection of water quality in the Black Sea to control, for example, eutrophication of the Black Sea.

18. To comply with the relevant provision on cooperation among joint bodies that exist in the same catchment area (article 9, paragraph 5), joint bodies agreed - as a rule - to grant each other observer status if they consider that the work of the other joint body is of particular importance.

19. As a good practice, it is worthwhile mentioning that one of these joint bodies, the International Commission for the Protection of the Elbe, cooperates with the respective bilateral border commissions and working association of German and Czech water works and sewage treatment plants.

Conclusion: It is to be expected that the forthcoming EC Directive establishing a framework for Community action in the field of water policy with its envisaged provisions regarding river basin authorities and cooperation within relevant entities throughout the entire catchment area will strongly support the implementation of the Convention in general and its provisions on joint bodies in particular.

Annex III

OTHER MAJOR PROVISIONS RELATING TO RIPARIAN PARTIES

I. CONSULTATIONS BETWEEN PARTIES

1. In accordance with article 10 of the Convention, consultations of Riparian Parties take place through the existing joint bodies.

II. MUTUAL ASSISTANCE

2. From the replies to the questionnaire, it seems that the provision of mutual assistance are an integral part of bilateral agreements concluded among countries in transition that border the same transboundary waters as well as recent bilateral agreements concluded between market economy countries.

3. Critical situations to which these agreements refer include:

(a) Flood events;

(b) Accidental water pollution, such as oil spills and spills of other hazardous substances;

(c) Ice drifts;

(d) Severe drought periods.

4. Examples of good practices include: border crossing without delay of the rescue services; coordination of measures and establishment of contingency mechanisms to minimize the effects of floods and droughts; real-time information exchange among points of contact and other competent organs; establishment of joint or coordinated alarm and alert communication systems. The Russian Federation and some of its riparian countries agreed on to recover costs for clean up of the consequences of accidental pollution on the basis of an assessment by the respective joint body.

Recommendation 10: Information on experience gained with joint simulation exercises among two or more Parties (e.g. flood events and critical situation on dams/reservoirs) as considered at the Seminar on flood prevention and protection, Berlin, 7-8 December 1999) should be made available to joint bodies within the region.

III. PUBLIC INFORMATION

5. Although many bilateral agreements do not yet include provisions on public information, the respective Parties to these agreements usually provide information upon request the public in their countries. The replies to the questionnaire also show that riparian Parties do not face difficulties of complying with the provisions of article 16 of the Convention.

6. Good practices include:

(a) Reports of meetings of the joint bodies are made available to the competent entities, including municipalities and industry. On request, these are also made available to the public. It is established practice to hold press conferences in connection with meetings of joint bodies. Press releases are issued whenever major decisions were made;

(b) Some Parties are in the course of setting up ministerial departments to act as contact point for the public.

Recommendation 11: Riparian countries should make use, as appropriate, of the conclusions and recommendations contained in the preliminary guidelines on public participation in water management (MP.WAT/2000/6).