



# Economic and Social Council

Distr.: General  
2 May 2023

Original: English

---

## Economic Commission for Europe

Meeting of the Parties to the Convention on  
the Protection and Use of Transboundary  
Watercourses and International Lakes

### Implementation Committee

#### Fifteenth meeting

Geneva, 16 and 17 February 2023

## Report of the Implementation Committee on its fifteenth meeting

### I. Attendance and organizational matters

1. The fifteenth meeting of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 16 and 17 February 2023 in a hybrid mode.
2. The following members of the Implementation Committee took part in the meeting: Ms. Jovanka Ignjatovic; Mr. Kari Kinnunen; Mr. Makane Moïse Mbengue; Mr. Martins Paparinskis; Mr. Pedro Cunha Serra; Mr. Attila Tanzi (Chair); Mr. Ivan Zavadsky; and Ms. Dinara Ziganshina (Vice-Chair).
3. The Implementation Committee adopted its agenda as set out in document ECE/MP.WAT/IC/2022/3, having agreed on an adjusted time frame.<sup>1</sup>
4. The Chair recalled that the Committee had approved the report of its fourteenth meeting (ECE/MP.WAT/IC/2022/2) through electronic means on 16 May 2022.

### II. Requests for advice, submissions and Committee initiatives

#### Advisory procedure WAT/IC/AP/1 (Montenegro and Albania) (closed)

5. The Committee decided to hold the discussions under the item in a closed session.
6. The Chair recalled that, at its fourteenth meeting (Geneva, 24 and 25 February 2022), the Committee had held a joint consultation session with the participation of Montenegro and Albania, where the Water Convention focal points from Montenegro and Albania had briefed the Committee on progress made in the implementation of its legal and technical advice (ECE/MP.WAT/IC/2021/1, annex) since the thirteenth meeting of the Committee (Geneva, 20 and 21 May 2021). In a joint session with the two countries held as part of its fourteenth

---

<sup>1</sup> Documents for the meeting are available on a dedicated web page of the Convention's website (<https://unece.org/environmental-policy/events/fifteenth-meeting-implementation-committee-water-convention-0>).



meeting, the Committee called on the two countries to finalize the establishment of the joint technical working group by the end of March 2022, define the mandate (terms of references) of the group, taking into account the proposal made by the Implementation Committee in its legal and technical advice, organize the first meeting of the group by the end of April 2022, and commence work to develop and implement an information exchange protocol without further delay.<sup>2</sup>

7. On 16 February 2023, the delegations of Montenegro and Albania briefed the Committee on progress made since the fourteenth meeting of the Committee:

(a) Both countries reported that the joint technical working group on monitoring and assessment had been formed and had met on 26 May 2022 in Tamarë, Albania. At that meeting, the parties had agreed to prepare an information exchange protocol and Montenegro had committed to developing a draft of said protocol. Subsequently, in February 2023, Montenegro had shared a draft protocol on cooperation in water management of common interest with Albania. The mandate (terms of references) of the joint technical working group had not yet been defined. At the time of the fifteenth meeting of the Committee, the next meeting of the joint technical working group had not yet been scheduled;

(b) Both countries also reported that the bilateral commission established under the 2018 intergovernmental Framework Agreement on Mutual Relations in the Field of Management of Transboundary Waters had met on 25 July 2022 in Shkodër, Albania, and on 21 December 2022 through a videoconference;

(c) Both countries further reported that, in 2022, Montenegro had consulted with Albania through official channels about a planned intervention involving flood protection measures on the Buna/Bojana River in the territory of Montenegro, to be financed through the Adaptation Fund/United Nations Development Programme project “Integrated climate-resilient transboundary flood risk management in the Drin River basin in the Western Balkans”, and that Albania had provided its comments and indicated its general agreement with the planned intervention;

(d) Both countries asked for assistance from the Committee in the next steps of the cooperation process under the joint technical working group, in particular on the establishment of frameworks for monitoring and exchange of information, in particular on the draft protocol (Albania) and on the assessment of transboundary impact (Montenegro);

(e) Montenegro also voiced its concerns about the possible cumulative transboundary impact of the future small hydropower plants planned for construction in Albania and the lack of clarity regarding the number of planned hydropower plants. While Montenegro had received from Albania the environmental impact assessment reports and technical documentation for three planned small hydropower plants and had been given an opportunity to ask for clarifications during the meeting on 21 December 2022, it felt that it had been left out of the environmental impact assessment process. At the time of the fifteenth meeting of the Committee, Montenegro was in the process of internal interministerial consultations to prepare its comments on the documentation received. Montenegro reported on its interest in receiving external expert support with particular regard to data collection and data management;

(f) Albania reported that it was in the process of preparing its comments on the draft protocol received from Montenegro. It stated that no construction work related to the three new small hydropower plants had commenced and that related permits, such as the water permit and the construction permit, had not been issued. Albania clarified that fish passes were envisaged in the design of the new small hydropower plants.

8. On 17 February 2023, in a joint session with the two countries, the Committee communicated to Montenegro and Albania its indications regarding the next steps in the implementation of the Committee’s legal and technical advice (see annex below). Both

---

<sup>2</sup> ECE/MP.WAT/IC/2022/2, para. 9 (d).

countries agreed with those next steps during the joint session held on 17 February 2023. The Committee requested the Chair to write to Montenegro and Albania to communicate the agreed next steps and provide examples of existing agreements and protocols and good practices in the field of the exchange of data and information.

### **Information gathering WAT/IC/INFO/2 (Albufeira Convention)**

9. The Chair recalled that, on 12 December 2022, the Implementation Committee had received a letter from organizations cooperating in the project “Reconnecting Iberian Rivers”. The letter referred to the implementation of the Agreement between Spain and Portugal on cooperation for the protection and sustainable use of the waters of the Spanish-Portuguese hydrographic basins (Albufeira Convention).

10. The Chair further recalled that, having discussed the above-mentioned letter at its preparatory meeting held through videoconference on 10 January 2023, the Committee had decided to write to the concerned Parties to the Water Convention, Portugal and Spain, enclosing said letter, asking for their views on the matter and for any further information that they might consider appropriate. At the same preparatory meeting, the Committee had also requested the Chair to inform the organizations cooperating in the project “Reconnecting Iberian Rivers” about the Committee’s decision to contact Portugal and Spain asking for their views on the issues raised in the letter from the organizations. On 13 January 2023, the Chair had sent letters to Portugal and Spain requesting their views and any corroborating documents or information within three months from the date of receipt of the letters and, if possible, prior to the fifteenth meeting of the Implementation Committee. Also on 13 January 2023, the Chair had informed the organizations cooperating in the project “Reconnecting Iberian Rivers” of the Committee’s decision to share their letter with Portugal and Spain. Subsequently, the Committee had received replies from Spain, on 13 February 2023, and from Portugal, on 15 February 2023.

11. The Committee discussed the letter from the organizations cooperating in the project “Reconnecting Iberian Rivers” received on 12 December 2022. The Committee expressed appreciation for the information provided to it, as it assisted the Committee in its mission to facilitate implementation, application of and compliance with the Water Convention. The Committee decided to consider the matter within its information gathering and consultation functions,<sup>3</sup> without prejudice to any further decision to undertake a Committee initiative.<sup>4</sup>

12. The Committee discussed the information provided by Portugal and Spain. It expressed appreciation for the fact that the countries had provided their views on the issues raised by the organizations cooperating in the project “Reconnecting Iberian Rivers” promptly so as to allow the Committee to discuss the matter at its fifteenth meeting.

13. The Committee noted that Spain and Portugal had coordinated their responses, which had been received by the Committee on 13 February 2023 and 15 February 2023, respectively, and which had provided additional evidence of the existing cooperation between the two countries. The Committee also stressed that its mission was to promote and safeguard the implementation of the Water Convention. In other words, the mechanism to support implementation and compliance, established through decision VI/1 of the Meeting of the Parties, was to be used for the improvement and strengthening of transboundary cooperation in pursuit of the aims of the Convention, including compliance with its substantive provisions.

14. The Committee entrusted the Chair to write to Portugal and Spain to request additional information to be provided within three months to complement the information they had provided on 15 February 2023 and 13 February 2023, respectively. The Committee formulated its questions to the two countries with regard to:

- (a) Implementation of their obligations under the Water Convention;

<sup>3</sup> ECE/MP.WAT/37/Add.2, decision VI/1, annex I, sect. VIII.

<sup>4</sup> Ibid., sect. VII.

(b) Implementation of the harmonization of policies and strategies at the basin level and the reasons why a joint river basin management plan had not yet been developed;

(c) The outcomes and impact of the work of the Commission for the Application and Development of the Albufeira Convention, generally, and with special regard to the development of the Albufeira Convention;

(d) Reporting by the above-mentioned Commission to the two Parties on the implementation of the Albufeira Convention and the availability of Commission reports to the public;

(e) The expected establishment of a permanent technical secretariat in support of the Commission's work;

(f) Public participation and stakeholder involvement in activities of the Conference of the Parties to the Albufeira Convention, the Commission and its working groups.

15. The Committee requested the Chair to write to the organizations cooperating in the project "Reconnecting Iberian Rivers" to inform them about the Committee's meeting and the Committee's decision to continue to gather information on the matter.

16. In accordance with its core rules of procedure,<sup>5</sup> the Committee decided that Mr. Cunha Serra, a member of the Committee, would not be involved in future discussions, nor take part in decision-making, concerning the letter received from organizations cooperating in the project "Reconnecting Iberian Rivers" and the related information gathering process.

### **III. Cooperation with other committees and organizations**

17. The joint secretariat of the Protocol on Water and Health briefed the Committee on the outcomes of the sixth session of the Meeting of the Parties to the Protocol (Geneva, 16–18 November 2022) related to compliance.

### **IV. Contribution of the Implementation Committee to different activities under the Convention**

18. The secretariat provided a brief report on the implementation of the programme of work for 2022–2024 (ECE/MP.WAT/63/Add.1). The engagement of the Implementation Committee in activities on increasing capacity for implementation of the Convention and supporting national processes towards accession was discussed. The Committee was invited to contribute its expertise to the regional workshop on accession to and ratification of conventions on shared surface waters and groundwater to be organized by the West African Economic and Monetary Union in cooperation with the Convention secretariat on 3–5 May 2023, the training workshop "From practitioner to practitioner: how to use the two global Water Conventions to promote cooperation on the ground" to be organized by the Convention secretariat on 3–4 July 2023, and the regional workshop on shared water resources to be organized by the Economic Community of West African States in 2023.

19. The secretariat presented to the Committee an overview of requests received by the secretariat from Parties and non-Parties to support cooperation in specific basins and regions, including requests to: support the development of agreements and strengthening of institutions in shared basins, including transboundary aquifers; implement nexus solutions and investments as a follow-up to water-food-energy-ecosystems nexus assessments; and, support the strengthening of national legal, regulatory, administrative, technical or economic water management frameworks. The Committee discussed possible ways to assist the secretariat in that work, in particular ways to trigger such assistance from the Committee. The Committee emphasized the importance of such assistance being welcomed by the countries concerned. It was highlighted that such potential support from the Committee would not necessarily need to be provided by the Committee as a whole but could involve

---

<sup>5</sup> Ibid., annex II.

close engagement of one or more of the Committee members on behalf of the Committee. The Committee decided to pilot provision of its legal and technical support in a transboundary basin or aquifer, as a way to clarify the procedural and legal implications of its potential involvement in such assistance in the future.

## **V. Promotion of the mechanism to facilitate and support implementation and compliance**

20. The Chair recalled the letter sent in September 2022 on behalf of the Committee to non-governmental organizations informing them of the Committee's existence and functions, and suggesting that they provide relevant information to the Committee in the framework of the Committee's information gathering function. The Committee requested the secretariat to update the web page of the Committee to clarify opportunities for various actors to submit information to the Committee.

21. Ms. Ziganshina and Mr. Mbengue reported on their participation in a panel discussion on "Climate, Conflict and Cooperation" as part of the Briefing of the General Assembly on Science-based Evidence in support of Sustainable Solutions (New York, 7 February 2023), where they had promoted the Convention and the Committee. Mr. Mbengue reported on the annual conference of the African Society of International Law planned for October 2023 where a panel discussion on water was expected to take place. Mr. Zavadsky reported on the preparations for the Tenth Global Environment Facility Biennial International Waters Conference, scheduled to take place in Uruguay in October–November 2023.

## **VI. Programme of work and calendar for the next meetings**

22. The Committee requested the secretariat to reschedule its sixteenth meeting for October–November 2023. It discussed the possibility of holding a smaller-scale meeting through videoconference at some point before the sixteenth meeting.

## **VII. Presentation of the main decisions made, modalities for preparation of the meeting report and closing of the session**

23. The Committee entrusted the secretariat to prepare and circulate the draft report on its fifteenth meeting, which the Committee would subsequently approve through electronic communication means.

## Annex

### **Messages to the countries involved in advisory procedure WAT/IC/AP/1 (Montenegro and Albania) regarding the next steps in the implementation of the Committee's legal and technical advice**

1. The Committee would like to stress that its legal and technical advice under advisory procedure WAT/IC/AP/1, accepted by the two countries concerned (Montenegro and Albania) on 5 February 2021 and presented in the annex to document ECE/MP.WAT/IC/2021/1, remains valid. The Committee recalls that its legal and technical advice includes:

(a) Potential steps to be taken by the countries in the establishment of joint monitoring mechanisms based on the existing bilateral cooperation framework and following a step-by-step approach, with:

(i) Step 1: The establishment by the existing Albanian-Montenegrin Transboundary Water Commission of a joint technical working group "Monitoring and assessment";

(ii) Step 2: The definition by the Albanian-Montenegrin Transboundary Water Commission of the mandate of the joint technical working group based on the pressures on the Cijevna/Cem River (addressing, inter alia, possible impacts of existing and planned hydropower plants, missing river continuity for migrating fish, pollution hot spots, etc.);

(iii) Step 3: Practical cooperation within the joint technical working group through its regular meetings, establishment of a joint or coordinated monitoring and assessment programme, and regular reporting to the Albanian-Montenegrin Transboundary Water Commission;

(b) Potential steps to be taken by the two countries in facilitating the exchange of information, including:

(i) Developing and implementing an information-exchange protocol;

(ii) Use of the meetings of the bilateral commission to exchange information, including on the existing and planned uses of water and related installations.

2. The Committee welcomes the fact that the two countries are clearly moving forward with implementation of its legal and technical advice. In particular, the Committee expresses appreciation for the fact that the two countries established a joint technical working group and that said group met on 26 May 2022. It also finds it encouraging that the bilateral commission established under the 2018 Framework Agreement met in July and in December 2022. However, it finds that the pace of action is not sufficiently fast. There is a need for the two countries to intensify practical cooperation concerning the collection, processing and effective exchange of data and information on a regular basis, as well as joint or coordinated monitoring and assessment.

3. As an immediate priority moving forward, the Committee will provide the two countries concerned with examples of existing agreements and protocols in the field of the exchange of data and information, as well as examples of good practices submitted by Parties to the Water Convention to the secretariat for the preparation of a new publication on good practices in transboundary data exchange.<sup>1</sup>

4. The Committee expects Albania and Montenegro to provide it with a joint draft of the information-exchange protocol by 30 April 2023.

---

<sup>1</sup> A number of such examples were subsequently provided by the Committee to Montenegro and Albania on 12 March 2023.

5. Furthermore, the Committee invites the two countries, at their earliest convenience and no later than 20 March 2023, to:

- (a) Schedule the next meeting of the joint technical working group and inform the Committee of the date and place of the meeting;
- (b) Make available to the Committee the information and data that the Parties have exchanged so far;
- (c) Define the terms of reference of the joint technical working group based on the proposal included in the Committee's legal and technical advice, and share them with the Committee.

6. The Committee had previously indicated the availability of a member of the Implementation Committee (Mr. Pedro Cunha Serra) to provide assistance, including by taking part in the work of the joint technical working group. The Committee welcomes the fact that, at the consultations held on 16 February 2023, both countries requested additional practical assistance from the Committee. The Committee accepts said request. To that end, the Committee indicates the availability of several of its members to join – in person or online – in the next meeting of the joint technical working group, with a view to providing practical advice on the collection and exchange of data and information, joint or coordinated monitoring and the drafting of the information-exchange protocol. The practical and financial arrangements for participation of several members of the Committee in the next meeting of the joint technical working group should be facilitated by the secretariat, following the confirmation of the date and place of the meeting by the two countries.

---