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Subject: Analysis of Information Received from Iberian Governments

Implementation Committee

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)

United Nations Economic Commission for Europe (UNECE)

Att. Mr. Attila Tanzi, Chair of the Implementation Committee

Dear Mr. Attila Tanzi,

First, we would like to thank you for the efforts of the Implementation Committee to get clarity about the status of the implementation of the UN Water Convention by Portugal and Spain and for your invitation to comment on the answers provided by the two countries on the complaints we have submitted by letter on 12 December 2022.

We have carefully taken note of the communication between the Implementation Committee and the two countries and agree with your conclusion that the two countries have indeed carefully coordinated their responses.

We will briefly comment on each of the points presented in our letter to the Committee dated 12 December.

- Lack of a Permanent and independent Technical Secretariat for the Albufeira Convention, as approved in the Conference of the Parties of 2008.

The two countries confirm that there is indeed no technical secretariat despite the decision of the COP in 2008 to establish one. They indicate that they are studying its possible establishment, which did not happen until now because of difficulties, namely, those inherent to the different administrative and political organization of both countries and difficulties in the synchronization of planning calendars resulting from unfavourable political, economic and health conditions. For us, as civil organisations working to support effective cross border water management, this statement is incomprehensible and comes to our opinion down to a lack of political willingness. An inertia that lasts for 15 years generates state responsibility for failure to comply with the compromise and to be up to the expectations of the citizens. There are dozens of countries around the world with

different political systems that have established a technical secretariat that coordinates the implementation of agreements on cross border river basin management.

- No coherent and coordinated river basin approach to the elaboration of the River Basin Management Plans for each of the shared river basins as required by the EU Water Framework Directive.

Although the two countries indicate that they are closely coordinating the elaboration of the river basin management plans for each country, they also (here again) confirm that there is no integrated overall basin wide plan that provides the basis for the two plans at national level and ensures these are well tuned. Moreover, the lack of a basin wide plan also limits civil organisations to be involved and track the planning and implementation of the national plans, violating article 7 of the Aarhus Convention. The coordination that takes place is mostly technical, and without the level of public transboundary involvement that is needed. We lack insight in how the two countries plan to address in a coordinated and effective manner the increasing water crisis in the region, such as water shortages and drought problems caused by climate change, and increased water demand.

- As a result, no integrated plans to restore ecological connectivity and restoration of the river basins (Minho-Lima, Douro, Tagus and Guadiana) are in place.

The Water Framework Directive, the Habitats Directive, and the recently proposed EU Nature Restoration Law require the ecological restoration of rivers. Although there are restoration plans for parts of the river basins, here again there is no integrated approach as confirmed by the two countries.

- Securing ecological flow regimes in all transboundary river basins, including minimum, average, peak and seasonal flows, prior to other water allocations to attend socio-economic demands.

The two countries agreed on minimum flows, but these flows are not based on ecological criteria as demanded by the WFD. The Albufeira Convention and its 2008 revision protocol set values for the minimum annual, quarterly, and weekly or daily flows, in reference sections at entry into Portugal (obligation of the Spanish Party - ES) and of the estuary (obligation of the Portuguese Party – PT), although incomplete in the case of the Guadiana River basin.

- Ensuring the establishment of cross-border monitoring systems on water quantity and quality by the competent water authorities, including ecological and hydro morphological indicators as required by the EU legislation.

According to the information provided by Portugal the following monitoring activities are carried out:

- Monitoring of the drought situation in the shared basins (GT 1 and GT 3);
- Coordination of monitoring programs for border and transboundary bodies of water with the aim of assessing their quality status (GT 1 and GT 2);
- Monitoring of water abstraction on the left bank of the Guadiana;
- Monthly monitoring of the hydrometeorological situation in the shared river basins, based on the exchange of situation notes and a monthly meeting.

The results and outcomes of such monitoring activities are unknown, as no information has been uploaded on the website since 2019, and even previous monitoring reports lack regularity. Only ad-hoc and crisis-response data (such as in floods or droughts) has been made public through the media.

- Promoting and ensuring proper public participation and stakeholder's involvement throughout all the activities of the Albufeira Convention.

Only inter-governmental sessions at the regional level have been organized, with little or no effective participation from citizens and the civil society of the two neighbouring countries.

- Ensure regular and up to date public information on the activities of the Albufeira Convention, the CADC and the working groups under the Convention.

The two countries again promise to make the Convention's website accessible and up to date (by the summer of 2023). For us as civil organisations, it is incomprehensible how the two countries are not able to ensure an effective working website with up-to-date information on the work of the Convention. Here again, given the low complexity of the task and the extreme time period with no website updates, this might be an indicator of political unwillingness instead of a pure technical issue. A well-functioning website with up-to-date information and, preferably, the issuing of a regular newsletter, are essential tools to promote the work of the Convention and to have the public and stakeholders involved in the work of the Convention.

We hope that our analysis can contribute for the committee to ensure the fulfillment of the water convention, and we remain available for any further questions.

Sincerely,

Ana Catarina Miranda

(Project Manager)

On behalf of the following partner organizations:



(GEOTA, ANP-WWF, Rede Inducar, Wetlands International- EA, WWF Spain)