

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

IMPLEMENTATION COMMITTEE

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Mr. Teodoro Estrela Monreal
Water Director
Ministry for the Ecological Transition
and the Demographic Challenge
Madrid
Spain

cc: Ms. Concepcion Marcuello Olona
National Focal Point of the Water Convention
Coordinator of International Issues
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Permanent Mission of Spain
to the United Nations Office and other international organizations in Geneva

14 March 2023

**Subject: 15th meeting of the Implementation Committee of the Water Convention:
Letter from organizations cooperating in the project “Reconnecting Iberian Rivers”**

Dear Mr. Estrela Monreal,

On behalf of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) I thank you for your reply received on 13 February 2023 in response to my letter dated 13 January 2023 concerning information communicated to the Committee by organizations cooperating in the project “Reconnecting Iberian Rivers”. The Committee appreciates that your reply was provided promptly so as to allow the Committee to discuss the matter at its fifteenth meeting (Geneva, 16–17 February 2023).

I would like to inform you that the Committee has decided to consider the matter within its information gathering and consultation function (decision VI/1, Annex I, section VIII (ECE/MP.WAT/37/Add.2)), without prejudice to any further decision to undertake a Committee's initiative (decision VI/1, Annex I, section VII).

The Committee noted that Spain and Portugal had coordinated their responses received by the Committee on 13 February 2023 and 15 February 2023, respectively, and that this provided additional evidence of the existing cooperation between the two countries. The Committee also stressed that its mission is 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, is 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.

With regards to the information provided in your reply, the Committee would be grateful if you could complement such information by addressing the questions enclosed. The Committee would appreciate receiving your replies, along with any corroborating documents, within three months from the date of receipt of the present letter.

Please, submit your reply to the Committee via the Secretariat of the Water Convention to the following email address water.convention@un.org and copy Sonja Koeppel, Secretary to the Convention sonja.koeppel@un.org, Iulia Trombitcaia, iulia.trombitcaia@un.org and Remy Kinna, remy.kinna@un.org.

I would also like to inform you that, in accordance with its core rules of procedure, the Committee decided that Mr. Pedro 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.

Finally, I would like to draw your attention to paragraphs 32–36 of annex I to decision VI/1 of the Meeting of the Parties, under which the Committee will assume that any information communicated to the Committee by your country is not confidential, unless such information has been explicitly provided to the Committee in confidence. Hence, any information communicated to the Committee by your country in the future would normally be made publicly available on the Convention website unless explicitly marked as confidential based on reasonable grounds. In this regard, I would also appreciate a clarification as to whether your reply received by the Committee on 13 February 2023 can be made publicly available.

Should you have any questions, please do not hesitate to contact me.

Please accept the assurances of my highest consideration.



Attila Tanzi
Chair, Implementation Committee
Convention on the Protection and Use of
Transboundary Watercourses
and International Lakes

Enclosures:
Annex 1: Questions

Questions

1. The Committee would be grateful to receive more precise information on the implementation of the Water Convention, i.e. on the measures which have been taken by Portugal and Spain to implement the Convention's substantive obligations, together with those on cooperation.
2. Under the Water Convention, the catchment area is the main unit for the application of harmonized policies, programmes and strategies that the Riparian Parties are to develop under article 2(6) of the Convention. In fact, the outcome of transboundary cooperation should be the development and implementation of "harmonized policies, programmes and strategies". Harmonization may range from coordination of relevant national actions to the development of a single river basin management plan – an option already provided for in the Water Framework Directive. Taking into account the degree of scientific, technological, economic and administrative development and related capacity of Portugal and Spain, development of joint river basin management plans (RBMPs) would appear as the most appropriate measure in the cooperation efforts of the two countries. Please, indicate the reasons why Portugal and Spain have not yet developed a joint RBMP.
3. Please, illustrate the outcomes and impact of the work of the Commission for the Implementation and Development of the Albufeira Convention (CADC)), generally, and with special regard to the development of the Albufeira Convention.
4. Does the CADC report to the two Parties on the implementation of the Albufeira Convention? Are CADC reports publicly available?
5. The Committee would appreciate receiving more information on the expected establishment of the permanent technical secretariat in support of the Commission's work, in particular, but not limited to, the planned tasks and functions of the secretariat.
6. With reference to the obligations of Portugal and Spain under the Water Convention and the good practices on public participation in transboundary water cooperation (see e.g. guidance document *Water management: Guidance on public participation and compliance with agreements*, pp. 27–32, developed under the Water Convention):
 - How is public participation ensured in activities of the Conference of the Parties, CADC and its working groups, i.e. outside of the mechanisms required under the Water Framework Directive, with a particular reference to such good practices as the provision of an observer status for non-governmental organizations (NGOs), participation of NGOs and other members of the public in the meetings of joint bodies, participation of NGOs as members or experts in working groups, participation NGOs in in monitoring compliance with the transboundary water agreement, etc.?
 - How do the two countries intend to ensure public participation in the context of the future permanent technical secretariat?
 - How do the two countries intend to address the concerns expressed by organizations cooperating in the project "Reconnecting Iberian Rivers" with regard to existing mechanisms for public participation?
 - Which mechanisms would allow the stakeholders to be better involved in the development and implementation of transboundary water cooperation between Portugal and Spain?