

Attila Tanzi, Chair, Implementation Committee

Item 6(d) Implementation Committee

Thank you Chair.

I will - in summary - update you on the activities of the Implementation Committee over the last intersessional period.

In fact the Committee had a rather intense triennium, and I shall briefly highlight few of its activities and lessons learned.

The first one pertains to **the advisory procedure catering to Montenegro and Albania**, which stemmed from initial concerns about data and information on a number of small hydropower projects in the Cijevna/Cem River basin.

In the previous intersessional period, the Committee had already provided its legal and technical advice to the Parties concerned. And in this triennium, the Committee further **supported them for purposes of developing an information-exchange protocol**. Montenegro and Albania have now reached the final stage of the negotiations, and adoption of the protocol, with its annexes, is imminent.

It has been an enriching experience for its members to see the Committee role unfolding and witness tangibly increased dialogue and mutual understanding between the two Parties.

It is worth mentioning that - in combination with this advisory process, and further to invitation to Convention Parties by the Working Group on Integrated Water Resources Management to provide financial assistance to Albania and Montenegro for improving their monitoring and modelling capacities - Italy decided to support a UNECE project focusing on the development of groundwater monitoring in the Cijevna/Cem River basin.

Second, Mr Chairman,

The Committee has undertaken an information gathering procedure related to the Albufeira Convention between Portugal and Spain. The process was triggered by a group of NGOs who expressed concerns about transboundary cooperation between the two countries, and about issues of access to information by the public.

Based on the information received from the Parties concerned and the NGOs in question through the rich exchanges with them, the Committee formulated its conclusions, and invited Portugal and Spain to discuss such conclusions at the next meeting of their bilateral commission dealing with the Albufeira Convention.

The Committee commended the extremely informative and cooperative attitude from both Portugal and Spain and appreciated the very useful input by the group of NGOs in question throughout the process.

Third, Mr Chairman,

In 2023, in order to enhance its assistance to Parties for purposes of developing transboundary water agreements in various basins, the Committee decided **to pilot supply of its legal and technical support** in a transboundary basin or aquifer.

Upon agreement by the countries involved – namely, the Gambia, Guinea-Bissau, Mauritania and Senegal - the Committee has assisted them - through one of its members, Prof. Makane Mbengue - in the elaboration of **the draft agreement on the Senegal-Mauritanian Aquifer basin**. The draft zero of the agreement was approved two days ago here in Ljubjana. The Committee is deeply grateful to Prof. Makane Mbengue for his steadfast support in the matter on behalf of the Committee. We trust that the final text will be ready for signature on the occasion of the 2026 UN Water Conference.

Fourth, Mr Chairman,

In this triennium the Committee continued to assist the Secretariat in answering questions posed by countries considering accession. In 2022, the secretariat approached the Committee with a set of **questions received from several Latin American countries**, including concerning the possible implications in potential cases before the International Court of Justice of being a Party to the Convention when the other disputing Party would not.

Fifth, the Committee also discussed the outcomes of the **third reporting exercise under the Convention** based on the synthesis report, prepared by the secretariat.¹ The Committee appreciated that all Parties have submitted their reports.

¹ *Progress on Transboundary Water Cooperation under the Water Convention: Third Report on Implementation of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (2020–2023)* (ECE/MP.WAT/77).

The Committee reviewed information provided on **transboundary basins where the conclusion of agreements and arrangements and/or establishment of joint bodies is needed**. And discussed in particular the challenges faced by the Parties in concluding agreements or arrangements with **non-Parties**. In this regard, the Committee emphasized the importance for the Meeting of the Parties to invite non-Parties to consider concluding agreements with Parties in shared basins. It also underscored the need to involve non-Parties in activities under the Convention.

Among other **common challenges** faced by many Parties, as they emerged from their reports, the Committee discussed difficulties in cooperation on identification, delineation, characterization and joint management of **transboundary aquifers**. Where such difficulties are present, the Committee highlighted the need to foster cooperation on information on transboundary groundwater along the lines of the Model Provision on Transboundary Groundwaters prepared by the Legal Board and adopted by the MOP in 2012 in Rome.

Finally, Mr Chairman,

You will find in the annex to the Committee Report the Draft decision on general issues of implementation, which the Committee suggests to the Meeting of the Parties to adopt. It reflects on the activities of the Committee and its assessment of the current status and challenges with implementation of the Convention. It encourages Parties and other actors to use the Committee in order to advance implementation of the Convention.

Since the Committee has been operational for 12 years, the Meeting of the Parties may also wish to invite the Committee to undertake a **stocktaking exercise**, in the upcoming or the following intersessional period.

(Farewell remarks)

Allow me to thank you, and to deeply thank all the members of the UNECE secretariat, the members of the Bureau, in their different configurations in time, my distinguished and competent Colleagues that I have had the privilege to work with throughout the years. There many names and faces that I will keep firmly in my mind with a deep sense of gratitude. With them I have learned a lot, professionally and personally.

This Committee was not originally contemplated by the text of the Convention. Its establishment – which therefore required the unanimous of its Parties – was based on an abstract scheme presented to them by the Legal Board as a truly non-adjudicative and flexible tool of support for the Parties in implementing the Convention. After 12 years of existence, I believe, the Committee has kept the promise.

The Montenegro-Albania success story, complemented by that of the Senegal-Mauritania Aquifer Basin Draft-Agreement, can but illustrate the extraordinary potentials of the unique advisory procedure of the Committee.

Mr. Chairman,

There is a common aspect to those success stories which provides an important take away for the way forward in the utilisation and application of the Convention. Namely, the focus on ground waters. Cooperation in their identification, protection and utilisation will become essential in order to meet the ever increasingly dramatic challenges deriving from climate change and from exponential demographic growth.

My distinguished Colleague, Professor Mbengue, representing the Committee in his advisory efforts in relation to the Senegal-Mauritania Aquifer Basin is largely relying on the Model Provisions on Transboundary Groundwaters prepared by the Legal Board and adopted by the MOP in 2012 in Rome. I hope this will increasingly be the focus of future cooperation schemes.

Mr. Chairman, two last remarks:

First, on the importance should not be overlooked of an integrated and contextual approach to the interpretation and application of the Convention. One which would be cognizant of the threefold dimension of the normative focus of the Convention : namely, the economic development, environmental and human rights dimensions. Especially, with regard to the last two dimensions, the importance emerges under article 31. 3. c of the UN Convention on the

Law of Treaties that the Water Convention be interpreted in harmony with the other relevant conventional instruments – especially the UNECE ones – to the extent that their provisions may be evidentiary of customary law. Next to the Espoo Conventions I am thinking of the Aarhus Convention and of the London Protocol on Water and Health.

Looking further ahead, and combining scientific and legal knowledge, an integrated approach to the scope of application of the Convention may require in due course giving attention to the impact of the use and management of water resources and drainage basins on the wider hydrological cycle – including in its atmospheric dimension, and vice-versa.

And here my last remark. More than 30 years ago, in 1992 under Principle 13 of the Rio Declaration the same States Parties to the Convention agreed that :

“ ... States shall cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction”.

It was with that in mind that, under the aegis of this Convention, that its Parties adopted in 2003 the “Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters”. That instrument – which contains significant innovative and effective solutions to avoid burdening State budgets while enhancing social and justice, contrary to the engagement of State responsibility, or liability – could not enter into force because of purely technical intra-EU reasons. Now, that the Convention has become global, consideration could be given to the possibility of elaborating a new instrument on the same, or wider, subject-matter.