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Economic Commission for Europe

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

Implementation Committee

Sixteenth meeting

Geneva, 11 and 12 December 2023

Report of the Implementation Committee on its sixteenth meeting

I. Attendance and organizational matters

1. The sixteenth meeting of the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held in Geneva, on 11 and 12 December 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. Stephen McCaffrey; 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/2023/1, having agreed on an adjusted time frame.¹
4. The Chair recalled that the Committee had approved the report of its fifteenth meeting (ECE/MP.WAT/IC/2022/4) through electronic means on 18 April 2023.

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 fifteenth meeting (Geneva, 16–17 February 2023), 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 fourteenth meeting of the Committee (Geneva, 24–25 February 2022). In a joint session with the two countries, held as part of its fifteenth

¹ Documents for the meeting are available on a dedicated web page of the Convention's website (<https://unece.org/info/events/event/383297>).

meeting, the Committee had: committed to providing Montenegro and Albania with examples of existing agreements and protocols in the field of the exchange of data and information, in order to facilitate the development by the two countries of an information-exchange protocol; asked the two countries to provide it with a joint draft of the information-exchange protocol by 30 April 2023; and indicated the availability of several of its members to join in the next meeting of the joint technical working group established by the countries in early 2022 as part of their efforts to implement the legal and technical advice provided by the Committee.²

7. Mr. Cunha Serra and Mr. Zavadsky informed the Committee of the outcomes of the second meeting of the joint technical working group (Shkodër, Albania, 25 April 2023), which they had attended on behalf of the Committee, upon invitation from Montenegro and Albania. At the meeting in Shkodër, several Albanian institutions had expressed their readiness to share with Montenegro certain hydrological, geological and technical information on the Cijevna/Cem River basin related to the operation of already-existing small hydropower plants. Experts from both countries had discussed needs and ways for establishing adequate monitoring of transboundary groundwaters in the basin. Albania had committed to provide comments on the draft protocol on cooperation in the field of exchange of information prepared by Montenegro. Montenegro had committed to provide comments on the project documentation and environmental impact assessment reports received from Albania.³ Mr. Cunha Serra and Mr. Zavadsky had the opportunity to provide practical advice during the meeting of the joint technical working group. In particular, they urged the countries to share all information available and deepen the dialogue at the expert level. During the field visit to the Murras and Dobrinje small hydropower plants, built a few years previously on the Albanian stretch of the Cijevna/Cem River, discussions had focused on the need to jointly collect data on groundwater in the basin, develop groundwater flow maps and undertake studies on fish species present in the river.

8. Mr. Zavadsky further informed the Committee of the outcomes of discussions at the eighteenth meeting of the Working Group on Integrated Water Resources Management under the Water Convention (Geneva, 19–21 June 2023), where he had represented the Committee. The Working Group welcomed the progress made in advisory procedure WAT/IC/AP/1 and invited Parties and relevant organizations to provide financial assistance to Albania and Montenegro, as needed, for bringing in additional monitoring and modelling capacities. Moreover, during the meeting in Geneva, Albania had committed to prepare a new draft of the protocol on information exchange based on examples provided by the Implementation Committee and to submit it for comments to Montenegro.

9. The secretariat reported that, in December 2023, the Italian Ministry for the Environment and Energy Security had provided resources to assist Montenegro and Albania in implementing the advice provided by the Implementation Committee as part of a larger United Nations Economic Commission for Europe (ECE) project “Cross-sectoral cooperation in transboundary basins in the Western Balkans”, to be implemented in the period 2024–2026. The project would support several interventions to enhance groundwater monitoring and the knowledge base in the Cijevna/Cem River basin, while bearing in mind the close relationship between surface waters and groundwaters.

10. On 11 December 2023, during their separate consultations with the Committee, the delegations of Montenegro and Albania had each briefed the Committee on progress made since its fifteenth meeting:

(a) Both countries had reported that, on 17 October 2023, Albania had shared with Montenegro a preliminary draft of a protocol for cooperation on the exchange of hydrological and meteorological data and information in the Cem River basin. The draft was based on the Policy on the exchange of hydrological and meteorological data and information in the Sava River basin;

² ECE/MP.WAT/IC/2022/4, annex, paras. 3–4 and 6.

³ Montenegro subsequently provided to Albania its comments on the project documentation and environmental impact assessment reports for Tamara, Koznja-1 and Koznja-2 hydropower plants on 26 April 2023 and has informed the Implementation Committee of this step.

(b) Montenegro reported that it was in the process of carrying out an internal review of the draft protocol, with a dedicated meeting of Montenegrin institutions planned for 15 December 2023. According to Montenegro, parameters to be included in the annex to the protocol would be a core issue to be agreed upon;

(c) Albania clarified that no construction work related to the planned three new small hydropower plants (Tamara, Koznja-1 and Koznja-2) had commenced and that the relevant permits had not been issued;

(d) Albania committed to share with the Committee the environmental impact assessment reports and technical documentation for three planned small hydropower plants, which had already been shared with and commented by Montenegro, in the languages available and, where possible, in the English language;

(e) Since the water diversion mechanisms at the Murras and Dobrinje small hydropower plants involve no dams, but only weirs, the Committee had several questions for Albania regarding the monitoring of the impacts of those plants on groundwater, fish species and biodiversity. Albania clarified that no monitoring of groundwater was taking place in the relevant part of the Cijevna/Cem River basin, but operators of all hydropower plants had been obliged to install hydrometeorological stations. Operators were also obliged to provide for ecological flows;

(f) Albania confirmed that the mandate (terms of references) of the joint technical working group had not yet been defined;

(g) Both countries reported that, at the current time, the third meeting of the joint technical working group had not yet been scheduled and that they planned to agree upon the dates and place for the meeting once Montenegro had provided comments on the draft of the protocol for cooperation on the exchange of hydrological and meteorological data and information in the Cem River basin.

11. On 12 December 2023, in a joint session with the two countries, the Committee had found it encouraging that Albania had prepared a draft protocol for cooperation on the exchange of hydrological and meteorological data and information in the Cem River basin and that the draft was under internal review by Montenegro, with the aim of discussing it at the next meeting of the joint technical working group. The Committee stressed that it was important for the countries to keep up the pace in implementation of the Committee's legal and technical advice. It was clarified that the draft shared by Albania with Montenegro on 17 October 2023 did not include an annex with the parameters and that it would be important to start working together on the development of such an annex.

12. The Committee encouraged the two countries to meet to discuss the draft protocol on exchange of information as soon as possible and to inform the Committee of the outcomes by 29 February 2024 – a timeline that both Montenegro and Albania accepted as feasible during the joint session on 12 December 2023.

13. The Committee expressed readiness to take part in the work of the joint technical working group (through one or two of its members) and/or to comment on the draft protocol on information exchange, if so requested by the two countries.

14. The Committee also encouraged Montenegro and Albania to define the terms of reference (mandate) of the joint technical working group, taking into account the proposal included in the Committee's legal and technical advice, and to share said terms with the Committee.

III. Information-gathering

Information-gathering WAT/IC/INFO/2 (Albufeira Convention)

15. The Committee decided to hold the discussions under the item in a closed session.

16. As per the decision of the Committee taken at its fifteenth meeting,⁴ Mr. Cunha Serra, a member of the Committee, did not attend the meeting during the discussions on the item.

17. The Chair recalled that, at its fifteenth meeting, the Committee had discussed the letter from organizations cooperating in the project “Reconnecting Iberian Rivers”, received on 12 December 2022, and information subsequently provided by Spain on 13 February 2023 and by Portugal on 15 February 2023 with regard to cooperation in 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). The Chair also recalled that the Committee had then decided to consider the matter within its information-gathering and consultation function, without prejudice to any further decision to undertake a Committee initiative.⁵ Upon request by the Committee, the Chair had written to Portugal and Spain on 14 March 2023 to request additional information with special regard to six questions formulated by the Committee. He had also written, on 18 April 2023, to the organizations cooperating in the project “Reconnecting Iberian Rivers” to inform them about the Committee’s decision to continue to gather information on the matter.

18. The Chair further recalled that the Committee had received replies from Portugal, on 23 June 2023, and Spain, on 19 July 2023, and had subsequently invited the organizations cooperating in the project “Reconnecting Iberian Rivers” to provide written comments, if any, on the information provided by Portugal and Spain. On 9 November 2023, the Committee had received a joint response on behalf of Grupo de Estudos de Ordenamento do Território e Ambiente, Associação Natureza Portugal-World Wildlife Fund for Nature, Rede Inducar, Wetlands International-European Association and World Wildlife Fund for Nature Spain (hereinafter: the group of non-governmental organizations (NGOs)).⁶

19. The Committee discussed the information provided by the countries and the group of NGOs. The Committee decided to continue information-gathering on the matter and, in conformity with its information-gathering and consultations function,⁷ to invite Portugal, Spain and the group of NGOs to exchange views with the Committee at its next meeting, each party having its own dedicated time slot.

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

20. The secretariat informed the Committee of the ongoing third reporting exercise on indicator 6.5.2 of the Sustainable Development Goals and under the Convention. As at 12 December 2023, 127 responses had been received. The draft of the third progress report on implementation of the Convention, to be prepared by the secretariat on the basis of national reports submitted by Parties to the Convention, was expected to be ready for review by the Committee in May– June 2024.

21. The Committee discussed contributions by members of the Committee to various events organized under the Convention’s programme of work for 2022–2024. The secretariat reported on the input provided by Mr. Makane Moïse Mbengue to the Regional workshop on accession to and implementation of the Conventions on shared surface waters and groundwaters (Ouagadougou, 3–5 May 2023). Ms. Ziganshina and Mr. Zavadsky reported on their contribution to the Training workshop “From practitioner to practitioner: How to use the two global Water Conventions to promote cooperation on the ground” (Geneva, 3–4 July 2023). Mr. Zavadsky reported on the input provided by himself and Mr. Mbengue to the Global workshop on the development of transboundary water cooperation agreements or other arrangements (Budapest, 7–8 November 2023).

⁴ ECE/MP.WAT/IC/2022/4, para. 16.

⁵ *Ibid.*, paras. 9–16.

⁶ All correspondence related to information-gathering WAT/IC/INFO/2 (Albufeira Convention) is available at <https://unece.org/information-gathering-waticinfo2-albufeira-convention>.

⁷ ECE/MP.WAT/37/Add.2, decision VI/1, annex I, sect. VIII, paras. 30 (d) and 31, and annex II, sect. VII, para. 28 (c) and (e)).

22. Further to the decision taken by the Committee at its fifteenth meeting to pilot the 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,⁸ the Committee discussed piloting the provision of its support in the case of the Senegal-Mauritanian Aquifer basin. At the end of 2021, the Senegal-Mauritanian Aquifer basin riparian countries (Gambia, Guinea-Bissau, Mauritania and Senegal) had signed a Ministerial Declaration in which they committed to launch a negotiation process towards establishing a legal and institutional framework for cooperation on the Senegal-Mauritanian Aquifer basin. On 5 October 2023, the extraordinary session of the Senegal-Mauritanian Aquifer basin Regional Working Group had welcomed the proposal of the Convention secretariat to provide support in developing a cooperation agreement with the assistance of a member of the Implementation Committee. On 25 October 2023, the Implementation Committee, upon a proposal of the secretariat, had assigned Mr. Mbengue to provide such support on behalf of the Committee.

23. The secretariat reported that the first meeting to negotiate the draft agreement on the Senegal-Mauritanian Aquifer basin had taken place on 9–10 November 2023 in Budapest, back-to-back with the Global workshop on the development of transboundary water cooperation agreements or other arrangements. Mr. Mbengue had presented to participants the Road map for implementation of the process for development of a future draft agreement on the Senegal-Mauritanian Aquifer basin, covering the period until October 2025, which he had developed with the support of the secretariat and upon consultations with the countries. The Road map had been approved by the meeting participants.

24. The secretariat informed the Committee about upcoming activities foreseen for 2024 where the involvement of the Committee would be desirable. Several members of the Committee expressed readiness to contribute their expertise during the upcoming events.

V. Programme of work and calendar for the next meetings

25. The Committee discussed possible dates for holding its seventeenth meeting in March 2024. The secretariat was invited to hold further consultations with members of the Committee to identify a suitable option.⁹

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

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

⁸ ECE/MP.WAT/IC/2022/4, para. 19.

⁹ Subsequently, the seventeenth meeting of the Committee was scheduled to take place on 7–8 March 2024.