

Measures by the Committee to facilitate and support implementation and compliance

The Committee may decide to:

(A) Provide advice and facilitate assistance, including:

- Suggesting or recommending that domestic regulatory regimes be set up or strengthened
- Assistance in establishing transboundary water cooperation agreements and arrangements for strengthening cooperation
- Facilitating technical and financial assistance, including information and technology transfer, and capacity-building
- Assistance in seeking support from specialized agencies and other competent bodies.

(B) Request and assist the Party(ties) concerned to develop an action plan to facilitate implementation and compliance

(C) Invite the Party concerned to submit progress reports to the Committee on its efforts to comply with its obligations

(D) Recommend to the Meeting of the Parties that it takes measures.

Measures by the Meeting of the Parties

Meeting of the Parties, upon recommendation of the Committee, may decide to:

- Take all measures listed on the previous slide
- Recommend Parties to provide financial and technical assistance, training and other capacity-building measures and facilitate technology transfer
- Facilitate financial assistance and provide technical assistance, technology transfer, training and other capacity-building measures
- Issue a statement of concern
- Issue declarations of non-compliance
- Issue cautions
- Suspend the special rights and privileges accorded to the Party concerned
- Take other non-confrontational, non-judicial and consultative measures as may be appropriate.

Example:

Advisory procedure: Montenegro and Albania

- In early 2020 the Committee initiated advisory procedure in response to a request from Montenegro (Nov. 2019) concerned about the possible transboundary impact of the planned construction of additional small HPPs on the Cijevna/Cem River in Albania. Albania had consented to participate in the procedure.
- The Committee:
 - Gathered information
 - Held several separate and joint online consultation sessions with the countries
 - Prepared detailed Legal and Technical Advice to countries
 - Both countries, in a joint session, accepted the advice of the Committee (Feb. 2021)



Example: Advisory procedure: Montenegro and Albania

- The Committee's Legal and Technical Advice to the countries includes:
 - Contextual clarification of obligations under the Convention
 - Establish a joint technical working group "Monitoring & Assessment" (details provided on its mandate and practical steps)
 - Develop and implement an information exchange protocol
 - Use meetings of the bilateral commission to exchange information on planned measures
 - The Committee designated one member to assist the countries on technical matters
 - Committee regularly follows up on implementation of its advice
 - 2 members participated in meeting of bilateral joint technical working group to provide advisory assistance "on the spot"



Committee members visit **Murras and Dobrinje small hydropower plants** together with delegations from Albania and Montenegro

Example: Advisory procedure: Montenegro and Albania

Lessons learned:

- The Committee provided practical, solution-oriented advice
- Cooperative spirit of the Parties in approaching the issue
- Not about compliance but supporting implementation
- The Committee looked at systemic issues, emphasized step-by-step approach
- The Committee's composition (lawyers and technical experts) allowed it to deal with complex issues in a speedy way
- Demonstrated the capabilities and usefulness of the Advisory Procedure as a conflict prevention tool in multilevel governance framework



Water Convention secretariat:
<https://www.unece.org/env/water/>

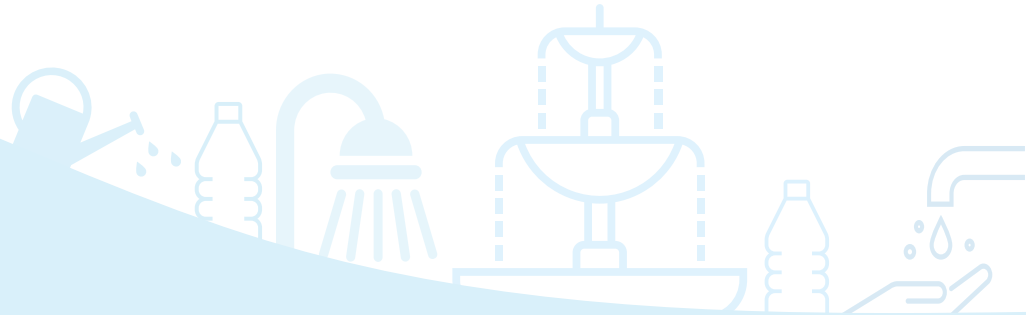
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The Protocol on Water and Health



#ProtocolWaterHealth

What is the Protocol on Water and Health?



- International treaty adopted in 1999 and entered into force in 2005 – **28 Parties** as of Oct.2023, over 40 countries in total work in its framework
- **Objective:** protect human health and well-being through sustainable water management and by preventing and controlling water-related diseases
- **Unique characteristics:**
 - First and only treaty that focuses on water, sanitation, hygiene and health
 - Precursor of SDG6
 - Combines environmental protection with promotion of human health
- **Scope:** entire water cycle –protection of water resources, drinking water supply chain from catchment to consumption, sanitation chain from collection and treatment of wastewater to discharge and reuse, water used for recreation
- **UNECE and WHO/Europe** jointly provide secretariat functions
- **NB:** The Protocol is a self-standing instrument: a country does not need to be a party to the Water Convention to become a Party to the Protocol

Core provisions and obligations



Parties required to **take all appropriate measures** to ensure:

- ❖ Adequate supplies of safe drinking water for everyone, including water for personal hygiene
- ❖ Adequate sanitation for everyone of a standard that protects human health and the environment
- ❖ Protection of water resources used as sources of drinking water and their related ecosystems
- ❖ Sufficient safeguards for human health against water-related diseases



Main obligations:

- ❖ **Set national/local targets** on water, sanitation, hygiene and health
- ❖ Every three years, **submit national summary reports** on progress
- ❖ Maintain and improve systems for surveillance and early warning of **water-related diseases** and ensure response capacity

Other provisions:

- ❖ Strengthen **public awareness, education and training** and ensure accessibility of public information
- ❖ Promote **international cooperation** – exchange and peer-to-peer support

Target setting and reporting under the Protocol (arts. 6 and 7)

Targets are set following an in-depth baseline analysis, through a participatory process bringing together environment and health sectors (and others)

Accompanied by action plans and adopted at highest possible level

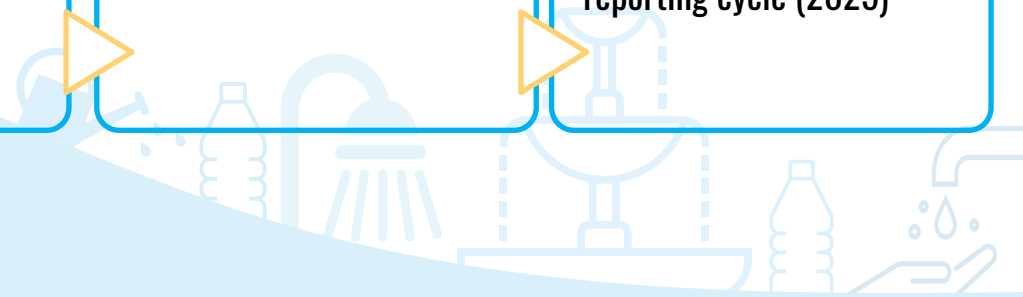
Targets cover 20 areas and can be “soft targets” (e.g. legislation revision) or “hard targets” (infrastructure-related)

Tailored to countries’ priorities, needs and environmental health situation

Countries report on progress to the Meeting of the Parties every three years, through submission of national summary reports

Protocol reporting provides a pan-European data hub, with harmonized information on water, sanitation, hygiene and health

Electronic reporting tool to be available for the sixth reporting cycle (2025)



Work programme and strategic priorities



Improving governance for water and health											
Prevention and reduction of water-related diseases											
Water, sanitation and hygiene in institutional settings											
Small-scale water supply and sanitation											
Safe management of water supply and sanitation systems											
Equitable access to water and sanitation											
Increasing resilience to climate change											
Raising awareness on the Protocol and facilitating accession											
Compliance procedure											



Equitable access to water and sanitation work

- Aim: Countries supported in addressing equity aspects in policymaking processes. Equity considered along three dimensions:
 - 1) Reducing geographical disparities
 - 2) Addressing the needs of vulnerable and marginalized groups
 - 3) Ensuring the affordability of services
- Lead Parties: France, Hungary, North Macedonia
- **Past achievements and outputs:**
 - 12 countries applied Equitable Access Score-card to establish a baseline measure of the equity of access
 - Several guidance tools and documents developed
- **Future outlook**
 - Revision of the Score-card to address the provision of WASH services in context of COVID-19 and other emergencies
 - Supporting self-assessments and development of action plans or recommendations
 - Promoting synergies between the Protocol and European Union Directives (e.g. through capacity-building activities in cooperation with EU institutions and EU Network of Drinking Water Regulators)



Improving equitable access to water and sanitation in the pan-European region

Selected measures taken to address gaps identified through equitable access self-assessments carried out in 2011-2022

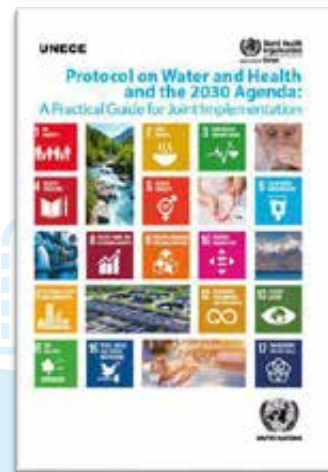
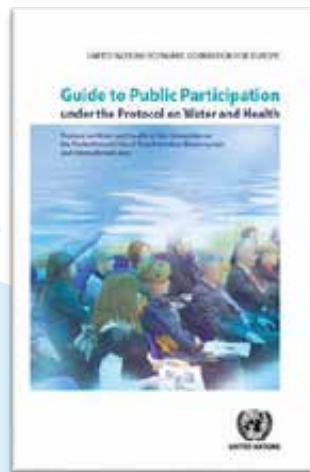
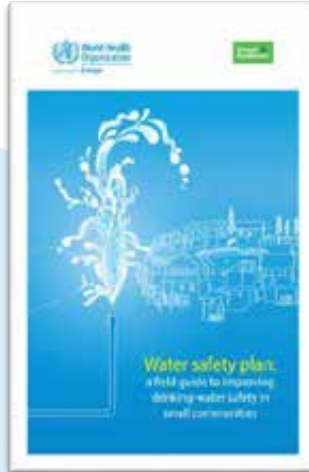
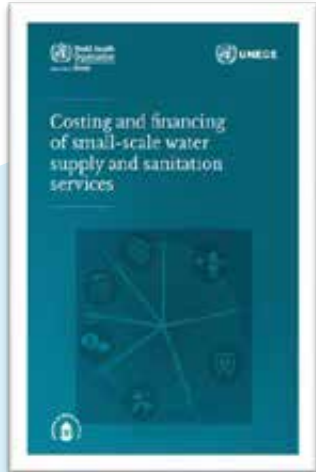
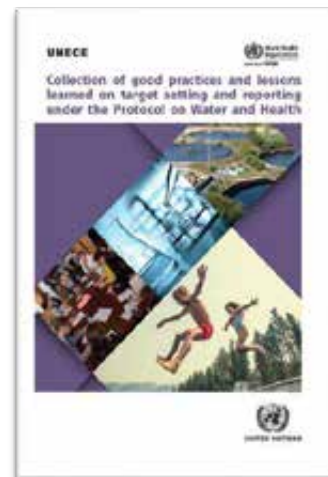
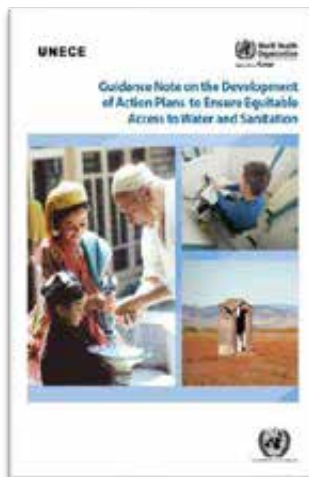


Synergies between the Protocol and EU Directives

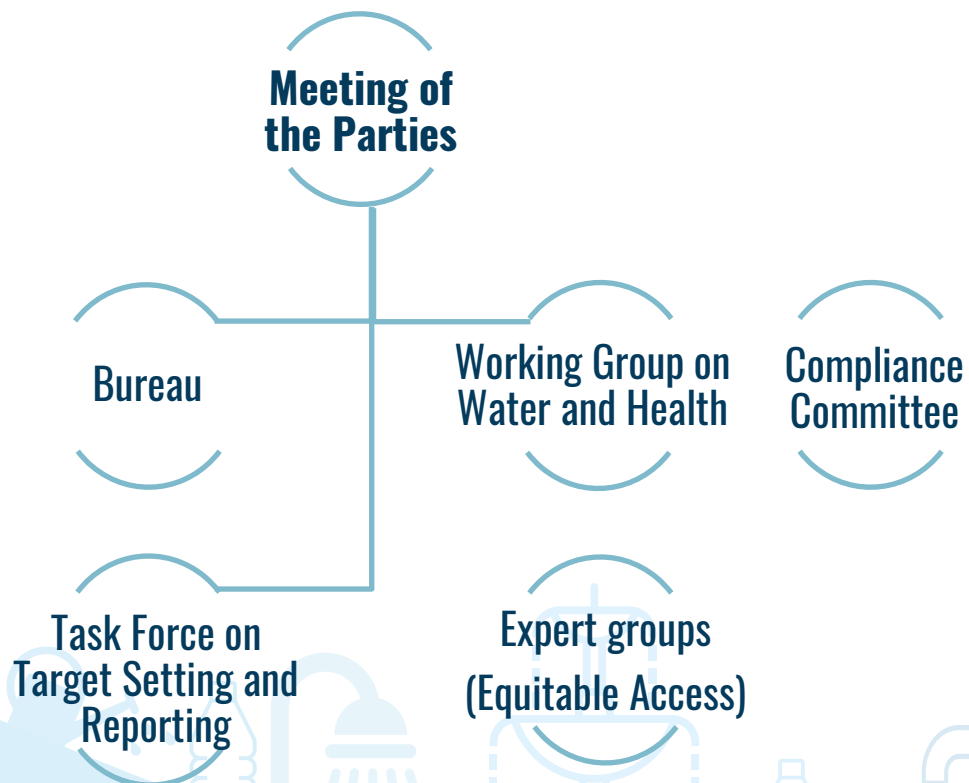
- The objectives of the Protocol and the EU Directives on water and sanitation are consistent and mutually supportive
- The Protocol supports the implementation of the requirements of the **revised Drinking Water Directive**, including in the area of **access to water** and **risk assessment and risk management** of the water supply
 - Recital 34: Member States could make use of the guidance documents developed under the remit of [the] Protocol to assess the policy background and the baseline situation on access to water and to define the actions necessary to improve equitable access for all to water intended for human consumption
 - Article 16: Access to water
- The proposal for a revised **Urban Wastewater Treatment Directive** includes reference to the Protocol and a draft provision on access to sanitation for all, in particular vulnerable and marginalized groups
- The Protocol pools specific **technical support**, strengthens **intersectoral cooperation**, and promotes **integrated data collection** on water, sanitation, hygiene and health, in line with EU monitoring frameworks
- The Protocol promotes **international cooperation** with states that are in the process of acceding to the EU and other states that are not subject to EU law



Tools developed under the Protocol



Institutional structure



The Compliance Committee under the Protocol on Water and Health

- ✓ Established to **facilitate, promote and aim to secure compliance** with the obligations under the Protocol, with a view to preventing disputes
- ✓ Simple, **facilitative**, non-adversarial and cooperative in nature
- ✓ Consists of **9 independent members** serving in their personal capacity (a mix of lawyers and water/public health experts)
- ✓ **Functions of the Committee:**
 1. Party to Party submissions (none so far)
 2. Secretariat referrals (none so far)
 3. Communications from the public (one case)
 4. Self-trigger (only related to reporting) (one case)
- ✓ **Facilitating** compliance and **advisory** role:
 1. Consultation process (3 cycles)
 2. Interpretive function (2 interpretive notes developed)
- ✓ **Soft powers:**
 1. Analysis of Protocol reports and Committee report to MOP
 2. Draft decision on general issues of compliance for MOP



Communications from the public




Communications from the public to the Compliance Committee of the Protocol on Water and Health

Overview of the system

The Protocol on Water and Health

The Protocol on Water and Health is a treaty currently binding upon 24 countries of the pan-European region. It requires Parties, in essence, to exercise due diligence in ensuring access to water and sanitation and protecting water bodies within their jurisdiction and within their general duty:

- to set forth targets relating to water, sanitation and health, and to monitor them;
- to develop systems to respond to emergencies;
- to gather, develop and provide relevant information to the public; and
- to cooperate with each other in these matters.

The Protocol's Compliance Review Mechanism

To ensure that Parties diligently meet their obligations, the Meeting of the Parties to the Protocol has established, on the basis of an explicit mandate in the Protocol, a **Compliance Committee** consisting of nine independent members serving in their personal capacity. One important feature of the Protocol's compliance mechanism is that it allows members of the public to file individual or collective complaints (communications) to the Compliance Committee in case a State does not consult with its obligations under the Protocol.

Who can submit a communication?

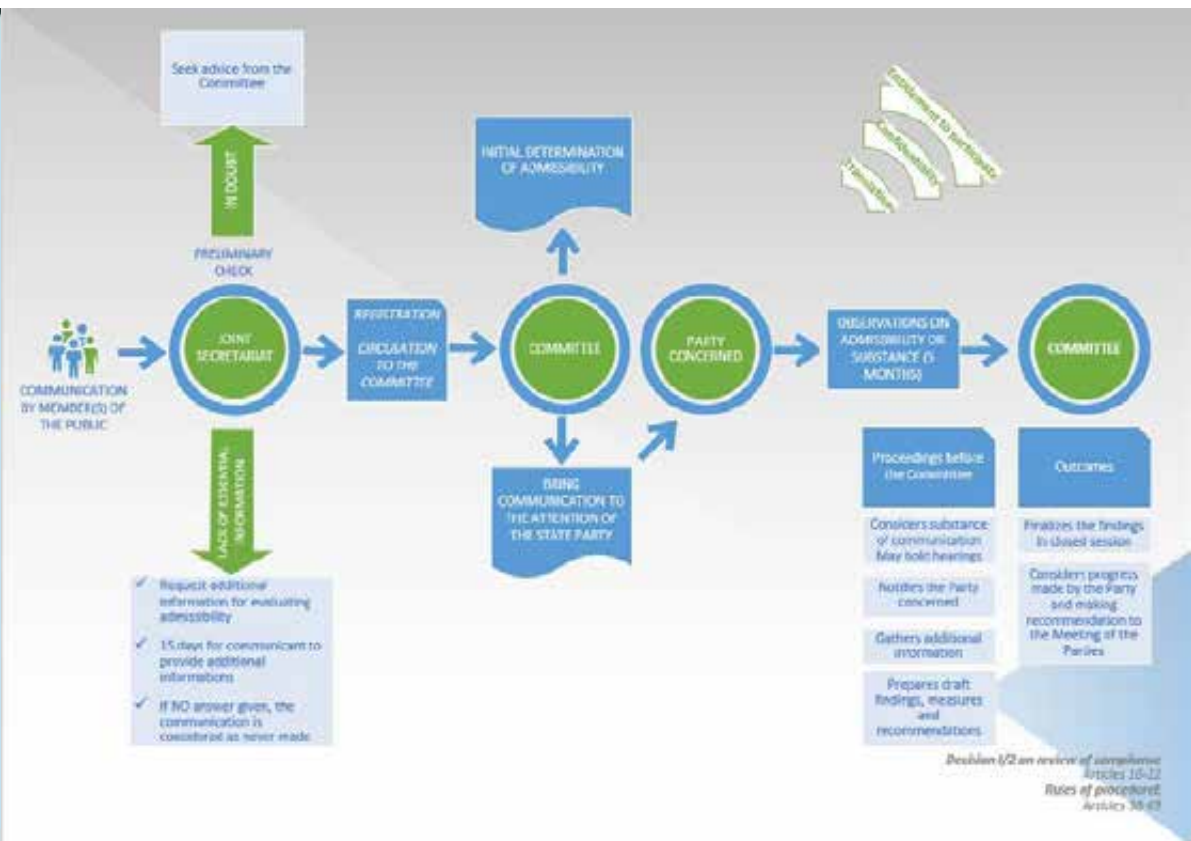
Communications may be submitted to the Committee by any member of the public, a term broadly understood as including any natural or legal person and, in accordance with national legislation or practice, their associations, organizations or groups. The **member of the public** filing the communication does not need to be a citizen of the State Party concerned or to be based in its territory.⁴ Moreover, the member of the public does not need to demonstrate injury or to be specifically affected in order to submit a communication. Furthermore, the communication does not need to be represented by or seek advice from a lawyer, although legal assistance may be used.

State object of the communication

The communication must concern a State Party. A State becomes a Party to the Protocol only when the Protocol enters into force for that State, normally on the **ninth day** after the date on which it has deposited its instrument of ratification, acceptance, approval or accession.⁵

⁴ The additional one-year time requirement and four-year stay-out possibility envisioned in paragraph 16 of decision 1/2 have relaxed for all 24 States Parties.

⁵ The time requirements in paragraph 14 of decision 1/2 apply to new Parties. For the calculation of the deadline of one year after the date of entry into force of the Protocol for that Party (i.e. if accession is made, or ratification/acceptance/approval).



Consultation Process (as of 2011)

Terms of reference:

- ✓ Assist Parties in developing an accurate analysis of their situation (enabling them to set targets under the Protocol)
- ✓ Provide recommendations to the Parties on how to improve their situation
- ✓ Assist Parties in seeking support from donors, specialized agencies and other competent bodies

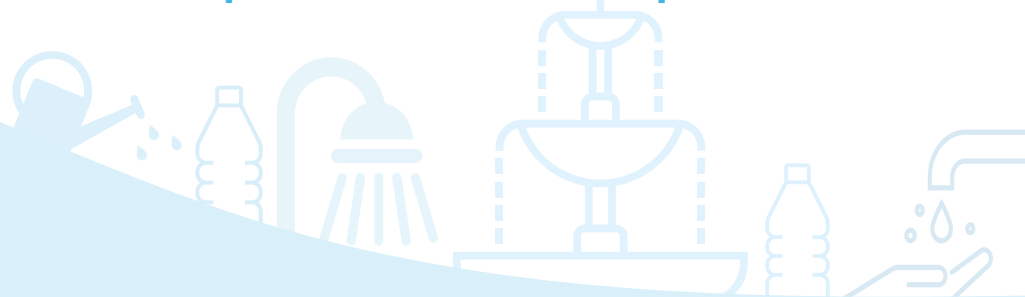
Parties benefited from consultations so far:

- ✓ Albania, Azerbaijan (and Bosnia and Herzegovina as observer) in 2015-2016 (regarding target setting under the Protocol)
- ✓ Estonia, Latvia and Lithuania in 2018-2019 (resulting in a specific advice regarding setting targets in EU MS and an interpretive note on relationship between Protocol and relevant EU law targeting all EU MS that are Parties to the Protocol)
- ✓ Russian Federation in 2020-2021 (on setting Protocol targets in a Federal State)



Interpretive function of the Committee

- ✓ Within the Committee's function to facilitate, promote and aim to secure compliance with the obligations under the Protocol, including by providing advice or assistance to Parties
- ✓ Interpretation of the provisions of the Protocol on Water and Health relating to **transboundary waters** (2015-2017)
- ✓ The provisions of the Protocol on Water and Health and their **relationship with the European Union law governing water and health** – Interpretive Note, prepared within the framework of the Consultation Process with Estonia, Latvia and Lithuania (2018-2019) (summary available at <https://unece.org/environment/documents/2021/03/working-documents/summary-interpretive-note>)
- ✓ Interpretive note entitled “**The Protocol on Water and Health and the protection of individual and public health**” – currently under development



Thank you for your attention!

