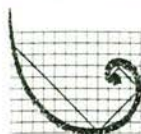


RIZA

Hoofdstuk 5: *Generieke  
Categorie-I  
Overleggen*

november 1992

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RIZA

Internationale overlegvormen  
waterkwaliteitsbeleid:  
*Inventarisatie en rubricering van de  
internationale overlegvormen*

december 1992

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## 1.1

## KADER

Het RIZA heeft in toenemende mate behoefte aan inzicht in de bestaande internationale overlegvormen, hun kenmerken en produkten voor wat betreft het (water)emissiebeleid. Deze behoefte komt voort uit de ontwikkelingen die gaande zijn in Europa. Zo werden voorheen in hoofdzaak per stof per bedrijfspategorie specifieke normen vastgesteld. Thans is een trend waarneembaar die gericht is op het meer integraal aanpakken van de emissies naar het oppervlaktewater. Als gevolg van deze verandering wordt de aanpak meer complex omdat meer actoren vanuit meer disciplines betrokken zijn bij het te formuleren beleid en tegelijkertijd meer doelgroepen te onderscheiden zijn die door het beleid beïnvloed worden. Bovendien zijn de verschillende overlegvormen vrijwel alle intergraler van karakter geworden, zodat er steeds meer overleg en interactie ontstond. Als gevolg van deze toename in complexiteit, zowel wat betreft de inhoud als het aantal betrokkenen, kennen veelal alleen de actieve deelnemers van het overleg de doelstelling, structuur en betekenis ervan. Deze situatie wordt als ongewenst beschouwd.

In 1991 is het project 'Internationale aspecten van het waterbeheer in het leven geroepen door het RIZA. Het doel van dit project is het verdiepen van inzicht in bepaalde aspecten van de internationalisering van het waterkwaliteitsbeleid. Het project bestaat uit deelprojecten. In 1992 wordt aan het eerste deelproject, nl: 'KANS; in Kaart brengen en Analyseren van de wisselwerking tussen Nationaal en Supranationaal waterkwaliteitsbeleid' uitvoering gegeven. Dit eerste deelproject bestaat uit twee fasen. Dit is het produkt van de eerste fase.

## 1.2

## DOELSTELLING

Het doel van KANS is het inzichtelijk maken, voor niet direct actief betrokkenen, van de diverse internationale overlegvormen op het gebied van het (water)emissiebeleid. Vandaar dat het deelproject KANS instrumenten moet opleveren die snel duidelijkheid verschaffen over de doelstellingen, werking, behandelde onderwerpen (en de interrelaties) van de internationale overlegvormen.

## 1.3

## DOELGROEP

Het verschaffen van inzichtelijke informatie over de diverse overleggen op het gebied van de waterkwaliteit richt zich op een brede doelgroep. Met deze doelgroep worden degenen bedoeld die direct danwel indirect een relatie hebben met de input of de output van een overleg. De volgende doelgroepen zijn te onderscheiden:



- betrokkenen bij het opstellen van het nationale waterkwaliteitsbeleid (bijvoorbeeld de Ministeries van Verkeer en Waterstaat, Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer en Landbouw, Natuurbeheer en Visserij);
- betrokkenen bij de implementatie van het internationaal geformuleerde beleid op nationaal niveau (naast de eerder genoemde ministeries kunnen worden genoemd, CUWVO, IPO, Unie van Waterschappen);
- betrokkenen bij de uitvoering van het waterkwaliteitsbeleid (bijvoorbeeld water-, zuiverings- en hoogheemraadschappen en gemeenten);
- belangstellenden (zoals universiteiten, adviesbureaus, milieugroeperingen).

## 2

### WERKWIJZE

Er is bij aanvang van het project om pragmatische redenen een afbakening gemaakt van het aantal bij de inventarisatie te betrekken overlegvormen. Deze afbakening is in samenwerking met het RIZA opgesteld. Hiertoe zijn de volgende criteria gebruikt:

- 1 Nederlandse deelname: de inventarisatie komt het meest aan de doelgroep ten goede indien het overlegvormen betreft waarin Nederland vertegenwoordigd is;
- 2 de overlegvormen moeten gericht zijn op het maken van *internationale afspraken betreffende emissiereducerende maatregelen*. Vastgesteld moet worden dat dit slechts een onderdeel is van het gehele, integrale, waterbeleid.

Op basis van deze criteria zijn 12 overlegvormen geselecteerd. De overlegvormen zijn op basis van de ingeschatte relevantie voor het Nederlandse waterbeleid, gesplitst in 6 "grote" en 6 "kleine" overleggen. Voor de zes grote overlegvormen is een aantal werkgroepen uitgewerkt. In paragraaf 4 wordt een overzicht gegeven van de geselecteerde overlegvormen en de werkgroepen.

Ten behoeve van de toegankelijkheid is een structurering in de informatie aangebracht. Van belang bij de structurering is dat de historie, de huidige situatie en de toekomstige ontwikkelingen naar voren komen. De structurering is doorgevoerd in de vorm van een zogenaamd "Masterformat". Deze Masterformat is opgebouwd uit 10 onderdelen (Naam, Historie, Status/positie etc). Deze onderdelen zijn vervolgens verder uitgesplitst (het onderdeel Historie is opgesplitst in reden van ontstaan, proces voorafgaand aan het overleg en startdatum). De Masterformat vormt de basis voor het weergeven van de geselecteerde overlegvormen. Voor de 6 kleine overleggen en de werkgroepen van de grote overleggen is een beperkt deel van de Masterformat gebruikt. In bijlage A zijn de formats opgenomen, die zijn gebruikt voor de weergave van de diverse overlegvormen.

Op basis van deze structurering zijn de overlegvormen geïnventariseerd. De inventarisatie heeft plaatsgevonden in de vorm van deskresearch en interviews met deskundigen.

In totaal zijn er 12 overlegvormen geselecteerd. Voor 6 van deze overlegvormen worden eveneens de relevante werkgroepen beschreven. In het onderstaande zijn de overlegvormen weergegeven. Hierbij is een splitsing gemaakt naar 6 grote overleggen (hieronder genoemd als de categorie I overleggen) en 6 kleine overleggen (hieronder genoemd als de categorie II overleggen). Voorts is aangegeven welke werkgroepen die onder de categorie I overleggen vallen zijn opgenomen in de inventarisatie.

Tabel 1: Categorie I overleggen.

Categorie I overleggen	Werkgroepen	
Noordzee Ministers Conferentie	Policy Working Group	INPUT NUT
Parijse Commissie	Technical Working Group	NUT GOP INDSEC DIFFCHEM
Internationale Rijn Commissie	Coördinatiegroep K	Kd-Diffuse bronnen Kk-Commun. afvalwater I-Industrie S-Calamiteiten
OESO	Environmental Policy Group	
Verenigde Naties/Economische Commissie voor Europa	Senior Adviseurs voor de ECE inzake Milieu- en Watervraagstukken	Working Party on on Waterproblems
Milieuraad van de Europese Gemeenschap		

#### Categorie II overleggen

Trilaterale Samenwerking rond de Waddenzee
United Nations Environment Programme (UNEP)
Belgisch-Nederlandse Commissie voor grensoverschrijdende onbevaarbare waterlopen
Commissie Watervedragten (Maas en Schelde)
Eemscommissie
Permanente Grenswater Commissie Nederland-Duitsland (PGC)



## 4.1 DE GEBRUIKTE FORMAT

Ten behoeve van een gestructureerde weergave van de informatie over de verschillende overlegvormen, is een Masterformat ontwikkeld. De in dit rapport weergegeven overlegvormen zijn allen volgens de opzet van dit format weergegeven. Voor de weergave van de werkgroepen (van de categorie I overleggen) en de categorie II overleggen is niet deze gehele format gebruikt, doch een gedeelte daarvan. In de onderstaande tabel wordt de gehanteerde indeling gegeven, die bij de behandeling van de diverse overlegvormen is aangehouden. Voor een gedetailleerd overzicht van de gebruikte formats wordt verwezen naar bijlage A.

Tabel 2: Indeling van de categorie I en II overleggen en de werkgroepen op basis van de masterformat.

<u>Categorie I en II overleggen</u>	<u>Werkgroepen</u>
1 Naam:	Naam
2 Historie:	Ontstaansredenen
	Startdatum
3 Status/positie:	Doelstellingen
4 Organisatie:	Deelnemers en werkveld
	Voortraject vanuit Nederland
5 Proces:	Frequentie van vergaderen
6 Besluitvorming:	
7 Produkten (besluiten) in alg. termen:	Besluiten
8 Vervolgtraject:	
9 Interrelaties:	Indirecte relaties
10 Toekomst:	Bestaande agenda-onderwerpen

Bij de uitwerking van de overleggen is de volgende indeling aangehouden:

- Generieke categorie I-overleggen;
- Specifieke categorie I-overleggen;
- Specifieke categorie II-overleggen.

Ondanks dat de UNEP in de categorie II-overleggen is opgenomen, is bij de uitwerking van de overlegvormen om pragmatische redenen ervoor gekozen de UNEP onder de noemer categorie I-overleggen te behandelen.

## 4.2 *BRONNEN*

Na de behandeling van ieder overleg wordt een overzicht gegeven van de geraadpleegde literatuur en de voor dit overleg geïnterviewde personen.

## 4.3 *SAMENSTELLING BIJLAGEN*

Aansluitend op de overleggen wordt een bijlage gegeven waarin relevante achtergrondinformatie wordt gegeven. Zo worden de belangrijkste produkten aangegeven alsmede overige relevante informatie die betrekking heeft op de overlegvorm.

### 4.3.1 *Produkten*

Onder "produkten" moet worden verstaan hetgeen als resultaat van een internationaal overleg naar buiten komt, bijvoorbeeld in de vorm van verdragen, declaraties, besluiten, richtlijnen en aanbevelingen.

### 4.3.2 *Overige relevante informatie*

In sommige gevallen is extra informatie opgenomen om een meerwaarde te geven aan de informatie die in de format is weergegeven.



1. Inleiding

2. Doelstelling

3. Methode

4. Resultaten

5. Discussie

6. Conclusie

7. Literatuurverwijzingen

8. Bijlagen

9. Samenvatting

10. Dankwoord

11. Contactgegevens

12. Auteursinformatie

13. Rechten

14. Overige informatie

15. Bijlage 1

16. Bijlage 2

17. Bijlage 3

18. Bijlage 4

19. Bijlage 5

20. Bijlage 6

## Bijlage I

# Gebruikte format overlegvormen

- 1 Naam:
  - a formele naam van het forum, zowel de Nederlandse als op internationaal niveau gehanteerde naam.
  - b informele benamingen van het forum.
  
- 2 Historie:
  - a In het kort de reden en, indien nodig, de aanleiding van ontstaan van forum (inhoudelijk).
  - b Wat is vooraf gegaan, in de vorm van overleg, eer met het forum werd gestart (proces).
  - c De startdatum van het overleg.
  
- 3 Status/positie:
  - a Wie nemen deel aan het forum, zijn actief dan wel 'handelingsbevoegd', hierbij betrokken.
  - b Wie zijn waarnemers, passief betrokken (vaak op uitnodiging van deelnemers) bij het forum.
  - c Initiatief; wie zorgt voor de input (d.i. sturing, prioriteitsstelling) bij het overleg, alle betrokken landen, de werkgroepen of een commissie.
  - d Doelstelling; waar is overleg op gericht en aan de hand van welke onderwerpen wordt getracht deze doelen te behalen. (Voor forum globaal/beknopt weergeven, bij 7a en bij de werkgroepen wordt dit nader uitgewerkt).
  - e Wat is het geografische toepassingsgebied waar het forum zich op richt.
  - f De instrumenten/middelen die het forum ter beschikking staan om de doelstellingen te verwezenlijken zijn de 'produkten' van een forum. Produkten zijn veelsoortig; van rapporten t/m regelgeving en overeenkomsten. In trefwoorden aangeven met eventueel een enkele zin ter verduidelijking.
  - g Tevens aangeven wat het bereik is van het produkt; dwingend, vrijblijvend, politiek committerend, enz.
  
- 4 Organisatie:
  - a Secretariaat; is er sprake van een vast secretariaat of reist het mee per gastland. Geef de naam en zo mogelijk waar het te bereiken is. (Houd het kort)
  - b Geef van de deelnemers aan vanuit welk werkveld zij opereren (beleidssector c.q. discipline; LNV, VROM, V&W en welk overheidsniveau rijk, provincie, gemeente).
  - c Geef de inzet aan per land aan de hand van de omvang en het niveau van de delegatie (hoeveel personen van welk overheidsniveau trekkers of achterblijvers).

- d Voorzitterschap; geef aan hoe de voorzitter gekozen wordt en wat de termijn van het voorzitterschap en zijn/haar rol is.
  - e Werkt het forum met werkgroepen; zo ja: geef in een organogram de structuur van het overleg weer. Geef d.m.v. een symbool aan welke werkgroepen later worden uitgewerkt.
  - f Geef in een tweede schema weer welke Nederlandse instanties op welk overheidsniveau bij de geselecteerde werkgroepen betrokken zijn.
  - h Wat is het voortraject geweest vanuit Nederland. Hoe (procedure) en met welke partijen wordt overlegd over de instructie t.b.v. de delegatie.
  - i In welke vorm wordt instructie gegeven (schriftelijk, mondeling). Eventueel een voorbeeld bijvoegen in bijlage.
- 5 Proces:
- a Vergadert het forum met regelmaat of ad hoc.
  - b Wat is de benadering van de problematiek; wordt getracht tot detailniveau probleemoplossend te werken of heeft het forum een globale benadering (dus werkt men met statements of is er onderhandelingsruimte).
  - c Hoe verloopt de agenda-setting (procedure).
  - d Wie zijn verantwoordelijk voor de produktie van stukken en planning.
  - e Is er sprake van formele en informele communicatiekanalen.
  - f Kent het forum inspraak door derden, en hoe is dit geregeld.
- 6 Besluitvorming:
- a Hoe wordt in het forum beslist; unaniem, 3/4-meerderheid, consensus, meerderheid van stemmen, door ondertekening van deelnemers.
  - b Zijn er verschillen tussen wat theoretisch is afgesproken en de manier waarop in de praktijk beslissingen worden genomen.
- 7 Produkten (besluiten) in alg. termen:
- a Welke besluiten (overeenkomsten, regelgeving, rapporten, analyses) heeft het forum genomen. Voeg deze samen in algemene zinnen. (De details worden op werkgroepniveau verwerkt en alle besluiten worden als bijlage achter de record geplaatst.)
  - b Hebben besluiten van dit forum geleid tot nieuwe internationale verdragen en/of overeenkomsten.
- 8 Vervolgt traject:
- a Hoe en in welk tempo worden de besluiten in Nederland geïmplementeerd.



- b Wie volgt c.q. controleert in Nederland de implementatie van deze besluiten.
  - c Is er sprake van internationale controle op invoering en uitvoering van de besluiten.
  - d Is er sprake van sanktiemogelijkheden bij te trage implementatie.
- 9 Interrelaties:
- a Is er sprake van officiële samenwerking dan wel lidmaatschap met/bij andere forums.
  - b Worden door het forum verzoeken gericht tot andere forums m.b.t nader/ander onderzoek.
  - c Krijgt het forum verzoeken c.q. opdrachten van andere forums.
  - d Is er sprake van indirecte samenwerking, bijv. door het overnemen van elkaars data, resultaten hetgeen niet direct traceerbaar is en waarschijnlijk via informele kanalen geschiedt (deelnemers).
- 10 Toekomst:
- a Bestaande agenda-onderwerpen
  - b Toekomstige doelstellingen en behandeling van nieuwe agenda-onderwerpen. Zijn deze reeds opgenomen op agenda of wordt dit verwacht, zo ja met welk termijn.
  - c Worden veranderingen verwacht in samenstelling van het forum, deelnemers, frequentie van overleg en relaties met werkgroepen of andere forums?
  - d Wordt verandering verwacht in de werkingskracht van de produkten van dit forum.

- 1 Naam:
  - a formele naam van het forum, zowel de Nederlandse als op internationaal niveau gehanteerde naam.
  
- 2 Historie:
  - a In het kort de reden en, indien nodig, de aanleiding van ontstaan van forum (inhoudelijk).
  - b De startdatum van het overleg.
  
- 3 Status/positie:
  - a Wie nemen deel aan het forum, zijn actief dan wel 'handelingsbevoegd', hierbij betrokken.
  - b Initiatief; wie zorgt voor de input (d.i. sturing, prioriteitsstelling) bij het overleg, alle betrokken landen, de werkgroepen of een commissie.
  - c Doelstelling; waar is overleg op gericht en aan de hand van welke onderwerpen wordt getracht deze doelen te behalen. (Voor forum globaal/beknopt weergeven, bij 7a en bij de werkgroepen wordt dit nader uitgewerkt).
  - d Wat is het geografische toepassingsgebied waar het forum zich op richt.
  - e De instrumenten/middelen die het forum ter beschikking staan om de doelstellingen te verwezenlijken zijn de 'produkten' van een forum. Produkten zijn veelsoortig; van rapporten t/m regelgeving en overeenkomsten. In trefwoorden aangeven met eventueel een enkele zin ter verduidelijking.
  - f Tevens aangeven wat het bereik is van het produkt; dwingend, vrijblijvend, politiek committerend, enz.
  
- 4 Organisatie:
  - a Secretariaat; is er sprake van een vast secretariaat of reist het mee per gastland. Geef de naam en zo mogelijk waar het te bereiken is. (Houd het kort)
  - b Voorzitterschap; geef aan hoe de voorzitter gekozen wordt en wat de termijn van het voorzitterschap en zijn/haar rol is.
  - c Werkt het forum met werkgroepen; zo ja: geef in een organogram de structuur van het overleg weer.
  - d Geef in een tweede schema weer welke Nederlandse instanties op welk overheidsniveau bij de geselecteerde werkgroepen betrokken zijn.
  
- 5 Proces:
  - a Vergadert het forum met regelmaat of ad hoc.
  - b Wat is de benadering van de problematiek; wordt getracht tot detailniveau probleemoplossend te werken of heeft het forum een globale benadering



- (dus werkt men met statements of is er onderhandelingsruimte).
- c Kent het forum inspraak door derden, en hoe is dit geregeld.
- 6 Besluit-  
vorming: a Hoe wordt in het forum beslist; unaniem, 3/4-meerderheid, consensus, meerderheid van stemmen, door ondertekening van deelnemers.
- 7 Produkten (besluiten) in  
alg. termen: a Welke besluiten (overeenkomsten, regelgeving, rapporten, analyses) heeft het forum genomen. Voeg deze samen in algemene zinnen. (De details worden op werkgroepniveau verwerkt en alle besluiten worden als bijlage achter de record geplaatst.)
- 8 Vervolg-  
traject: a Hoe en in welk tempo worden de besluiten in Nederland geïmplementeerd.  
b Is er sprake van sanktiemogelijkheden bij te trage implementatie.
- 9 Interrelaties: a Is er sprake van officiële samenwerking dan wel lidmaatschap met/bij andere forums.
- 10 Toekomst: a Bestaande agenda-onderwerpen

Toepassing van gehanteerde begrippen uit de format t.b.v. de werkgroepen ressorterend onder Categorie I-overleggen:

- 1 Naam: a formele naam van het forum, zowel de Nederlandse als op internationaal niveau gehanteerde naam.
- 2 Historie: a In het kort de reden en, indien nodig, de aanleiding van ontstaan van forum (inhoudelijk).  
b De startdatum van het overleg.
- 3 Status/positie: a Doelstelling; waar is overleg op gericht en aan de hand van welke onderwerpen wordt getracht deze doelen te behalen. (Voor forum globaal/beknopt weergeven, bij 7a en bij de werkgroepen wordt dit nader uitgewerkt).
- 4 Organisatie: a Geef van de deelnemers aan vanuit welk werkveld zij opereren (beleidssector c.q. discipline; LNV, VROM, V&W en welk overheidsniveau rijk, provincie, gemeente).  
b Wat is het voortraject geweest vanuit Nederland. Hoe (procedure) en met welke partijen wordt overlegd over de instructie t.b.v. de delegatie.
- 5 Proces: a Vergadert het forum met regelmaat of ad hoc.
- 6 Produkten (besluiten) in alg. termen: a Welke besluiten (overeenkomsten, regelgeving, rapporten, analyses) heeft het forum genomen. Voeg deze samen in algemene zinnen. De details worden op werkgroepniveau verwerkt en alle besluiten worden als bijlage achter de record geplaatst.
- 7 Vervolgtraject: a Hoe en in welk tempo worden de besluiten in Nederland geïmplementeerd?
- 8 Interrelaties: a Is er sprake van indirecte samenwerking, bijv. door het overnemen van elkaars data, resultaten hetgeen niet direct traceerbaar is en waarschijnlijk via informele kanalen geschiedt (deelnemers).
- 9 Toekomst: a Bestaande agenda-onderwerpen

## DEEL II

### INHOUDSOPGAVE OVERLEGGEN

#### 5 GENERIEKE CATEGORIE I-OVERLEGGEN

##### 5.1 VN-UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

##### 5.2 VN-ECONOMISCHE COMMISSIE VOOR EUROPA (ECE)

##### 5.2.1 *Senior Advisers to ECE Governments on Environmental and Waterproblems (SAEWP)*

##### 5.2.2 *VN-Working Party on Waterproblems (WPWP)*

Bijlagen A: Bronnen

B: Declarations and Decisions

C: Recommendations to ECE Governments on Rational Utilization of Water

D: Besluiten van de 47e ECE-Jaarvergadering

E: MER-verdrag

F: Rivierenverdrag

G: LRTAP-Verdrag

##### 5.3 ORGANISATIE VOOR ECONOMISCHE SAMENWERKING EN ONTWIKKELING (OESO)

##### 5.3.1 *Environment Policy Committee (EPOC)*

Bijlagen A: Bronnen

B: Declaration on environmental policy

C: Declaration of anticipatory environmental policies

D: Declaration on Environment: Resources for the Future

E: Environment and Economics; Water, Chemicals and Coastal Management

##### 5.4 MILIEURAAD VAN DE EUROPESE GEMEENSCHAP (EG)

Bijlagen A: Bronnen

B: Comitologie

C: Repertorium: Milieuregelgeving

D: Kwartaalbericht

E: Aantal belangrijke richtlijnen:

• 76/464/EEG met alle dochterrichtlijnen

• Stedelijk afvalwater

• Nitraten

• Produktrichtlijn.



- 6.1 *DE PARIJSE COMMISSIE (PARCOM)*
- 6.1.1 *PARCOM; Technical Working Group (TWG)*
- 6.1.2 *PARCOM; Working Group on Nutrients*
- 6.1.3 *PARCOM; Working Group on Oil Pollution (GOP)*
- 6.1.4 *PARCOM; Working Group on Industrial Sectors*
- 6.1.5 *PARCOM; Working Group on Diffuse Sources*

Bijlagen A: Bronnen

- B: De Conventie van Parijs
- C: Chronologisch overzicht van besluiten en aanbevelingen van de Parijse Commissie
- D: Overeenkomst tot het voorkomen van zeeverontreiniging door vervuiling vanaf het land
- E: Mandaten van de beschreven werkgroepen
- F: Enkele produkten

- 6.2 *INTERNATIONALE COMMISSIE TER BESCHERMING VAN DE RIJN TEGEN VERONTREINIGING, INCLUSIEF DE RIJNMINISTERSCONFERENTIE (RMC)*
- 6.2.1 *IRC; Coördinatiegroep K*
- 6.2.2 *IRC; Subgroep Diffuse Bronnen (Kd)*
- 6.2.3 *IRC; Subgroep Communaal Afvalwater (Kk)*
- 6.2.4 *IRC; Werkgroep Industriële Veiligheid (S)*
- 6.2.5 *IRC; Werkgroep Industrie (I)*

Bijlagen A: Bronnen

- B: Overeenkomst nopens de Internationale Commissie ter Bescherming van de Rijn tegen Verontreiniging (Bern, 1963)
- C: Aanvullende overeenkomst bij de 29 april 1963 te Bern ondertekende overeenkomst nopens de Internationale Commissie ter Bescherming van de Rijn tegen verontreiniging (Bonn, 1976)
- D: Overeenkomst inzake de bescherming van de Rijn tegen chemische verontreiniging (Bonn, 1976)
- E: Overeenkomst inzake de Bescherming van de Rijn tegen verontreiniging door Chloride (Bonn, 1976)
- F: Aktieprogramma "Rijn" (Straatsburg, 1987)

6.3 *INTERNATIONALE CONFERENTIE TER BESCHERMING VAN DE NOORDZEE (NMC)*

6.3.1 *NMC; Policy Working Group (PWG)*

6.3.2 *NMC; Werkgroep Input*

- Bijlagen A: Bronnen  
B: 1e Ministeriële Verklaring  
C: 2e Ministeriële Verklaring  
D: 3e Ministeriële Verklaring  
E: Noordzee Actieplan

7 *SPECIFIEKE CATEGORIE II-OVERLEGGEN*

7.1 *PERMANENTE GRENSWATER COMMISSIE NEDERLAND-DUISSLAND (PGC)*

- Bijlagen A: Bronnen  
B: Grensverdrag  
C: Kaarten van het gebied

7.2 *BELGISCH-NEDERLANDSE COMMISSIE VOOR DE GRENDOVERSCHRIJDENDE ONBEVAARBARE WATERLOPEN*

- Bijlage A: Bronnen

7.3 *EEMSCOMMISSIE*

- Bijlagen A: Bronnen  
B: Eems-Dollardverdrag

7.4 *COMMISSIE WATERVERDRAGEN (MAAS-SCHELDE-OVERLEG)*

- Bijlage A: Bronnen

7.5 *TRILATERALE REGERINGSCONFERENTIE OVER DE BESCHERMING VAN DE WADDENZEE*

- Bijlagen A: Bronnen  
B: Zesde Ministeriële Verklaring  
C: Joint Declaration on the Protection of the Waddensea









## HOOFDSTUK 5

### GENERIEKE CATEGORIE I- OVERLEGGEN

- 5.1 VN-United Nations Environment Programme (UNEP)
- 5.2 VN-Economische Commissie voor Europa (ECE)
  - 5.2.1 Senior Advisers to ECE Governments on Environmental and Waterproblems
  - 5.2.2 VN-Working Party on Waterproblems
- 5.3 Organisatie voor Economische Samenwerking en Ontwikkeling (OESO)
  - 5.3.1 Environment Policy Committee
- 5.4 Milieuraad van de Europese Gemeenschap (EG)





## 5.1 *United Nations Environment Programme*

### **Formele Naam:**

VN: Milieuprogramma van de Verenigde Naties

UN: United Nations Environment Programme (UNEP)

### **Ontstaansredenen:**

Het eerste programma van de VN dat gericht was op de waterproblematiek, stamt uit 1950 en betreft een UNESCO-onderzoeksprogramma voor de aride zone. In het decennium daarna stimuleerde UNESCO het hydrologisch onderzoek in ontwikkelingslanden. In 1964 werd hiertoe het tienjarig programma 'International Hydrological Decade' gepresenteerd. De aandacht echter voor milieu-aspecten was marginaal. De droogte in de Sahellanden in de jaren zestig dwong de UN meer aandacht te besteden aan waterbeheer. In 1968 besloot de Algemene Vergadering van de Verenigde Naties (AVVN) dat op alle niveaus (internationaal, nationaal en regionaal) beleid ontwikkeld moest worden om de schade aan milieu te reduceren en de omgeving voor de mens te beschermen. Naar aanleiding van deze uitspraak door de AVVN werd in 1972 tijdens de UN Conference on Human Environment de 'Declaration on the Human Environment' in Stockholm aangenomen (UNEP Environment Brief No 6 Safeguarding the World's Water). In deze verklaring werd gesteld dat mensen het recht hebben op een goede milieukwaliteit maar tegelijkertijd verantwoordelijk zijn voor het beschermen van die kwaliteit voor toekomstige generaties. Tevens werd een Plan van Actie met meer dan 100 aanbevelingen aangenomen. Later in 1972 hebben deze aanbevelingen de basis gevormd voor het milieuprogramma van de VN, nl. UNEP.

### **Startdatum:**

1972

### **Deelnemers:**

Tijdens dit onderzoek is niet exact duidelijk geworden hoeveel, van de bij de VN aangesloten landen, deelnemer zijn in het UNEP. Wel blijkt uit de literatuur dat meer dan 120 landen deelnemen aan de regionale zeeprogramma's van het UNEP.

De 178 landen van de VN, die samen de Governing Council (Regerende Raad) vormen, controleren het beleid van de UNEP. Deze Raad wordt gekozen door de AVVN voor drie jaar.

### **Initiatief:**

Elk deelnemend land in de VN heeft het recht van initiatief.

### **Doelstellingen:**

De algemene doelstelling van UNEP is het identificeren en volgen van significante veranderingen in het milieu en het stimuleren en coördineren van milieuverantwoord gedrag. De strategieën van UNEP zijn het themagericht (bodem, fauna, water, atmosfeer, steden, tropische regenwouden) aanpakken van mondiale problemen. Het UNEP beschrijft mondiale problemen. Voor elk van de genoemde problemen heeft het UNEP een programma ontwikkeld, dat zij al dan niet in samenwerking met al dan

niet aan de VN gelieerde organisaties, uit voert. Deze programma's worden beschreven bij 'Besluiten'.

De doelstelling wat betreft water van de UNEP sinds de oprichting is:

- het duurzaam beheren van bronnen van zoetwatervoorraden op een milieuverantwoorde wijze.

**Geografisch toepassingsgebied:**

Het gebied dat tot de deelnemende landen kan worden gerekend.

**Produkten:**

De UNEP kent verschillende soorten produkten, te weten:

Programma's: Na definiëring van bepaalde problemen worden themagewijs programma's opgezet om de problemen op juiste schaal (mondiaal, regionaal, nationaal) aan te pakken.

Guidelines and Principles: Hoewel niet juridisch bindend vormen de guidelines en principles vaak de basis voor toekomstige overeenkomsten.

Verklaringen: Deze worden opgesteld na conferenties. Zo vormde de Verklaring van de conferentie in Stockholm de basis voor UNEP. Ook de conferentie in Rio de Janeiro (juni 1992) heeft tot een Verklaring geleid.

Overeenkomsten: veelal juridisch bindend voor de landen die de overeenkomst ondertekenen.

Daarnaast kent UNEP een aantal instrumenten die de basis vormen voor produkten, zoals conferenties die leiden tot een Verklaring dan wel een Overeenkomst. Een ander instrument is het UNEP-fonds dat aangesproken kan worden bij de uitvoering van bepaalde programma's dan wel voor het opzetten van trainingen.

Voor meer informatie over deze produkten en instrumenten wordt verwezen naar 'Besluiten'.

**Werkingskracht:**

Over het algemeen zijn de produkten van de UNEP niet juridisch bindend. In geval van programma's en guidelines kan gesteld worden dat deze politiek committerend en moreel verplichtend werken. Het niet naleven ervan betekent gezichtsverlies (zie ook 'Sanktiemogelijkheden').

Verdragen en overeenkomsten zijn wel juridisch bindend voor de landen die deze ondertekenen.

**Secretariaat:**

UNEP Headquarters  
United Nations Environment Programme (UNEP)  
P.O. Box 30552  
Nairobi, Kenia  
+254 2 333930



**Naam:**  
UNEP Regional Office for Europe

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Palais des Nations

**Postcode:**  
CH- 1211

**Woonplaats:**  
Geneva 10 Zwitserland

**Telefoon/Fax:**  
+ 41 22 988400 / 985850

**Rol en ambtstermijn van de voorzitter:**

De UNEP bestaat uit een groot ambtelijk apparaat dat wordt geleid door een directeur. Tijdens het onderzoek is geen informatie verkregen over de rol en ambtstermijn van de directeur van de UNEP.

**Structuur met werkgroepen en Nederlandse inbreng:**

De UNEP heeft een staf van ongeveer 180 mensen, bijna allemaal werkzaam op het hoofdkantoor in Nairobi, die belast zijn met het implementeren van de besluiten van de Governing Council.

Daarnaast is sprake van regionale vertegenwoordigingen in Bangkok, Bahrein, Geneve, Mexico-City, New York, Washington en Nairobi. Rond de programma's zijn units opgezet met deskundigen van UNEP, andere VN-organisaties of derden.

Tijdens het onderzoek is geen informatie verkregen op welke wijze en waar in de organisatie Nederlandse inbreng wordt geleverd.

Zowel op het ministerie van Buitenlandse Zaken; DGIS als op VROM; IMZ hebben ambtenaren UNEP in hun portefeuille.

Zie voor de organisatiestructuur van de UNEP het organogram op de volgende pagina.

**Betrokken Nederlandse Instanties:**

VROM; IMZ, Buitenlandse Zaken; DGIS.

**Frequentie:**

Tot 1985 vergaderde de Governing Council van de UNEP eens per jaar. Thans vergadert de Council één maal in de twee jaar.

**Probleembenadering:**

De UNEP kent een globale benadering, zoals ook uit de omschrijving van de produkten al blijkt. Men ontwikkelt beleid en zet strategieën uit om te komen tot een beter mondiaal milieubeleid. Uit de literatuur komt naar voren dat de UNEP zichzelf ziet als een katalysator voor anderen. Zij heeft niet direct tot doel de programma's zelf uit te voeren.





**Inspraak:**

Voorzover uit de geraadpleegde bronnen is gebleken, kent de UNEP geen officiële inspraakprocedure.

**Besluitvormingsregels:**

De UNEP kent een consensusbenadering. Doel is zoveel mogelijk staten achter de besluiten te scharen.

Bij juridisch bindende overeenkomsten hebben de deelnemende landen het recht niet te ondertekenen.

**Besluiten:**

De UNEP stelt programma's op om de gedefinieerde mondiale problemen aan te pakken. Vaak voert zij deze programma's in samenwerking met andere organisaties uit. Deze organisaties zijn andere VN-organisaties, zoals de FAO en WHO, regeringen of derden.

Programma's zijn:

Het *Earthwatch's Global Environment Monitoring System* voor het monitoren van grensoverschrijdende luchtvervuiling, het *World's Climate Programme* en *World Plan of Action* met het *Coordinating Committee in the Ozon-layer*.

*Wereldzeeën*; de UNEP heeft regionale zee-programma's (Middellandse zee, Caribische zee, Koeweitregio, de Rode Zee, de Atlantische kust van West en Centraal Afrika, de Oost Afrikaanse zee, de Grote Oceaan kust van Zuid Amerika, de eilanden in de Zuid Pacific en de Oost Aziatische regio en de Zuid Aziatische zeeën). Voor bescherming van de mariene fauna is een Plan van Actie opgezet dat moet leiden tot een strategie voor bescherming van deze dieren. Voor de implementatie van het plan wordt gebruik gemaakt van de regionale zeeprogramma's.

*Zoetwaterbeheer*; het EMINWA-programma (*Environmentally sound Management of Inland Water*). Dit programma gaat ervan uit dat watermanagement een deel is van milieubeheer. Het eerste project dat in het kader van dit programma is opgezet is het plan voor de Zambesi-rivier, het *Zambezi Action Plan*.

Naast deze programma's doet de UNEP veel aan educatie middels het *International Environmental Education Programme*. Doel van dit programma is educatie en training maar ook voorlichtingscampagnes ter informatie van het grote publiek.

**Guidelines and Principles:**

Zoals aangegeven kunnen deze guidelines en principles leiden tot overeenkomsten in toekomst. T.a.v. milieu zijn de volgende guidelines en principles te noemen:

- . Principles of Conduct in the Field of the Environment for the Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States (1978);
- . Provisions for Co-operation Between States in Weather Modification (1980);



- . Conclusions of the Study of Legal Aspects Concerning the Environment Relating to Offshore Mining and Drilling within the Limits of the National Jurisdiction (1982);
- . Montreal Guidelines for the Protection of the Marine Environment Against Pollution from Land-based Sources (1985);
- . London Guidelines for the Exchange of Information in International Trade in Potentially Harmful Chemicals (1987);
- . Cairo Guidelines and Principles for Environmentally Sound Management of hazardous Wastes (1987);
- . Goals and Principles of Environmental Impact Assessment (1987).

#### Verklaringen:

In 1982 heeft de UNEP's Governing Council een evaluatie gehouden met meer dan 100 nationale regeringen met als doel na te gaan welke doelstellingen bereikt zijn. Deze sessie is besloten met de 'Declaration of Nairobi'. In deze verklaring staan aanbevelingen met betrekking tot te nemen maatregelen.

#### Overeenkomsten:

Sinds de start van UNEP in 1972 heeft de uitvoering van de reeds eerder genoemde programma's geleid tot drie mondiale overeenkomsten welke onder auspiciën van UNEP tot stand zijn gekomen.

- . Vienna Convention for the Protection of the Ozone Layer (1985);
- . Montreal Protocol on Substances that Deplete the Ozone Layer (1987);
- . Convention on the Control of Transboundary Movements of Hazardous wastes and their disposal (1989).

Voor de volgende conventies voert UNEP het secretariaat:

- . Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES 1973);
- . Convention on the Conservation of Migratory Species of Wild Animals (1979);
- . de Barcelona Conventie voor de Middellandse Zee (Athene).

#### Conferenties:

Al dan niet in samenwerking met andere (VN) organisaties organiseert UNEP conferenties zoals bijvoorbeeld de eerste World Industry Conference on Environmental Management (1984) of over de internationale handel in tropisch hardhout in 1985. In maart 1991 is wederom een conferentie gehouden met de internationale industrie. Deze vond in Rotterdam plaats. Van groot belang was de Conferentie in Rio in 1992 als opvolging van de Stockholmconferentie van 1972.

UNEP-fonds: UNEP stimuleert veel projecten door het financieren ervan. Veelal wordt het project door anderen uitgevoerd maar past het binnen de plannen en strategieën van UNEP.

#### Wijze en tempo van implementatie in Nederland:

Zoals eerder aangegeven, is tijdens het onderzoek geen informatie verkregen op welke wijze Nederland bij UNEP is betrokken. Zodoende is het eveneens



onduidelijk in hoeverre Nederland Overeenkomsten heeft ondertekend en of deze reeds in de nationale wetgeving zijn geïmplementeerd.

#### **Sanctiemogelijkheden:**

In overeenkomsten of verdragen kunnen artikelen worden opgenomen die zijn gericht op het afdwingen van de naleving ervan. Indien dit het geval is, betekent ondertekening ervan dat de deelnemende landen zich juridisch verplichten hiertoe en is het dus mogelijk de naleving op de in de overeenkomst beschreven wijze af te dwingen.

De overig genoemde produkten zijn niet juridisch bindend. De UNEP kent geen sanctieprocedure indien bepaalde deelnemende landen bepaalde guidelines of principles niet naleven. Wel kunnen andere deelnemers een verklaring hiervoor vragen. Dit kan worden beschouwd als politiek gezichtsverlies.

#### **Directe relaties en officiële samenwerking:**

De UNEP werkt met zowel andere VN-organisaties als met niet aan de VN gelieerde organisaties samen. Andere UN-organisaties zijn: UNESCO, UNICEF, UNCTAD, UNDTCD, UNDP, IAEA, FAO, WHO.

Andere wereldwijd opererende organisaties: IUCN, Niet Gouvernemente Organisaties (NGO's), World Bank, World Resources Institute. Daarnaast werkt de UNEP met de nationale overheden bij het uitvoeren van de programma's.

#### **Bestaande agenda-onderwerpen:**

Een beknopte weergave van de bestaande agenda-onderwerpen:

- klimaatverandering;
- de aantasting van de ozonlaag;
- vervuiling van de wereldzeeën;
- bescherming van de bedreigde fauna op land (bijv. neushoorns) en zee (bijv. walvissen, zee-otters);
- zoetwaterbeheer;
- verwoestijning en voedseltekorten;
- aantasting van de bodem door vervuiling en erosie;
- ontbossing;
- uitputting van natuurlijke genen;
- uitputting van energiebronnen, atoomenergie;
- onderzoek naar chemicaliën.









**Formele Naam:**

De Economische Commissie voor Europa is een onderdeel van de Verenigde Naties (V.N.). Om duidelijkheid te verschaffen over de plaats in de organisatie en de onderwerpen welke zijn ondergebracht bij de VN, wordt bij de structuur een korte schets gegeven van de VN. Deze is zeker niet uitputtend bedoeld, maar dient slechts om de lezer te informeren.

VN; Economische Commissie voor Europa (VN-ECE)

UN; Economic Commission for Europe (UN-ECE)

**Informele Naam:**

ECE

**Ontstaansredenen:**

De wederopbouw van Europa na de tweede wereldoorlog is de reden voor het ontstaan van de VN-ECE. De Volkenbond, ontstaan na de eerste wereldoorlog, is als voorloper van deze organisatie te beschouwen. Europa lag in puin en dus was samenwerking tussen de landen, om te komen tot welvaart ondanks de verschillende economieën, een noodzaak. In de politieke werkelijkheid van het naoorlogse Europa werd het hoofddoel van de ECE het bevorderen van de economische betrekkingen tussen 'landen met verschillende economische en sociale systemen'.

Tot de val van 'de Muur' was de ECE het enige platform waar Oost en West elkaar op voet van gelijkwaardigheid konden treffen en een overleg dat van alle politieke lading was ontdaan. Deze formele contacten leidden tot informele contacten en informele informatie-uitwisseling. Vooral het informele karakter was in die tijd erg belangrijk. Omdat de ECE zich richt op technische en beleidsaanbevelingen en geen harde internationale afspraken maakt, verlopen de vergaderingen doorgaans in een gemoedelijke sfeer.

**Aanleiding:**

Voor zover bekend is er naast de wederopbouw van Europa geen directe aanleiding te noemen voor het ontstaan van de ECE.

**Voorafgaand Overleg:**

Zie 'Ontstaansredenen'.

**Startdatum:**

1947

**Deelnemers:**

Medio 1992 is het aantal ECE-lidstaten opgelopen tot 43, te weten: Albanië, België, Bosnië-Herzegovina, Bulgarije, Canada, Cyprus, Denemarken, Duitsland, Estland, Finland, Frankrijk, Griekenland, Hongarije, Ierland, IJsland, Israël, Italië, (Joegoslavië), Kroatië, Letland, Liechtenstein, Litouwen, Luxemburg, Malta, Moldavië, Nederland, Noorwegen, Oekraïne, Oostenrijk,

Polen, Portugal, Roemenië, Russische Federatie, San Marino, Slovenië, Spanje, Tsjecho-Slowakije, Turkije, Verenigde Staten, Verenigd Koninkrijk, Wit Rusland (Belarus), Zweden en Zwitserland.

De VS en Canada zijn deelnemer door de historie. Deze landen waren sterk bij Europa betrokken na de tweede wereldoorlog en het begin van de Koude Oorlog. Israël is sinds kort toegelaten aangezien dit land vooralsnog geen lid kan worden van een andere regionale VN-Commissie.

#### **Waarnemers:**

De EG en het OESO-secretariaat zijn als waarnemers aanwezig. De EG wenst op deze wijze geïnformeerd te zijn over afspraken met niet-EG-staten en heeft hierin een actieve rol. De OESO heeft ook Europa als werkgebied en wil dus eveneens geïnformeerd worden.

Tevens kunnen landen als waarnemer worden uitgenodigd. Vooral Japan maakt hier gebruik van. Japan heeft de wens lid te worden van de ECE. Tot op heden is dit niet gebeurd aangezien Japan geen Europees land is.

Ook bestaat deze mogelijkheid voor erkende NGO's, indien zij de status van waarnemer hebben verkregen van de Economisch Sociale Raad. Er zijn 600 NGO's door de Raad aangewezen. Deze maken echter niet vaak gebruik van de mogelijkheid. Wel werkt de VS veel samen met NGO's zodat een zekere inbreng van deze organisaties aanwezig is.

#### **Initiatief:**

Elke deelnemer heeft het recht van initiatief.

#### **Doelstellingen:**

Toen de ECE werd opgericht waren de milieudoelstellingen betreffende water nogal conventioneel, nl.:

- het beschermen van bevolking en bezit tegen overstromingen, droogte en erosie;
- het veiligstellen van drinkwatervoorraden;
- het voorzien in de vraag naar water door de industrie en landbouw.

Eind jaren zestig zagen de overheden de gevolgen van excessief waterverbruik en de sociale kosten die hiermee gepaard gingen en verlegden zij hun doelstelling van waterkwantiteit naar

- het verbeteren van de waterkwaliteit.

Sinds de tachtiger jaren zijn hier nog een aantal doelstellingen aan toegevoegd, nl.:

- het beschermen van de natuurlijke waterkwaliteit;
- het verzekeren van de condities noodzakelijk voor het behouden van waterecosystemen;
- het saneren en behouden van de multifunctionaliteit van de watervoorraden.

#### **Geografisch toepassingsgebied:**

Alle deelnemende landen inclusief hun territoriale wateren.



## Produkten:

**Handvest (Charter; dit is een produkt van de VN als geheel en dus niet specifiek voor de ECE):**

Het Handvest vormt het fundament van de Verenigde Naties. Het Handvest is ondertekend door de deelnemende landen. Zij hebben het recht tot amenderen, daarvoor is twee-derde deel van de stemmen nodig van de Algemene Vergadering. Het amendement wordt aangenomen indien dit wordt geratificeerd met twee-derde meerderheid, inclusief de leden van de Veiligheidsraad.

**Verdragen (Conventions):**

Deze overeenkomsten worden door de lidstaten ondertekend waardoor zij bindend zijn voor die landen. Dit betekent dat landen die afspraken niet nakomen of geen besluiten implementeren, hierop kunnen worden aangesproken.

Echter, men is als lidstaat vrij om een bepaalde overeenkomst wel of niet te tekenen. Het is dus niet per definitie zo dat alle lidstaten de overeenkomst zijn aangegaan.

**Verklaringen (Declarations) en Besluiten (Decisions):**

Deze moeten gezien worden als leidraad voor effectieve en praktische maatregelen die de deelnemende landen *kunnen* overnemen bij de ontwikkeling van hun eigen waterkwaliteitsbeleid. De verklaringen bevatten suggesties voor strategieën betreffende wet- en regelgeving, beleidsplannen, normen, economische prikkels, monitoring, ontwikkeling van schone technologieën, uitwisseling van wetenschappelijke en technische kennis op het gebied van preventie van verontreiniging.

**Aanbevelingen (Recommendations):**

Hierin worden door de ECE pragmatische acties, gericht op het oplossen van problemen betreffende het waterbeheer, onderschreven. De, in aanbevelingen, opgenomen oplossingen (lange termijn planning, multidisciplinaire aanpak, bescherming van het drinkwater en het beheersen van de verontreiniging met het oog op duurzame ontwikkeling) vloeien voort uit seminars rond specifieke onderwerpen en zijn gericht op het aanpakken van waterkwaliteitsproblemen welke zijn geïdentificeerd door deskundigen in het veld.

In de bijlagen A en B zijn de Verklaringen en Aanbevelingen van de ECE op het gebied van water opgenomen.

Tijdens de ECE-Jaarvergaderingen op Commissie-niveau worden ook besluiten genomen op het gebied van milieu. In bijlage C zijn de besluiten aangaande milieu van de 47<sup>e</sup> Jaarvergadering (1992) opgenomen.

## Werkingskracht

De door de ECE gesloten verdragen zijn bindend voor de landen die ondertekend hebben. Het niet nakomen ervan kan internationaal gezichtsverlies inhouden. De overeenkomsten zijn pas na implementatie in de nationale wetgeving juridisch bindend voor individuele bedrijven, enz.

Deelnemende landen worden door de ECE uitgenodigd de besluiten uit de Verklaringen in eigen wet- en regelgeving of plannen toe te passen. Aanbevelingen zijn eveneens niet bindend. Het beste kan men deze beschouwen als onderschrijving van bepaalde principes door de ECE waarbij deze beschouwd kunnen worden als raadgevingen aan de betrokken overheden.

Voorbeelden van gesloten verdragen zijn het MER-verdrag (zie bijlage D) en het Rivieren-verdrag (zie bijlage E).

**Secretariaat:**

Tijdens de Jaarvergadering van de ECE worden besluiten genomen betreffende de te verrichten activiteiten door de ECE. Het secretariaat heeft de taak de Jaarvergadering van de gegevens te voorzien, vergaderingen van deskundigen te organiseren en de Jaarvergadering voor te bereiden. Het secretariaat kan dus tot op zekere hoogte een sturende rol hebben, maar uiteindelijk bepalen de lidstaten het beleid.

**Naam:**

ECE/ENHS Bureau 305

**Adres:**

Palais des Nations

**Postcode:**

1211

**Woonplaats:**

Genève 10

**Telefoon/Fax:**

+ 41 22 7346011

+ 41 22 7339879

**Deelnemers en hun werkveld (beleidssector):**

Het ministerie van EZ: Directie Economische Samenwerking en Exportbeleid is voor Nederland de coördinator van het ECE-dossier. Ook Buitenlandse Zaken: Directie Internationale Organisaties is bij de ECE betrokken doordat zij verantwoordelijk zijn voor de ambassadeur, die als permanente vertegenwoordiger aanwezig is in Genève.

Daarnaast zijn, afhankelijk van de commissie of het comité, ook vakinhoudelijke ministeries betrokken. Voor het onderwerp waterkwaliteit zijn dit V & W: RIZA, VROM: IMZ en EZ: DG voor Energie en de Stafafdeling Milieu.

**Deelnemers qua overheidsniveau:**

De inzet verschilt per land. Op de Jaarvergadering worden de meeste delegaties geleid door hun ambassadeur die als permanente vertegenwoordiging in Genève zetelt. Nederland zendt in de regel de directeur of plv. directeur van Economische Samenwerking en Exportbeleid van het ministerie van EZ als delegatieleider. Omdat EZ sinds de start van de ECE alle activiteiten hiervan in Nederland coördineert, is dit tot op



heden nog niet veranderd. Vanuit Oosteuropese landen treedt vaak een DG van het Ministerie van EZ c.q. Buitenlandse Economische Betrekkingen als vertegenwoordiger op.

#### **Rol en ambtstermijn van de voorzitter:**

De deelnemende landen kiezen aan het eind van de Jaarvergadering een voorzitter voor de volgende Jaarvergadering. In de tijd van de Koude Oorlog was het de traditie dat als de voorzitter uit een Westeuropees land afkomstig was, de vice-voorzitter een Oosteurpeaan moest zijn of andersom. Thans is met deze traditie gebroken en was in 1992 Zwitserland voorzitter en heeft Frankrijk de vice-voorzitter geleverd.

#### **Structuur met werkgroepen en Nederlandse inbreng:**

De structuur van de United Nations omvat 6 belangrijke overlegstructuren:

- De Algemene Vergadering;
- De Veiligheidsraad;
- De Economische en Sociale Raad (ECOSOC), waar de ECE onder ressorteert;
- De Raad voor Beheer;
- Het Internationale Gerechtshof;
- Het Secretariaat.

De Economische en Sociale Raad (ECOSOC) wordt ondersteund door een aantal organen:

- 6 functionele commissies:
  - De Commissie voor Statistiek;
  - De Commissie voor Bevolking;
  - De Commissie voor Sociale Ontwikkeling;
  - De Commissie voor de Mensenrechten;
  - De Commissie voor Status van vrouwen;
  - De Commissie voor Narcotica.
- 5 regionale commissies:
  - De Economische Commissie voor Afrika;
  - De Economische en Sociale Commissie voor Azië en de Pacific (ESCAP);
  - **De Economische Commissie voor Europa (ECE);**
  - De Economische Commissie voor Latijns America en het Caribisch Gebied (ECLAC);
  - De Economische Commissie voor West Azië.
- 6 permanente comités:
  - Het Comité voor Programma en Coördinatie;
  - Het Comité voor Natuurlijke Bronnen;
  - Het Comité voor Niet-Gouvernementele Organisaties;
  - Het Comité voor onderhandeling met Interministeriële Instanties;
  - De Commissie voor Transnationale Maatschappijen;
  - De Commissie voor Human Settlements.
- Een aantal permanente groepen van deskundigen op het gebied van:
  - Misdaadbestrijding en controle;
  - Ontwikkelingsplanning;



- . Internationale samenwerking betreffende belastingzaken;
- . Transport van gevaarlijke stoffen.

De ECE bestaat uit:

De Commissie:

- . Working Party in Engineering Industries and Automation;
- . Government officials responsible for Standardization Policies.

Principal Subsidiary Bodies (PSB's):

- . Agricultural Committee;
- . Timber Committee;
- . Committee on Energy;
- . Committee on the Development of Trade;
- . Committee on Human Settlements;
- . Inland Transport Committee.
- . Senior Advisers to ECE Governments on Environmental and Water Problems (SAEWP), welke in een volgend hoofdstuk nader zal worden uitgewerkt;
- . Senior Economic Advisors Conference of European Statistics.

Working Parties:

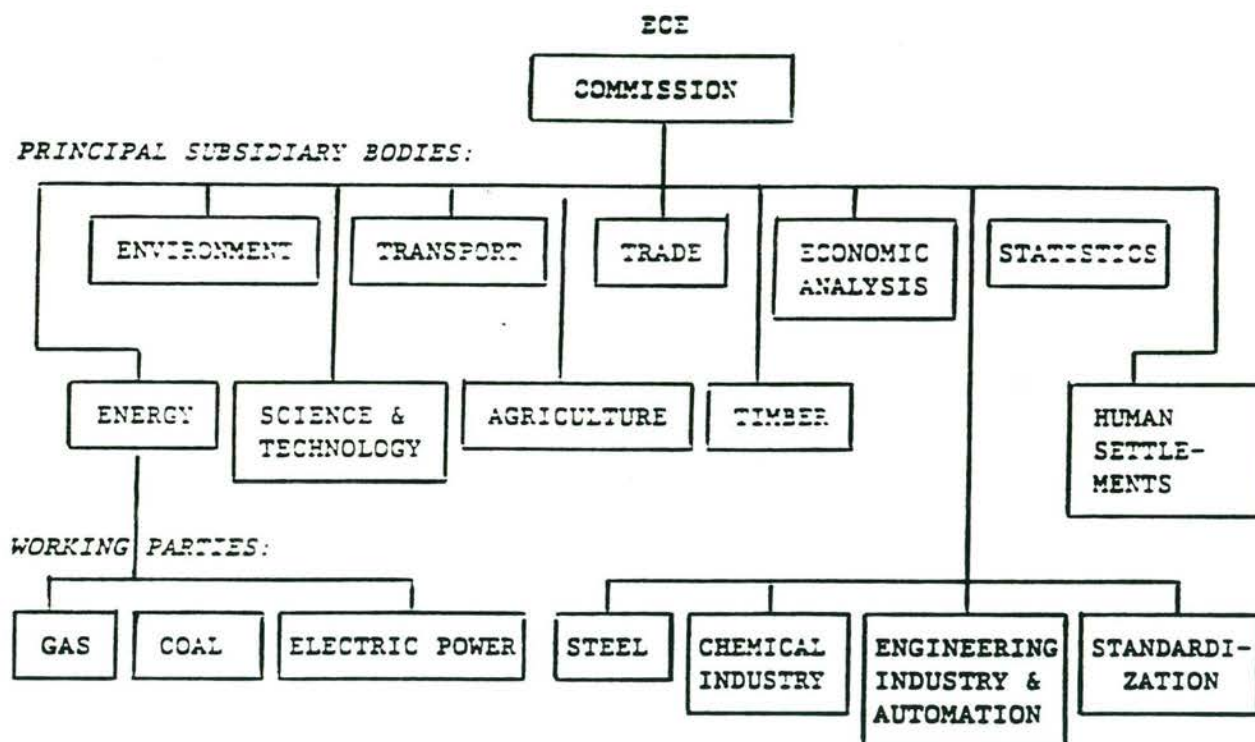
- . Working Party on Electric Power;
- . Working Party on Gas;
- . Working Party on Coal; welke alle drie onder de Committee on Energy ressorteren
- . Working Party on Steel;
- . Working Party on Chemical Industry;
- . Working Party on Standardization.
- . Working Party on Engineering Industry and Automation; welke alle vier direct onder de Commissie ressorteren.
- . Working Party on Water Problems, welke onder de SAEWP ressorteert waar in een volgend hoofdstuk aandacht aan wordt besteed.

Zie ook het organogram op de volgende bladzijde. Naast bovengenoemde organen zijn nog vele andere Working Parties, Groups of Experts werkzaam die onder verschillende PSB's vallen.

#### **Betrokken Nederlandse Instanties:**

Vanuit Nederland zijn de volgende ministeries betrokken: EZ (incl. CPB en CBS), BuZa, VROM, V & W, LNV en in beperkte mate O & W. Ook komt het voor dat het bedrijfsleven of universiteiten de Nederlandse delegatie in een PSB of Working Party versterken.

ORGANISATIESTRUCTUUR van de ECE





**Voortraject vanuit Nederland:**

Voorafgaand aan de Jaarvergadering wordt op verschillende niveaus interdepartementaal overleg gevoerd ter voorbereiding van de instructie. Vervolgens wordt er een concept-instructie vastgesteld in de Interdepartementale Raad voor de Handelspolitiek onder voorzitterschap van EZ. Voor milieu-items levert VROM inhoudelijke bijdragen aan de instructie (m.b.t. water gebeurt dit in overleg met RWS). Uiteindelijk wordt de instructie vastgesteld in de Ministerraad.

**Instructie delegatie:**

De instructie is schriftelijk en niet openbaar.

**Frequentie:**

De Economische Sociale Raad vergadert twee maal een maand per jaar. Over het algemeen eenmaal in New York en eenmaal in Genève. Gedurende de rest van het jaar wordt het werk van de Raad verricht door de genoemde commissies en comités. Deze komen regelmatig bijeen en rapporteren aan de Raad.

De ECE vergadert één maal per jaar, gedurende 1 tot 2 weken. Tijdens deze vergadering komen alle produkten van de onder de ECE ressorterende comités aan de orde. De Jaarvergadering wordt door het secretariaat voorbereid. Daarnaast worden er twee tot drie maal per jaar ad hoc informele bijeenkomsten gehouden waar deskundigen, en in een later stadium, ook de ambassadeurs aan deelnemen.

**Probleembenadering:**

De ECE kent een globale benadering. De Commissie spreekt zich uit voor een bepaalde aanpak van de problemen en nodigt de deelnemende landen uit deze aanpak te volgen. Of zij de voorgestelde aanpak volgen en op welke wijze dit gebeurt, wordt overgelaten aan de deelnemende landen zelf, tenzij dit in het betreffende besluit wordt vastgesteld.

**Agendasetting:**

Voorafgaand aan de vergadering wordt er een ontwerp-agenda rondgestuurd. Deze wordt tijdens de vergadering vastgesteld, al dan niet met door de deelnemers gevraagde wijzigingen.

**Productie:**

De onder de ECE ressorterende comités en werkgroepen zijn verantwoordelijk voor de te produceren stukken. Voor het algemene milieu- en waterbeleid zijn dit de Senior Advisers on Environmental and Water Problems en de Working Party on Water Problems. Deze twee groepen zijn belast met het identificeren van de problemen, het voorbereiden van het noodzakelijke beleid, al dan niet op een zodanige wijze dat het geïmplementeerd kan worden in de nationale wetgevingen, en het rapporteren van hun bevindingen aan de ECE. De Senior Advisers doen direct voorstellen tot Aanbevelingen of besluiten in Verklaringen of bereiden overeenkomsten voor en leggen deze voor aan de ECE. De Working Party is een meer technisch inhoudelijk overleg van specialisten.



### **Formele communicatie:**

Het Secretariaat is sterk sturend bij het plannen van de werkzaamheden van de genoemde twee groepen. Immers de ECE heeft besloten bepaalde activiteiten te verrichten waarbij de logistiek ervan wordt opgedragen aan het Secretariaat. Er wordt een werkprogramma opgesteld met een looptijd van 2 tot 4 jaar. Afhankelijk daarvan worden werkgroepen (taskforces) geformeerd in/uit de Working Parties die worden belast met het onderzoeken en daarover rapporteren van een bepaald probleem aan de Senior Advisers. De Senior Advisers doen op basis van deze technisch inhoudelijke rapportages beleidsvoorstellen aan de ECE. Deze zijn veelal al geformuleerd in de rapportages.

De verslagen van de vergaderingen worden aan de deelnemers verzonden. Tevens krijgen de deelnemers verslagen van de Jaarvergaderingen van de ECE waarin de besluiten zijn opgenomen welke voor hen relevant zijn. Dit laatste wordt in Nederland verzorgd door het ministerie van EZ.

De EG wordt, afzonderlijk van de competentie, vertegenwoordigd door een lid van de Commissie, danwel door een bepaald land dat dan voor de 12 EG-landen spreekt.

De Working Party on Water Problems rapporteert (beleids)aanbevelingen aan de Senior Advisers die hieraan al dan niet haar goedkeuring geeft met mogelijke wijzigingen. De rapportage met voorstellen of overeenkomsten wordt ter kennisneming voorgelegd aan de ECE.

### **Informele communicatie:**

Doordat er werkgroepen worden geformeerd waarvoor verschillende deelnemende landen 4 tot 5 experts sturen, vindt er veel informele communicatie plaats. Op vergaderingen van dergelijke werkgroepen wordt veel informatie uitgewisseld over de situaties in de verschillende landen. Daarnaast was de ECE tot voor kort het enige overleg waar Oost en West elkaar konden ontmoeten op basis van gelijkwaardigheid. Zoals al aangegeven is hierdoor een groot informeel circuit ontstaan tussen deze staten.

Voor en tijdens de Jaarvergaderingen van de ECE-commissie worden EG-Coördinatievergaderingen gehouden. Deze EG-Coördinatievergaderingen vinden ook vaak plaats voorafgaand aan vergaderingen van de, bij de 'Structuur' genoemde, PSB's.

### **Inspraak:**

De ECE ressorteert onder de Economische en Sociale Raad (ECOSOC) (zie 'Structuur'). Deze heeft formeel de mogelijkheid NGO's te consulteren die betrokken zijn bij de behandeling van bepaalde problemen. De ECE zelf kent geen geformaliseerde inspraak.

De Senior Advisers on Environmental and Water Problems en de Working Party on Water Problems kennen informele inspraak. De werkgroepen die geformeerd worden, zullen in het algemeen overleg voeren in hun land met de daarvoor aangewezen organisaties alvorens op internationaal niveau de



discussie aan te gaan. Hetzelfde geldt overigens voor de andere, eerder genoemde, PSB's.

**Besluitvormingsregels:**

Zoals aangegeven kan het Handvest alleen geamendeerd worden met tweederde van de stemmen. Het amendement wordt aangenomen met tweederde van de stemmen, inclusief die van de Veiligheidsraad. Elk lid heeft één stem.

Aanbevelingen en besluiten in de Verklaringen door de ECE worden genomen met een simpele meerderheid, waarbij elk deelnemend land één stem heeft. Overeenkomsten moeten door de landen geratificeerd worden nadat zij zijn opgesteld. Indien een land niet ratificeert, is de desbetreffende overeenkomst niet bindend voor dat land.

**Besluitvormingspraktijk:**

Unanimititeit is bij de Senior Advisers on Environmental and Waterproblems en de Working Party on Waterproblems de praktijk.

**Besluiten:**

De ECE-Declarations, Decisions, Recommendations en Conventions, welke zijn gericht op de waterproblematiek zijn in de bijlage opgenomen. Bij 'Produkten' is reeds aangegeven waar deze besluiten en aanbevelingen op gericht zijn.

**Impact op besluiten op internationaal niveau:**

Er zijn op ECE-niveau nieuwe verdragen gesloten zoals het Rivierenverdrag (bijlage E), het MER-verdrag (bijlage D) en het LRTAP (luchtverontreiniging).

**Wijze en tempo van implementatie in Nederland:**

De ministeries van V & W, VROM en, afhankelijk van het onderwerp, ook LNV zijn verantwoordelijk voor de implementatie van de besluiten en aanbevelingen op het gebied van water en milieu. Omdat de besluiten en aanbevelingen niet bindend zijn, bestaat er dus geen plicht tot implementatie.

De verdragen dienen wel geïmplementeerd te worden, mits zij ondertekend zijn. Veelal betreft het verdragen die niet verder gaan dan de regelgeving die Nederland al heeft en is de overeenkomst dus reeds geïmplementeerd.

**Nationale monitoring:**

V & W: RIZA en VROM: IMZ zijn belast met de nationale monitoring. Zij leveren de gegevens ten behoeve van de internationale discussie in de werkgroepen en de Senior Advisers en de Working Party.

**Internationale monitoring:**

De ECE kent geen orgaan of procedure voor het internationaal monitoren van de implementatie. De door de comités aangeleverde technisch inhoudelijke en beleidsvoorstellen kan men beschouwen als internationale rapportages, gebaseerd op nationale gegevens van de deelnemers en dus als een soort internationale monitoring.



### **Sanctiemogelijkheden:**

De besluiten van de ECE zijn niet bindend in juridische zin. Indien overeenkomsten niet worden nageleefd, kent de ECE geen sanctiemogelijkheden. Wel zal het niet naleven in de Jaarvergadering aan de orde komen, hetgeen internationaal gezichtsverlies in politiek opzicht inhoudt. Vandaar dat gesteld kan worden dat er een morele plicht tot naleving bestaat.

### **Directe relaties en officiële samenwerking:**

Het waarnemerschap van de EG is te beschouwen als een directe relatie. Immers, de EG is er op gericht aanwezig te zijn bij die forums die leiden tot afspraken tussen EG-landen en niet-Lidstaten om te voorkomen dat dergelijke afspraken indruisen tegen het binnen de EG gevoerde beleid op gebieden waar de EG competent is.

Evident is dat een generiek overleg als de VN waar de ECE onder ressorteert veel directe relaties onderhoudt met specialistische organisaties, zoals de IAEA, OESO, WHO enz.

### **Verzoeken c.q. opdrachten tot-aan andere forums:**

De ECE doet geen verzoeken aan andere forums. Wel zijn de besluiten gericht op het, indien mogelijk, samenwerken met andere organisaties.

### **Verzoeken c.q. opdrachten van andere forums:**

De ECE krijgt geen opdrachten van derden. Wel vraagt de CVSE vaak ondersteuning van de ECE bij bepaalde onderwerpen.

### **Indirecte relaties:**

Zoals vermeld bij de informele communicatie en inspraak is er sprake van het bestaan van indirecte relaties. Zeker voor de 'val van de Muur' werd op deze wijze veel informatie uitgewisseld. Thans vindt dit meer openlijk plaats en ondersteunen westerse landen de voormalige Oostbloklanden met hun kennis over schone(re) technieken.

Daarnaast maakt de OESO veelvuldig gebruik van onderzoeksresultaten en informatie die in ECE-verband tot stand zijn gekomen. Voorts is er samenwerking met PARCOM op het gebied van luchtverontreiniging en atmosferische depositie.

### **Bestaande agenda-onderwerpen:**

Per jaar wordt de agenda vastgesteld. Om een idee te geven van hetgeen tijdens een ECE Jaarvergadering ter sprake komt, wordt hier in het kort ingegaan op de onderwerpen welke tijdens de 46<sup>e</sup> Jaarvergadering (april 1991) behandeld zijn:

- 1 Vaststelling van de agenda
- 2 Het werk van de Commissie als geheel, sinds de 45<sup>e</sup> zitting, inclusief:
  - a De activiteiten van de Commissie en de implementatie van de prioriteiten sinds de 45<sup>e</sup> zitting;
  - b **Het werk van de Principal Subsidiary Bodies van de Commissie;**
  - c Samenwerking en coördinatie van activiteiten met andere internationale organisaties;



- d Resoluties gebaseerd op het werk van de Commissie en overgenomen door de Economische en Sociale Raad en de Algemene Vergadering;
  - e De bijdrage van de Commissie aan de programma's van de VN ten behoeve van ontwikkelingslanden.
- 3 Evaluatie van de economische situatie in Europa.
  - 4 Follow-up activiteiten rond besluiten van de Commissie:
    - transport
    - economische analyse en economieën in de overgangsfase
    - bespreking van het rapport van de World Commission on Environment and Development
    - Tsjernobyl
    - economische samenwerking in de Middenlandsezeeregio in het kader van de CVSE
    - **klimaatverandering**
    - statistische activiteiten
    - de bijdrage van de Commissie tot de implementatie van een tienjarig plan ter reductie van natuurlijke rampen inclusief aardbevingen
    - **samenwerking om te komen tot de bescherming van milieu en water tegen grensoverschrijdende luchtvervuiling**
    - industrie en automatisering
    - activiteiten van de ECE
  - 5 Activiteiten van de ECE in het kader van het implementeren van de voorwaarden van het CVSE-verdrag.
  - 6 Toekomstig werk en activiteiten van de Commissie in het kader van prioritaire sectoren en taken en de algemene prioriteiten en principes.
  - 7 **Werkprogramma voor 1991-1995**
  - 8 Andere onderwerpen; o.a. toetredingsverzoek van Israël.
  - 9 Verkiezing van Voorzitters
  - 10 Jaarlijkse rapport van de Commissie

#### Toekomstige doelstellingen:

Op milieugebied wenst de ECE te komen tot een verdergaande samenwerking tussen rivierstaten (Rivierenverdrag) waarbij de sanering van de rivierbekkens voorop staat. Ook het MER-verdrag is een voorbeeld van het komen tot een verdergaande onderlinge samenwerking.

Daarnaast heeft de ECE besloten tot het stellen van prioriteiten omdat anders te veel onderwerpen aangepakt worden waarvoor onvoldoende mensen en financiën beschikbaar zijn. Tevens wil men op deze wijze voorkomen dat in verschillende comités aan soortgelijke problemen aandacht wordt besteed zonder dat van onderlinge samenwerking sprake is.

Andere toekomstige doelstellingen zijn:

De ECE heeft besloten milieu als een prioriteit te beschouwen. Men wil dit invulling geven door het ontplooiën van activiteiten op het gebied van MER- en Rivierenverdragen, en daarnaast ook aandacht te besteden aan industriële rampen en het instellen van een orgaan ten behoeve van de Long-range Transboundary Air Pollution.

Tevens heeft de ECE de Senior Advisers on Environmental and Waterproblems en de Working Party on Waterproblems gevraagd, bij het stellen van hun prioriteiten, rekening te houden met organisaties die opereren in sectoren welke invloed hebben op milieu (zoals bijv. energie) en vooral aandacht te schenken aan landen die bezig zijn een economisch duurzaam beleid te ontwikkelen of waarbij de economie aan transformatie onderhevig is (voormalige Oostbloklanden).

Het Secretariaat heeft opdracht gekregen al deze activiteiten te coördineren en te harmoniseren en jaarlijks hierover te rapporteren aan de ECE.

**Toekomstige werkingskracht:**

De verwachting is, als gevolg van de ontwikkelingen in de wereld m.n. Oost Europa, dat de aanbevelingen mogelijk meer gewicht krijgen. De laatste twee jaar geven al een kentering te zien. Als voorbeelden van deze kentering zijn te noemen het MER-verdrag en het Rivierenverdrag.

**Toekomstige deelnemers:**

Dit is natuurlijk sterk afhankelijk van de ontwikkelingen in Oost Europa. Verwacht mag worden dat de 'nieuwe' landen toetredingsverzoeken zullen doen en dat de ECE zal worden uitgebreid.

**Toekomstige organisatie:**

Gezien bovenstaande verwachtingen en mogelijkheden in de toekomst is het onmogelijk aan te geven of en, zo ja, hoe de organisatie zal veranderen. Wel verwacht men dat er mogelijk een competentiestrijd zal ontstaan tussen de Raad van Europa en de ECE.

Daarnaast zal de ECE nagaan op welke wijze zij een rol kan spelen bij de implementatie van CVSE-bepalingen op het gebied van economische samenwerking, milieu, wetenschap en technologie. Gesteld kan worden dat de CVSE hiervoor politieke impulsen geeft en de ECE deze zal operationaliseren. Dit laatste is een permanent proces tussen de CVSE en de ECE.





## 5.2.1 *Senior Advisers to ECE Governments on Environmental and Waterproblems*

### **Formele Naam:**

VN: Senior Adviseurs voor de ECE inzake Milieu- en Watervraagstukken.

UN: Senior Advisers to ECE Governments on Environmental and Waterproblems (SAEWP)

In het navolgende zal de afkorting worden gebruikt als de senior advisers bedoeld worden.

### **Ontstaansredenen:**

De SAEWP is ontstaan uit een fusie tussen de ECE-Committee on Waterproblems en de Senior Advisers on Environmental Problems.

### **Startdatum:**

1987

### **Doelstellingen:**

De SAEWP is gericht op het versterken van regionale samenwerking en coördinatie van activiteiten met betrekking tot milieubescherming. Hiervoor worden twee wegen bewandeld. Enerzijds stelt de SAEWP werkgroepen in voor multidisciplinair onderzoek naar milieuproblemen waarop de SAEWP beleidsvoorstellen kan doen in deze (bijv. milieu- en waterbescherming, grensoverschrijdende luchtvervuiling, bescherming en gebruik van grensoverschrijdende wateren en internationale meren en de grensoverschrijdende invloeden van industriële rampen). Anderzijds is de SAEWP gericht op het in gang zetten van onderlinge samenwerking met andere ECE-lichamen zoals het Energiecomité, het Binnenlands Transport Comité en de Samenwerkende Groep op het gebied van Milieu en Economie.

### **Deelnemers en hun werkveld (beleidssector):**

De deelnemers zijn afkomstig van de ministeries van V & W: RWS en RIZA, VROM: IMZ en EZ: de Stafafdeling Milieu. Soms neemt ook het ministerie van Buitenlandse Zaken aan de vergaderingen deel.

### **Voortraject vanuit Nederland:**

De instructie wordt voorbereid door interdepartementaal overleg op verschillende niveaus. Via het CIM-Water wordt de uiteindelijke instructie vastgesteld in het CIM onder voorzitterschap van Buitenlandse Zaken.

### **Frequentie:**

De SAEWP vergadert één week per jaar, meestal in februari of maart.

### **Productie:**

Bij het hoofdstuk dat de ECE beschrijft zijn de besluiten en aanbevelingen als bijlagen toegevoegd.

De SAEWP uit het werkprogramma stelt rapporten op voor de ECE waarin wordt aangegeven welke activiteiten hebben plaatsgevonden in het afgelopen jaar. Daarnaast worden verdragsteksten goedgekeurd en vastgesteld, die door (lagere) werkgroepen zijn voorbereid, zoals bijv. de

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (bijlage E), de Convention on the Transboundary Impacts on Industrial Accidents. Tevens verleent de SAEWP goedkeuring aan produkten van de werkgroepen, waaronder de Working Party on Waterproblems, zoals bijv. de European Red List of Globally Threatened Animals and Plants. Daarnaast ontwikkelt de SAEWP beleidsvoorstellen op basis van de technisch inhoudelijke gegevens welke verstrekt worden door de diverse werkgroepen, waaronder weer de Working Party on Waterproblems, die aan de ECE-Jaarvergadering worden aangeboden en op basis waarvan Verklaringen en Aanbevelingen (zie beschrijving ECE) worden opgesteld.

**Informele communicatie:**

Elk deelnemend land levert een aantal leden voor de SAEWP. Op nationaal niveau worden de benodigde gegevens verzameld. Duidelijk is dat gedurende het jaar veel telefonisch wordt overlegd over de lopende onderzoeken. Zodoende is het mogelijk om gedurende de jaarlijkse vergadering besluiten te nemen over de geleverde produkten. Kortom, de formele SAEWP leidt tot informele internationale contacten met leden en organisaties die betrokken zijn bij het uit te voeren onderzoek.

**Bestaande agenda-onderwerpen:**

De agenda-onderwerpen op dit moment zijn:

- ecologische benadering van waterbeheer;
- onderzoek naar Tsjernobyl;
- milieu en energie;
- grensoverschrijdende luchtvervuiling;
- milieu en economie, m.n. de integratie ervan om te komen tot duurzame ontwikkeling.



**Formele Naam:**

VN: Working Party on Waterproblems (WPWP)

**Startdatum:**

1987: de WPWP is ontstaan uit de ECE-Group of Experts on Aspects of Water Quality and Quantity.

**Doelstellingen:**

De WPWP heeft tot doel verzoeken van de SAEWP technisch inhoudelijk te onderbouwen om zodoende tegemoet te komen aan de vragen voortvloeiend uit de ECE - Jaarvergaderingen (zie ook **Bestaande agenda-onderwerpen**).

Ieder jaar wordt door SAEWP een "Program of work" opgesteld (zie ook Annex II van het verslag van SAEWP in de bijlagen).

Inhoudelijke doelstellingen zijn thans:

- preventie en beheersing van waterverontreiniging door kunstmest en pesticiden;
- het ontwikkelen van waterkwaliteitsdoelstellingen en criteria;
- het opstellen van richtlijnen voor ecologisch waterbeheer;
- het helpen uitvoeren van het Verdrag ter Bescherming en Gebruik van Grensoverschrijdende Rivieren en Internationale Meren.

Om aan deze doelstellingen te voldoen, formeert de WPWP werkgroepen, zgn. task forces, die elk een specifiek onderdeel van het werkprogramma voor hun rekening nemen.

**Deelnemers en hun werkveld (beleidssector):**

De ministeries V & W: RWS Hoofddirectie en/of RIZA (delegatieleider) en van VROM: IMZ .

**Voortraject vanuit Nederland:**

De delegatie naar WPWP krijgt meestal geen formele instructie mee. Indien het gevoelige onderwerpen betreft (welke van invloed zullen zijn op Nederland) dan wordt in eerste instantie interdepartementaal overleg gevoerd. In de CIM-Water wordt de instructie voorbereid en uiteindelijk in de CIM vastgesteld onder leiding van Buitenlandse Zaken.

**Frequentie:**

De WPWP komt één maal per jaar officieel bijeen, veelal in het najaar (november). Daarnaast worden, indien noodzakelijk gezien de te behandelen onderwerpen, op ad hoc basis extra bijeenkomsten georganiseerd. Ook organiseert WPWP seminars rond bepaalde onderwerpen.

De geformeerde task forces ontmoeten elkaar, afhankelijk van het soort onderwerp, meer of minder regelmatig, ter voorbereiding van hun specifieke onderwerp.

Ter voorbereiding en opstelling van de verdragstekst van het 'Rivierenverdrag' zijn 'special sessions' van de WPWP georganiseerd.



**Besluiten:**

De WPWP levert de SAEWP, in de vorm van rapporten, de technisch inhoudelijke onderbouwing met aanbevelingen, welke noodzakelijk is voor de beleidsontwikkeling. De WPWP voert onderzoek uit naar de verschillende problemen (identificeert en beschrijft deze) en geeft aan hoe deze problemen aan te pakken zijn. Vervolgens gaat dit als advies naar de SAEWP.

**Indirecte relaties:**

Voor zover bekend, zijn er geen indirecte relaties met andere internationale overlegvormen.

**Bestaande agenda-onderwerpen:**

In overleg met de SAEWP wordt een werkprogramma opgesteld. Eén en ander wordt sterk gestuurd door het secretariaat van de ECE (zie de beschrijving van de ECE). De SAEWP geven de WPWP een probleemstelling dan wel vraagstelling met een omschrijving van de daarbij behorende werkzaamheden welke zij dienen uit voeren. Dit bepaalt de agenda voor de WPWP. Dit is het beste te illustreren aan de hand van de laatste bijeenkomst van de WPWP. Duidelijk is de relatie met de huidige, al eerder genoemde doelstellingen te zien:

Tijdens de laatste bijeenkomst in oktober 1991 is nagegaan welke werkzaamheden voortvloeien uit de bijeenkomst van de SAEWP eerder dat jaar. Daarnaast zijn de resultaten van een seminar dat handelde over een ecologische benadering van waterbeheer besproken. Tevens is een concept-rapport over waterkwaliteitsdoelstellingen en -criteria aan de orde geweest en bekritiseerd (meer diepgang achtte men noodzakelijk). De voorstellen ter bescherming van binnenwateren tegen eutrofiëring werden overgenomen en besloten werd het geheel voor te leggen aan de SAEWP. Verder werd geconstateerd dat er voldoende vooruitgang was geboekt met het onderzoek ter bescherming van water tegen kunstmest en pesticiden.

**Annex 5.2A**

## **Bronnen**





## Geraadpleegde Literatuur:

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- Verslag van de 46e ECE-Jaarvergadering, Ministerie van Economische Zaken, 9-17 april 1991, Genève
- Rational use of water and its treatment in the chemical industry door ECE/CHEM/78, United Nations, New York 1991
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- Memo van dhr. drs. H. Kersten inzake ECE-werkzaamheden, 11.02.91
- Memo van dhr. drs. H. Kersten betreffende mutatielijst contactpersonen ECE-activiteiten, 23.01.91
- Conclusies herijking ECE-activiteiten door Ministerie van Economische Zaken, Den Haag 14.01.91
- Economic Commission for Europe, Annual report (28 April 1990 - 17 April 1991) door Economic and Social Council, Official Records, 1991 Supplement No. 15, United Nations, New York 1991
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## Interviews:

Dhr. drs. W. van Ditmars  
BEB/DSE/MOE van het ministerie van Economische Zaken te Den Haag

Dhr. drs. H. Kerstens,  
Internationale Zaken, RIZA te Lelystad



**Annex 5.2B**

## **Declarations and Decisions**





## **ECE DECLARATION OF POLICY ON PREVENTION AND CONTROL OF WATER POLLUTION, INCLUDING TRANSBOUNDARY POLLUTION**

*as adopted by the Economic Commission for Europe at its thirty-fifth session (1980) in its decision B (XXXV)*

The Economic Commission for Europe,

*Mindful* of the special importance of solving the problems of the protection of water against pollution and its rational utilization in ECE member countries as an integral part of the environmental protection policy in the interests of present and future generations,

*Appreciating* the important role of the ECE Declaration of policy on water pollution control of 29 April 1966, which has contributed to the substantial progress made in this field by ECE member countries, the Committee on Water Problems and its subsidiary bodies,

*Taking note* of the Final Act of the Conference on Security and Co-operation in Europe and the Mar del Plata Action Plan adopted by the United Nations Water Conference, in particular resolutions VII and VIII and the recommendations applying more specifically to Europe,

*Bearing in mind* the recent international conventions aimed at the protection of the marine environment; the Convention for the prevention of marine pollution by dumping from ships and aircraft (Oslo, 1972); the Convention on the protection of the marine environment of the Baltic Sea area (Helsinki, 1974); the Convention for the prevention of marine pollution from land-based sources (Paris, 1974); the Convention for the protection of the Mediterranean Sea against pollution (Barcelona, 1976); the Convention on civil liability for oil pollution damage resulting from exploration and exploitation of sea-bed mineral resources (London, 1976); and the international conventions applicable to marine pollution due to vessel sources.



Considering that the efforts of individual countries in solving the problems of the protection of water against pollution, including transboundary pollution, should be supplemented and supported, as appropriate, by bilateral and multilateral international co-operation,

Aware of the responsibilities and activities of different United Nations bodies and other relevant international organizations in this field,

Recognizing the need for further development and strengthening of international co-operation and improvement in the co-ordination of efforts by ECE member countries in water pollution control matters, including transboundary pollution, in the light of the experience acquired during the past few years in the management and integrated use of water resources,

1. *Decides* to adopt the Principles on prevention and control of water pollution, including transboundary pollution set forth in the appendix to this Decision, which complete and develop the Principles contained in the 1966 Declaration;<sup>1</sup>

2. *Recommends* to ECE Governments that they consider the possibility of applying these Principles in formulating and carrying out their water policies and in their international co-operation;

3. *Invites* the member Governments to report in depth to the Commission at three-year intervals, through the Committee on Water Problems, on the action taken by them in this regard;

4. *Requests* the Executive Secretary to transmit this decision to the member Governments as a Declaration of policy on prevention and control of water pollution, including transboundary pollution;

5. *Requests* the Executive Secretary to transmit this decision to the organizations concerned with a view to extending international co-operation in this field.

<sup>1</sup> See *Principles* hereunder.

## PRINCIPLES

1. The conservation of water resources and the prevention and control of water pollution are integral parts of a comprehensive national policy in environmental protection and call for active participation of national and local public authorities and water users as well as close international co-operation. The rational utilization of water resources, both surface and underground, as a basic element in the framework of long-term water management, should be viewed as an effective support to the policy of prevention and control of water pollution, taking into account the special features of each drainage basin.

2. Water pollution control should be handled taking account of possible interactions of pollutants on air, land and water.

3. The aim of water pollution control is to preserve, as far as possible, the natural quality of surface and ground water, to protect the environment which depends on such water, and to decrease existing levels of water pollution in order to protect public health and to allow the satisfaction of the needs of such water, under the best economic conditions and in sufficient quantity, in particular for:<sup>2</sup>

- Providing drinking water of sufficiently good quality for human health;
- Preserving the aquatic flora and fauna;
- Providing water for industry;
- Providing water for agriculture, in particular irrigation and animal consumption;
- Recreation (sports and leisure) with due regard to sanitary and aesthetic requirements.

4. Governments should adopt a long-term policy directed towards the reduction of existing water pollution and its prevention in the future. To this end a series of interrelated measures should be developed including, so far as necessary, the improvement of water legislation and its implementation, the use of all legal and

<sup>2</sup> Apart from drinking water, these uses are not necessarily listed in order of importance.



administrative measures, integrated land-use planning, and the application of suitable economic incentives to encourage, *inter alia*, the conservation of water, the optimization of water resources management, the elimination of pollutants, in particular at source, the development of low- and non-waste technology, including recycling of water, and research and development.

5. Important tools in water pollution control are standardization and monitoring of water quality in rivers and lakes or standardization and monitoring of effluents, or an appropriate combination of both; the quantitative and qualitative assessment of waste water and its treatment with due regard to the interests of water users and environmental protection. In setting criteria and standards, all types of water resources (surface, ground and sea water) and/or effluents should be covered. The criteria and standards themselves should, as far as possible, reflect public health, drinking water supply and environmental protection requirements and should also satisfy the demand for water in the industrial, agricultural, fisheries and other sectors of the economy.

6. Pollution of the aquatic environment by dangerous substances that are toxic, persistent and bioaccumulative should be prevented by using the best available technology and eliminated within a reasonable period of time.

7. Governments should organize the implementation of water pollution control measures as part of their national policy of environmental protection, within the framework of their institutions and taking into account the nature of the problems to be solved. In this connection, it may be desirable that States, within the limits of their constitutional and legislative competence, have at their disposal appropriate organs at the central or regional levels or at the level of the various hydrographic basins. It may be desirable that the central responsibility for water pollution control be vested in one authority or co-ordinating body on a sufficiently high level. This authority or body should carry out its work in collaboration with other authorities and within the framework of water resources, water utilization and public health policies in general. Furthermore, bodies such as committees, commissions, etc., composed of representatives of the public authorities, of representatives of users and independent experts may be en-

trusted with the task of helping and advising the above-mentioned organs.

8. To promote water pollution control and to protect both surface and underground water, it is essential to establish laws which prohibit all discharges of liquid and solid wastes from domestic, industrial and agricultural activities to surface waters and aquifers unless they have been authorized by the competent authority in charge of water pollution control. However, regulations for discharges of limited importance and special derogations, if appropriate, could be implemented in particular cases. In deciding whether to permit these discharges, the appropriate competent authority should ensure that the effluents are treated at least by the best practicable technology possible and that they will not endanger public health or life in general and should take particular account of the following factors:

(a) The capacity of the receiving water to assimilate materials being discharged, taking into account the physical, chemical, biological, microbiological and radio-active characteristics of these materials;

(b) The evaluation of the environmental, social and economic advantages and disadvantages of possible methods of treatment and disposal.

9. Each country should take all appropriate steps to prevent pollution of the sea, namely by the direct or indirect introduction by man into the marine environment - including estuaries - of substances or energy which may endanger human health, harm living resources and the marine ecosystem, affect amenities or interfere with other legitimate uses of the sea. Governments should therefore seek: to reduce progressively land-based pollution provoked by toxic, non-degradable and bioaccumulative substances enumerated in the appropriate supplements to different international conventions; to prohibit or to set up controls by specific permits, according to the different international conventions, of the discharge of these substances from their territories into the sea; and to carry out the principles set out in the convention pertaining to the reduction and prohibition of pollution caused in coastal areas and estuaries by exploration and exploitation of the resources of the sea.



10. It is essential that legislation on water use and pollution control should be drawn up and applied in such a way that if violations occur effective sanctions can be imposed. The competent authorities should be authorized to take immediate action in case of need.

11. The general principle should be adopted that, as far as possible, the direct or indirect costs attributable to pollution should be borne by the polluter. Each State should use the most suitable economic incentives in order to discourage pollution and encourage the reduction of polluting discharges and the development of new technologies which are less polluting. Strategies for water pollution control should include, in addition to the installation of effluent treatment plants, the adoption of preventive measures at the earliest possible stage in the production processes, especially through the incorporation of low- and non-waste technology, water recycling and the rational use of chemicals and fertilizers in agriculture and forestry, as well as the implementation of land-use policies.

12. States should establish information and educational programmes in order to influence individual behaviour in relation to water utilization and pollution and to promote the acceptance of responsibility for dealing with water problems.

13. States sharing water resources should undertake, on the basis of their national policies, concerted action to improve the quality of surface and groundwater to control pollution and to guard against accidental pollution.<sup>3</sup> These States should by means of bilateral or multilateral agreements define their mutual relations on water pollution control, especially through the widest possible exchange of information and through consultations at an early stage in regard to activities likely to have significant adverse effects on water quality in the territory of the other States. In these agreements, water quality standards and/or emission standards for a particular water body should be established, where necessary. These agreements would also stipulate the obligations of the States in solving water pollution problems, including their scientific and technological aspects. Provision

should be made in particular for the use of existing structures of co-operation and for seeking new ones, as appropriate, to meet fully the interests of expanding and intensifying international relations.

14. International co-operation on water problems, within the United Nations Economic Commission for Europe and other competent international organizations operating within the ECE region should facilitate the exchange of experience between countries and help them to find the most appropriate solutions through the exchange of available information, especially on ways of predicting and effectively avoiding adverse environmental consequences of economic activities and new technology. This co-operation should include: exchange of scientific and technical information including experience of structure, design and technology of waste water treatment plants, and on the development and introduction of low- and non-waste technology; exchange of researchers, specialists, trainees; carrying out joint studies; comparison of long-term national policies for rational water use and water protection; organization of scientific and technical meetings; and comparison of water quality criteria and standards as well as their methods of application.

<sup>3</sup> The term "shared water resources" is used only for the uniformity of the text and its use does not prejudice the position of the countries supporting the terms "transboundary waters" or "international waters" in any of the problems involved.



## ECE DECISION ON INTERNATIONAL CO-OPERATION ON SHARED WATER RESOURCES

as adopted by the Economic Commission for Europe at its thirty-seventh session (1982) in its Decision D (XXXVII)

The Economic Commission for Europe,

Recognizing the growing significance of economic, environmental and physical interrelationships between ECE countries, in particular where streams or lakes and related ground water aquifers cross or are located on international boundaries,

Reaffirming the principle of the permanent sovereignty of States over their natural resources,

Mindful of the vital importance and special urgency to continue and stimulate efforts which promote international co-operation on shared water resources aiming at their development, use and conservation for the mutual benefit of present and future generations,

Believing that the intensification of concerted endeavours for a further strengthening of international co-operation on shared water resources will not only be of interest to countries involved but also to other ECE member countries, as firm co-operation between countries contributes fundamentally to promoting and deepening mutual understanding, confidence and trust in the region,

Conscious of the wish of participating States expressed in the Final Act of the Conference on Security and Co-operation in Europe to develop such co-operation, *inter alia*, "by promoting the progressive development, codification and implementation of

international law as one means of preserving and enhancing the human environment, including principles and practices, as accepted by them, relating to pollution and other environmental damage caused by activities within the jurisdiction or control of their States affecting other countries and regions",

Commending the efforts already undertaken by riparian countries to harmonize and co-ordinate their national policies in the field of management of shared water resources by bilateral and multilateral conventions and agreements or other legally binding arrangements,

Welcoming the substantive progress made in the development and formulation of principles and guidelines governing international co-operation on shared natural resources elaborated by the United Nations Environment Programme, with a view to placing such co-operation on a more systematic basis, and mindful of the principles recommended by the Mar del Plata Action Plan that "in relation to the use, management and development of shared water resources, rational policies should take into consideration the right of each State sharing the resources to equitably utilize such resources as the means to promote bonds of solidarity and co-operation",

Underlining the importance of the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution, which invites States to define, by means of bilateral or multilateral agreements, their mutual relations on water pollution control, especially through the widest possible exchange of information and through consultations at an early stage in regard to activities likely to have significant adverse effects on water quality in the territories of the other States,

Recalling further that this ECE Declaration of Policy called on States to make provisions in particular for the use of existing structures of co-operation and for seeking new ones, as appropriate, to meet fully the interests of expanding and intensifying international relations,

Conscious of the role of ECE as an instrument for promoting bilateral and multilateral co-operation on shared water resources within the region,

I. Calls upon member Governments to pursue and if necessary to strengthen their efforts to co-operate in the elaboration of

<sup>4</sup> The term "shared water resources" has been used only for the uniformity of the text and its use does not prejudice the position of the countries supporting the terms "transboundary waters" or "international waters" in any of the problems involved. The interpretation of the term "shared water resources" excludes all possibilities of prejudice to international law and to the sovereign rights of States over water resources located within their frontiers and, also, in respect of their rights and obligations regarding the use and conservation of those resources.



policy aims, programmes and planning regarding the development, use and conservation of shared water resources;

2. *Notes with appreciation* that the great majority of ECE countries have already entered into legal, binding arrangements, including treaties, conventions and agreements, with a view to better co-operation in their endeavours towards better protection and more equitable utilization and development of shared water resources;

3. *Encourages* member Governments to continue their efforts to extend already existing international arrangements in the light of changing socio-economic requirements or of changing priorities in the utilization of shared water resources and in particular to speed up procedures within international river commissions and competent governmental bodies to cope efficiently with emergency situations and/or to embody sufficient power to existing legal and administrative arrangements to deal with such situations;

4. *Stresses* the important and useful role that international river commissions play within the context of international co-operation on shared water resources and in this respect invites member Governments, *inter alia*:

(a) to make full use of international river commissions by providing them with all necessary means for the efficient and mutually beneficial implementation of those tasks they entrusted to them and in particular by facilitating periodical exchange of information between international river commissions and, where appropriate,

(b) to promote and strengthen international co-operation through international river commissions by improving their efficiency and by establishing new ones where they do not already exist, through regional conventions and through the harmonization of different long-term national plans of riparian States and of national monitoring systems, as well as, at a second stage, if necessary, to take steps for the possible elaboration of a joint plan for the entire basin;

5. *Reiterates* its previous decision to intensify its efforts in the water sector by, *inter alia*, strengthening the activities and responsibilities of the Committee on Water Problems with a view to providing a basis for co-operation among countries involved

in the spirit of the Final Act of the Conference on Security and Co-operation in Europe and to assist them at the request of all ECE member Governments concerned with a particular shared water resource;

6. *Requests*, therefore, the Committee on Water Problems to pay full attention to facilitating international co-operation on shared water resources and in this respect:

(a) to elaborate a report on international co-operation in the field of shared water resources development which may contain, *inter alia*, case studies prepared by concerned ECE countries on the principles and results achieved in bilateral and multilateral co-operation;

(b) to carry out projects relating to the collection and use of compatible statistical data; comparison of water quality norms; comparison of methods for analysing the composition and properties of water including waste water; review of measures taken in emergency cases (such as accidental pollution, floods) and those taken for the assessment of socio-economic impacts due to accidental pollution and floods;

7. *Decides* to convene under the auspices of the Committee on Water Problems, as and if required, meetings on international river commissions in order to promote and facilitate international co-operation on shared water resources in the ECE region.



## ECE DECLARATION OF POLICY ON THE RATIONAL USE OF WATER

as adopted by the Economic Commission for Europe at its thirty-ninth session (1984) in its decision C (XXXIX)

The Economic Commission for Europe,

Mindful of the importance and urgency of combating wasteful use of water, both in terms of quantity and quality, and of promoting all measures which stimulate rational, economic and efficient water use to enable economic development to take place in a manner compatible with maintaining or improving the quality of life for present and future generations,

Bearing in mind the pertinent provisions of the Final Act of the Conference on Security and Co-operation in Europe by which participating States affirmed that "the protection of nature and the rational utilization of its resources in the interest of present and future generations is one of the tasks of major importance to the well-being of people and the economic development of all countries" and by which they expressed in particular their wish to enhance co-operation with a view to improving fresh water utilization "by developing methods of production which are less polluting and lead to less consumption of fresh water",

Bearing further in mind the relevant provisions of the Concluding Document of the Madrid Meeting of Representatives of the Participating States of the Conference on Security and Co-operation in Europe,

Taking note of the Mar del Plata Action Plan which calls upon countries to intensify national and international efforts "to maximize the economic and social efficiency of all water inputs, including measures to heighten awareness, change attitudes and provide the technological means and incentives to conserve and protect available water",

Recalling General Assembly resolution 35/18 of 17 November 1980 on the Proclamation of the International Drinking Water Supply and Sanitation Decade,

Conscious of the useful role played by the Commission over more than 20 years in assisting countries to share their experience regarding the use of natural resources, including both surface water and ground water, and in promoting the rational use of water through the preparation of guidelines and recommendations,

Bearing in mind the Declaration on Low- and Non-waste Technology and Re-utilization and Recycling of Wastes, by which States participating in the High-level Meeting within the Framework of the ECE on the Protection of the Environment declared, *inter alia*, their intent to use resources rationally,

Underlining the importance of the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Trans-boundary Pollution which, *inter alia*, stipulates that the rational utilization of water resources, both surface and underground, should be considered "a basic element in the framework of long-term water management and be viewed as an effective support to the policy of prevention and control of water pollution, taking into account the special features of each drainage basin",

Commending the efforts already undertaken by the Committee on Water Problems in paying increased attention to questions related to future-oriented water policies and strategies, to water demand management and to measures and instruments which influence user behaviour, thus bringing about economies in water use,

Noting, in this regard, the results of two seminars, namely Rational Utilization of Water (1979, Leipzig, German Democratic Republic) and Economic Instruments for Rational Utilization of Water Resources (1980, Veldhoven, Netherlands) as well as the reports on long-term perspectives for water use and supply in the ECE region (1981) and on policies and strategies for rational use of water in the ECE region (1983),

Recognizing the vital need for further developing and enhancing international co-operation and for improving co-ordination of efforts in ECE countries to formulate and apply strategies of water demand management for coping with limited water supply and to promote the concept of rational water use in the light of experience acquired during past years,



1. *Decides* to adopt the Principles of Rational Use of Water set forth in the appendix to this Declaration;<sup>5</sup>

2. *Recommends* to ECE Governments that they apply these Principles in formulating, reviewing and implementing their water policies on a national and international level, taking into account their specific administrative structures;

3. *Invites* the member Governments to keep the Commission informed at appropriate intervals, through the Committee on Water Problems, of action taken by them in this regard;

4. *Requests* the Executive Secretary to transmit this decision to the member Governments as a Declaration of Policy on the Rational Use of Water; and

5. *Requests* the Executive Secretary to transmit this decision to international organizations concerned, with a view to extending co-operation in this field.

## PRINCIPLES

1. It is recognized that:

(a) with increasing urban concentration, industrial expansion, intensified agricultural exploitation, rising living standards and the accelerated development of touristic and recreational activities, water, being an irreplaceable natural resource, is becoming an important issue in many countries or parts of them and, in some, even a limiting factor for socio-economic development;

(b) development and further management of water resources is becoming technically difficult, expensive and may conflict with some economic sectors as well as with environmental concerns; and that

(c) water is being used sometimes irrationally, beyond an economically and socially sensible level and used as an undue recipient of harmful pollution loads.

2. Governments are therefore being called upon to formulate and adopt policies at all appropriate levels which foster measures

striving for the efficient utilization of water resources from both supply and disposal aspects, in order to secure that, as far as possible, the wastage of water is prevented together with that of energy and raw materials required for its abstraction, transportation, storage, proper use and treatment of water and for waste water purification, so that rational use of water contributes to the fullest extent to national welfare. Water use should be considered in the context of efficient utilization of common resources and should therefore be of concern to the entire population.

3. In formulating and adopting a future-oriented national water policy it should be taken into account that water, a common resource, must be used economically in the interest of the public at large. Therefore, special emphasis should be given to:

(a) A unified strategy for water withdrawal, distribution, treatment, use and discharge;

(b) Integrated water use, attaching priority to drinking water requirements and to environmental protection;

(c) Water demand management and preventive measures so as to avoid water shortages and water pollution; management options should be matched to actual supply; usable supplies should be explored and safeguarded;

(d) Non-structural measures, which aim at increasing operation efficiency of existing water schemes; they should be designed to fit into a comprehensive approach to the management of water quantity and quality;

(e) Co-ordinated utilization of both surface water and ground water, taking into account their close interrelation; public drinking water supply should be given priority in ground water use; and

(f) Measures to combat harmful effects of water: flooding, soil erosion, etc.

4. In the overall planning process of a country, thorough consideration should be given to the concept of rational use of national water resources and to alternative and multi-purpose uses of water and their impact on other natural resources as well as on the economy as a whole. The methods of systems analysis and mathematical modelling may be applied. In these planning procedures, perspectives and forecasts of future water demand,

<sup>5</sup> See Principles hereunder.



use, consumption and discharge should not only be an extrapolation of past trends but should also take into account the anticipated effect of applied or foreseen control measures, economic incentives and other stimuli on future water-use practices. Due attention should be paid to long-term planning as one of the most important tools for a comprehensive water policy; planning should in particular:

(a) Ensure optimal socio-economic and ecological benefits from rational water use;

(b) Facilitate proper decision making at all appropriate levels and within economic sectors;

(c) Allow for close co-operation and co-ordination with other economic sectors as well as with regional and local administrative authorities;

(d) Permit a sufficient period for the formulation and adjustment of a system of regulatory measures and economic instruments; and

(e) Provide guidance for a rational allocation of long-term investments to promote sustainable development of water management.

5. Within the framework of the general principles set forth in this declaration of policy, specific attention should be accorded in national water policies and planning to the protection of ground water from the possibility of pollution and overuse.

6. Priority should be accorded to the co-ordination of land-use planning and water management. This could be restrictions on the use of certain areas, already subject to serious water shortages and/or heavy environmental stress, as well as the separation of areas of water use from those of water abstraction. However, the general principle should be maintained, where possible, that the establishment of new industrial complexes, power plants, intensive livestock farming, the development of new settlements and the expansion of urban areas should be compatible with the availability of water of sufficient quality and quantity at reasonable distances. River basin oriented management, including flow transfer within and between basins and the siting of future reservoirs, should be given appropriate attention in land-use planning and water management planning to achieve a long-term inte-

grated and rational approach to an efficient and sustainable use of water. In planning water management systems, consideration should be given to the creation of integrated water supply and disposal systems which could take advantage of diversities in demand patterns over wider areas - thus providing easier response to peak demands - and of economies that may result from the construction and operation of centralized water supply and sewage systems. Attention should also be given to the efficient operation of drinking water and waste water treatment plants.

7. In conformity with the administrative structure and existing regulations, adequate involvement of water users and those involved in decision-making processes should be encouraged, as they can make significant contributions both to the identification of targets and to the development, adoption and effective implementation of water saving programmes. Education and training should be regarded as an important tool in the implementation of national and regional water policies. It should, therefore, be pursued vigorously so that the public understands and respects the importance of using water rationally and appreciates the socio-economic and ecological advantages that can be achieved by improving water conservation practices; measures taken, however, should not go beyond what is in the public interest. To this end, the Governments are called upon to intensify national efforts with a view to enhancing or, if necessary, creating, as appropriate, frameworks for youth education and training in this field, in the interest of present and future generations.

8. Regulations and ordinances under certain conditions together with economic and financial instruments are considered an important regulatory tool for promoting water policy and for determining the rights and obligations of water users and their mutual relationships. Such regulative instruments may take the form of standards, criteria, rules, norms, limitations, permits or licences, control or stop orders and should be applied to setting strict targets for the use, consumption and discharge of water, especially in the industrial and agricultural sector. Administrative instruments should allow for direct regulatory control through such practices as permits and licences and should oblige prospective water users, including public water supply and pollution control organizations, to obtain authorization for the withdrawal, use, consumption and discharge of water of a certain quality and for a specific time period. Regulation of contaminants and



product standards should be enforced on substances which risk impairing the aquatic environment, in order to allow for safe and economic use and recirculation of water as well as to prevent detrimental effects to scarce available water supplies.

9. Governments should increase their efforts to develop or improve methods for the regular collection, the proper analysis and the timely dissemination of directly comparable data on water abstraction, use, consumption and discharge, both in terms of quantity and quality, in the various economic sectors. These statistics on water use and water quality should be considered along with existing data of available water resources to help to identify water-deficient areas, and those vulnerable and sensitive to future water shortages as well as to foresee possible conflicts between water users. These statistics should also be used in the evaluation of effects of administrative and economic components of long-term strategies. In this respect, relevant experience and information gained in the implementation of water-management measures should be considered an important input in water management planning.

10. In developing an advanced water policy at all appropriate levels, priority should be given to the elaboration of an effective system of economic instruments, stimulating rational water use, deriving socio-economic benefits from the saving of water both in terms of quantity and quality. In the formulation and application of such economic instruments, attention should be paid in particular to:

- (a) Their optimum combination with the existing patterns of legal, administrative and technical instruments;
- (b) Their consistency with prevailing economic principles; and
- (c) Anticipated changes of water-use practices due to measures applied.

11. This well-balanced system should at all stages provide water users with increasing incentives to reduce both wastage and pollution of water. For water fees, a differentiated tariff system may be adopted with a consumption-oriented rate encouraging the rational use of water. Effluent charges, when made, should be based both on the amount of waste water discharged and its pollution load. Appropriate sanctions should be applied if established limits, standards or norms are exceeded.

12. The general principle should be that, as far as possible, the director indirect costs attributable to pollution should be borne by the polluter and that water users should pay the costs of abstraction, treatment and distribution. However, under certain conditions, governmental aid in the form of subsidies may be considered as a possible economic instrument to reduce both wastage and pollution of water. Such circumstances include the granting of aid for the development of cleaner technologies; some degree of compensation for the heavy costs which some polluters would be obliged to meet in order to achieve a degree of cleanliness higher than the required standards; contribution to public bodies for the construction and operation of an installation for the protection of the aquatic environment which could not be wholly covered in the short-term from the charges paid by the polluters using it (the polluters would however be required to meet its running costs). In addition grants may be paid where the immediate application of very stringent standards is likely to lead to serious disturbances in the economy.

13. Policies at all appropriate levels should be geared towards promoting the rapid development and sound application of relevant technologies and their optimum operation for more efficient use of water and preventing wastage of water; both in terms of quantity and quality in all sectors. To this end, strong emphasis should be placed on those economic and administrative instruments that stimulate the application of the best available technology, taking into account economic reasonableness and feasibility. In further supporting this water strategy, Governments should encourage the establishment of research and development centres, sponsorship and cost-sharing arrangements for pilot application of technical innovations and dissemination of information on available and new technologies aiding their capability to meet the requirements set forth by the concept of rational water use. In this respect, the effects of new technologies should be comprehensively evaluated, in particular for their effects on socio-economic and environmental conditions. Such technologies could, *inter alia*, ensure:

- (a) The reduction of total costs, in particular for water and other factors in the production process, as well as the reduction of water losses and of discharge of polluting effluents;



(b) The utilization of usable substances contained in waste water and sewage sludge;

(c) The application of water recycling systems within the production process, as well as the reuse of successive and concurrent uses of water within the same industry, other industrial complexes or in agriculture;

(d) The reduction or substitution of hazardous substances, in particular with regard to toxicity, bio-degradability and bio-accumulation and the reduction of eutrophication; this also in view of their risk of detrimental effects on actual or potential water supplies; and

(e) The use of automatic control and regulation systems for in-process water use and consumption.

14. Efforts should be directed to the application of effective measures to obtain water savings in the domestic and municipal sector, and in particular to achieve reduction of losses in water distribution systems. To this effect, increased attention should be paid to the detection and repair of leakage in water distribution networks.

15. In all cases where drinking water quality is not required, users should be encouraged to use water of a quality no higher than necessary. Where communal treatment of waste water is not appropriate, strong emphasis should be given to the application of pollution control measures as close to the source of pollution as possible. Since the major part of water used by industry, including thermal power plants, serves as cooling water, increased attention should be paid to cooling-water management and, in this respect, to the development and application of industrial processes which allow the reuse of cooling water as process and transport water, the recycling of cooling water with a minimum of evaporative losses and the utilization of waste heat in the industrial, domestic and agricultural sector.

16. Due to the fact that in some countries high consumption of water is frequently for irrigation in agriculture, priority should be given there to the adoption of various technical and organizational measures to combat waste of water; steps should be taken to minimize water losses during its delivery to the place of use, taking into account all aspects related to climate, soil, crops and the use of irrigation systems. Attention should be given to pro-

vide water according to the actual water demand of crops in both quantitative and qualitative terms over the growing season. Priority should be given to efficient irrigation techniques in conjunction with advanced agricultural methods in particular those with low-energy consumption. Provided that appropriate precautions are taken and where sufficient experience exists, purified waste water or brackish water may also be used for irrigation, and sewage sludge for land application. If purified waste water and sewage sludge are used, particular attention must be given to hygienic aspects. In addition, the purified waste water, sewage sludge and the soil must be monitored continually to prevent any detrimental effects due to heavy metals or other pollutants. If brackish water is used, possible adverse impacts due to salination must be considered.

17. The concept of rational water use requires that, in the process of the integrated management of river basins, there should be an attempt to meet the water requirements not only of those types of water use which involve withdrawal of part of the flow, but also of those not involving such withdrawal, namely the fish industry, hydropower plants, water transport and recreation, and to maintain the normal state of health of watercourses.

18. Special consideration should be given to the intensification of those research programmes aimed at developing background knowledge for effective implementation of the principles of this Declaration, and in particular to:

(a) The need for enhanced international scientific co-operation;

(b) The development and improvement of programmes for training managers, maintenance personnel, technological advisers and others in industry and agriculture, with a view to developing, along the lines of relevant national or regional policies and strategies, a more creative approach in the search for practical ways to rationalize water use within their sphere of competence; and

(c) Research programmes relating to the use of non-conventional water resources and to an improved control of losses through evaporation.



## ECE DECISION ON CO-OPERATION IN THE FIELD OF TRANSBOUNDARY WATERS

as adopted by the Economic Commission for Europe at its forty-first session (1986) in its Decision B (41)

The Economic Commission for Europe,

Recognizing the significance of the harmonious development, use and conservation of transboundary waters and aware that prevention and control of transboundary pollution in rivers and lakes crossing or forming frontiers between two or more countries, and in related groundwater aquifers, as well as prevention and control of floods are important and urgent tasks whose effective accomplishment can only be ensured by enhanced co-operation among riparian countries,

Recalling its decision B (XXXV) whereby it adopted the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution,

Taking into account the results of the Seminar on Co-operation in the Field of Transboundary Waters (Düsseldorf, Federal Republic of Germany in 1984),

Commending the efforts already undertaken by riparian countries to strengthen co-operation in the field of transboundary waters on a bilateral and multilateral level in particular regarding prevention and control of both transboundary water pollution including accidental pollution and transboundary flood episodes,

Conscious of the role of ECE as an instrument for promoting international co-operation regarding prevention and control of transboundary pollution, including accidental pollution as well as floods by, *inter alia*, elaborating international principles conducive to the achievement of those purposes as a means of placing on a firmer basis co-operation among riparian countries,

1. Decides to adopt the recommendations to ECE member Governments on Co-operation in the Field of Transboundary Waters, set forth hereunder;

2. Invites ECE member Governments to apply these recommendations in formulating and implementing water policies.

## RECOMMENDATIONS

The recommendations set out below should provide direction for fostering and strengthening co-operation among the countries concerned, thus facilitating and supporting their endeavours to overcome problems associated with the harmonious development, use and conservation of transboundary waters. The following recommendations address mainly issues regarding control and prevention of transboundary water pollution, as well as flood management in transboundary waters. These issues were discussed at the Seminar on Co-operation in the Field of Transboundary Waters (held in Düsseldorf, Federal Republic of Germany, in 1984).

1. In view of the increased recognition of transboundary aspects of water management, riparian countries should seek through common agreement ways and means for harmonious development, use and conservation of transboundary waters.

2. Governments are urged to discuss and negotiate questions dealing with pollution control and flooding of particular transboundary waters that are of concern to one or more riparian countries.

3. Besides elaborating and implementing water management programmes for transboundary waters at a national level, Governments should consider setting up or adapting appropriate mechanisms such as joint commissions, either on an ad hoc basis or as permanent bodies, at a bilateral and/or multilateral level.

4. The terms of reference and tasks of joint commissions should be agreed upon by the contracting parties and could be stipulated either in a treaty, if it exists, or in a specific document which could also include the rules of procedure of such commissions, subject to endorsement by countries concerned.

5. Governments are urged to promote, set up or improve national monitoring systems which allow for the observation of changes both in quantity and in quality of surface waters and of



aquifers, ensuring wherever possible their compatibility with current methods applied at appropriate international levels.

6. Governments should consider whenever possible setting up national and/or joint border monitoring stations, and adopting common methods of sampling, analysis, data processing and dissemination.

7. The creation of early warning and alarm systems should be encouraged in order to prevent or limit damages owing to accidental pollution. Governments are called upon also to promote the adoption of common procedures with regard to mutual information on accidental pollution episodes.

8. Governments should strive to improve water quality in transboundary waters to the extent required in order to protect the aquatic environment against pollution. Where quality objectives and standards are agreed upon among Governments, they should apply all measures necessary to meet them.

9. In national programmes aimed at water pollution control, Governments should apply means and methods at their disposal to reduce pollution both from point and non-point sources. To this effect programmes aiming at the reduction of pollution at source, introduction of low- and non-waste technology, appropriate waste-water treatment including advanced methods, research and education of the public should all be promoted and co-ordinated at the bilateral and multilateral level.

10. In flood-prone areas, Governments should establish appropriate mechanisms for the efficient and timely warning of authorities in the downstream parts of transboundary waters. Agreement should be reached on the most appropriate measures to be taken in order to prevent, as far as possible, floods and to limit their downstream impact.

11. In order to respond to the objectives of international co-operation, Governments should adapt existing institutional arrangements at the national level or, if required, should set up new ones so as to create the necessary support for the implementation of water management programmes for transboundary waters.

## ECE DECISION ON PRINCIPLES REGARDING CO-OPERATION IN THE FIELD OF TRANSBOUNDARY WATERS

*as adopted by the Economic Commission for Europe at its forty-second session (1987) in its Decision I (42)*

The Economic Commission for Europe,

*Recognizing* the significance of the harmonious development, use and conservation of transboundary waters and aware that prevention and control of transboundary pollution in rivers and lakes crossing or forming frontiers between two or more countries, and in related ground-water aquifers, as well as prevention and control of floods are important and urgent tasks whose effective accomplishment can only be ensured by enhanced co-operation among riparian countries,

*Recalling* its decision B (XXXV), whereby it adopted the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution, and other related decisions, in particular D (XXXVII) and B (41),

*Taking into account* the results of the Seminar on Co-operation in the Field of Transboundary Waters held in Düsseldorf at the invitation of the Government of the Federal Republic of Germany, in 1984,

*Commending* the efforts already undertaken by riparian countries to strengthen co-operation in the field of transboundary waters on a bilateral and multilateral level, in particular regarding prevention and control of both transboundary water pollution including accidental pollution and transboundary flood episodes,

*Conscious* of the role of ECE as an instrument for promoting international co-operation on prevention and control of transboundary pollution, including accidental pollution as well as floods, and in this regard recalling its decision B (41) containing recommendations to ECE Governments on co-operation in the field of transboundary waters,



1. *Decides* to adopt the Principles on Co-operation in the Field of Transboundary Waters, set forth hereunder;

2. *Recommends* to ECE member Governments that they apply these principles in formulating and implementing water policies;

3. *Invites* the member Governments to report in depth to the Commission at three-year intervals, through the Committee on Water Problems, on the action taken by them in this regard.

## PRINCIPLES

The Principles set out below should provide direction for fostering and strengthening co-operation among the countries concerned, thus facilitating and supporting their endeavours to overcome problems associated with the harmonious development, use and conservation of transboundary waters. The following Principles address only issues regarding control and prevention of transboundary water pollution, as well as flood management in transboundary waters, including general issues in this field. Other issues concerning transboundary waters have not been covered in this document.

### General

1. In accordance with the Charter of the United Nations, the Final Act of the Conference on Security and Co-operation in Europe (CSCE), the Concluding Document of the Madrid Meeting of Representatives of the Participating States of the CSCE and the principles of international law, every State has the sovereign right to use its own water resources pursuant to its national policy and must, in a spirit of co-operation, take measures such that activities carried out within its territory do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction. The ECE Declaration of Policy on Prevention and Control of Water Pollution including Transboundary Pollution, provides that riparian States shall undertake, on the basis of their national policies, concerted action to improve the quality of surface and ground water, to control pollution and to guard against accidental pollution.

1(a). Transboundary waters do not lend themselves to purely national approaches because natural phenomena and human activities, including effects originating beyond the transboundary area itself, may make themselves felt across borders, and require co-operation among riparian countries.

### Co-operation

2. Transboundary effects of natural phenomena and human activities on transboundary waters are best regulated by the concerted efforts of the countries immediately concerned. Therefore, co-operation should be established as practical as possible among riparian countries leading to a constant and comprehensive exchange of information, regular consultations and decisions concerning issues of mutual interest: objectives, standards and norms, monitoring, planning, research and development programmes and concrete measures, including the implementation and surveillance of such measures.

2(a). On the basis of the principle of reciprocity, good faith and good-neighbourliness and in the interest of rational water-resource management and protection of these resources against pollution, riparian countries are called upon to enter into consultation if a riparian country so desires, aiming at co-operation regarding:

- Protection of ecosystems, especially the aquatic environment;
- Prevention and control of transboundary water pollution;
- Protection against such dangerous hazards as accidental pollution, floods and ice drifts in transboundary waters; and
- Harmonized use of transboundary waters.

### Treaties and other arrangements

3. Riparian countries should, by means of bilateral or multi-lateral treaties, or of other arrangements, define their mutual relations regarding control of water pollution, accidental pollution, floods and ice drifts, in order to secure specific regulation of their conduct.



3(a). During the elaboration of such treaties or similar arrangements, riparian countries should envisage including, if necessary, these principles.

3(b). Taking into account hydrological, environmental, economic and other relevant conditions, such treaties or other arrangements could be established between neighbouring countries for all transboundary waters forming or crossing their common frontiers or could be concluded among riparian countries for specific transboundary waters separately. International co-operation frameworks may be established which cover parts or the whole river basin concerned.

3(c). Each contracting party could commit itself to taking the legislative, organizational, technical and financial measures necessary to achieve the objectives of these agreements.

#### Terms of agreements

4. Transboundary water agreements should stipulate the aims and objectives of joint co-operation, describe the conduct, define the geographical and substantive scope and provide for concrete measures as well as for implementation and surveillance of measures taken.

4(a). In these agreements or in subsequent arrangements, water quality standards and emission standards for particular transboundary water bodies should be established, where necessary. Such emission standards and quality objectives are aimed at the protection, preservation and improvement of the aquatic environment and at the promotion of the rational use of waters; they are complementary and should be applied simultaneously.

4(b). These agreements or subsequent arrangements should contain sufficiently detailed provisions regarding assessment of water quality and regarding monitoring and evaluation of transboundary pollution, accidental pollution, floods, and ice drifts. They should also stipulate appropriate measures to prevent transboundary water pollution, reduce risks of water-related hazards as well as remedial measures for emergency cases.

4(c). Agreements negotiated on this subject usually contain provisions for peaceful settlement of disputes; the duration of the convention or agreement; possibilities of denunciation and peri-

ods of notice and for the distribution of expenditure resulting from the implementation of the convention or agreement.

#### Water-quality objectives and criteria

5. In transboundary water agreements or in subsequent arrangements, contracting parties should jointly define water quality objectives and commonly adopt water-quality criteria for the purpose of maintaining and, if necessary, improving water quality in transboundary waters.

5(a). Such objectives also serve as a guide for co-ordinating national policies on water quality. A general limitation of emissions at the national level is considered to be an important means of ensuring good water quality. Even more stringent regulations may be necessary for attaining water quality in accordance with regional requirements.

5(b). Each contracting party should implement, within the framework of its national legislation, on the basis of the principle that responsibility lies with the polluter, the necessary measures aimed at the preservation and, if possible, the significant improvement of water-resources' quality. In evaluating compliance with the qualitative characteristics of the agreed requirements, the criteria followed are the mutually observed water-quality standards and norms at the agreed site.

#### Institutional arrangements

6. Riparian countries should consider the setting up, where not yet existent, of appropriate institutional arrangements such as joint commissions and working groups, as a means of promoting the objectives of the agreement and facilitating implementation of its provisions. The structure, task, competence and financing of joint commissions or other co-operating bodies should be defined in the agreement.

6(a). The formal character, functions and geographical and substantive scope of activity of the commission should be adjusted to the prevailing conditions in the best possible way. Existing national structures and legal provisions in the contracting countries, as well as intergovernmental structures, should be fully taken into account together with hydrological, environmental, economic and other relevant conditions.



6(b). Where institutional arrangements are already set up, contracting parties should make full use of them by providing all necessary means for the efficient implementation of their tasks.

6(c). The commissions, working groups or other institutional arrangements should be composed of delegations appointed for this purpose by the individual contracting parties. Commissions should have their own rules of procedure for their work. Commissions should have the right to seek advice from experts and scientific institutes and to appoint *ad hoc* or permanent working parties.

6(d). In the case of small projects of limited duration, *ad hoc* working groups could be set up by contracting parties to deal with specific concerns in common. Where the scope of the activities is broader and the projects more protracted in nature, joint commissions should be established, if necessary with permanent secretariats.

#### Functions of institutional bodies

7. In the respective agreements, contracting parties should stipulate the competence and tasks of commissions and other relevant bodies to achieve the best possible solution to existing and anticipated transboundary problems in the most appropriate, effective and economic way.

7(a). Transboundary water commissions or other relevant bodies should, where appropriate, be entrusted with the following functions, *inter alia*:

- To serve the contracting parties as an advisory and negotiating body in all matters concerning protection of water against pollution including accidental pollution, floods and ice drifts;
- To develop proposals for water-protection objectives and standards, as well as joint arrangements and control programmes, including common methodologies for monitoring and data interpretation;
- To monitor, collect, process, compare and evaluate the necessary data with a view to preparing inventories, time series and forecasts as well as to survey the state of transboundary

waters and control the effectiveness of measures implemented, as a basis for drawing up new measures;

- To arrange for and carry out relevant research work in order to determine the nature, importance and origin of transboundary water pollution including accidental pollution, floods and ice drifts;
- To develop, propose, establish and operate early detection and warning systems;
- To monitor the effectiveness and compatibility of control measures implemented at the national level and to examine the extent to which objectives stipulated in the respective agreements are met;
- To prepare regular reports on work accomplished and information supplied with respect to the results of monitoring activities or special studies and surveys;
- To draft subsequent agreements on specific issues within its terms of reference;
- To co-ordinate its activities with those of other commissions where there are points of contact.

#### Prevention of water pollution

8. In order to protect transboundary waters against pollution, contracting parties should draw up control programmes, jointly if necessary, and implement these programmes. Contracting parties should commit themselves to taking all legal, administrative, financial and technical measures - compatible with balanced development - necessary to achieve at least an agreed upon reduction in pollution of such waters.

8(a). When defining their mutual relations, riparian States should envisage adopting provisions consistent with those adopted nationally.

8(b). For efficient control of transboundary water pollution, all waste water discharges should take place on the basis of permits issued by competent national authorities. When issuing waste-water discharge permits, specifications should be set for pollutants, both in terms of load and concentration, discharged



into transboundary waters at the lowest possible amount in accordance with generally acknowledged rules of technology.

8(c). Observance of the limits for waste-water discharges stated in permits should be the subject of monitoring for compliance. The monitoring of discharges is a national task. Apart from obligatory permits for, and monitoring of waste-water discharges, great importance should be given to the monitoring of water quality in transboundary waters. The contracting parties should agree on a harmonized monitoring methodology as a means of exercising a decisive influence on the quality of transboundary waters.

8(d). In the prevention and control of transboundary water pollution, special attention should be paid to hazardous substances, especially those which are toxic, persistent and bioaccumulative, whose introduction into transboundary waters should be prohibited or at least prevented by using the best available technology; such pollutants should be eliminated within a reasonable period of time.

#### Reduction of flood risks

9. For transboundary water subject to risk of flooding, contracting parties should draw up programmes, jointly if necessary, in order to reduce the risk of floods and ice drifts.

9(a). Such programmes involve both harmonized construction measures along the waters and non-structural measures. The latter may comprise mutual information and notification (warning and alarm systems) before and during floods caused by precipitation and ice jams; relocation; flood mapping and zoning. When construction measures are envisaged, the entire river basin that may be affected should be investigated to avoid shifting problems onto other river sections as a result of measures taken elsewhere. In principle, activities that may increase the risk of flooding should be offset by measures which diminish these risks. The joint preparation of mathematical models for the simulation of floods is to be recommended as well as their application in designing measures and joint flood-control strategies.

#### Monitoring and data processing

10. Contracting parties should establish and implement co-ordinated programmes for monitoring and observation of transboundary water quality, transboundary water pollution, accidental pollution, floods and ice drifts. Likewise, common methodologies should be agreed upon for data processing and evaluation procedures.

10(a). Co-ordinated monitoring programmes and common methodologies would promote efficient implementation of relevant treaty provisions, provide for mutually acceptable assessment of water quantity and water quality and for reporting on progress and achievements in co-ordinated control programmes.

10(b). Contracting parties should, where appropriate, agree upon a list of relevant pollution parameters and pollutants, particularly for substances which are toxic, persistent and bioaccumulative, and whose introduction and concentration in transboundary waters should be regularly monitored.

10(c). In this connection, rules for the setting up and operation of programmes for the monitoring of water quality and quantity should be developed and eventually agreed upon. Furthermore, harmonized or even joint water-quality sampling programmes and analytical programmes should be agreed upon, in order to produce comparable results after analysis.

10(d). Data resulting from such programmes may also be used to establish water management balances, to assess current and future opportunities of water use, provide forecasts of water-management systems and develop schemes illustrating the comprehensive utilization and protection of transboundary waters for an appropriate period of time. Water-management balances could be achieved primarily on the national level. Sufficient relevant information should be exchanged within the framework of co-operation on transboundary waters.

10(e). As a basic principle, all data should first be recorded, collected and evaluated by each contracting party with the aid of a national monitoring network; where appropriate joint monitoring should be carried out. The data for the joint programme, following a prescribed pattern, should then be evaluated. These findings would serve as a basis for preparing conclusions in respect to common transboundary interests.





**Annex 5.2C**

**Recommendations to ECE  
Governments on Rational  
Utilization of water**





## RECOMMENDATIONS TO ECE GOVERNMENTS ON LONG-TERM PLANNING OF WATER MANAGEMENT

*Prepared by the Seminar on Long-term Planning of Water Management, held in Zlatni Piasatzi (Bulgaria) in 1976, and endorsed by the Committee on Water Problems at its eighth session.*

The supply of water required for economic and social needs makes urgent the improvement of integrated water resources management in order to reduce the risk of serious supply shortages and ecological damage. It was generally agreed at the seminar on Long-term Planning of Water Management (Bulgaria, May 1976) that these objectives would, to a considerable extent, be attained by establishing long-term plans and forecasts and by strengthening co-operation in water resources management between countries sharing transboundary rivers and international lakes.

It is therefore recommended that:

1. Due attention be paid to long-term planning as one of the most important tools for national water policy: it should be used in particular to facilitate proper decision-making at regional and basin levels; in the elaboration of these plans close contact must be maintained with other economy sectors as well as with regional and local administrative authorities.

2. Long-term plans for water management be extended to periods of 10 to 15 years, and completed with master plans or forecasts for periods of 30 to 50 years, in which an approximate evaluation of basic development trends is made: the plans must leave alternatives open in order to incorporate possible technological changes and modifications in the way of life, and to facilitate the evaluation of their consequences and modification of priorities in the course of time; furthermore, planning should be considered as a continuous activity, and long-term plans should be revised and completed periodically - a five year period seems advisable in this respect.



3. Long-term plans for water management be elaborated in a comprehensive way, not only with respect to technical aspects but also to those related to organization, economics and legislation; particular attention should be given not only to the cost-effectiveness of planned water schemes, but also to ensuring optimal social benefits of water resources use, as well as the protection of the environment as a whole.

4. Special consideration be given in long-term planning of water management to its links with land-use planning by *inter alia* zoning or restricting the use of certain areas in order to protect water resources, by establishing new industrial and municipal areas compatible with available water quality and quantity, and by preserving agricultural lands and forests.

5. In long-term planning of water management steps be taken to assure the compatibility of the general objectives of the plan with the legal regulations, to incorporate the use of economic incentives as a tool, and to ensure public acceptance.

6. In long-term plans for water management priority be given to multi-purpose and multi-objective water resources schemes, with a view *inter alia* to optimizing investments; in particular the construction of new hydro-electric schemes should be preceded by a detailed study of the agricultural, industrial and municipal needs of the area concerned.

7. In the elaboration of long-term plans for water management, use be made of systems analysis techniques, developed on the basis of some adopted indicators and criteria; this analysis will take into account the economic and social evolution of the basin, and will be as comprehensive as possible, including in particular those elements referring to time horizon, territorial extent, interactions between national economy and regional development, and linkages between different decision-making levels.

8. The river basin be considered as the general basis for the long-term planning of national water management; the objectives which are defined by long-term planning can then be elaborated in the framework of short- and medium-term planning at the level of appropriate national or regional administrative units; in the case of transboundary river basins the active co-operation of riparian countries is therefore necessary and useful; this international co-operation should be established in agreement between

the interested riparian countries, taking into account the relevant parts of the Final Act of the Conference on Security and Co-operation in Europe, through harmonization of the different long-term national plans of those countries and, at a second stage, by taking steps for the possible elaboration of a joint plan for the entire basin.

9. In preparing long-term plans, the conservation and improvement of the ecological balance of watercourses be taken into account as one of the main objectives; moreover, when planning the measures affecting sensitive and vulnerable areas studies should be carried out aiming at establishing the effects on ecosystems.

10. In preparing long-term plans, particular attention should be paid to the proper and economic use of water, by encouraging *inter alia* the use of lower quality water for cooling and irrigation purposes, more efficient irrigation practices and water recycling.

11. An increase be made in the international transfer of information and technical assistance in the planning of water supply and waste water disposal systems adaptable to developing countries, i.e. schemes with low capital costs and the intense use of labour and local resources; training programmes be also formulated aiming at providing water resources planners in developing countries with basic understanding and appreciation of all disciplines involved in water resources development.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON SELECTED WATER PROBLEMS IN ISLANDS AND COASTAL AREAS WITH SPECIAL REGARD TO DESALINATION AND GROUND WATER

*Prepared by the Seminar on Selected Water Problems in Islands and Coastal Areas with special regard to Desalination and Ground Water, held in Malta in 1978, and endorsed by the Committee on Water Problems at its tenth session.*

The availability of water is a key factor in socio-economic development. Small islands and isolated coastal areas are confronted with particular water problems due to their limited water resources. It was generally agreed at the seminar that a proper management of all available water resources including groundwater utilization and desalting and water re-use techniques as well as the establishing of appropriate policies for water conservation, under both quality and quantity aspects, may facilitate the solution of those problems.

It is therefore recommended that:

1. The exploitation of water resources should be rationalized through the integrated management of surface and ground water in terms of both quantity and quality;
2. In coastal areas and islands, especially those with limited water resources, all feasible measures should be taken in order to reduce both surface and groundwater losses to the sea and in this respect exploitation of all sources, in particular of brackish karst coastal and submarine springs should be undertaken;
3. The model approach, especially the use of simple global models, should be encouraged in order to make the best use of field data. In this respect particular use could be made of the combination of global and grid models in order to define the impact of water exploitation on aquifers, on run-off and river flow, and on other relevant aspects;
4. Protection zones should be established for areas where water is abstracted for human consumption. Appropriate legal,

administrative and economic measures should be taken to prevent the contamination of aquifers used for drinking water supply. In this respect, land-use planning, based on appropriate hydrogeological information, should also be regarded as an important tool in preventive measures;

5. Research into the effects of known water pollutants with long-term, low-level exposure characteristics should be encouraged;
6. Artificial recharge of water should be considered, especially in countries with limited water resources. Where treated sewage or polluted water is used for this purpose, attention should be paid to the quality aspects;
7. In areas experiencing a shortage of water resources, priority should be given to the supply of potable water for drinking purposes;
8. Recycling in industry and use of treated sewage for irrigation of certain crops should be encouraged under appropriate sanitary conditions. The use of treated sewage for human consumption should be avoided as far as possible.
9. Advanced methods of detecting water leakages in distribution systems should be developed in order to reduce water losses;
10. For water distribution in islands and coastal areas, the possibility of using dual pipe connexions for good quality and brackish/sea water may be considered;
11. Desalination should also be considered as a possible means of producing a suitable water supply in arid and semi-arid coastal and island areas. The cost and reliability of the process selected should always be compared, for each site, with those of other means of water supply, such as transport of water by tanker or pipeline, underground water development, rain water catchment and water re-use. The final decision may call for an integration of different techniques. An interdisciplinary attitude should prevail in these comparative studies;
12. In view of the ever-increasing cost of energy, further efforts should be made in developing desalination processes with a possibly lower energy consumption. The use of alternative



sources of energy (geothermal, solar, wind, etc.) should be considered, taking into account local conditions;

13. Due consideration should be given to new water-saving technologies in order to curb water consumption;

14. Appropriate co-ordination should be established between existing water institutions in islands and coastal areas with a view to a proper national water management.

## RECOMMENDATIONS TO ECE GOVERNMENTS ON RATIONAL UTILIZATION OF WATER

*Prepared by the Seminar on Rational Utilization of Water, held in Leipzig (German Democratic Republic) in 1979, and endorsed by the Committee on Water Problems at its eleventh session.*

As a consequence of accelerated economic growth, increasing urban concentration, rapid industrial expansion, extensive agricultural exploitation, rising living standards and explosive tourism, in many countries water became a key element and even - in some cases - a limiting factor in the present socio-economic development of ECE countries. Water resources are becoming more and more scarce and their development and further exploitation are becoming increasingly difficult and expensive.

Furthermore, water is used far over actual needs as recognized by the United Nations Water Conference (Mar del Plata, Argentina). In certain cases water is even misused as an undue acceptor of increasing pollution loads, impairing its proper use. The elaboration and effective implementation of national policies for rational utilization of water should therefore be given priority in the interest of present and future generations, taking into account as far as necessary, *inter alia*, the following aspects:

- (a) Reduction of the water consumption rate in all sectors of the national economy;
- (b) Recycling and reuse of water;
- (c) Protection of water against pollution;
- (d) Legislation and administration;
- (e) Public participation.

It is therefore recommended that:

1. The application of water meters should be promoted for controlling the amount of surface and ground water withdrawn and monitoring the effluent discharged, not only for calculating fees and for levying charges but also to facilitate the detection of



water losses in the water grid. To this effect, all possible efforts should be made to detect and repair leakages in order to reduce as far as possible undue water losses in the supply grid.

2. Attention should be given to experiments which evaluate by direct methods the actual water demand of crops in both quantitative and qualitative terms and its distribution over the growth season. Attention should also be given to full-scale experiments with advanced irrigation techniques, which should be analysed and the results compared with traditional systems. Those methods which yield less water consumption and energy use per unit of agricultural product should be given priority.

3. Steps should be taken to minimize water losses during its transport to the irrigated fields and during its application, taking into account all aspects related to climate, soil, crop growth phase, and the operator's skill. In applying extensive irrigation and in the intensive use of fertilizers and pesticides, all necessary precaution should be taken to prevent over-exploitation and pollution of ground-water aquifers and surface water.

4. National policies should be geared to promote research and development of industrial technologies, production techniques and appliances that: (a) use less water and/or discharge less or no effluents; (b) allow recovery of usable substances contained in waste water and sludge; (c) permit recycling of water if necessary in closed or semi-closed water systems within the production process, as well as water re-use or successive and concurrent uses within the same industry, other industrial complexes or in agriculture. Water for industrial use should be supplied with the quality required for that purpose in order to save water that meets drinking water standards. Policies should also be directed to disseminate effectively relevant information and experience gained in the research for and development of new technologies.

5. More attention should be paid to cooling water management. Since the major part of water used by industries serves as cooling water, special attention should be paid to the development and application of industrial processes which allow conversion from water to air cooling, the re-use of cooling water as process and transport water, the recycling of cooling water with inserted cooling towers, heat exchangers or cooling ponds and the utilization of waste heat in the industrial, domestic and agricultural sector.

6. Measures should be taken and full-scale experiments should be carried out in order: (a) to gain more experience regarding the effects on crop, soil and ground-water when applying treated sewage and waste water for irrigation; and (b) to find ways and means to reduce treatment costs to render brackish water fit for use in irrigation.

7. Particularly strict regulatory, economic and technical control measures should be enforced for certain categories of hazardous pollutants, on the basis of their ecological characteristics, especially acute toxicity, their persistence and their bio-accumulation, with a view to preventing their dispersion into the environment. Therefore, these measures should not be limited to a few classical parameters such as BOD, COD and suspended solids. They also should include analyses of organisms. Effluent components should be expressed not only in terms of concentration but also in terms of load.

8. Strong emphasis should be given to the application of pollution control measures as close to the source as possible. In implementing these measures, which should be given high priority, care should be taken to ensure that uncontrolled pollution transfer to other water resources or to soil and air systems does not occur.

9. Consistent with prevailing physical, geographical, social, economic and other conditions, a long-term national policy should be formulated which fosters appropriate and efficient measures to rationalize the use of water for the present and future development of the national economy and the social and ecological benefit of people. This policy could be enacted by a national water act.

10. Priority should be accorded to the effective enforcement of the legal and administrative provisions which result in more rational utilization of water. Where necessary, legal provisions and administrative arrangements should be strengthened and rendered more effective to achieve this objective, including, *inter alia*, sanctions and exemplary punishment when specifications for water withdrawal or provisions set forth for pollution abatement are violated. The joint application of legal and administrative instruments on the one hand and of economic and financial instruments on the other hand should be promoted.



11. River basin oriented management should be encouraged to achieve an integrated and rational approach to a more efficient use of water, including water pollution control, within the river basin. Where advisable, this might be considered in an international framework and be reflected in public awareness programmes.

12. In the overall national planning process, thorough consideration should be given to the concept of rational utilization of water, and to alternative and multi-purpose uses of water and their impact on other natural resources. Therefore, it should be considered essential to integrate water experts into any multi-disciplinary planning approach, particularly in economic sectors such as human settlements, industry, agriculture, energy and transport. All planning actions should be applied equally to surface and groundwater and thereby all quantitative and qualitative aspects should be taken into account.

13. Economics of water utilization and all aspects related to the protection of the human environment should be balanced, so that further economic development may take place in a manner compatible with maintaining or improving the quality of life; this should include a re-evaluation of water-use practices in the light of the new energy situation.

14. As water economy is a capital-intensive sector which requires important and long-term investments, a careful analysis should be carried out to examine their economic effectiveness, also taking into account social and environmental criteria. To accomplish any water management investment programme, a financial mechanism should be established to ensure as far as possible that charges, fees, penalties and fines which provide a source of income to the regulatory authority can be re-invested in pollution control measures and allocated to those actions which increase the efficient use of water.

15. Emphasis should be placed on the importance of training managers and maintenance personnel so that their standard of training would ensure optimal exploitation of technologies.

16. Methods should be elaborated to assess the results of a given water-use policy in both socio-economic and environmental terms. It is advisable in this respect to develop knowledge of relations between economic activities and water demand as well as

those between discharges of pollutants and the quality of water bodies. Since an assessment of the value of recreational, aesthetic and other environmental "intangible" benefits within water-use management is desirable, efforts should be directed to develop methods which would permit an evaluation of environmental quality.

17. In conformity with the governmental structure and existing regulations, adequate involvement of citizen and water users in decision-making processes should be foreseen. To this end, it should be possible to impose, where appropriate, constitution of collective water supply corporations as well as sewage and waste water communities being formed as public law institutions with related legislative, executive and judiciary powers.

18. On a national and regional level, water-saving campaigns should be launched to make the public aware of questions related to the wasteless use of water and to increase public understanding of all measures to be taken in view of effective pollution abatement and rational use of water. In this context mass media should be engaged to the greatest extent possible.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON ECONOMIC INSTRUMENTS FOR RATIONAL UTILIZATION OF WATER RESOURCES

*Prepared by the Seminar on Economic Instruments for Rational Utilization of Water Resources, held in Veldhoven (Netherlands) in 1980, and endorsed by the Committee on Water Problems at its twelfth session.*

As water is becoming a limited and valuable resource and its development requires increasing investments, it is now generally accepted that its use must be most efficient and must secure the highest possible level of national welfare. In water management, economic instruments are considered as an important means of stimulating the rational use of water in all economic sectors, as well as promoting the conservation of water resources from over-exploitation or pollution.

It is therefore recommended that:

1. In the development of an advanced and modern water-use policy, priority should be given to the elaboration of an effective system of economic instruments stimulating rational utilization of water and efficient protection of water resources against pollution. Such economic instruments will have to be formulated and applied with care to ensure that they fit into the existing pattern of standards, norms and other legal and administrative measures, which will remain indispensable in integrated water resources and demand management. This well-balanced system should be sufficiently powerful to provide different water users with continuing incentives to control both pollution and wastage of water.

2. In the joint and co-ordinated application of economic instruments with legal, administrative and technical instruments, attention should be paid to their optimum combination with a view to encouraging efficient use of water, deriving socio-economic benefits from the conservation of water resources and pursuing social aims through the redistribution of costs and revenues among regions and water users. To this effect, the varying

responses of water users to the great variety of possible measures should be carefully studied and taken into account when elaborating long-term water-use strategies comprehensible to the public.

3. Fees and charges, penalties and fines, grants, subsidies, low-interest loans, tax relief, exemptions, etc., should not be considered mutually exclusive but should be applied in combination, depending on the level of water resources development and on the economic, social and historical conditions. This system should be introduced step by step, taking due account of the possible social and economic implications.

4. A differentiated tariff system should be adopted, which is appropriate to reduce water wastage, with a consumption-oriented rate. This rate, if necessary, should be progressive in the domestic and industrial sectors, taking into account the interests of public health.

5. The concept of effluent charges and of fines and sanctions for violation of pollution abatement regulations should be oriented towards, and consistent with, prevailing policy principles, such as "the polluter pays", compensation for damage, and equivalent conditions for economic development. Serious consideration should be given to those charges, fines and sanctions which have an economic influence on mitigating and counteracting damage caused by pollution. Charges should be based on the amount discharged and on the pollution load. Fines and sanctions would intervene and should be increased if established limits, standards or norms are exceeded.

6. Where construction grants, low-interest loans and other kinds of subsidies in water resources management are given, they should be awarded to different user-categories, including industries and agricultural enterprises, in accordance with socio-economic priorities, environmental needs and other criteria in line with the concept of rational use of water.

7. Greater emphasis should be placed on integrated planning, optimum choice of technology, timely and economic construction, and efficient operation of installations and water-management structures, particularly those built with government aid. This aid, however, should not be restricted to structural solutions if other options are more economical or rational from the



user's point of view, provided general objectives of the overall water management policy are met. Furthermore, the control function is important for the rational utilization and conservation of water.

8. In the implementation of national water policy, priority should be given to those economic and administrative instruments which promote and stimulate - in all sectors of the economy - the development and application of technology which allows more efficient use of water resources and which ensures protection of the aquatic environment, in particular the abatement of pollution at source.

9. Steps should be taken, where necessary, to improve the co-ordination of national research programmes for the development of more efficient, cheaper and energy-saving technologies aiming at more efficient protection of water resources and rational water use. To this end, careful attention should be paid to: (a) the impact of the application of certain technologies on the development, use and conservation of water resources, and (b) the influence of the application of certain economic instruments and regulations in the field of water-resources management on the development of technologies.

10. Financial measures, as well as other stimuli, should be applied to induce and encourage staff and managers engaged in production activities in all economic sectors to develop a more creative approach to the search for practicable ways of rationalizing the use of water and for reducing water pollution within their sphere of competence. Efforts should at the same time be directed towards establishing or improving the self-control system in those industrial, agricultural and other enterprises which are significant water users and/or polluters.

11. Efforts should also be made to establish or improve methods of statistical data collection and analysis. This should be done for evaluating the effects of economic incentives in water management on the development of rational utilization and conservation of water resources in all sectors of the national economy. In this respect, relevant experience and information gained in post-project evaluations and in the evaluation of effects caused by economic instruments should be considered as an important input in decision-making processes in water management. Therefore, in the planning of future water-demand, water-use and

discharge practice should not exclusively be based on extrapolation from past trends but should also allow for:

(a) any possible effect of control policy measures, economic incentives and other stimuli to be applied as part of a general water-use policy, and (b) the fact that in individual economic sectors water-demand, water-use and discharge practice are sensitive to any unexpected development of factors elsewhere which influence water needs.

12. Special consideration should be given to the initiation or intensification of economic research at the national level as well as to exchanges at an international level of relevant data, information, results obtained and experience acquired. This research could include the following topics: (a) elaboration of a system of technological and economic indicators for the rational use of water resources; (b) development of methods for evaluating the economic efficiency of individual facilities and complex water supply projects and carrying out cost-benefit analyses for the rational utilization of water resources; (c) determination of the influence of water on the development and distribution of national production and on the formation of infrastructure; (d) elaboration of principles and methods for assessing the economic, social and ecological damage to water resources owing to natural causes and to human economic activities; (e) evaluation of the influence of existing and planned economic instruments in water resources management on a country's price formation system.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON WATER POLLUTION FROM ANIMAL PRODUCTION

*Prepared by the Seminar on Water Pollution from Animal Production, held in Geneva in 1981, and endorsed by the Committee on Water Problems at its thirteenth session and the Committee on Agricultural Problems at its thirty-third session.*

With the rapidly increasing consumption of animal products in the ECE region in the recent past, economic considerations stimulate the development of large-scale stock farming, while in some countries traditional methods of raising animals are losing importance. As a result of keeping and processing large quantities of animals on small sites, a great amount of manure is being concentrated which cannot always be easily reutilized in agriculture. Large-scale and intensive stock farming, therefore, is considered as a possible source of water pollution, growing in significance. Other environmental problems such as odour problems and soil pollution problems associated with advanced animal production are also rapidly becoming acute in many ECE countries. For this reason, considerable efforts will have to be made to minimize water pollution arising from large-scale stock farming.

It is therefore recommended that:

1. Steps should be taken, where necessary, to formulate in each country a long-term policy which fosters appropriate and efficient measures to comply with the growing number of large-scale livestock holdings while reducing waste of water in animal breeding processes and abating water pollution at source as well as recycling in crop production the nutrients contained in waste from large-scale livestock farming that would otherwise be lost and cause water pollution.

2. Priority should be accorded to the effective enforcement of legal and administrative provisions which prohibit all direct discharges of any waste - whether treated or not prior to discharge - from animal production into both surface waters and ground-water aquifers.

3. The formulation and promulgation of comprehensive criteria on national and on regional levels for the selection and development of sites of large-scale and intensive livestock production should be promoted. These criteria should, in particular, take into consideration national legislation and existing regulation, land-use planning policies, availability of water supply of sufficient quality, and the potential pollution hazard to surface water and ground water. This should be carefully balanced against the other economic factors of livestock production.

4. Priority should be accorded to the creation and enforcement of regulatory schemes by which licences - including the control over disposal and discharge of solid and liquid wastes - would be issued for the operation of large-scale and intensive livestock units. These regulations should strive to restrict operations of livestock farming to such areas where sufficient land is available for correct application and use of manure and slurry, thus controlling the livestock density, in particular in regions already subject to heavy environmental stress.

5. Priority should be given to the preparation of guidelines for the abatement or considerable reduction of pollution from large-scale livestock units. These guidelines would need to be interpreted in the light of local circumstances, especially where drinking water resources development or residential development is proposed close to large-scale livestock production units.

6. A system of economic instruments should be developed together with a comprehensive regulatory scheme. This system could include grants and subsidies, low-interest loans and tax relief as well as water fees, effluent charges, penalties and fines. Serious consideration should be given to those combinations of economic instruments having a pronounced economic incentive effect for promoting: a better balance between agricultural, environmental and water management interests; prevention of direct discharge of liquid manure to surface waters; a careful and wasteless use of water on farms; and recycling of manure to land.

7. Authorities responsible for water-quality management should take steps for regular quality monitoring of those water bodies and water supplies which may be liable to pollution from large-scale livestock units. Monitoring should be in line with comparable, objective methods which permit exact measuring of the degree of water pollution and its causes.



8. In applying manure to agricultural land, care should be taken so that the amount of manure spread corresponds not only to that which is appropriate for purposes of plant growth - given the geographical position, climate, type of soil, crop rotation - but also to water conservation requirements and other environmental factors. Provision should therefore be made for creating, where necessary, suitable protection zones adjoining lakes, water courses, wells and boreholes to reduce the risk of water pollution.

9. Consideration should be given, if necessary, to applying measures which stimulate the transport of manure over longer distances to croplands, thus promoting the utilization of animal waste on arable land not otherwise available to feedlot operators. Methods and technologies which could reduce the volume of manure and concentrate the nutrients into more economically transportable quantities ought to be developed and their application promoted.

10. Regarding the economics of manure treatment, both the initial investment and the operating costs of the system should be taken into account along with land and labour availability and requirements for energy and chemicals. The flexibility and reliability of the system should be studied with regard to possible environmental implications such as odour, aerosol and noise, the eventual contamination of surface water and ground water and the disposal of sludge resulting from the treatment process.

11. Spreading of manure should as far as possible be undertaken at a time when climatic, soil and plant conditions are such as to minimize the risk of surface run-off or leaching into ground water and to avoid odour. Spreading on snow-covered and frozen ground should be avoided. To this end, every effort should be made to provide adequate storage capacity for wastes from large-scale livestock units. Guidelines should be elaborated regarding the storage and subsequent handling of animal waste, whether solid or liquid.

12. Increased emphasis should be paid to the development and improvement of programmes for training agricultural advisers as well as operators and staff of large-scale animal production units and for the education of farmers who are applying animal wastes to their lands, with a view to focusing greater attention on environmental problems. In this respect, a variety of measures could be employed which would make farmers and operators more

aware of governmental policies and strategies for abating water pollution and optimizing the use of nutrients and water in this sector.

13. Priority should be given to promote research at the national and international level on questions related to the protection of water resources from wastes resulting from large-scale animal production and to the rational utilization of manure as a fertilizer and conditioner of farmland. This research should be multi-disciplinary and should take into account trends in automation and mechanization of agricultural processes. In this respect, the following topics should in particular be studied: (a) appropriate and economic methods for the preparation, transportation and spreading of manure on farmland; (b) factors affecting the efficient use of manure for crop fertilization; (c) research of environmental effects of animal production, especially with regard to water pollution and (d) ways and means for the effective control of water pollution.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON DRINKING WATER SUPPLY AND EFFLUENT DISPOSAL SYSTEMS

*Prepared by the Seminar on Drinking Water Supply and Effluent Disposal Systems, held in Albufeira (Portugal) in 1982, and endorsed by the Committee on Water Problems at its fourteenth session*

In the light of experience gained in the majority of ECE countries and on the basis of views exchanged at the Seminar on Drinking Water Supply and Effluent Disposal Systems held in Albufeira (Portugal) from 18 to 22 October 1982, it is recommended that Governments should apply the following principles taking into account specific regional conditions:

1. In rural and sparsely populated areas, public authorities should promote the application of legal and administrative instruments and mechanisms, such as technical guidelines, licensing, granting of subsidies, pricing systems, etc., in order to ensure satisfactory drinking water supply to all consumers, irrespective of the number of connected dwellings. These regulations should also cover any small water works operating at the local level. A decision as to the installation of a public supply grid versus individual water abstraction should be based on a thorough analysis of the respective construction and operating costs, as well as on the other advantages and disadvantages with regard to reliability of supply and safeguarding of public health.

2. In rural and sparsely populated areas, measures should be taken to reduce the cost of construction and operation of the sewer system, *inter alia*, through the use of alternative materials, low-cost technologies, energy-saving devices, prefabricated installations and modular structures. In zones of scattered rural settlements, engineering alternatives such as sewage transportation via forced-flow networks could be envisaged.

3. In view of the increasing capital and operational costs of wastewater transportation over long distances and in order to preserve the water balance, the choice between centralized and

decentralized sewage treatment plants should be based upon a cost-benefit analysis of each individual case.

4. The planning and, in certain cases, the construction of rural water utilities programmes are best co-ordinated by a central administrative authority which would ensure optimal design of the whole system. With regard to efficient operation and good maintenance, however, decentralization at the local or regional level seems to be the most appropriate solution.

5. In rural and sparsely populated areas, local support structures for the operation and maintenance of water supply systems and sewage collecting and treatment systems should be set up. Their functions should be to provide technical advice, training facilities and assistance in water-quality control to users; they might also keep a stock of spare parts for the various installations.

6. In sparsely populated areas, where the situation of small communities allows for the safe collection and treatment of effluents, individual sanitation methods should be considered. The development of individual sanitation in such areas should include information and training for the potential users and installation and maintenance should be supervised by the responsible authorities. Technical and financial public assistance may be granted as necessary. In deciding on these individual treatment facilities, all technical, environmental and economic factors should be carefully assessed.

7. Users living in rural and remote areas should be involved at an early stage in the planning and decision-making process with respect to improved or new services. In certain cases they may also play an active role in the construction of these services. To enable them to participate effectively in these various stages, adequate public information should be provided, ranging from health education to specific project-related information. Ideally, regulations should be adopted which provide a legal basis for public participation.

8. Authorities responsible for water supply should ensure that all the plants under their control are adequately maintained and that their performance is monitored. They should also, where that seems feasible or advantageous, envisage the creation of regional systems as a means of improving the reliability of water



supply and of safeguarding of public health. Where possible, the capacity of these regional water supply systems might be increased by building high-capacity pipelines and additional storage reservoirs, by connecting their supply networks and by interconnecting the regional systems.

9. The development and effective application of criteria for the selection of sites for recreational development should be promoted at the national and at the regional levels. These criteria should take duly into consideration the availability of a both quantitatively and qualitatively adequate water supply, the possibility of disposing safely of the corresponding amount of waste water and the environmental impacts of the proposed projects.

10. Whenever new developments are planned along the seashore, due attention should be given, at an early stage, to the sensitivity of the coastal ecosystems to future discharges of pollutants. In particular, a balance should be sought between the direct economic benefits of increased tourist inflows and the long-term effects on fragile coastal ecosystems especially in ecologically zones. It may be of help, at the planning stage, to include ecological mapping of the region among the tools to be used in the decision-making process.

11. In evaluating the potential benefits of any tourist development project, special care should be taken to assess also the possible adverse effects on the environment and, in particular, to balance the economic advantages against pollution hazards to surface water and ground water. No new development project should be undertaken without prior cost-benefit analysis covering, *inter alia*, all aspects related to investment, operation and maintenance, environmental impacts and long-term effects, both positive and negative, at the local and regional levels.

12. In recreational areas, care should be taken to develop the sewer network and the sewage treatment facilities in parallel with the water supply systems. The most appropriate level of treatment should be determined in the overall context of the basin or sub-basin receiving the effluents.

13. In recreational areas, whether coastal or inland, a uniform method for the classification of the quality of recipient water bodies should be adapted, in particular, to the needs of bathing

and other uses of natural waters, so as to afford the best possible projection of human health.

14. In deciding on the future development of recreational areas, especially along the coast and along inland lakes, the needs and desires of the local inhabitants should be taken fully into account. This entails, *inter alia*, the formulation of alternative solutions; giving the public knowledge of the essential choices; the organization of polls, surveys and referenda; and the development of new educational processes.

15. In water management, the implementation of conservation programmes in recreational areas should be promoted with the active support of the various users, especially when and where water resources are scarce. Such programmes might include various incentives - such as pricing policies and water metering - for consumers, particularly those who are at the origin of seasonal fluctuations, to use water more rationally, as well as measures aiming at water conservation. Possibilities in this respect include the use of clock-controlled taps in public buildings and of water-saving devices and the recycling of water for irrigation purposes.

16. Renovation programmes for old town centres should include, at the earliest stage in the planning process, provision for renewal of individual and collective water supply and sewage collecting systems. Where appropriate, grants, subsidies or preferential tariffs should be provided for categories of users who have invested in improved sanitation of old buildings. An appropriate mechanism for the control of the water supply and sewage collection networks should be established in order to detect and reduce leakages.

17. Priorities set in national policies should consider expansion of existing infrastructure of supply and sanitation to cover the total population or to favour the renewal and/or rehabilitation of existing infrastructures. When financial resources are limited, the return of investment for either of these options should be a decisive factor in decision making. Benefit to society received from expansion may be less than that from renovation. This may even be more valid taking into account that a system is to be handed over to future generations in a state which is at least as good as the one in which we inherited it.



18. Because of their strong influence on environmental pollution, special attention should be given to sewage and stormwater collection systems. In order to improve this situation, it is necessary to regard sewage systems and treatment plants as forming a package.

19. Renewal of the infrastructure in old town centres should be carried out without causing undue disturbance for the population and without affecting commercial activities. Appropriate construction techniques which allow for rapid execution of the necessary works and careful planning and timing of the operations are of primary importance in this respect.

20. Great attention should be given to operational, economic and hygienic problems associated with leaking supply and sewage systems. Examples show that water losses from drinking water supply grids sometimes even amount to more than half of the total supply, with considerable impact on the economy of the system. In this respect, consideration should be given to potential health hazards especially when sewers laid in the same trench as water supply pipes are leaking. Any measures that might help to lengthen the life-span of new or of existing pipes should be applied. In this respect, it is advisable to promote monitoring so as to gain better information on the extent of defects in networks. In addition, research should be undertaken in order to develop new techniques and materials for increasing the life-span of pipes.

21. In old town centres and other densely populated areas, the public should be involved in any programme aiming at the improvement or renewal of water distribution networks and sewage systems. The presence of a motivated public which is fully aware of the problems to be solved will ensure easier acceptance of possible negative side-effects and thus further the elaboration of solutions consistent with the specific characteristics of each neighbourhood. All works decided upon should take into account the presentation of the cultural heritage that old town centres represent.

22. As a complement to the renewal of water supply pipelines in densely populated areas or, in certain cases, in order that renewal may be deferred, consideration should be given to constructing a ring main parallel to the existing grid. Such a ring joining the major storage reservoirs or water treatment plants to

the major centres of demand would considerably augment the capacity of the distribution network.

23. Low-cost and appropriate technologies should be adopted wherever possible in order to economize energy and to take full advantage of local climatic and environmental conditions. Re-use and multiple-purpose use of water, utilization of sludge and recovery of valuable by-products contained in waste water are important points to be considered. One possibility in this respect is to employ dual supply systems where fresh water of good quality is scarce.

24. Priority should be given to research at the national and international levels on questions related to the safe supply of drinking water, the proper disposal of effluents and the possible re-use of sludge. This research should be multi-disciplinary and should include, apart from water managers, also specialists on land-use planning, tourism, geography, sociology, and sanitary and environmental engineering. The following topics in particular might be studied:

(a) Performance of small-scale sewage treatment facilities;

(b) Survey of small ground water deposits and their characteristics;

(c) Methodologies for cost-benefit analysis adapted to renovation programmes in old town centres;

(d) Methods and experience in post-project evaluation of drinking water supply and sewage collection and treatment systems.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON RATIONAL USE OF WATER IN INDUSTRIAL PROCESSES

*Prepared by the Seminar on Rational Use of Water in Industrial Processes, held in Paris (France) in 1985, and endorsed by the Committee on Water Problems at its eighteenth session*

### Management policy

1. Governments should pursue a policy of rational use of water in industry aimed at controlling both water abstraction and the degree of pollution of waste-water discharge. Water-management policies at all levels of government should encourage the application of water-saving techniques to manufacturing processes. In this respect, traditional or existing principles, practices, methods and techniques should be analysed and verified.

2. Governments should consider the various administrative, legal and technical measures that can be used to control discharges of pollutants by industry.

3. Governments in industry should consider the integration into their policies of the various economic instruments of water management, while also taking into account: all aspects of environmental protection (air, water, soil, etc.); the economic aspects of the strategies used to combat industrial pollution; the utilization of the concept of cost-effectiveness in the decision-making process; and economic impediments to technological progress promoting improved use of water resources arising from statutory or financial provisions.

4. The concept of effluent charges and of fines and penalties for violation of pollution control regulations by industrial enterprises should be consistent with prevailing policy principles, such as the "polluter pays" principle, compensation for damage, and equivalent conditions for industrial competition. Consideration should also be given to charges, fines and penalties which have an economic influence on mitigating and counteracting damage

to water bodies caused by pollution. Effluent charges, when made, should be based both on the amount of waste water discharged and its pollution load.

5. Priority should be given to the effective enforcement of legal and administrative provisions which contribute to avoiding wastage of water and excessive water losses, in particular those which encourage efficient use of water in the industrial sector. Adequate regulatory instruments may take the form of permits or licences for water abstraction. Norms, criteria, limitations, guidelines, supervision, control activities or stop orders may be utilized to implement actions by water management authorities at a national or other appropriate level.

6. The use of incentives by Governments to encourage industry to apply all feasible water-saving measures and promote water recycling and re-use would contribute to the rational management of the overall water resources deployed in industry. Appropriate economic measures should be implemented by Governments to encourage applied research into water-saving measures for industry.

7. In water deficit areas, industry should be directed by administrative, economic or legal instruments to apply water-saving techniques to the greatest extent possible and to change from wet to dry processes. Use of drinking water should be limited to cases where it is strictly necessary. Tarification of drinking water supply should discourage any water wastage in industrial use. Utilization of sufficiently treated waste water in industrial processes should be more widely recognized and applied, especially in urban-industrial regions, and when water deficiencies are apparent.

8. Charges for water abstraction of waste water discharge, when levied, should be geared towards reducing water wastage in industry, while reducing also the discharge of pollution. This rate, if necessary, should be progressive and take into account the interest of public health. Fees and charges, penalties and fines, grants, subsidies, tax relief, etc. should not be considered mutually exclusive but should be applied in combination. Fines and penalties could be increased in proportion to the degree by which established limits, standards, and norms are exceeded.



9. In evaluating the potential socio-economic benefits of industrial development projects, special care should be taken to assess also the possible adverse effects on the environment and, in particular, to balance the economic advantages against pollution hazards to surface water and ground water. Prior to undertaking new industrial development projects, and environmental impact assessment, including a cost-benefit analysis, should be conducted, as appropriate.

10. The establishment of comprehensive criteria, at the national and/or other appropriate levels, to control and regulate the siting and development of industries that are highly polluting or have an important water demand should be promoted. These criteria should, in particular, take into consideration the availability of both quantitatively and qualitatively adequate water supply, and the potential industrial pollution hazard to surface water and ground water.

11. Authorities responsible for water-quality management should carry out the regular monitoring of discharges and of water bodies and supplies liable to pollution from industrial enterprises.

12. Financial incentives as well as other measures should be applied to induce and encourage staff and managers engaged in industrial production activities to develop a more creative approach in the search for viable ways of rationalizing the use of water and for reducing water pollution. Efforts should also be directed towards establishing or improving self-control systems, especially in industries that are significant water users and/or polluters.

13. Industrial employees should be made widely and fully aware of the advantages and benefits of water-saving techniques which often have a close relationship with, and which have a positive influence on, a stable public water supply. In this regard, public information, education and training courses should be promoted.

#### Pollution abatement

14. Industry should, wherever possible and economically feasible, investigate and implement the best available technologies, that result in minimum water abstraction and water pollution,

with the ultimate aim of completely effluent-free processes. Dry processes should be preferred whenever the advantages in terms of water savings, material- or energy-recovery would offset installation or conversion costs and as long as they do not result in transfer of pollution to other media.

15. In applying in-plant control measures for the reduction of effluents, two basic principles should be applied: (a) reducing to a minimum the quantity of fresh water entering the processes; and (b) obtaining effluents with the lowest pollution load.

16. Evaluation of methods for rational water use should always take into consideration existing local conditions, such as: quantity and quality of available water resources, cost of water abstraction, treatment and transportation, waste-water treatment systems (combined or individual), and needs of other water users and consumers in order to avoid conflicts.

17. Priority should be accorded to the preparation and enforcement of guidelines for the abatement or significant reduction of pollution from industrial enterprises. These guidelines should take account of local circumstances, especially where the discharge of effluents or leakages could potentially harm drinking-water resources.

18. Industry should consider all possible methods for controlling the emission of pollutants within an industrial plant, including the appropriate technological changes in the manufacturing process. After the manufacturing process, selective treatment of effluent flows to achieve better control and separation of collection networks for effluents and cooling water offer advantages for recycling, re-use and the recovery of materials.

19. Regulations should be developed for the protection of water, especially ground water, against indirect or diffuse industrial pollution, essentially run-off containing salts, organic matter and suspended solids, and hazardous pollutants especially those which are toxic, persistent and bioaccumulative. The latter should receive adequate treatment according to their toxicity, whenever possible.

20. Special attention should be given to the use of automatic control and regulation systems for in-process water use and to the detection and repair of leakages in process circuits. Industry



should also take steps to introduce safety systems for avoiding accidental water pollution.

21. Every effort should be made to maximize, where feasible, the recovery from process water of thermal or material resources that would otherwise be discharged into waste-water streams.

**Research into low- and non-waste technology**

22. Governments should encourage and support the development and application of low- and non-waste technologies, especially in branches of industry where social, water-management, environmental or other important considerations call for such measures; multi-disciplinary research could contribute to this.

23. Among the topics for research programmes, careful attention should be paid to: (a) the impact of low- and non-waste technologies on conservation of water resources, and (b) the influence of the application of specific economic instruments on the development of new technologies.

24. New technologies should be evaluated, taking into account their effects on socio-economic and environmental conditions. Such technologies should, *inter alia*, ensure:

- The reduction or decrease of water abstraction/consumption, as well as water losses and discharge of polluted effluents;
- The application of water recycling and effluent re-use systems within production processes;
- Cost-effectiveness, e.g. in terms of energy savings and by-product recovery;
- Possibility of replacing water by other materials and the introduction of dry processes, while limiting transfer of pollution to other media;
- Alternative use of other means than water for purposes of transportation, cleansing and transferring heat in industrial processes.

25. Since cooling water, especially in thermal power plants, steel foundries, metallurgical and other industrial complexes, is the major water use by industry, special attention should be given

to the advantages of alternative cooling systems. Governments should especially encourage and support the development and application of industrial processes which allow the further re-use of cooling water for processes and transport, and recycling, or internal or external use, whenever possible.

26. Governments should increase efforts at the international level to promote and facilitate transfer of technology regarding water-saving techniques and water pollution control devices. To this end all channels at the bilateral and multilateral level for the exchange of information should be fully exploited in order to implement strategies for the rational use of water in industry.



## RECOMMENDATIONS TO ECE GOVERNMENTS ON WATER MANAGEMENT SYSTEMS

*Prepared by the Seminar on Water Management Systems, held in Bratislava (Czechoslovakia) in 1986, and endorsed by the Committee on Water Problems at its eighteenth session*

In order to meet the requirements of economic development, social well-being and the protection of the natural environment, advanced methods are needed for management of the natural hydrological régimes, taking into account their interrelationship with other sectors of land development. Water-management systems are structures or other elements within a river basin which influence the hydrological régimes and depend upon them. They have proven to be efficient tools for identifying and implementing objectives, including priority-setting, co-ordination, functional interrelationships and optimization.

The following recommendations were therefore formulated:

1. The rational use and effective protection of water resources as an important basis of national water-management policies has been promoted in most ECE countries. Although significant progress has been achieved by incorporating this attitude into the design of water-management systems, further effort should be made to accelerate the application of modern methods of design and operation of water-resources' systems. Governments should therefore pursue policies aiming at the rational use of water in all branches of the national economy by all legal, administrative and economic provisions contributing to the avoidance of wastage or excessive losses of water.

2. As the problems of water quantity and quality are inseparable, both aspects should be taken into account in all decisions related to water-management systems.

3. In comparing alternatives to water-management systems' development, consideration should be given to the economic aspects of optimal use as well as to the protection of water resources as an integral part of all natural resources. Therefore, not

only the use of water resources but also water demands should be controlled in order to integrate water supply and demand into water-management systems.

4. The application of a system of economic instruments, such as subsidies, grants, fees, charges, fines, etc. should be considered as an essential stimulus to the rational operation of water-management systems. The joint and co-ordinated implementation of economic instruments, together with legal, administrative and technical measures, should stimulate various water users to control both pollution of water and wastage of water. In water deficit areas particularly, water users should be directed by administrative and economic instruments towards water use that accords with the requirements of efficient operation of water-management systems. Priorities should be set on water use during dry periods so as to minimize the overall loss to society.

5. Water-management systems should be designed with due regard to their integration into long-term plans, such as land-development plans and water master plans. Medium-term planning should allow for changes in objectives or verification of whether they are still valid. The introduction of formalized and flexible up-dating procedures using the best available technical means, such as mathematical models and computers, is therefore indispensable.

6. It should be ensured that the administrative authorities competent for land development and water-management as well as all other planning bodies co-operate closely on all planning levels at an early stage. This will help to overcome difficulties arising from the different boundaries of the sectoral planning areas.

7. It is recommended to inform the public already at an early stage about relevant facts concerning water-management systems' development. This is important for the final decision-making on the design and implementation of such water-management systems.

8. It is recommended that the design and operation of water-management systems should encompass river basins and that, when appropriate, special authorities for the management of these systems within the basins should be established, taking into



account their interrelationship with the competent administrative organs.

9. In the development of water-management systems, due attention should be paid to methods and means based on advanced technological research, where appropriate, available mathematical models should be used and recommendations given as to their application at various operational levels. Climatic variations, in particular possible changes in mean temperature and in the frequency of extreme events as well as changes in water quality, should be duly reflected in the modelling and design of water-management systems.

10. Land development and planning of water-management systems should aim at the well-being of the public. This means that, in addition to the subjective well-being of the people affected, preservation of the natural environment should always constitute an important goal on which to base plans.

11. Land development planning should play a co-ordinating role for all land-use activities. Particular importance should be given at the earliest possible stage to the environmental-impact aspects of all planning, including planning concerning water-management.

12. The impacts of water-management systems on flora, fauna and their habitats should be identified at the design stage and in any decision involving land development. Appraisal of possible negative influences should enhance nature protection. In this respect, land-development regulations and legislation concerning the protection of flora, fauna and natural ecosystems should restrict human influence on wetlands and moor areas in order to protect and conserve these vulnerable sites if they are important for water resources and their existing genetic resources.

13. Legislation should provide that water management considerations be taken into account in land-use planning control. In addition, land-use planning should be the instrument for combining, co-ordinating and implementing all land requirements among the various planning sectors.

14. In areas of actual or potential water shortage or where water quality is particularly vulnerable, land development policies and plans should be prepared with due regard to these matters.

15. In areas designated or intended for agriculture which are sensitive for water resources, it may be desirable to give indications or guidelines for crop management either through informal guidance or through locally agreed plans.

16. Operational problems should be solved through the use of management tools adapted to the specific characteristics of the water-management systems, planning of appropriate control measures, such as centralized control, and a well-balanced choice of engineering facilities for data acquisition, transmission, storage and processing. Generalized data acquisition is necessary in order to improve accuracy and reliability.

17. The planning of important water management systems should be co-ordinated over a wide area in order to ensure optimal design but this should not inhibit the achievement of efficient operation and proper maintenance.

18. After the implementation of any water-management system, post-project-assessment procedures should include a number of activities which can be incorporated into the broader concept of post-project analysis. In this respect, relevant experience and information gained in post-project analysis as well as on the efficiency and implications of economic instruments should be considered as an important input in the decision-making processes regarding water-management systems.

19. In the case of transboundary effects of land development and water-management planning, the States concerned should inform each other, as appropriate, for good-neighbourly relations. In so doing, they should emphasize the co-ordination of important concerns before implementing practical measures. For this purpose neighbouring States should set up commissions holding regular meetings.

20. Water-management systems' design is a very complex and complicated task requiring an interdisciplinary approach, therefore, the curricula of universities should be adapted to the requirements of future designers, planners and decision-makers dealing with water-management systems. This would allow for adding specialists in the field of water-management systems to the staff of water-management bodies.



**Annex 5.2D**

**Besluiten van de 47e ECE-  
Jaarvergadering**





E (47) COOPERATION IN THE FIELD OF ENVIRONMENT AND  
SUSTAINABLE DEVELOPMENT

The Economic Commission for Europe.

Recalling its decision E (46).

Welcoming General Assembly resolution 46/169 on Climate Change.

Reaffirming that environmental cooperation is one of the priorities within the ECE, particularly the development of regional environmental policies and the elaboration of legal instruments as well as preventive action.

Stressing the importance of the forthcoming United Nations Conference on Environment and Development.

Noting with appreciation the contribution of the ongoing CSCE process to the solution of environmental problems in the region, and the role of the ECE in implementing the pertinent provisions of CSCE documents.

Welcoming the results of the Conference of Ministers for Environment "Environment for Europe", held at Dobris Castle (Czech and Slovak Federal Republic) from 21-23 June 1991.

Reaffirming the importance of the concept of sustainable development.

Welcoming the adoption and the signature, in Geneva, Switzerland, on 19 November 1991, by 21 Parties to the Convention on Long-range Transboundary Air Pollution, of the Protocol on Volatile Organic Compounds.

Welcoming also the adoption and signature, in Helsinki, Finland, on 18 March 1992, by 23 and 24, respectively, member countries and by the European Community of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes as well as the Convention on the Transboundary Effects of Industrial Accidents.

Bearing in mind practical and technical problems of some member countries, especially those in transition, in the process of effective implementation of the decisions and legally binding instruments.

Noting the useful exchange of views on environmental cooperation in the ECE region, by the Ministers for Environment and Senior Officials of the ECE Governments attending the fifth session (resumed) of the Senior Advisers to ECE Governments on Environmental and Water Problems in Helsinki (Finland), from 17-18 March 1992.

1. Appeals to ECE member Governments and the European Community to strengthen their cooperation and intensify their efforts in the area of the protection and improvement of the environment, and to integrate the environmental dimension in their national policies;

2. Requests the Senior Advisers to elaborate further on their priorities within their work programme in accordance with decision O (45), and to continue their work on possible recommendations on the development of a framework for strategic planning and management;

3. Requests the Executive Secretary to speed up the process of filling vacancies in the Environment and Human Settlements Division in accordance with decision O (45), as well as to ensure the necessary internal coordination on environmental questions and to enhance the cooperation and coordination with the European Community, OECD, UNEP and relevant international organizations;



4. Invites member countries to contribute in a constructive manner the elaboration of a Framework Convention on Climate Change, any related legal instruments, and a Framework Convention on Biological Diversity to be concluded in time for signature during the United Nations Conference on Environment and Development;

5. Urges the Senior Advisers to consider the implications at regional level of the conclusions of that Conference;

6. Takes note with satisfaction of the establishment by the Senior Advisers of an ad hoc working group to contribute to the preparation of the Conference "Environment for Europe" to be hosted by the Government of Switzerland;

7. Invites the Senior Advisers to consider the development of more systematic implementation and verification of ECE conventions in the field of environment, taking account of the problems of some member countries, especially those in transition.

8. Further invites the Senior Advisers to consider
- issues concerning the improvement of coordination of projects related to institution and capacity building, national reporting, environmental training, impact assessment and monitoring,
  - issues concerning the development of guidance for international financing related to environmental projects in countries in transition, and
  - the promotion of business opportunities related to environmental technology;

9. Emphasizes the importance of elaborating, in close coordination with OECD, a programme for environmental performance reviews for ECE member Governments which are non-members of OECD;

10. Takes note with satisfaction of the progress accomplished in the implementation of the Convention on Long-range Transboundary Air Pollution and encourages the further negotiation, on the basis of critical loads, best available technology and other considerations, of a second protocol on further reductions of sulphur emissions after 1993 and for the second step of the protocol concerning control of NO<sub>x</sub> emissions.

11. Invites member countries who have not yet done so and the European Community to ratify or accede to the Convention on Environmental Impact Assessment in a Transboundary Context as soon as possible;

12. Invites member countries who have not yet done so to sign the Protocol on Volatile Organic Compounds;

13. Invites member countries who have not yet done so to sign the Convention on the Protection and Use of Transboundary Watercourses and International Lakes as well as the Convention on the Transboundary Effects of Industrial Accidents and invites all member countries and the European Community to ratify these Conventions as soon as possible, and encourages them to implement the Conventions to the maximum extent possible pending their entry into force;



14. Encourages the further implementation of the ECE-wide campaign "Energy Efficiency 2000", aimed at enhancing trade and cooperation in energy-efficient, environmentally-sound technologies and improving management practices among ECE member countries.

15. Asks the Senior Advisers on Environmental and Water Problems and other relevant bodies of the Commission to contribute to sustainable industrial development and invites the Working Party on the Chemical Industry to follow up the conclusions of the High-Level Meeting on Cooperation and Sustainable Development in the Chemical Industry (Warsaw, Poland, 10-12 March 1992);

16. Requests the Executive Secretary to report to the Commission at its forty-eighth session on the implementation of this decision.





**Annex 5.2E**

## **MER-verdrag**





29 (1991) Nr. 2

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1991 Nr. 174

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A. TITEL

*Verdrag inzake milieu-effectrapportage in grensoverschrijdend verband,  
met Aansluitings:  
Espoo, 25 februari 1991*

B. TEKST

De Engelse en de Franse tekst van het Verdrag en de Aansluitings zijn geplaatst in *Trb.* 1991, 104.

Het Verdrag is behalve voor de aldaar genoemde nog voor de volgende Staten ondertekend:

de Sovjet-Unie . . . . . 6 juni 1991  
Tsjecho-Slowakije . . . . . 30 augustus 1991

C. VERTALING

**Verdrag inzake milieu-effectrapportage in grensoverschrijdend verband**

**Preambule**

De Partijen bij dit Verdrag,

Zich bewust van het verband tussen economische bedrijvigheid en de gevolgen daarvan voor het milieu,

Bevestigend dat het noodzakelijk is vanuit het oogpunt van het milieu verantwoorde en duurzame ontwikkeling te verzekeren,

Vastbesloten de internationale samenwerking bij milieu-effectrapportage, met name in grensoverschrijdend verband, uit te breiden,

Indachtig de noodzaak en het belang van het ontwikkelen van anticiperend beleid, en van het voorkomen, verminderen en controleren van belangrijke nadelige milieu-effecten in het algemeen en meer in het bijzonder in grensoverschrijdend verband.

Herinnerend aan de desbetreffende bepalingen van het Handvest van de Verenigde Naties, de Verklaring van de Conferentie inzake het menselijk leefmilieu te Stockholm, de Slotakte van de Conferentie over Veiligheid en Samenwerking in Europa (CVSE) en de Slotdocumenten van de Bijeenkomsten te Madrid en te Wenen van vertegenwoordigers van de Staten die deelnemen aan de CVSE;

Verheugd over de voortdurende inzet van Staten om, door middel van hun nationale wettelijke en bestuurlijke bepalingen en hun nationale beleid, de toepassing van milieu-effectrapportage te verzekeren;

Zich bewust van de noodzaak in een vroeg stadium van het besluitvormingsproces expliciete aandacht aan milieufactoren te schenken door de toepassing van milieu-effectrapportage, op alle betrokken bestuurlijke niveaus, als noodzakelijk instrument voor het verbeteren van de kwaliteit van de informatie die wordt aangeboden aan degenen die besluiten moeten nemen, opdat vanuit het oogpunt van het milieu verantwoordere besluiten kunnen worden genomen, waarbij er zorgvuldig naar wordt gestreefd belangrijke nadelige effecten, met name in grensoverschrijdend verband, tot het minimum te beperken;

Indachtig de inspanningen van internationale organisaties ter bevordering van de toepassing van milieu-effectrapportage op zowel nationaal als internationaal niveau, en rekening houdend met het werk op het gebied van de milieu-effectrapportage dat wordt verricht onder de auspiciën van de Economische Commissie voor Europa van de Verenigde Naties, met name de resultaten die zijn bereikt door het Seminar inzake milieu-effectrapportage (september 1987, Warschau, Polen), alsmede gelet op de Doelinden en Beginselen inzake milieu-effectrapportage, aangenomen door de Beheersraad van het Milieuprogramma van de Verenigde Naties, en de Ministeriële Verklaring inzake duurzame ontwikkeling (mei 1990, Bergen, Noorwegen).

Zijn het volgende overeengekomen:

## Artikel 1

### Begripsomschrijvingen

Voor de toepassing van dit Verdrag wordt verstaan onder:

- i. „Partijen”: de Partijen bij dit Verdrag, tenzij het zinsverband anders vereist;
- ii. „Partij van herkomst”: de Partij of Partijen bij dit Verdrag onder wier rechtsmacht er sprake is van een voorgenomen activiteit;
- iii. „Mogelijk benadeelde Partij”: de Partij of Partijen bij dit

- Verdrag die het grensoverschrijdende effect van een voorgenomen activiteit mogelijk raakt;
- iv. „Betrokken Partijen”: de Partij van herkomst en de mogelijk benadeelde Partij die deelnemen aan een milieu-effectrapportageprocedure ingevolge dit Verdrag;
  - v. „Voorgenomen activiteit”: een activiteit of een ingrijpende wijziging van een activiteit die volgens een van toepassing zijnde nationale procedure onderworpen is aan een door een bevoegde autoriteit te nemen besluit;
  - vi. „Milieu-effectrapportage”: een nationale procedure voor het beoordelen van het effect dat een voorgenomen activiteit mogelijk heeft op het milieu;
  - vii. „Effect”: ieder door een voorgenomen activiteit teweeggebracht gevolg voor het milieu, met inbegrip van de gezondheid en veiligheid van de mens, de flora, de fauna, de bodem, de lucht, het water, het klimaat, het landschap en historische monumenten of andere fysieke structuren, of op de samenhang tussen deze aspecten; ook worden bedoeld gevolgen voor het culturele erfgoed of voor de sociaal-economische omstandigheden voortvloeiend uit veranderingen in die aspecten;
  - viii. „Grensoverschrijdend effect”: ieder effect, niet uitsluitend van mondiale aard, dat binnen een gebied onder de rechtsmacht van een Partij wordt teweeggebracht door een voorgenomen activiteit die geheel of gedeeltelijk zou plaatsvinden binnen het gebied onder de rechtsmacht van een andere Partij;
  - ix. „Bevoegde autoriteit”: de nationale autoriteit of autoriteiten die een Partij belast met de uitvoering van de in dit Verdrag vervatte taken en/of de autoriteit of autoriteiten aan welke een Partij de beslissingsbevoegdheid ten aanzien van een voorgenomen activiteit heeft opgedragen;
  - x. „Het publiek”: een of meer natuurlijke personen of rechtspersonen.

## Artikel 2

### Algemene bepalingen

1. De Partijen nemen, afzonderlijk of gezamenlijk, alle passende en doeltreffende maatregelen ter voorkoming, beperking en beheersing van belangrijke nadelige grensoverschrijdende milieu-effecten van voorgenomen activiteiten.
2. Elke Partij neemt de nodige wettelijke, bestuurlijke of andere maatregelen ter uitvoering van de bepalingen van dit Verdrag; onder meer stelt zij ten aanzien van in Aanhangsel I genoemde voorgenomen activiteiten die mogelijk een belangrijk nadelig grensoverschrijdend effect hebben, een milieu-effectrapportageprocedure vast, die deelne-



ming door het publiek toelaat en voorziet in het opstellen van het in Aanhangsel II nader omschreven milieu-effectrapport.

3. De Partij van herkomst draagt er zorg voor dat in overeenstemming met de bepalingen van dit Verdrag milieu-effectrapportage plaatsvindt voor een besluit tot machtiging of uitvoering van een in Aanhangsel I genoemde voorgenomen activiteit die mogelijk een belangrijk nadelig grensoverschrijdend effect heeft.

4. De Partij van herkomst draagt er overeenkomstig de bepalingen van dit Verdrag zorg voor dat de mogelijk benadeelde Partijen in kennis worden gesteld van het feit dat er sprake is van een in Aanhangsel I genoemde voorgenomen activiteit die mogelijk een belangrijk nadelig grensoverschrijdend effect heeft.

5. Betrokken Partijen bespreken, op initiatief van een van hen, of een niet in Aanhangsel I genoemde voorgenomen activiteit mogelijk een belangrijk nadelig grensoverschrijdend effect heeft, en of zij derhalve moet worden behandeld alsof zij wel als zodanig wordt genoemd. Indien de Partijen dit overeenkomen, wordt deze activiteit als zodanig behandeld. Algemene richtsnoeren voor het kiezen van criteria om te bepalen of er al dan niet sprake is van een belangrijk nadelig grensoverschrijdend effect, worden gegeven in Aanhangsel III.

6. De Partij van herkomst biedt, in overeenstemming met de bepalingen van dit Verdrag, het publiek in de gebieden die het effect mogelijk raakt, de gelegenheid deel te nemen aan desbetreffende milieu-effectrapportageprocedures ten aanzien van voorgenomen activiteiten, en draagt er zorg voor dat de gelegenheid die wordt geboden aan het publiek van de mogelijk benadeelde Partij gelijkwaardig is aan die welke wordt geboden aan het publiek in de Partij van herkomst.

7. Milieu-effectrapportage als voorgeschreven door dit Verdrag vindt ten minste plaats op projectniveau. Voor zover relevant trachten de Partijen de beginselen van milieu-effectrapportage eveneens toe te passen op beleidsvoornemens, plannen en programma's.

8. De bepalingen van dit Verdrag doen geen afbreuk aan het recht van Partijen nationale wetten, regelingen, bestuurlijke bepalingen of algemeen aanvaarde rechtspraktijken toe te passen ter bescherming van informatie, waarvan de verschalling schadelijk zou zijn voor industriële geheimen en handelsgeheimen, of voor de nationale veiligheid.

9. De bepalingen van dit Verdrag doen geen afbreuk aan het recht van Partijen om, eventueel door bilaterale of multilaterale regelingen, strengere maatregelen toe te passen dan voorzien in dit Verdrag.

10. De bepalingen van dit Verdrag laten iedere verplichting die de Partijen krachtens het internationale recht hebben ten aanzien van activiteiten die (mogelijk) een grensoverschrijdend effect hebben, onverlet.

### Artikel 3

#### Kennisgeving

1. Indien er sprake is van een in Aanhangsel I genoemde voorgenomen activiteit die mogelijk een belangrijk nadelig grensoverschrijdend effect heeft, doet de Partij van herkomst hiervan, met het oog op voldoende en doeltreffend overleg zoals bedoeld in artikel 5, in een zo vroeg mogelijk stadium en niet later dan het tijdstip waarop zij haar eigen publiek over de voorgenomen activiteit informeert, kennisgeving aan iedere Partij die zij als mogelijk benadeelde Partij beschouwt.

2. Deze kennisgeving bevat onder meer:

- a. informatie over de voorgenomen activiteit, met inbegrip van alle beschikbare informatie over het mogelijke grensoverschrijdende effect ervan;

- b. een omschrijving van de aard van het te nemen besluit; en
- c. de vermelding van een redelijke termijn waarbinnen een antwoord krachtens het derde lid van dit artikel vereist is, de aard van de voorgestelde activiteit in aanmerking genomen; en kan tevens de in het vijfde lid van dit artikel bedoelde informatie bevatten.

3. De mogelijk benadeelde Partij zendt de Partij van herkomst haar antwoord binnen de in de kennisgeving vermelde termijn; zij bevestigt de ontvangst van de kennisgeving en geeft aan of zij al dan niet voornemens is deel te nemen aan de milieu-effectrapportageprocedure.

4. Indien de mogelijk benadeelde Partij aangeeft dat zij niet voornemens is deel te nemen aan de milieu-effectrapportageprocedure, of indien zij niet binnen de in de kennisgeving aangeduide termijn een antwoord zendt, zijn de bepalingen van het vijfde, zesde, zevende en achtste lid van dit artikel en van de artikelen 4 tot en met 7 niet van toepassing. In deze omstandigheden blijft het recht van een Partij van herkomst om te bepalen of, op grond van haar nationale recht en praktijk, milieu-effectrapportage al dan niet moet plaatsvinden, onverminderd bestaan.

5. Zodra de Partij van herkomst van de mogelijk benadeelde Partij een antwoord ontvangt waarin deze aangeeft te willen deelnemen aan de milieu-effectrapportageprocedure, verstrekt de Partij van herkomst de mogelijk benadeelde Partij, indien zij dit niet reeds heeft gedaan:



a. relevante informatie over de milieu-effectrapportageprocedure, waarin mede de termijn voor het indienen van commentaar wordt vermeld;

b. relevante informatie over de voorgenomen activiteit en over het mogelijke belangrijke nadelige grensoverschrijdende effect ervan.

6. Een mogelijk benadeelde Partij verstrekt de Partij van herkomst, indien deze daarom verzoekt, informatie, mits redelijkerwijs verkrijgbaar, over het mogelijk benadeelde milieu onder de rechtsmacht van de mogelijk benadeelde Partij, indien deze informatie vereist is voor het opstellen van het milieu-effectrapport. De informatie wordt onverwijld verstrekt, eventueel door tussenkomst van een gezamenlijk lichaam.

7. Wanneer een Partij van mening is dat zij een belangrijk nadelig grensoverschrijdend effect zou kunnen ondervinden van een in Aanhangsel I genoemde voorgenomen activiteit, en indien geen kennisgeving is gedaan in overeenstemming met het eerste lid van dit artikel, wisselen de betrokken Partijen, op verzoek van de mogelijk benadeelde Partij, voldoende informatie uit voor het houden van besprekingen over de vraag of er mogelijk een belangrijk nadelig grensoverschrijdend effect zal optreden. Indien die Partijen overeenkomen dat deze mogelijkheid aanwezig is, zijn de bepalingen van dit Verdrag dienovereenkomstig van toepassing. Indien de Partijen het niet eens kunnen worden over de vraag of er mogelijk een belangrijk nadelig grensoverschrijdend effect zal optreden, kan elk van die Partijen deze vraag in overeenstemming met de bepalingen van Aanhangsel IV voorleggen aan een onderzoekscommissie, met het verzoek om advies over de mogelijkheid dat een belangrijk nadelig grensoverschrijdend effect zal optreden, tenzij de Partijen een andere methode overeenkomen voor het oplossen van deze vraag.

8. De betrokken Partijen dragen er zorg voor dat het publiek van de mogelijk benadeelde Partij in de gebieden die het grensoverschrijdende effect mogelijk raakt, wordt geïnformeerd over de voorgenomen activiteit, en de gelegenheid wordt geboden commentaar te geven op of bezwaar te maken tegen de voorgenomen activiteit, en dit commentaar of bezwaar, hetzij rechtstreeks, hetzij door tussenkomst van de Partij van herkomst, te doen toekomen aan de bevoegde autoriteit van de Partij van herkomst.

#### Artikel 4

##### *Het opstellen van het milieu-effectrapport*

1. Het milieu-effectrapport dat bij de bevoegde autoriteit van de Partij van herkomst moet worden ingediend, omvat ten minste de in Aanhangsel II omschreven informatie.

2. De Partij van herkomst zendt de mogelijk benadeelde Partij, eventueel door tussenkomst van een gezamenlijk lichaam, het milieu-effectrapport toe. De betrokken Partijen dragen zorg voor de toezending van het milieu-effectrapport aan de autoriteiten en het publiek van de mogelijk benadeelde Partij in de gebieden die het grensoverschrijdende effect mogelijk raakt, en bieden een redelijke termijn voor het indienen van commentaar bij de bevoegde autoriteit van de Partij van herkomst, hetzij rechtstreeks, hetzij door tussenkomst van de Partij van herkomst, voordat het definitieve besluit over de voorgenomen activiteit wordt genomen.

#### Artikel 5

##### *Overleg op basis van het milieu-effectrapport*

Na de voltooiing van het milieu-effectrapport treedt de Partij van herkomst, zonder onnodige vertraging, met de mogelijk benadeelde Partij in overleg over onder meer het mogelijke grensoverschrijdende effect van de voorgenomen activiteit en over maatregelen om dit effect te beperken of uit te sluiten. In dit overleg kunnen de volgende zaken aan de orde komen:

a. mogelijke alternatieven voor de voorgenomen activiteit, met inbegrip van de keuze geen activiteit te doen plaatsvinden (het nulalternatief), en mogelijke maatregelen om het belangrijke nadelige grensoverschrijdende effect te verminderen en, op kosten van de Partij van herkomst, het effect van die maatregelen te controleren;

b. andere vormen van mogelijke onderlinge bijstand bij het beperken van belangrijke nadelige grensoverschrijdende effecten van de voorgenomen activiteit; en

c. alle andere met de voorgenomen activiteit verband houdende zaken.

De Partijen komen bij aanvang van het overleg een redelijk tijdsbestek voor de duur ervan overeen. Het overleg kan eventueel worden gevoerd door tussenkomst van een gezamenlijk lichaam.

#### Artikel 6

##### *Het definitieve besluit*

1. De Partijen dragen er zorg voor dat bij het nemen van het definitieve besluit over de voorgenomen activiteit gepast rekening wordt gehouden met het resultaat van de milieu-effectrapportage, met inbegrip van het milieu-effectrapport, alsook met het commentaar daarop dat is ontvangen ingevolge artikel 3, achtste lid, en artikel 4, tweede lid, en met het resultaat van het in artikel 5 bedoelde overleg.



2. De Partij van herkomst deelt de mogelijk benadeelde Partij het definitieve besluit over de voorgenomen activiteit mede, alsmede de redenen en overwegingen waarop het is gebaseerd.

3. Indien een betrokken Partij, voordat de uitvoering van een voorgenomen activiteit wordt aangevangen, de beschikking krijgt over bijkomende informatie over het belangrijke nadelige grensoverschrijdende effect van die activiteit, welke informatie niet beschikbaar was op het tijdstip waarop het besluit over die activiteit werd genomen, en die het besluit inhoudelijk zou kunnen hebben beïnvloed, deelt die Partij dit onmiddellijk mede aan de andere betrokken Partij of Partijen. Indien een van de betrokken Partijen hierom verzoekt, wordt overleg gepleegd over de vraag of het besluit moet worden herzien.

#### Artikel 7

##### *Evaluatie*

1. De betrokken Partijen besluiten, indien een van hen daarom verzoekt, of, en zo ja, in welke mate, een evaluatie wordt verricht, rekening houdend met het oog op het mogelijke belangrijke nadelige grensoverschrijdende effect van de activiteit ten aanzien waarvan milieu-effectrapportage heeft plaatsgevonden ingevolge dit Verdrag. Evaluatie behelst met name toezicht op de activiteit en vaststelling van eventuele nadelige grensoverschrijdende effecten. Dit toezicht en deze vaststelling kunnen plaatsvinden met het oog op de verwezenlijking van de in Aanhangsel V genoemde doeleinden.

2. Wanneer de Partij van herkomst of de mogelijk benadeelde Partij ten gevolge van een evaluatie op redelijke gronden tot de slotsom komt dat er sprake is van een belangrijk nadelig grensoverschrijdend effect of dat factoren aan het licht zijn gekomen die tot een dergelijk effect kunnen leiden, deelt zij dit onmiddellijk mee aan de andere Partij. De betrokken Partijen plegen vervolgens overleg over de nodige maatregelen om dat effect te beperken of uit te sluiten.

#### Artikel 8

##### *Bilaterale en multilaterale samenwerking*

De Partijen kunnen bestaande bilaterale of multilaterale overeenkomsten of andere regelingen voortzetten, of nieuwe zoxlanige overeenkomsten of regelingen aangaan, ter nakoming van hun verplichtingen krachtens dit Verdrag. De lijst van punten in Aanhangsel VI zou als basis kunnen dienen voor deze overeenkomsten of regelingen.

## Artikel 9

*Onderzoeksprogramma's*

De Partijen schenken bijzondere aandacht aan het opzetten of intensiveren van specifieke onderzoeksprogramma's gericht op:

- a. het verbeteren van bestaande kwalitatieve en kwantitatieve methoden voor het beoordelen van de effecten van voorgenomen activiteiten;
- b. het verkrijgen van beter inzicht in de samenhang tussen oorzaak en gevolg en in de rol daarvan in geïntegreerd milieubeleid;
- c. het analyseren en controleren van de doelmatige uitvoering van beslissingen over voorgenomen activiteiten ten einde effecten tot het minimum te beperken of te voorkomen;
- d. het ontwikkelen van methoden om creatieve benaderingen te stimuleren bij het zoeken naar milieuvriendelijke alternatieven voor voorgenomen activiteiten en voor bestaande productie- en consumptiepatronen;
- e. het ontwikkelen van methoden voor de toepassing van de beginselen van milieu-effectrapportage op macro-economisch niveau.

De Partijen wisselen de resultaten van de hierboven bedoelde onderzoeksprogramma's uit.

## Artikel 10

*Status van de aanhangsels*

De aanhangsels bij dit Verdrag vormen een integrerend deel van het Verdrag.

## Artikel 11

*Vergaderingen van de Partijen*

1. De Partijen komen, voor zover mogelijk, bijeen ter gelegenheid van de jaarlijkse zittingen van de Adviseurs van Regeringen van ECE-lidstaten inzake milieu- en waterproblemen. De eerste vergadering van de Partijen wordt niet later dan een jaar na de datum van inwerkingtreding van dit Verdrag belegd. Daarna worden vergaderingen van de Partijen gehouden wanneer nodig geacht door een vergadering van de Partijen, of op schriftelijk verzoek van een Partij, mits dit verzoek, binnen zes maanden nadat het door het secretariaat aan de Partijen is toegezonden, door ten minste een derde van de Partijen wordt gesteund.

2. De Partijen toetsen de uitvoering van het Verdrag voortdurend, en hiertoe verbinden zij zich tot:



a. de toetsing van het beleid en de methoden betreffende milieu-effectrapportage van de Partijen, ter verbetering van milieu-effectrapportageprocedures in grensoverschrijdend verband;

b. de uitwisseling van informatie over ervaring die wordt opgedaan in het aangaan en uitvoeren van bilaterale en multilaterale overeenkomsten of andere regelingen betreffende de toepassing van milieu-effectrapportage in grensoverschrijdend verband, waarbij een of meer van de Partijen partij zijn;

c. de gebruikmaking van de diensten van bevoegde internationale lichamen en wetenschappelijke commissies van deskundigen, wanneer nodig, ten aanzien van methodologische en technische aspecten van de verwezenlijking van de doeleinden van dit Verdrag;

d. het tijdens hun eerste vergadering bespreken en door middel van consensus aannemen van een reglement van orde voor hun vergaderingen;

e. het bespreken en eventueel aannemen van voorstellen tot wijziging van dit Verdrag;

f. het bespreken en treffen van alle overige maatregelen die vereist kunnen zijn voor de verwezenlijking van de doeleinden van dit Verdrag.

#### Artikel 12

##### Stemrecht

1. Elke Partij bij dit Verdrag heeft één stem.

2. In afwijking van het eerste lid van dit artikel oefenen regionale organisaties voor economische integratie, ten aanzien van aanpelegheden die onder hun bevoegdheid vallen, hun stemrecht uit met een aantal stemmen dat gelijk is aan het aantal van hun lidstaten die Partij zijn bij het Verdrag. Deze organisaties oefenen hun stemrecht niet uit indien hun lidstaten hun stemrecht uitoefenen, en omgekeerd.

#### Artikel 13

##### Secretariaat

Het Uitvoerend Secretariaat van de Economische Commissie voor Europa verricht de volgende secretariaats taken:

a. het beleggen en voorbereiden van vergaderingen van de Partijen;

b. het toezenden aan de Partijen van verslagen en andere informatie die in overeenstemming met de bepalingen van dit Verdrag worden ontvangen; en

c. het verrichten van overige taken waarin dit Verdrag voorziet, of die worden vastgesteld door de Partijen.

#### Artikel 14

##### Wijziging van het Verdrag

1. Iedere Partij kan voorstellen doen tot wijziging van dit Verdrag.

2. Voorstellen tot wijziging worden schriftelijk ingediend bij het secretariaat, dat ze doet toekomen aan alle Partijen. Tijdens de volgende vergadering van de Partijen worden de voorstellen besproken, mits zij door het secretariaat ten minste negentig dagen tevoren aan de Partijen zijn toegezonden.

3. De Partijen stellen alles in het werk om overeenstemming te bereiken over voorstellen tot wijziging van dit Verdrag door middel van consensus. Indien alles in het werk is gesteld om tot consensus te komen, en geen overeenstemming is bereikt, wordt het voorstel in laatste instantie aangenomen met een meerderheid van drie vierde van de stemmen van de Partijen die aanwezig zijn en hun stem uitbrengen op de vergadering.

4. Wijzigingen van dit Verdrag die worden aangenomen in overeenstemming met het derde lid van dit artikel, worden door de Depositaris aan alle Partijen voorgelegd ter bekrachtiging, goedkeuring of aanvaarding. Wijzigingen treden ten aanzien van Partijen die deze hebben bekrachtigd, goedgekeurd of aanvaard, in werking op de negentigste dag nadat de Depositaris van ten minste drie vierde van die Partijen een kennisgeving van bekrachtiging, goedkeuring of aanvaarding heeft ontvangen. Daarna treden zij ten aanzien van iedere andere Partij in werking op de negentigste dag nadat die Partij haar akte van bekrachtiging, goedkeuring of aanvaarding van de wijzigingen heeft nedergelegd.

5. Voor de toepassing van dit artikel wordt onder de „Partijen die aanwezig zijn en hun stem uitbrengen” verstaan de Partijen die aanwezig zijn en een stem voor of tegen een voorstel uitbrengen.

6. De in het derde lid van dit artikel beschreven stemprocedure wordt niet geacht een precedent te vormen voor in de toekomst binnen de Economische Commissie voor Europa te sluiten overeenkomsten.

#### Artikel 15

##### De regeling van geschillen

1. Indien tussen twee of meer Partijen een geschil ontstaat over de uitlegging of de toepassing van dit Verdrag, trachten zij dit op te lossen door onderhandeling of volgens een andere voor alle partijen bij het conflict aanvaardbare methode voor de regeling van geschillen.



2. Een Partij kan bij haar ondertekening, bekrachtiging, aanvaarding of goedkeuring van of toetreding tot dit Verdrag, of te allen tijde daarna, schriftelijk aan de Depositaris mededelen dat zij, in geval van een geschil dat niet wordt opgelost in overeenstemming met het eerste lid van dit artikel, de toepassing van de volgende twee methoden voor het regelen van geschillen, dan wel één van beide, als verplicht aanvaardt ten aanzien van iedere Partij die dezelfde verplichting aanvaardt:

- a. voorlegging van het geschil aan het Internationaal Gerechtshof;
- b. arbitrage volgens de in Aanhangsel VII beschreven procedure.

3. Indien de partijen bij het geschil beide in het tweede lid van dit artikel genoemde methoden voor de regeling van geschillen hebben aanvaard, kan het geschil alleen aan het Internationaal Gerechtshof worden voorgelegd, tenzij de partijen anders overeenkomen.

#### Artikel 16

##### *Ondertekening*

Dit Verdrag staat van 25 februari tot 1 maart 1991 te Espoo (Finland), en daarna tot 2 september 1991 op de Zetel van de Verenigde Naties te New York open voor ondertekening door de lidstaten van de Economische Commissie voor Europa alsmede voor Staten die een consultatieve status bij de Economische Commissie voor Europa hebben krachtens paragraaf 8 van resolutie 36 (IV) van 28 maart 1947 van de Economische en Sociale Raad, en door regionale organisaties voor economische integratie opgericht door soevereine Staten die lid zijn van de Economische Commissie voor Europa waaraan de lidstaten bevoegdheden hebben overgedragen ten aanzien van aangelegenheden die onder dit Verdrag vallen, met inbegrip van de bevoegdheid ten aanzien van die aangelegenheden verdragen aan te gaan.

#### Artikel 17

##### *Bekrachtiging, aanvaarding, goedkeuring en toetreding*

1. Dit Verdrag dient te worden bekrachtigd, aanvaard of goedgekeurd door ondertekenende Staten en regionale organisaties voor economische integratie.

2. Dit Verdrag staat vanaf 3 september 1991 open voor toetreding door de in artikel 16 bedoelde Staten en organisaties.

3. De akten van bekrachtiging, aanvaarding, goedkeuring of toetreding worden nedergelegd bij de Secretaris-Generaal van de Verenigde Naties, die de functie van Depositaris vervult.

4. Iedere organisatie zoals bedoeld in artikel 16 die Partij wordt bij dit Verdrag zonder dat een van haar lidstaten Partij is, is gebonden door alle verplichtingen krachtens dit Verdrag. Wanneer een of meer lidstaten van een zodanige organisatie Partij bij dit Verdrag zijn, beslissen de organisatie en haar lidstaten over hun onderscheiden verantwoordelijkheden ten aanzien van de nakoming van hun verplichtingen krachtens het Verdrag. In dat geval mogen de organisatie en de lidstaten niet tegelijkertijd rechten krachtens dit Verdrag uitoefenen.

5. In hun akten van bekrachtiging, aanvaarding, goedkeuring of toetreding geven de in artikel 16 bedoelde regionale organisaties voor economische integratie de reikwijdte aan van hun bevoegdheid ten aanzien van de aangelegenheden die onder dit Verdrag vallen. Deze organisaties doen de Depositaris tevens mededeling van iedere relevante verandering in de reikwijdte van hun bevoegdheid.

#### Artikel 18

##### *Inwerkingtreding*

1. Dit Verdrag treedt in werking op de negentigste dag na de datum van nederlegging van de zestiende akte van bekrachtiging, aanvaarding, goedkeuring of toetreding.

2. Voor de toepassing van het eerste lid van dit artikel wordt de door een regionale organisatie voor economische integratie nedergelegde akte niet meegeteld naast akten die zijn nedergelegd door lidstaten van die organisatie.

3. Ten aanzien van elke in artikel 16 bedoelde Staat of organisatie die dit Verdrag bekrachtigt, aanvaardt of goedkeurt of ertoe toetreedt na de nederlegging van de zestiende akte van bekrachtiging, aanvaarding, goedkeuring of toetreding, treedt het Verdrag in werking op de negentigste dag na de datum van nederlegging door die Staat of organisatie van zijn of haar akte van bekrachtiging, aanvaarding, goedkeuring of toetreding.

#### Artikel 19

##### *Opzegging*

Elke Partij kan, te allen tijde na vier jaar vanaf de datum waarop dit Verdrag ten aanzien van die Partij in werking is getreden, het Verdrag opzeggen door middel van een schriftelijke kennisgeving aan de Depositaris. De opzegging wordt van kracht op de negentigste dag na de datum van ontvangst van de kennisgeving door de Depositaris. De opzegging doet geen afbreuk aan de toepassing van de artikelen 3 tot



en met 6 van dit Verdrag op een voorgenomen activiteit ten aanzien waarvan een kennisgeving is gedaan overeenkomstig artikel 3, eerste lid, of een verzoek is gedaan ingevolge artikel 3, zevende lid, voordat de opzegging van kracht werd.

#### Artikel 20

##### Authentieke teksten

Het originele exemplaar van dit Verdrag, waarvan de Engelse, de Franse en de Russische tekst gelijkelijk authentiek zijn, wordt nedergelegd bij de Secretaris-Generaal van de Verenigde Naties.

TEN BLIJKE WAARVAN de ondergetekenden, daartoe behoorlijk gemachtigd, dit Verdrag hebben ondertekend.

GEDAAN te Espoo (Finland), 25 februari 1991.

(Voor de ondertekeningen zie blz. 28 en 29 van Ith 1991, 101 en rubriek B hierboven)

#### Aanhangsel I

##### Lijst van activiteiten

1. Raffinaderijen van ruwe aardolie (met uitzondering van bedrijven die uitsluitend smeermiddelen uit ruwe olie vervaardigen), alsmede installaties voor de vergassing en vloeibaarmaking van ten minste 500 ton steenkool of bitumineuze schisten per dag.
2. Thermische centrales en andere verbrandingsinstallaties met een warmtevermogen van ten minste 300 MW, alsmede kerncentrales en andere kernreactoren (met uitzondering van de onderzoeksinstallaties voor de productie en verwerking van splijt- en kweekstoffen, met een constant vermogen van ten hoogste 1 thermische kW).
3. Installaties die uitsluitend bestemd zijn voor de productie of de verrijking van splijtstoffen, voor de opwerking van bestraalde splijtstoffen, of voor de opslag, de verwijdering en de behandeling van radioactief afval.
4. Grootschalige hoogovenbedrijven voor de productie van ruw ijzer, staal en niet-ijzerhoudende metalen
5. Installaties voor de winning van asbest, alsmede voor de behandeling en de verwerking van asbest en asbesthoudende produkten; voor produkten van asbestcement, met een jaarproductie van meer dan 20 000 ton eindprodukten, voor remsvoeringen, met een jaarpro-

duktie van meer dan 50 ton eindprodukten, alsmede voor andere toepassingsmogelijkheden van asbest - met een gebruik van meer dan 200 ton per jaar.

6. Geïntegreerde chemische installaties.
7. Aanleg van autosnelwegen, autowegen\*), spoorwegtrajecten voor spoorverkeer over lange afstand, alsmede van vliegvelden met een start- en landingsbaan van ten minste 2 100 meter.
8. Olie- en huisleidingen met een grote diameter.
9. Zeehandelhavens alsmede waterwegen en havens voor de binnenvaart, bevaarbaar voor schepen van meer dan 1 350 ton.
10. Afvalverwijderingsinstallaties voor verbranding, chemische omzetting of opslag in de grond van toxische en gevaarlijke afvalstoffen.
11. Grote dammen en waterreservoirs.
12. Werkzaamheden voor het onttrekken van grondwater aan de bodem in gevallen waarin het jaarlijkse volume aan de bodem te onttrekken water 10 miljoen m<sup>3</sup> of meer bedraagt.
13. Pulp- en papierproductie van 200 luchtdroge meterton of meer per dag.
14. Grootschalige mijnbouw, winning en verwerking ter plaatse van metallische ertsen of steenkool.
15. Oilshore olie- en gaswinning.
16. Grote installaties voor de opslag van aardolie en van petrochemische en chemische produkten.
17. Ontbossing van grote gebieden.

\*) Voor de toepassing van dit Verdrag wordt verstaan onder:  
„autosnelweg”: een weg die speciaal is ontworpen en aangelegd voor verkeer met motorvoertuigen, zonder uitwegen naar aanliggende percelen, en die:

- a. behalve op bepaalde plaatsen of tijdelijk is voorzien van gescheiden rijbanen voor beide verkeersrichtingen, welke rijbanen van elkaar gescheiden zijn hetzij door een strook die niet voor het verkeer is bestemd, hetzij, bij uitzondering, op andere wijze;
  - b. geen andere weg, geen spoor- of tramweg of voetpad gelijkvloers kruist;
  - c. door speciale verkeersstekens als autosnelweg is aangeduid.
- „autoweg”: een weg, bestemd voor verkeer met motorvoertuigen, alleen toegankelijk via knooppunten of door verkeerslichten geregelde kruispunten en waarop het in het bijzonder verboden is te stoppen en te parkeren op de rijbanen.

## Aanhangsel II

## De inhoud van het milieu-effectrapport

De in het milieu-effectrapport op te nemen informatie omvat, ten minste, in overeenstemming met artikel 4:

- a. een beschrijving van de voorgenomen activiteit en het doel ervan;
- b. indien van toepassing een beschrijving van redelijke alternatieven (bijvoorbeeld wat betreft locatie of technologie) voor de voorgenomen activiteit, met inbegrip van het nulalternatief;
- c. een beschrijving van het milieu dat mogelijk wordt geraakt door een belangrijk nadelig effect van de voorgenomen activiteit en de alternatieven daarvoor;
- d. een beschrijving van het mogelijke milieu-effect van de voorgenomen activiteit en van de alternatieven ervoor, en een schatting van de omvang ervan;
- e. een beschrijving van mogelijke maatregelen om het nadelige milieu-effect tot het minimum te beperken;
- f. een expliciete aanduiding van de methoden voor het doen van voorspellingen en de daaraan ten grondslag liggende vooronderstellingen, alsmede de relevante gegevens over het milieu die zijn gebruikt;
- g. een aanduiding van hiaten in kennis en van onzekerheden waarop men bij het verzamelen van de vereiste informatie is gestuit;
- h. indien van toepassing plannen voor controle, beheer en evaluatie; en
- i. een niet-technische samenvatting, eventueel met visuele weergaven (kaarten, grafieken enz.).

## Aanhangsel III

## Algemene criteria als hulpmiddel bij het vaststellen van het milieu-effect van activiteiten die niet worden genoemd in Aanhangsel I

1. Indien er sprake is van een voorgenomen activiteit waarop artikel 2, vijfde lid, van toepassing is, kunnen de betrokken Partijen bezien of die activiteit mogelijk een belangrijk nadelig grensoverschrijdend milieu-effect heeft, met name aan de hand van een of meer van de volgende criteria:

- a. *omvang*: voorgenomen activiteiten die voor dat soort activiteit een grote omvang zouden hebben;
- b. *plaats*: voorgenomen activiteiten die zouden plaatsvinden in of nabij een gebied waar het milieu bijzonder kwetsbaar is, of dat van bijzonder belang is (bijvoorbeeld watergebieden die als bijzonder



gelden krachtens de Overeenkomst van Ramsar, nationale parken, natuurreservaten, gebieden van bijzonder wetenschappelijk belang, of van archeologische, culturele of historische betekenis); alsmede voorgenomen activiteiten op plaatsen waar de kenmerken van een voorgenomen ontwikkeling belangrijke nadelige gevolgen voor de bevolking zou hebben:

c. *gevolgen*: voorgenomen activiteiten met bijzonder ingewikkelde en mogelijk nadelige gevolgen, waaronder activiteiten die ernstige gevolgen zouden hebben voor mensen of voor waardevolle plante- en diersoorten of organismen, activiteiten waardoor het bestaan of het mogelijke nut van een gebied wordt bedreigd, en activiteiten die een extra belasting veroorzaken waartegen het milieu niet bestand is.

2. De betrokken Partijen bezien in dit verband voorgenomen activiteiten die nabij een internationale grens zijn gepland, alsmede voorgenomen activiteiten die op grotere afstand zouden plaatsvinden, die belangrijke nadelige grensoverschrijdende milieu-effecten zouden kunnen veroorzaken op grote afstand van de plaats waar zij zijn gepland.

#### Aanhangsel IV

##### De onderzoeksprocedure

1. De verzoekende Partij(en) stelt(stellen) het secretariaat ervan in kennis dat zij de vraag of een in Aanhangsel I genoemde voorgenomen activiteit mogelijk een belangrijk nadelig grensoverschrijdend milieu-effect heeft, voorlegt(voorleggen) aan een in overeenstemming met de bepalingen van dit Aanhangsel ingestelde onderzoekscommissie. In deze kennisgeving wordt het onderwerp van het onderzoek vermeld. Het secretariaat stelt alle Partijen bij het Verdrag onverwijld in kennis van het feit dat de vraag aan een onderzoekscommissie is voorgelegd.

2. De onderzoekscommissie bestaat uit drie leden. De verzoekende partij en de andere partij bij de onderzoeksprocedure henoemen elk een wetenschappelijk of technisch deskundige, en de twee aldus henoemde deskundigen wijzen met gezamenlijke instemming de derde deskundige aan, die voorzitter van de onderzoekscommissie wordt. Deze derde deskundige mag geen onderdaan van een van de partijen bij de onderzoeksprocedure zijn, noch mag hij of zij zijn of haar gewone verblijfplaats op het grondgebied van een van die partijen hebben, of in dienst zijn bij een van hen, of in een andere hoedanigheid reeds bij de aangelegenheid betrokken zijn geweest.

3. Indien de voorzitter van de onderzoekscommissie niet is aangewezen binnen twee maanden na de benoeming van de tweede

deskundige, wijst de Uitvoerend Secretaris van de Economische Commissie voor Europa, op verzoek van een van beide partijen, binnen een volgend tijdvak van twee maanden de voorzitter aan.

4. Indien een van de partijen bij de onderzoeksprocedure niet binnen een maand nadat zij de kennisgeving van het secretariaat heeft ontvangen, een deskundige heeft benoemd, kan de andere partij dit mededelen aan de Uitvoerend Secretaris van de Economische Commissie voor Europa, die binnen een volgend tijdvak van twee maanden de voorzitter van de onderzoekscommissie aanwijst. Vervolgens verzoekt de voorzitter van de onderzoekscommissie de partij die nog geen deskundige heeft benoemd, dit binnen een maand te doen. Indien die partij dit na het verstrijken van dat tijdvak niet heeft gedaan, deelt de voorzitter dit mede aan de Uitvoerend Secretaris van de Economische Commissie voor Europa, die vervolgens binnen twee maanden de benoeming verricht.

5. De onderzoekscommissie stelt haar eigen procedureregels vast.

6. De onderzoekscommissie kan alle passende maatregelen nemen voor de uitvoering van haar taken.

7. De partijen bij de onderzoeksprocedure doen alles wat in hun vermogen ligt om het werk van de onderzoekscommissie te vergemakkelijken, met name door:

- a. haar alle relevante documenten, voorzieningen en informatie te verstrekken;
- b. haar indien nodig in staat te stellen getuigen of deskundigen op te roepen en verklaringen van hen te verkrijgen.

8. De partijen en de deskundigen beschermen de vertrouwelijkheid van de informatie die zij gedurende het werk van de onderzoekscommissie in vertrouwen verkrijgen.

9. Indien een van de partijen bij de onderzoeksprocedure niet voor de onderzoekscommissie verschijnt of haar zaak niet toelicht, kan de andere partij de onderzoekscommissie verzoeken de procedure voort te zetten en haar werk te voltooien. Het feit dat een partij niet voor de commissie verschijnt of haar zaak niet toelicht, vormt geen belemmering voor de voortzetting en voltooiing van het werk van de onderzoekscommissie.

10. Tenzij de onderzoekscommissie anders bepaalt vanwege de bijzondere omstandigheden van de aangelegenheid, worden de kosten van de commissie, met inbegrip van de honorering van haar leden, in gelijke delen gedragen door de partijen bij de onderzoeksprocedure. De onderzoekscommissie houdt een overzicht van al haar kosten bij, en verstrekt de partijen daarvan een eindopgave.

11. Iedere Partij die een belang ten aanzien van de feiten heeft bij de aangelegenheid die het onderwerp van de onderzoeksprocedure

vormt, en waarvoor het advies van de commissie gevolgen kan hebben, kan zich met de instemming van de onderzoekscommissie voegen in de procedure.

12. De besluiten van de onderzoekscommissie over procedure-aangelegenheden worden genomen met een meerderheid van de stemmen van haar leden. In het uiteindelijke advies van de onderzoekscommissie dient de opvatting van de meerderheid van haar leden te worden weerspiegeld, en dient iedere daarvan afwijkende opvatting te worden opgenomen.

13. De onderzoekscommissie biedt haar uiteindelijke advies aan binnen twee maanden na de datum waarop zij werd ingesteld, tenzij zij het noodzakelijk acht deze termijn te verlengen met een tijdvak van ten hoogste twee maanden.

14. Het uiteindelijke advies van de onderzoekscommissie dient gebaseerd te zijn op algemeen aanvaarde wetenschappelijke beginselen. Het uiteindelijke advies wordt door de onderzoekscommissie toegezonden aan de partijen bij de onderzoeksprocedure, alsmede aan het secretariaat.

#### Aanhangsel V

##### Evaluatie

De doelstellingen omvatten:

- a. toezicht op de naleving van de voorwaarden van machtiging of goedkeuring van de activiteit, en bewaking van de doeltreffendheid van maatregelen ter vermindering van nadelige effecten;
- b. toetsing van effecten ten behoeve van goed beheer en beperking van onzekerheden;
- c. verificatie van eerder gedane voorspellingen, opdat bij toekomstige soortgelijke activiteiten op deze ervaring kan worden voortgebouwd.

#### Aanhangsel VI

##### Punten van bilaterale en multilaterale samenwerking

1. De Partijen kunnen, indien passend, institutionele regelingen treffen, of het mandaat van bestaande institutionele regelingen uitbreiden, in het kader van bilaterale of multilaterale overeenkomsten ten einde volledige uitvoering te geven aan dit Verdrag.



2. Bilaterale en multilaterale overeenkomsten of andere regelingen kunnen omvatten:

- a. alle overige vereisten voor de uitvoering van dit Verdrag, de specifieke omstandigheden van het betrokken gebied in aanmerking genomen;
- b. institutionele, bestuurlijke en overige regelingen, te treffen op basis van wederkerigheid en gelijkwaardigheid;
- c. de harmonisatie van beleid en maatregelen voor de bescherming van het milieu, om te komen tot de grootst mogelijke overeenkomstigheid in normen en methoden betreffende de toepassing van milieu-effectrapportage;
- d. de ontwikkeling, verbetering en/of harmonisatie van methoden voor het constateren, meten, voorspellen en beoordelen van effecten, en voor de evaluatie van activiteiten;
- e. de ontwikkeling en/of verbetering van methoden en programma's voor het verzamelen, analyseren, opslaan en tijdig verspreiden van vergelijkbare gegevens betreffende de kwaliteit van het milieu, als materiaal voor milieu-effectrapportage;
- f. de vaststelling van drempelwaarden en nader uitgewerkte criteria voor het bepalen van de belangrijkheid van grensoverschrijdende effecten, afhankelijk van de plaats, de aard of de omvang van voorgenomen activiteiten ten aanzien waarvan in overeenstemming met de bepalingen van dit Verdrag milieu-effectrapportage moet worden toegepast; en de vaststelling van normen betreffende de kritieke belasting van het milieu door grensoverschrijdende verontreiniging;
- g. de gezamenlijke toepassing, indien passend, van milieu-effectrapportage, de ontwikkeling van gezamenlijke controleprogramma's, ijking van controleapparatuur, en de harmonisatie van methoden, opdat verkregen gegevens onderling vergelijkbaar zijn.

## Aanhangsel VII

### Arbitrage

1. De eisende Partij(en) stelt (stellen) het secretariaat in kennis van het feit dat de Partijen zijn overeengekomen het geschil aan arbitrage te onderwerpen ingevolge artikel 15, tweede lid, van dit Verdrag. In de kennisgeving wordt het onderwerp van arbitrage vermeld, en met name de artikelen van dit Verdrag over de uitlegging of toepassing waarvan een geschil is ontstaan. Het secretariaat zendt de ontvangen informatie toe aan alle Partijen bij dit Verdrag.
2. Het scheidsgerecht bestaat uit drie leden. De eisende Partij(en) en de andere Partij(en) bij het geschil benoemen een arbiter, en de

twee aldus benoemde arbiters wijzen met gezamenlijke instemming de derde arbiter aan, die voorzitter van het scheidsgerecht wordt. De derde arbiter mag geen onderdaan van een van de partijen bij het geschil zijn, noch mag hij of zij zijn of haar gewone verblijfplaats op het grondgebied van een van die Partijen hebben, of in dienst zijn bij een van hen, of in een andere hoedanigheid reeds bij de aangelegenheid betrokken zijn geweest.

3. Indien de voorzitter van het scheidsgerecht niet is aangewezen binnen twee maanden na de benoeming van de tweede arbiter, wijst de Uitvoerend Secretaris van de Economische Commissie voor Europa, op verzoek van een van beide partijen bij het geschil, binnen een volgend tijdvak van twee maanden de voorzitter aan.

4. Indien een van de partijen bij het geschil niet binnen twee maanden nadat zij het verzoek daartoe heeft ontvangen, een arbiter heeft benoemd, kan de andere partij dit mededelen aan de Uitvoerend Secretaris van de Economische Commissie voor Europa, die binnen een volgend tijdvak van twee maanden de voorzitter van het scheidsgerecht aanwijst. Vervolgens verzoekt de voorzitter van het scheidsgerecht de partij die nog geen arbiter heeft benoemd, dit binnen twee maanden te doen. Indien die partij dit na het verstrijken van dat tijdvak niet heeft gedaan, deelt de voorzitter dit mede aan de Uitvoerend Secretaris van de Economische Commissie voor Europa, die vervolgens binnen twee maanden de benoeming verricht.

5. Het scheidsgerecht neemt zijn beslissing in overeenstemming met het internationale recht en met de bepalingen van dit Verdrag.

6. Ieder krachtens de bepalingen van dit Aanhangsel ingesteld scheidsgerecht stelt zijn eigen procedureregels vast.

7. De beslissingen van het scheidsgerecht betreffende zowel procedures als aan hem voorgelegde aangelegenheden, worden genomen met een meerderheid van de stemmen van zijn leden.

8. Het scheidsgerecht kan alle passende maatregelen nemen ter vaststelling van de feiten.

9. De partijen bij het geschil doen alles wat in hun vermogen ligt om het werk van het scheidsgerecht te vergemakkelijken, met name door:

- a. het scheidsgerecht alle relevante documenten, voorzieningen en informatie te verstrekken;
- b. het scheidsgerecht indien nodig in staat te stellen getuigen of deskundigen op te roepen en verklaringen van hen te verkrijgen.

10. De partijen en de arbiters beschermen de vertrouwelijkheid van de informatie die zij gedurende het werk van het scheidsgerecht in vertrouwen verkrijgen.



11. Het scheidsgerecht kan, op verzoek van een van de partijen, tussentijdse maatregelen ter bescherming aanbevelen.

12. Indien een van de partijen bij het geschil niet voor het scheidsgerecht verschijnt of haar zaak niet verdedigt, kan de andere partij het scheidsgerecht verzoeken de procedure voort te zetten en zijn uiteindelijke beslissing te nemen. Het feit dat een partij niet voor het scheidsgerecht verschijnt of haar zaak niet verdedigt, vormt geen belemmering voor de voortzetting van de procedure. Voordat het scheidsgerecht zijn uiteindelijke beslissing neemt, moet het zich ervan overtuigen dat de eis ten aanzien van de feiten en het recht gegrond is.

13. Het scheidsgerecht kan tegeneisen die rechtstreeks voortkomen uit de aangelegenheid die het onderwerp van het geschil is, horen en oover beslissen.

14. Tenzij het scheidsgerecht anders bepaalt vanwege de bijzondere omstandigheden van de zaak, worden de kosten van het scheidsgerecht, met inbegrip van de honorering van zijn leden, in gelijke delen gedragen door de partijen bij het geschil. Het scheidsgerecht houdt een overzicht van al zijn kosten bij, en verstrekt de partijen daarvan een eindopgave.

15. Iedere Partij bij dit Verdrag die een belang ten aanzien van het recht heeft bij de aangelegenheid die het onderwerp van het geschil is, en waarvoor de beslissing van het scheidsgerecht gevolgen kan hebben, kan zich met de instemming van het scheidsgerecht voegen in de procedure.

16. Het scheidsgerecht doet zijn uitspraak binnen vijf maanden na de datum waarop het werd ingesteld, tenzij het het noodzakelijk acht deze termijn te verlengen met een tijdvak van ten hoogste vijf maanden.

17. De uitspraak van het scheidsgerecht dient vergezeld te gaan van een uiteenzetting van de gronden. De uitspraak is onherroepelijk en bindend voor alle partijen bij het geschil. De uitspraak wordt door het scheidsgerecht toegezonden aan de partijen bij het geschil, de secretaris. Het secretariaat zendt de uitspraak ook aan alle Partijen bij dit Verdrag.

18. Ieder geschil dat tussen Partijen ontstaat betreffende de uitlegging of tenuitvoerlegging van de uitspraak kan door elk van de partijen worden voorgelegd aan het scheidsgerecht dat de uitspraak heeft gedaan of, indien het daaraan niet kan worden voorgelegd, aan een ander scheidsgerecht dat hiertoe wordt ingesteld op dezelfde wijze als het eerstbedoelde scheidsgerecht.

#### D. PARLEMENT

Zie *Trb.* 1991, 104.

#### E. BEKRACHTIGING

In overeenstemming met artikel 17, derde lid, van het Verdrag heeft de volgende Staat een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Albanië . . . . . 4 oktober 1991

#### G. INWERKINGTREDING

Zie *Trb.* 1991, 104.

#### I. GEGEVENS

Zie *Trb.* 1991, 104.

Uitgegeven de *dertende* december 1991.

*De Minister van Buitenlandse Zaken,*

**H. VAN DEN BROEK**



**Annex 5.2F**

## **Rivierenverdrag**





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

done at Helsinki, on 17 March 1992



**UNITED NATIONS**  
1992

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

PREAMBLE

The Parties to this Convention,

Mindful that the protection and use of transboundary watercourses and international lakes are important and urgent tasks, the achievement of which can only be ensured by organized cooperation,

Concerned over the existence and threats of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, economics and well being of the member countries of the Economic Commission for Europe (ECE),

Emphasizing the need for strengthened national and international measures to prevent, control and reduce the release of hazardous substances into the aquatic environment and to abate eutrophication and acidification, as well as pollution of the marine environment, in particular coastal areas, from land-based sources,

Commending the efforts already undertaken by the ECE governments to strengthen cooperation, on bilateral and multilateral levels, for the prevention, control and reduction of transboundary pollution, sustainable water management, conservation of water resources and environmental protection,

Recalling the pertinent provisions and principles of the Declaration of the Stockholm Conference on the Human Environment, the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluded Documents of the Madrid and Vienna Meetings of Representatives of the Participating States of the CSCE, and the Regional Strategy for Environmental Protection and Rational Use of Natural Resources, a UNEP Regional Centre covering the period up to the year 2000 and Beyond,

Conscious of the role of the Council of Ministers Economic Commission for Europe in promoting international cooperation for the prevention, control and reduction of transboundary water pollution and sustainable use of transboundary waters, and in this regard recalling the ECE Declaration of Policy on Prevention and Control of Water Pollution, including Transboundary Pollution; the ECE Declaration of Policy on the Rational Use of Water; the ECE Principles Regarding Cooperation in the Field of Transboundary Waters; the ECE Charter on Groundwater Management; and the Code of Conduct on Accidental Pollution of Transboundary Inland Waters,

Referring to decisions I (42) and I (44) adopted by the Economic Commission for Europe at its forty-second and forty-fourth sessions, respectively, and the outcome of the ECE Meeting on the Protection of the Environment (Sofia, Bulgaria, 16 October - 3 November 1989),

Emphasizing that cooperation between member countries in regard to the protection and use of transboundary waters shall be implemented primarily through the elaboration of agreements between countries bordering the same waters, especially where no such agreements have yet been reached,

Have agreed as follows:



## Article 1

### DEFINITIONS

For the purposes of this Convention:

1. "Transboundary waters" means any surface or ground waters which mark, cross or are located on boundaries between two or more States; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks;
2. "Transboundary impact" means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; they also include effects on the cultural heritage or socio-economic conditions resulting from alterations to those factors;
3. "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;
4. "Riparian Parties" means the Parties bordering the same transboundary waters;
5. "Joint body" means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties;
6. "Hazardous substances" means substances which are toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent;
7. "Best available technology" (the definition is contained in annex I to this Convention).

## PART I

### PROVISIONS RELATING TO ALL PARTIES

#### Article 2

##### GENERAL PROVISIONS

1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.
2. The Parties shall, in particular, take all appropriate measures:
  - (a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact;

(b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection;

(c) To ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;

(d) To ensure conservation and, where necessary, restoration of ecosystems.

3. Measures for the prevention, control and reduction of water pollution shall be taken, where possible, at source.

4. These measures shall not directly or indirectly result in a transfer of pollution to other parts of the environment.

5. In taking the measures referred to in paragraphs 1 and 2 of this article, the Parties shall be guided by the following principles:

(a) The precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand;

(b) The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;

(c) Water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

6. The Riparian Parties shall cooperate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the protection of the environment of transboundary waters or the environment influenced by such waters, including the marine environment.

7. The application of this Convention shall not lead to the deterioration of environmental conditions nor lead to increased transboundary impact.

8. The provisions of this Convention shall not affect the right of Parties individually or jointly to adopt and implement more stringent measures than those set down in this Convention.

### Article 3

#### PREVENTION, CONTROL AND REDUCTION

1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures, in order to ensure, inter alia, that:



(a) The emission of pollutants is prevented, controlled and reduced at source through the application of, inter alia, low and non waste technology;

(b) Transboundary waters are protected against pollution from point sources through the prior licensing of waste water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;

(c) Limits for waste-water discharges stated in permits are based on the best available technology for discharges of hazardous substances;

(d) Stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires;

(e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;

(f) Appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources;

(g) Appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the main sources are from agriculture (guidelines for developing best environmental practices are given in annex II to this Convention);

(h) Environmental impact assessment and other means of assessment are applied;

(i) Sustainable water-resources management, including the application of the ecosystems approach, is promoted;

(j) Contingency planning is developed;

(k) Additional specific measures are taken to prevent the pollution of groundwaters;

(l) The risk of accidental pollution is minimized.

2. To this end, each Party shall set emission limits for discharges from point sources into surface waters based on the best available technology, which are specifically applicable to individual industrial sectors or industries from which hazardous substances derive. The appropriate measures mentioned in paragraph 1 of this article to prevent, control and reduce the input of hazardous substances from point and diffuse sources into waters, may, inter alia, include total or partial prohibition of the production or use of such substances. Existing lists of such industrial sectors or industries and of such hazardous substances in international conventions or regulations, which are applicable in the area covered by this Convention, shall be taken into account.

3. In addition, each Party shall define, where appropriate, water-quality objectives and adopt water-quality criteria for the purpose of preventing, controlling and reducing transboundary impact. General guidance for developing such objectives and criteria is given in annex III to this Convention. When necessary, the Parties shall endeavour to update this annex.

## Article 4

### MONITORING

The Parties shall establish programmes for monitoring the conditions of transboundary waters.

## Article 5

### RESEARCH AND DEVELOPMENT

The Parties shall cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact. To this effect, the Parties shall, on a bilateral and/or multilateral basis, taking into account research activities pursued in relevant international forums, endeavour to initiate or intensify specific research programmes, where necessary, aimed, *inter alia*, at:

- (a) Methods for the assessment of the toxicity of hazardous substances and the noxiousness of pollutants;
- (b) Improved knowledge on the occurrence, distribution and environmental effects of pollutants and the processes involved;
- (c) The development and application of environmentally sound technologies, production and consumption patterns;
- (d) The phasing out and/or substitution of substances likely to have transboundary impact;
- (e) Environmentally sound methods of disposal of hazardous substances;
- (f) Special methods for improving the conditions of transboundary waters;
- (g) The development of environmentally sound water construction works and water-regulation techniques;
- (h) The physical and financial assessment of damage resulting from transboundary impact.

The results of these research programmes shall be exchanged among the Parties in accordance with article 6 of this Convention.

## Article 6

### EXCHANGE OF INFORMATION

The Parties shall provide for the widest exchange of information, as early as possible, on issues covered by the provisions of this Convention.

## Article 7

### RESPONSIBILITY AND LIABILITY

The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.



## Article 8

### PROTECTION OF INFORMATION

The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national legal systems and applicable supranational regulations to protect information related to industrial and commercial secrecy, including intellectual property, or national security.

## PART II

### PROVISIONS RELATING TO RIPARIAN PARTIES

## Article 9

### BILATERAL AND MULTILATERAL COOPERATION

1. The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of this Convention, in order to define their mutual relations and conduct regarding the prevention, control and reduction of transboundary impact. The Riparian Parties shall specify the catchment area, or part(s) thereof, subject to cooperation. These agreements or arrangements shall embrace relevant issues covered by this Convention, as well as any other issues on which the Riparian Parties may deem it necessary to cooperate.

2. The agreements or arrangements mentioned in paragraph 1 of this article shall provide for the establishment of joint bodies. The tasks of these joint bodies shall be, *inter alia*, and without prejudice to relevant existing agreements or arrangements, the following:

(a) To collect, compile and evaluate data in order to identify pollution sources likely to cause transboundary impact;

(b) To elaborate joint monitoring programmes concerning water quality and quantity;

(c) To draw up inventories and exchange information on the pollution sources mentioned in paragraph 2 (a) of this article;

(d) To elaborate emission limits for waste water and evaluate the effectiveness of control programmes;

(e) To elaborate joint water-quality objectives and criteria having regard to the provisions of article 3, paragraph 3 of this Convention, and to propose relevant measures for maintaining and, where necessary, improving the existing water quality;

(f) To develop concerted action programmes for the reduction of pollution loads from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);

(g) To establish warning and alarm procedures;

(h) To serve as a forum for the exchange of information on existing and planned uses of water and related installations that are likely to cause transboundary impact;

(i) To promote cooperation and exchange of information on the best available technology in accordance with the provisions of article 13 of this Convention, as well as to encourage cooperation in scientific research programmes;

(j) To participate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations.

3. In cases where a coastal State, being Party to this Convention, is directly and significantly affected by transboundary impact, the Riparian Parties can, if they all so agree, invite that coastal State to be involved in an appropriate manner in the activities of multilateral joint bodies established by Parties riparian to such transboundary waters.

4. Joint bodies according to this Convention shall invite joint bodies, established by coastal States for the protection of the marine environment directly affected by transboundary impact, to cooperate in order to harmonize their work and to prevent, control and reduce the transboundary impact.

5. Where two or more joint bodies exist in the same catchment area, they shall endeavour to coordinate their activities in order to strengthen the prevention, control and reduction of transboundary impact within that catchment area.

#### Article 10

##### CONSULTATIONS

Consultations shall be held between the Riparian Parties on the basis of reciprocity, good faith and good-neighbourliness, at the request of any such Party. Such consultations shall aim at cooperation regarding the issues covered by the provisions of this Convention. Any such consultations shall be conducted through a joint body established under article 9 of this Convention, where one exists.

#### Article 11

##### JOINT MONITORING AND ASSESSMENT

1. In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall establish and implement joint programmes for monitoring the conditions of transboundary waters, including floods and ice drifts, as well as transboundary impact.

2. The Riparian Parties shall agree upon pollution parameters and pollutants whose discharges and concentration in transboundary waters shall be regularly monitored.

3. The Riparian Parties shall, at regular intervals, carry out joint or coordinated assessments of the conditions of transboundary waters and the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in accordance with the provisions set out in article 16 of this Convention.



4. For these purposes, the Riparian Parties shall harmonize rules for the setting up and operation of monitoring programmes, measurement systems, devices, analytical techniques, data processing and evaluation procedures, and methods for the registration of pollutants discharged.

#### Article 12

##### COMMON RESEARCH AND DEVELOPMENT

In the framework of general cooperation mentioned in article 9 of this Convention, or specific arrangements, the Riparian Parties shall undertake specific research and development activities in support of achieving and maintaining the water-quality objectives and criteria which they have agreed to set and adopt.

#### Article 13

##### EXCHANGE OF INFORMATION BETWEEN RIPARIAN PARTIES

1. The Riparian Parties shall, within the framework of relevant agreements or other arrangements according to article 9 of this Convention, exchange reasonably available data, inter alia, on:

- (a) Environmental conditions of transboundary waters;
- (b) Experience gained in the application and operation of best available technology and results of research and development;
- (c) Emission and monitoring data;
- (d) Measures taken and planned to be taken to prevent, control and reduce transboundary impact;
- (e) Permits or regulations for waste-water discharges issued by the competent authority or appropriate body.

2. In order to harmonize emission limits, the Riparian Parties shall undertake the exchange of information on their national regulations.

3. If a Riparian Party is requested by another Riparian Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.

4. For the purposes of the implementation of this Convention, the Riparian Parties shall facilitate the exchange of best available technology, particularly through the promotion of: the commercial exchange of available technology; direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Riparian Parties shall also undertake joint training programmes and the organization of relevant seminars and meetings.

#### Article 14

##### WARNING AND ALARM SYSTEMS

The Riparian Parties shall without delay inform each other about any critical situation that may have transboundary impact. The Riparian Parties

shall set up, where appropriate, and operate a coordinated or joint communication, warning and alarm systems with the aim of obtaining and transmitting information. These systems shall operate on the basis of compatible data transmission and treatment procedures and facilities to be agreed upon by the Riparian Parties. The Riparian Parties shall inform each other about competent authorities or points of contact designated for this purpose.

#### Article 15

##### MUTUAL ASSISTANCE

1. If a critical situation should arise, the Riparian Parties shall provide mutual assistance upon request, following procedures to be established in accordance with paragraph 2 of this article.

2. The Riparian Parties shall elaborate and agree upon procedures for mutual assistance addressing, inter alia, the following issues:

(a) The direction, control, coordination and supervision of assistance;

(b) Local facilities and services to be rendered by the Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities;

(c) Arrangements for holding harmless, indemnifying and/or compensating the assisting Party and/or its personnel, as well as for transit through territories of third Parties, where necessary;

(d) Methods of reimbursing assistance services.

#### Article 16

##### PUBLIC INFORMATION

1. The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:

(a) Water-quality objectives;

(b) Permits issued and the conditions required to be met;

(c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.

2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.



PART III

INSTITUTIONAL AND FINAL PROVISIONS

Article 17

MEETING OF PARTIES

1. The first meeting of the Parties shall be convened no later than one year after the date of the entry into force of this Convention. Thereafter, ordinary meetings shall be held every three years, or at shorter intervals as laid down in the rules of procedure. The Parties shall hold an extraordinary meeting if they so decide in the course of an ordinary meeting or at the written request of any Party, provided that, within six months of it being communicated to all Parties, the said request is supported by at least one third of the Parties.

2. At their meetings, the Parties shall keep under continuous review the implementation of this Convention, and, with this purpose in mind, shall:

(a) Review the policies for and methodological approaches to the protection and use of transboundary waters of the Parties with a view to further improving the protection and use of transboundary waters;

(b) Exchange information regarding experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements regarding the protection and use of transboundary waters to which one or more of the Parties are party;

(c) Seek, where appropriate, the services of relevant ECE bodies as well as other competent international bodies and specific committees in all aspects pertinent to the achievement of the purposes of this Convention;

(d) At their first meeting, consider and by consensus adopt rules of procedure for their meetings;

(e) Consider and adopt proposals for amendments to this Convention;

(f) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

Article 18

RIGHT TO VOTE

1. Except as provided for in paragraph 2 of this article, each Party to this Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

## Article 19

### SECRETARIAT

The Executive Secretary of the Economic Commission for Europe shall carry out the following secretariat functions:

- (a) The convening and preparing of meetings of the Parties;
- (b) The transmission to the Parties of reports and other information received in accordance with the provisions of this Convention;
- (c) The performance of such other functions as may be determined by the Parties.

## Article 20

### ANNEXES

Annexes to this Convention shall constitute an integral part thereof.

## Article 21

### AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.
2. Proposals for amendments to this Convention shall be considered at a meeting of the Parties.
3. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties at least ninety days before the meeting at which it is proposed for adoption.
4. An amendment to the present Convention shall be adopted by consensus of the representatives of the Parties to this Convention present at a meeting of the Parties, and shall enter into force for the Parties to the Convention which have accepted it on the ninetieth day after the date on which two thirds of those Parties have deposited with the Depositary their instruments of acceptance of the amendment. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of acceptance of the amendment.

## Article 22

### SETTLEMENT OF DISPUTES

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute.
2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of



this article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice;
- (b) Arbitration in accordance with the procedure set out in annex IV.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

#### Article 23

##### SIGNATURE

This Convention shall be open for signature at Helsinki from 17 to 18 March 1992 inclusive, and thereafter at United Nations Headquarters in New York until 18 September 1992 by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 3 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

#### Article 24

##### DEPOSITARY

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

#### Article 25

##### RAIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Convention shall be open for accession by the States and organizations referred to in article 23.

3. Any organization referred to in article 23 which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently.

4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 23 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any substantial modification to the extent of their competence.

Article 26

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.
2. For the purposes of paragraph 1 of this article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of such an organization.
3. For each State or organization referred to in article 23 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

Article 27

WITHDRAWAL

At any time after three years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from the Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary.

Article 28

AUTHENTIC TEXTS

The original of this Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this seventeenth day of March one thousand nine hundred and ninety-two.



## ANNEX I

### DEFINITION OF THE TERM "BEST AVAILABLE TECHNOLOGY"

1. The term "best available technology" is taken to mean the latest stage of development of processes, facilities or methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available technology in general or individual cases, special consideration is given to:

(a) Comparable processes, facilities or methods of operation which have recently been successfully tried out;

(b) Technological advances and changes in scientific knowledge and understanding;

(c) The economic feasibility of such technology;

(d) Time limits for installation in both new and existing plants;

(e) The nature and volume of the discharges and effluents concerned;

(f) Low- and non-waste technology.

2. It therefore follows that what is "best available technology" for a particular process will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.

## ANNEX II

### GUIDELINES FOR DEVELOPING BEST ENVIRONMENTAL PRACTICES

1. In selecting for individual cases the most appropriate combination of measures which may constitute the best environmental practice, the following graduated range of measures should be considered:

(a) Provision of information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use and ultimate disposal;

(b) The development and application of codes of good environmental practice which cover all aspects of the product's life;

(c) Labels informing users of environmental risks related to a product, its use and ultimate disposal;

(d) Collection and disposal systems available to the public;

(e) Recycling, recovery and reuse;

(f) Application of economic instruments to activities, products or groups of products;

(g) A system of licensing, which involves a range of restrictions or a ban.

2. In determining what combination of measures constitute best environmental practices, in general or in individual cases, particular consideration should be given to:

(a) The environmental hazard of:

- (i) The product;
- (ii) The product's production;
- (iii) The product's use;
- (iv) The product's ultimate disposal;

(b) Substitution by less polluting processes or substances;

(c) Scale of use;

(d) Potential environmental benefit or penalty of substitute materials or activities;

(e) Advances and changes in scientific knowledge and understanding;

(f) Time limits for implementation;

(g) Social and economic implications.

3. It therefore follows that best environmental practices for a particular source will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.



ANNEX III

GUIDELINES FOR DEVELOPING WATER-QUALITY  
OBJECTIVES AND CRITERIA

Water-quality objectives and criteria shall:

- (a) Take into account the aim of maintaining and, where necessary, improving the existing water quality;
- (b) Aim at the reduction of average pollution loads (in particular hazardous substances) to a certain degree within a certain period of time;
- (c) Take into account specific water-quality requirements (raw water for drinking water purposes, irrigation, etc.);
- (d) Take into account specific requirements regarding sensitive and specially protected waters and their environment, e.g. lakes and groundwater resources;
- (e) Be based on the application of ecological classification methods and chemical indices for the medium- and long-term review of water-quality maintenance and improvement;
- (f) Take into account the degree to which objectives are reached and the additional protective measures, based on emission limits, which may be required in individual cases.

## ANNEX IV

### ARBITRATION

1. In the event of a dispute being submitted for arbitration pursuant to article 22, paragraph 2 of this Convention, a party or parties shall notify the secretariat of the subject matter of arbitration and indicate, in particular, the articles of this Convention whose interpretation or application is at issue. The secretariat shall forward the information received to all Parties to this Convention.
2. The arbitral tribunal shall consist of three members. Both the claimant party or parties and the other party or parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.
4. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may so inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. If it fails to do so within that period, the president shall so inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.
5. The arbitral tribunal shall render its decision in accordance with international law and the provisions of this Convention.
6. Any arbitral tribunal constituted under the provisions set out in this annex shall draw up its own rules of procedure.
7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
8. The tribunal may take all appropriate measures to establish the facts.
9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:
  - (a) Provide it with all relevant documents, facilities and information;
  - (b) Enable it, where necessary, to call witnesses or experts and receive their evidence.



10. The parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.

12. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.

13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

14. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

15. Any Party to this Convention which has an interest of a legal nature in the subject-matter of the dispute, and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.

16. The arbitral tribunal shall render its award within five months of the date on which it is established, unless it finds it necessary to extend the time limit for a period which should not exceed five months.

17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.

18. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.





**Annex 5.2G**

**ECE-SAEWP**

**Report of the fifth session  
as adopted by the Senior  
Advisers on 6 March 1992**







**Economic and Social  
Council**

RESTRICTED

ECE/ENVWA/24  
12 March 1992

Original: ENGLISH

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ECONOMIC COMMISSION FOR EUROPE

SENIOR ADVISERS TO ECE GOVERNMENTS  
ON ENVIRONMENTAL AND WATER PROBLEMS

REPORT OF THE FIFTH SESSION

as adopted by the Senior Advisers on 6 March 1992

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\* The results of the discussion on this item, held at the resumed session of the Senior Advisers at Ministerial level in Helsinki (Finland) on 17 and 18 March 1992 have been issued as an addendum to this document.

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## INTRODUCTION

1. The fifth session of the Senior Advisers to ECE Governments on Environmental and Water Problems was held in Geneva from 3 to 6 March 1992.

2. The meeting was attended by delegations of: Austria; Belarus; Belgium; Bulgaria; Canada; Czechoslovakia; Denmark; Finland; France; Germany; Greece; Hungary; Ireland; Israel; Italy; Netherlands; Norway; Poland; Portugal; Romania; Russian Federation; Spain; Sweden; Switzerland; Turkey; Ukraine; United Kingdom; United States of America; and Yugoslavia.

3. The session was attended by representatives of the European Community (EC).

4. Representatives of the following international organizations also attended: United Nations Conference on Environment and Development (UNCED), United Nations Centre for Human Settlements (UNCHS); United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP); International Labour Organisation (ILO); World Health Organization Regional Office for Europe (WHO/EURO); World Meteorological Organization (WMO); Organisation for Economic Co-operation and Development (OECD); International Council of Environmental Law (ICEL); and the World Conservation Union (IUCN).

5. The incumbent Chairman, Mr. K. BÄRLUND (Finland), opened the session.

6. Mr. G. HINTEREGGER, Executive Secretary of the Economic Commission for Europe, addressed the Senior Advisers. The text of the statement was circulated to participants at the session.

### I. ADOPTION OF THE AGENDA

7. The Senior Advisers adopted their agenda as contained in document ECE/ENVWA/22/Rev.1.

### II. ELECTION OF OFFICERS

8. Mr. K. BÄRLUND (Finland) was unanimously re-elected Chairman and Mr. Y. ARSKI (Russian Federation) was unanimously elected Vice-Chairman.

### III. ADOPTION OF CONVENTIONS\*

### IV. POLICY ISSUES OF ENVIRONMENTAL COOPERATION IN THE ECE REGION\*

### V. MATTERS ARISING FROM THE FORTY-SIXTH SESSION OF THE COMMISSION OF CONCERN TO THE SENIOR ADVISERS ON ENVIRONMENTAL AND WATER PROBLEMS

9. The Director of the Environment and Human Settlements Division drew the attention of the Senior Advisers to the discussions held and the decisions adopted by the Commission at its forty-sixth session of relevance to the work of the Senior Advisers (E/1991/36 and ENVWA/R.55), in particular to Commission decision E(46).



10. The Senior Advisers took note of the results of the Commission's forty-sixth session of relevance to their activities and decided to bear those results in mind when discussing the various agenda items.

#### VI. CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

11. In the introduction to the report of the first Meeting of the Signatories to the Convention on Environmental Impact Assessment in a Transboundary Context (ENVWA/WG.3/2), the attention of the Senior Advisers was drawn, inter alia, to the status of the Convention. They were in particular informed that Albania and Sweden ratified the Convention. The delegation of Yugoslavia informed the session that in its country a proposal is being drafted to accede to this Convention.

12. The delegation of Italy declared the readiness of its Government to host the second meeting of the Signatories to the Convention on Environmental Impact Assessment in a Transboundary Context.

13. The delegation of the United Kingdom reiterated its intention to seek to place on the agenda of the first Meeting of Parties to the Convention a proposal to amend Appendix I of the Convention to include onshore hydrocarbon production and, in this respect, written information was circulated.

14. In introducing the final report of the task force on the application of EIA principles to policies, plans and programmes, the delegation of the United States of America proposed to insert into the title page or preface of the report the following disclaimer: "The Senior Advisers to ECE Governments on Environmental and Water Problems acknowledge and appreciate the work and technical observations of the environmental impact assessment experts of the task force on the application of environmental impact assessment principles to policies, plans, and programmes, and note that the report is not intended to reflect policy views of governments, but rather to stimulate discussion and consideration on an important aspect of EIA policy. The Senior Advisers also note the findings of the Task Force regarding the differences between EIA for project-level activities and for planning and policy development and the important acknowledgement of differing approaches to public consultation and legal and constitutional systems among ECE member countries. Accordingly, the Senior Advisers find that the report is a useful contribution to governments' ongoing consideration of this area and welcome its distribution for their use."

15. The Senior Advisers:

(a) Took note of the report of the first Meeting of the Signatories to the Convention on Environmental Impact Assessment in a Transboundary Context (ENVWA/WG.3/2);

(b) Decided to convene a second Meeting of the Signatories to the Convention open to all ECE member countries and welcomed with appreciation the offer of the Government of Italy to host this meeting;

(c) Requested the Signatories to the Convention who have not yet done so to submit to the secretariat information on the point of contact regarding notification in accordance with Article 3 of the Convention;



(d) Took note of the final report of the task force on the application of EIA principles to policies, plans and programmes (ENVWA/WP.3/R.3), agreed to insert the proposed disclaimer into the report and requested the secretariat to issue the report as a new volume in the Environmental Series.

#### VII. PREPARATION FOR THE CONFERENCE "ENVIRONMENT FOR EUROPE"

16. The delegation of Switzerland informed the Senior Advisers of progress made in the preparation for the Conference "Environment for Europe" to be hosted by the Government of Switzerland, and in particular, that the Expert Group for the Conference, at its second meeting in Geneva on 2 March 1992, invited the Senior Advisers to participate in the preparatory process and, taking into account the conclusions of the Ministerial Conferences of Dublin, Bergen and Dobris as well as the immediate environmental challenges in Central and Eastern Europe:

(a) To assess progress in the implementation of the conclusions and recommendations of the Bergen, Dublin and Dobris Conferences;

(b) To propose initial elements of an evolving environmental programme for Europe which would, inter alia:

- (i) Identify major long-term issues in environmental policy and practice at the local, national and regional levels and, in consultation with relevant international organizations, propose specific programmes of work;
- (ii) Assess relevant ongoing programmes within the ECE and between the ECE and OECD;

(c) To consider:

- (i) The implications of the conclusions of the United Nations Conference on Environment and Development relevant to European environmental policies with a view to developing, where appropriate, proposals for their implementation;
- (ii) The state of the negotiations on the various global problems;

(d) To prepare, based on the results of the work as detailed in items (a) to (c) above, draft elements for a strong political commitment in the form of a Ministerial Declaration.

The Senior Advisers were also invited to maintain close contact with other preparatory groups in the Dobris follow-up process. The results of the work of the Senior Advisers will be considered by the Expert Group.

17. The delegation of Switzerland mentioned also that at the second meeting of the Expert Group one delegation proposed the elaboration of a European ecological charter.



18. The Senior Advisers accepted the invitation extended by the Expert Group for the Conference, discussed ways and means for the expedient implementation of the above requests and agreed upon the following:

(a) An Ad hoc Working Group will be established under the Chairmanship of Mr. K. BÄRLUND (Finland), Chairman of the Senior Advisers, in order to prepare a draft contribution on the issues referred to in paragraph 16;

(b) Governmentally designated experts, in cooperation with the secretariat, will prepare the relevant inputs for the first meeting of the Working Group to be held in September 1992. A consultation of designated experts will be convened in Geneva on 9 to 10 July 1992 in order to take into account the results of the meeting of the Experts Group for the Conference to be held in Brussels on 8 July 1992. Following usual practice, other consultations will be convened as appropriate;

(c) A special session of the Senior Advisers will be convened at the latest, two and a half months before the Ministerial Conference to be hosted by Switzerland, to review and finalize the contribution of the Senior Advisers to the Expert Group for the Conference.

#### VIII. PROGRESS IN SPECIFIC AREAS OF COOPERATION

##### A. Water management

19. The report of the fifth session of the Working Party on Water Problems (ENVWA/WP.19) was introduced by Mr. W. KITTINGER (Austria), Chairman of the Working Party.

20. A representative of the ECE/FAO Agriculture and Timber Division of the secretariat informed the Senior Advisers about the results of the first session of the Working Party on Relations between Agriculture and the Environment, established by the Committee on Agriculture. Specific reference was made to water-related activities.

21. The delegation of Norway informed the Senior Advisers about the outcome of the Seminar on Ecosystems Approach to Water Management held in Oslo from 27 to 31 May 1991 and offered to host a consultation of governmentally designated experts entrusted with the elaboration of a draft Code of practice on ecosystems-based water management.

22. In the discussion of the draft recommendations on ecosystems-based water management, the delegation of the United States of America reserved its position regarding paragraph 6 of Annex II to document ENVWA/SEM.5/3.

23. The delegation of the United Kingdom offered to host a Seminar on Water-quality Criteria and Objectives in 1993 (subject to confirmation).

24. The Senior Advisers:

(a) Took note of the report of the fifth session of the Working Party on Water Problems (ENVWA/WP.3/19);



(b) Took note of the report of the Seminar on Ecosystems Approach to Water Management (ENVWA/SEM.5/3), adopted the recommendations on ecosystems-based water management as contained in Annex II thereto (with the following amendments:

In the first sentence of paragraph 7, for should be incorporated into substitute should serve as the basis for

In the second sentence of paragraph 10, for with the potential of adversely affecting the conditions of substitute which are likely to cause significant adverse effects on)

and requested the secretariat to transmit these recommendations to ECE Governments;

(c) Welcomed the offer of the delegation of Norway to host a consultation of governmentally designated experts on the preparation of a preliminary draft Code of practice on ecosystems-based water management, and invited delegations which have not yet designated experts to do so as soon as possible;

(d) Adopted the report including recommendations on the protection of inland waters against eutrophication (ENVWA/WP.3/R.22) with the amendments as contained in Annex II to document ENVWA/WP.3/19, and requested the secretariat to arrange for its wide dissemination;

(e) Invited delegations to transmit to the secretariat by 30 June 1992 updated information regarding documents WATER/R.69 and WATER/R.85 and requested the secretariat to prepare a draft consolidated list of existing conventions and international agreements concerning water resources in the ECE region, for consideration by the Working Party on Water Problems at its sixth session;

(f) Welcomed the offer of the delegation of the United Kingdom to host a Seminar on Water-quality Criteria and Objectives in 1993 (subject to confirmation) on the basis of a Seminar programme to be elaborated by the Working Party on Water Problems at its sixth session;

(g) Invited the Committee on Agriculture to cooperate in the work of the task force on the prevention and control of water pollution from fertilizers and pesticides, in particular by designating agricultural experts to participate in the task force.

## B. Air pollution problems

25. In introducing document ENVWA/R.62, the secretariat drew the attention of the Senior Advisers to achievements in the implementation of the Convention on Long-range Transboundary Air Pollution.

26. Several delegations welcomed the results achieved in the implementation of the Convention and related protocols, and referred to various approaches available for future protocols, in particular those being considered under the



ongoing negotiations for a draft second sulphur protocol. The delegations expressed their satisfaction with the fact that Cyprus had recently ratified the Convention. The delegation of France informed the Senior Advisers that its Government will provide an expert to strengthen the Air Pollution Section of the secretariat.

27. The Senior Advisers took note of the progress made in the implementation of the Convention on Long-range Transboundary Air Pollution (ENVWA/R.62).

C. Environmental technology and waste management

28. Mr. J. ZUREK (Poland), Chairman of the Working Party on Low- and Non-waste Technology and Re-utilization and Recycling of Wastes introduced this item.

29. The delegation of Poland informed the meeting of progress made in the preparations for the Seminar on Low-waste Technology and Environmentally Sound Products to be held in Warsaw from 24 to 28 May 1993. The delegations of Austria, Netherlands and Poland declared their intention to nominate rapporteurs for the respective topics of the Seminar.

30. Some delegations stressed that in pursuing the work in the field of waste management the relevant activities of other international organizations should be taken into account. Some delegations proposed to use the recommendations in the field of reduction, replacement, recovery, recycling and re-utilization of industrial waste (the five R policies) in the further elaboration of the regional strategy on integrated waste management.

31. A number of delegations supported the activities carried out by the task force on environmental product profiles (EPP), with the Netherlands as the lead country, and suggested that the case studies on experience gained in the development and application of EPP procedure should be widely circulated.

32. The Senior Advisers:

(a) Took note of the report of the ninth session of the Working Party on Low- and Non-waste Technology and Re-utilization and Recycling of Wastes (ENVWA/WP.2/5);

(b) Decided to convene an ad hoc meeting in late 1992 to finalize the regional strategy on integrated waste management on the basis of a draft prepared by the secretariat taking into account document ENVWA/WP.2/R.3 and possible comments by delegations and relevant international organizations;

(c) Adopted the report on energy- and resource-saving technologies in the pulp and paper industry (ENVWA/WP.2/R.1/Rev.1) for general distribution;

(d) Adopted the recommendations to ECE Governments on the five R policies, as contained in Annex I to document ENVWA/WP.2/5, for wide dissemination;



(e) Took note of progress made in the work of the task force on environmental product profiles with the Netherlands as the lead country and called on delegations to arrange for active participation therein;

(f) Took note of progress made in preparing for the Seminar on Low-waste Technology and Environmentally Sound Products.

D. Management of hazardous chemicals

33. Mr. H. KOHLMANN (Austria), Chairman of the Ad Hoc Meeting on Regional Cooperation for the Management of Hazardous Chemicals, held in cooperation with OECD in Vienna from 2 to 4 September 1991, informed the Senior Advisers of the outcome of this meeting.

34. Delegations taking part in the discussion welcomed the results of the ad hoc meeting, in particular the recommendations which promote the extension to the ECE region as a whole of systems and practice on management of chemicals, established by OECD for its member countries.

35. The Director of the OECD Environment Directorate pointed out that the meeting which was, the first in a series of joint undertakings of ECE and OECD, was a good start for further cooperative endeavours in the environmental field.

36. The delegation of Hungary provided information on progress made in the preparation for the workshop on Good Laboratory Practice (GLP) Principles and compliance therewith, to be held in October 1992.

37. The delegation of Switzerland informed the Senior Advisers that the third OECD workshop on the application of GLP will be organized in Interlaken, (Switzerland) from 5 to 9 October 1992.

38. Some delegations emphasized that in the future activities on the management of hazardous chemicals, attention should be paid to public participation in the decision-making process.

39. The Senior Advisers:

(a) Took note of the report of the Ad Hoc Meeting on Regional Cooperation for the Management of Hazardous Chemicals convened in cooperation with OECD (ENVWA/AC.8/2);

(b) Adopted the decision on Regional Cooperation for the Management of Hazardous Chemicals as contained in Annex I to this report.

E. Environment and economics

40. Mr. P. SCHREINER (Norway), Chairman of the Joint Working Group on Environment and Economics, introduced the report of the second session of the Joint Working Group (ENVWA/WG.2/4). He also informed the Senior Advisers of the results of the Ad Hoc Meeting on Economic Instruments for Environmental Policies for Countries in Transition organized in cooperation with OECD (ENVWA/AC.9/2).



41. The Deputy Director of the Division for Economic Analysis and Projections informed the Meeting of the integration of the environmental aspects in the work of the Senior Economic Advisers.

42. The Director of the OECD Environment Directorate stressed the importance of the environment/economic issues for the OECD member countries as well as of the cooperation between ECE and OECD in this area.

43. Many delegations welcomed the results achieved by the Joint Working Group; they stressed the importance of continuing the close cooperation between ECE and OECD. Several delegations noted that the difficult macroeconomic situation in many countries, whatever constraints it may impose on environmental policies, should not unduly delay the implementation of urgently required environmental measures.

44. The Senior Advisers:

(a) Took note of the reports of the second session of the Joint Working Group on Environment and Economics (ENVWA/WG.2/4) and of the Ad Hoc Meeting on Economic Instruments for Environmental Policies for Countries in Transition (ENVWA/AC.9/2);

(b) Recommended that the OECD "Guidelines and considerations for the use of economic instruments in environmental policies", as contained in document ENVWA/AC.9/R.3, also be applied in ECE countries non-members of OECD.

F. Flora, fauna and their habitats

45. Delegations taking part in the discussion on the draft Code of Practice for the Conservation of Threatened Animals and Plants and Other Species of International Significance (ENVWA/R.52) and the Indicative Lists of Birds and Mammals of International Significance (ENVWA/R.63, Annexes I and II) commended the Designated Experts on Flora and Fauna for the final results of their activities. Some delegations made comments or proposed corrections to specific provisions of the draft Code of Practice, particularly with regard to the role of precautionary efforts to safeguard species and their habitats, the participation of local people in conservation practices, the use of phylogenetic uniqueness as criteria for setting priorities on species conservation, the need for research on poorly known species or higher taxa, transboundary aspects of species conservation, redress of damage to wildlife, and conservation measures in agricultural areas. Some delegations proposed that the Indicative Lists should be updated periodically.

46. The Senior Advisers:

(a) Adopted the Code of Practice for the Conservation of Threatened Animals and Plants and Other Species of International Significance, as contained in document ENVWA/R.52, and requested the secretariat to provide for its wide dissemination;

(b) Took note of the Indicative Lists of Birds and Mammals of International Significance, as contained in Annexes I and II to document ENVWA/R.63, and requested the secretariat to attach them to the Code of Practice;



(c) Invited the Council of Europe to consider the opportunity of possible follow-up actions with regard to the documents on nature conservation elaborated under the auspices of the Senior Advisers.

G. Bilateral and multilateral financial cooperation

47. A number of delegations provided updated information for the report on bilateral and multilateral financial cooperation in the ECE region of relevance to environmental protection (ENVWA/R.64).

48. The Senior Advisers requested the secretariat:

(a) To revise document ENVWA/R.64 on the basis of updated information to be provided by delegations by 31 March 1992;

(b) To prepare, for consideration by the Senior Advisers at their sixth session, the 1993 issue of the report on bilateral and multilateral financial cooperation of relevance to environmental protection, on the basis of information to be provided by delegations and international organizations by 30 September 1992, according to guidelines circulated by the secretariat.

H. Systems for obtaining and exchanging reliable environmental information

49. Delegations taking part in the discussion on this subject stressed the need to keep under continuous review the developments in the systems for obtaining and exchanging environmental information in the ECE region.

50. The Senior Advisers took note of the report ENVWA/R.65 and Add.1 and decided to bear it in mind during the implementation of the different Conventions.

I. Environmental rights and obligations

51. Mr. W. KAKEBEEKE, Chairman of the Ad Hoc Meeting on Environmental Rights and Obligations held in The Hague (Netherlands) from 1 to 5 July 1991, introduced the report of the ad hoc meeting (ENVWA/AC.7/2). He also indicated that the report should not be considered as a final document at this stage. Some delegations underlined the importance of this subject and supported the idea to continue the work; also many delegations stressed the need to encourage agreement on an Earth Charter at UNCED. The delegation of Norway indicated that it would participate actively in the further work on the subject.

52. The Senior Advisers took note of the report of the Ad Hoc Meeting on Environmental Rights and Obligations (ENVWA/AC.7/2) and decided to set up a task force on environmental rights and obligations, with the Netherlands as lead country, which will continue the work on this subject, taking into account the relevant outcome of the 1992 United Nations Conference on Environment and Development, and present, if appropriate, to the sixth session of the Senior Advisers a document on environmental rights and obligations.



**J. Responsibility and liability**

53. The delegation of Austria introduced this item and recalled a proposal by the delegations of Austria and Finland for further work (ENVWA/R.50). Delegations taking part in the discussion expressed the view that the work on this subject should be continued and efforts should be made to avoid unnecessary duplication of activities in other forums.

54. The Senior Advisers took note of the report on the work undertaken by other international forums on responsibility and liability (ENVWA/R.66) and invited the task force on responsibility and liability, with Austria as the lead country, to resume its work with the objectives to review its report (ENVWA/R.45) in the light of information contained in document ENVWA/R.66, in particular taking into account the outcome of the relevant work undertaken by the Council of Europe, and to report on this subject to the sixth session of the Senior Advisers.

**IX. COOPERATION WITH OTHER PRINCIPAL SUBSIDIARY BODIES AND INTEGRATION OF ENVIRONMENTAL ASPECTS IN THEIR PROGRAMME OF WORK**

55. The Directors of the Industry and Technology Division, the Energy Division, and the Transport Division, as well as a representative of the Statistical Division updated the information contained in the document on environmental activities carried out under the auspices of their Principal Subsidiary Bodies (ENVWA/R.58 and Add. 1).

56. The delegations taking part in the discussion expressed their continued support for promoting the integration of environmental considerations in sectoral policies. The need was stressed, in particular, to enhance the development and application of environmental impact assessment procedures.

57. The Senior Advisers:

(a) Took note of documents ENVWA/R.58 and Add.1 and of the information provided;

(b) Requested the secretariat to continue to keep the Senior Advisers informed about environmental activities of other Principal Subsidiary Bodies of the Commission.

**X. COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS, INCLUDING PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED)**

58. The following international organizations provided documentation on their activities with regard to environmental and water problems: United Nations Environment Programme (UNEP); United Nations Conference on Environment and Development (UNCED); International Labour Organisation (ILO); International Maritime Organization (IMO); World Conservation Union (IUCN); Council of Europe (CE); Organization for Economic Co-operation and Development (OECD); Baltic Marine Environment Protection Commission (HELCOM); and International Commission for the Protection of the Rhine against Pollution.



59. In their statements, the representatives of UNEP, UNCED and OECD updated and completed their written information. The representatives of the European Community and of the World Meteorological Organization (WMO) also informed the Senior Advisers about relevant activities of their organizations.

60. The Senior Advisers:

(a) Took note of the information provided and thanked the representatives of international organizations for their contributions;

(b) Requested the secretariat to continue to take the necessary steps for the distribution, at the annual sessions of the Senior Advisers, of written information on the activities of other international organizations.

#### XI. ENVIRONMENTAL PERFORMANCE REVIEWS

61. The Director of the OECD Environment Directorate informed the Senior Advisers about developments within OECD on the preparation of environmental performance reviews for countries which are members of that organization.

62. Delegations taking part in the discussion stressed the importance of elaborating, in close cooperation with OECD, a programme for environmental performance reviews for ECE countries which are non-members of OECD. The delegations of Bulgaria, Poland and Ukraine expressed interest in undertaking the preparation of pilot reviews for their respective countries in 1993.

63. The Senior Advisers concluded that the programme to be elaborated in close cooperation with OECD would have to reflect the specific needs of ECE countries which are non-members of OECD, and cover such issues as the substance of reviews (e.g. goals, scope, topics, structure), instruments (e.g. national report systems, indicators, questionnaires), participation (e.g. of review countries, other ECE countries, an intergovernmental mechanism), review sequence (e.g. data compilation, completion of questionnaires, country visits, drafting of reports, review meetings, publications), time-schedule (e.g. duration of trial period, calendar of country reviews, duration of individual review phases), cooperation with OECD, and resource support needed (at country, intergovernmental and secretariat levels).

64. The Senior Advisers:

(a) Requested the bureau of the Senior Advisers to assess the results of consultations between ECE and OECD secretariats on the subject and to submit its assessment, if appropriate, to the Senior Advisers for consideration at their special session in the fall of 1992;

(b) Decided to take a final decision as regards the detailed programme for environmental performance reviews to be carried out in close cooperation with OECD at their sixth session in 1993.



## XII. PROPOSAL FOR THE DEVELOPMENT OF A STRATEGIC FRAMEWORK

65. The delegations undertook a preliminary exchange of views on issues raised in the document prepared by the delegation of Canada (ENVWA/R.60). With regard to the proposals on strategic planning and management, the Senior Advisers, finding the need for their work to become more results-oriented:

(a) Took note of the proposal by the delegation of Canada concerning an approach for strategic planning and management (ENVWA/R.60);

(b) Invited delegations to transmit to the secretariat, by 1 June 1992, their written views and comments on the proposals contained in paragraph 3 of document ENVWA/R.60;

(c) Requested the bureau, with the assistance of the secretariat, to review the transmitted comments with a view to submitting possible recommendations for consideration by the Senior Advisers at their sixth session in 1993.

## XIII. PROGRAMME OF WORK

66. The delegation of Bulgaria informed the Senior Advisers of its intention to organize a workshop on legal aspects of the improvement of environmental management in countries with economies in transition in October 1992.

67. The delegations of the Netherlands and the Russian Federation expressed their readiness to explore the possibility of convening in 1992 a workshop on costing techniques for environmental policies under the auspices of the Joint Working Group on Environment and Economics in cooperation with OECD.

68. The delegations of Finland, Germany, Greece, Hungary, Netherlands, Romania and United Kingdom expressed their readiness to explore the possibility of designating experts from their countries to participate in the work of the task force on responsibility and liability with Austria as the lead country.

69. The delegations of Czechoslovakia, Finland, Germany, Switzerland and United Kingdom expressed their readiness to explore the possibility of designating experts from their countries to participate in the work of the task force on environmental rights and obligations with the Netherlands as the lead country.

70. With regard to activities related to the Convention on Environmental Impact Assessment in a Transboundary Context, the delegation of Germany confirmed its readiness to lead the task force on legal and administrative aspects and called for active participation in the three meetings of that task force scheduled to be held in 1992. The delegation of Sweden informed the Senior Advisers about the programme of a workshop on methodological aspects, to be organized in Stockholm (Sweden) in September 1992.

71. With regard to the activities on integrated waste management, one delegation held the view that the integrated waste management approach should be considered in its broadest terms.



72. The delegation of Austria stated that an expert from its country will participate in the work of the task force on environmental product profiles with the Netherlands as the lead country.

73. The delegations of Spain and the Russian Federation expressed their readiness to designate experts to participate in the elaboration of a draft Code of practice on ecosystems-based water management.

74. In order to promote efforts to implement the Convention on the Transboundary Effects of Industrial Accidents pending its entry into force, the delegation of France offered its support in establishing a database with relevant information in this area.

75. The delegation of Israel offered to organize a workshop on topical issues in the field of agriculture and environment in the course of 1992 and to report on its outcome to the sixth session of the Senior Advisers.

76. The delegation of the United Kingdom offered to organize a workshop on an integrated approach to pollution prevention and control in 1992 following the proposal as contained in document ENVWA/R.67 with a view of establishing a task force on the subject. The delegations of Belarus, Russian Federation and Ukraine welcomed this offer and suggested that the consequences of major industrial accidents, in particular those from nuclear power plants, should be taken into account in this activity.

77. The delegation of Bulgaria, while emphasizing the importance it attached to the full involvement of its country in environmental cooperation promoted within the ECE, noted with regret that financial constraints have been preventing Bulgaria from benefiting, particularly during the period of transition, from active attendance of numerous pertinent activities of the Senior Advisers. The delegations of Romania and Ukraine supported this statement.

78. The Senior Advisers:

(a) Adopted the programme of work as contained in Annex II to this report;

(b) Agreed on a priority ranking of all programme elements in their programme of work as indicated in Annex II to this report, accordingly;

(c) Decided to discontinue the activities of the Working Party on Air Pollution Problems;

(d) Welcomed the initiatives taken by the delegations of Bulgaria, Israel and United Kingdom, and the offer made by the delegations of the Netherlands and the Russian Federation to explore the possibility of organizing workshops on environment-related topics, called for active participation therein and invited other delegations to consider the opportunity of organizing workshops according to the terms set out in programme element 03.1.3;



(e) Expressed appreciation to those Governments that had nominated rapporteurs, hosted or offered to host seminars, consultations, meetings or led task forces.

#### XIV. OTHER BUSINESS

79. A tentative schedule of meetings under the auspices of the Senior Advisers covering the period up to their sixth session is contained in Annex III to this report.

#### XV. ADOPTION OF THE REPORT

80. On Friday, 6 March 1992, the Senior Advisers on Environmental and Water Problems adopted the report of their work covering the period from 3 to 6 March 1992.

systems and practices on management of chemicals. The Senior Advisers will also explore the value and feasibility of promoting public awareness of and participation in the management of hazardous chemicals as a complement to the OECD systems and practices.

Work to be undertaken: A workshop will be organized in 1992 by the Government of Hungary on Good Laboratory Practice (GLP) Principles and compliance therewith, in particular for countries with economies in transition. An ad hoc meeting will be convened in Sweden in 1993 to review the progress made regarding the implementation of existing OECD systems and practices on management of chemicals in non-OECD member countries. The workshop and the meeting will be held in close cooperation with OECD. The delegation of Sweden, in consultation with other delegations, will consider including in the agenda for the ad hoc meeting a review of the experiences of ECE countries with existing public awareness and participation initiatives and programmes, and consider ways and means of promoting the establishment of such programmes, as appropriate, in the ECE region.

Duration: 1990-1993

#### PROGRAMME ACTIVITY 03.5: WATER MANAGEMENT

##### 03.5.1 Interim implementation of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (A)

Description: The Senior Advisers will promote efforts by Signatories to strive for the entry into force of the Convention as soon as possible, to implement the Convention pending its entry into force and to prepare for the first Meeting of the Parties.

Work to be undertaken: The Working Party on Water Problems will examine ways and means to implement the Convention pending its entry into force and will, in particular, make recommendations for a work-plan.

Duration: Continuing

##### 03.5.2 Guidelines for ecosystems-based water management (B)

Description: The Senior Advisers will elaborate comprehensive guidelines to ECE Governments on the practical application of the ecosystems approach to day-to-day water management. Particular attention will be paid to legal, institutional, economic and technical measures, as well as to monitoring, research, education, training, public participation and international cooperation.

Work to be undertaken: At its sixth session, the Working Party on Water Problems will elaborate, on the basis of a preliminary draft prepared by governmentally designated experts, a draft Code of practice for adoption by the Senior Advisers at their sixth session.

Duration: 1992