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ECONOMIC COMMISSION FOR EUROPE

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

Legal Board

Fifth meeting
Geneva, 2–3 October 2008

ANNOTATED PROVISIONAL AGENDA FOR THE FIFTH MEETING

To be held at the Palais des Nations, in Salle VIII
starting on Thursday, 2 October 2008, at 10 a.m. *

I. PROVISIONAL AGENDA

1. Adoption of the agenda.
2. Election of officers.
3. Guide to ratifying and implementing the Convention:
 - (a) Introduction to the objectives of the guide;

* Delegates attending meetings at the Palais des Nations are requested to complete the registration form available on the UNECE website (http://www.unece.org/env/water/meetings/legal_board/legal_board.htm) and to transmit it to the UNECE secretariat no later than two weeks before the meeting by e-mail (olga.carlos@unece.org). On their way to the meeting, delegates should obtain an identification badge at the Pass and Identification Unit of the United Nations Office at Geneva's Security and Safety Section, located at the Pregny Gate, 14, Avenue de la Paix (see the map on the UNECE website: <http://www.unece.org/meetings/practical.htm>). In case of difficulty, please contact the secretariat by telephone at +41 22 917 1926.

- (b) Exchange of experience on national approaches to ratification;
 - (c) Draft guide;
 - (d) Future work arrangements.
4. Other possible future activities of the Legal Board.
 5. Other business.
 6. Closing of the meeting.

II. BACKGROUND AND PRACTICAL INFORMATION

1. The Legal Board was established at the third meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Madrid, 26–28 November 2003), at the request of the Convention's bodies, to deal with legal questions related to the work under the Convention (see ECE/MP.WAT/15/Add.1, decision III/3).
2. Following the expression of the intention to ratify the Convention at the fourth meeting of the Parties (Bonn, Germany, 20–22 November, 2006), Georgia and the former Yugoslav Republic of Macedonia approached the secretariat with requests for support to facilitate such ratification. The requests underlined the need to concretely address the legal, practical and economic implications of ratification.
3. To implement this new task for the Convention, the Bureau, in consultation with the secretariat, agreed that the most effective way to address these and possible future requests would be through the development of a practical guide designed to support both ratification and implementation of the Convention by providing direction for work at the national level. This document should substitute the strategic guidance on integrated management of transboundary water resources originally included in the workplan as programme element 2.1.1.
4. Furthermore, the Bureau agreed that this activity should be a multilateral exercise with the close involvement of the Legal Board and the Working Group on Integrated Water Resources Management, as the activity entailed on the one hand an interpretation of the Convention's provisions (which should be the role of the Legal Board), and on the other, practical advice for their implementation (which should be provided by Working Group).
5. The participation in this activity by Parties and by countries intending to ratify the Convention is extremely important as the guide will promote a practical approach to the Convention's ratification and implementation, which should be based on good practices developed by Parties. Moreover, the guide should aim at prioritizing obligations under the Convention so as to allow a step-by-step implementation and such prioritization should reflect the views and practices of Parties.
6. The working languages of the Legal Board will be English, French and Russian. Documentation of this fifth meeting will be available in English only.

7. Participants are requested to complete the registration form (available online at: http://www.unece.org/env/water/meetings/legal_board/legal_board.htm) and to transmit it by e-mail to the secretariat (olga.carlos@unece.org) as soon as possible, but not later than 19 September 2008.
8. Eligible participants from countries with economies in transition may apply for financial support to facilitate their participation in the meeting. **Requests for financial support should be submitted to UNECE by e-mail (olga.carlos@unece.org) as soon as possible, but not later than 12 September 2008.**
9. Additional documentation for the meeting will be posted online at: http://www.unece.org/env/water/meetings/legal_board/legal_board.htm.

III. ANNOTATIONS TO THE AGENDA

Item 1: Adoption of the agenda

(Thursday, 2 October 2008, 10 a.m. – 10:10 a.m.)

10. The Legal Board will be expected to adopt its agenda as set out in the present document.

Item 2: Election of officers

(Thursday, 2 October 2008, 10:10 a.m. – 10:20 a.m.)

11. The Legal Board will elect its chairperson and, if it deems necessary, one or more vice-chairpersons.

Item 3: Guide to ratifying and implementing the Convention

(Thursday, 2 October 2008, 10:20 a.m. – 1 p.m. and 3 p.m. – 6 p.m. and Friday, 3 October 2008, 9:30 a.m. – 12:30 p.m. and 2:30 p.m. – 3:30 p.m.)

(a) Introduction to the objectives of the guide

12. Ms. Heide Jekel, Chairperson of the Bureau of the Meeting of the Parties to the Water Convention, will introduce the objectives of the guide and the implications from the legal and practical points of view for the work under the Convention.

13. Representatives from Georgia and the former Yugoslav Republic of Macedonia will illustrate the steps taken at national level towards ratification of the Convention, challenges encountered and their expectations vis-à-vis the guide.

(b) Exchange of experience on national approaches to ratification

14. Participants will be invited to share their experience on their approaches taken at the national level to ratification and further implementation of the Convention as well as other useful information for carrying out these activities (e.g. similar documents developed for other

multilateral legal instruments). In this regard, participants are encouraged to inform the secretariat prior to the meeting on any relevant background material.

(c) Draft guide

15. Mr. Attila Tanzi (Italy) will introduce a draft concept and outline of the guide.
16. The Legal Board will discuss the draft document and agree on a general approach for the guide, as well as on its structure and content.

(d) Future work arrangements

17. The Legal Board will be discuss and agree on future work arrangements for developing the guide (e.g. modality of work, timeline, financing) based on a proposal prepared by the secretariat.

Item 4: Other possible future activities of the Legal Board
(Friday, 3 October 2008, 3:30 p.m.–4:15 p.m.)

18. At their fourth meeting, the Parties agreed that the Legal Board would carry out the following tasks, as needed:

(a) Assist Parties and non-Parties, at their request, in drawing up new agreements or adapting existing ones on transboundary waters in line with article 9, paragraph 1, as well as other relevant articles of the Convention;

(b) Assist Parties to the Convention as well as non-Parties in using the Model provisions for transboundary flood management;

(c) Provide support to Parties' ratification of the amendment to articles 25 and 26 of the Convention, which open the Convention for accession to countries outside the UNECE region;

(d) Assist in promoting the Convention, its Protocols and its soft-law tools outside the UNECE region.

19. At the time of writing, no requests had been received by the secretariat related to subparagraphs (a) and (b) in paragraph 18 above.

20. While activities related to the amendment of the Convention and the promotion outside the UNECE region have not been a priority since the fourth meeting of the Parties, it is expected that they will receive more attention in view of the fifth meeting of the Parties, where it would be crucial to observe some significant progress in the ratification of the amendment to articles 25 and 26.

21. The Legal Board, taking into account needs identified by countries, will discuss and agree on additional possible future activities.

Item 5: Other business

(Friday, 3 October 2008, 4:15 p.m. – 4:20 p.m.)

22. At the time of writing, the secretariat had no points to propose under this item.

Item 6: Closing of the meeting

(Friday, 3 October 2008, 4:20 p.m. – 4:30 p.m.)

23. The Chairperson will summarize the major outcomes of the meeting and will close it on Friday, 3 October at 4:30 p.m.
