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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**

Working Group on Legal and Administrative Aspects

First meeting.

Geneva, 29-30 January 2001

PROVISIONAL AGENDA FOR THE FIRST MEETING

to be held at the Palais des Nations,
starting on Monday, 29 January at 10 a.m.

1. Opening of the meeting.
2. Adoption of the agenda.
3. Civil liability and water-related accidents.
4. Review of compliance.

GE-00

5. Activities until the second meeting of the Working Group.
6. Election of officers.
7. Other business.
8. Closing of the meeting.

EXPLANATORY NOTES

The provisional agenda and the explanatory notes have been prepared by the secretariat in consultation with the Chairperson of the Working Group, Mrs. Phani DASKALOPOULOU-LIVADA (Greece).

The meeting of the Working Group will be held in English only.

Item 1: Opening of the meeting

The Chairperson of the Working Group will open the meeting and make a statement on behalf of Greece, lead Party of programme area I of the 2000-2003 work plan under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention).

Item 2: Adoption of the agenda

The Meeting is expected to adopt its agenda as set out in the present document.

Item 3: Civil liability and water-related accidents

Following the decisions of the Parties to the Water Convention (ECE/MP.WAT/5, para. 31-34, and annex II, programme element 1.4), the Working Group will prepare its report on the subject and any other documentation needed for submission to the Bureau of the Meeting of the Parties to the Water Convention, taking into account the outcome of the first meeting of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention), Brussels, 22-24 November 2000. ^{1/}

The report will be based on: (a) the preliminary report on “Civil liability and accidental water pollution” by the Chairperson of the open-ended expert group on liability established by the Parties to the Water Convention (CP.TEIA/2000/14/Add.1); (b) the background study on “International legal instruments on civil liability applicable to water-related incidents: coverage and possible gaps”, commissioned by this expert group; (c) the background information on civil liability, drawn up by the Chairperson of the Working Group on the basis of inputs by the members of the expert group, which contains a compilation of examples of solutions found in international instruments relevant to civil liability for damage resulting from transboundary impact caused by water-related accidents.

Item 4: Review of compliance

The Parties to the Water Convention at their second meeting examined a proposal for a strategy and framework for monitoring compliance with agreements on transboundary waters (MP.WAT/2000/4, 6 and Add.1) drawn up by a group of invited experts, led by the Netherlands and assisted by the UN/ECE secretariat and the UNEP Regional Office for Europe. The Meeting

of the Parties offered its assistance -- through the Working Group on Legal and Administrative Aspects -- to the Meeting of the Signatories to the Protocol on Water and Health to draw up multilateral arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance to be submitted to the Parties to the Protocol at their first meeting (ECE/MP.WAT/5, para. 22 and 23). 2/

The Working Group will examine the above proposal in the light of the provisions of the Protocol on Water and Health, prepare a list of issues which should be considered jointly with the Working Group on Water and Health, and make further preparations, as appropriate, for the drafting of a proposal on compliance review following the new programme element 4.2.1 of the 2000-2003 work plan under the Water Convention adopted by the Signatories to the Protocol on Water and Health at their first meeting (MP.WAT/AC.2/2000/2, annex). 3/

Item 5: Activities until the second meeting of the Working Group

The Working Group will take note of the other decisions taken at the second meeting of the Parties to the Convention, such as the relevant other parts of the 2000-2003 work plan under the Convention and the terms of reference of the Working Group (ECE/MP.WAT/5, annexes II and VI). On the basis of these documents, the Working Group will elaborate its specific activities until its second meeting.

Item 6: Election of officers

The Meeting will elect a Chairperson and a Vice-Chairperson.

Item 7: Other business

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

Item 8: Closing of the meeting

The Chairperson will close the meeting.

Notes

1/ The Conference of the Parties to the Industrial Accidents Convention recognized, on the basis of the preliminary report and the background study, the shortcomings of existing international civil liability instruments, in particular due to their lack of specificity in certain cases and to the fact that they have not entered into force. The Conference of the Parties stressed the need for an appropriate regime, including a legally binding instrument, in the UN/ECE region on civil liability for damage caused by hazardous activities within the scope of both Conventions. Furthermore, it mandated its Bureau to work closely with the Bureau of the Meeting of the Parties to the Water Convention to prepare a joint special session of the governing bodies of both Conventions in 2001 with a view to considering entering into an intergovernmental negotiation process. Moreover, it requested its Bureau, to that end, to prepare, in conjunction with the Bureau of the Meeting of the Parties to the Water Convention, elements for defining the scope of a regime on civil liability. (See ECE/CP.TEIA/2, forthcoming).

2/ Article 15 of the Protocol on Water and Health to the Water Convention reads as follows: “The Parties shall review the compliance of the Parties with the provisions of this Protocol on the basis of the reviews and assessments referred to in article 7. Multilateral arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance shall be established by the Parties at their first meeting. These arrangements shall allow for appropriate public involvement.”

3/ This programme element reads as follows:

“4.2.1 Arrangements for the preparation of meeting documents on compliance review

Work to be undertaken: The Working Group on Water and Health assisted by the Working Group on Legal and Administrative Aspects will draw up multilateral arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of the Protocol for consideration by the Parties to the Protocol at their first meeting. Use will be made, as appropriate, of the work undertaken by a group of invited experts (led by the Netherlands and assisted by the UN/ECE secretariat and the UNEP Regional Office for Europe) who have drawn up the Geneva Strategy and Framework for Monitoring Compliance with Agreements on Transboundary Waters (MP.WAT/2000/4, 5 and Add.1).

Lead Party/Signatory: Hungary.”