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

Legal Board

Ninth meeting

Geneva, 1 and 2 September 2011

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the ninth meeting

To be held at the Palais des Nations, Geneva, starting at 10 a.m.
on Thursday, 1 September 2011*

I. Provisional agenda

1. Adoption of the agenda.
2. Mechanism to facilitate and support implementation and compliance:
 - (a) Possible drafting language for a mechanism to facilitate and support implementation and compliance;
 - (b) Possible reporting mechanism under the Convention;

* Delegates attending meetings at the Palais des Nations are requested to complete the registration form available on the United Nations Economic Commission for Europe (UNECE) website (www.unece.org/env/water/meetings/legal_board/legal_board.htm) and to transmit it to the UNECE secretariat **by 22 August 2011** by e-mail (water.convention@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/UN_Map.pdf). In case of difficulty, please contact the secretariat by telephone at +41 22 917-2439. Experts from eligible countries may apply for **financial support** to facilitate their participation in the meeting. Requests for financial support should be addressed to the UNECE secretariat together with the registration form as soon as possible, and in any case **by 20 July 2011**.

- (c) Rules of procedure of the proposed body in charge of the mechanism to facilitate and support implementation and compliance;
 - (d) Future work arrangements.
3. Application of the principles of the Convention to transboundary groundwaters.
4. Capacity-building activities on legal and institutional aspects of the Convention's implementation.
5. Other business.
6. Closing of the meeting.

II. Annotations

1. The ninth meeting of the Legal Board will be held in the Palais des Nations, Geneva, in Room V. It will start at 10 a.m. on Thursday, 1 September 2011 and end at 5 p.m. on Friday, 2 September 2011.
2. The working languages will be English, French and Russian.
3. All relevant documentation for the meeting of the Legal Board will be available at http://www.unece.org/env/water/meetings/legal_board/legal_board.htm.

1. Adoption of the agenda

Tentative timing: 10–10.10 a.m., Thursday, 1 September

4. The Legal Board is expected to adopt its agenda as set out in the present document.

2. Mechanism to facilitate and support implementation and compliance

Tentative timing: 10.10 a.m.–1 p.m. and 3–6 p.m., Thursday, 1 September; and 9.30 a.m.–12.30 p.m. and 2.30–3.30 p.m., Friday, 2 September

5. The Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, at its fifth session (Geneva, 10–12 November 2009), agreed on the need to establish a mechanism under the Convention through which problems related to implementation and possible differences in the Convention's interpretation could be addressed. To this end, it entrusted the Legal Board with the following tasks:

(a) To study possible options for assisting Parties with solving implementation problems and preventing or settling differences regarding the interpretation and application of the Convention, taking into account countries' needs and the Convention's distinctive cooperative spirit;

(b) On the basis of such a study, to prepare a proposal on the objectives, structure, tasks, functions, measures and procedures of an institutional and procedural mechanism to facilitate and support implementation and compliance, for possible adoption at the sixth session of the Meeting of the Parties in 2012.

6. At its seventh meeting (Geneva, 15–16 April 2010), the Legal Board exchanged views on possible options related to the objectives, structure, tasks, functions, measures and procedures of an institutional and procedural mechanism to facilitate and support implementation and compliance. At its eighth meeting (Geneva, 24–25 February 2011), the

Legal Board discussed possible drafting language for a mechanism to facilitate and support implementation and compliance (ECE/MP.WAT/AC.4/2011/3). The Legal Board commented on different options presented in the document and revised the language (see ECE/MP.WAT/AC.4/2011/2). The Legal Board entrusted the Chair to prepare an updated version of the document based on the outcome of the discussion and decisions taken.

(a) Possible drafting language for a mechanism to facilitate and support implementation and compliance

7. The Chair of the Legal Board will present an updated version of the document containing possible drafting language for a mechanism to facilitate and support implementation and compliance (ECE/MP.WAT/AC.4/2011/6).

8. The Legal Board will discuss the document and further elaborate the text by making suggestions on the proposed options and taking decisions on the drafting language.

(b) Possible reporting mechanism under the Convention

9. On the basis of a proposal prepared by the Chair, the Legal Board will discuss the opportunity to establish a reporting procedure under the Convention and, if relevant, its main features.

(c) Rules of procedure of the proposed body in charge of the mechanism to facilitate and support implementation and compliance

10. On the basis of a proposal prepared by the Chair, the Legal Board will discuss a basic outline of core rules of procedure of the proposed body in charge of the mechanism to facilitate and support implementation and compliance.

(d) Future work arrangements

11. The Legal Board will discuss and agree on future work arrangements (e.g., modality of work, timeline, financial needs) to complete the proposal on the mechanism to facilitate and support implementation and compliance, as well as its core rules of procedure, and, if so decided, the proposal for a possible reporting mechanism, in time for possible adoption at the sixth session of the Meeting of the Parties in 2012.

3. Application of the principles of the Convention to transboundary groundwaters

Tentative timing: 3.30–4 p.m., Friday, 2 September

12. The Meeting of the Parties at its fifth session entrusted the Legal Board to prepare a preliminary study, jointly with the Working Group on Integrated Water Resources Management, on the application of the principles of the Convention to transboundary groundwaters, to be submitted to the sixth session of the Meeting of the Parties for consideration as to whether further action is needed. The Legal Board at its eighth meeting welcomed the document “Application of the UNECE¹ Water Convention to groundwater: explicatory recognition of the existing UNECE regulatory language” (LB/2011/INF.2) submitted by the Chair. The Legal Board further discussed the possibility of additional action with respect to groundwater and suggested that a set of model provisions on groundwater be developed by the Legal Board in cooperation with the Working Group on

¹ United Nations Economic Commission for Europe.

Integrated Water Resources Management for possible adoption at the sixth session of the Meeting of the Parties in 2012. That proposal was endorsed by both the Bureau of the Meeting of the Parties and the Working Group on Integrated Water Resources Management at its sixth meeting (Geneva, 4–5 May 2011).

13. The Vice-Chair of the Legal Board will inform the meeting on the outcome of the consultation with the Working Group on Integrated Water Resources Management at its sixth meeting. The Legal Board will discuss and agree on future work arrangements (e.g., modalities of work, timeline, financial needs) to develop the model provisions on groundwater.

14. The secretariat will inform the Legal Board about the plans related to the workshop on transboundary groundwater in the framework of the Capacity for Water Cooperation (CWC)² project under the Convention. The Legal Board will discuss possible synergies between the work of the Legal Board and the CWC workshop.

4. Capacity-building activities on legal and institutional aspects of the Convention's implementation

Tentative timing: 4–4.40 p.m., Friday, 2 September

15. The secretariat will inform the Legal Board on the outcomes of past capacity-building activities, as well as planned activities in Central Asia in the framework of the project “Regional Dialogue and Cooperation on Water Resources Management”.³

5. Other business

Tentative timing: 4.40–4.45 p.m., Friday, 2 September

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

6. Closing of the meeting

Tentative timing: 4.45–5 p.m., Friday, 2 September

17. The Chair will summarize the major outcomes of the meeting and will formally close the meeting on Friday, 2 September 2011 at 5 p.m.

² The CWC project aims to create a framework enabling cross-fertilization and exchange of experience between countries and river basins regarding regulatory, institutional, methodological and other aspects of integrated management of transboundary waters in countries in Eastern Europe, the Caucasus and Central Asia, and at the same time sharing of valuable experience from other parts of the UNECE region (see <http://www.unece.org/env/water/cwc.htm>).

³ The project, which aims to empower the countries of Central Asia to develop and implement long-term solutions to improve cooperation on transboundary water resources, is implemented by UNECE and financed by the Government of Germany through the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) in the framework of the Berlin Water Process (see <http://www.unece.org/env/water/cadialogue/cadwelcome.htm>).