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**Economic and Social Commission for Western Asia**

Twenty-second session  
Beirut, 14-17 April 2003

Item 8 of the provisional agenda

**ADOPTION OF THE AGREEMENT ON INTERNATIONAL RAILWAYS  
IN THE ARAB MASHREQ**

1. Work began on the Agreement on International Railways in the Arab Mashreq at the Expert Group Meeting on Economic Reform and Coordination of Transport Policies, including Merchant Fleets in the ESCWA Region, within the Emerging Globalization Trends, which was held in Beirut from 17 to 19 November 1998. In the course of that Meeting, the current situation was reviewed, together with plans for future railway networks in member countries; and in the light of studies carried out by the Secretariat of the League of Arab States and the Arab Railway Union, proposals were put forward for rail link axes between those countries. The Meeting concluded by issuing a report, on the basis of which member countries agreed to adopt an integrated transport network throughout the region, to include roads, railways, seaports and airports of international status.
2. The first draft of the Agreement was submitted to the Expert Group Meeting on the Harmonization of Transport Norms, Regulations and Legal Instruments for Regional Cooperation, which was held in Beirut on 15 and 16 October 2001. A technical committee, which met in tandem with the Expert Group Meeting, was formed in order to revise that draft. The committee included rail experts and officials from Egypt, Iraq, Jordan, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, and Economic and Social Commission for Western Asia (ESCWA) experts. The experts participating in that committee meeting affirmed the importance of establishing rail links between the countries of the region and of concluding a regional agreement in that regard, in order to harmonize the technical standards for connecting lines, thereby facilitating regional and international rail transport. The committee proposed certain amendments to the articles and annexes of the Agreement and recommended that the amended draft agreement should be submitted to the third session of the Committee on Transport.
3. The Committee on Transport duly considered the amended draft agreement at its third session, which was held in Beirut from 5 to 7 March 2002, and agreed to the formation of a technical committee of experts responsible for examining technical terms, rail axes (annex I of the agreement) and technical specifications for the network (annex II of the agreement), and for making the amendments and additions required. The technical committee, which met in tandem with the session of the Committee on Transport, included experts from Egypt, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, the Syrian Arab Republic, the United Arab Emirates and Yemen, and ESCWA experts. The proposals, amendments and additions it submitted to the Committee were discussed and adopted. The articles of the agreement were also discussed and additional amendments were made thereto. Once all the amendments had been made, the third session of the Committee on Transport adopted the Agreement on International Railways in the Arab Mashreq.
4. The Committee on Transport requested ESCWA to take the measures necessary to translate the Agreement into English and French forthwith, and to send all three copies to member countries in preparation for the Agreement to be adopted and opened for signature, in accordance with the usual practice, at the twenty-second session of ESCWA, which is to be held from 14 to 17 April 2003.

5. The Commission duly translated the Agreement into English and French and sent copies in the three languages to the relevant ministers in member countries, with a view to the preparation of powers of attorney and completion of the formalities for its adoption and signature at the twenty-second session of ESCWA. It should be noted that adoption and signature of the Agreement impose no immediate rail-related obligations upon the countries concerned; the support of a country for the concept is sufficient.

6. At the same time, the Agreement was submitted to the United Nations Office of Legal Affairs in New York, which approved it, with the proviso that certain legal amendments were made in order to increase its clarity.

7. At its fourth session, which was held in Beirut from 14 to 16 January 2003, the Committee on Transport approved the amendments proposed by the Office of Legal Affairs. The Commission issued the final text of the Agreement that had been adopted by the Committee on Transport on 16 January 2003 in document E/ESCWA/TRANS/2002/1/Rev.1.

8. Acting at the request of the Committee on Transport, ESCWA sent the final text of the Agreement to member countries, in order to enable them to prepare powers of attorney, modelled on the sample in the annex, empowering their representatives to sign the Agreement. Those legal instruments were to be returned to ESCWA as promptly as possible, and before the twenty-second session, in order to enable the Commission to obtain the approval of the Office of Legal Affairs.

9. The Agreement will be submitted for adoption to ESCWA at its twenty-second session in document E/ESCWA/TRANS/2002/1/Rev.2. It will be open throughout the session for signature by interested countries.

Annex I

**AGREEMENT ON INTERNATIONAL RAILWAYS IN THE ARAB MASHREQ**

SIGNATURE

The Secretary-General of the United Nations, in his capacity as depositary, communicates the following:

The above Agreement is expected to be adopted at the twenty-second session of the Economic and Social Commission for Western Asia (ESCWA), scheduled to be held in Beirut from 14 to 17 April 2003.

Furthermore, it is expected that the Agreement will be open for signature by members of ESCWA at United Nations House in Beirut from 14 to 17 April 2003, and thereafter at United Nations Headquarters in New York until 31 December 2004.

Certified true copies of the Agreement, of which the Arabic, English and French texts are equally authentic, will be prepared and transmitted to all countries as soon as is feasible.

The Secretary-General takes this opportunity to recall that, under established international practice, only Heads of State, Heads of Government or Ministers for Foreign Affairs are empowered, by virtue of their functions, to sign a treaty on behalf of a State without having to produce a power of attorney to that effect. Other representatives wishing to sign a treaty must be in possession of the appropriate power of attorney, which expressly authorizes signature of a specified treaty by a named representative, and is issued and signed by one of the aforementioned authorities. Power of attorney is distinct from credentials. Credentials alone are not adequate for the purpose of signing a treaty.

The Secretary-General would be obliged if countries wishing to sign the Agreement could, as necessary, provide the Transport Section of the Globalization and Regional Integration Division at United Nations House in Beirut with copies of duly signed powers of attorney for the purpose of verification by 12 April 2003. The original instruments of power of attorney must be presented upon signature.

For the sake of convenience, a model power of attorney is provided in annex II.

Annex II

**MODEL POWER OF ATTORNEY\***

(To be signed by the Head of State or Government or the Minister for Foreign Affairs)

Power of attorney

We [name of official: the Head of State or Government or the Minister for Foreign Affairs]

Hereby empower [name and position of person empowered to sign] to sign\*\* [either definitively, needing no ratification, or requiring ratification] on behalf of the Government of [name of country]

The Agreement on International Railways in the Arab Mashreq, which is to be adopted and opened for signature at the twenty-second session of the Economic and Social Commission for Western Asia, to be held in Beirut from 14 to 17 April 2003.

DONE at [place] on [date]

[Signature of the Head of State or Government or the Minister for Foreign Affairs]\*\*\*

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\* Reference may be made to the guide to treaties available at <http://untreaty.un.org.English/Treaty/HandbookAra.pdf>.

\*\* In accordance with the provisions of the Agreement, one of two options must be selected, namely, either a signature that requires ratification or a definitive signature that needs no ratification.

\*\*\* This document should be signed by the Head of State or Government or the Minister for Foreign Affairs, but not by a Minister of State for Foreign Affairs.