

FAQ 1: Does the Convention prevent development?

- Instruments of international water law do not prevent the development; they provide **clear, transparent and consultative procedures to achieve better-informed decisions, to prevent disputes and to lead to better development paths.**
- Key principles apply well to the construction of new e.g. hydropower facilities as well as to operation and maintenance : **equitable and reasonable utilization, prevention of significant transboundary impact**, and the obligation of cooperation.
- More specific : obligation to take all necessary measures, : e.g. to maintain and protect installations, and facilities at international watercourses, and to **consult** on the planned measures.

FAQ 2: How can my country accede if it cannot implement all the requirements of the Convention?

- Most of the Convention's provisions are «due diligence» obligations (not obligations of result): Parties are requested to take “all appropriate measures”
- Implications on both contents and time frame of the conduct to be taken by Parties
- Measures to be taken should be proportionate to the economic, financial and other capacity of the Party concerned, as well as to the degree of risk of transboundary harm

=> Progressive / step-by-step implementation

- Current Parties are in many cases not yet fully implementing all Convention's obligations



FAQ 3: My country would like to accede to the Water Convention but my neighbours are not Parties, why should it still do so?

- It's of course better if all riparian countries are Parties to the Convention but somebody has to start
- Even if your neighbours are not Parties, becoming a Party gives you arguments to strengthen cooperation
- Becoming a Party shows your commitment to comply with international water law which is a positive signal for your neighbours, the international community, donors, etc.
- But obviously Parties cannot be liable for not implementing the Convention with riparian countries which are not Parties

FAQ 4: Does the polluter-pays principle (PPP) mean that I have to compensate my neighbours if I pollute?

- **NO**
- The PPP is a regulatory tool for **domestic public administrations** to internalize the cost of pollution prevention, control and reduction of routinely conducted polluting activities, as well as for the control and reduction of water pollution from an accidental discharge.
- The PPP has a primarily domestic nature, i.e. it regulates relationships between private operators and the authorities of the concerned State within the territory of a Party rather than between Parties.
- Accordingly, as also clearly spelled out in the *Guide to Implementing the Water Convention* formally adopted by the Meeting of the Parties (see para 133 (d)), the PPP does not provide legal grounds to claims for the payment of compensation for water pollution between Parties.
- There are no obligations that require compensation under the Water Convention (but Parties, if they agree, can include compensation mechanisms in their basin agreements)

FAQ 5: My country has already agreements and a good cooperation with its neighbours, what would be the added value to accede to the Water Convention? Would it need to revise its agreements?

- Cooperation is a long-term process, continuously evolving => the Water Convention offers a framework and tools to support continuous progress through
 - the exchange of knowledge and experience
 - the development of soft (guidelines) and hard (Protocols) law tools
 - tracking progress achieved
 - support dealing with new and emerging issues

=>You are not alone with your riparians: you are part of a community
- The Convention requires Parties to “adapt existing [agreements], where necessary to eliminate the contradictions with the **basic principles** of this Convention” not to revise agreements to reflect all provisions of the Convention.
- In most cases the revision of agreements is not required... but it can be an opportunity to update them

FAQ 6: As an upstream country, it is not in my country's interest to accede to the Water Convention?

- The Convention embeds rights and obligations for both upstream and downstream countries
- Upstream countries are also vulnerable to transboundary impacts
- The predictability that the Convention and agreements provide are beneficial for upstream countries to enjoy equitable and reasonable use of their waters without controversy
- Cooperation under the Convention brings benefits beyond water (trade, investment, economic integration, education and capacity building)
- Water challenges are too big to be dealt by a country alone, forces need to be joined (scientific and technological exchange)

FAQ 7: My country is completely downstream, does it mean that it only has rights and no obligations?

- No: there are transboundary impacts that are transferred upstream
- No: the relationship between riparian Parties should be based on equality and reciprocity
- No: the Convention aims to ensure sustainability, including the protection of the marine environment (even if it is outside its scope)

FAQ 8: How much do I have to pay?

- How much you want
- There is no mandatory contribution foreseen, only voluntary ones