



WATER  
CONVENTION

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## Frequently asked questions

The Convention on the  
Protection and Use of  
Transboundary Watercourses  
and International Lakes



# The Water Convention:

## 3 key principles

Prevent, control and reduce transboundary impacts

Use transboundary waters in a reasonable and equitable way

Cooperate by entering into agreements and establishing joint bodies

**Objective:** foster cooperation over transboundary waters to ensure their sustainable and equitable management.

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE  
COMMISSION ECONOMIQUE DES NATIONS UNIES POUR L'EUROPE  
ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

**Convention on the Protection and Use of Transboundary Watercourses and International Lakes**

as amended,  
along with decision VI/3 clarifying the accession procedure

**Convention sur la protection et l'utilisation des cours d'eau transfrontières et des lacs internationaux**

telle qu'amendée,  
ainsi que la décision VI/3 clarifiant la procédure d'adhésion

**Конвенция по охране и использованию трансграничных водотоков и международных озер**

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE  
Convention on the Protection and Use of Transboundary Watercourses and International Lakes

Guide to Implementing  
**The Water Convention**



# FAQ 1: How can my country ratify 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 which is 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 is already a Party to the Watercourses Convention, should it still accede to the Water Convention? What are the advantages?

- The two Conventions are **fully aligned and compatible** => Countries can accede to both without legal complications
- Acceding to the Water Convention brings **advantages** to Parties to the Watercourses Convention:
  - Some differences between the two texts represent useful **complementarities** (one Convention helps and enriches the interpretation of the other, e.g. aspects to be taken into account in establishing reasonable and equitable use, measures to put in place to avoid transboundary impacts)
  - The **Water Convention offers an intergovernmental framework, tools and activities** that support countries in implementation and foster cooperation at political and technical level

# The two global freshwater conventions: similarities and main differences

*The Watercourses Convention (1997) and Water Convention (1992) are fully consistent with and complementary, based on the same principles of international water law*

However, there are some differences:

- Water Convention covers surface water and both confined and un-confined groundwater. The Watercourses Convention only surface water and connected groundwater
- The Water Convention specifically obliges riparian parties to enter into joint agreements or other arrangements and joint bodies (institutions), whereas under the Watercourses Convention this is simply encouraged.
- More detailed procedural requirements under the Water Convention. The Watercourses Convention more detailed on notification, and equitable and reasonable utilization factors
- Water Convention includes institutional framework (MoP, secretariat, etc). No institutional framework under the Watercourses Convention
- The difference are a strength, and both instruments can be seen as a fuller package of norms. More detailed provisions in one instrument can inform the other!

## FAQ 4: 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 5: My country has already agreements and good cooperation with its neighbours: what is the added value to accede to the Water Convention? Would it need to revise its agreements?

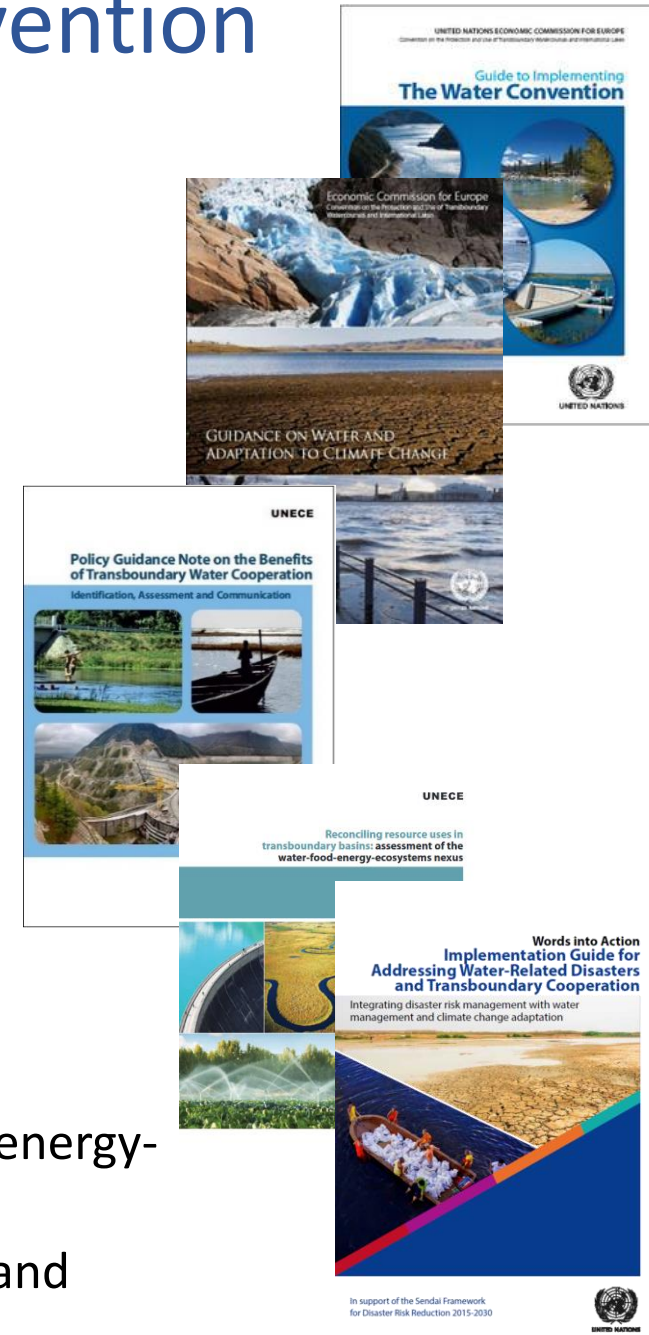
- Cooperation = long-term process, continuously evolving => Water Convention offers framework and tools to **support continuous progress**:
  - exchange of knowledge and experience
  - development of soft (guidelines) and hard (Protocols) law tools
  - tracking progress achieved
  - support dealing with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

=>You are **not alone** with your riparians: you are **part of a community**
- 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.



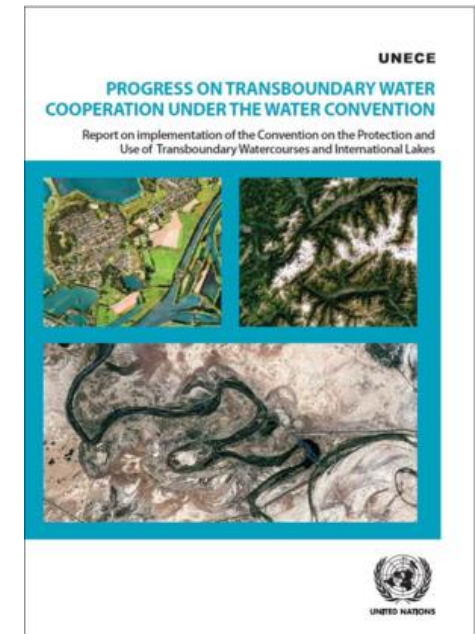
# Development of soft law under the Water Convention

- Water pollution by hazardous substances (1994)
- Licensing of wastewater discharges (1996)
- Monitoring & assessment of rivers & lakes (1996) and groundwaters (2000)
- Sustainable flood prevention (2000)
- Safety of pipelines (2006)
- Payments for ecosystem services (2007)
- Transboundary flood management (2007)
- Safety of tailing management facilities (2009)
- Water and adaptation to climate change (2009)
- Guide to Implementing the Water Convention (2013)
- Model provisions on transboundary groundwaters (2012)
- Policy guidance note on identifying, assessing and communicating the benefits of transboundary cooperation (2015)
- Reconciling resource uses in transboundary basins: assessment of the water-food-energy-ecosystems nexus (2015)
- Words into action: Implementation Guide for Addressing Water-Related Disasters and Transboundary Cooperation (2018)



# FAQ 6: Is there a reporting mechanism under the Water Convention?

- Supports the **realization of SDG 6** and many others (SDGs 2,7,11,13..)
- Dedicated SDG Indicator 6.5.2 **monitoring progress** on transboundary water cooperation
- Reporting mechanism for progress in transboundary water cooperation every 3 years (Water Convention/SDG ind. 6.5.2)

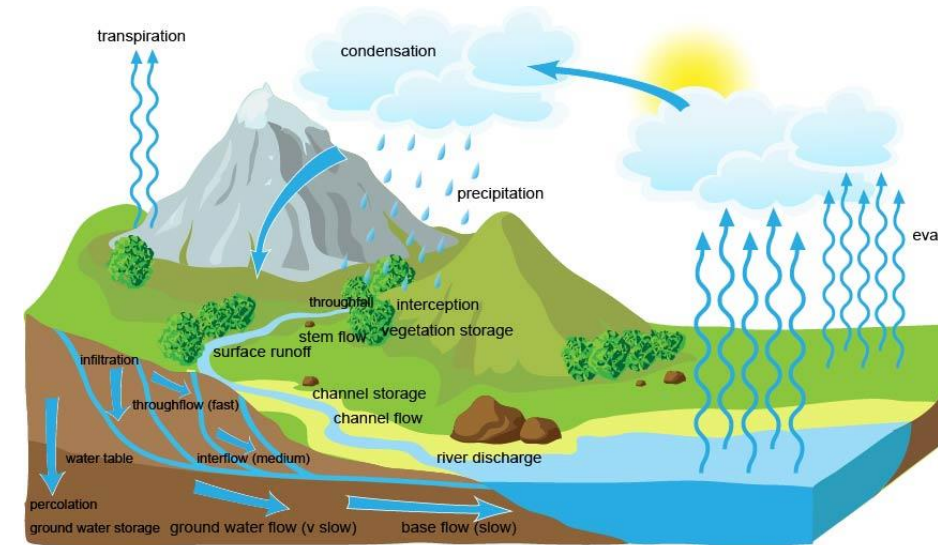


## FAQ 7: As an upstream country, what is my country's interest to accede to the Water Convention?

- 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, there is a need to **join forces** (scientific and technological exchange)

# FAQ 8: 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 9: How much do I have to pay?

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

# FAQ 10: How does my country accede to the Convention?

- Preliminary steps: starting consultations on the Convention in the Ministry in charge of water, followed by creation of an interministerial committee
- Organization of a national workshop can be useful to inform a broad audience (including civil society and parliamentarians) about the Convention and answer questions
- Actual process depends on the constitutional arrangements in each country, but usually includes:
  - Preparation of a proposal for the law on the ratification with motivations, by the ministry in charge of water, in cooperation with Ministry of Foreign Affairs
  - Discussion at the Council of Ministers
  - Discussion of the law at the Parliament (specific Commission)
  - Signature by the President
  - Submission of ratification documents to New York

=> The Secretariat can assist in some of the above steps but needs to be requested



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**UNECE**

**For more information:**

<https://www.unece.org/env/water/>

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# FAQ 9: What is the role of the Implementation Committee?



- **Objective**: mechanism to facilitate, promote and safeguard the **implementation and application** and compliance with the Convention.
- Established in 2012 for **dispute prevention and practical case-oriented assistance**
- **9 members in personal capacity**, outstanding lawyers and water professionals. Meets twice a year in open, public and transparent manner
- **Functions**: Considers requests for advice; self-submission or Party-to-Party submission; undertaking a Committee initiative
- Measures (national plan of implementation, transboundary water agreement, capacity building, facilitating technical assistance)