

UNECE

**FREQUENTLY ASKED QUESTIONS
ON THE 1992 WATER CONVENTION**

with the Road map to facilitate accession processes



UNITED NATIONS

CONTENTS

Foreword	iii
Preface	v
Acknowledgements	vi
Chapter 1 Added value at global, transboundary and national scales	1
1.1 What is the relevance of the Water Convention for the achievement of the Sustainable Development Goals?	1
1.2 What are the advantages and benefits for countries to accede to the Water Convention?	3
1.3 What is the added value of accession to the Water Convention for a country that already has agreements and good cooperation with its neighbours?	5
1.4 What is the added value of accession to the Water Convention for a country whose neighbours are not Parties to the Water Convention?	5
1.5 What are the benefits of accession to the Water Convention for an upstream country?	6
1.6 Do downstream countries enjoy only rights and have no obligations under the Water Convention?	7
1.7 Would the Water Convention be useful to every country, taking into account regional specificities and each country's unique situation?	7
1.8 Does the Water Convention hinder economic development?	8
1.9 How can the Water Convention prevent conflicts and wars over transboundary waters?	9
1.10 How can the Water Convention contribute to the resolution of latent conflicts over transboundary waters?	10
1.11 How does the Water Convention promote integrated water resources management?	10
1.12 Does the Water Convention reflect customary international law? If yes, what is the benefit of accession?	11
1.13 What is the relationship between the Water Convention and other multilateral environmental agreements?	12
Chapter 2 Global application	15
2.1 The Water Convention was originally drafted as a regional agreement. Why was a decision taken to open it to all United Nations Member States?	15
2.2 What is UNECE?	17
2.3 Why is the Water Convention serviced by UNECE?	17
2.4 Why is the Water Convention relevant for countries that were not involved in the negotiations?	17
2.5 Would the Water Convention be an efficient instrument for arid or semi-arid regions?	18

2.6	Would the Water Convention be an efficient instrument for developing countries?	20
2.7	Are there any differences between the rights and obligations of Parties from the UNECE region and those of Parties from other regions of the world?.....	20
2.8	Is the decision to open the Water Convention to all United Nations Member States extended to all its protocols?	20
Chapter 3 Relationship with the 1997 Watercourses Convention		23
3.1	To what extent do the norms and provisions of the 1992 Water Convention complement or contradict the norms and provisions of the 1997 United Nations Convention on the Law of the Non-navigational Uses of International Watercourses(1997 Watercourses Convention)?	23
3.2	Can a country that is already Party to the 1997 Watercourses Convention accede to the 1992 Water Convention? What are the benefits for Parties to the 1997 Watercourses Convention to accede to the 1992 Water Convention?.....	26
3.3	Which of the two global water Conventions is a better choice for a country that is not Party to either?	26
3.4	What happens if one riparian country joins one global water Convention and the other riparian country joins the other global water Convention? Are they bound by any obligations towards each other?.....	27
Chapter 4 Scope		29
4.1	Which waters fall under the scope of the Water Convention?	29
4.2	Why does the Water Convention use different terms such as “transboundary watercourses”, “international lakes” and “transboundary waters”?.....	29
4.3	Does the Water Convention apply to groundwaters? If yes, which type of groundwaters?	30
4.4	Does the Water Convention apply to seas or oceans?.....	30
4.5	Does the Water Convention apply to wetlands that fall under the Ramsar Convention?	30
4.6	Does the Water Convention address only water and environmental issues? If not, what other areas benefit from cooperation under the Water Convention?	31
4.7	Does the Water Convention regulate water quantity issues?	32
Chapter 5 Principles and obligations		35
5.1	What are the main obligations under the Water Convention?.....	35
5.2	What are the obligations of a Party to the Water Convention vis-à-vis non-Parties?.....	35
5.3	Would a country with already existing bilateral or multilateral agreements or other arrangements need to revise them in order to become a Party to the Water Convention?	36
5.4	Is it mandatory for Parties to the Water Convention to enter into bilateral or multilateral agreements to implement the Convention?	36
5.5	Are the tasks of joint bodies listed in the Water Convention mandatory for all joint bodies established by its Parties? Do joint bodies created under the Water Convention issue legally binding decisions or recommendations?	37

5.6	Does the Water Convention apply when a planned activity upstream will disrupt or reduce the flow downstream?	38
5.7	Does the polluter-pays principle mean that a Party to the Water Convention has to provide compensation to its neighbours for the pollution of transboundary waters originating from its territory?.....	39
5.8	Is a Party to the Water Convention obliged to make sure that no pollution reaches transboundary waters?	39
5.9	Is a Party to the Water Convention obliged to build wastewater treatment plants to treat polluted transboundary waters?.....	40
5.10	Can a Party to the Water Convention limit the exchange of information only to some Parties and decide not to share information with all Parties?	40
5.11	Is there an obligation for Parties to the Water Convention to settle their disputes only through the International Court of Justice or arbitration in accordance with the procedure set out in the Convention?	41
Chapter 6 Implementation, operation, capacity and compliance.....		45
6.1	Can a country accede to the Water Convention if it cannot implement all its requirements due to the lack of resources and capacity?.....	45
6.2	How can the Water Convention be implemented when countries have conflicts, border disputes or are at war with their neighbours? How can countries enter into bilateral or multilateral agreements to implement the Convention in such cases?	46
6.3	What happens if a Party does not respect its obligations under the Water Convention? Are there any adverse legal consequences?.....	46
6.4	What are the decision-making, working and subsidiary bodies under the Water Convention?	47
6.5	What is the role of the Implementation Committee under the Water Convention?.....	47
6.6	Do Parties have to submit national implementation reports under the Water Convention?.....	48
6.7	Do Parties have to make mandatory financial contributions to support the activities under the Water Convention?	49
6.8	Which countries are eligible for financial support under the Water Convention?.....	49
Chapter 7 Accession preparation and process		51
7.1	How should an accession process be organized?.....	51
7.2	Who can provide help during the accession process?.....	52
7.3	What should an accession instrument look like?	52
7.4	Can a State intending to become a Party to the Water Convention formulate a reservation concerning some of the provisions of the Convention?	53
7.5	How can a State intending to become a Party to the Water Convention prepare for the implementation of the Convention?	53
7.6	What are the consequences for a Party that decides to withdraw from the Water Convention?	54