



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

Working Group on Integrated Water Resources Management

Fourteenth meeting

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Item 5 (a) of the provisional agenda

Increasing capacity for implementation of the Convention and supporting national processes towards accession

**Road map to facilitate accession processes to the Water
Convention**

Note by the secretariat

Background

The growing interest of some United Nations Member States in the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) led to increasing requests for clarification about the process to be followed to accede to the Convention. This Road map, prepared by the Water Convention secretariat, aims to address this request from countries interested in joining the Convention, and present the different steps of the accession process to the Water Convention. The Road map is of recommendatory and non-prescriptive nature, as each country has an administrative organization and procedures that are proper to its domestic legal order. The different steps described in the Road map are drawn from good practices and lessons learned from completed accession processes to the Water Convention.

I. Introduction

For States from beyond the region of the United Nations Economic Commission for Europe (UNECE), accession is based on articles 25 and 26 of the Convention as amended and entered into force since 6 February 2013, in accordance with Decision VI/3 taken by the Meeting of the Parties on the accession of non-UNECE countries. Through Decision VI/3, the Meeting of the Parties in 2012 gave a blanket approval to any future accession request by United Nations Member States that are not members of the UNECE.

In order to effectively become a Party, the State will simply have to deposit its instrument of accession, established under the domestic legislation on the conclusion of international treaties, with the Secretary-General of the United Nations in New York. The accession instrument should make reference to Decision VI/3.

II. Description of the different steps of the process of accession

These different steps of the process to be followed to accede to the Water Convention are summarized in Annex 1.

A. Preliminary discussion and expression of interest by the Ministry in charge of water

Related actions:

- Nomination of focal points and participation in activities under the Water Convention in order to understand the Convention, its activities, functioning and the working modalities of the Convention bodies.
- Organization of outreach and discussion sessions on the Water Convention among all relevant departments of the Ministry in charge of water for improved ownership.
- Discussion of the Convention's provisions, article by article, by the technical and legal services of the Ministry in charge of water and assessment of its compliance with the country's commitments and institutions, both at national and international levels (Constitution, water laws, water codes/strategies, transboundary basin agreements) – potential clarification questions can be sent to the secretariat of the Convention.
- If support from the Convention is needed, an official letter expressing the country's interest in the Water Convention can be sent by the Minister in charge of water resources to the Secretary of the Convention. The letter should be sent through the Permanent Mission of the country to the United Nations in Geneva (establish contact with the Ministry of Foreign Affairs): this letter does not aim to ask for any form of approval for accession, but simply to officially notify the country's interest in initiating the accession process and to request support from the secretariat, if necessary. Therefore, the request can be sent at any moment of the accession process.

B. Broaden the discussion and involve other actors in the discussion of the Convention

The actions described below are at the initiative of the Ministry in charge of water.

Related actions:

This discussion can occur through the organization of one or several meeting(s) in an informal or formal setting (e.g. by establishing an Interministerial Committee or a Working group). It is recommended to involve the relevant sectoral Ministries (e.g. environment, planning and land use, agriculture, energy etc.), the Ministry of Foreign Affairs and any other actor deemed relevant to the process (the composition is at the discretion of the country according to domestic practice for better dissemination and exchange) in the discussions.

In particular, the discussion group should:

- a. Discuss the relevant provisions of the Convention and the Convention's activities
- b. Start discussing the benefits and opportunities of the country's potential accession
- c. Prepare the list of questions and topics, related to the benefits, opportunities and challenges, to be discussed during the national workshop (see below)
- d. Develop a draft provisional agenda of the workshop based on the questions and topics identified during the Convention study phase.

If needed, the secretariat can contribute to the meeting(s) by sending Convention material – such as the text of the Convention, publications, brochures, standard presentations etc. The secretariat can establish the contact with a country that has recently become a Party in order to share experience on the accession process and the first steps in implementing the Convention.

C. Organize a national workshop on the Water Convention

The Water Convention secretariat can provide financial support for the workshop, if required.

Related actions:

The workshop will effectively mobilize all major actors identified during the preliminary reflection process (relevant sectoral ministries, Ministry of Foreign Affairs, the Parliament, the Office of the Prime Minister, basin organizations, civil society, media etc.) as well as technical and financial partners. If appropriate, the

workshop will also include representatives of basin organization to which the country is party. If deemed appropriate, other riparian countries can also be invited to the workshop.

The workshop aims to:

- a. Discuss questions and topics identified during the Convention study phase
- b. Discuss the benefits of the country's potential accession with respect to its needs and expectations
- c. Start a reflection on the implementation strategy of the Convention
- d. Mobilize technical and financial partners to support the implementation of the Convention
- e. Decide, in an interministerial and participatory manner, whether and how to move forward in the national accession process and to officially submit the proposal to relevant national bodies (e.g. Council of Ministers).

D. Conducting the official accession process in accordance with the national legislation on the ratification of treaties

Accession can be described as a means of expressing the State's consent to be bound by a treaty (Article 11, Vienna Convention on the Law of Treaties (1969)), in the sense of the Water Convention; its process of formalization at national level follows the national procedure for the ratification of international treaties.

The procedure for the ratification of treaties differs from one country to the other, but generally includes the following steps, as described in Annex 2:

- Preparation of the cabinet memo/ presentation note on the Convention/ justification for accession, for the Council of Ministers, by the Ministry in charge of water, in close cooperation with the Ministry of Foreign Affairs and the Government's General Secretariat
- Discussing the draft ratification law in the Council of Ministers
- If necessary, review the constitutionality of the draft law on the ratification of the Water Convention (by the Constitutional Court or Supreme Court, depending on the country)
- Review and discussion in Parliament by the relevant Committee
- Plenary discussion and adoption of the law ratifying the Water Convention by the Parliament
- Signature of the ratification instruments by the President of the country (end of the process at national level) and publication in the Official Journal
- Deposit of the ratification instruments for acceding to the Water Convention with the United Nations Secretariat in New York (Treaty Section).

The Water Convention secretariat can share document templates prepared by countries that are already Parties.

Actors to be involved:

The process requires the active cooperation of the Ministry in charge of water with:

- Ministry of Foreign Affairs
- General Secretariat of the Government
- Parliament
- Office of the President of the country
- Secretariat of the Water Convention (during the ratification instruments' preparation phase and the deposit in New York).

Annex 1 - Descriptive diagram on the accession process

Step 1	Step 2	Step 3	Step 4
<p>Preliminary discussion and expression of interest by the Ministry in charge of water</p>	<p>Broader discussion involving relevant sectoral Ministries and the Ministry of Foreign Affairs as well as any relevant actor</p>	<p>Organizing a national workshop on the Convention</p>	<p>Procedure for the ratification of treaties (for accession)</p>
<ul style="list-style-type: none"> • Nomination of focal points and participation in activities. • Discussion on the Convention, article by article, by the technical and legal services in order to establish its compliance with commitments. • Presentation on the Convention and discussion among relevant departments of the Ministry. • Sending a letter expressing the country's interest. 	<ul style="list-style-type: none"> • Discussion in an informal framework (exchange meeting in preparation of the national workshop) or formal framework (by establishing an Interministerial Committee or a Working group). • Prepare the list of questions and subjects, related to benefits and opportunities to be discussed during the workshop. 	<ul style="list-style-type: none"> • Discussion on the benefits of the Convention and challenges of the implementation among key actors for the accession process (relevant sectoral Ministries, Ministry of Foreign Affairs, Parliament, Office of the Prime Minister, basin organizations, civil society, etc.), Water Convention experts (Convention secretariat, international expert) and technical and financial partners. 	<ul style="list-style-type: none"> • Procedure varies depending on the country but requires close cooperation between the Ministry in charge of the water sector, the Ministry of Foreign Affairs, the Office of the Prime Minister, the Parliament, the Office of the President of the Republic and the Water Convention secretariat. • The duration of the procedure differs from one country to the other and depends on the level of political commitment from the Ministry of Water and of the functioning of institutions.

**Annex 2 - Descriptive diagram on the standard procedure for the ratification of treaties
(to be verified with the country's relevant Ministries)**

Step 1	Step 2	Step 3	Step 4	Step 5
Discussion of the draft accession law by the Government	Review constitutionality of the draft law for accession (if necessary)	Review of the draft law for accession in Parliament	Signature of the ratification instruments by the President of the Republic	Deposit of the ratification instruments in New York
<ul style="list-style-type: none"> Preparation of the presentation note, in the Council of Ministers, by the Ministry in charge of water, in close cooperation with the Ministry of Foreign Affairs and the Secretariat-General of the Government. Discuss the project of ratification in the Council of Ministers. 	<ul style="list-style-type: none"> Revision by the Constitutional Court or Supreme Court, depending on the country. 	<ul style="list-style-type: none"> Review and discussion by the relevant Commission on Laws. Plenary discussion and adoption of the law ratifying the Water Convention by the Parliament. 	<ul style="list-style-type: none"> Preparation of the ratification instruments by the Ministry of Foreign Affairs. The instruments should make reference to Decision VI/3. Signature by the President of the Republic. Publication in the Official Journal. 	<ul style="list-style-type: none"> Deposit of the ratification instruments for acceding to the Convention with the Treaty Section of the United Nations Secretariat in New York. Coordinate the deposit with the Water Convention secretariat.