



Everything you need
to know about the
**UN Watercourses
Convention**

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Revised January 2015

An aerial photograph of a wide, winding river with a muddy brown color, cutting through a vast, dense green forest. The river's path is highly irregular, forming several large loops and meanders. The forest is thick and appears to be a tropical or subtropical rainforest. The lighting is bright, suggesting a sunny day, with some shadows cast by the trees.

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In 1997, more than one hundred nations joined together to adopt the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC)—**a flexible and overarching global legal framework** that establishes basic standards and rules for cooperation between watercourse states on the use, management, and protection of international watercourses. The convention **entered into force on August 17, 2014** and counted **36 contracting states** as of January 2015.

Since the convention's adoption, water pollution and overuse have worsened in many places, and the world's poorest people are already facing shrinking supplies. **The scale of the freshwater challenge is enormous**, especially **with climate change** making water availability more unpredictable and causing more frequent, widespread droughts and floods. Securing the water we need to meet growing human needs, safeguard fragile ecosystems, and maintain economic prosperity is actually one of the most serious and urgent tasks confronting the world in the 21st century.

In order to succeed in providing water security for all, we will depend not only on water bodies located entirely within one state's territory, but also on **freshwater systems that mark or cross international boundaries**. Transboundary waters, which are physically shared between two or more countries, constitute the majority of the world's water supplies. These rivers, lakes and aquifers are some of the most important and vulnerable freshwater resources on the planet. The states concerned have a responsibility to protect them, and to work together to manage them in a sustainable and integrated manner. However, **transboundary water cooperation** raises **major practical** and **political issues**.

In the past, nations have addressed those issues by adopting and implementing treaties that govern interstate cooperation on specific international rivers, lakes, and aquifers. As a result, there are many different watercourse agreements, but **most of the world's transboundary water resources still lack sufficient legal protection**. In the majority of basins, either no management agreements are in place, existing agreements are inadequate, or not all states within the basin are parties to existing agreements. Without adequate protection, it will be difficult, if not impossible, for watercourse states to cope cooperatively with existing and future threats from human pressure and environmental change.

A notable window of opportunity currently exists in order to strengthen the treaty architecture relating to transboundary waters. Not only is the UNWC entering into force, but the 1992 United Nations Economic Commission for Europe's Convention on the Protection and Use of Transboundary Watercourses and International Lakes has been amended to allow all member states to become party to it. Together the UNWC and ECEWC offer an important package of norms by which to strengthen existing treaty arrangements at a basin and sub-basin level, and to foster the equitable and sustainable sharing of transboundary watercourses across the world. Therefore, **the UNWC and the UNECE Water Convention (ECEWC) are more relevant than ever**. Their **widespread ratification** and **implementation** are necessary to ensure that states properly utilize and protect those precious water supplies—now and in the future.

We join other stakeholders in pressing governments, multilateral organizations, and the international community at large to take **immediate** and **effective action** to achieve this.

A CALL TO ACTION: WHAT NEEDS TO BE DONE NOW

In the UN ‘Decade for Action: Water for Life,’ we call on the international community to do whatever is necessary to widely implement the UNWC and ECEWC.

In particular, we ask:

- **All countries who have not yet done so** to become contracting states to both conventions;
- **Current contracting states** to call on their neighbors and partner countries to join the conventions as well;
- **All states** to employ their best efforts to promote both conventions’ broad(er) accession¹ and effective implementation, including:
 - Involving **joint river basin organizations** in the process and seeking guidance from their experts;
 - Authorizing the **regional economic integration organizations** of which they may be part to accede to the conventions and engage in their implementation;
 - Asking the **United Nations General Assembly** to give a mandate to an appropriate UN agency or program to lead the efforts to raise awareness and promote accession and implementation of the conventions within the United Nations system; and
 - Requesting the **High Level Political Forum** on sustainable development to incorporate the implementation of the conventions into their monitoring framework.

All regional economic integration organizations duly authorized to do so by their member states to accede to the conventions;

- **UN Water, the relevant UN agencies, programs, and initiatives, the World Bank, and other development institutions** to provide financial and technical assistance to countries through the ratification and implementation processes; and
- **The international water community at large,** including non-state actors in the fields of water, conservation, climate change, human rights, and gender, to raise awareness of the value and importance of the conventions, especially among ministers and parliamentarians, for getting additional accessions necessary for the Conventions to have a real global coverage and impact.

¹ For the purposes of this paper, the authors use “accession” as short form for accession, approval, acceptance and ratification.





KEY FACTS: THE STATUS OF THE WORLD'S INTERNATIONAL WATERCOURSES AND THEIR GOVERNANCE

- Human consumption appropriates **54% of the world's accessible freshwater runoff**. However, increases in accessible water supplies are unlikely to keep up with population growth, and per capita water availability will shrink in the coming century.
- Worldwide, **768 million people lack access to safe drinking water and around 2 billion people have no access to adequate sanitation**. As a result, more than five million people die each year from water-related diseases that are mostly preventable.
- **Water scarcity** already affects almost every continent and more than 40 percent of the people on our planet. By 2025, 1.8 billion people will be living in countries or regions with absolute water scarcity, and two-thirds of the world's population could be living under water stressed conditions.
- Of all biomes, freshwater ecosystems are the most threatened, and 1/5 of freshwater fish species are in rapid decline.
- **Water security** is reaching the top of the international agenda, as awareness grows of the links between the water crisis and energy and food security, and as water overuse and pollution affect more and more people every year.
- The world's **276 international watercourses** contain key freshwater supplies and sustain rich ecosystems in **148 countries**.
They cover almost **half the earth's surface**, are home to around **40% of the world's population**, and generate about **60% of global freshwater flow**.
- States and (economic) regions have made some progress in adopting watercourse agreements at basin and sub-basin levels, however.
- **Cooperative management frameworks** exist for only about 40% of the world's international watercourses.
- Where agreements exist, **80% involve only two countries**, even though **other states may also be part of the watercourse in question**.
The states that are parties to these "partial" agreements, as they seek to promote the integrated management of the watercourse, have to rely on the goodwill of non-parties to engage informally in the cooperation process.
In other cases, parties to partial agreements make decisions among themselves without due regard for the interests and needs of other co-watercourse states that are not parties to those agreements.
- Many states are parties to several watercourse agreements, each with their own unique policies and obligations, which makes **effective implementation** more difficult.
- Many agreements have **significant gaps or failings**.
Among other problems, some treaties fail to consider long-term changes in water availability and the need to revisit water allocations accordingly. Periodical revisions may prove necessary for sustaining the resource, protecting ecosystems, and meeting human needs, while maintaining a fair balance between all the states concerned. Such treaties are less likely to aid parties in responding to **the effects of climate change on water resources** in a cooperative and sustainable manner.

A GLIMPSE AT THE PROBLEMS IN THE LEGAL GOVERNANCE OF INTERNATIONAL WATERCOURSES

Types of Problems

International watercourses: a) With no agreements at all; and b) With agreements, mainly or exclusively: (i) Covering navigation or flood control, (ii) Delimiting borders, or (iii) Focusing on specific development projects.

Examples of where they occur

Americas: Yukon, San Juan and Orinoco basins

Asia: Salween, Ili, Red/Song Hong, Ayeyarwady, Torasi and Benanin basins

East Africa: Lake Turkana

And numerous smaller basins, but not necessarily less important, in West, North and East Africa, in East and South-Asia, and in Central and South America.

Case studies of why they matter

Colombia and Venezuela share the relatively pristine Orinoco basin and have made efforts to cooperate on water issues through joint commissions. However, planned unilateral hydropower development and water diversions in major tributaries represent a growing threat. The two countries have not yet reached agreement on basic standards and procedures for the sustainable development of the basin, such as those contained in the UNWC.

Smaller international watercourses are often precious to dependent communities or vulnerable ecosystems. Even so, such resources may not get sufficient political visibility to push countries to adopt watercourse agreements until greater problems begin to arise. This is the case, for example, with the Fly and Sepik basins shared between Papua New Guinea and Indonesia, and the small watersheds that drain the Heart of Borneo, in South-Asia. For those basins, the UNWC could serve as a 'catch all' for promoting good management where special agreements are missing.

Types of Problems

International watercourses with agreements that do not involve all the states within the basin.

Examples of where they occur

Amur, Congo, Ganges-Brahmaputra, Ob, Mekong, and Nile basins.

Case studies of why they matter

In the Ganges-Brahmaputra basin, India has reportedly accused China of not sharing information on the Brahmaputra river's status that could have prevented flooding in India and Bangladesh in 2000. In 2007, The Daily Star announced that Nepal and India were exchanging blame for the most catastrophic flooding

in South Asia in decades. Similar situations will happen again unless all states within the basin become engaged in an effective, meaningful, open, and continuous dialogue. Through its substantive norms and procedural mechanisms, the UNWC could progressively bring all countries within that basin closer together and help avoid similar situations in the future.

Types of Problems

Gaps or failings in watercourse agreements that may pose a serious obstacle to cooperation.

Examples of where they occur

The recently adopted treaty on the Volta basin incorporates the general principle of notification to warn neighboring countries when emergencies occur. But it neither addresses the prevention of harmful conditions, such as floods, nor contains detailed rules governing emergencies.

A 1944 Mexico/US treaty determines a fixed partition of the waters, instead of creating a process for water allocation and periodical reviews.

A 1909 US/Canada treaty fails to cover domestic tributaries of international watercourses. Similarly different thresholds for notification, prior consultation and agreements between tributaries and the mainstream exist under the 1995 Mekong Agreement.

The agreement governing the Lake Chad basin lacks water allocation criteria and does not require regular information exchange.

The convention on the Gambia River does not cover groundwater.

The only agreement governing the Amazon basin lacks effective rules dealing with dispute settlement.

Case studies of why they matter

In the Volta basin, for example, according to BBC News, Ghana accused Burkina Faso in 2007 of aggravating floods downstream by opening the flood gates of a dam located in the upper stretches of the river. The Volta Basin Convention is a significant commendable step taken by the states concerned to improve transboundary cooperation within the basin. However, that convention has little to offer to prevent a similar situation from happening again, or to clarify the rights and duties of the watercourse states involved in like-accidents in the future. In its turn, the UNWC deals in more detail with harmful conditions and emergencies, and could be applied to supplement the Volta Basin Convention in regards to those issues (see Articles 27-28 of the UNWC).





THE LEGAL GOVERNANCE OF INTERNATIONAL WATERCOURSES: ISSUES, RISKS AND OPPORTUNITIES

- The inadequacy of existing watercourse agreements and the lack of agreements for numerous international watercourses are alarming legal **weaknesses in today's international legal structure governing transboundary waters.**
- Such weaknesses make it far too easy for some countries to manage their rivers unilaterally, arbitrarily, and without sharing relevant information their neighbors may need.
- If action is not taken to improve the legal governance of transboundary waters, **states are likely to fail to cooperate towards promoting the integrated management of international watercourses.**
- The result will be conflict over increasingly scarce and polluted supplies, deteriorating biodiversity, and serious threats to economic development, human health, and long-term sustainability, especially in poorer countries—all **significant barriers to achieving the Millennium Development Goals and the future Sustainable Development Goals.**

The picture appears grim, but what we are actually facing is **a key moment of opportunity.** Through the expansion of the group of contracting states and implementation of the UNWC and the ECEWC, we can influence the management of the world's transboundary waters in a positive way. The convention will promote the **equitable utilization** and **environmental protection** of international watercourses, **catalyzing regional integration and sustainable development** around the world.

Many watercourse states are already working together to face the challenges and share the benefits from transboundary water cooperation, including, for example, in the Danube, Mekong, Nile, Rhine, and Zambezi basins. And with growing worldwide awareness of the speed and consequences of climate change, there is far greater willingness from governments to cooperate towards addressing those issues.

UNWC, 21 MAY 1997

What it seeks to achieve

The United Nations General Assembly adopted the UNWC in 1997 by an overwhelming majority. The convention sets out the rights and obligations of countries sharing international watercourses.

As a global legal umbrella, the convention seeks to **supplement, facilitate, and sustain transboundary water cooperation at all levels**, by:

- **Addressing the legal weaknesses** in the current international water governance structure, in the absence of other applicable legal instruments;
- Providing **coherent policy guidance** for the adoption and implementation of sound and comprehensive watercourse agreements—guidance that will **facilitate the work of bilateral and multilateral institutions** assisting watercourse states in matters of transboundary water cooperation, such as the EU Water Initiative, the United Nations Development Program, the World Bank, and development agencies;
- Fostering and preserving **political stability** in situations that might otherwise become contentious;
- Establishing a **fair level playing field** among watercourse states, conducive to the sharing of benefits and to sustainable development; and
- Incorporating **social and environmental considerations** into the management and development of international watercourses.

Back in 1997, the UN member states could have simply agreed on a non-binding declaration of principles and mechanisms guiding relations between watercourse states. Instead, the United Nations General Assembly adopted the UNWC, as such, with the expectation that entry into force and widespread implementation would validate its political and legal relevance as a source of international water law and enable it to develop into a solid, widely-accepted global code in the field.

Our challenge now is to take action to ensure that the UNWC is more widely ratified and its provisions start to be implemented in close coordination with the ECEWC—and quickly.





SCOPE AND MAIN PROVISIONS

The UNWC governs the utilization, management, and protection of international watercourses. The convention defines a watercourse as a single unit of surface and underground waters that includes the main river, its tributaries and distributaries, and any connected lakes, wetlands, and aquifers.

The UNWC requires states to use international watercourses in an equitable and reasonable manner consistent with their protection. The goal is to utilize these resources in an optimal and sustainable way, while paying special regard to vital human needs and to the interests of the other watercourse states (Articles 5-7, 10). In particular, the convention requires states to:

- Cooperate in adopting agreements that **implement and/or adjust the convention to their specific circumstances and needs** (Article 3);
- **Participate actively and equitably** in the development and protection of international watercourses and engage in good-faith and mutually beneficial cooperation, for example, through the regular exchange of relevant information (Articles 5, 8, 9, 25);
- Take all appropriate measures, when utilizing an international watercourse, to **avoid causing significant harm** to other co-watercourse states; where significant harm nevertheless occurs, states must act diligently to **eliminate or mitigate** such harm, in consultation with the affected neighboring country, with a view to restoring a fair balance between the states concerned in the development of beneficial water uses and the protection of the watercourse (Article 7);
- **Follow a procedure of notification, consultation, negotiation, and data exchange** before implementing any measures that could have a significant adverse effect upon other watercourse states (Articles 11-19);
- Jointly with other states concerned, or individually, protect and preserve the ecosystems of international watercourses and manage them

in a manner that **safeguards the marine environment, including estuaries** (Article 20);

- **Prevent, reduce and control pollution** in international watercourses, with a view to avoiding significant transboundary harm (Article 21);
- Take all necessary measures to **prevent the introduction into international watercourses of exotic species** that may cause significant harm to other states (Article 22);
- Take all appropriate measures to **prevent and mitigate harmful conditions** related to an international watercourse, as well as to **address emergencies**, including notifying other states that could be affected and the relevant international organizations as quickly as possible, and by preventing, mitigating, and eliminating their harmful effects (Articles 27-28);
- **Consult over the establishment of joint management mechanisms**, such as basin organizations, transboundary management plans, joint contingency plans, and agreed water quality standards (Articles 21-24); and
- **Seek the peaceful settlement of disputes**, following the convention's procedures in the absence of applicable agreements (Article 33).

The primary functions

The UNWC already enables and sustains transboundary water cooperation in numerous ways. However, wider accession and widespread implementation are necessary for the convention to perform all of such functions effectively and fully, as described and explained in the table overleaf on the following page. The table also shows in what circumstances each function may be relevant, clarifies which stakeholders may be affected in each case, lists examples of when the convention has influenced concrete situations, and refers to key documents and stakeholders recognising the convention's relevance to perform certain functions.

The functions of the UNWC

Functions	Circumstances	Stakeholders affected	Examples
Inspires future regional or watercourse agreements.	<p>New agreements, to govern basins without agreements or to supplement existing agreements.</p> <p>Revised agreements replacing existing ones, for strengthening, readjusting, expanding, or updating those agreements.</p>	Although any state can consult the convention when negotiating agreements, consensus around its basic principles will be greater among parties. Widespread ratification will therefore make the convention more relevant as a basis for watercourse negotiations.	The EU WFD, the Revised SADC Protocol on Shared Watercourses, the CFA in the Nile basin and the Senegal River Charter reference the UNWC as a basis for their drafting.
Supports the implementation of regional or watercourse agreements.	<p>Interpretation of agreements, e.g., the convention can help clarify ambiguous provisions.</p> <p>Application of agreements, e.g., the convention can guide decision-makers in solving disputes.</p>	The convention performs this function regardless of whether the states involved are parties to it or not. This impact will heighten progressively in line with the number of states becoming a party to it, but could weaken over time.	In 1997, the International Court of Justice has already, in a dispute concerning the Danube, invoked the UNWC to justify decisions; other examples where the UNWC was already referenced are the 1997 Gabčíkovo-Nagymaros Project case and again in a 2010 case concerning Pulp Mills.
Governs international watercourses in the absence of applicable agreements.	<p>No Agreements</p> <p>Partial agreements, i.e., agreements not involving all watercourse states, if both states concerned have joined the convention, but only one is a party to the existing agreement.</p> <p>Issues not covered by existing agreements.</p>	Binding on parties.	

The functions of the UNWC

Functions	Circumstances	Stakeholders affected	Examples
Supplements environmental conventions.	Ramsar Convention Conventions on Biodiversity, Desertification and Climate Change	International Community	CBD Decisions VIII/27 & IX/19 urge states to ratify the UNWC as a means to help protect biodiversity in international watercourses. Ramsar convention art. 5 and The <i>San Juan River</i> case.
Advances international policy goals.	Millennium Development Goals Sustainable Development Goals IWRM-related international development cooperation.	International Community	UNSGAB's Hashimoto Action Plans I, II & III urge states to become parties to the UNWC to improve transboundary IWRM and so help advance the MDGs.
Offers a basis for the development of treaty law at the global level.	Issues not covered by the convention. Issues which deserve further development (e.g., transboundary aquifers).	All states sharing water resources could benefit from a universally agreed basis for further developing this field of law. The convention will be politically better suited to serve as a mother treaty for future protocols adopted with that intent.	The ILC Draft Articles on Transboundary Aquifers draw heavily from the convention, applying and adjusting it to the special case of groundwaters. It is possible that the draft articles are adopted as a separate, independent treaty, rather than a protocol to the convention. This outcome would run counter to the goal of promoting integrated water resources management.

HOW THE UNWC RELATES TO KEY POLICY GOALS AND AGREEMENTS

Millennium Development Goals:

The latest Hashimoto Action Plan of the UN Secretary General's Advisory Board on Water and Sanitation (UNSGAB) **calls on governments to ratify and implement** the UNWC. UNSGAB includes **leading international political, legal, and scientific water experts**. Their action plan identifies the **concrete measures** needed to **achieve the Millennium Development Goal** number 7, Target 10, on sustainable access to safe drinking water and basic sanitation.

The protection of the ecosystems of international watercourses, the maintenance of peaceful and equitable relations between watercourse states, and the cooperative management and use of shared river basins in support of socioeconomic progress are all preconditions for achieving Target 10. The UNWC will **contribute to meeting those conditions** and therefore support the MDGs. The UNWC will be instrumental to achieve the proposed target for the SDGs, "6.5 by 2030 implement integrated water resources management at all levels, including through transboundary cooperation as appropriate."

Sustaining aquatic ecosystems:

- Healthy, well-managed aquatic ecosystems sustain the ecological functions and services that are critical for livelihoods and water uses, especially in the developing world, and thus for achieving the MDGs.
- The convention aims to secure the environmental integrity of watercourses, while enabling states to co-utilize such resources to benefit their economies and populations. States must pursue mutually beneficial and sustainable outcomes through the fair sharing of water resources, consistent with their adequate protection.
- The convention promotes an integrated management approach through the equitable participation of all co-watercourse states in the protection and use of international watercourses and in the negotiation and implementation of specific agreements.



International peace and security:

- Sustainable development, needed to advance the MDGs, cannot flourish amidst conflict and political instability. But political tensions inevitably erupt when watercourse states fail to cooperate with one another.
- Water—or the lack of it—has often fuelled interstate disagreements. As we gaze into the future, there have already been warnings of more frequent and widespread water conflicts, even wars, and climate change will only make this worse.
- Freshwater will increasingly be a source of tensions and dispute unless international legal instruments are in place, supported by appropriate levels of investment. Such agreements are crucial to govern and promote the cooperative and fair management and use of international watercourses, as well as to establish efficient and clear rules to prevent and settle disagreements between watercourse states.
- The UNWC is designed to provide exactly this, and it now seems clear that we cannot rely only on existing watercourse agreements.

Economic progress and human development:

- Close and stable cooperation between watercourse states is the only possible avenue for promoting win-win solutions towards the optimal and sustainable use of a river basin, in support of the MDGs and of the future SDGs.
- The UNWC expressly recognizes the special needs of developing countries. When establishing the rights and duties of parties, the convention takes into account the varying levels of technical and economic capacity among states.
- The convention is flexible enough to adjust to the specific circumstances of each watercourse, without overlooking wider social needs when balancing the rights and interests of parties.
- While the convention does not explicitly recognize a right to water, it will support the practical application of such a right, including with respect to water access, sanitation, and food security, and benefit under-served populations.
- The convention requires states to allocate water among them in a fair and reasonable manner, taking into account dependent populations and giving special regard to vital human needs. Any form of water utilization which might significantly harm human health and safety would be a violation of the convention.



Climate Change:

Climate change will have an enormous adverse effect on water resources, with disastrous environmental, social, and economic consequences, especially in the poorest nations. It will fuel the potential for water to become **a source of serious conflict within and between countries**. And the most vulnerable nations are often those with weak governance mechanisms, or none at all. In much of the developed world, robust watercourse agreements are in place. Yet, those countries would feel at home the effects of water conflicts abroad, in the form of **mass migrations, economic and political disruption, and rising food prices**.

To pre-empt and address these issues, the UN Framework Convention on Climate Change (**UNFCCC**) is **crucial**, but it is **not enough on its own** to promote better collaboration among watercourse states:

- The UNFCCC does **not specifically** aim to enable transboundary **climate change adaptation** through the sustainable and cooperative **management of international watercourses**;
- Nor is it **intended** to prevent and peacefully **settle** the types of **disputes** that typically arise **between watercourse states**.

The UNWC, as a **global legal instrument specifically designed to govern relations between watercourse states**, is so important in this context, because it will:

- **Support cooperation between watercourse states** towards responding to environmental disasters, such as droughts and floods, and adapting their water-sharing and management strategies to the effects of climate change;
- **Help ensure** that any **measures** governments may take **under the UNFCCC**, such as hydropower development and water storage, neither **injure** the **ecosystems** of international watercourses, nor disregard the **health and livelihoods** of dependent communities; and
- Provide an (additional) framework and guidance for the Hydropower Sustainability Assessment Protocol implementation.



Biodiversity:

The Convention on Biological Diversity (CBD) promotes the conservation and sustainable use of biodiversity, especially through the protection of ecosystems. At the same time, the CBD respects countries' sovereign rights over biological resources within their own territories. For international watercourses, **cooperation between watercourse states is essential to protect the wider ecosystem**. The UNWC offers the **necessary legal framework** for this collaboration to take place—something the CBD has called for, but alone cannot provide.

For example, the UNWC:

- Recognizes **freshwater flows** needed to protect ecosystems as being **just as important** as other forms of water utilization in questions of **water allocation**;
- Includes **natural conditions, transboundary environmental effects**, and the **conservation of water resources** among the factors that must be considered in the promotion of reasonable and equitable water use and benefit-sharing across borders;
- Integrates the management of **water quality and quantity**; and
- Requires states to act diligently in the **protection and preservation of the ecosystems** of international watercourses.

In many respects, the **UNWC supplements the CBD**:

- Article 14(1)(c) of the CBD requires parties planning to implement **major measures** to notify and consult with other states who might be significantly affected. The UNWC creates a detailed procedure for doing this, with specific obligations and timetables.
- The same is true with **transboundary pollution**—a key threat to biodiversity that the CBD does not address specifically, but which the UNWC clearly covers.
- While the CBD merely requires its parties to facilitate the **exchange of relevant information**, the UNWC sets out in more detail how this should be done.

The UNWC will therefore encourage the production and dissemination of the sort of information that could be included in the web portal of the CBD's River Basin Initiative (RBI). In its turn, this portal could help to promote the importance of the UNWC.



Hydropower:

Recent years have witnessed a renewed and growing interest in hydropower. Many countries now see hydropower as an attractive energy option and alternative to fossil fuels, and therefore an important strategy in addressing climate change, energy poverty and development agendas. However, there are many environmental, social and economic risks attached to hydropower development. Much of the world's hydropower potential is situated in transboundary rivers where existing cooperative arrangements are often weak. These river basins are heavily reliant on 'out of basin' principles for water sharing. The potential (disastrous) economic, social, cultural, environmental, bio-diversity and political impacts of all these hydropower projects are considerable. The building of dams for hydropower provision when not done properly, or when downstream flow requirements are not considered, can have an enormous adverse effect on water resources and livelihoods, especially in the poorest nations. In the absence of effective governance of dams, **hydropower has been and will continue to fuel the potential for water to become a source of serious conflict within and between countries.**

An effective system of notification, consultation and data exchange offers an important basis

by which states can communicate, and hopefully **reconcile any competing interests** over planned uses of an international watercourse in a mutual manner. Such procedures benefit all riparian states, up- and downstream. Communicating in an early stage allows the planning state to more effectively determine the likely impacts of its plans within other states, accommodate any concerns and avoid or mitigate areas of potential conflict (thus putting a state's proposal on a stronger footing with decisions based on a transparent process) and adhere to international law, whereby all concerns were considered meaningfully and (hopefully) addressed. States, likely to be affected, will benefit from a **transparent forum and clear guidelines** by which to discuss their concerns and will have **access to the data and information** required to make **informed**

decisions on measures to address impacts and respectively share benefits.

The Hydropower Sustainability Assessment Protocol was released in 2011 and is governed by a multi-stakeholder council. It is strongly endorsed by the International Hydropower Association (IHA) and a broad group of financial, environmental, social, and development organizations. The intent of the Protocol is to **measure and to guide sustainability in hydropower planning, implementation and operations**. The Protocol seeks to achieve this by ensuring that the owner/operator has **sound corporate business structures, policies and practices**; transparency, integrity and accountability issues are addressed; external governance issues (e.g. institutional capacity shortfalls, political risks including transboundary issues, public sector corruption risks) are managed; and effective compliance procedures are in place. **Transboundary issues are most directly**



addressed under Political Risk (ES-4) as well as indirectly in Governance (P-2, I-2, O-2), Environmental & Social Impact Assessment & Management (P-5), Environmental & Social Issues Management (I-3, O-3), Hydrological Resources (P-7) and Downstream Flow Regimes (P-23, I-20, O-19).

On its own however, the Protocol alone is not sufficient to promote better collaboration on this issue among watercourse states.

- The Protocol does not specifically aim to enable transboundary cooperation although recognizing the **fundamental importance of transboundary watercourse agreement(s)**, and the processes that should be followed to the **mutual benefit of riparians**. In case a need to address **downstream flow regimes** has been identified and commitments to downstream flow regimes have been made, the Protocol encourages decision-makers to **take into account** identified transboundary risks, opportunities and objectives.
- Similarly, the Protocol does not directly deal with the prevention and peaceful settlement of the types of disputes that typically arise between watercourse states.

The UNWC, as a global legal instrument specifically designed to govern relations between watercourse states, therefore offers an important complement to the

Protocol and tools provided, because it:

- Under Part III, provides specific requirements for **prior notification** on planned measures and, where appropriate, **consultation and negotiation**. Together with the requirements under Article 7 to ‘take all appropriate measures’ not to prevent significant harm, Part III encourages the implementation of **joint EIAs procedures** and supports cooperation between watercourse states through the **mitigation of transboundary impact** and the attainment of optimal solutions;
- Helps ensure that any measures governments or companies may take, such as hydropower development and water storage, neither injure the **ecosystems of international watercourses**, nor disregard the health and **livelihoods** of dependent communities;
- Helps to ensure the strengthening of implementation and compliance with existing agreements and regulations;
- Provides **dispute resolution** tools and procedures;
- Provides an (additional) framework and incentives for investors to adhere to the Equator principles and the World Commission on Dams guidance; and
- Stimulates the use of **assessment tools** such as those provided for by the Hydropower Protocol.



Desertification:

The Convention to Combat Desertification (UNCCD) requires states to promote the restoration, conservation, and sustainable management of land and water, and to cooperate with each other for the protection of those resources. The UNCCD also requires neighboring countries to work together in developing action programs, which may include the joint sustainable management of transboundary water resources.

The UNWC will offer **an enhanced legal framework** for managing and sustainably using international watercourses. In so doing, the convention will better enable states to cooperate towards tackling any harmful conditions relating to those resources, such as drought and desertification. It will therefore **facilitate the implementation of the UNCCD**.

For example, the UNWC:

- Recognizes that **climatic factors and variability** are important in the achievement of an **equitable and reasonable balance** among watercourse states;
- Requires watercourse states to, when developing, managing and protecting international watercourses, do what they can to **prevent and mitigate the effects of drought and desertification** that may be harmful to their neighbors; and
- Requires states to collect, process, and exchange **information on meteorological conditions**.



Wetlands:

The Ramsar Convention on Wetlands (Ramsar Convention) promotes the protection and management of wetlands, requiring **countries to consult with each other** in relation to transboundary wetland systems or shared freshwater resources. Existing Ramsar resolutions further recognize the need for transboundary water cooperation, but **available guidance only goes as far as to recommend**, for example, that states jointly identify and manage transboundary wetlands, establish management regimes for shared river basins, and exchange expertise and information.

The Ramsar Convention works mostly by **moral persuasion** and **lacks detailed binding rules** clarifying the rights and duties of states sharing water resources. There is, therefore, a need for a more substantive framework governing interstate cooperation, dispute prevention and settlement to supplement the Ramsar Convention and its guidelines on international cooperation.

The UNWC can supply this. It contains key **standards, obligations, and procedures** for preventing disputes and fostering cooperation on the development and conservation of international watercourses and their ecosystems, including wetlands. For the worst cases, the UNWC also establishes **robust conflict resolution mechanisms**. These procedures will further reinforce implementation of relevant recommendations under the Ramsar Convention.

The UNWC will therefore help to ensure the adequate protection and sustainable management of those wetlands that are shared between two or more countries or are connected to international watercourses.



ANNEX I: RATIFICATION HISTORY AS OF JANUARY 2015

The table below contains the current signatories and contracting states to the UNWC. The second column shows the signatories, i.e., those countries which signed the convention during the 3-year period in which it was open for signature (Article 34). Among those, two states have yet to complete the process for becoming parties by actually ratifying the convention. The other countries, which became contracting states after that

3-year period, did not have to sign it. They directly accepted it, approved it, or acceded to the convention. The legal effects of ratification, acceptance, approval or accession are the same. Ratification applies when the final act for becoming a party is preceded by signature. The terms “accession,” “acceptance,” and “approval” vary according to a country’s internal usage, but again, produce the exact same legal effects.

Country/regional economic integration organization	Date of signature	States that ratified (r), accepted (A), approved (AA), acceded to the convention (a)
Benin		July 5, 2012 a
Burkina Faso		March 22, 2011 a
Chad		Sep 26, 2012a
Côte d’Ivoire	Sept 25, 1998	Feb 25, 2014
Denmark		April 30, 2012 a
Finland	Oct 31, 1997	Jan 23, 1998 A
France		Feb 24, 2011 a
Germany	Aug 13, 1998	Jan 15, 2007 r
Greece		Dec 2, 2010 a
Guinea-Bissau		May 19, 2010 a
Hungary	July 20, 1999	Jan 26, 2000 AA
Iraq		July 9, 2001 a
Ireland		Dec 20, 2013 a
Italy		Nov 30, 2012 a
Jordan	April 17, 1998	June 22, 1999 r
Lebanon		May 25, 1999 a
Libyan Arab Jamahiriya		June 14, 2005 a
Luxembourg	Oct 14, 1997	June 8, 2012 r
Montenegro		Sep 24, 2013 a
Morocco		April 13, 2011 a
Namibia	May 19, 2000	Aug 29, 2001 r
Netherlands	March 9, 2000	Jan 9, 2001 A
Niger		Feb 20, 2013 a
Nigeria		Sept 27, 2010 r
Norway	Sept 30, 1998	Sept 30, 1998 r
Paraguay	Aug 25, 1998	
Portugal	Nov 11, 1997	June 22, 2005 r
Qatar		Feb 28, 2002 a
South Africa	Aug 13, 1997	Oct 26, 1998 r
Spain		Sept 24, 2009 a
State of Palestine		Jan 2, 2015
Sweden		June 15, 2000 a
Syrian Arab Republic	Aug 11, 1997	April 2, 1998 r
Tunisia	May 19, 2000	April 22, 2009 r
United Kingdom of Great Britain and Northern Ireland		Dec 13, 2013 a
Uzbekistan		Sept 4, 2007 a
Venezuela (Bolivarian Republic of)	Sept 22, 1997	
Vietnam		May 19, 2014 a
Yemen	May 17, 2000	

ANNEX II: STATUS OF THE UNWC AND ECEWC CONVENTIONS JANUARY 2015

- Convention UNWC entered into force 17 August 2014, and 36 states have ratified (January 2015).
- 15 states have ratified/acceded to both conventions
- 3 more states (Belgium, Kazakhstan and Ukraine) have to ratify the amendment to the UNECE WC for it to become actually possible for non-UNECE states to accede.

Status of the Conventions (June 23, 2014)

Country	Signatory Convention 1997	Ratified/ Party UN Convention 1997 (into force 8/17/2014)	Party UNECE Convention	Ratified Amendment 1992 Convention (into force 6/2/2013)	Signatory Water & Health Protocol	Ratification W&H Protocol
Albania			X	X	X	X
Armenia					X	
Austria			X	X		
Azerbaijan			X	X		X
Belarus			X	X		X
Belgium			X		X	X
Benin		X				
Bosnia & Herzegovina			X	X		X
Bulgaria			X	X	X	
Burkina Faso		X				
Chad		X				
Côte d'Ivoire	X	X				
Croatia			X	X	X	X
Cyprus					X	
Czech Republic			X	X	X	X
Denmark		X	X	X	X	
Estonia			X	X	X	X
Finland	X	X	X	X	X	X
France		X	X	X	X	X
Georgia					X	
Germany	X	X	X	X	X	X
Guinea-Bissau		X				
Greece		X	X	X	X	

Country	Signatory Convention 1997	Ratified/ Party UN Convention 1997 (into force 8/17/2014)	Party UNECE Convention	Ratified Amendment 1992 Convention (into force 6/2/2013)	Signatory Water & Health Protocol	Ratification W&H Protocol
Hungary	X	X	X	X	X	X
Iceland					X	
Iraq		X				
Ireland		X				
Italy		X	X	X	X	
Jordan	X	x				
Kazakhstan			X			
Latvia			X	X	X	X
Lebanon		X				
Libyan Arab Jamahiriya		X				
Liechtenstein		X	X			
Lithuania			X	X	X	X
Luxembourg	X	X	X	X	X	X
Malta					X	
Moldova			X	X	X	X
Monaco					X	
Montenegro		X	X	X		
Morocco		X				
Namibia	X	X				
Netherlands	X	X	X	X	X	X
Niger		X				
Nigeria		X				
Norway	X	X	X	X	X	X
Paraguay	X					
Poland			X	X	X	
Portugal	X	X	X	X	X	X
Qatar		X				
Romania			X	X	X	X
Russian Federation			X	X	X	X
Serbia			X	X		X
Slovakia			X	X	X	X
Slovenia			X	X	X	
South Africa	X	X				
Spain		X	X	X	X	X
State of Palestine		X				
Sweden		X	X	X	X	
Syrian Arab Republicx	X					
Switzerland			X	X	X	X
Tunisia	X	X				
Turkmenistan			X			
Ukraine			X		X	X
United Kingdom of Great Britain & Northern Ireland		X	(signatory)		X	
Uzbekistan		X	X	X		
Venezuela	X					
Vietnam		X				
Yemen	X					
European Community/ Union			X	X		
Total	16	35	40	36	36	26

ANNEX III: VOTING RECORDS

On 21 May 1997, the United Nations General Assembly, at its 51st Session, approved Resolution A/RES/51/229, adopting the UNWC and inviting countries to become parties to it (UN Doc. A/51/PV.99). The table below shows the voting records, including the convention's sponsors. During the voting, those states underscored the importance of the convention and urged all member states of the United Nations to support its adoption.

The states that sponsored and voted in favor of the convention are not under a legal obligation to become parties. However, their sponsorship and approving vote created an expectation in the international community that, in response to the call for ratifications contained in Resolution A/RES/51/229, those countries would eventually join the convention.

Sponsors (38)

Antigua and Barbuda, Bangladesh, Bhutan, Brazil, Cambodia, Cameroon, Canada, Chile, Denmark, Finland, Germany, Greece, Grenada, Honduras, Hungary, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Liechtenstein, Malaysia, Mexico, Nepal, Netherlands, Norway, Portugal, Republic of Korea, Romania, Sudan, Sweden, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Vietnam.

In Favor (106)

Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium*, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Estonia, Fiji*, Finland, Gabon, Georgia, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria*, Norway, Oman, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Vietnam, Yemen, Zambia.

* The official vote recorded 103 votes in favor and 27 abstentions. Subsequently, however, Belgium, Fiji, and Nigeria informed that they had intended to vote in favor. For this reason, this list includes them among countries casting a vote of approval.

Abstentions (26)

Andorra, Argentina, Azerbaijan, Bolivia, Bulgaria, Colombia, Cuba, Ecuador, Egypt, Ethiopia, France, Ghana, Guatemala, India, Israel, Mali, Monaco, Mongolia, Pakistan, Panama, Paraguay, Peru, Rwanda, Spain, United Republic of Tanzania, Uzbekistan.

Absent (31)

Afghanistan, Bahamas, Barbados, Belize, Benin, Bhutan, Cape Verde, Comoros, Democratic People's Republic of Korea, Dominican Republic, El Salvador, Eritrea, Guinea, Lebanon, Mauritania, Myanmar, Niger, Palau, Saint Kitts & Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Sri Lanka, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Uganda, Zaire, Zimbabwe.

Against (3)

Burundi, China, Turkey.

ANNEX IV: THE INTERNATIONAL COMMUNITY

The UNWC in the eyes of the International Community

Calls for ratifications:

UNSGAB's Hashimoto Action Plans I, II and III, of 2006, 2010 and 2013, respectively

2006 Decision VIII/27 of the 8th Conference of the Parties to the Convention on Biodiversity, reiterated at COP-9, in 2008, by CBD Decision IX/19

UN Secretary-General, acting in his capacity as depositary, ahead of the 2007, 2008, 2009, 2010 and 2011 United Nations Treaty Events

The Dutch Government and the United Nations Development Program, in support of the 2007 United Nations Treaty Event

2007 Call for Action on the Ratification of the UNWC by West African States

His Royal Highness the Prince of Orange, speaking to the Plenary of the 118th Assembly of the Inter-Parliamentarian Union, as Chair of UNSGAB, in 2008

Global Public Policy Network (GPPN), NGOs, Women, and The Dutch Government, in the context of the Review of CSD-13 Decisions on Water & Sanitation, during the 16th Session of the Commission on Sustainable Development, in 2008

The Government of Iraq during the 36th Meeting of the Ramsar Standing Committee on 25-29 February 2008

The Dutch Government, during the informal Meeting of Water Directors of the European Union Candidate and EFTA Countries, in 2008

2008 Antigua Declaration on the 1997 United Nations Convention on the Law of Non-Navigational Uses of International Watercourses

2008 Mediterranean Civil Society Statement to the Euro-Mediterranean Ministerial Conference on Water (December 22th 2008)

2009 Bangkok Plan of Action for Strengthened Transboundary Freshwater Governance

2010 OSU Declaration, Interim Guinea Current Commission, during the 2nd Meeting of the Committee of West and Central African Ministers of the Guinea Current Large Marine Ecosystem Project

2011 Statement of InterAction Council

2011 Bamako Declaration, during the Solidarity for Water in Niger Basin Countries forum

2011 Declaration of the UN DPI/NGO Conference, with the purpose of informing the Rio+20 preparatory process

2011 Bangkok Declaration of African Basin Organizations, outcome document of the African Basin Organizations Consultative Meeting organized by UNEP and AMCOW

2012 European Parliament Resolution (informing the political declarations in the framework of the 6 World Water Forum)

2013 EU Commission decision

2013 call of the Water Directors of the EU and EFTA countries

International Policy Documents taking note of the importance of the convention:

1999 Ramsar Convention Guidelines for Integrating Wetland Conservation and Wise Use into River Basin Management (Annex to Resolution VII.18)

1999 Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes

2000 Report of the World Commission on Dams

2003 "Water for Peace Statement," adopted during the 3rd World Water Forum, in Japan

2004 United Nations "Water without Borders" Background, launched ahead of the UN International Decade for Action: Water for Life

2008 Declaration of the Euro-Mediterranean Ministerial Conference on Water, adopted in the Euro-Mediterranean Conference on Water, Jordan (22 December 2008)

The UNWC Global Initiative

Partners in events and other activities to raise awareness of the UNWC:

African Centre for Water Research

Association of Civil Organizations of Lake Balaton (ACOLB)

Butterfly Effect NGO Coalition

Conservation International

Economic Community of West African States (ECOWAS)

European Water Partnership

French Water Partnership

Global Nature Fund

Global Water Partnership- Bangladesh, East Africa, Mediterranean, and West Africa

Government of Finland

Government of France

Government of Ghana

Government of Italy

Government of Netherlands

Government of Norway

Government of Sweden

Green Cross International

IHP – HELP Centre for Water Law, Policy and Science, under the auspices of UNESCO (Dundee)

Interim Guinea Current Commission

International Water Association

IUCN—The World Conservation Union

Living Lakes

London School of Economics and Political Science: London Water Research Group

Nile Basin Discourse

Organization pour la Mise en Valeur du fleuve Sénégal (OMVS)

Promotion Association for Mountain-River-Lake Regional Sustainable Development (MRLSD)

Secretariat of the Convention on Biological Diversity (SCBD)

Secretariat to the Ramsar Convention on Wetlands

Stockholm International Water Institute (SIWI)

Swedish Network of Peace, Conflict and Development Research

UNECE Water Convention Secretariat

United Nations Development Programme (UNDP)

United Nations Environment Programme

UN Office of Legal Affairs

UNSGAB

Women for Water Partnership

Water and Climate Coalition

World Development Movement

WWF

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July 2014

Acknowledgements:

The collaborating organizations wish to thank the myriad of supporters whose valuable contributions and support made this booklet possible, including the HSBC Climate Partnership, the governments of France and Norway, and other colleagues within our networks and beyond.

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