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THE UNITED NATIONS CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES

The UN Convention establishes a framework for cooperation among watercourse states on the use, management, and protection of international watercourses for present and future generations. Counting 16 contracting states, the UN Convention requires 35 parties to become effective.

In the United Nations “Decade for Action: Water for Life,” states and regional economic integration organizations are urged to become parties to and implement the UN Convention, in support of the Millennium Development Goals.

- The UN Convention requires that states utilize international watercourses in an equitable and reasonable manner, consistent with their protection, with the goal of optimal and sustainable use, while giving special regard to vital human needs and taking into account the interest of all watercourse states (Article 5-7, 10). Within this framework, the convention requires that states:
 - *Enter into negotiations at the request of any of the watercourse states, with a view to adopting agreements that adjust and apply the convention’s fundamental principles (Article 3).*
 - *Cooperate and participate actively and equitably in the development of international watercourses and in the protection of river ecosystems (Articles 5, 8, 20, 25).*
 - *Take all appropriate measures to avoid causing significant harm to co-riparian states through the use of an international watercourse (e.g., by enacting national legislation on water uses) (Article 7).*
 - *Observe consultation, negotiation, and information exchange procedures before the implementation of measures that may have a significant adverse affect upon other watercourse states (Articles 11-19).*
 - *Prevent, reduce and control pollution in international watercourses that may significantly injure other watercourse states or their environment (Article 21);*
 - *Take all necessary measures to prevent the introduction into such watercourses of exotic species that may cause significant transboundary harm, as well as to protect the marine environment as it may be affected through river systems (Articles 22-23).*
 - *Consult on the establishment of joint management mechanisms such as water governance bodies, management plans, contingency plans, and joint water quality standards (Articles 21-24).*

- *Take all appropriate measures to prevent and address emergency situations and promptly notify other potentially affected states and international organizations (Article 28).*
- *Seek the settlement of disputes by peaceful means, following the convention's procedures (Article 33).*
- The entry into force of the UN Convention will bring countries together in initiatives to promote river basin conservation and management, to provide for the equitable and sustainable use of freshwater, to expand access to drinking water and adequate sanitation and enhance living conditions of communities around the world, and to maintain international security through the avoidance and mitigation of interstate water disputes.
- More than half of the world's accessible water is diverted for human consumption; each year the number of people living in water-scarce regions increases; unilateralism, over-extraction and pollution are reducing the per capita availability of water and sowing the seeds for conflict in over 263 transboundary rivers and aquifer systems.
- Though numerous watercourse agreements are in force, many simply define borders or regulate the joint development of shared water resources; most provide neither for integrated river basin management, nor for adequate ecosystem protection.
- The UN Convention codifies and clarifies minimum substantive and procedural standards of transboundary water cooperation governing the rights and duties of the 145 countries that physically share water resources around the world. These standards form the basis for negotiations on watercourse agreements and guide their interpretation and application.
- The UN Convention, once in force, could provide a much needed world forum for dialogue and coordination on the international management of shared water resources, if procedures are subsequently agreed. Consistent interaction reduces the chances for disputes to arise in the first place and enables the early detection of emerging problems.
- By requiring and guiding interstate water cooperation, the UN Convention would enhance the implementation of other environmental agreements such as the Conventions on Biodiversity, Wetlands, and Climate Change.
- Sponsored by 38 countries, the UN Convention was passed by an overwhelming majority before the UN General Assembly in 1997. Since then, the convention has lacked a champion in the international community and has been overshadowed by debates over other environmental issues such as the entry into force of the Kyoto Protocol. Now, with two new contracting states in 2007, Germany and Uzbekistan, the time is right to seek the 19 additional ratifications needed to bring the UN Convention into force.

For further information, please visit www.panda.org/freshwater/unconventions or contact Flavia Loures, WWF, at flavia.loures@wwfus.org, Dr. Alistair Rieu-Clarke, UNESCO, at (a.rieuclarke@dundee.ac.uk), or Ms. Marie-Laure Vercambre, Green Cross International, at marie-laure.vercambre@greencross.fr.