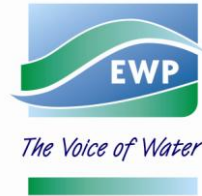




United Nations Secretary General's Advisory Board on Water and Sanitation



THE UN WATERCOURSES CONVENTION

IN FORCE BY 2011

A Briefing Paper

1. Introduction

At the 5th World Water Forum (Istanbul, March 2009), **Green Cross International**, the **Global Nature Fund (GNF)**, the **European Water Partnership**, and the **UN Secretary-General's Advisory Board on Water & Sanitation (UNSGAB)** will co-convene an event to herald the global call to bring the *1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention)* into force.

The side event, scheduled for **21 March, at 19.00 hrs, in Feshane/Lale Hall (F5)**, will be part of celebrations leading up to the 2009 World Water Day, which will focus on transboundary waters. The event will commemorate progress with the many stakeholders that have contributed to the *UN Watercourses Convention Global Initiative*.

WWF launched this initiative in March 2006 with a view to informing and accelerating the process for entry into force of the UN Watercourses Convention. In this context, we hope that the side event will inspire countries, organizations, and individuals to join our efforts, and that it will lead to new partnerships and political commitments capable of triggering further action and leadership to bring the convention into force by 2011.

The event will include a formal ceremony to present **WWF's "Leaders for a Living Planet" award** to the **current contracting states** for their leadership and commitment to cooperative management of shared water resources.

Moreover, we have invited **high-level officials** from non-parties to hand over signed postcards, copied below, symbolizing a **personal commitment to our call for additional ratifications** and a **pledge to work proactively towards having their own countries join the convention too**. The focus will be on Member States of the *European Union (EU)* and the *Economic Community of West African States (ECOWAS)*—both regions where the initiative has achieved good progress.

Representatives from international organizations attending the Forum will also have the opportunity to sign a postcard to pledge their support for the *UN Watercourses Convention Global Initiative*.



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SharingWater
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Sign for it

Sharing Water for People and the Planet

Dear Mr. James Leape,

I share your concern that the world's transboundary water resources often fall victim to *poor international coordination between states*, with dramatic consequences to biodiversity, livelihoods, and the economy. This represents a major threat to international peace and to the world's energy and food security, and climate change will only make things worse.

I agree that, although good progress has been achieved in many places, sound international legal instruments can aid basin/aquifer states in doing better and facilitate development cooperation. I offer my **personal support to WWF's call for bringing into force the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses** and **pledge to work proactively towards having my own country [insert your country]**

join it too and become engaged in these efforts.

Name: _____

Title: _____

NB: you can also drop your signed postcard at the WWF Sharing Water Pavilion during the World Water Forum in Istanbul on 14 March 2009.



To
Mr. James P. Leape
WWF International
Director General
Ave du Mont-Blanc
1196 Gland
Switzerland

SharingWater
for People and the Planet.

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I agree that, although good progress has been achieved in many places, sound international legal instruments can aid basin/aquifer states in doing better and facilitate development cooperation. On behalf of *[insert your organization]*

I offer my support to WWF's call for bringing into force the 1997 UN Convention on the *Law of the Non-Navigational Uses of International Watercourses* and pledge to work proactively towards achieving that goal.

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Title: _____

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This briefing paper contains background information on the *UN Watercourses Convention Global Initiative* and offers strategic recommendations for achieving the “entry into force by 2011” target.

2. Why is WWF promoting the UN Watercourses Convention?

2.1 Transboundary Freshwater Systems: Crucial but Threatened

Some of the richest aquatic ecosystems on the planet are shared between two or more states. The world’s **263 international watercourses** generate about **60% of global freshwater flow** and cover almost **half the earth’s land surface**. They cross the territories of **145 countries** and are home to around **40% of the world’s population**.

These watercourses contain key freshwater supplies, but are among **the most vulnerable**. *Lack of coordination* between states poses major threats to the people, ecosystems, and economic activities that rely on the long-term sustainability of those resources. It can, for example, reduce water availability or cause significant levels of pollution downstream. It can also prevent weaker states upstream from developing their fair share of the resource or hamper the ability of migratory fish to reach spawning habitats within headwaters.

Neighbouring states have a responsibility to protect transboundary freshwater ecosystems and to work together to manage them in a sustainable and integrated manner, in order to avoid conflict, respond cooperatively to threats such as climate change, and share fairly the related costs and benefits. Yet, **transboundary cooperation** raises **major practical, legal, and political issues**. In the past, nations have set the stage to address those issues by adopting and implementing treaties for specific watercourses, lakes, and aquifers:

- While states have made some progress in the field, **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 river basin 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 good will 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 basin states that are not parties to those agreements.

- Many states are parties to several watercourse agreements, with their own different policies and obligations, which makes **effective implementation** more difficult.
- Many agreements have **significant gaps or failings**. For example, some treaties fail to consider long-term changes in water availability, which might result from climate change in many places.

The entry into force of the UN Watercourses Convention is crucial to provide states with an overarching and flexible global policy framework that aims to inform, foster, and guide cooperation at all levels.

Once in force and widely implemented, the convention can offer the world what regional instruments, such as the *EU Water Framework Directive*, the *UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes*, and the *Revised Protocol on Shared Watercourses in the Southern African Development Community (SADC)*, have accomplished in Europe and Southern Africa.

2.2 About the UN Watercourses Convention

In 1997, more than one hundred nations, including 38 co-sponsoring states, voted in the UN General Assembly to adopt the *UN Watercourses Convention*—a legal umbrella agreement that establishes basic standards, procedures, and rules for cooperation between states on the use, management, and protection of international watercourses. **The convention counts today 16 contracting states—19 short of the number required for entry into force**, and aims to:

- *Facilitate and inspire negotiations on future regional or watercourse agreements and support the implementation of existing treaties;*
- *Govern international watercourses in the absence of applicable bilateral or multilateral treaties;*
- *Supplement multilateral environmental agreements, such as the conventions on climate change, biodiversity, desertification, and wetlands;*
- *Advance international policy aspirations, such as the Millennium Development Goals; and*
- *Offer a basis for the codification and development of international water law at the global level.*

Since the adoption of the UN Watercourses Convention, water pollution and overuse have worsened in many places, and the world's poorest people are already facing shrinking supplies. Climate change is increasing pressure on water resources and making water availability less predictable.

The very problems that motivated the convention's drafting over more than 30 years and its ultimate adoption are thus graver and more widespread. As in 1997, most of the world's transboundary river basins still lack adequate legal protection.

For all those reasons, more than ever before we need an effective and widely ratified UN Watercourses Convention. We need it to ensure that states properly utilize and protect the world's precious transboundary freshwater systems. It is time to act!

2.3 The UN Watercourses Convention Global Initiative

WWF has proposed the “*in force by 2011*” target with a view to strengthening efforts to promote the sound management, protection, and development of the world’s transboundary river basins, in accordance with international law.

The target is part of the *UN Watercourses Convention Global Initiative*, led by WWF and several other partners around the world, such as the African Centre for Water Research, Conservation International, the Economic Community of West African States (ECOWAS), European Water Partnership, GWP-Bangladesh and West Africa, Green Cross, the IHP-HELP Centre for Water Law, Policy and Science, under the auspices of UNESCO (Centre for Water Law, Policy & Science), the Swedish International Development Cooperation Agency (Sida), The Netherlands, UNSGAB, the World Development Movement, among others.

WWF launched the initiative in early 2006 and, in partnership with those and other institutions, has since been working with several governments and other stakeholders to raise awareness, build capacity and support countries interested in becoming parties to the convention. Numerous stakeholders have joined our efforts over the last 3 years, as evidenced by their calls for ratifications and other activities to inform governments, the media and the civil society.¹

3. Why 2011?

- The 2011 target is a milestone towards a longer-term goal of ensuring the equitable and sustainable management of the world’s transboundary freshwaters, to the benefit of dependent livelihoods, ecosystems, and economic activities.
- The timescale is realistic. Although the convention was adopted more than 10 years ago, it is only now that the international community, gathered under the *UN Watercourses Convention Global Initiative*, is beginning to show consistent and widespread commitment to the goal of bringing it into force.
- The process for governments to join international treaties is normally long, complex, and costly. It is dependent on a thorough analysis, involving several ministries, agencies and the legislature, of costs and benefits from ratification and of any regulatory measures that must be adopted domestically to enable implementation.
- With 19 ratifications to go, the 2011 target assumes 6-7 additional contracting states per year—an achievable goal if all the states present here receive the support they need to move through the process in a timely and effective manner.

¹ For a list of partners and calls for ratifications, see the UN Watercourses Convention booklet, available at http://assets.panda.org/downloads/wwf_un_watercourses_brochure.pdf.

- The very process of ratification of the convention in several countries and the global initiative itself have already contributed to raising awareness of transboundary water issues and created opportunities for regional dialogue and capacity-building. By entering into force by 2011, the convention can further enhance its contribution to the achievement of the Millennium Development Goals.

4. How can the target be achieved?

There is no single solution for promoting the sound management of international watercourses, lakes, and aquifers. WWF sees the convention's entry into force and implementation as part of a broader package of legal, policy, and financial measures necessary for achieving that goal.

In this sense, only once in force can the convention fully realize its functions, consolidate its legal authority to codify and develop international law, and remain high in the political agenda of governments and other stakeholders. In order to achieve this, we have:

- *At the global level*, organized awareness-raising events, mobilized key stakeholders within the international community, and built key partnerships;
- *At the regional level*, commissioned assessments of the relevance and applicability of the convention to specific regions and basins, and hosted workshops to build capacity and foster dialogue about the convention among co-basin states, in partnership with regional economic organizations, joint water management institutions, and the civil society.
- *At the national level*, worked closely with governments, local stakeholders, and experts to provide technical support and advice, and co-funded the development of the applicable national assessments and the organization of in-country meetings among key government sectors, the media, water users, and other interested actors.

We can only achieve the target of having the UN Watercourses Convention in force by 2011 if all relevant actors become fully engaged and committed. This implies involvement by national governments, specialized UN agencies, relevant environmental and development cooperation processes, global and local organizations with relevant expertise in the field, local users, and even businesses.

Interventions should take place at all levels and be coherent with each stakeholder's purposes and capacities. For example, independent organizations can directly approach their governments about the convention. Expert and financial institutions can further support ongoing efforts at the national level. UN agencies may choose to simply raise awareness and build capacity to inform domestic decision-making and prepare countries for future implementation.

5. Opportunity

The theme of the 2009 World Water Day is “Transboundary Waters” and WWF, in conjunction with many partner organizations, proposes to use this as **an opportunity to accelerate the progress of the Convention**. We will thank those **countries that have already joined**, by presenting **an award for their leadership** in achieving sustainable development, and the example they are setting.

A **postcard initiative** will encourage representatives of governments and organizations, and key individuals, to express their support for the entry into force and widespread ratification of the convention. This will become a **living commitment**, adding successive endorsement messages to help build a critical body of support for accelerating progress towards the goal of having the Convention in force by 2011.

6. Conclusion

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 neighbours 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**.

The picture appears grim, but what we are actually facing is **a key moment of opportunity**. Through the entry into force and implementation of the UN Watercourses Convention, 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.

In our own way, we each have our share to contribute to the goal of having the UN Watercourses Convention in force by 2011. **Green Cross International**, the **Global Nature Fund (GNF)**, the **European Water Partnership**, and the **UN Secretary-General’s Advisory Board on Water & Sanitation (UNSGAB)** invite all stakeholders to support this aim, and stand ready to work with each to make this target a reality.

For additional information, please visit

http://www.panda.org/what_we_do/policy/international_water_law/ or contact:

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- Mica Ruiz, at MJRuiz@wwf.org.uk.