



# UNITED NATIONS FRESHWATER AGREEMENTS PROJECT

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[www.panda.org/freshwater/unconventions](http://www.panda.org/freshwater/unconventions)

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## **1. The United Nations Freshwater Agreements Project defined**

The United Nations Freshwater Agreements Project aims to improve global freshwater governance for the 263 RIVER BASINS around the globe that cross the territories of two or more countries. These watersheds cover HALF THE EARTH'S SURFACE, are present in 145 COUNTRIES, are home to 40% OF THE WORLD'S POPULATION and generate around 60% OF GLOBAL FRESHWATER FLOW. They include key conservation priorities and major river basins such as the Amazon, Amur, Brahmaputra, Columbia, Congo, Danube, Fly, Ganges, Indus, Mekong, Niger, Nile, Orange, Orinoco, Plata, Rio Grande, Salween, San Pedro & Usumacinta, Senegal, Sepik, Tigris & Euphrates, and Zambezi rivers.

WWF is calling on countries to take actions to give effectiveness to three policy instruments that promote cooperation among basin/aquifer states and establish their rights and obligations in the use and management of internationally shared rivers, lakes, and aquifers:

- a) **United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention):** The world's governments are urged to ratify or adhere to the UN Convention, which still requires 19 additional ratifications out of 35 that are necessary for entry into force. This convention supports the prevention and peaceful resolution of disputes and contains guidelines for the equitable and reasonable use and management of transboundary river basins. Once in force, this convention will have global reach and codify minimum standards on integrated river basin management in a transboundary context.
- b) **Draft Articles on Transboundary Aquifers and Aquifer Systems (ILC Draft Articles):** States are called upon to engage in discussions on the ILC Draft Articles under the auspices of the UN International Law Commission. The draft articles apply and adjust the provisions of the UN Watercourses Convention to the special case of groundwater. WWF has prepared comments on their shape and substance, which include a recommendation for the UN General Assembly to consider adopting the ILC Draft Articles as a protocol to the UN Watercourses Convention.
- c) **2003 Amendment to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention):** The states that are members of the UN Economic Commission for Europe (UNECE) and parties to the UNECE Water Convention are asked to accept the 2003 Amendment that opens the convention for accession by states outside the UNECE region. At this time, eight parties have accepted such an amendment out of 34 that are necessary for it to become effective. The ECE Convention is already in force and promotes joint management and conservation of freshwater ecosystems within the UNECE region.

## 2. Why WWF Is Promoting Two Freshwater Conventions at the Global Level

Unlike the UN Watercourses Convention, the UNECE Water Convention was negotiated exclusively among UNECE member states. It is expected that many states outside the region would resist becoming parties to it. It may also be that the ECE Convention does not reflect conditions present in developing countries. In addition, some developing countries may be reluctant to accept, and unable to comply with, the stricter, more detailed provisions of the UNECE Water Convention. From a practical viewpoint, even after the amendment becomes effective, accession by non-UNECE members is conditioned upon approval by the Meeting of the Parties. Criteria for such approval have yet to be determined. In light of the veto power of the Meeting of the Parties, there are no guarantees that all UN member states would have access to the UNECE Water Convention.

The UN Watercourses Convention is a broader, more flexible instrument to deal with transboundary water issues at the global level. This convention is thus likely to be accepted by a larger number of states, at least in the short and medium terms. In any case, *ratifying and implementing the UN Watercourses Convention is a first, but extremely important, step, as states prepare to accede to the UNECE Water Convention, once the 2003 Amendment become effective.* The two conventions are *not* mutually exclusive and in many ways supplement each other. Each has a crucial role to play to improve freshwater governance and support interstate cooperation.

### 3. Overview of Outputs and Activities

- UN Watercourses Convention: The ratification initiative has comprised different stages: a) preliminary assessment of states' opinions & concerns; b) commissioning of regional assessments to identify benefits from entry into force of the convention, from both regional and national perspectives; c) organization of regional workshops to raise awareness and bring basin countries together; d) preparation of country-specific ratification briefs; and e) support to network for national lobbying activities.
- ILC Draft Articles: WWF has prepared a legal opinion proposing amendments that would strengthen the draft articles' original text and adjust them to become a protocol to the UN Watercourses Convention. The paper also considers the need for additional draft articles that would establish procedures for the adoption of future amendments and the establishment of a secretariat and a conference of the parties. We have engaged states to consider our proposals in the context of the drafting procedures of the ILC Draft Articles.
- UNECE Water Convention: WWF has engaged with the convention's Secretariat and parties and assessed the interest of non-UNECE states in this convention to build a case for the ratification initiative on the 2003 Amendment.

### 4. What WWF and Partners Have Been Doing

#### UN Watercourses Convention

- Country-specific Assessments for Canada and Papua New Guinea close to completion;
- New partnerships consolidated: Conservation International, Global Water Partnership-Central America, the International Network of Basin Organizations (INBO), the Government of Sweden, and the UN Secretary General's Advisory Board on Water and Sanitation (UNSGAB);
  - **UNSGAB** has welcomed and expressed support to the global initiative to bring into force the UN Watercourses Convention, as it promotes activities included in the Hashimoto Action Plan (*available at [http://www.unsgab.org/docs/HAP\\_en.pdf](http://www.unsgab.org/docs/HAP_en.pdf)*);
  - Mikhail Gorbachev, Founding President of **Green Cross International**, has contacted governments about the relevance of the UN Watercourses Convention, through letters sent to the Heads of State of Algeria, Argentina, Austria, Benin, Burkina Faso, Chad, Egypt, Ethiopia, Gambia, Ghana, Guinea-Bissau, Mali, Mauritania, Morocco, Niger, Nigeria, Paraguay, Romania, Senegal, Togo, and Tunisia;
  - **Green Cross International** has commissioned a new regional assessment, focusing on the applicability and relevance of the UN Watercourses Convention among members of the League of Arab states;
- West Africa regional brief completed and now being translated into French;

**ILC Draft Articles:** WWF debated and exchanged ideas with the International Law Association (ILA) about the draft articles. This enriching dialogue brought together the expertise of each organization on international law and freshwater conservation policies, respectively, with a view to contributing to the drafting process. Fortunately, the comments and proposals of the ILA Study Group on Groundwater Resources address many of WWF's concerns. The ILA Report is *available at* <http://www.ila-hq.org/pdf/Groundwater%20Resources%20Study%20Group/Final%20Report.pdf>. The WWF Paper on the topic is also *available at* <http://www.internationalwaterlaw.org/>.

## 5. Ratification/Accession Updates

**UNECE Water Convention:** The Czech Republic accepted the amendment on 29 January 2008.

## 6. News on Events & Publications

### **UN Watercourses Convention:**

- ***Discussions at the 13<sup>th</sup> Meeting of SBSTTA—the technical body under the Convention on Biological Diversity (CBD):*** At its 13<sup>th</sup> Meeting, SBSTTA discussed a draft recommendation for the 9<sup>th</sup> Conference of the Parties to urge states to become parties to both the UN Watercourses Convention and the UNECE Water Convention, as appropriate in each case. The topic was part of discussions on tools and guidance needed to improve the allocation and management of transboundary waters for advancing the CBD Program of Work on Inland Water Biodiversity. Although freshwater was not a priority topic for that meeting, discussions on that particular recommendation turned out to be interesting.

Unfortunately, during the first round of negotiations, parties agreed on deleting the original reference to the UNECE Water Convention. That convention was deemed a regional instrument of relevance only in Europe and neighboring countries. As such, parties alleged that the UNECE Water Convention did not belong in a CBD decision, which has global applicability. This rationale is questionable. It does not take into account that the 2003 Amendment should become effective eventually and that guidance and recommendations developed under that convention may already have wider applicability beyond the UNECE region, even if on a voluntary basis.

The discussions on the UN Watercourses Convention divided delegates present in the room. Brazil and Turkey were against any reference to the convention. Their fundamental point seemed to be that a previous CBD decision, in the Invasive Species Program of Work, already calls on CBD parties to ratify or accede to that convention and there was no reason for parties to be urged again to do so. Argentina seemed aligned with Turkey and Brazil, even though the government has recently invoked the convention when submitting a dispute against Uruguay to the International Court of Justice. European and African countries stood firm on behalf of the draft SBSTTA recommendation, implicitly recognizing that it was appropriate to reiterate the previous call for ratifications in the broader context of the Inland Waters Biodiversity Program of Work. Ghana highlighted the importance of the convention to strengthen international cooperation, reminding participants of the struggle in Africa to improve conditions of access to water and sanitation in a continent, one might add, with sixty transboundary watersheds that cover nearly 40% of the land area and drain the territories of almost all African countries.

In light of the lack of consensus among CBD parties, the text of the SBSTTA recommendation, as adopted at that meeting, had the paragraph referring to the UN Watercourses Convention in brackets. It will be for CBD/COP-9 to make a final decision.

## 7. New/Updated/Revised Materials Available on Connect/WWF Website\*

- Regional brief for West Africa (in English);

\* Please e-mail Flavia Loures, at [flavia.loures@wwf.org](mailto:flavia.loures@wwf.org), for PDF files of any documents listed here, but not posted on WWF's website.

## 8. Tasks for WWF Network/Partners/Governments

***Preparations for the 9<sup>th</sup> Conference of the Parties to the Convention on Biodiversity*** (Bonn, 19-30 May 2008): WWF kindly asks Parties to the CBD to reach a consensus at COP-9 for reiterating a call on nations to ratify or accede to the UN Watercourses Convention— this time in the context of the CBD Programme of Work on Inland Waters Biodiversity. Such consensus should preserve the states' freedom to decide on which international treaties to join *and* promote the entry into force of an instrument crucial for improving water governance globally and, as recognized during SBSTTA-13, particularly in the thirstiest of continents. Once in force and widely implemented, the UN Watercourses Convention will strengthen the regulatory framework of the CBD governing the conservation, sustainable use and equitable sharing of freshwater biodiversity in international watercourses, thereby contributing to goals, targets and activities of the CBD Programme of Work on Inland Waters Biodiversity.

***Preparations for the 16<sup>th</sup> Session of the Commission on Sustainable Development*** (New York, 5-16 May 2008): In follow-up to its 2005 session, CSD-16 will include a two-day water management review with respect to progress on the adoption and implementation of integrated water resources management plans and on improved conditions of access to water and sanitation. Discussions will include an analysis of policies and laws that are necessary for enabling the achievement of those goals. The *Stockholm International Water Institute* and the *Stakeholder Forum for a Sustainable Future* have been leading activities under the *Global Public Policy Network (GPPN)* in preparation for CSD-16 (see <http://gppn.stakeholderforum.org>). GPPN is a multi-stakeholder mechanism that aims to ensure that CSD-16 addresses water and sanitation issues in a meaningful manner, to provide a platform for carrying the process forward in regards to potential policy implications of relevance to CSD-17, and to enable all stakeholders to contribute to the process.

Through its extensive consultation process, GPPN has identified “transboundary water systems” as one of the key emerging issues that CSD-16 should address. In particular, GPPN guidelines for stakeholder input make express reference to the UN Watercourses Convention and raise the question of how CSD should engage in the topic. For the relevant documents, visit <http://gppn.stakeholderforum.org/index.php?id=documents>.

## 9. Upcoming Meetings/Events

- **118<sup>th</sup> Assembly of the Inter-Parliamentarian Union (IPU):** Cape Town, 14-18 April 2008
  - Joint GTZ/Italy/IUCN/UNSGAB/WWF Information Meeting: “*Raising Awareness on the UN Watercourses Convention*” (Tuesday, 15 April, afternoon session)
- **9<sup>th</sup> Conference of the Parties to the Convention on Biodiversity:** Bonn, 19-30 May 2008
  - Joint CBD/Ramsar Convention/WWF Side Event: “*Improving Cooperation in International Watercourses to Achieve Biodiversity Targets*” (Tuesday, May 20, lunch time)
- **17<sup>th</sup> Session of the Commission on Sustainable Development:** New York, 5-16 May 2008
- **Expo Zaragoza 2008, Water and Sustainable Development:** : Zaragoza, 14 June 14-14 September 2008
- **2008 World Water Week:** Stockholm, 17-23 Aug 2008
  - Joint Green Cross/SIWI/WWF Seminar: “*The UN Watercourses Convention: Legacy, Prospects, and Value for the Realization of International Policy Goals*” (Tuesday, 19 August 2008, morning session)
  - Joint SIWI/Conservation International/SIWI/WWF Side Event: “*High-Level Panel Debate: The Challenge of Improved Global Freshwater Governance and the UN Watercourses Convention*” (Tuesday, 19 August 2008, lunch time)
  - UN Water Seminar: “*Transboundary Waters: Sharing benefits, Sharing Responsibilities*”
- **IWA World Water Congress:** Vienna, Austria, 7-12 September 2008
  - Long Platform Presentation “*Adaptation to Climate Change in Transboundary Watersheds: What Role for the UN Watercourses Convention?*” Authors: C. Behrmann, B. Charrier, F. Loures, A. Swain, A. Rieuclarke
- **IUCN World Conservation Congress:** Barcelona, 5-14 October 2008
- **10<sup>th</sup> Meeting of the Conference of the Contracting Parties to Ramsar:** Changwon, Republic of Korea, 28 October-4 November 2008
- **International Conference “Water for Peace, Peace for Water.”** Paris, 13 November 2008
- **5<sup>th</sup> World Water Forum:** Istanbul, Turkey, 16-22 March 2009