

UN Watercourses Convention

User's Guide Fact Sheet Series: Number 1

Scope of the Convention #1

Introduction to the scope of the UN Watercourses Convention

The scope of a UN Watercourses Convention defines the legal parameters of the watercourse regime, including: the **geographical and hydrological boundaries; the types of water uses and activities; the substantive measures guiding such water use; and, the State parties to which this framework convention applies.** The Convention deals with these issues of scope under Articles 1-4 in its Part I – Introduction.

What “uses” are covered under the Convention?

The Convention does not refer to specific uses, but rather covers all uses that may have an impact on the protection, preservation and management of international watercourses. The regulation of navigation is therefore not covered in its entirety (as implied within the Convention's title), only falling within its scope when navigational uses affect those broad types of usage outlined above, or vice versa.

What does the term “Watercourse” mean?

The term “*Watercourse*” - as expressed in Article 2(a) of the UN Watercourses Convention - defines the type of waters to which the Convention applies. Through that definition the Convention highlights the need for an integrated approach to systems of surface and underground waters. **The Convention thus applies to watercourse systems that cross international boundaries (Art. 2 (b)), including major watercourses, their tributaries, and connected lakes and aquifers, even when these components are almost entirely located within a single State.**

Generally, components of freshwater systems that may fall under the Convention's scope, when connected to one another as part of an international watercourse, include: rivers; lakes; aquifers (see below); glaciers; reservoirs; and, canals. The scope also applies to land-based activities taking place within the river basin to the extent that such activities might be relevant for the use, protection, and management of an international watercourse.

What does the term “Watercourse State” mean?

The UN Watercourses Convention's **definition of a “Watercourse State” (Art. 2 (c)) ensures that the rights and duties it establishes largely apply only to those States with part of an international watercourse touching upon or situated within their territorial boundaries.** However, some exceptions are made for non-watercourse States which are vulnerable to events taking place within an international watercourse, whereby the Convention makes reference to “*other States*”. For example, the pollution provisions in Article 21(2) and the emergency provisions in Article 28 provide that Watercourse States have a duty to protect the marine environment of an international watercourse especially where pollution or natural causes, such as earthquakes, may cause harm to “*other watercourse States*”.

UN WATERCOURSES CONVENTION TEXT

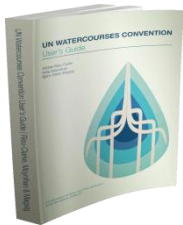
ART. 1 - Scope of the present Convention

1. The present Convention applies to uses of international watercourses and of their waters for purposes other than navigation and to measures of protection, preservation and management related to the uses of those watercourses and their waters.
2. The uses of international watercourses for navigation is not within the scope of the present Convention except insofar as other uses affect navigation or are affected by navigation.

ART. 2 - Use of terms

For the purposes of the present Convention:

- a) “Watercourse” means a system of surface waters and groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus;
- b) “International watercourse” means a watercourse, parts of which are situated in different States;
- c) “Watercourse State” means a State Party to the present Convention in whose territory part of an international watercourse is situated, or a Party that is a regional economic integration organization, in the territory of one or more of whose Member States part of an international watercourse is situated;
- d) “Regional economic integration organization” means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.



Visit our on-line resource at www.unwatercoursesconvention.org



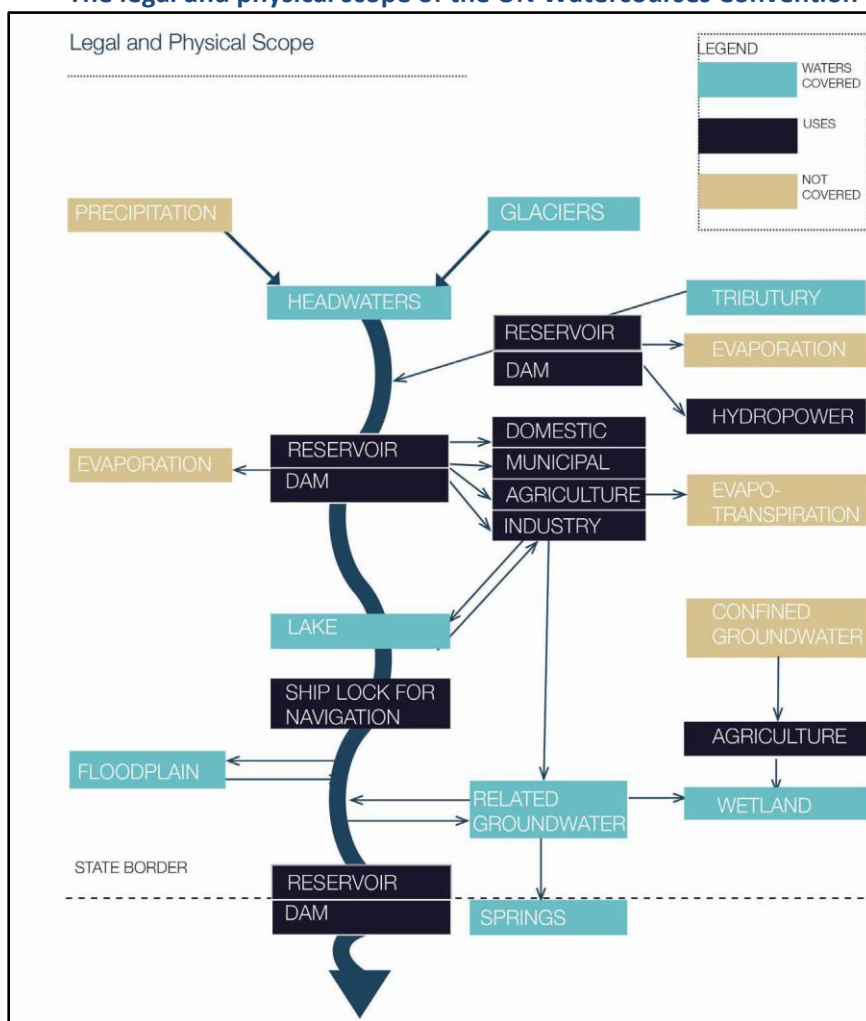
This fact sheet is based on the *UN Watercourses Convention User's Guide*:

- Electronic version available on-line at: www.dundee.ac.uk/water
- Hardcopy available to order by emailing: water@dundee.ac.uk

Does the term “Watercourse” encompass aquifers?

As highlighted above, the UN Watercourses Convention’s definition of a “Watercourse” – as expressed in Article 2(a) – promotes an integrated approach to systems of surface and ground waters whereby underground aquifers are included in this definition. **However, “confined aquifers” (underground bodies of freshwater that are not hydrologically linked to other surface or groundwater systems) are currently an exception and hence do not fall within the scope of the Convention. This exclusion of “confined aquifers” is discussed further in Fact Sheet #3.**

The legal and physical scope of the UN Watercourses Convention



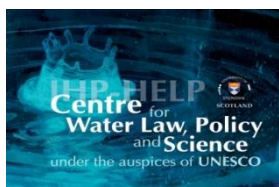
Source: Rieu-Clarke, A., Moynihan, R. and Magsig, B., *UN Watercourses Convention – User's Guide* (CWLPS 2012), at 70

ADDITIONAL RESOURCES

FURTHER READING

Rieu-Clarke, A., Moynihan, R. and Magsig, B., *UN Watercourses Convention – User's Guide* (CWLPS 2012), at 66-74

Tanzi, A., and Arcari, M. *The United Nations Convention on the Law of International Watercourses: A Framework for Sharing* (Kluwer Law International 2001) at 51-53



This fact sheet series, online resource and User’s Guide have been produced through generous financial support from the **Norwegian Ministry of Foreign Affairs**, and in partnership with **WWF**. Since 2006, WWF has promoted the UN Watercourses Convention through a global initiative that encompasses a wide range of partners and activities. For further details visit: http://wwf.panda.org/what_we_do/how_we_work/policy/conventions/water_conventions/un_watercourses_convention/

