

UN Watercourses Convention

User's Guide Fact Sheet Series: Number 12

UN Watercourses Convention and the UNECE Water Convention

Introduction to the UNECE Water Convention

In 1992, the States that are members of the UN Economic Commission for Europe adopted the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (UNECE Water Convention). **This Convention promotes joint management and conservation of freshwater ecosystems in Europe and neighbouring countries, including in Central Asia.** In 2003, its parties adopted unanimously amendments opening the UNECE Water Convention for accession by non-UNECE member states, and **it is expected that States from around the world will be able to ratify the UNECE Water Convention by the end of 2013 onwards.**

Given that the UN Watercourses Convention is a global framework agreement, it is important to examine the relationship between this Convention and the UNECE Water Convention. **Furthermore, upon the former Convention's likely entry into force, there will be two global conventions in force dealing with transboundary freshwater issues.**

Similarities

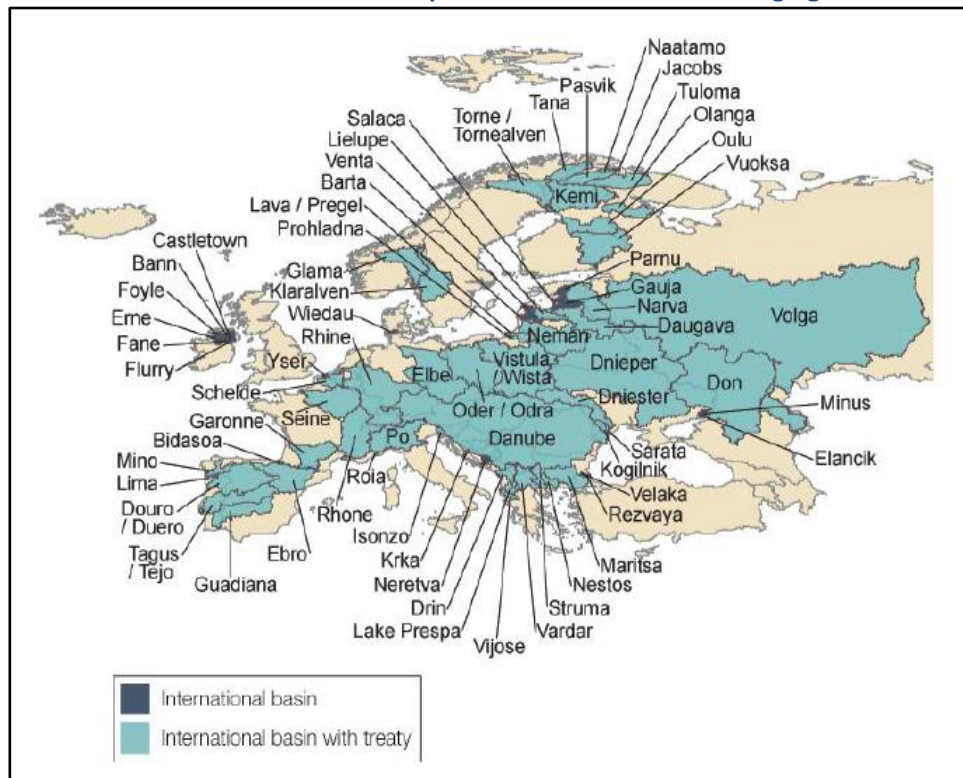
The UN Watercourses Convention and the UNECE Water Convention are *not* mutually exclusive and in many ways supplement each other. Each has a crucial role to play to improving freshwater governance and supporting inter-State cooperation. Overall, there is **general compatibility** between the two Conventions, whereby many of the key principles and provisions mirror each other.

Specific articles in each of these two Conventions, respectively, provide for more detailed rules, and therefore offer **important elements with which to enhance and complement the other.**

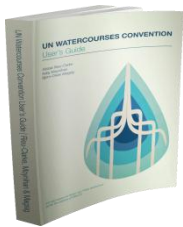
Even where there is no apparent complementarity between provisions in the two Conventions, there is however no conflict between them. **The UNECE Water Convention provisions are generally more detailed or prescriptive than those of the UN Watercourses Convention.** This is particularly the case regarding water quality standards as well as setting out more precise guidelines and advanced standards of conduct for the prevention of transboundary impacts.

Alternatively, one can derive more guidance from the UN Watercourses Convention on the factors relevant to equitable and reasonable utilisation. Conversely, regarding procedural rules, special emphasis has been placed on the mandatory character of institutional cooperation under the UNECE Water Convention, which is only *encouraged* under Article 8 of the UN Watercourses Convention. Thus, in many instances, one Convention's specificity actually extrapolates upon the other's generality.

International river basins of Europe and those with an existing agreement



Source: Rieu-Clarke, A., et al. *UN Watercourses Convention – User's Guide* (2012), at 32



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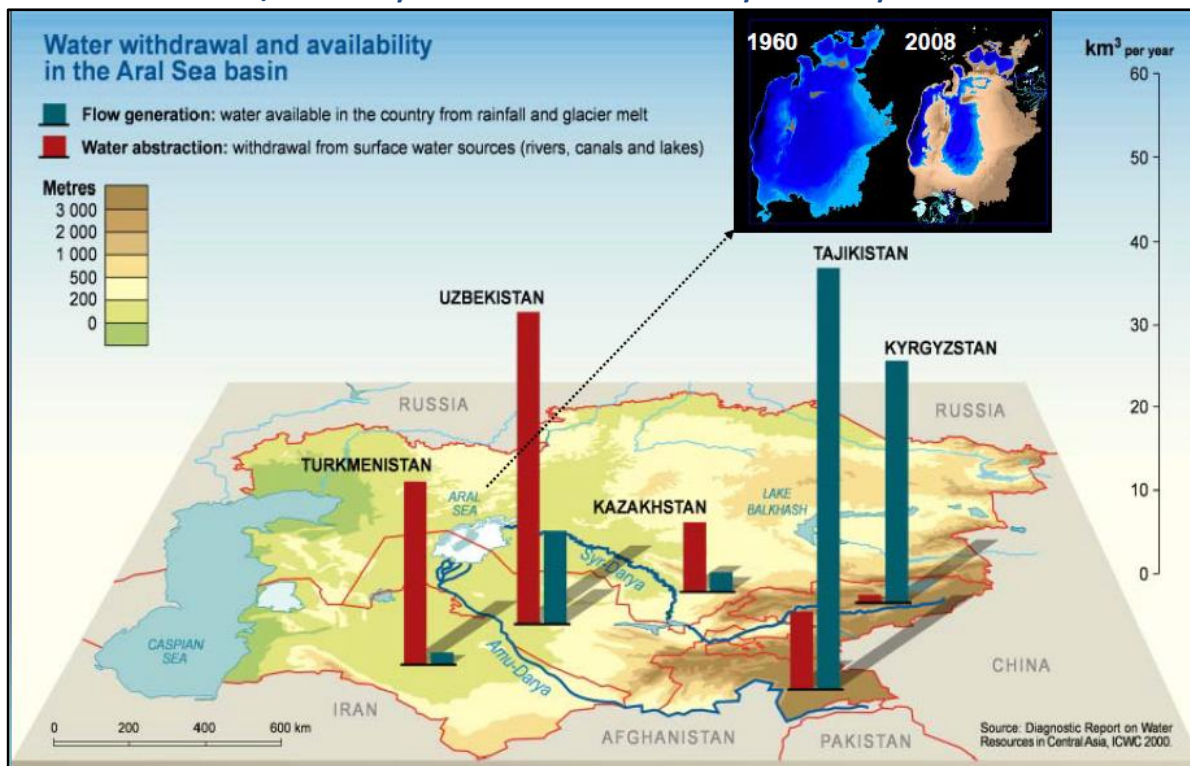
This fact sheet is based on the *UN Watercourses Convention User's Guide*:

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

Differences between the Conventions

Key differences between the UN Watercourse Convention and UNECE Water Convention mainly concern context rather than content. The former was developed by the ILC over a 30 year period and adopted by a vast majority of the UN General Assembly in 1997. The latter was negotiated exclusively among UNECE Member States and adopted in 1992. Nevertheless, the UNECE Water Convention has been in force since 1996 and recently celebrated 20 years of progressive development and implementation, whereas the UN Watercourses Convention is still not in force.

Map of water withdrawal/availability in the Aral Sea basin – a key case study area within the UNECE Region



Source: ICWC, *Diagnostic Report on Water Resources in Central Asia*, 2000.

Coordination moving forward

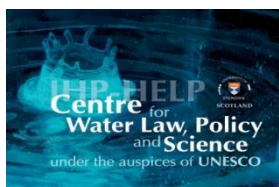
Despite the contextual distinctions of the two Conventions, **it is very clear from the discussion of compatibility that scope exists for future coordination between these two global legal instruments.** This is especially necessary if the UN Watercourses Convention enters into force, as is soon expected. The practicalities of how this will occur remain to be seen, but **it is encouraging that research (such as that by the UNWC Global Initiative – see Fact Sheet #9) and high-level discussions are already taking place regarding the possibilities for future coordination.**

ADDITIONAL RESOURCES

FURTHER READING

Rieu-Clarke, A., Moynihan, R. and Magsig, B., *UN Watercourses Convention – User's Guide* (CWLPS 2012), at 36- 39

Tanzi, A. *The Relationship between the 1992 UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the 1997 UN Convention on the Law of the Non Navigational Uses of International Watercourses*, 2000.



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/

