

UN Watercourses Convention

User's Guide Fact Sheet Series: Number 9

Ratification Status and Entry into Force

Introduction to the Convention's entry into force

The UN Watercourses Convention was adopted by the UN General Assembly in 1997, however it is still not in force. For entry into force, the Convention requires ratification by 35 States. As a global treaty that deals with the sensitive and highly politicised issue of water and its uses amongst States, many nations may not have immediately seen the benefits of a Convention that addresses the regulation of international watercourses at the global level, rather than at the basin or sub-basin levels between the States that share a particular watercourse. Some key reasons below have been considered as factors in the Convention's slow entry into force.

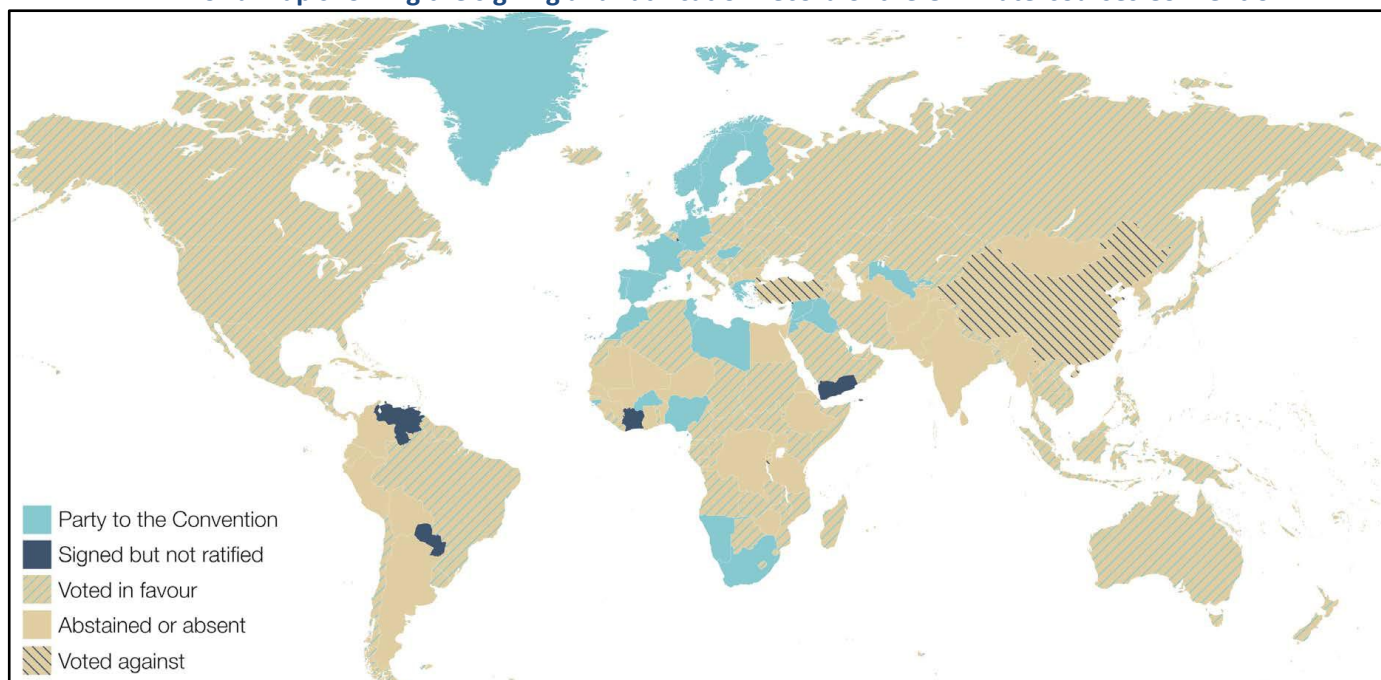
Possible treaty congestion and fatigue

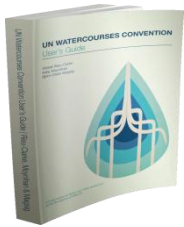
One reason for the UN Watercourse Convention not yet being in force might be the timing of its final development and adoption. The 1990s was a decade of "treaty congestion", with the controversial process for entry into force of the Kyoto Protocol under the UN Framework Convention on Climate Change dominating the international spotlight during and after the Rio Earth Summit in 1992. The UN Watercourses Convention was adopted at the end of a period when many multilateral environmental agreements (MEAs) were either being adopted or entering into force. Many States began to feel some reluctance towards entering into more MEAs due to this "treaty congestion", which has since been said to have notably hindered political efforts to ratify this Convention. Additionally, there is no one specific entity to push forward the work towards its entry into force. This lack of political will and absence of a State or organisation to champion the UN Watercourses Convention cause may be a key reason why it has not yet entered into force. Moreover, it is unfortunate because in many respects the Convention, once in force, could support the mutual implementation of other MEAs.

Lack of awareness about the Convention

A lack of awareness about what the Convention aims to achieve and especially regarding the content of its specific provisions and how they can be implemented has also played a role in delaying its entry into force. In some regions the reason why the Convention has not been supported by States may simply be due to the fact that there has been, and remains, little awareness of it amongst key governmental organisations. For example, a survey of West African States found that few ministries responsible for water-related issues were familiar with the Convention.

A world map showing the signing and ratification record of the UN Watercourses Convention





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



Misperceptions and misinterpretations

There are many misperceptions and misinterpretations about the UN Watercourses Convention relating to the relationships between different principles as well as the relationship between the Convention and other regional, basin and sub-basin agreements. **One misperception is that the Convention disregards a State's sovereign rights over the portions of an international watercourse within its territory.** Such misperceptions are inaccurate and are often the result of a lack of awareness about the Convention, which in many ways have also contributed to the slow progress of ratification.

Moving towards entry into force

All the conditions necessary for bringing the UN Watercourses Convention into force in the short-term are now in place, such as: (1) the identification of parties to champion its cause at the national and international levels, including the Norwegian Government, Green Cross and the United Nations Secretary-General's Advisory Board on Water and Sanitation (UNSGAB); (2) strongly backed, relevant institutions (WWF, Global Water Partnership-West-Africa, and the IHP-HELP Centre for Water Law, Policy and Science, University of Dundee) are assisting States in assessing the Convention's regional and national value to help inform decision-making by stakeholders; and (3) freshwater is again central to the international environmental agenda e.g., Hashimoto Action Plan.

The UNWC Global Initiative

In early 2006, the WWF launched a global initiative to promote the UN Watercourses Convention and accelerate its ratification process, known as "*The UNWC Global Initiative*". This initiative has mobilised a range of actors including governments, international organisations, academics and others in an effort to raise awareness, build capacity and support countries interested in ratifying the Convention. **To date, the UNWC Global Initiative includes partners such as Green Cross, UN Secretary-General's Advisory Board on Water and Sanitation, the IHP-HELP Centre for Water Law, Policy and Science (under the auspices of UNESCO), the Global Nature Fund and others.**

Activities of the UNWC Global Initiative have largely centred upon addressing the barriers to ratification noted above. Partners of the UNWC Global Initiative have therefore sought to raise awareness of the Convention through symposia, presentations and special sessions at global, regional and country-specific conferences and other meetings. **In order to deepen knowledge and understanding of the relevance of the Convention, the Global Initiative has conducted research studies related to the relevance of the Convention in various regions, basins and countries,** including Central America, South America, Europe, West Africa, Congo, Southern Africa, East Africa, Aral Sea and South East Asia. Such research studies have formed a basis for conducting consultations and training workshops at the country level throughout the world. **Activities of the UNWC Global Initiative have also involved developing a wide range of materials, including policy briefs, academic journal papers, an edited book, research reports, and this UN Watercourses Convention User's Guide.**

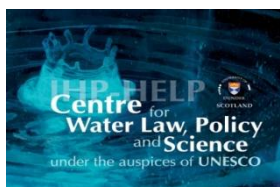
ADDITIONAL RESOURCES

FURTHER READING

Rieu-Clarke, A., Moynihan, R. and Magsig, B., *UN Watercourses Convention – User's Guide* (CWLPS 2012), at 261 - 268

RELATED UN WATERCOURSES CONVENTION SECTIONS

Part VII – Final Clauses (Articles 34 – 37)



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/

