



International Rivers and Lakes

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Background and scope

International Rivers and Lakes is a forum for information exchange on the activities and programmes of international river and lake organizations, Governments, and intergovernmental and non-governmental bodies relating to the management, conservation and use of internationally shared rivers, lakes, basins and groundwater aquifers.

The Newsletter is being issued in response to a resolution adopted by the United Nations Economic and Social Council (resolution 1981/81 of 24 July 1981) which, further to the United Nations Interregional Meeting of International River Organizations (Dakar, Senegal, 5-14 May 1981; see below), subscribed to the desirability of continuing and intensifying the dialogue started in Dakar among international river and lake organizations and Governments from various regions of the world, under the aegis of the United Nations Department of Technical Co-operation for Development.

Continuation and intensification of the information exchange exercise so successfully set in motion in Dakar is precisely the scope of this Newsletter, which is ultimately meant to foster a better understanding of problems common to the development of shared water resources in different regions, as well as to have an appreciation of existing differences.

The title of the Newsletter, with its emphasis on surface-water resources, reflects the comparatively keener awareness of States in regard to issues and needs related to the development, conservation, and use of shared rivers and lakes as opposed to shared ground-water resources. The Newsletter, however, will cover the latter whenever pertinent developments occur.

Interregional Meeting of International River Organizations (Dakar, Senegal, May 1981)

The first Interregional Meeting of International River Organizations, organized by the United Nations Department of Technical Co-operation for Development, in co-operation with the Government of Senegal and with the Senegal River Basin Development Organization (OMVS), was held in Dakar, Senegal, from 5 to 14 May 1981. The Meeting was convened pursuant to a resolution adopted by the United Nations Water Conference, held in Mar del Plata, Argentina, in March 1977.

Representatives from 17 international river organizations, 36 countries, 12 agencies and organizations of the United Nations system, and 6 other intergovernmental, and non-governmental international organizations, attended the Meeting. The level of participating delegations was very high, as a number of Ministers and chief executives of participating international river organizations attended the Meeting.

The substantive agenda of the Meeting included the following topics:

- (a) Institutional and legal arrangements, under which the main features of international river organizations, including their structure, functions, organization, decision-making process, authority and methods of implementation of decisions taken were reviewed.
- (b) Progress in co-operative arrangements, under which the current state of progress achieved by co-operating countries in institutionalized co-operation in regard to the development, use and protection of shared water resources was discussed.
- (c) Economic and other considerations relevant to co-operation in the development of shared water resources, which included a review of economic, financial and other considerations for the equitable participation of co-operating countries in projects and programmes for the conservation, development and utilization of shared water resources. Under this topic, the role of environmental factors was also discussed.

A number of conclusions were reached and agreed upon as a result of debates on the above-mentioned topics. Among them, the following conclusions of a general import should be noted:

1. Where it is the intention of States to establish a permanent or ad hoc international organization for the management of shared water resources to reflect the common interests involved, the agreement establishing this organization should at least contain, within the framework of principles of international water law acceptable to the contracting States, the following elements, which should be defined as clearly as possible:

- (a) Objectives;
- (b) Territorial jurisdiction;
- (c) Composition;
- (d) Authority and power;
- (e) Decision-making procedures;
- (f) Financial provisions; and
- (g) Procedures for the prevention and settlement of disputes.

2. Some co-operating States need to provide their international river and lake organizations with both competence and capability to deal effectively with the existing and impending demands for improved water resources development, use and protection, by legal and institutional arrangements that do not deprive the Governments of their final role in determining policy and controlling the actions of their agencies.

3. Where benefits and costs are to be shared, international river and lake organizations should be empowered to recommend to their respective Governments general or specific formulas and rules for such sharing and to propose their draft determinations to the Governments concerned.

4. Water quality, water-related disease and environmental protection considerations have to date received inadequate attention in most cases, and Governments need to request their river and lake organizations to include these aspects as part of their information and data, project and programme planning or monitoring functions, as appropriate.

5. Those co-operating States that have not yet included groundwater as a part of the shared water-resources system need to recognize this part of the hydrologic cycle as intimately linked to the quantity and quality of their shared surface waters, and could entrust their international river and lake organizations with the task to initiate technical studies and to call for hydrogeologic data. Concerned Governments may thus apprise themselves of the specifics of the interactions throughout the system, or portion thereof, with a view to benefiting from conjunctive use and to adopting the indicated conservation and protection measures for the underground environment.

These conclusions have particular significance in that they reflect for the first time a critical assessment - by international river organization officials and by government specialists - of the adequacy of international river and lake organizations in terms of their capability to develop, conserve and utilise shared water resources.

The conclusions reported above signify that there may be room for improvement of prevailing state practice in devising international institutional arrangements for the conservation, development and use of shared water resources - with special emphasis on institutional arrangements for the performance of cost-sharing exercises, shared ground-water resources management and water quality management.

The report of the Meeting is available in English, French, and Spanish.

Background papers prepared by the United Nations Secretariat on the discussion topics and a large selection of the technical papers contributed by participants will be published, together with the report of the Meeting mentioned above, under the title Experiences in the Development and Management of International River and Lake Basins (United Nations Natural Resources/Water Series No. 10). It is expected that the publication will be available for sale in English, French, and Spanish later in the year. Interest in receiving a copy of the report may be registered at the address indicated below.

National Symposium on River Basin Development
(Dacca, Bangladesh, December 1981)

A National Symposium on River Basin Development was held in Dacca, Bangladesh, from 5 to 10 December 1981, under the auspices of the Government of Bangladesh and with the financial assistance of the United Nations Development Programme.

A total of 170 persons, including 29 from outside Bangladesh, participated in the Symposium, including two participants each from India, Pakistan, Nepal and Bhutan. Representatives of agencies and organizations of the United Nations system also attended the Symposium.

The agenda included two main topics: technical and legal aspects of river basin development. Fifteen papers were made available, three of which were on legal aspects.

In the course of the debates, two positions emerged. One favoured a basin-wide approach to water-resources management, and the creation of separate basin commissions - one for the Ganges and another for the Brahmaputra - in order to optimize available resources for all countries concerned through joint planning. The other called for direct and separate negotiations among the respective countries.

Work of the United Nations International Law Commission

The International Law Commission (ILC) did not consider the topic "The law of the non-navigational uses of international watercourses" at its 1981 session owing to the election of Mr. S. Schwebel, the then special rapporteur on the topic, to the International Court of Justice.

In the wake of the renewed interest which many government delegations manifested in the course of pertinent debates at the thirty-sixth session of the General Assembly (15 September - 18 December 1981), a resolution was adopted on the report of the Commission on the work of its thirty-third session, in which the Assembly took note of the intention of the Commission to appoint a new special rapporteur and stressed the desirability of doing so at the commencement of its thirty-fourth session, thus ensuring continuity of its work in this field (General Assembly resolution 36/114 of 10 December 1981).

It should be recalled that, based on the two reports on the law of the non-navigational uses of international watercourses prepared by the then special rapporteur, the Commission provisionally adopted six draft articles, and a tentative understanding on the meaning of a certain term, in the course of its 1980 session.

As reflected in draft articles 1 to 3, the scope of the Commission's work on the topic is to draft a framework-type instrument containing basic rules of general applicability to all international watercourse systems

on non-navigational uses, and related conservation aspects. These rules, which are to be derived from existing principles of international law, are designed to be complemented by more detailed ad hoc inter-State arrangements and obligations governing the use and conservation of specific watercourse systems, in accordance with the principles laid down in draft article 4, and without prejudice to existing agreements (draft article X). Of particular interest is the rule whereby States are under an obligation to negotiate in good faith ad hoc agreements, to the extent that the uses of the watercourse systems shared by them require (draft article 3, para. 3). In the Commission's view, such obligation "flows from customary international law, in the light of its current development". 1/ Finally, the Commission reached a tentative understanding on the meaning of the term "international watercourse system", which had been at issue since the Commission began its work on the topic. According to the tentative understanding, which met with the Commission's majority approval, a watercourse system is regarded as being international provided components of it are situated in two or more States, and only to the extent that uses of waters by system States affect one another. In the words of the Commission "as used in these articles, the watercourse has not an absolute, but a relative, international character".2/

Prior to his resignation from the Commission, the special rapporteur prepared a third report on the topic, which will be published in due course.

Treaty for Amazonian Co-operation becomes operational

Following the entry into force of the Treaty for Amazonian Co-operation (Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, Venezuela) on 3 August 1980, the first Meeting of Foreign Ministers of the signatory countries took place in Belém, Brazil, on 23 and 24 October 1980. The Ministers assembled issued a joint Declaration of Belém, which is a major policy statement charting out in broad outline the future course of co-operation among the Amazonian countries. Under the terms of the Declaration, Amazonian co-operation will focus on specific priority fields, namely, science and technology adapted to tropical conditions; study of the potential of the Amazon region rivers primarily for navigation and hydro-power generation purposes; and transportation and telecommunications. The Amazonian Co-operation Council is singled out in the Declaration as the institution which will be responsible for the implementation and co-ordination of co-operation along the lines charted in the Declaration. In addition, the Declaration envisages the creation of a joint financial mechanism (pre-investment Fund) for projects of common interest, to be further studied by the Amazonian Co-operation Council.

The second Meeting of Ministers for Foreign Affairs of the Amazonian countries is scheduled to take place in Bogotá, Colombia, in the second half of the current year.

A first meeting of the Council for Amazonian Co-operation, originally scheduled in 1981, has been rescheduled and will convene in Lima, Peru, in the first half of the current year.

1/Report of the International Law Commission on the work of its thirty-second session, in 1980 Yearbook of the International Law Commission, vol. II (Part 2), p. 114, para. 18 (United Nations publication), Sales No. E.81/V.4 (Part II).

2/Ibid., para. 93.

Meeting of the Ministers for Foreign Affairs of the Plate Basin countries

The twelfth regular meeting of the Ministers for Foreign Affairs of the Plate Basin countries (Argentina, Bolivia, Brazil, Paraguay, Uruguay) was held in Santa Cruz de la Sierra, Bolivia, from 11 to 14 November 1981. A delegation from Peru also participated with observer status.

Delegates to the meeting had before them for discussion the annual report prepared by the Inter-Governmental Co-ordinating Committee of the Plate Basin countries (CIC), which functions as the permanent international secretariat for the implementation of the aims of the 1969 Plate Basin Treaty. The CIC report reviews the state of implementation of the resolutions adopted at the previous meeting of the Ministers for Foreign Affairs of the Plate Basin countries. The CIC report separately covers the following basic fields: (a) transportation, including river transport; (b) water and other natural resources (inland navigation legislation; water quality control; hydro-meteorological data bank; upper Bermejo River basin development; energy resources development; oil and gas exploration; soil conservation; Paraguay River floods; and Pilcomayo River Basin development); (c) economic co-operation; (d) co-operation in the health and education sectors; and (e) institutional issues.

Based on the report prepared by CIC, the Conference of Ministers adopted a number of resolutions. These relate, among others, to (1) priority projects in the mining, railway, hydro-electric development (Pilcomayo River), and natural gas sectors; (2) the establishment of a basin-wide network for the collection of hydro-meteorological data; and (3) legal and institutional issues. Of particular interest, among the latter group, is resolution 171 (XIII), which calls for a further study of proposals formulated by CIC with a view to streamlining the implementation process of resolutions adopted by the Meetings of the Ministers for Foreign Affairs, while strengthening the follow-up role and capabilities of CIC and its secretariat.

Guinea joins the Gambia River Basin Development Organization

In June 1981, the People's Revolutionary Republic of Guinea became a full member of the Gambia River Basin Development Organization (OMVG), which was established in 1978. Membership had thus far been limited to Senegal and Gambia. With the accession of Guinea, OMVG now has authority over the entire Gambia River Basin.

Uganda joins the Kagera River Basin Organization

In November 1981, Uganda became a full member of the Organization for the Management and Development of the Kagera River Basin. Membership in the Organization, which was established pursuant to the treaty of 23 August 1977, had so far included Burundi, Rwanda and the United Republic of Tanzania. With the accession of Uganda, the Kagera River Basin Organization now has authority over the entire Kagera River Basin, which is a sub-basin of the Nile River.

Transboundary Water Issues in the Mexican-United States border region

"Anticipating Transboundary Resource Needs and Issues in the US-Mexico Border Region to the Year 2000" was the theme of two separate symposia organized by Mexican and United States institutions.

Population and economic growth trends in the Mexican-US border region were examined at a symposium held in South Padre Island, Texas, on 23 and 24 April 1981. Demands expected to be placed upon transboundary surface and underground water resources were also assessed. Participants in the symposium found that continuing rapid growth in the borderlands will involve greater demands on water and the environment, and emphasized the desirability of a basin-wide approach to water resources planning covering the Rio Grande Basin.

A separate Symposium, held in Querétaro, Mexico, on 28 and 29 January 1982, reviewed the legal and institutional situation along the US-Mexico border region with a view to anticipating issues and problems in the next 20 years. Approximately 20 participants from Mexico and 30 from the United States - including the Mexican and the United States Commissioners of the International Boundary and Waters Commission, Mexico-United States - attended the Querétaro Symposium.

As a result of the debates, the standing legal and institutional arrangements between Mexico and the United States, embodied by the International Boundary and Waters Commission, were found to be quite satisfactory from the viewpoint of the apportionment of boundary waters between the two countries and with regard to construction of joint facilities. Water-quality problems in the Colorado and Rio Grande rivers had also been successfully tackled within the framework of ad hoc IBWC Minutes.^{3/} However, the standing arrangements between Mexico and the United States were found to be inadequate to deal with such emerging problems as those related to the management of shared ground-water aquifers, especially in the Ciudad Juarez-El Paso areas, with emphasis on water quality protection, and to the possibility of future shortages in the Colorado River border region. The desirability of enabling IBWC to tackle such problems was acknowledged by Mexican and United States speakers alike, while mention was made of the need for a permanent joint forum with policy-making responsibilities.

The debates also brought into focus the striking differences in the legal régimes of ground-water control and use which are in effect in the border States of Arizona, California, New Mexico and Texas. A dispute is currently under way between Texas and New Mexico on the use of shared aquifers. In the main, the diversity of legal régimes of ground-water control and use north of the border was regarded as a potential constraint to transboundary ground-water management, and the usefulness of inter-State compacts to reconcile differences between states of the United States was acknowledged.

^{3/}The decisions of the Commission are reached in the form of a "Minute", which presents recommendations to the Governments. Subject to approval of both Governments, each Minute has the force of an executive agreement between the two countries.

Call for documents and participation in the information exchange

A preliminary list of documents available in the files of the Department of Technical Co-operation for Development concerning the development, conservation and use of shared rivers, lakes, basins and aquifers is currently being prepared. The list will be mailed to recipients of the Newsletter, together with a request to forward to United Nations Headquarters documents not included in the list.

In view of the scope and purpose of this Newsletter, documents and information on projects, programmes, institutional or legal developments, and issues at large concerning the development, conservation and use of shared rivers, lakes, basins and aquifers, which you believe may be of interest to others, will be most welcome for possible inclusion in future issues.

The United Nations Department of Technical Co-operation for Development is prepared to respond - within the limits of its capabilities - to requests from international river and lake organizations, Governments, intergovernmental and non-governmental organizations, for assistance and information.

Please indicate any required correction of addresses, names and titles of responsible officials to whom the first issue of this Newsletter has been mailed. Please indicate offices and officials - with relevant addresses - who wish to receive individual copies.

All correspondence should be addressed to:

E. Fano, Deputy Director
Water Resources Branch
Department of Technical Co-operation for Development
United Nations
New York, New York 10017