

ST/TCD/NRED(05)/N3

MAY 24 1988



International Rivers and Lakes

A Newsletter issued by the Department of Technical Co-operation for Development
United Nations, New York

UN LIBRARY

AUG 14 1988

No. 11

UN/ISA COLLECTION

November 1988

CONTENTS

	<u>Page</u>
Fortieth session of the International Law Commission	2
Mekong Committee	5
Draft code of conduct on accidental pollution of transboundary inland waters	6
International Lake Environment Committee Foundation (ILEC)	10
Niger River Basin	11
International Joint Commission on Great Lakes Water Quality	12
Koshi Dam	13
Agreement between Mexico and Guatemala on environmental pollution	14
Tribute to Enzo Fano	14
Call for documents and participation in information exchange . . .	15
Notes	15

Fortieth session of the International Law Commission

The fourth report on the law of non-navigational uses of international watercourses (A/CN.4/412 and Add.2) was presented to the fortieth session of the International Law Commission, held at Geneva from 9 May to 29 July 1988. Some of the articles contained in the report had been provisionally adopted in 1987, e.g.: Scope of the present articles (art. 2); Watercourse states (art. 3); Watercourse systems and agreements (art. 4); Parties to watercourse (systems) agreements (art. 5); Equitable and reasonable utilization and participation (art. 6) and Factors relevant to equitable and reasonable utilization (art. 7). The Commission postponed consideration of the article on the use of terms (art. 1) and also consideration of the use of the term "system".

The drafting committee at the present time is working on the following articles: Prohibition against activities with regard to an international watercourse causing appreciable harm to other watercourse states (art. 9, referred in 1984); General obligation to co-operate (art. 10); Notification concerning proposed uses (art. 11); Period for reply to notification (art. 12); Reply to notification, consultation and negotiation concerning proposed uses (art. 13); Effects or failure to comply with articles 11 to 13 (art. 14); and Proposed uses of utmost urgency (art. 15).

The fourth report on the law of non-navigational uses of watercourses contains background information and draft articles on exchange of data and information and environmental protection, pollution and related matters: For the benefit of readers of the newsletter, the draft articles are set forth below. Unfortunately, lack of space permits only a brief summary of the detailed and useful proposals put forward by the Special Rapporteur.

Exchange of information

"Article 16: Regular exchange of data and information

"1. In order to ensure the equitable and reasonable utilization of an international watercourse (system), and to obtain optimal utilization thereof, watercourse states shall co-operate in the regular exchange of reasonably available data and information concerning the physical characteristics of the watercourse, including that of a hydrological, meteorological and hydrogeological nature, and concerning present and planned uses thereof, unless no watercourse state is presently using or planning to use the international watercourse (system).

"2. If a watercourse state is requested to provide data or information that is not reasonably available it shall use its best efforts, in a spirit of co-operation, to comply with the request but may condition its compliance upon payment by the requesting watercourse state or other entity of the reasonable costs of collecting and, where appropriate, processing such data or information.

"3. Watercourse states shall employ their best efforts to collect and, where necessary, to process data and information in a manner which facilitates

its co-operative utilization by the other watercourse states to which it is disseminated.

"4. Watercourse states shall inform other potentially affected watercourse states, as rapidly and fully as possible, of any condition or incident, or immediate threat thereof, affecting the international watercourse (system) that could result in a loss of human life, failure of a hydraulic work or other calamity in the other watercourse states.

"5. A watercourse state is not obligated to provide other watercourse states with data or information that is vital to its national defense or security, but shall co-operate in good faith with the other watercourse states with a view to informing them as fully as possible under the circumstances concerning the general subjects to which the withheld material relates, or finding another mutually satisfactory solution."

The report notes that the regular exchange of data and information will permit watercourse states to plan their own water uses in order to minimize the possibility of conflicts with other states and might even lead to the development of integrated systems of international watercourse planning and management. Furthermore, data and information are required to determine the rights of co-riparians and to comply with their obligations under the principle of equitable utilization, since the latter implies the taking into account of all relevant factors and circumstances. Exchange and information clauses are therefore important elements of many water-related treaties and have prompted the creation of joint international bodies charged with the collection, processing, and diffusion of data. In other cases, states have established observation stations, sometimes even in each other's territory, to facilitate the regular gathering of data. They have also allowed technical experts from co-riparian countries to have access to their territories for information gathering and observation. Many treaties call for joint research to determine hydrologic characteristics and development potential of a watercourse.

Regular exchange of data and information is also particularly important for the effective protection of international watercourses, preservation of water quality and prevention of pollution. Further applications of the principle refer to the need to warn of water-related hazards or damages.

Environmental protection, pollution and related articles

"Article 16(17): Pollution of international watercourse(s) (systems)

"1. As used in the draft articles, "pollution" means any physical, chemical or biological alteration in the composition or quality of the waters of an international watercourse (system) which results directly or indirectly from human conduct and which produces effects detrimental to human health or safety, to the use of the waters for any beneficial purpose or to the conservation or protection of the environment.

"2. Watercourse states shall not cause or permit the pollution of an international watercourse (system) in such a manner or to such an extent as to cause appreciable harm to other watercourse states or to the ecology of the international watercourse (system).

"3. At the request of any watercourse state, the watercourse states concerned shall consult with a view to preparing and approving lists of substances or species, the introduction of which into the waters of the international watercourse (system) is to be prohibited, limited, investigated or monitored, as appropriate."

"Article 17(18): Protection of the environment of international watercourse(s) (systems)"

"1. Watercourse states shall, individually and in co-operation, take all reasonable measures to protect the environment of an international watercourse (system), including the ecology of the watercourse and of surrounding areas, from impairment, degradation or destruction, or serious danger thereof, due to activities within their territories.

"2. Watercourse states shall, individually or jointly and on an equitable basis, take all measures necessary, including preventive, corrective and control measures, to protect the marine environment, including estuarine areas and marine life, from any impairment, degradation or destruction, or serious danger thereof, occasioned through an international watercourse (system)."

"Article 18(19): Pollution or environmental emergencies"

"1. As used in this article, 'pollution or environmental emergency' means any situation affecting an international watercourse (system) which poses a serious and immediate threat to health, life, property or water resources.

"2. If a condition or incident affecting an international watercourse (system) results in a pollution or environmental emergency, the watercourse state within whose territory the condition or incident has occurred shall forthwith notify all potentially affected watercourse states, as well as any competent international organization, of the emergency and provide them with all available data and information relevant to the emergency.

"3. The watercourse state within whose territory the condition or incident has occurred shall take immediate action to prevent, neutralize or mitigate the danger of damage to other watercourse states resulting therefrom."

Article 16(17) has been flexibly enough drafted to include mention of pollution of watercourses by "toxic rain". The article enjoins watercourse states from causing "appreciable harm" to other states. The expression is intended to embody a factual standard, capable of objective determination. The harm, to be appreciable, must be significant - not trivial - but does not need to be substantial.

The obligation, therefore, is one of diligence, to be expected from a Government mindful of its international obligations that uses its administrative infrastructure with a degree of vigilance adapted to the circumstances. The degree of vigilance and the circumstances relate to

each other. Thus the conduct giving rise to transfrontier pollution damage, as well as the damage itself, must have been foreseeable.

The report also notes that the modern trend is to distinguish between different types of pollutants on the basis of their harmfulness and not on the basis of their time of existence.

Thus, to quote Sette-Camara: "It is irrelevant to distinguish between old and new forms of pollution. There are no vested rights of polluting the water"... "An injured state may ask at any time for abatement of the pollution to tolerable levels, whether it constitutes a new factor an old one"... "The technical view is that it is far more important to distinguish between grades or quantities of threat".

In addition, the report notes that uses causing appreciable pollutant harm to other watercourse states and the environment can be regarded as being inequitable and unreasonable per se. Equitable utilization of an international watercourse would usually entail the avoidance of appreciable pollutant harm to other watercourse states.

Further acknowledging the complications that exist between the law, the environment and development, the report points out that there is an interrelationship between sustainable development and environmental protection.

Mekong Committee ^{1/}

The twenty-seventh session of the Mekong Committee was held in Vientiane from 8 to 11 June 1988.

Organization and attendance

The meeting was attended by the members of the Committee (Lao People's Democratic Republic, Thailand and Viet Nam), co-operating countries and several international organizations including, inter alia, the World Bank, the United Nations Development Programme, and the Department of Technical Co-operation for Development of the United Nations Secretariat.

Priority areas of activities and projects

The member countries outlined the following priority areas in the Committee's 1988 work programme. For Laos, they were (a) the pump irrigation project to utilize the waters of the Nam Ngum; (b) the technical detailed studies and construction work for the first phase of the irrigation network of the Nam Souang in the Vientiane plain; (c) the feasibility study on flood control and the development of irrigation in the Se Charphone region; (d) the Nam Theun II hydropower project; (e) construction of the transmission line between Nam Ngum and Luang Prabang; and (f) improvement of the Mekong navigation channels throughout the year.

As regards Thailand, priorities were related to improving living conditions within appropriate development schemes, including increased irrigation coverage and reduction of damages caused during flooding and in dry spells.

Regional priorities included a master plan study on water resources development for northeastern Thailand (as listed in the Indicative Basin Plan); and the Pa Mong and Chiang Khan projects. Priorities for the nearer term included (a) detailed feasibility studies in the area of the Nam Songkhram basin; (b) a detailed design of the Nam Chern project; (c) the study of investment support and credit facilities in 12 selected irrigated areas; and (d) pilot bank protection studies.

Viet Nam's priorities were in the areas of food security, supply stability and production of consumer goods and commodities for export. Within this context, it gave high priority to (a) the master plan for the Mekong delta; (b) the study for the integrated development planning of the Quan Lo-Phung Hiep project; and (c) development projects such as the Tam Phuohng project in the Mekong delta.

Other projects included irrigation and flood protection (North Vam Nao, Cai Sam energy (Yali Falls); data collection and environmental impact assessment and planning (Water Quality Monitoring Network, Phase II); Phase III of salinity studies for the entire delta and ecologically sound development of water and land resources of the delta.

1988 Committee work programme

The three principal areas of responsibility of the Mekong Commission Secretariat included (a) basin planning; (b) data collection and information systems; and (c) resources development. Basin planning projects included integrated studies; environmental assessment, planning, management and monitoring. Data collection and information systems included meteorologic, hydrologic and hydrographic data collection, and information systems. The resource development projects were in the areas of hydropower, irrigation and drainage, multi-purpose development, flood control and bank protection, agriculture watershed management, fisheries and inland navigation.

Several countries expressed support for certain projects and for the programme as a whole.

Draft code of conduct on accidental pollution of transboundary inland waters ^{2/}

The Economic Commission for Europe is working on a draft code concerning the accidental pollution of transboundary inland waters which is intended to guide countries in the protection of such waters against pollution resulting from hazardous activities and natural disasters. It specifies the measures that concerned countries should take, individually or jointly, to prevent, control and reduce the accidental pollution of transboundary inland waters.

One of the basic functions of the code is to serve as a point of reference, particularly until such time as countries have entered into relevant bilateral or multilateral agreements. The code is without prejudice either to (a) the provisions of particular systems, (b) procedures included in national legislation; or (c) bilateral or multilateral instruments concluded for this purpose. It applies to hazardous activities which result

in or are likely to result in accidental pollution of transboundary inland waters in the territory of other countries.

The code contains, inter alia, provisions on the following subjects: international co-operation; institutional arrangements; exchange of information; national legislation; economic instruments; administrative instruments; access to proceedings; contingency plans; risk and vulnerability assessment; early warning and alarm systems; notification of incidents; damage containment and rehabilitation; damage assessment and compensation and post-accident surveillance.

The code applies to incidents (man-made accidents or natural disasters) resulting in the accidental pollution of transboundary inland waters (the latter including both surface water and related ground water forming or crossing the common boundaries of two or more countries). It covers both actual and threatened water pollution resulting from a departure from the normal or authorized conditions of an activity. It stresses the responsibility of countries for ensuring that activities within their jurisdiction or control do not cause damage to the environment of other countries or of areas beyond the limits of national jurisdiction.

Countries should use the best available technology to prevent, control and reduce accidental pollution of transboundary inland waters, to minimize the risk of damage and to mitigate and contain the damage resulting from such pollution. Countries should therefore not transfer, damage or risk between different environmental media or transform one type of pollution into another. Formulation of national legislations should be based on the principle that responsibility for pollution lies with the polluter.

International co-operation

The code should be the standard of reference for accidental pollution of inland waters. Existing bilateral or multilateral and institutional agreements should be used, but their scope and functions should be expanded, when necessary, to cover matters governed by the code.

Riparian countries must define their mutual relationship by means of agreements and arrangements containing provisions for appropriate exchange of information on early warning and alarm systems, joint contingency plans, preventive and remedial measures, institutional infrastructure, joint manoeuvres and exercise of competent services (such as civil protection, use of rescue units and fire and oil brigades) and procedures concerning risk and environmental impact assessment, as well as those relating to responsibility and liability.

In addition, countries should provide an institutional framework to ensure the implementation, co-ordination and harmonization of their legislative and administrative measures and should consult and negotiate when accidental pollution occurred.

Exchange of information

Countries should exchange information and designate national authorities to perform the necessary administrative functions related to such an exchange. Communication might take place at the local, regional or national level and should follow procedures that would ensure the protection of any confidential information received from other countries.

The information to be exchanged can be general or specific in nature. General information might include, inter alia, data on policies, scientific activities and technical measures. Specific information could include data on incidents, programmes, objectives, standards and authorization of planned activities involving a significant risk of accidental water pollution.

National legislation and economic instruments

The code emphasizes the need for adequate national legislation and the use of appropriate economic and fiscal economic instruments, which would:

(a) Induce operators to anticipate the environmental consequences of their activities regarding transboundary inland waters and to adopt the necessary safety regulations and standards;

(b) Encourage operators to substitute hazardous substances used in their production processes by non-hazardous or less hazardous substances;

(c) Promote the development and application of new technologies and use of equipment that would reduce the risk of accidental pollution of transboundary inland waters.

Administrative instruments

There are specific references to administrative instruments including, inter alia, criteria and procedures for the authorization of hazardous activities; the undertaking of environmental impact assessments; the obligations of the operator of hazardous activities; the keeping of registers and records of authorizations; and the implementation of risk-minimizing measures, etc.

Access to proceedings

Additional rules of the code refer to the following: public participation; access to proceedings; adequate information on legal rights and representation; information on the risks that countries face from accidental pollution; comments by authorities in countries exposed to such risks; data on joint activities and information on financial settlements that would be made by owners and agents when not subject to the jurisdiction of the authorizing country.

Contingency planning

The code emphasizes that there should be contingency planning to prevent, control and reduce accidental pollution. On-site contingency plans should be established and their effectiveness regularly assessed. They should be complemented by off-site contingency plans, to be developed by each country at national, regional and local levels. Co-riparians should co-ordinate and harmonize their contingency planning.

Risk and vulnerability assessment

The risk of accidental pollution must be assessed in the course of authorization procedures. The assessment should establish the potential for accidental release of hazardous substances and lay down the basis for contingency plans. It should also identify the type, likelihood and consequences of possible accidents and disasters. The results of the assessment should be made available to all countries.

Countries are encouraged to co-ordinate and harmonize their procedures for risk assessment, using comparable criteria, methods and data. Vulnerability assessments are aimed at the identification of sensitive areas.

Further provisions include land-use planning, allocation of water resources, creation of buffer zones, protection of sensitive areas and control of hazardous waste disposal sites.

Early warning and alarm systems

Contingency planning should be complemented by efficient warning and alarm systems, including compatible communication and monitoring systems. Their efficiency should be regularly tested and reviewed.

Notification of incidents

The duty of notify includes compliance with contingency plans, prompt information of changes in circumstances and adequate use of the designated points of contact.

Damage containment and rehabilitation

Countries must use the most efficient practices to contain and abate accidental pollution by means of appropriate treatment, collection, recovery, storage and/or safe disposal of pollutants and polluted materials. Such practices should be complemented by contingency plans and mutual assistance arrangements.

Damage assessment and compensation

Countries should co-operate in carrying out damage assessment, with a view to harmonizing methods, criteria and procedures. They should also co-operate in the establishment of international laws regarding liability and compensation, following the principle that the polluter must pay. Liability systems should include discussions for the establishment of international funds or insurance systems. Further provisions include the need to identify the persons liable for damages resulting from hazardous activities. The rule is that the operator of installations resulting in hazardous waste must be considered liable when it can be proved that the damage was caused by such installations. There should also be joint liability when the damage has been incurred by more than one party.

Additional requirements include proof of adequate insurance or financial security; enforceable rights to compensation insured by the country of incident:

state liability when pollution results from non-identifiable sources; establishment of compensation funds; and equality of access to administrative and legal forums and procedures.

Post-accident surveillance

The draft code also requests ex-post surveys of accidental pollution. Such surveys should include assessment of the pollutant concentrations and their effects on the environment. It is hoped that reports on the findings will be made available to member countries.

International Lake Environment Committee Foundation (ILEC) ^{3/}

On 1 September 1987, the ILEC Foundation was established by means of grants from the Environment Agency and the Ministry of Foreign Affairs of the Government of Japan. The Foundation was created as a public-service corporation and its constitution has been drawn up in accordance with Japanese Civil Law. It was initially endowed with an appropriation of 200 million yen from the Shiga Prefectural Government. The Foundation will make continuous efforts to increase its endowment with contributions from nongovernmental organizations.

The main aims of the Foundation as described in the articles of association of its constitution are as follows: (a) to promote international co-operation in conservation of lake environments; (b) to promote environmentally sound management of world lakes through the encouragement of research for rational and suitable methods of harmony between environmental management and development; and (c) to promote the international exchange of scientific knowledge on lake environment.

The objectives of the Foundation are as follows:

(a) To collect and provide information and data on environmental aspects of lakes in all parts of the world;

(b) To promote scientific research on the environmental management of lakes;

(c) To assist developmet countries with environmental management and the planning of environmentally sound development of lakes;

(d) To promote training in technical and managerial aspects of lake environment;

(e) To promote interchange with governmental and regional agencies and research institutes world-wide;

(f) To undertake any other business which might become necessary for achieving the objectives of the Foundation.

Niger River Basin ^{4/}

An agreement whereby the name of the Niger River Basin Commission would be changed to the Niger River Basin Authority was signed by the countries of the basin at N'Djamena on 29 October 1987. The Authority assumed all the rights and duties of the Commission and established its headquarters in Niamey, Niger (see sect. 1).

Authority membership and goals

The Authority's members include the countries riparian to the Niger River, its tributaries and sub-tributaries. Its goal is to promote co-operation among member countries and to foster the integrated development of the basin (see sects. 2 and 3).

Objectives

The Authority is responsible for the following activities:

- (a) co-ordination of the national policies for water resources development;
- (b) preparation of a plan for the integrated development of the basin;
- (c) design, construction and exploitation of common waterworks; (d) control and regulation of navigation; (e) participation in requests for assistance; and (f) mobilization of financial resources for studies and waterworks.

The Authority must maintain permanent contact with the member states to be informed about their development plans, particularly as they might relate to or affect the development of the river basin. Member states should therefore keep the Executive Secretary informed on all projects and waterworks planned for the basin. Member states must refrain from activities that might result in the pollution of water resources or that might negatively affect the biological characteristics of the region's flora and fauna (See sect. 4).

The permanent organs of the Authority are as follows:

- (a) Summit of Chiefs of State and Government;
- (b) Council of Ministers;
- (c) Technical Committee of Experts;
- (d) Executive Secretariat (See sect. 5).

The Summit of Chiefs of State and Government is the supreme organ of orientation and decision. It determines the development policies of the Authority and ensures that executive functions are performed in accordance with its objectives (See sect. 6).

The Council of Ministers - the controlling organ of the Authority - audits the activities of the Executive Secretary and reports to the Summit. The Council also prepares the agenda for Summit meetings, carries out the instructions and directives and approves regulations for financial and personnel management. (See sects. 7, 12, and 14).

The Technical Committee of Experts consists of representatives of the member states. It prepares the agenda for the meetings of the Council of Ministers, to which it presents its recommendations and instructions (See sect. 8).

The Executive Secretariat is the executive organ of the Authority. The Executive Secretary is responsible for the administration of the Authority and its various institutional sectors and for carrying out the decisions of the Authority's high-level branches. The Secretary must put into effect the projects and studies required to attain the objectives of the Authority and prepare proposals to further its harmonious development (See sect. 9).

Financial provisions

The Authority has an annual budget which should keep a balance between resources and expenses. Member states have agreed to provide resources in accordance with the principle of equitable contributions. The Council of Ministers must approve the budgets for all projects including those related to the specialized branches of the Executive Secretariat (See sect. 10). Contributions should be made in convertible currencies in accordance with the rules and exchange rates established by the International Monetary Fund. However, the accounting unit is the currency of the country where the Authority has its headquarters (See sect. 11).

An important feature of the Authority is the existence of (a) a Commission for Financial and Managerial Control (composed of two financial inspectors who are appointed by two member states for two years on a rotating basis); and (b) a Financial Controller who is appointed by the Council of Ministers. The Controller reports to the Council on the financial management of the Secretariat (See sects. 12 and 13).

The Authority is an international organization with the authority to enter into contracts, acquire movable and immovable property as needed, resort or recur to the courts, take out loans and accept donations and legacies (See sect. 15).

Within the limits of the mandate given by the Council Ministers, the Executive Secretary represents the Authority in the exercise of its legal functions.

The Executive Secretary and other Authority officials have the same privileges and immunities in the host country and in the territories of member states as do staff of diplomatic missions (See sect. 16).

Sections 17, 18, 19, 20 and 21 concern the following: (a) Amendments and revisions; (b) Accusations; (c) Recipient Governments; (d) Problems and; (e) Start of projects.

International Joint Commission on Great Lakes Water Quality ^{5/}

A protocol amending the 1978 Agreement between the United States and Canada on the Great Lakes water quality by those countries on 18 November 1987.

It was the result of negotiations that began in early 1987 between Canada and the United States after the International Joint Commission had submitted its third biennial report to governments. Upon receipt of the report, the parties were required to review the Agreement. Public hearings were held in the late summer and early fall and formal negotiations included, primarily, representatives of the United States Department of State and the Environmental Protection Agency, the Canadian Department of External Affairs and Environment Canada, as well as observers from public interest groups. Reports such as the review of the Agreement by the Royal Society of Canada and the National Research Council of the United States and others were also used in the evaluations of the Commission and the interested parties.

Negotiators did not change the purpose, policy and general objectives of the 1978 Great Lakes Water Quality Agreement, which is to restore and maintain the chemical, physical and biological integrity of waters of the Great Lakes Basin ecosystems, eliminate the discharge of persistent toxic substances and free the waters of several substances that hinder water quality in the lakes. The amendments to the protocol aim at strengthening the programmes, practices and technology laid out in the 1978 Agreement and at increasing accountability for their implementation. Timetables have been established for the implementation of specific programmes; governments will meet semi-annually to discuss progress and will report biennially to the Commission.

New annexes to the Agreement address problems of atmospheric deposition of toxic pollutants, contaminated sediments and ground water and nonpoint sources of pollution. Annexes have also been added in which are discussed the development and implementation of remedial action plans for controlling critical pollutants.

Koshi Dam 6/

After a ten-year deadlock talks have resumed between India and Nepal on the problems of the Koshi Dam, which is situated in the eastern region of Nepal on the border between the two countries. At the opening meeting, which was presided over by the Minister of Water Resources of the Government of Nepal, Y.P. Pant, discussions began on the following topics: (a) the possibility of building a flood control embankment; (b) clearing of sand from the reservoir; (c) repair of canals damaged by floods; and (d) compensation for land lost to farmers.

The dam, which was built in the early 1960s with assistance from the Government of India, continues to be managed by India. More than 130 ha of Nepalese farmland were submerged by the reservoir and a 33 km long canal was constructed on land belonging to Nepal, on the western side of the reservoir. The canal was intended to supply water for Nepalese crops; however, because of its location, the water has had to be lifted out by pump. The canal, which services as a drainage channel when severe floods occur, was badly damaged by flooding last summer, thereby causing a large area of crops to be inundated.

A hydropower station was constructed at the dam to provide free electricity to nearby Nepalese villagers; however, this ceased operations

some years ago because of heavy siltation. The Government of India has agreed to pay compensation to the Nepalese farmers for the loss of their land, but the amount and method of payment still have to be discussed.

Agreement between Mexico and Guatemala on environmental protection ^{I/}

On 10 April 1987, Mexico and Guatemala signed an agreement concerning the environmental protection and improvement of the boundary zone between the two countries, including the conservation of its natural resources. Co-operation in the agreement will be based on equality, reciprocity and mutual benefit within the framework of national laws, policies and regulations.

The parties have agreed, within their capabilities, to undertake measures for preventing, reducing and eliminating contamination in the frontier area. To such end, the parties agree to co-ordinate actions and efforts related to water, soil, and air pollution and will therefore, inter alia, include the environmental component in the study of their boundary basins. Projects will also be subject to an assessment of the impact on the environment.

The agreement will be applied and enforced by the Ministry of Foreign Affairs of Guatemala and the Secretariat of Ecology and Urban Development of Mexico. Each party will defray any expenses and costs resulting from its participation in the agreement. As required by the implementation of the agreement, the parties will facilitate the entry of equipment and personnel with their respective territories. They will also consult each other on the measurements, analysis and evaluation of contaminants in the frontier area. The agreement - the application of which is subject to the resources available to the parties and to their laws and regulations - does not prejudice the application and enforcement of other treaties.

Tribute to Enzo Fano

It is with deep regret and sincere sorrow that we inform the readership of this Newsletter of the untimely death of Mr. Enzo Fano, Chief of the Water Resources Branch, and Deputy Director of the Natural Resources and Energy Division of the Department of Technical Co-operation for Development.

In his eulogy, Mr. Xie Qimei, Under-Secretary-General of the Department, expressed the deep sense of loss felt by the staff of the Department and described the death of Mr. Fano as a major professional loss for the Department.

Mr. Fano was the driving force behind the Water Resources Branch and the main source for this Newsletter, concerned as he was for the welfare of developing countries. He cared deeply for the development and conservation of water resources, which he considered to be a major element in improving the quality of life of present and future generations.

In his quiet, modest and humane way, he was a leader and a role model for us all. He will be sorely missed by his colleagues in the Water Resources Branch and in the Department by his professional colleagues around the world and by the United Nations community.

The Department will continue to publish this Newsletter according to the high standards and broad vision of its original mentor.

Call for documents and participation in information exchange

In view of the scope and purpose of the Newsletter, the editor would like to encourage all those who are in a position to do so to contribute to the information exchange exercise with news items or documents. To date the response has been encouraging, and it is hoped that a growing network of interested readers will be willing to take an active part in the exercise.

Individual copies of the Newsletter are available on request. Requests should include the names and addresses of offices and officials wishing to receive copies.

All correspondence should be addressed to:

Water Resources Branch
Natural Resources and Energy Division
Department of Technical Co-operation for Development
United Nations
New York, New York 10017
USA

Notes

1/ Report of the twenty-seventh session of the Interim Mekong Committee, Vientiane, 8 to 11 June 1988.

2/ See Draft Code of Conduct on Accidental Pollution of Transboundary Inland Waters, contained in document ENVWA/WP.3/R.1, 30 March 1988, considered at the second session of the Working Party on Water Problems, 8 to 11 November 1988.

3/ For Better Lake Management, ILEC Newsletter (International Lake Environment Committee Foundation), No. 5, November 1987.

4/ Convention révisée portant création de l'Autorité du Bassin du Niger, signed at N'Djamena, 29 October 1987. Original in French; courtesy of Dr. S. Burchi, Chief, Legislation Branch, Food and Agriculture Organization of the UN.

5/ "International Joint Commission activities", by Sally Cole-Misch, in Focus, vol. 13, No. 1, March/April 1988.

6/ Water Power and Dam Construction, April 1988, vol. 40, No. 4, p. 4.

7/ From Mexico-Guatemala Transboundary Resources and Environmental Accord, by Alberto Szekely, and text of agreement in Transboundary Resources Report, International Transboundary Resources Center, USA/Mexico, vol. 2, No. 1, Spring 1988.