

Proposals of Panel of Experts on the Legal and Institutional Aspects of International Water Resources Development

New York, 9 December 1969

The Panel, at its final plenary session, prepared and approved the following specific proposals:

1. As a preliminary stage to the establishment of institutional arrangements in a river basin and in order to encourage basin States to cooperate, it is important that the States of a basin know the potential benefits to them from co-operative development of water resources. It may be necessary, therefore, that preliminary reconnaissance surveys be made to determine the potential for development. The possibility of obtaining external financing may serve as a catalyst for co-operation. Full advantage should be taken of the opportunities of assistance from United Nations organizations, including the United Nations Development Programme and the specialized agencies, and regional and bilateral financing institutions.
2. A gradual approach to institutionalization should be employed for the early stages of development of river basin resources. The institutions should develop from the co-operation and the facts as they emerge. Elaborate institutional arrangements at the outset may tend to impede rather than encourage co-operation.
3. Basin States should assess their own human and other resources, and the potentially available external assistance and project or programmes financing in order to effect careful selection and timing of international water resources development undertakings, within their overall national or regional priorities and plans for development. Where institutional arrangements do not exist, the developing countries concerned should consider the establishment of an office in the national Government to initiate the development of water resources involving co-operation and collaboration with other States in an international drainage basin. The Panel believes further that direct utilization of regional economic commissions and regional international organizations should be made to enable the member States to identify the most worthwhile water resources undertakings in the total context of economic and social development.
4. Wherever multinational institutions are created for purposes of international water resources development, conservation and use, differences should be accommodated at the technical level. In this connection, consideration should be given to appropriate authority and procedures to prevent disagreements from rising unnecessarily to the level of a formal dispute.
5. All aspects of conservation and the prevention of degradation of the water resources should receive serious attention in planning for the present and future development of international drainage basins.
6. In planning integrated international river basin development, due regard should be given to adequate administrative structures and the necessary supervisory controls and monitoring devices in order to accomplish optimal water management.
7. In order to promote the technical capabilities as well as the mutual understanding of co-basin States concerned with development of international water resources, regional training,

research and documentation centres could be established for certain regions or river basins which would be able to serve for specific basin-oriented training and research as well as regional data banks.

8. The consideration of legal and institutional implications of international water resources development should be energetically continued. The publication of this report should be followed up by systematic collection and dissemination of all available information on the subject and on additional aspects of international water resources development.

9. Regarding existing multinational water resources agencies or other multinational institutions established for the co-ordinated or joint study, planning, construction or operation of programmes and projects related to international water resources, the United Nations system of organizations should cooperate directly with these multinational water agencies and institutions by:

(a) providing a clearing house for the mutual exchange of information on legal, institutional and managerial experience and problems related to the activities of such agencies and institutions, and publishing the relevant information as appropriate;

(b) organizing at regular intervals meetings and conferences of executive and technical personnel of such agencies and institutions, thus providing a forum for the reciprocal exchange of the actual legal, institutional and managerial experience;

(c) providing advice to and co-operation with such agencies and institutions as and when requested by them or by the constituent co-basin Governments, as appropriate, on subjects that fall within their respective responsibilities;

(d) helping to develop technical assistance especially tailored to the needs of these existing institutions.

10. Regarding international drainage basins for which no multinational institutional arrangements have been established with respect to co-ordinated or joint development and use of their resources, it would appear desirable for the United Nations system of organizations to:

(a) undertake studies, as appropriate, encompassing a preliminary inventory of international drainage basins indicating the co-basin States, prevailing economic and social conditions and patterns of water use as well as multinational arrangements, where they exist;

(b) encourage the Governments of co-basin States which have not yet established multinational institutional arrangements for the development of the joint basins' resources to do so, offering the assistance and machinery of the United Nations system of organizations when these Governments are ready to undertake joint development of the resources of each particular basin if this is considered to be helpful by the States concerned;

(c) stimulate studies of significant international water resources development problems, giving special consideration to related legal and institutional aspects, and encourage the publication of the results; and

(d) organize or support related seminars, training courses and other meetings to be attended by officers concerned with international water resources development.

11. Arrangements should be made and funds provided for adequate training of personnel from developing countries, *inter alia*,

(a) in the form of international internships for junior officers from States that are engaged in, or intend to engage in discussions and planning with one or more co-basin States for the regulation or development of the water resources of an international drainage basin. Such internships should include formally organized study, a period of time with the secretariat of an appropriate international organization and a working period with one or more existing international river commissions;

(b) in the form of support for officers charged with the planning for the legal and institutional framework for an international drainage basin, or basin project, to visit one or more selected existing basin or project commissions or administrations for a period of study and personal discussion with the staff members of those commissions or administrations in order to profit from their experience and, in particular, to learn about the effectiveness and adequacy of their machinery for tasks relevant to the officers' own basin.

12. The United Nations system of organizations should amplify its co-operation with international non-governmental organizations working in the fields related to water resources development and administration, including logistical and consultative support for the meetings of the substantive bodies of such organizations. In particular, the budgetary implications of attending such meetings, the provision of adequate technical services including consultants, and documentation have created difficulties for such organizations.

13. The United Nations system of organizations and the Governments of Member States should promptly review existing arrangements for international co-operation in the development, conservation and management of water resources, and evaluate their adequacy in the light of current trends and long-term requirements.

14. Appropriate international rules pertinent to the utilization and development of international (non-maritime) water resources should be adopted under the auspices of the United Nations, preferably in the form of a general convention. The Panel felt certain that in the preparation of such rules the work already accomplished in this field by other bodies such as the Institute of International Law, the Inter-American Bar Association and the International Law Association, including the Helsinki Rules on the Uses of the Waters of International Rivers, would prove to be of much relevance and assistance.

15. The Panel expressed the hope that the International Law Commission of the United Nations, when considering its future programme of work, would give some priority to the question of the codification of the law relating to the utilization of international non-maritime water resources.

16. Meanwhile, the Panel considered, it would be useful if additional steps could be taken through the United Nations to suggest to Governments the desirability of their examining the question of the formulation of rules with respect to the utilization and development of international (non-maritime) water resources; and to acquaint Governments with the efforts that have already been made by other bodies towards the formulation of such rules.