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### DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: ENVIRONMENT

#### Co-operation in the field of the environment concerning natural resources shared by two or more States

#### Note by the Secretary-General

1. The General Assembly, in its resolution 34/186 of 18 December 1979, requested the Governing Council of the United Nations Environment Programme to report to it at its thirty-sixth session on progress made in the implementation of the resolution.
2. The Secretary-General advised the General Assembly at its thirty-sixth session (A/36/567) that the Governing Council of UNEP, in its decision 9/19 B of 26 May 1981, had determined that the report entitled "Co-operation in the field of the environment concerning natural resources shared by two or more States" (UNEP/GC.9/Add.5), submitted by the Executive Director, did not suffice as a basis for a report by the Council to the General Assembly at its thirty-sixth session. In view of that decision, the Governing Council was not in a position to report to the General Assembly at its thirty-sixth session on progress made in the implementation of resolution 34/186.
3. The present report is being circulated in accordance with Governing Council decision 10/14 of 31 May 1982 authorizing the Executive Director to submit the report, (UNEP/GC.10/8/Corr.1 and 2 and Add.1), on its behalf, to the General Assembly at its thirty-seventh session through the Economic and Social Council.
4. By its decision 10/14, the Governing Council of UNEP also recommended to the General Assembly that it should reiterate the terms of Assembly resolution 34/186 as

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\* A/37/150.

a whole, including the request to all States to use the principles on the conservation and harmonious utilization of natural resources shared by two or more States as guidelines and recommendations in the formulation of bilateral and multilateral agreements regarding such resources, and that it should request the Governing Council to submit to 1985 a further progress report on the implementation of the resolution.

ANNEX

Report of the Governing Council of the  
United Nations Environment Programme

## I. INTRODUCTION

1. By resolution 34/186 of 18 December 1979, the General Assembly took note of the report of the Intergovernmental Working Group of Experts on Natural Resources Shared by Two or More States established under Governing Council decision 44 (III) of 25 April 1975 (in conformity with General Assembly resolution 3120 (XXVIII)) as well as of the draft principles contained in the report. The General Assembly requested all States to use the principles as guidelines and recommendations in the formulation of conventions regarding shared natural resources. The General Assembly also requested the Governing Council to submit a report on the progress made in the implementation of this resolution to the Assembly at its thirty-sixth session.

2. In compliance with resolution 34/186, the Executive Director submitted a progress report on the implementation of the resolution to the Governing Council at its ninth session (UNEP/CG.9/5/Add.2). The Governing Council found that the report submitted by the Executive Director did not suffice as a basis for the report called for in General Assembly resolution 34/186, and therefore requested the Executive Director to submit a report to the Council at its tenth session dealing "exclusively with the progress made in the application of General Assembly resolution 34/186, without recommendations regarding the identification or definition of shared natural resources" (decision 9/19 B).

3. Accordingly, the Executive Director addressed a letter to all Member States, on 4 August 1981, requesting relevant information on progress made in the application of General Assembly resolution 34/186. Section II below summarizes the information received from Governments regarding their use of the draft principles as specified in the resolution. Section III suggests actions that the Governing Council may wish to take in the light of this report.

## II. USE BY GOVERNMENTS OF THE DRAFT PRINCIPLES AS GUIDELINES AND RECOMMENDATIONS IN THE FORMULATION OF BILATERAL OR MULTILATERAL CONVENTIONS

4. The Executive Director received 23 replies to his letter of 4 August 1981. The Governments responding were: Bangladesh, Brazil, Chile, Denmark, Finland, France, Germany, Federal Republic of, Hungary, Italy, Lesotho, Madagascar, Mexico, Netherlands, Nigeria, Norway, Qatar, Romania, Senegal, Sri Lanka, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland and Zimbabwe. The tenor of the replies was generally positive.

5. The Governments of Chile, Denmark, France, Hungary, Madagascar, Mexico, the Netherlands and Zimbabwe expressed support for the principles without citing specific examples of their use.

6. The following 13 Governments expressed support for the 15 principles and noted examples of their use:

(a) The Government of Bangladesh reported that Bangladesh and India had completed an agreement regarding use of the Ganges, which constitutes one of the largest river basins in Bangladesh. The agreement includes provisions to limit the adverse effects on Bangladesh caused by upstream withdrawals. In addition, Bangladesh has proposed a comprehensive scheme for utilization of the waters of the Ganges through the co-operation of all co-riparian States. Bangladesh and India have established a Joint River Commission which will provide a forum for consultations on the harmonious use of shared water resources of all their common rivers. Finally, Bangladesh noted that in the absence of a codification of international water law by the International Law Commission, the principles provided a helpful guide to States regarding the harmonious utilization of shared water resources;

(b) Brazil has expressed reservations concerning the draft principles. Brazil pointed out, inter alia, that in spite of the fact that the document of the expert group recognizes the validity of the principles of sovereignty of States over their natural resources, some of the draft principles either severely restrict the exercise of national sovereignty or admit interference in the internal affairs of States. Brazil also described the basis of, and cases involving, co-operation at the regional level;

(c) The Government of Finland reported that the principles are reflected in various agreements between Finland and its neighbours, Norway, Sweden and the Union of Soviet Socialist Republics, regarding frontier watercourses. These agreements are based on the need for close co-operation, including provisions establishing joint bodies for the administration and control of these waters. For example, Finland and Norway established a Frontier Waters Commission to make suggestions and take initiatives regarding the use and protection of their frontier waters. Denmark, Finland, Norway and Sweden are members of a convention which gives standing to their citizens to challenge an environmental nuisance to the same extent as a citizen of the State in which the activities complained of occur. Finland is also involved in riparian co-operation, especially with regard to the Baltic Sea area;

(d) The Government of the Federal Republic of Germany considers the 15 principles to be important and pathbreaking guidelines. The Federal Republic has applied the principles to co-operative agreements with the Netherlands regarding the Ems estuary and with France and Switzerland regarding neighbourly questions, and is also a party to international conventions regarding the Mosel, Saar and Rhine rivers and Lake Constance;

(e) The Government of Italy reported in detail on the principles contained in international agreements it has concluded for the protection of the environment. At the regional level, mention was made of the Agreement between France, Italy and Monaco on Mediterranean coastal waters (Monaco, 1976) and the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona, 1976). Among bilateral agreements concerning the protection of the marine environment and coastal areas, it reported on the Italo-Yugoslav agreement on the prevention of pollution of the Adriatic Sea and its coastal zone (Belgrade, 1972) and the Agreement on Co-operation between Italy and Greece on the Protection of the Marine

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Environment of the Ionian Sea and its coastal zones. Two agreements on the delimitation of the continental shelf concluded by Italy with Yugoslavia (Rome, 1968) and with Spain (Madrid, 1974) and the agreement between Italy and Switzerland on the protection of Italo-Swiss waters from pollution (Rome, 1972) are also reported upon;

(f) The Government of Nigeria has helped to implement the principles in connexion with recent Convention and the Protocol regarding the protection of the West African coast from pollution;

(g) The Government of Norway is a party to a number of regional and subregional agreements which incorporate the 15 principles. In particular, Norway cited the Nordic Environmental Protection Convention (19 February 1974) and the Convention on Long-range Transboundary Air Pollution (13 November 1979);

(h) The Government of Romania has applied the principles regarding the use of water resources in its agreements with Bulgaria, Hungary, the Union of Soviet Socialist Republics and Yugoslavia;

(i) The Government of Senegal is applying the 15 principles as guidelines and recommendations in its efforts to develop bilateral and multilateral conventions. Senegal is a member of two international organizations which are seeking specific resolutions for the shared use of the Senegal and Gambia Rivers, respectively;

(j) The Government of Switzerland has applied the principles primarily with regard to water resources shared with neighbouring countries. Even prior to formulation of the principles, Switzerland was applying them in substance in its international agreements on the use of shared water resources;

(k) The Government of Togo has applied the principles in a joint hydroelectric power project with Benin and through its membership in the Organization of West African States.

(l) The Government of Argentina cited seven specific cases of international co-operation which represent progress in the application of General Assembly resolution 34/186, all relating to the use of water resources shared with neighbouring States:

- (i) Tripartite agreement on Corpus and Itaipú (signed by Argentina, Brazil and Paraguay on 19 October 1979);
- (ii) Treaty between Argentina and Brazil on the use of border sections of River Uruguay and its tributary the Pepirí-Guazú (signed on 17 May 1980, ratification pending);
- (iii) Notification to Uruguay of the hydroelectric projects on the upper Uruguay;

- (iv) Project on the environmental impact of the Salto Grande dam being implemented by the Salto Grande Joint Technical Commission and the environmental bodies of Argentina and Uruguay;
- (v) Argentine-Uruguay initiative on norms applicable to control of the quality of the waters of the River Uruguay in the area affected by the Salto Grande dam;
- (vi) Initiative taken by Argentina and Uruguay on protection and preservation of the River Plate;
- (vii) Assessment of the environmental impact of the Yaciretá dam (Argentina and Paraguay).

(m) The Government of India reported that it has continued its ongoing efforts for the harmonious utilization of shared resources with its neighbouring countries, referring to agreements with Pakistan, Nepal and Bangladesh on the optimum utilization of water resources. As an example of international co-operation in this field, it cited the agreement between India and Bangladesh of November 1977 on the sharing of the Ganges waters and augmenting its flows.

7. The Governments of Lesotho, Qatar, Sri Lanka, Saint Vincent and the Grenadines and the United Kingdom of Great Britain and Northern Ireland reported that they had not had any experience in implementing the principles.

8. The Government of Venezuela reported that it has not been using the principles as principles and recommendations in the formulation of bilateral or multilateral conventions regarding shared natural resources because it considers the definition of "shared natural resources" to be inappropriate, as was pointed out by the delegation of Venezuela to the Governing Council at its eighth session.

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