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**General Assembly resolution 2669 (XXV) on progressive development and codification
of the rules of international law relating to international watercourses -
Note by the Secretariat**

Topic:
Law of the non-navigational uses of international watercourses

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GENERAL ASSEMBLY RESOLUTION 2669 (XXV) ON PROGRESSIVE DEVELOPMENT AND CODIFICATION OF THE RULES OF INTERNATIONAL LAW RELATING TO INTERNATIONAL WATERCOURSES

[Agenda item 6]

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Note by the Secretariat

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1. By a *note verbale* dated 24 April 1970, the Government of Finland requested the inclusion in the agenda of the twenty-fifth session of the General Assembly of an item entitled "Progressive development and codification of the rules of international law relating to international watercourses".¹ At its 1843rd plenary meeting, on 18 September 1970, the General Assembly placed the item requested by Finland on the agenda of its twenty-fifth session and referred it to the Sixth Committee.

2. In an explanatory memorandum attached to the note verbale, the Government of Finland stated that the United Nations should further the progressive development and codification of the rules of international law relating to international watercourses, including international drainage basins, and that the General Assembly should take the preliminary action necessary for the attainment of that goal. The explanatory memorandum also made a certain number of specific suggestions concerning the course of action which should be followed.²

3. The Sixth Committee considered the item at its 1225th, 1228th and 1230th to 1236th meetings, held between 13 and 25 November 1970.³ The proposals and amendments thereto, submitted during the consideration of the item, are recorded in the report of the Sixth Committee.⁴

4. During the discussion of the item in the Sixth Committee, the question arose whether the draft resolution to be recommended to the General Assembly should single out studies of a recent date undertaken by inter-governmental⁵ or non-governmental bodies. Some rep-

resentatives were in favour of making a specific reference to the "Helsinki Rules on the Uses of the Waters of International Rivers" adopted by the International Law Association at its 52nd Conference held at Helsinki on 20 August 1966.⁶ Others suggested that mention should likewise be made of the resolution entitled "Utilization of non-maritime international waters (except for navigation)" adopted at Salzburg, on 11 September 1961, by the Institute of International Law.⁷ Different views having been expressed on the question, it was finally decided to include the following passage in the report of the Sixth Committee to the General Assembly.

It was agreed in the Sixth Committee that intergovernmental and non-governmental studies on the subject, especially those which are of a recent date, should be taken into account by the International Law Commission in its consideration of the topic.⁸

5. At its 1920th plenary meeting, held on 8 December 1970, the General Assembly, on the recommendation of the Sixth Committee, adopted resolution 2669 (XXV). In paragraph 1 of the resolution the Assembly recommends

that the International Law Commission should, as a first step, take up the study of the law of the non-navigational uses of

use of international rivers and lakes", and the Asian-African Legal Consultative Committee adopted in 1969 a resolution establishing an inter-sessional sub-committee for a detailed consideration of the "law of international rivers". For the Declaration of Montevideo concerning the Industrial and Agricultural Use of International Rivers, approved by the Seventh Inter-American Conference at its fifth plenary session on 24 December 1933, see annex I, section 1 of the report prepared by the Secretary-General pursuant to General Assembly resolution 1401 (XIV) (A/5409, vol. III).

⁶ International Law Association, *Report of the Fifty-second Conference, held at Helsinki, 1966* (London, International Law Association, 1967), pp. 484-532.

⁷ See *Annuaire de l'Institut de droit international, Salzburg Session, September 1961* (Basle, 1961), vol. 49, t. II, pp. 381-384. The text of the resolution is reproduced in paragraph 1083 of the Secretary-General's report (A/5409, vol. III).

⁸ *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 91, document A/8202, para. 17.

¹ *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 91, document A/7991.

² These suggestions are summarized in the report of the Sixth Committee to the General Assembly (*ibid.*, document A/8202, para. 2).

³ *Ibid.*, *Twenty-fifth Session, Sixth Committee*.

⁴ *Ibid.*, *Twenty-fifth Session, Annexes*, agenda item 91, document A/8202, paras. 4-12.

⁵ In 1967, the Inter-American Juridical Committee adopted a "draft convention concerning the industrial and agricultural

international watercourses with a view to its progressive development and codification and, in the light of its scheduled programme of work, should consider the practicability of taking the necessary action as soon as the Commission deem it appropriate.

6. In paragraph 2 (a) of that resolution, the General Assembly requests the Secretary-General

to continue the study initiated by the General Assembly in resolution 1401 (XIV) in order to prepare a supplementary report on the legal problems relating to the utilization and use of international watercourses, taking into account the recent application in State practice and international adjudication of the law of international watercourses and also intergovernmental and non-governmental studies of this matter.

The "supplementary report" so requested will be published as a document of the International Law Commission.⁹ The report on legal problems relating to the utilization and use of international rivers (A/5409), prepared by the Secretary-General pursuant to General Assembly resolution 1401 (XIV) of 21 November 1959, was published in 1963 and, in accordance with that

⁹ *Ibid.*, agenda item 73, document A/8207, para. 3.

resolution, circulated to Member States. The full text of national laws and legislation and of treaties referred to in the Secretary-General's report were compiled and published by the Secretariat in a volume of the *United Nations Legislative Series*.¹⁰

7. In accordance with paragraph 2 (b) of resolution 2669 (XXV), the Secretariat has made the necessary arrangements to distribute to the members of the Commission the text of that resolution the report on the item submitted by the Sixth Committee to the General Assembly at its twenty-fifth session, and the summary records of the meetings of the Sixth Committee at which the item was considered, as well as the report on legal problems relating to the utilization and use of international rivers prepared by the Secretary-General.¹¹

¹⁰ United Nations, *Legislative Texts and Treaty Provisions Concerning the Utilization of International Rivers for Other Purposes than Navigation* (United Nations publication, Sales No. 63.V.4).

¹¹ The Secretary-General's report being out of stock, the copies for distribution to the members of the Commission are photo-offset, reproductions of the original text. The report was published in 1963 in English, French, and Spanish only.